



## REGULAR MEETING AGENDA

**Date:** 8/25/2020

**Time:** 5:00 p.m.

**Regular Meeting Location:** Joinwebinar.com – ID# 488-664-435

### NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
  - Submit a written comment online:  
[menlopark.org/publiccommentAugust25](https://menlopark.org/publiccommentAugust25)\*
  - Record a comment or request a call-back when an agenda topic is under consideration:  
Dial 650-474-5071\*
  - Access the regular meeting real-time online at:  
[joinwebinar.com](https://joinwebinar.com) – Regular Meeting ID 488-664-435
  - Access the regular meeting real-time via telephone (listen only mode) at:  
(914) 614-3221  
Regular Meeting ID 775-418-569 (# – no audio pin)  
\*Written and recorded public comments and call-back requests are accepted up to 1-hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.
- Watch special meeting:
  - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:  
Channel 26
  - Online:  
[menlopark.org/streaming](https://menlopark.org/streaming)

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's website [www.menlopark.org](https://www.menlopark.org). 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.org/agenda](http://menlopark.org/agenda)).

According to City Council policy, all regular 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 Meeting ([Joinwebinar.com](http://Joinwebinar.com) – ID# 488-664-435)**

### **A. Call To Order**

### **B. Roll Call**

### **C. 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. Please clearly state your name and address or political jurisdiction in which you live. 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.

### **D. Study Session**

D1. Provide direction on the solid waste rate review process ([Staff Report #20-181-CC](#))

### **E. Consent Calendar**

E1. Accept the City Council meeting minutes for July 14, 16, and 28, 2020 ([Attachment](#))

### **F. Regular Business – no staff presentations**

F1. Review and adopt City Council Procedure #CC-20-013 –“City Councilmember requests” ([Staff Report #20-154-CC](#)) – **continued from 7/28**

F2. Review and adopt City Council Procedure #CC-20-014 – “Videoconference meeting participation” ([Staff Report #20-182-CC](#))

F3. Approve first amendment to interim city attorney services agreement with Jorgenson, Siegel, McClure & Flegel, LLP ([Staff Report #20-178-CC](#))

F4. Appropriate \$150,000 for contract planning services and authorize the city manager to sign an amended contract with the M-Group for a total contract amount of \$200,000 ([Staff Report #20-184-CC](#))

F5. Adopt Resolution No. 6580 approving guidelines for written protests of utility rate increases subject to Proposition 218 ([Staff Report #20-175-CC](#))

- F6. Adopt a resolution designating the public works director and assistant public works director as the City's authorized agents to obtain federal financial assistance from the California Office of Emergency Services and Federal Emergency Management Agency ([Staff Report #20-187-CC](#))
- F7. Award a construction contract to Golden Bay Construction, Inc. for the Pierce Road sidewalk and San Mateo Drive bike route installation project ([Staff Report #20-185-CC](#))
- F8. Adopt Resolution No. 6582 accepting the Alcoholic Beverage Control grant to support programs deterring alcohol sales to minors ([Staff Report #20-186-CC](#))
- F9. Authorize the city manager to enter in an agreement with SZS Engineering to develop a self-evaluation and transition plan pursuant to the Americans with Disabilities Act ([Staff Report #20-177-CC](#))
- F10. Approve the 2020-21 Finance and Audit Committee workplan ([Staff Report #20-176-CC](#))

## **G. Regular Business**

- G1. Update on and consideration of extension/modifications to the Downtown street closure and temporary outdoor use permit pilot program ([Staff Report #20-179-CC](#))
- G2. Adopt Resolution No. 6581 to approve amendments to the salary schedule as of August 30, 2020 to include salary ranges for information technology staff needs and receive update on personnel vacancies as of August 18, 2020 ([Staff Report #20-180-CC](#))

## **H. Informational Items**

- H1. City Council agenda topics: September 2020 to October 2020 ([Staff Report #20-173-CC](#))
- H2. Update on future City Council agenda items related to the Bayfront Canal and Atherton Channel flood protection project and associated drainage easement ([Staff Report #20-174-CC](#))
- H3. Update on the actuarial valuation for the other post-employment benefits trust fund as of June 30, 2019 ([Staff Report #20-183-CC](#))

## **I. City Manager's Report**

- I1. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))

## **J. City Councilmember Reports**

## **K. 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 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 prior to, 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.org](mailto:jaherren@menlopark.org). 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 Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at [menlopark.org/agenda](http://menlopark.org/agenda) and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 8/20/2020)



**STAFF REPORT**

**City Council**

**Meeting Date:**

**8/25/2020**

**Staff Report Number:**

**20-181-CC**

**Study Session:**

**Provide direction on the solid waste rate review process**

**Recommendation**

Staff recommends that the City Council provide direction on the solid waste rate review process to:

1. Conduct a five-year rate study for establishing 2021 rates as well as maximum rates for 2022-2025 in accordance with the previous rate study's principals and prior City Council direction.
2. Propose new rates in November for the rates to be effective January 1, 2021.
3. Propose a low income 20 percent discounted waste rate.

**Policy Issues**

As a member of the South Bayside Waste Management Authority (SBWMA) that manages the waste transfer and materials recovery facility in San Carlos and under the Franchise Agreement with Recology San Mateo (Recology,) the City is obligated to pay an annual compensation requirement due to the SBWMA and Recology to collect, process and dispose or recycle the community's waste. This is paid for through solid waste rates charged to Menlo Park customers. The City Council is responsible for setting customer rates that will cover the cost for these services, which it does based on completion of a rate study, and a public rate hearing. Staff has initiated a rate study for new annual solid waste rates for 2021 through 2025.

If the rates are going to be increased, the City is required to complete a Proposition 218 public notification process before making a final decision. This allows customers to be adequately informed about the changes and provide them time to protest in writing.

**Background**

Menlo Park is currently one of 12 member agencies in San Mateo County that comprise the SBWMA. Other agencies include: Atherton, Belmont, Burlingame, East Palo Alto, Foster City, Hillsborough, Redwood City, San Carlos, San Mateo, County of San Mateo, and the West Bay Sanitary District. The SBWMA owns and manages a 16-acre San Carlos waste transfer station and recycling facility. In addition, the SBWMA also assists its member agencies with procuring waste collection and processing services. Several years ago, the SBWMA worked with its member agencies to issue a request for proposals (RFP) to obtain a contractor to provide waste collection services for the SBWMA territory and a contractor to operate the waste transfer station and recycling facility in San Carlos.

Recology was selected for waste collection services, and South Bay Recycling was selected to operate the transfer station and recycling facility in San Carlos. The franchise agreement with Recology began January 1, 2011 and will expire December 31. In 2018, the City Council approved an agreement with Recology for another 15 years, which will go into effect January 1, 2021 through 2035 (Attachment B.)

In 2017, the City adopted rates for calendar years 2018, 2019, and 2020 in accordance with a rate setting model developed by R3 Consulting Group, Inc. (R3) for the City. City Council previously approved a five-year master agreement with R3 for rate analysis and zero waste implementation services. The City's rate model was developed in order to generate revenues from solid waste rates that met the cost of providing solid waste collection services (provided to the City by Recology per the franchise agreement) and post-collection services (provided to the City via its membership in the SBWMA). The rate model was also designed to overcome prior shortfalls in rate revenues compared to the cost of solid waste services, and to build up rate revenues in advance of anticipated increases in solid waste expenses, starting in 2021. A detailed explanation of the City's previous rate structure may be found in Attachment A.

In addition, the solid waste fund balance estimate is \$1,864,366 as of December 30. This includes additional revenue sources from grants and forfeited construction and demolition deposits that failed to meet building code requirements to divert 65 percent of materials from development activities. The fund assists with providing protection to continue to managing administrative waste activities in the event of an economic downturn and implementing waste management related programs.

The City will need to adjust its solid waste rates for 2021, and annually thereafter, in order to meet the increased costs of collection services with Recology and SBWMA. Recology's compensation changes and increases are set per the new financial terms in the amended and restated franchise agreement, which takes effect on January 1, 2021. These costs are tightly managed by establishing caps on costs, such as labor.

SBWMA's costs are also expected to increase, including the costs related to recycling, composting, and disposal, as well as compliance with State unfunded mandates, changes in costs related to COVID-19, and China's National Sword policy which dropped the value of recycling. While the 2018, 2019, and 2020 rates adopted by the City have successfully overcome prior revenue shortfalls and built up additional revenue surpluses in advance of these cost increases, it was always anticipated that the City would need to further adjust its rates starting January 1, 2021 and annually thereafter. While the analysis is not yet complete, the City should expect monthly rates to increase \$2-\$3 each year in keeping with the current rate trends. The City Council will receive the final rate study and proposed solid waste rates in next month.

During approval of the annual rates for 2018 through 2020, the City Council directed staff to explore the possibility to add a low-income rate for residential waste services. Staff has determined that it is possible to add a low-income rate via the upcoming rate setting process, and seeks City Council's direction as it will have impacts on the general fund and staff resources.

#### Process for informing the community on the solid waste rate changes

A Proposition 218 public notification process is required to inform customers about the potential rate increases 45 days prior to the City Council holding a public hearing to make a final decision on the matter. The process provides an opportunity for customers to protest and comment on the rate changes. If a majority of customers protest the rate increases, the City Council cannot increase rates as a matter of law, and would have to find another funding source to cover the service. In a companion agenda item, the City Council is requested to modernize the Proposition 218 process by adopting a resolution governing the hearing process.

## **Analysis**

### Rate study principles

As part of the City's prior rate structure study, the City Council approved a rate model using the following key "foundational principals" to meet its objectives:

- Rates should generate revenues needed to cover expenses for the solid waste collection, processing and disposal system and associated City fees;
- Rates should gradually move in the direction of covering the cost of providing services to each of the solid waste subscription sectors of single-family residential (SFD) and multi-family/commercial (MFD/COM) from rates paid by subscribers in each sector;
- Rates should gradually move in the direction of covering the cost of providing services for each of the waste streams (garbage, recycling and organics) from rates for those specific waste streams; and
- Rates should, to the degree possible, incentivize participation in diversion via recycling, organics and other non-landfill waste streams.

Current solid waste rates

For 20- and 32-gallon garbage containers, Menlo Park has lower rates than the majority of other cities that are part of SBWMA. Table 1 compares monthly single-family residential rates for each of the SBWMA member agencies. As shown, Menlo Park’s current single-family residential monthly rates for 20 and 32-gallon garbage subscriptions (which are the majority of single-family selections) are about 20 percent less per month than the average monthly rates for other SBWMA member agencies. Monthly rates for the 64-gallon and 96-gallon garbage subscriptions (which comprise of 23 percent of single-family selections) are three percent and 0.06 percent more per month, respectively, than the average of the other SBWMA member agencies.

Table 1: Comparison of 2020 Single-family rates by SBWMA member agency				
Monthly single-family solid waste rates (based on garbage container size)				
Member agency	20 gallon	32 gallon	64 gallon	96 gallon
San Mateo	\$15.19	\$24.29	\$53.52	\$82.69
Foster City	\$15.35	\$24.59	\$49.16	\$73.75
Redwood City	\$15.87	\$32.86	\$64.20	\$95.31
<b>Menlo Park</b>	<b>\$22.81</b>	<b>\$31.14</b>	<b>\$63.73</b>	<b>\$91.46</b>
Atherton	\$25.00	\$50.00	\$93.00	\$138.00
San Carlos	\$25.87	\$38.65	\$58.87	\$76.06
Belmont	\$29.57	\$38.85	\$76.48	\$114.72
Unincorporated San Mateo	\$35.33	\$41.99	\$61.95	\$88.00
North Fair Oaks (County)	\$36.07	\$36.07	\$36.07	\$84.14
Hillsborough	\$36.17	\$50.60	\$78.48	\$111.12
East Palo Alto	\$48.56	\$48.56	\$48.56	\$48.56
Burlingame	N/A	\$26.80	\$53.60	\$79.55
West Bay Sanitary	N/A	\$51.00	\$72.00	\$105.00
Average without Menlo Park	<b>\$28.30</b>	<b>\$38.69</b>	<b>\$62.16</b>	<b>\$91.41</b>

Prior rate study outcomes should be expected again

Adjusting the City’s solid waste rates to meet the principles outlined above is necessary to meet the legal requirements of Proposition 218, accurately set rates to cover the cost of solid waste services, and avoid the need for larger than necessary increases for the City’s ratepayers. Though application of these

principles will avoid larger than needed increases, it is expected that the outcomes of this rate study for 2021-2025 will be similar to the outcomes for the 2018-2020 rates. 2020 rates for primary residential services (including garbage, recycling and organics) have increased by approximately eight dollars per month compared to 2017 (see Table 2, on the following page.) Similar increases over the 2020 bundled monthly rates should be expected over the next five years.

**Table 2: Adopted rates for single-family**

Waste stream	Garbage container size	2017 Bundled monthly rate	2018 Bundled monthly rate	2019 Bundled monthly rate	2020 Bundled monthly rate	Difference from 2020 to 2017
Bundled solid waste collection, processing and disposal service	20 gallon	\$13.99	\$16.97	\$19.90	\$22.81	\$8.82
	32 gallon	\$23.40	\$26.03	\$28.60	\$31.14	\$7.74
	64 gallon	\$55.99	\$58.62	\$61.19	\$63.73	\$7.74
	96 gallon	\$83.72	\$86.35	\$88.92	\$91.46	\$7.74

Unlike the City’s residential rates, which are bundled to include garbage, recycling and organics services, the City’s commercial rates are set and charged for each waste stream individually. The City’s commercial rates for garbage have not increased since 2017, while rates for recycling now include nominal weekly charges, and rates for organics have increased toward the cost of providing that service. A sampling of commercial rates from 2017–2020 are shown below in Table 3. The City should expect similar outcomes for the 2021-2025 rates, though it is expected that commercial garbage rates may not continue to remain unchanged (because they have not increased since 2012.) Commercial recycling rates, which are currently nominal, will be increased toward the cost of service, as will organics rates.

**Table 3: Adopted commercial rates, 1x per week pick-up, Selected Sizes**

Material type and frequency	Container size *CY=Cubic Yards	2017	2018	2019	2020	Difference from 2020 to 2017
Once weekly garbage	96-gal	\$102.77	\$102.77	\$102.77	\$102.77	\$0.00
	2 CY	\$249.39	\$249.39	\$249.39	\$249.39	\$0.00
	3 CY	\$374.08	\$374.08	\$374.08	\$374.08	\$0.00
Once weekly recycling	96-gal	-	\$1.77	-	\$1.77	-
	2 CY	-	\$1.77	-	\$1.77	-
	3 CY	-	\$1.77	-	\$1.77	-
Once weekly organics	96-gal	\$51.39	\$54.54	\$57.69	\$60.84	-
	2 CY	\$62.35	\$126.65	\$190.95	\$255.25	\$192.90
	3 CY	\$124.69	\$187.14	\$249.59	\$312.04	\$187.35

Revisions to the City’s rate model are data driven, utilizing specific cost, service level, fees, and operational figures from Recology and SBWMA to calculate rates for each type of solid waste customer (residential versus multi-family/commercial) and for each waste stream (garbage, recycling and organics.) The rate model will be updated to include the City’s current rates and customer subscription levels (e.g., cart and bin sizes,) known/estimated costs for 2021, and conservative projected costs for 2022-2025. The completed rate analysis and proposed 2021 rates will be presented to City Council in September with recommended



maximum rates for 2022 through 2025 based on the rate model so that the City can conduct a five-year proposition 218 rate setting process covering rate years 2021 through 2025. At present, it is anticipated that those rates would be posted for 45-day notice of a Proposition 218 rate hearing and rate adoption in November 2020.

For rate years 2022 through 2025, staff will continually analyze rates each year to determine if the maximum approved rates are appropriate. If there are changes to compensation resulting in the City’s ability to charge lower than the maximum approved rates, the City can do so without City Council approval or Proposition 218 noticing.

Low-income rates

Previously, the City Council requested exploring a rate for qualifying low-income customers. Many jurisdictions have a low-income rate for solid waste services that is lower than the cost of service for regular rate payers.

By far the most prevalent method of establishing a low-income program for solid waste services in other jurisdictions is to use the existing Pacific Gas and Electric (PG&E) California Alternate Rates for Energy (CARE) program as a basis for enrollment. The PG&E CARE program offers a minimum 20 percent discount on gas and electric rates. CARE eligibility is based on public assistance program participation or based on the number of individuals in a household and total gross household income. While the CARE program only offers a discount for gas and electric, some jurisdictions also offer a discount on solid waste services on the basis of proof of enrollment in the CARE program. The actual discount for solid waste services varies from jurisdiction to jurisdiction, ranging from 10-50 percent.

The City currently has approximately 1,164 enrolled CARE recipients. An additional 1,506 residents are estimated to be qualified but not enrolled in CARE for a total of 2,670 possible enrollees.

Table 4, below, shows the potential costs to the City of different discounted amount. Discounted rate costs are estimated to be in the range of \$4,401 to \$25,235 annually, depending on the number of enrollees and level of discount offered. Discounted rates are not eligible to be paid by the waste rates under Proposition 218, and would need to be paid by the City’s general fund.

**Table 4: Potential discounted rate impacts**

Discount	Total current CARE enrolled	Cost of discount for CARE enrollees	Total CARE qualified	Cost of discount for CARE qualified	Third party program development cost	Total potential cost
10%	1,164	\$4,401	2,670	\$10,094	\$55,000	\$65,094
15%		\$6,601		\$15,141		\$70,141
20%		\$8,801		\$20,188		\$75,188
25%		\$11,001		\$25,235		\$80,235

Potential cost savings to an individual customer is dependent on the discount chosen by the City and a customer’s subscription level. For example, a 32-gallon customer (the most popular residential garbage size) with a 20 percent discount yields a \$6.23 monthly rate savings. The City should use the respective range of costs by discount to decide the magnitude of the chosen low-income discount then use the analysis to estimate the total cost of the program. Staff is recommending a 20 percent discounted rate for

qualifying low-income residents to be consistent with PG&E's discounted amount.

In addition to the cost of the discounted rate, the City would need to develop a program including outreach material and an application as well as staff time to verify applications. Staff availability to develop and implement this program is not possible at this time. The City has received an estimate from a third-party to develop and implement the program at a cost of \$55,000 for the first year (approximately \$25 per estimated enrollee.) Future years could potentially be done more cost effectively, and staff is exploring other possible third-party quotes to implement the program.

In total, the cost to provide a discounted program could be up to \$80,000 annually from the general fund.

#### Recommended action

Staff is seeking direction and confirmation from City Council to:

1. Proceed with the City's five-year rate study for establishing 2021 rates as well as maximum rates for 2022-2025 in accordance with the previous rate study's principals and prior City Council direction.
2. Adopt new rates in November for the rates to be effective January 1, 2021. The City Council can implement rates at a later date, but would still be required to recover the expected shortfall, which could lead to further customer rate increases or shortfalls that the City would need to recover in future years.
3. Establish a low income 20 percent discounted waste rate. City Council may make this policy decision at a later date if desired.

#### **Impact on City Resources**

There are no impacts to City resources at this time. Specific impacts will be discussed when the City Council meets to consider approving rate adjustments, including the low-income rate option.

#### **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. Hyperlink – prior rate study structure staff report: [menlopark.org/DocumentCenter/View/15969/F2---Solid-waste-Rate-Increase?bidId=](http://menlopark.org/DocumentCenter/View/15969/F2---Solid-waste-Rate-Increase?bidId=)
- B. Hyperlink – Recology franchise agreement- [menlopark.org/DocumentCenter/View/17285/11---Recology-Agreement?bidId=](http://menlopark.org/DocumentCenter/View/17285/11---Recology-Agreement?bidId=)
- C. August 25 presentation

Report prepared by:

Claire Wilson, R3 Consulting Group Inc.  
Garth Schultz, R3 Consulting Group Inc.

Staff Report #: 20-181-CC

Reviewed by:  
Rebecca Lucky, Sustainability Manager



# STUDY SESSION ON MENLO PARK'S 2021-2025 SOLID WASTE RATES

Solid Waste, Recycling, and Organics Collection

## OVERVIEW OF SOLID WASTE RATES

- Single-family residential customers receive bundled services for garbage, recycling, and organics at one rate
- Monthly rates include:
  - Weekly garbage, recycling and organics collection
  - Sorting (recycling and organics only), storing, transportation, and marketing (or landfilling) of materials via Shoreway
  - Outreach and education and other related solid waste services
  - SBWMA programs and administration
  - City programs (closed landfill) and administration (contract management)
- Multi-family and commercial customers pay separate garbage and organics rates

## SOLID WASTE RATES LAST SET IN 2017 FOR RATE YEARS 2018–2020

- 2017 Rate Hearing set maximum rates for residents and business for 2018, 2019, and 2020
- City sets the maximum rates, which are charged by Recology to residents and businesses for solid waste system services each year
- Prior to 2018, rates had not been adjusted since 2012, yielding annual shortfalls – rate revenues did not meet cost of service
- Rates from 2018–2020 reversed shortfall trend and phased in increases to meet anticipated 2021 expense increases

# RATE STUDY

## “FOUNDATIONAL PRINCIPLES”

- Collect revenues to fund solid waste system
  - Collection services contract with Recology
  - Post-collection services through SBWMA
- Ensure the revised rate structure
  - Adjusts rates based on cost of providing service
  - Includes all operational costs and fees
  - Funds the zero waste plan & supports landfill diversion
  - Understandable by customers & implementable by Recology
- Provide rate stability
  - Minimize impacts to rate payers
  - Annual data-driven rate adjustments
  - Avoid future rate revenue shortfalls

## 2021 RATE STUDY METHODOLOGY

- Based on 2021 Recology Compensation Application and SBWMA 2021 Shoreway Budget
  - Amended and Restated Recology Agreement = 10% increase in compensation
  - Adopted SBWMA budget and tipping fees
  - Current residential and commercial subscription levels
  
- Rate adoption package will also include projected maximum rates for 2022 through 2025
  - Possible future additional changes in Recology compensation, above CPI
  - Further SBWMA tipping fee increases for future costs for SB 1383, capital replacement, COVID-19 impacts to agency reserves
  - Potential City rate stabilization reserves



# CURRENT SOLID WASTE RATES

Table 1: Comparison of 2020 Single-Family Rates by SBWMA Member Agency  
Monthly Single-Family solid waste rates (based on garbage container size)

Member Agency	20 gallon	32 gallon	64 gallon	96 gallon
San Mateo	\$15.19	\$24.29	\$53.52	\$82.69
Foster City	\$15.35	\$24.59	\$49.16	\$73.75
Redwood City	\$15.87	\$32.86	\$64.20	\$95.31
<b>Menlo Park</b>	<b>\$22.81</b>	<b>\$31.14</b>	<b>\$63.73</b>	<b>\$91.46</b>
Atherton	\$25.00	\$50.00	\$93.00	\$138.00
San Carlos	\$25.87	\$38.65	\$58.87	\$76.06
Belmont	\$29.57	\$38.85	\$76.48	\$114.72
Unincorporated San Mateo	\$35.33	\$41.99	\$61.95	\$88.00
North Fair Oaks (County)	\$36.07	\$36.07	\$36.07	\$84.14
Hillsborough	\$36.17	\$50.60	\$78.48	\$111.12
East Palo Alto	\$48.56	\$48.56	\$48.56	\$48.56
Burlingame	N/A	\$26.80	\$53.60	\$79.55
West Bay Sanitary	N/A	\$51.00	\$72.00	\$105.00
<b>Average without Menlo Park</b>	<b>\$28.30</b>	<b>\$38.69</b>	<b>\$62.16</b>	<b>\$91.41</b>

## 2021-2025 ANTICIPATED RATE OUTCOMES

- RESIDENTIAL: Increases to bundled residential rates (garbage, recycling, organics) in the range of \$2-\$3 per month should be expected each year

**Table 2: Adopted Rates for Single-Family**

Waste Stream	Garbage Container Size	2017 Bundled Monthly Rate	2018 Bundled Monthly Rate	2019 Bundled Monthly Rate	2020 Bundled Monthly Rate	Difference from 2020 to 2017
Bundled solid waste collection, processing, and disposal service	20 gallon	\$13.99	\$16.97	\$19.90	\$22.81	\$8.82
	32 gallon	\$23.40	\$26.03	\$28.60	\$31.14	\$7.74
	64 gallon	\$55.99	\$58.62	\$61.19	\$63.73	\$7.74
	96 gallon	\$83.72	\$86.35	\$88.92	\$91.46	\$7.74

## 2021-2025 ANTICIPATED RATE OUTCOMES

- **COMMERCIAL:** Garbage rates (unchanged since 2012) may increase slightly - recycling and organics rates expected to increase

**Table 3: Adopted Commercial Rates, 1x Per Week Pick-up, Selected Sizes**

Material Type and Frequency	Container Size *CY=Cubic Yards	2017	2018	2019	2020	Difference from 2020 to 2017
Once Weekly Garbage	96-gal	\$102.77	\$102.77	\$102.77	\$102.77	\$0.00
	2 CY	\$249.39	\$249.39	\$249.39	\$249.39	\$0.00
	3 CY	\$374.08	\$374.08	\$374.08	\$374.08	\$0.00
Once Weekly Recycling	96-gal	-	\$1.77	-	\$1.77	-
	2 CY	-	\$1.77	-	\$1.77	-
	3 CY	-	\$1.77	-	\$1.77	-
Once Weekly Organics	96-gal	\$51.39	\$54.54	\$57.69	\$60.84	-
	2 CY	\$62.35	\$126.65	\$190.95	\$255.25	\$192.90
	3 CY	\$124.69	\$187.14	\$249.59	\$312.04	\$187.35

## LOW-INCOME RATE OPTIONS

- Use the existing PG&E CARE program as a basis for enrollment
- Discount costs are not eligible to be paid by solid waste rates
  - Paid by the City’s general fund or other eligible funding sources
- Program to be administered by Staff or third party
- 32-gallon customer with a 20% discount yields a \$6.23 monthly rate savings

Table 4: Potential Discounted Rate Impacts

Discount	Total Current CARE Enrolled	Cost of Discount for CARE Enrollees	Total CARE Qualified	Cost of Discount for CARE Qualified	Third Party Program Development Cost	Total Potential Cost
<b>10%</b>	1,164	\$4,401	2,670	\$10,094	\$55,000	\$65,094
<b>15%</b>		\$6,601		\$15,141		\$70,141
<b>20%</b>		\$8,801		\$20,188		\$75,188
<b>25%</b>		\$11,001		\$25,235		\$80,235

## NEXT STEPS

- August and September 2020
  - Update to 2020 financial and service data from Recology and SBWMA
  - Project 5-year maximum rates (2021-2025)
  - Council Meeting presenting rate model, draft 2021 rates, and direction to issue Proposition 218 notices (September)
- Fall 2020
  - Proposition 218 notice (September)
  - Proposition 218 hearing and Council action setting 2021 rates and 2022-2025 maximum rates (November)
- 2022 through 2025
  - Recology charges rates for each year per Council-approved 5-year maximum rates

## SEEKING COUNCIL DIRECTION...

- Confirmation on setting rates for five years and approach using prior rate study's foundational principles
- Confirmation on setting rates effective **January 1, 2021**
  - Adoption of rates by Council is needed by late November or early December
- Establishment of a low-income solid waste rate at a recommended 20% discount

# THANK YOU!

For additional questions, please contact:

Garth Schultz, Principal  
R3 Consulting Group, Inc.  
[gschultz@r3cgi.com](mailto:gschultz@r3cgi.com)





**SPECIAL MEETING MINUTES – DRAFT**

**Date:** 7/7/2020  
**Time:** 4:00 p.m.  
**Closed Session Location:** Teleconference

**NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE**

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
    - Submit a written comment online:  
[menlopark.org/publiccommentJuly7](https://menlopark.org/publiccommentJuly7)\*
    - Record a comment or request a call-back when an agenda topic is under consideration:  
Dial 650-474-5071\*
- \*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council and members of the public as an attachment on the agenda. Recorded messages may be transcribed using a voice-to-text tool.

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's website [www.menlopark.org](https://www.menlopark.org). 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.org/agenda](https://menlopark.org/agenda)).

According to City Council policy, all regular 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.



**Closed Session (Teleconference)**

**A. Call To Order**

Mayor Taylor called the meeting order at 4:05 p.m.

**B. Roll Call**

Present: Carlton, Combs, Nash, Mueller, Taylor  
Absent: None  
Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros,  
Interim City Attorney Cara Silver, and Library and Community Services Director Sean  
Reinhart

**C. Closed Session**

C1. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to § 54956.9(b)

Number of cases – 2

No reportable actions.

**D. Adjournment**

Mayor Taylor adjourned the meeting at 6:20 p.m.

Judi A. Herren, City Clerk

**SPECIAL MEETING MINUTES – DRAFT****CONTAINS CONTINUED ITEMS FROM JULY 14, 2020****Date: 7/16/2020****Time: 5:00 p.m.****Special Meeting Location: Joinwebinar.com – ID# 825-412-675****NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE**

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
  - Submit a written comment online: [menlopark.org/publiccommentJuly16](https://menlopark.org/publiccommentJuly16)\*
  - Record a comment or request a call-back when an agenda topic is under consideration: Dial 650-474-5071\*
  - Access the special meeting real-time online at: [joinwebinar.com](https://joinwebinar.com) – Special Meeting ID 825-412-675  
\*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.
- Watch special meeting:
  - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto: Channel 26
  - Online: [menlopark.org/streaming](https://menlopark.org/streaming)

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's website [www.menlopark.org](https://www.menlopark.org). 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.org/agenda](https://menlopark.org/agenda)).

According to City Council policy, all regular 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.

## **CONTAINS CONTINUED ITEMS FROM JULY 14, 2020**

### **Special Session ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 825-412-675)**

#### **A. Call To Order**

Mayor Taylor called the meeting to order at 5:10 p.m.

#### **B. Roll Call**

Present: Carlton (arrived at 9:15 p.m.), Combs, Nash, Mueller, Taylor

Absent:

Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

#### **C. ~~Public Comment~~ – completed on July 14, 2020**

#### **D. Study Session**

- D1. Provide direction to select Transportation Management Association models for further study ([Staff Report #20-148-CC](#)) – **continued from July 14, 2020**

Transportation Demand Management Coordinator Nicholas Yee and Steer Group Principal consultant Julia Wean made the presentation (Attachment).

- Adina Levin spoke in support of the pilot program.
- Chris Adair clarified the speed limit in Menlo Park’s bicycle lanes.

The City Council received input on staff and partner commitment times and staff and City resources related to phase 1 and phase 2. The City Council discussed the impacts to current bicycle lanes. The City Council had consensus on the staff’s recommendation and directed staff to return with this item on July 28 with more information.

#### **E. ~~Consent Calendar~~ – completed on July 14, 2020**

#### **F. Regular Business**

- F2. Add institutionalized bias reform as a top priority for City staff in 2020-21 and provide input to staff on how to address police ([Staff Report #20-150-CC](#)) – **continued from July 14, 2020** – (Supplemental)

[Web form public comment received on item F2. \(Attachment\).](#)

City Manager Starla Jerome-Robinson introduced the item.

- Karen Grove spoke in support of Government Alliance on Race and Equity (GARE) as a City resource.
- Norma R. spoke in support of defunding the police beat 4 and funding other City services.
- Tanz Carter spoke on the National Organization of Black Law Enforcement (NOBLE).
- Lynne Bramlett spoke in support of outside consultants for the City’s organization review.
- Chris Adair spoke in support of the police department policies and practices.
- Emily Fox spoke in support of defunding the police and funding mental health services and affordable housing.
- Aram James spoke in support of repealing Proposition 209.
- Kathleen Daly played a National Public Radio (NPR) broadcast.
- Zurvogn Maloof spoke in support of NOBLE.
- Kevin Gallagher spoke in support of police and institutional reform.

The City Council discussed increasing City staff diversity and expectations of training and organizational analysis and its timeline.

The City Council took a break at 7:05 p.m.

The City Council reconvened at 7:35 p.m.

The City Council received clarification on previous police chief recruitments and discussed the process for the new police chief recruitment. The City Council directed staff to explore consultants and return to City Council with the cost and timeline; prioritizing how to work with vendors and service providers and how to include them using a lens of equity. City Council requested defining the funds from Facebook for “safety purposes and used for local area”.

The City Council took a break at 9:03 p.m.

The City Council reconvened at 9:11 p.m.

F3. Update and consideration of modifications to the Downtown street closure and temporary outdoor use permit pilot program ([Staff Report #20-153-CC](#))

Management Analyst II John Passmann made the presentation (Attachment).

- Fran Dehn provided details on the business response to the street closure and in support of the option proposed by the Chamber of Commerce.
- Vasile Oros spoke in support of reopening Santa Cruz Avenue.

The City Council discussed the challenges and advantages of the three options. Menlo Park Fire Protection District Chief Harold Schapelhouman clarified option no. 1 was sufficient for fire services.

The City Council took a break at 10:05 p.m.

The City Council reconvened at 10:18 p.m.

**ACTION:** Motion and second (Nash/ Carlton) to accept Option No. 1 and amend urgency ordinance 1070 Section 2, Paragraph two adding “before issuing outdoor use permits the design and plans shall be approved by the public works director or designee”; Section 3 substitute old Exhibit A for Chambers new Exhibit A showing updated street closures and approved barriers and adding “the public works director or designee authority to approve final street closure and barrier plan”; and modify Section 2 last sentence, to include “personal services and fitness studios” and make conforming changes throughout, passed unanimously.

## **G. Informational Items**

- G1. City Council agenda topics: July 2020 to September 2020 ([Staff Report #20-142-CC](#)) – **continued from July 14, 2020**

Mayor Taylor requested adding community outreach to a future agenda, exploring the needs of businesses, engaging youth, and providing COVID-19 testing information to the community.

## ~~H. City Manager's Report – completed on July 14, 2020~~

## ~~I. City Councilmember Reports – completed on July 14, 2020~~

## **J. Adjournment**

Mayor Taylor adjourned the meeting at 10:30 p.m.

Judi A. Herren, City Clerk

**REGULAR MEETING MINUTES – DRAFT****Date: 7/28/2020****Time: 5:00 p.m.****Regular Meeting Location: Joinwebinar.com – ID# 211-064-659****NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE**

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
  - Submit a written comment online:  
[menlopark.org/publiccommentJuly28](https://menlopark.org/publiccommentJuly28)\*
  - Record a comment or request a call-back when an agenda topic is under consideration:  
Dial 650-474-5071\*
  - Access the regular meeting real-time online at:  
[joinwebinar.com](https://joinwebinar.com) – Regular Meeting ID 211-064-659
  - Access the regular meeting real-time via telephone (listen only mode) at:  
415-930-5229  
Regular Meeting ID 745-634-714 (# – no audio pin)  
\*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.
- Watch special meeting:
  - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:  
Channel 26
  - Online:  
[menlopark.org/streaming](https://menlopark.org/streaming)

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's website [www.menlopark.org](https://www.menlopark.org). 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.org/agenda](http://menlopark.org/agenda)).

According to City Council policy, all regular 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 Meeting ([Joinwebinar.com](http://Joinwebinar.com) – ID# 211-064-659)**

### **A. Call To Order**

Mayor Taylor called the meeting to order at 5:12 p.m.

### **B. Roll Call**

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

### **C. Public Comment**

None.

### **D. Presentations and Proclamations**

#### **D1. Proclamation: RethinkWaste 2020 trash to art contest winners ([Attachment](#))**

Mayor Taylor read the proclamations of each of the winners ([Attachment](#)).

Gabriel Parish, third grader from Laurel School, made a brief presentation on their “Alligator Golf Hazard” piece ([Attachment](#)).

Megan Nye, fourth grader from Laurel School, made a brief presentation on their “Save the Turtles” piece ([Attachment](#)).

Henrique Carvalho, third grader from Laurel School, made a brief presentation on their “Respiratory System” piece ([Attachment](#)).

### **E. Consent Calendar**

Mayor Taylor pulled item E6.

City Councilmember Carlton pulled item E3.

City Councilmember Nash pulled item E7.

Applicant pulled item E4.

- E1. Accept the City Council meeting minutes for June 1, 2, 9, 16, 18, and 19, 2020 ([Attachment](#))
- E2. Adopt Resolution No. 6564 authorizing the city manager to execute an agreement with California department of education to reimburse the City for Belle Haven Child Development Center operational costs in fiscal year 2020-21 ([Staff Report #20-156-CC](#))
- E3. Consider directing staff to research and analyze The California Schools and Local Communities Funding Act of 2020 ballot measure (California Proposition 15) with a focus on impacts to housing development, the City’s general fund and small businesses ([Staff Report #20-157-CC](#))

- Jennifer Bastor spoke in support of pulling item E3. for City Council discussion.

The City Council received clarification on the Housing Commissions recommendation and the value of the City doing independent research.

- E4. Authorize the city manager to enter into a contract with PlaceWorks to prepare an environmental impact report for the proposed mixed-use project at 123 Independence Drive for the amount of \$306,550 and future augments as may be necessary to complete the environmental review for the proposed project ([Staff Report #20-158-CC](#))

- Pamela Jones spoke in support of pulling E4. for City Council discussion.

The City Council directed this item be removed and continued at a future meeting.

[Web form public comment received on item E4.](#) (Attachment).

- E5. Appropriate \$50,000 for telework policy implementation through the end of calendar year 2020 ([Staff Report #20-159-CC](#))
- E6. Review and adopt City Council Procedure #CC-20-012 – “City Councilmember requests” ([Staff Report #20-154-CC](#))

The City Council directed this item be removed and agendized as a regular item at a future meeting.

- E7. Authorize the city manager to submit a letter of support for a joint grant application to investigate the feasibility of first/last mile autonomous vehicles ([Staff Report #20-163-CC](#))

The City Council received clarification on how grant money can be spent and the impacts to staff.

- E8. Award of a construction contract to Pavement Coatings Co. for the 2020 street preventive maintenance project ([Staff Report #20-162-CC](#))

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

## F. Regular Business

- F1. Adopt Resolution No. 6576 adopting the five-year capital improvement plan for fiscal year 2020-21 ([Staff Report #20-161-CC](#))



Public Works Director Nikki Nagaya made the presentation (Attachment).

The City Council received clarification on the wireless antenna encroachment permit, capital improvement project and carryover funding, street and sidewalk projects, water main replacement, downtown parking revenues, and underground utilities. The City Council directed staff to restore positions that supports grade separation.

**ACTION:** Motion and second (Combs/ Carlton) to adopt Resolution No. 6576 adopting the five-year capital improvement plan for fiscal year 2020-21, passed unanimously.

The City Council took a break at 7:06 p.m.

The City Council reconvened at 7:28 p.m.

- F2. Appropriate \$35,000 from the general fund unassigned fund balance for fiscal year 2020-21 for a short-term rental compliance contract to activate enforcement of municipal code for transient occupancy tax collection for short-term rentals ([Staff Report #20-160-CC](#))

Deputy Community Development Director Rhonda Coffman made the presentation (Attachment).

- Julie Shanson spoke in support of enforcement for transient occupancy tax (TOT) collection for corporate and professional property managers.

The City Council received clarification on how TOT is collected, current corporate leases, voluntary agreements with short term rental providers, and current TOT enforcement. The City Council discussed hardship waivers and postponing enforcement until 2021.

**ACTION:** Motion and second (Combs/ Nash) to:

1. Appropriate \$35,000 from the general fund unassigned fund balance for fiscal year 2020-21 for a short term rental compliance contract to activate enforcement of municipal code for transient occupancy tax collection for short-term rentals with caveat that demands for payment against unregistered short term rentals not be mailed until January 1, 2021; and
2. Clarify that short term rentals are hotels under Menlo Park's Code and would be subject to the City Council's earlier penalty waiver issued on July 14, 2020 (e.g., January 1, 2020 and June 30, 2020) if they remitted by October 31, 2020, passed unanimously.

- F3. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))

City Manager Starla Jerome-Robinson made the presentation.

### Informational Items

- G1. City Council agenda topics: August 2020 to September 2020 ([Staff Report #20-155-CC](#))

The City Council request information on the Belle Haven community center and library project and updates to the services at the pools.

- G2. Update on the Belle Haven community center and library project ([Staff Report #20-164-CC](#))

**G. City Manager's Report**

None.

**H. City Councilmember Reports**

City Councilmember Carlton reported on a message from Recology (link).

City Councilmember Nash reported on CalTrain and Local Policy Makers Group meeting and upcoming Rail Subcommittee and Peninsula Clean Energy meetings. Nash also requested adding the high-speed rail environmental impact report to an upcoming consent calendar item.

City Councilmember Mueller reported on a request from the Environmental Quality Commission regarding the Bay Area quality management district request for records for gas sold from 2015 – 2019.

Mayor Taylor reported on a meeting with Menlo Park Fire Protection Chief Harold Schapelhouman, Menlo Park Police Commander Tony Dixon, and Deputy Community Development Director Rhonda Coffman regarding the Menlo Park triangle encampment.

**I. Adjournment**

Mayor Taylor adjourned the meeting at 9:36 p.m.

Judi A. Herren, City Clerk



**STAFF REPORT**

**City Council**

**Meeting Date:**

~~7/28/2020~~ 8/25/2020

**Staff Report Number:**

20-154-CC

**Regular Business:**

**Review and adopt City Council Procedure #CC-20-013 – “City Councilmember requests”**

**Recommendation**

Staff recommends that the City Council review and adopt City Council Procedure #CC-20-013 – “City Councilmember requests.”

**Policy Issues**

Chapter 3 of the City Council procedures manual (Attachment C) establishes the procedure for City Councilmembers to request an item to be considered on a future agenda. The City Council adopts and retains full control over the procedures governing their operations.

**Background**

The City Council establishes procedures, as necessary, to promote transparency in the City Council's operations and ensure efficient staff operations.

**Analysis**

The proposed procedure, #CC-20-013 – City Councilmember requests (Attachments A and B,) updates the section of Chapter 3 of the current City Council procedures manual to ensure a transparent process when individual City Councilmembers make request for staff work or an agenda item. The policy is formatted in the City's contemporary policy and procedure template. In addition to formatting changes, the procedure more fully describes the agenda item request process and the process to request staff work. Staff will continue to work updating the other chapters of the existing City Council procedures manual and present to the City Council.

**Impact on City Resources**

None.

**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. City Council Procedure #CC-20-013 – clean version
- B. City Council Procedure #CC-20-013 – redline version
- C. City Council procedures manual

Report prepared by:  
Judi Herren, City Clerk

# CITY COUNCILMEMBER REQUESTS

City Council Procedure #CC-20-013  
Effective XXXX XX, 2020



## Purpose

The purpose of this procedure is to provide transparency into requests by individual City Councilmembers that results in the use of staff time. The policy applies to all City Councilmembers equally and allows the full City Council to determine how to use limited City resources.

For this procedure, a “City Councilmember request” is defined as a request to use City resources in a manner that exceeds the City Council approved budget, priorities, or work plan. This includes requests directed to the city manager, city attorney, and all City staff members. This procedure also applies to City Council appointed commissions and committees.

## Requests to add items to a future agenda

### To make a request

To request consideration of an item at future City Council meetings, the Mayor, Vice Mayor, and City Councilmembers should email [city.council@menlopark.org](mailto:city.council@menlopark.org) requesting the addition of a specific item for City Council action no later than ten (10) business days prior to the desired City Council meeting. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

### Initial City Council consideration of request

As an agenda item under “City Council initiated items” the City Council may discuss the item and ask staff questions regarding preliminary scope, analysis, and resource requirements. After discussion, with a motion and second, the City Council may take one of the following actions:

- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the item to an advisory body for preparation of a formal staff report with no additional staff support required, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council’s annual goal setting process.

If the request does not receive sufficient City Council support, the item is not considered further.

### City Council action

When the staff report is available, the report will be placed under “City Council initiated items” for City Council discussion and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

## Request to modify operations or for special projects

### To make a request

To request consideration of a change in operations or for a special project, a City Councilmember should email the [city.council@menlopark.org](mailto:city.council@menlopark.org) requesting City Council consideration of an operational change action no later than ten (10) business days prior to the desired City Council meeting. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

### Initial City Council consideration of request

As an agenda item under “City Council initiated items” the City Council may discuss the item and ask the city manager the preliminary assessment of the scope, analysis, and resource requirements of the request. After discussion, with a motion and second, the City Council may take one of the following actions:

## CITY COUNCILMEMBER REQUESTS

City Council Policy #CC-20-013

Adopted XXXX XX, 2020

2

- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council's annual budget process.

If the request does not receive sufficient City Council support, the item is not considered further.

### City Council action

When the staff report is available, the report will be placed under "City Council initiated items" for City Council discussion and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

### **Emergency and non-agendized items**

Emergency and non-agendized items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on.

Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Emergency and non-agendized items are not be used to bypass the City Councilmember request process above.

### **Procedure history**

Action	Date	Notes
Draft procedure presented	July 28, 2020	
Procedure adoption		

# CITY COUNCILMEMBER REQUESTS

City Council Procedure #CC-20-013  
Effective XXXX XX, 2020



## Purpose

The purpose of this procedure is to provide transparency into requests by individual City Councilmembers that results in the use of staff time. The policy applies to all City Councilmembers equally and allows the full City Council to determine how to use limited City resources.

For this procedure, a “City Councilmember request” ~~s item~~ is defined as a request to use City resources in a manner that exceeds the City Council approved budget, priorities, or work plan. This includes requests directed to the city manager, city attorney, and all City staff members. This procedure also applies to City Council appointed commissions and committees.

## Requests to add items to a future agenda

~~A councilmember may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Councilmembers may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full City Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.~~

### To make a request

To request consideration of an item at future City Council meetings, ~~a City Councilmember~~ the Mayor, Vice Mayor, and City Councilmembers should email [city.council@menlopark.org](mailto:city.council@menlopark.org) requesting the addition of a specific item for City Council action no later than ten (10) business days prior to the desired City Council meeting. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

### Initial City Council consideration of request

As an agenda item under “City Council initiated items” the City Council may discuss the item and ask staff questions regarding preliminary scope, analysis, and resource requirements. After discussion, with a motion and second, the City Council may take one of the following actions:

- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the item to an advisory body for preparation of a formal staff report with no additional staff support ~~with no staff support~~ required, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council’s annual goal setting process.

If the request does not receive sufficient City Council support, the item is not considered further.

### City Council action

When the staff report is available, the report will be placed under “City Council initiated items” for City Council discussion and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

## CITY COUNCILMEMBER REQUESTS

City Council Policy #CC-20-013

Adopted XXXX XX, 2020

2

### Request to modify operations or for special projects

#### To make a request

To request consideration of a change in operations or for a special project, a City Councilmember should email the [city.council@menlopark.org](mailto:city.council@menlopark.org) requesting City Council consideration of a special project or an operational change action no later than ten (10) business days prior to the desired City Council meeting. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

#### Initial City Council consideration of request

As an agendized item under “City Council initiated items” the City Council may discuss the item and ask the city manager the preliminary assessment of the scope, analysis, and resource requirements of the request. After discussion, with a motion and second, the City Council may take one of the following actions:

- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council’s annual budget process.

If the request does not receive sufficient City Council support, the item is not considered further.

#### City Council action

When the staff report is available, the report will be placed under “City Council initiated items” for City Council discussion and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

### Emergency and non-agendized items

Emergency and non-agendized items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on.

Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Emergency and non-agendized items are not be used to bypass the City Council member request initiated agenda item process above.

### Procedure history

Action	Date	Notes
Draft procedure presented	July 28, 2020	
Procedure adoption		



# Procedures Manual Menlo Park City Council

**CITY OF MENLO PARK**  
Mission Statement

It is the mission of the City government to ensure that Menlo Park is a desirable and vibrant community in which to live and do business, and to respond to the values and priorities of the residents so as to provide for the community's current and future needs.

Explicitly, the City fulfills its function by:

- Addressing the needs of the residents through the City Council, the appointed commissions and the City staff.
- Providing easy and open access to information and encouraging dialogue, enabling residents to actively engage in civic life.
- Providing for the safety of its residents, businesses and visitors.
- Providing timely and responsive service.
- Providing special assistance to those in need.
- Functioning effectively, efficiently and with accountability.
- Creating a positive and desirable workplace environment for City employees.
- Managing change for the betterment of the City.
- Creating and maintaining a viable revenue stream and providing for the unpredictable nature of our economy.
- Implementing and maintaining City infrastructure, facilities and programs.
- Formulating sound environmental policies.
- Recognizing and supporting the City's diverse neighborhoods and population.
- Acting as a responsible member of the greater region.

**C O N T E N T S**

**Chapter 1**

**Introduction**

Purpose .....5  
Overview of city documents .....5  
Orientation of new councilmembers .....6

**Chapter 2**

**City Council: Powers and Responsibilities**

City Council generally .....7  
Role of Mayor and Mayor Pro Tempore .....7  
Appointment of City Manager, City Attorney .....8  
Role during a disaster .....8  
Appointment of advisory bodies .....9  
City Council relationship with advisory bodies .....9  
Role of commission liaisons .....9

**Chapter 3**

**City Council Meetings**

General procedures .....11  
Meeting schedule .....11  
Special meetings .....11  
Agenda development.....12  
Placing items on the agenda .....12  
Notification and advertising.....13  
Order of business .....13  
Discussion rules .....16  
Voting procedures .....17  
Other guidelines .....17  
Open meeting laws (the “Brown Act”).....18

**Chapter 4**

**City Council Communications**

Overview .....21  
Councilmember correspondence .....21  
Speaking for “The City” .....21  
Local ballot measures .....22  
State legislation, propositions .....22  
Proclamations .....22

Chapter 5

**Interaction with City Staff**

Overview ..... 23  
Council-Manager form of government ..... 23  
Council-Manager relationship ..... 23  
City Manager code of ethics ..... 24  
City Council-City Attorney relationship ..... 24  
Roles and information flow ..... 24  
Information distribution ..... 25  
Magnitude of information requests ..... 25  
Staff relationship with advisory bodies ..... 26  
Restrictions on political involvement by staff ..... 26

Chapter 6

**Support Provided to City Council**

Staff support ..... 28  
Office equipment ..... 28  
Meeting rooms ..... 29  
Mail and deliveries ..... 29

Chapter 7

**Financial Matters**

City Council compensation ..... 30  
Expenditure allowance ..... 30  
Expenditure guidelines ..... 30

Chapter 8

**Conflicts and Liability**

Conflict of interest ..... 31  
City Attorney advice ..... 31  
Conflict of interest forms ..... 32  
Liability ..... 32

Chapter 9

**Additional Training and Resource Materials**

League of California Cities ..... 33  
Local Government Commission ..... 33  
International City Management Association (ICMA) ..... 33  
Institute for Local Government (ILG) ..... 33

**Appendix**

- A. Reference Guide to Motions
- B. Legislative Policy Guide
- C. List of City Council Policies
- D. City Manager Code of Ethics

## Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of the public corporation.

## Purpose of the Procedures Manual

City of Menlo Park staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide councilmembers in their actions. It is anticipated that this Procedures Manual will be reviewed and revised from time to time.

## Overview of city documents

This procedures manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the Municipal Code addresses the role of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The Municipal Code is available on the City's website.

California Government Code: The California Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the Municipal Code to ensure there is broad awareness of such requirements. Menlo Park is a "General Law" city, which means it is organized in accordance with provisions of the Government Code. Also described within the Government Code is the Council-City Manager form of government. This form of government prescribes that the City Council's role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

### General Plan:

The General Plan is a legal document, required by the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated "sphere of influence."

### **Orientation of new councilmembers**

It is important that councilmembers have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Clerk coordinates with department heads to provide tours of City facilities and meetings with key staff.

# City Council: Powers and Responsibilities

## City Council generally

The powers of the City Council to establish policy are quite broad. Essentially, the City Council may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council has the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and for the general welfare of its inhabitants which are not specifically forbidden by the Constitution and laws of the State of California.

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all councilmembers are equal. It is also important to note that policy is established by at least a majority vote of the City Council. While individual councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff to pursue the policy direction established by a majority of the City Council do not reflect any bias against councilmembers who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park's city councils have chosen to not take positions on issues outside of their immediate authority to effect, such as issues of international concern. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the councilmembers who make up the two-year City Council sessions.

A councilmember may not simultaneously hold two public offices that are incompatible. Offices are incompatible, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other. Councilmembers are encouraged to and often participate and provide leadership in regional and state programs and meetings. Councilmembers are strongly encouraged to report to the City Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

## Role of Mayor and Mayor Pro Tempore

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the City Council, the Mayor is to faithfully communicate the will of the City Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by City Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the City Council or the introduction of new items not otherwise part of the City Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" City Council agenda item calendar that programs when matters will likely be considered at future meetings.

Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council.

## **Appointment of City Manager, City Attorney**

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

## **Role during a disaster**

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the City Council may be directed by the City Manager/ Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The most likely scenario is that the County board of supervisors would serve in the place of the City Council. When necessary, the Incident Commander of the City EOC or Disaster Coordinator may request the activation of a MAC (Multi-Agency Coordination Center). One possible location of a MAC could be the Menlo Park Fire District's USAR Building located in Menlo Park.

The City Council also has the responsibility to declare a local emergency. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property caused by natural or man-made situations. The local proclamation is the first step toward a State and Federal declaration which would then activate eligible State and Federal disaster relief programs to provide financial relief to both local government and the public.



## **Appointment of advisory bodies**

The city has a number of standing advisory bodies. City Council Policy #CC-01-004, Commissions/Committees Policies and Procedures and Role, contains guidelines on the appointment, roles and responsibilities of the various commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by the City Council for a specific task. City Council subcommittees, when used, are to help the City Council do its job. Committees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation. City Council subcommittees will normally not have direct dealings with staff operations. City Council subcommittees may not speak or act for the City Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by City Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The City Council may assign, and specify the role of, one or two councilmembers to the task force (if more, it becomes a defacto City Council meeting). Unless otherwise specified, councilmembers have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

## **City Council relationship with advisory bodies**

The City Council has determined that councilmembers should not lobby commissioners for particular votes. However, councilmembers may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as councilmembers to reflect the views of the City Council as a body.

Councilmembers choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Councilmembers have the rights, and only the rights, of ordinary citizens with respect to commissions – including the right to write to and speak to the commission during public comment periods.

## **Role of commission liaisons**

Councilmembers are assigned to serve in a liaison capacity with one or more city commissions. 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, councilmembers may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

Councilmembers should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, councilmembers are to reflect the views of

the City Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

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

# City Council Meetings

## General procedures

By resolution, the City Council has adopted a modified version of Roberts Rules of Order.

Presiding officer: The Mayor is the presiding officer and acts as chair at City Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

Seating arrangement of the City Council: The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual councilmembers, shall establish the seating arrangement for regular City Council meetings.

Quorum: Three-fifths of the councilmembers constitute a quorum for the transaction of business.

## Meeting schedule

The City Council approves and follows an annual calendar that reflects its priorities and coincides with the budgeting process, beginning at the start of the calendar year. A Capital Improvement Plan is reviewed in February for the following fiscal year, in order to reflect the commitment of resources required. Other City Council priorities are overlaid on the calendar as time permits.

Regular meetings are usually held in the City Council Chambers, 701 Laurel St., on Tuesdays at 7 p.m., with study sessions and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

On occasion, the City Council meeting will be held in alternative locations such as the Senior Center. No City Council meeting will typically be held in the event that a regular meeting of the City Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be canceled as well. Councilmembers should inform the City Manager's assistant as soon as possible if they intend to be out of town on a set meeting date. In recognition of the personal and professional obligations which may conflict with attending City Council meetings, Councilmembers are not compelled to participate in routine Council meetings remotely as it can present a hardship due to technological limitations, noticing compliance and time zone differences.

## Special meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours before a special meeting. No business other than that officially noticed may be discussed.

Public Comment: At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

Meeting notices and minutes: Notice requirements of the Brown Act are complied with for all meetings; action minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

## **Agenda development**

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid councilmembers and staff with planning and scheduling. A medium-range “tentative” City Council calendar that reflects an estimate of when various items will be scheduled over the next few weeks is available on the City’s website. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week before the meeting. Staff is required to submit reports for a Tuesday City Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available Thursday evening before the Tuesday City Council meeting. Website posting includes a tentative City Council calendar that shows City Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when councilmembers request at a Tuesday meeting that a report be prepared for consideration the following meeting. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports will require more time to prepare, and an estimated time of completion can be provided to the City Council. The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

## **Placing items on the agenda**

City Council: A councilmember may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Councilmembers may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full City Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

Members of the public: A member of the public may request that an item be placed on a future agenda during public comment or through other communication with councilmembers. Upon approval of a majority of the City Council, the item will be agenda item and a staff report may be prepared. The City Manager will inform the City Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and Non-Agenda items: Emergency and non-agenda items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other

severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on. Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

## **Notification and advertising**

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

## **Order of Business**

The City Council established the order of business for meetings through the adoption of a policy on meeting procedures. Technically, the order of the agenda is as follows: roll call; special business; proclamations; council, committee and staff reports; public comment #1; appointments to boards/commissions/committees; consent calendar; public hearings; regular business; written communications; information items; adjournment. The following section describes the various types of meeting components.

- 1. Closed Sessions** (closed to the public): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session before the closed session (Cal Govt Code 54956.8).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session before the closed session unless the City Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; City Council meets in closed session to review its position and instruct designated representatives (Cal Govt Code §54957.6).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (Cal Govt Code §54957.6).

It is critical to stress that there shall be no disclosure of closed session confidential information. Councilmembers, employees of the City, or anyone else present shall

not disclose to any person, including affected/opposing parties, the press or anyone else, the content or substance of any discussion which takes place in a closed session without City Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled before the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the City Council to adjourn to a closed session on the advice of the City Attorney.

2. **Study Session:** From time to time, the City Council will hold study sessions. These meetings are normally scheduled before the regular session. The purpose of study sessions is to give the City Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Meetings are open to the public and are broadcast and videotaped when held in the City Council Chambers and at the direction of the City Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the City Council is taken in a study session.
3. **Public Comment:** The City Council receives general public comment about issues not on the agenda. Comments on agenda items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the City Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker's actual jurisdiction of residence, and given to the City Clerk before Public Comment.

Comments should focus on a specific matter within the City Council's jurisdiction. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agenda items or non-agenda items. When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping ahead of time. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the City Council.

Videos, PowerPoint presentations or similar display requests may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from councilmembers and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. The City Council will then hear public comment.

4. **Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the City Council on matters of importance or to update the City Council and community on studies that are underway.
5. **Consent Calendar:** Those items on the City Council agenda that are considered to be of a routine and noncontroversial nature by the City Manager are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the City Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Councilmembers may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and the City Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and City Council action taken separately on the item; the City Council must concur with such a request. Items that are removed ("pulled") by councilmembers for discussion will typically be heard after other Consent Calendar items are approved unless the majority of the City Council chooses an earlier or later time.

Councilmembers are encouraged to contact the City Manager's office before Noon on the day of a City Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the Manager to inform staff who do not need to be present at the meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

6. **Public Hearing:** In the case of public hearings, once the City Council has voted to close the hearing, no member of the public shall be permitted to address the City Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
7. **Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.
8. **Informational Items:** Informational items may contain a status update, background report or a preview of a larger item coming before the City Council at a future meeting.
9. **Councilmember Reports:** Provides councilmembers an opportunity to introduce matters not currently before the City Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agendaize future items, or announcements of interest to the public.

State law provides that the City Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting,

or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

**10. Written Communications:** The City Council has established a practice of placing written communication between councilmembers requesting items to be agendized and select letters sent by agencies to councilmembers on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the councilmembers' positions on the dais.

## Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of City Council meetings.

- 1. Obtaining the floor:** A councilmember or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the City Council. Cross-exchange between councilmembers and public should be avoided.
- 2. Questions to staff:** A councilmember shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff time to research a response for the meeting.
- 3. Interruptions:**
  - a. Once recognized, a councilmember is considered to have the floor, and another councilmember may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the councilmember holding the floor shall cease speaking until the point of order or privilege is resolved.
  - b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
- 4. Discussion:** A councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak. Councilmembers are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.
- 5. Tabling procedure:** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to "continue" an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.
- 6. Right of protest:** A councilmember is not required to state reasons for a dissenting vote.



- 7. Calling for the question:** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.
- 8. Conducting business at a late hour.** According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a two-thirds, three-fourths, or four-fifths (based on the number of Councilmembers present) vote taken by 11:00 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 p.m. and a new ending time for the meeting. The City Clerk will alert the City Council at or before 11:00 p.m. New items of business will not be discussed after 11:00 p.m. unless the motion to consider such item(s) was passed

## **Voting procedures**

When present, all councilmembers are to vote (affirmative, dissenting, abstention). Failure of a seated councilmember to express a vote constitutes an affirmative vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected councilmember will step down from the dais and leave the City Council Chambers.

Councilmembers may declare general consensus at the discretion of the presiding officer, if there are no negative votes or objections.

Tie vote: A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions: There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix A of this manual.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following City Council guideline: A councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

## **Other guidelines**

Other guidelines have been developed to ensure that meetings of the City Council are conducted in a civil and professional manner. Councilmembers and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.

3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council Chambers, adjourn the meeting, or take such other appropriate action. The City Council has a policy to discourage applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the City Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The City Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
7. Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Therefore, the City Council authorizes the Mayor, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker. Typically, speakers are limited to three minutes but a shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of nine minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, the City Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

**Values of respect:** The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

1. Discussion should focus on policy matters
2. Personal criticism of members is inappropriate
3. Proper decorum should be displayed as other members express their views
4. Treat members of the public equally, applying rules in a fair and consistent manner
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

**Enforcement of order:** The Police Chief or his designee acts as the Sergeant-At-Arms. Any councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

### **Open meeting laws ("The Brown Act")**

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Applicability and penalties: The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code §54950 et seq. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

*A. Applicability:* The Act applies to the City Council and all commissions, boards and City Council-appointed subcommittees (except if comprised entirely of two councilmembers) and task forces that advise the City Council. Staff cannot promote actions that would violate the Act.

*B. Meetings:* All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of City Council contacts more than one other member of the City Council or any city staff member contacts more than two councilmembers for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact all councilmembers. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City councilmembers immediately after their election and before their swearing-in ceremony.

*C. Agendas:* Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

*D. Actions:* No action can be taken on any item not appearing on the posted agenda.

Exceptions:

1. An emergency exists (determined by a majority of the City Council).
2. The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by a two-thirds vote of the City Council; or if less than two-thirds are present, by unanimous vote).
3. The item was continued to another meeting that was scheduled and posted within five days of the original agenda.

*E. Public input:* The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer periods may be established by the Mayor or the City Council.

*F. Public disruptions:* A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

*G. Correspondence:* All writings distributed for discussion or consideration at a public meeting are public records.

*H. Special meetings:* Special meetings may be called by the Mayor or a majority of the City Council with strict notification requirements for delivery to the media and the City Council 24 hours before the time of the meeting.

*I. Emergency meetings:* Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

*J. Other provisions:* The Brown Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

# City Council Communications

## Overview

Perhaps the most fundamental role of a councilmember is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a councilmember. Equally important, when members are expressing personal views and not those of the City Council, the public should be so advised.

## Councilmember correspondence

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the City Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of the City Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized councilmember letterhead can be made available for this purpose, and staff can assist in the preparation of such correspondence. Councilmembers are required to provide copies of any correspondence on City letterhead to every councilmember and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, members should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of the City Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official City Council title, and staff support should not be utilized in order to avoid confusion. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

councilmembers may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual councilmembers to utilize City letterhead and their City Council titles for such letters. No review by the full City Council is required, however, copies will be kept on file.

## Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the City Council's position on an issue, the response should reflect the

position of the City Council as a whole. Of course, a councilmember may clarify their vote on a matter by stating, for example, “While I voted against “X,” the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual councilmember.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager or Department Heads are contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any councilmember quotes or references. The City Manager decides whether staff are available to respond to media requests directly or not.

## **Local ballot measures**

At times, measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual councilmembers may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

## **State legislation, propositions**

The City has been a member of the League of California Cities for many years. In addition, the City has a representative on the City/County Association of Governments (C/CAG). Both of these groups actively track legislation at the state level. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless Council has previously acted on a similar bill in the recent past, in which the City’s position is clear, the Council has a practice of requiring analysis and discussion of bills before taking an official position. The analysis includes a summary of the legislation’s purpose and a listing of those entities both in support of and against the proposed legislation. As a framework for screening bills that are pending to determine if the City should weigh in, Appendix B serves as a Legislative Policy Guide, with the explicit understanding that the City will express itself on legislation dealing with issues that will directly effect its financial stability or effective operation, and that the City may enter into alliances with other entities to promote common goals.

## **Proclamations**

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual councilmembers do not issue proclamations. Proclamations can be sent to the requester or presented at a City Council meeting as arranged with the requesting body and at the Mayor’s discretion.

# Interactions with City Staff

## Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Menlo Park has a long tradition of positive relationships between councilmembers and city staff. To maintain these effective relationships it is important that roles are clearly recognized.

## Council-Manager form of government

Like most California cities, Menlo Park has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce laws, direct the daily operations of city government, and prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that councilmembers work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual councilmembers.

## Council-Manager relationship

The employment relationship between the City Council and the City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Councilmembers should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more councilmembers. Further, councilmembers should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. In addition to the formal City Council meetings, there are periodic briefing meetings with individual councilmembers and written memoranda and email. Communication must be undertaken in such a way that all councilmembers are treated similarly and kept equally informed. It is also important that the City Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback in a timely manner.

## **City Manager code of ethics**

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best interests. Violations of such standards can result in censure. Appendix D is a copy of the City Manager's Code of Ethics.

## **City Council-City Attorney relationship**

The City Attorney is the legal adviser for the City Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

## **Roles and information flow**

Objectives: It is the intent of staff to ensure councilmembers have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual councilmembers, and to allow staff to execute the priorities given by management and the City Council as a whole without fear of reprisal.

City Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. Councilmembers who wish to influence the actions, decisions, recommendations, workloads, work schedule and priorities of staff, must receive support from a majority of the City Council to do so as a matter of City Council policy.

Should a councilmember become dissatisfied about a department, he/she should always talk it over with the City Manager. Concerns about a department head must be taken to the City Manager only.

Access to information: Individual councilmembers as well as the City Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, councilmembers are asked to "cc" both the department head and the City Manager on all correspondence with staff.



There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to councilmembers. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to councilmembers.

Councilmembers have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Councilmembers should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff members time to research a response for the meeting.

Staff roles: The City Council recognizes the primary functions of staff as serving the community, executing City Council policy and actions and in keeping the City Council informed. Staff is obligated to take guidance and direction only from the City Council as a whole or from the appropriate management supervisors through the City Manager. Staff is directed to report to the City Manager any attempts by individual councilmembers to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual councilmembers for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. Requests from an individual councilmember determined by the City Manager to take one hour or more of staff time to complete, may be included on the formal City Council agenda for full City Council discussion.

## **Information distribution**

In cases where a staff response to an individual councilmember request involves written materials that may be of interest to other councilmembers, the City Manager will provide copies of the material to all other councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the City Council or of interest to the City Council.

## **Magnitude of information requests**

Any information, service-related request, or revised policy position perceived as necessary by individual councilmembers, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual councilmember in writing to the City Council as a whole. When raised at a City Council meeting, the full City Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the City Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

## **Staff relationship with advisory bodies**

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and the City Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may take minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved City Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.

## **Restrictions on political involvement by staff**

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with City Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fundraisers or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A councilmember asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all councilmembers. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

# Support provided to City Council

## Staff support

General administrative support to councilmembers is provided through the City Manager's Office. Administrative services including scheduling of appointments and receipt of telephone messages are available as needed. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

## Office equipment/technology

To enhance councilmembers' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The City Council can also receive and send email and faxes.

Councilmembers may be connected from their home to the City's computer network. Information Technology staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Each councilmember is provided the use of a tablet device. When individual councilmembers have completed their term of office, any technology must be returned to the City.

These technologies facilitate efficient communication by councilmembers. However, their use also raises important legal issues to which councilmembers must pay special attention. First, the Brown Act prohibits elected officials from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the legislative body. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Councilmembers should not use email, faxes or phones for communicating with other councilmembers in order to develop a majority position on any particular issue that may come before the full City Council. Particular caution is advised when using or responding to email received via the "CCIN" feature on the City's website and email directory. Correspondence sent using CCIN automatically goes to all five councilmembers, certain staff and to the local newspapers.

Second, be aware that most emails sent by councilmembers probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's backup systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

## **Meeting rooms**

An office is available adjacent to the City Manager's Office for shared use by councilmembers. Councilmembers can also reserve larger meeting space for use by contacting the City Manager's Office staff.

## **Mail and deliveries**

Councilmembers receive a large volume of mail and other materials from the public, private interests and staff. The City Manager's Office staff maintains a mailbox for each councilmember. Meeting agenda materials are available for pick up Thursday evenings and are posted on the City's website. Councilmembers are encouraged to return unwanted binders, reports and documents to staff.

# Financial Matters

## City Council compensation

State law and the Municipal Code provide for modest compensation to councilmembers. State law limits an increase in City Council salaries to 5 percent per year, effective only following the next election after adoption. Currently, councilmembers receive a stipend of \$640 per month. Councilmembers are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

## Expenditure allowance

The annual city budget includes limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than councilmembers. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. City Council Policy #CC-91-0002 pertains to travel and meeting expenses.

## Expenditure guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's Office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor.

# Conflicts and Liability

## Conflict of interest

State laws are in place to prevent an action by a councilmember that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a councilmember's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year councilmembers and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A councilmember having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a councilmember believes that he or she may have any financial interest in a contract that will be before the City Council, the councilmember should immediately seek advice from the City Attorney or the councilmember's personal attorney.

There are a number of other restrictions placed on City Council actions that are highlighted in the League of California Cities' Guide. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual councilmembers.

## City Attorney advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide

binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Individual councilmembers or the full City Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

### **Conflict of interest forms**

Annual disclosure statements are required of all councilmembers, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Councilmembers and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

### **Liability**

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual councilmembers may result in that councilmember being personally liable for damages that would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.



# Additional Training and Resource Materials

## **League of California Cities**

The League is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state Legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The City of Menlo Park participates in League activities through the Peninsula Division.

The League of California Cities produces a number of publications on substantive issues in city and local government. These publications are available for purchase from the League.

## **Local Government Commission**

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars and publishes newsletters.

## **International City/County Management Association (ICMA)**

ICMA is a professional association of local government chief executives/city managers. The association has an extensive list of publications to assist local officials.

## **Institute for Local Government (ILG)**

The Institute for Local Government also produces publications. For ILG publications please go to [www.ca-ilg.org/publications](http://www.ca-ilg.org/publications).

## APPENDIX A – Reference Guide to Motions

Type of Motion	Second Required	Debatable	Amendable	Priority Over Pending Motion	Reconsider	Interrupt Speaker
Adjourn	Y	n/a	n/a	Y	n/a	n/a
Amend or Substitute <sup>1</sup>	Y	Y	Y	Y	Y	n/a
Appeal	Y	Y	n/a	n/a	Y	Y
Call the Question <sup>7</sup>	Y	n/a	n/a	Y	n/a	n/a
Take Up New Business Past 12 pm <sup>8</sup>	Y	Y	n/a	Y	n/a	n/a
Limit Debate	Y	n/a	Y	Y Except “table”	Y	n/a
Main Motion	Y	Y	Y	n/a	Y	n/a
Nominations	n/a	Y	n/a	n/a	n/a	n/a
Personal Privilege or Point or Order	n/a	n/a	n/a	Y	Y	Y
Postpone to Time Certain	Y	Y	Y	Y	Y	n/a
Previous Question	Y	n/a	n/a	Y	Y	n/a
Recess or Adjourn to Time Certain	Y	Y	Y	n/a	n/a	n/a
Reconsider	Y <sup>2</sup>	Y <sup>3</sup>	n/a	n/a	n/a	<sup>4</sup>
Table or Take From Table	Y	n/a	n/a	Y <sup>5</sup>	n/a	n/a
Take up Out of Order	Y	n/a	n/a	n/a	n/a	n/a
Withdraw a Motion <sup>6</sup>	n/a	n/a	n/a	Y	Y	Y

“Y” indicates that this action can be taken, is necessary, is required, is permitted or is applicable

“n/a” indicates that this action cannot be taken, is unnecessary or is inapplicable

- 1 Limit of three substitute motions.
- 2 May only be made by a person who voted on prevailing side; not applicable to “table” motions. Must be made within two meetings of original action.
- 3 If prior motion was debatable.
- 4 Except for request for later action.
- 5 Highest subsidiary motion – takes precedence over all motions except adjourn and privilege.
- 6 Must be voted unless there is no objection.
- 7 Requires 4/5 vote.
- 8 Requires ¾ vote taken by 11:00 p.m. to extend beyond midnight.

**LEGISLATIVE POLICY GUIDE**

**The City Council of Menlo Park believes:**

- In conducting the business of government with openness, respect, and civility, and including the involvement of all stakeholders in establishing goals and in solving problems.
- The vitality of cities is dependent upon their fiscal stability and local autonomy, and that local self-governance is the cornerstone of democracy.

**Therefore:**

- The City supports legislation that reflects the need to conduct the public's business in public.
- The City opposes legislation that mandates costly and unnecessary procedures.
- The City supports the use of the general plan as a guide to meeting community planning needs, and opposes mandatory review or approval by another level of government and legislation that restricts the land use authority of cities.
- The City emphasizes efficiency and effectiveness to achieve the best possible use of city resources and believes the state should implement fiscal and legislative reforms in order to allow local government to adequately finance its service responsibilities, with accountability to the taxpayers for its programs.
- The City supports additional funding for local transportation and other critical unmet infrastructure needs and enhanced autonomy for local transportation decision-making.
- The City supports strategic alliances with counties, schools, other cities and local agencies, nonprofit and civic organizations and business and professional associations.

September 2005

**City Council Policies**

- CC 86 Naming and/or Changing the Name of Facilities
- CC 90-001 Tenant/Landlord & Dispute Resolution Service
- CC 91-0001 Board and Commission Attendance Policy
- CC 91-0002 Travel, Meeting, Conference, Training and Meal Expenses
- CC 91-0003 City Council Meeting Procedures
- CC 92-0001 Commuter Check Program
- CC 92-0002 Transportation Allowance Program
- CC 92-004 Award Authority for Purchases and Professional Services
- CC 93-001 Selection of Mayor
- CC 95-001 Anti-Harassment and Non-Discrimination Policy
- CC 01-0004 Commission/Committees Policies and Procedures and Roles and Responsibilities
- CC 02-0003 Veteran's Preference Policy



## ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in October 2019. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2019.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

**Tenet 1.** We believe professional management is essential to efficient and democratic local government by elected officials.

**Tenet 2.** Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

### GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

**Tenet 3.** Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

### GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include

refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

**Tenet 4.** Serve the best interests of the people.

#### **GUIDELINES**

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, program, and services.

**Tenet 5.** Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

#### **GUIDELINE**

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

**Tenet 6.** Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

**Tenet 7.** Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

#### **GUIDELINES**

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

**Tenet 8.** Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

## **GUIDELINES**

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

**Tenet 9.** Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.



**Tenet 10.** Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

**GUIDELINE**

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member’s responsibilities as set forth in the charter or enabling legislation.

**Tenet 11.** Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member’s decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

**GUIDELINE**

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members’ personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

**Tenet 12.** Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

**GUIDELINES**

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term “Gift” includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member’s official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member’s official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.



**STAFF REPORT**

**City Council**

**Meeting Date:**

**8/25/2020**

**Staff Report Number:**

**20-182-CC**

**Regular Business:**

**Review and adopt City Council Procedure #CC-20-014 – “Videoconference meeting participation”**

**Recommendation**

Staff recommends that the City Council review and adopt City Council Procedure #CC-20-014 – “Videoconference meeting participation.”

**Policy Issues**

In order to minimize the spread of the COVID-19 virus, the City of Menlo Park is providing multiple alternatives to participating, viewing, and attending City Council meetings. These alternatives allow the City to adhere to social distancing requirements, follow the Governor’s Executive Order N-29-20 (which suspends certain requirements of the Brown Act,) and provide numerous ways for the public to provide public comment live during the meeting. The City Council adopts and retains full control over the procedures governing their operations.

**Background**

The City Council establishes procedures, as necessary, to promote transparency in the City Council’s operations and ensure efficient staff operations.

**Analysis**

The proposed procedure, #CC-20-014 – Videoconference meeting participation (Attachments A) provides information and procedures for equipment, protocol, and public participation. The policy is formatted in the City’s contemporary policy and procedure template.

**Impact on City Resources**

None.

**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. City Council Procedure #CC-20-014

Report prepared by:  
Judi Herren, City Clerk

# VIDEOCONFERENCE MEETING PARTICIPATION

City Council Procedure #CC-20-014  
Effective XX/XX/2020



<b>Purpose</b>		
The main purpose of videoconferencing is to enable face-to-face communication between two or more people in different locations. All city council, commission, and committee videoconference meetings shall be conducted on a standardized platform provided by the City. City council, commission and committee members are collectively referred to as “Members” for this policy.		
<b>Equipment</b>		
Members shall maintain equipment necessary for a videoconference including sufficient broadband access, webcam and microphone to participate in the meeting with minimal interruption. If the equipment requirement presents a hardship, a Member may submit an equipment request to the city clerk. Requests will be considered on a case-by-case basis.		
Attachment A outlines the system requirements for most videoconferencing platforms.		
<b>Videoconference protocols</b>		
To promote public access to the City’s deliberative process, the following guidelines shall be followed		
<ol style="list-style-type: none"> <li>1. Members shall control their own webcam and microphone throughout the meeting.</li> <li>2. The chair may direct staff to mute microphones to minimize feedback.</li> <li>3. Members shall keep their cameras active for the duration of the meeting using a background furnished by the City.</li> <li>4. To request to speak, Members shall raise their hand and the chair will recognize speakers one at a time. Microphones must remain on mute until recognized by the chair.</li> <li>5. Members and the City liaison shall enable their webcam continuously during the meeting. All other City staff shall remain off camera until requested by the chair.</li> <li>6. Only City staff is authorized to display meeting content (e.g., presentations, agendas, speaker timer, etc.) for the duration of the meeting; allowing keyboard and mouse controls to external consultants or presenters.</li> </ol>		
<b>Public participation</b>		
To promote public participation, staff will provide the chair with an agenda outline to prompt for public input at the appropriate times in the meeting. The public may provide written public comment by emailing the staff liaison at least 1-hour in advance of the meeting. Live, audio public comment can be provided through the use of a traditional telephone, smartphone, or other computer-assisted audio. If using a smartphone or computer audio, when the chair calls for public comment on an agenda item, the public is to engage the “raised hand” feature to alert City staff of their live public comment. City staff will acknowledge the speaker by name and open their microphone for a period of 3-minutes; unless the chair has limited public comment speaker times. If the public is unable to utilize a microphone, the public may submit a written comment to the Members using the question window in the videoconference tool. A member of the public may only address the Members once per agenda item. All Members, public participants, and City staff should refrain from using the videoconferencing tool’s chat or question feature outside of receiving non-audio public comment to avoid violating the Brown Act.		
<b>Legislative history</b>		
Action	Dates	Notes
Proposed	August 25, 2020	

System requirements for Zoom meetings	
Technical	Requirement
Internet connection	3G or 4G/LTE
Speakers and a microphone	Microphone and speakers (headset recommended)
Webcam or HD webcam	Built-in or USB plug-in
Operating systems	Windows 10 Windows 8 or 8.1 Windows 7 Windows Vista with SP1 or later Windows XP with SP3 or later
Tablet and mobile devices	Surface PRO 2 or higher running Win 8.1 or higher iOS and Android devices Blackberry devices
Browsers	Google Chrome 30+ Mozilla Firefox 27+ Internet Explorer 11+ Microsoft Edge 12+
Software	Zoom version 3.5 or higher
Bandwidth	800kbps/1.0Mbps (up/down)



## STAFF REPORT

### City Council

Meeting Date:

8/25/2020

Staff Report Number:

20-178-CC

Regular Business:

**Approve first amendment to interim city attorney services agreement with Jorgenson, Siegel, McClure & Flegel, LLP**

### Recommendation

Staff recommends that the City Council approval of a first amendment (Attachment A) to an agreement between the City of Menlo Park and Jorgenson, Siegel, McClure & Flegel, LLP for interim city attorney services.

### Policy Issues

The City Council appoints the city attorney and retains sole authority over city attorney contracts.

### Background

The City Council is the hiring authority for the position and services of city attorney. The City currently approved an agreement with Jorgenson, Siegel, McClure & Flegel, LLP for interim city attorney services for a period of up to six months, designating Cara Silver as the city attorney effective March 1, following the retirement of Bill McClure whose last day was February 29.

The City Council created an ad hoc committee, comprised of Vice Mayor Combs and City Councilmember Mueller, to discuss recruitment of city attorney services. The ad hoc committee later changed to City Councilmembers Nash and Carlton. The City issued a request for proposals (RFP) for city attorney services and received five responses to the request. The City expected to complete the recruitment process for a permanent city attorney by August 2020. However, the unfortunate circumstance surrounding COVID-19 have redirected staff resources and priorities, which has caused a delay in the process and will require an amendment to the current interim agreement.

### Discussion

To provide for continuity of services, staff recommends approving a first amendment to the agreement between the City of Menlo Park and Jorgenson, Siegel, McClure & Flegel, LLP for interim city attorney services on a month to month basis with a term not to exceed a maximum of one year.

In light of the city's budget reduction strategy, Jorgenson, Siegel, McClure & Flegel, LLP agreed to a 25 percent reduction in pay. Thus the monthly budget under the first amendment will change from a monthly fee of \$62,500 to an all-inclusive fee to be charged on an hourly basis that shall not exceed \$46,875.00 per month for the term of the contract. The contract provides that if the budgeted amount is not spent within the month the remaining amount may be rolled over to subsequent months. The amendment further provides that the cap does not apply to any development related work that is reimbursable from the applicant.

Finally, the amendment allows the City Council or city manager to authorize additional services if the work is



needed to accommodate additional work plan items.

### **Impact on City Resources**

The City is saving 25 percent through a budget reduction accepted by Jorgenson, Siegel, McClure & Flegel, LLP.

### **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 Jorgenson, Siegel, McClure & Flegel, LLP for interim city attorney services agreement

Report prepared by:

Theresa N. DellaSanta, Human Resources Manager

**AGREEMENT AMENDMENT**

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

**Agreement #**

**AMENDMENT AGREEMENT FOR SERVICES BETWEEN  
THE CITY OF MENLO PARK AND JORGENSON, SIEGEL, McCLURE & FLEGEL, LLP**

THIS FIRST AMENDMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY" and JORGENSON, SIEGEL, McCLURE, & FLEGEL, LLP, hereinafter referred to as "FIRST PARTY."

WHEREAS, CITY desires to extend Agreement No. 2922 for interim city attorney services with FIRST PARTY ("Agreement") on a month to month basis until a permanent city attorney is retained;

1. Section 4. COMPENSATION AND PAYMENT and Exhibits A and A-1 are hereby amended as follows:

"CITY shall pay FIRST PARTY an all-inclusive fee to be charged on an hourly basis that shall not exceed \$46,875.00 per month for the term of the contract, and as described in Exhibit "A" Scope of Services. This amount represents a twenty-five percent (25%) budget reduction from the amount set forth in the Agreement. Any funds not expended in a month may be rolled over to subsequent months.

This monthly fee limit shall not apply to development project work processed by the Community Development Department for which City is reimbursed by the applicant/property owner (other than single family home projects involving a single housing unit).

Additional Services, if any, shall be authorized in accordance with and subject to the provisions of Exhibit A, Paragraph "A4". Additional services may be authorized by the City Council or City Manager in accordance with Paragraph A4 of Exhibit A or based upon a new work plan initiative. FIRST PARTY shall not receive any compensation for Additional Services performed without the prior written authorization of CITY.

2. Section 24. TERM OF AGREEMENT is hereby amended to read as follows:

"Effective September 1, 2020, this Agreement shall be extended on a month to month basis for a maximum of one (1) year. Either party may terminate this Agreement by providing a thirty (30) days written notice to the other party."

Except as modified by this Amendment, all other terms and conditions of Agreement No. 2922 remain the same.

SIGNATURE PAGE TO FOLLOW

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

**FOR FIRST PARTY:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Cara E. Silver  
\_\_\_\_\_  
Printed name

Partner  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Tax ID#

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory Rubens, Consulting Attorney

\_\_\_\_\_  
Date

**FOR CITY OF MENLO PARK:**

\_\_\_\_\_  
Cecilia Taylor, Mayor

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Judi A. Herren, City Clerk

\_\_\_\_\_  
Date



**STAFF REPORT**

**City Council**

**Meeting Date:**

**8/25/2020**

**Staff Report Number:**

**20-184-CC**

**Regular Business:**

**Appropriate \$150,000 for contract planning services and authorize the city manager to sign an amended contract with the M-Group for a total contract amount of \$200,000**

**Recommendation**

Staff recommends that the City Council appropriate \$150,000 for contract planning services and authorize the city manager to sign an amended contract with the M-Group for a total contract amount of \$200,000.

**Policy Issues**

The City Council must authorize the city manager to enter into this agreement as the cost of the contract exceeds the city manager's spending authority. The community development department is currently using the M-Group to supplement staffing in the planning division given a temporary leave of absence, the volume of complex development projects, and the elimination of 2.25 vacant planner positions during the fiscal year 2020-21 budget process. Additional staffing is needed to continue processing development projects in a timely manner in compliance with State law.

**Background**

The City has experienced a high volume of complex development projects since the adoption of the El Camino Real/Downtown specific plan in 2012 and the ConnectMenlo general plan update in 2016. Since 2013, staff has contracted with the M-Group, who was selected through a request for proposal (RFP) process. While the 2013 City Council approval can no longer be used to continue annual contracts in excess of the city manager's signing authority, the need for contract planners remain. The need for contract services has varied over the years and is dependent upon a variety of factors, including the volume of work, the scope of the work, and level of planning staffing resources. Contract planners have augmented staff with baseline work such as public inquiries and building permit review to project management of more complex development review.

On June 23, the City Council adopted a balanced budget for fiscal year 2020-21. The budget reduced available funding for contract services in community development as well as froze 2.25 planner positions during a time of heavy development review activity in the specific plan and Bayfront areas. During the end of the fiscal year 2019-20, staff worked with the M-Group to provide contract planning services for several of the large development projects in the Bayfront area due to an anticipated extended leave of absence by staff. In order to continue to provide project management and oversight of development projects, staff entered into a contract with the M-Group in July 2020 for \$39,000. This contract covers approximately two months of principal planner work by the M-Group, and therefore, staff is seeking City Council appropriation of funds and authorization to amend the contract with the M-Group to not to exceed \$200,000 at this time. While the M-Group is a talented firm that offers a range of planning services, the intent of this funding request is to support continued work by one contract planner who would be focused on the processing of

several current planning projects in the Bayfront area. Additional contract services may be warranted in the future depending on workload, and staff would return to the City Council with future requests.

### **Analysis**

The M-Group has been providing contract services since 2013 and a current scope of services is included as Attachment A. The City is currently using two principal planners from the M-Group on a part time schedule, approximately 20-25 hours per week for one project planner who is focused on development review for several projects in the Bayfront Area and a second principal planner on an as-needed basis.

Under the City's award authority and bid requirements policy (City Council Procedure #CC 19-001), the City Council can enter into a professional services agreement up to \$200,000 with an informal bid. Staff did not solicit proposals from three providers given the past performance of the M-Group, the timeliness of the work to be done, and the past RFQ (request for qualifications) that was performed. Staff believes that continued work with the M-Group to augment current planning staffing levels will provide the continuity in project management that is needed for these large Bayfront projects as well as provide consistency in review between projects. Work on these projects require the skills of an experienced planner, such as the project manager assigned, who is able to synthesize complex ideas, process an environmental impact report, communicate well, and effectively manage the multiple components of the project.

Given the continuing need for contract services to ensure that projects in the pipeline can be processed in a timely manner, staff is requesting that the City Council authorize the city manager to sign an amended agreement with M-Group for a not to exceed budget of \$200,000. The contract would support approximately one contract principal planner at half time for the fiscal year. The same amount would generally be equivalent to a full-time, benefitted senior planner. While contract services are costly, they can be an effective way to bridge gaps and supplement staff to address demand in a timely manner. The City Council could consider adding a senior planner position to assist with development review. However, given time needed for recruitment and an onboarding, contract planning services are still essential for keeping up with the workload and ensuring a smooth transition.

### **Impact on City Resources**

The appropriation requires \$150,000 from the City's unassigned fund balance in the general fund. The existing contract amount of \$39,000 is covered by community development's contract services budget, but additional funding is needed to cover the full contract amount. As of August 20, the general fund's unassigned fund balance is estimated at \$2.235 million. In general, expenditures for development related costs are fully recovered through fees charged to project applicants.

### **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. M-Group scope of services

Report prepared by:  
Deanna Chow, Assistant Community Development Director

Report reviewed by:  
Justin Murphy, Deputy City Manager

## SCOPE OF WORK

### 1. SCOPE OF SERVICES

FIRST PARTY agrees to provide temporary staffing for the CITY'S Department of Community Development. In the event of any discrepancy between any of the terms of the FIRST PARTY's proposal and those of this agreement, the version most favorable to the CITY shall prevail. FIRST PARTY shall provide the following services:

1. Review and processing of development applications, including communication with the applicant and the applicant's representatives, preparation of staff reports and recommendations, presentation of staff reports to City Commissions and the City Council or other related projects assigned by the Director of Community Development.
2. Other services needed by the City to accomplish work required by the City Council approved budget and priorities.

FIRST PARTY agrees to perform these services as directed by the CITY in accordance with the standards of its profession and CITY's satisfaction.

### 2. COMPENSATION

CITY hereby agrees to pay FIRST PARTY in accordance with the following rate schedule up to a maximum contract amount of **\$200,000**. The specific hourly rate shall be determined by the FIRST PARTY and SECOND PARTY in relation to the requirements required by the City.

#### Rate Schedule

Staff	Hourly Rate for 2020
Principal	\$210 - 260
Principal Planner	\$165
Project Manager	\$145
Senior Urban Designer	\$145
Senior Planner	\$145
Environmental Planner	\$135
Urban Designer	\$120
Associate Planner	\$120
Assistant Planner	\$95
Planning Tech/Admin	\$80

FIRST PARTY shall be paid within fifteen (15) days after approval of billing for work completed and approved by the CITY. Invoices shall be submitted containing all information contained in

paragraph five (5) below. In no event shall FIRST PARTY be entitled to compensation for extra work unless an approved change order, or other written authorization describing the extra work and payment terms, has been executed by CITY prior to the commencement of the work.

### 3. CHANGES IN WORK -- EXTRA WORK

In addition to services described in Section 1, the parties may from time to time agree in writing that FIRST PARTY, for additional compensation, shall perform additional services including but not limited to:

Change in the services because of changes in scope of the work.

Additional tasks not specified herein as required by the CITY.

The CITY and CONSULTANT shall agree in writing to any changes in compensation and/or changes in FIRST PARTY's services prior to the commencement of any work. If FIRST PARTY deems work he/she has been directed to perform is beyond the scope of this agreement and constitutes extra work, FIRST PARTY shall immediately inform the CITY in writing of the fact. The CITY shall make a determination as to whether such work is in fact beyond the scope of this agreement and constitutes extra work. In the event that the CITY determines that such work does constitute extra work, it shall provide compensation to the FIRST PARTY in accordance with an agreed cost that is fair and equitable. This cost will be mutually agreed upon by the CITY and FIRST PARTY. A supplemental agreement providing for such compensation for extra work shall be negotiated between the CITY and the FIRST PARTY. Such supplemental agreement shall be executed by the FIRST PARTY and may be approved by the City Manager upon recommendation of the Community Development Director.

### 4. INDEPENDENT CONTRACTOR STATUS

It is expressly understood and agreed by both parties that FIRST PARTY, while engaged in carrying out and complying with any of the terms and conditions of this agreement, is an independent contractor and not an employee of the CITY. However, CITY retains full rights in exercising judgment as to the time, place and manner of performing the services needed by the CITY. FIRST PARTY shall be fully responsible for all matters relating to the payment of its employees, including compliance with social security, withholding tax and all other laws and regulations governing such matters. FIRST PARTY shall be responsible for its own acts and those of its agents and employees during the term of this agreement. FIRST PARTY expressly warrants not to represent, at any time or in any manner, that FIRST PARTY is an employee of the CITY.

In any case where an opportunity is made available to FIRST PARTY, FIRST PARTY will determine whether it possesses sufficient training and background to carry out whatever objective is sought by the CITY. If FIRST PARTY accepts an engagement, such an acceptance is deemed affirmative admission that FIRST PARTY possesses the necessary skills, background and licenses to perform the needed services. FIRST PARTY acknowledges that the CITY will provide no training.



5. BILLINGS

FIRST PARTY's bills shall include the following information:

A brief description of services performed.

The date the services were performed.

The number of hours spent and by whom.

The current contract amount.

The current invoice amount.

Except as specifically authorized by CITY, FIRST PARTY shall not bill CITY for duplicate services performed by more than one person. In no event shall FIRST PARTY submit any billing for an amount in excess of the maximum amount of compensation provided in Section 2.

The expenses of any office, including furniture and equipment rental, supplies, salaries of employees, telephone calls, postage, advertising, and all other expenses incurred by FIRST PARTY in the performances of this agreement shall be incurred at the FIRST PARTY's discretion. Such expenses shall be FIRST PARTY's sole financial responsibility.



**STAFF REPORT**

**City Council**

**Meeting Date:**

**8/25/2020**

**Staff Report Number:**

**20-175-CC**

**Regular Business:**

**Adopt Resolution No. 6580 approving guidelines for written protests of utility rate increases subject to Proposition 218**

**Recommendation**

Staff recommends that the City Council adopt the resolution approving guidelines for written protests of utility rate increases subject to Proposition 218 (Attachment A.)

**Policy Issues**

Article XIII D, section 6 of the California Constitution (part of Proposition 218) requires that property owners be given written notice and the opportunity to protest before increasing any property-related fees such as water and refuse collection. The Resolution implements procedures for conducting these protest hearings pursuant to article XIII D, section 6.

**Background**

In 1996, the voters approved Proposition 218, adding Articles XIII C and D to the California Constitution. Proposition 218 created a new category of fees and charges commonly referred to as property-related fees. Property-related fees are ones that are imposed “upon a parcel or upon a person as an incident of property ownership, including a user fee for a property-related service.”<sup>1</sup> Examples of property fees include fees for sewer, water and refuse collection services. Proposition 218 contains both substantive and procedural elements. The substantive provision requires cities to only charge users for the actual cost of the property-related service charge and prohibit rate groups from cross-subsidizing other rate groups. (For example, customer rates may not be used by the city to subsidize a low-income rate program.) The procedural requirements of Proposition 218 require the city to give property owners the right to protest such fees through a majority protest hearing before imposing new or increased water and refuse collection service fees.<sup>2</sup>

Article XIII D, section 6 establishes the procedural requirements for imposing new, or increasing existing, property-related fees and places substantive limitations on the use of the revenue collected from such fees. Local governments must comply with the following procedures before imposing or increasing property-related fees or charges:

1. Identify the parcels upon which a fee or charge is proposed for imposition;
2. Calculate the amount of the fee proposed to be imposed on each parcel;
3. Provide written notice by mail to the “record owner” of each identified parcel;
4. Conduct a public hearing on the proposed fee not less than 45 days after the mailing;

<sup>1</sup> Cal. Const. art. XIII D, section 2 (e).

<sup>2</sup> Article XIII D, section 6(c).

5. Consider all protests against the proposed fee or charge; and
6. If written protests against the fee are presented by a majority of owners of the identified parcels, the fee cannot be imposed.

Local agencies are encouraged to adopt a resolution to establish local procedures for rate protest hearings.

### **Analysis**

The attached Resolution sets forth the guidelines for submissions and tabulation of protests in connection with utility rate hearings. For the City of Menlo Park, the two utilities that would be subject to these procedures are water and refuse collection services.

In accordance with State law, the Resolution requires notices to be sent to property owners containing:

- description of the fee;
- provides a 45-day notice period;
- designates the city clerk to tabulate the votes;
- clarifies that only one vote will be counted per parcel; and
- requires the written protests to be submitted before the conclusion of the public hearing.
- If more than 50 percent of the parcels file timely protests, the City Council will not be able to increase the rates.

For public health and safety, and due to COVID-19 related restrictions in place, the Resolution includes an exception to certain rules for submitting protests. Section 3(E) of the Resolution sets forth the “Special COVID-19 State of Emergency Exception” which allows for written protests to be submitted by email to the city clerk using a digital signature. The Special COVID-19 State of Emergency Exception expires 15 days after the Governor lifts the COVID -related state of emergency.

### **Impact on City Resources**

Adopting this resolution has no impact on City resources, though having a standardized policy reduces the chance of a procedural attack to the imposition of increased utility fees.

### **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Section 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment. No further environmental review is necessary.

### **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 No. 6580 approving rate increase protest procedures

Staff Report #: 20-175-CC

Report prepared by:  
Jennifer A. Beyers

Report approved by:  
Cara E. Silver, Interim City Attorney

**RESOLUTION NO. 6580****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
APPROVING GUIDELINES FOR SUBMISSIONS AND TABULATION OF  
PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED  
PURSUANT TO ARTICLE XIII D, SECTION 6 OF THE CALIFORNIA  
CONSTITUTION**

WHEREAS, Article XIII D, Section 6 of the California Constitution requires the City Council to consider written protests to certain proposed increases to utility rates; and

WHEREAS, utility rates subject to Article XIII D, Section 6 of the California Constitution include fees or charges imposed as an incident of property ownership, for example fees or charges for sewer, water, and refuse; and

WHEREAS, Article XIII D, Section 6 of the California Constitution does not offer specific guidance as to who may submit protests, how protests are to be submitted, or how the City of Menlo Park ("City") is to tabulate protests; and

WHEREAS, upon adoption of this resolution, any and all resolutions, or rules or regulations of the City in conflict with it, shall be repealed and shall have no further force or effect.

NOW, THEREFORE BE IT RESOLVED, by the City, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore do hereby resolve that the guidelines set forth below apply when notice of a public hearing with respect to the adoption or increase of utility rates subject to Article XIII D, Section 6 has been given by the City ("Guidelines"):

**Section 1: Definitions**

Unless the context plainly indicates another meaning was intended, the following definitions shall apply in construction of the Guidelines.

- A. "Parcel" means a County Assessor's parcel the owner or occupant of which is subject to the proposed charge that is the subject of the rate hearing.
- B. "Record owner" mean the person or persons whose name or names appear on the County Assessor's latest equalized assessment roll as the owner of the parcel.

**Section 2: Notice Delivery**

Notice of proposed rates and public hearing shall be as follows:

- A. The City shall give notice of proposed rates via U.S. mail to all record owners served by the City no less than forty-five (45) days prior to the public hearing.
- B. The City will post the notice of proposed charges and public hearing at its official posting sites.

**Section 3: Protest Submittal.**

- A. Any record owner who is subject to the proposed utility charge that is the subject of the hearing may submit a written protest to the City Clerk, by:
  1. Delivery to City Clerk's Office at City Hall, 701 Laurel Street, 2<sup>nd</sup> Fl., Menlo Park, CA 94025
  2. Mail to the City Clerk at City Hall, Attn: City Clerk, 701 Laurel Street, 2<sup>nd</sup> Fl., Menlo Park, CA 94025
  3. Personally submitting the protest at the public hearing.

- B. Protests must be received by the end of the public hearing, including those mailed to the City. No postmarks will be accepted; therefore, any protest not physically received by the close of the hearing, whether mailed or not mailed prior to the hearing, shall not be counted.
- C. Because an original signature is required, emailed, faxed and photocopied protests shall not be counted.
- D. Although oral comments at public hearing will not qualify as a formal protest, unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed charges.
- E. Special COVID-19 State of Emergency Exception: Notwithstanding Sections 3 (A) and (C) above, in lieu of an original signature, a written protest may be submitted using a digital signature and emailed to the City Clerk at jaherren@cityofmenlopark.org. Any protests submitted under this exception must still meet the requirements set forth in Section 4 below except an original signature may be substituted with a digital signature. This Special COVID-19 State of Emergency Exemption expires fifteen days after the Governor lifts the COVID-19-related state of emergency.

**Section 4: Protest Requirements.**

- A. A written protest must include:
  - 1. A statement that it is a protest against the proposed rate that is the subject of the hearing;
  - 2. Name of the record owner who is submitting the protest;
  - 3. Identification of the assessor's parcel number, street address, or utility account number of the parcel with respect to which the protest is made; and
  - 4. Original signature and legibly printed name of the record owner who is submitting the protest.
- B. Protests shall not be counted if any of the required elements (1-4) outlined in the preceding subsection "A" are omitted.

**Section 5: Protest Withdrawal.**

Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall be signed by the person who submitted the protest and contain sufficient information to identify the affected parcel and the name of the record owner who submitted both the protest and the request that it be withdrawn.

**Section 6: Multiple Record Owners.**

- A. Each record owner of a parcel served by the City may submit a protest. This includes instances where:
  - 1. A parcel is owned by more than one record owner or more than one name appears on the City's records as the customer of record for a parcel, or
  - 2. Multiple parcels are served via a single utility account, as master-metered multiple family residential units.
- B. Only one protest will be counted per parcel as provided by Government Code § 53755(b).

**Section 7: Transparency, Confidentiality, and Disclosure.**

- A. To ensure transparency and accountability in the fee protest tabulation while protecting the privacy rights of record owners, protests will be maintained in confidence until tabulation begins following the public hearing.

- B. Once a protest is opened during the tabulation, it becomes a disclosable public record, as required by state law and will be maintained in City files for two (2) years.

**Section 8: City Clerk.**

The City Clerk shall not accept as valid any protest if the City Clerk determines that the following is true:

- A. The protest does not state its opposition to the proposed charges.
- B. The protest does not name the record owner of the parcel identified in the protest as of the date of the public hearing.
- C. The protest does not identify a parcel served by the City that is subject to the proposed charge.
- D. The protest does not bear an original signature of the named record owner with respect to, the parcel identified in the protest. Whether a signature is valid shall be entrusted to the reasonable judgment of the City Clerk, who may consult signatures on file with the County Elections Official.
- E. The protest was altered in a way that raises a fair question as to whether the protest actually expresses the intent of the record owner to protest the charges.
- F. The protest was not received by the City Clerk before the close of the public hearing on the proposed charges.
- G. A request to withdraw the protest was received prior to the close of the public hearing on the proposed charges.

**Section 9: City Clerk's Final Decision.**

The City Clerk's decision that a protest is not valid shall constitute a final action of the City and shall not be subject to any internal appeal.

**Section 10: Majority Protest.**

- A. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners of a majority (50% plus one) of the parcels subject to the proposed charge.
- B. While the City may inform the public of the number of parcels served by the City when a notice of proposed rates is mailed, the number of parcels with active customer accounts served by the City on the date of the hearing shall control in determining whether a majority protest exists.

**Section 11: Tabulation of Protests.**

At the conclusion of the public hearing, the City Clerk shall tabulate all protests received, including those received during the public hearing, and shall report the result to the City Council. If the number of protests received is insufficient to constitute a majority protest, the City Clerk may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination. Further, if the number of protests received is obviously substantially fewer than the number required to constitute a majority protest, the City Clerk may determine the absence of a majority protest without opening the envelopes in which case protests are returned.

**Section 12: Report of Tabulation.**

If at the conclusion of the public hearing, the City Clerk determines that additional time is required to tabulate the protests, the City Clerk shall so advise the City Council, which may adjourn the meeting to allow the tabulation to be completed on another day or days. If so, the City Council shall declare the time and place of tabulation which shall be conducted in a place where interested members of the public may observe the tabulation, and the City Council shall

declare the time at which the meeting shall be resumed to receive and act on the tabulation report of the City Clerk.

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 twenty-fifth day of August, 2020, 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 twenty-fifth day of August, 2020.

---

Judi A. Herren, City Clerk





## STAFF REPORT

### City Council

Meeting Date:

8/25/2020

Staff Report Number:

20-187-CC

### Regular Business:

**Adopt a resolution designating the public works director and assistant public works director as the City's authorized agents to obtain federal financial assistance from the California Office of Emergency Services and Federal Emergency Management Agency**

### Recommendation

Staff recommends that the City Council approve a resolution (Attachment A) designating the public works director and assistant public works director (collectively Directors) as authorized agents to act on behalf of Menlo Park for the purpose of obtaining post-disaster public assistance grants from the California Office of Emergency Services (Cal OES) and Federal Emergency Management Agency (FEMA) for the Chrysler Stormwater Pump Station Improvements (Project.)

### Policy Issues

As the City's authorized agents, the Directors would be able to engage with Cal OES and FEMA for the purpose of obtaining federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and/or state financial assistance under the California Disaster Assistance Act. This request is consistent with standard grant processes and is procedural in nature.

### Background

The Chrysler Stormwater Pump Station, which is located at 1395 Chrysler Drive, drains 297 surface acres in an area roughly bounded by Marsh Road, Bayfront Expressway, Chilco Street, and the Dumbarton railroad tracks (Attachment B.) Originally built in 1958, the existing pump station protects the area from potential surface flooding that would result from a rainfall event with a 10-year return period (average time between rain events of equal or greater magnitude.) Due to its age, however, the facility has reached the end of its useful life.

In 2016, the City began design on a new pump station with a larger pumping capacity to provide the area with protection from potential surface flooding due to rainfall events with 100-year return periods. Additionally, the new pump station design included the ability to discharge flow against rising water levels in San Francisco Bay associated with sea level rise and would sit 24 inches above the FEMA designated 100-year base flood elevation.

On May 2, 2017, City Council approved a budget for the Project in the amount of \$6.2 million (Attachment C) based on schematic plans, not detailed construction drawings. The approved budget was anticipated to be sufficient to construct a replacement pump station capable of handling at least a 10-year return period rain event. The City continued design on a pump station capable of handling a 100-year rainfall event while

working to address a gap in project funding necessary to construct the pump station with an increased level of service.

**Grant funding**

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act provides for funding of up to 75-percent of hazard mitigation measures which substantially reduce the risk of, or increase resilience to, future damage, hardship, or loss in any state affected by a presidentially declared disaster. The funding is distributed by FEMA through the hazard mitigation grant program (HMGP,) which is administered by Cal OES.

On October 17, 2017, City Council approved a resolution designating the public works director as the City’s designated agent for the purpose of submitting HMGP applications for grant funding on behalf of the Project (Attachment D.)

In response to several presidentially-declared disasters in California in 2017, staff submitted an application in July 2018 requesting grant funding for the Project. On April 27, 2020, the City was notified that FEMA had approved funding for the project in the amount of \$5 million.

**Analysis**

Resolutions designating authorized agents are only valid for three (3) years following the date of approval. The current resolution authorizing the Public Works Director will expire October 17. Cal OES requires a designation of authorized agents to be on file for the purpose obtaining federal financial assistance. If a current designation is not on file with Cal OES, the City would be ineligible to access the \$5 million in funding for reimbursement of Project expenses.

**Impact on City Resources**

The current estimated cost for construction of the Chrysler Stormwater Pump Station to provide the 100-year level of service is \$10.4 million. City Council approved funding is shown in Table 1.

Table 1 – Project funding	
Item	Cost
Estimated project construction cost*	\$10,400,000
Project funding:	
Fiscal year 2016-17 City Council approved funding	\$6,200,000
Fiscal year 2019-20 City Council approved funding	\$5,000,000
<b>Total project funding</b>	<b>\$11,200,000</b>

The Project currently has an available fund balance of \$10,616,687. Funds received from the Hazard Mitigation Grant Program will be used to offset the funds expended for construction of the pump station to provide protection from a 100-year rain event.

### **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.

On May 2, 2017, the City Council determined that the Chrysler Stormwater Pump Station project is categorically exempt under Class 2 (Section 15302, "Replacement or Reconstruction") of the current CEQA Guidelines. Additionally, FEMA performed a National Environmental Policy Act review of the project and determined it was Categorical Excluded under Department of Homeland Security Categorical Exclusion N7 (Federal Assistance for Structure and Facility Upgrades.)

### **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. Designation of subrecipient's agent resolution
- B. Figure – drainage area
- C. Hyperlink – May 2, 2017 City Council staff report: [menlopark.org/DocumentCenter/View/14300/G1---Chrysler-PS?bidId=](http://menlopark.org/DocumentCenter/View/14300/G1---Chrysler-PS?bidId=)
- D. Hyperlink – October 17, 2017 City Council staff report: [menlopark.org/DocumentCenter/View/15772/F3--Chrysler-Pump-Station-Grant-Funding?bidId=](http://menlopark.org/DocumentCenter/View/15772/F3--Chrysler-Pump-Station-Grant-Funding?bidId=)

Report prepared by:  
Eric Hinkley, Associate Engineer

Report reviewed by:  
Christopher Lamm, Assistant Public Works Director

**DESIGNATION OF SUBRECIPIENT'S AGENT RESOLUTION  
Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program**

BE IT RESOLVED BY THE \_\_\_\_\_ OF THE \_\_\_\_\_  
(Governing Body) (Name of Applicant)

THAT \_\_\_\_\_, OR  
(Title of Authorized Agent)

\_\_\_\_\_, OR  
(Title of Authorized Agent)

\_\_\_\_\_  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the \_\_\_\_\_, a public entity  
(Name of Subrecipient)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Service for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the \_\_\_\_\_, a public entity established under the laws of the State of California,  
(Name of Subrecipient)

hereby authorizes its agent(s) to provide to the California Governor's Office of Emergency Service for all matters pertaining to such state disaster assistance the assurances and agreements required.

**Please check the appropriate box below:**

This is a universal resolution and is effective for all open and futures Disasters/Grants up to three (3) years following the date of approval below.

This is a Disaster/Grant specific resolution and is effective for only Disaster/Grant name/number(s) \_\_\_\_\_

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_ of  
(Name) (Title)

\_\_\_\_\_, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

Resolution passed and approved by the \_\_\_\_\_ of the \_\_\_\_\_  
(Governing Body) (Name of Applicant)

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

## **Cal OES Form 130** **Instructions**

**A new Designation of Applicant's Agent Resolution is required if the previously submitted document is older than three (3) years from the last date of Board/Council approval.**

When completing the Cal OES Form 130, Subrecipients should fill in the blanks on page 1. The blanks are to be filled in as follows:

### **Resolution Section:**

**Governing Body:** This is the individual or group responsible for appointing and approving the Authorized Agents. Examples include: Board of Directors, City Council, Board of Supervisors, etc.

**Name of Subrecipient:** This is the official name of the non-profit, agency, city, county or special district that has applied for the grant. Examples include: City of Sacramento; Sacramento County; or Los Angeles Unified School District.

**Authorized Agent:** These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Service regarding grants applied for by the subrecipient. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency (e.g.; City Clerk, the Authorized Agent, Secretary to the Director) and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names and titles of the Authorized Agents should be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

**Governing Body Representative:** These are the names and titles of the approving board members. Examples include: Chairman of the Board, Superintendent, etc. The names and titles cannot be one of the designated Authorized Agents.

### **Certification Section:**

**Name and Title:** This is the individual that was in attendance and recorded the Resolution creation and approval. Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person cannot be one of the designated Authorized Agents to eliminate "Self Certification."

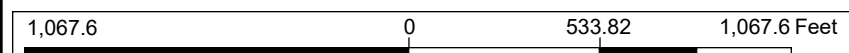


# Chrysler Stormwater Pump Station - Drainage Area



Legend

1:6,406



NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
City of Menlo Park GIS

This map is for reference purposes only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. The City of Menlo Park and its staff shall not be held responsible for errors or omissions. Please contact City staff for the most current information.

Notes



## STAFF REPORT

### City Council

Meeting Date:

8/25/2020

Staff Report Number:

20-185-CC

### Regular Business:

**Award a construction contract to Golden Bay Construction, Inc. for the Pierce Road sidewalk and San Mateo Drive bike route installation project**

## Recommendation

Staff recommends that the City Council award a construction contract to Golden Bay Construction, Inc. in the amount of \$353,957, and approve a contingency in the amount of \$54,000 for the Pierce Road sidewalk and San Mateo Drive bike route installation project (Project.) The Project includes improvements on Coleman Avenue, although not mentioned in the official project title.

## Policy Issues

The Project is included in the City's 2019-20 capital improvement plan (CIP) and is consistent with the 2016 general plan circulation element. The Project will provide improvements to the City's bicycle and pedestrian infrastructure to close gaps in the existing multimodal transportation system.

## Background

On November 6, 2017, the San Mateo County Transportation Authority (TA) issued a call-for-projects for the Measure A pedestrian and bicycle grant program. In response, December 5, 2017, the City Council adopted a resolution of support to submit an application and authorize the city manager to enter into necessary funding agreements to accept the funds (Attachment A.)

On July 5, 2018, the TA and the City of Menlo Park entered into a funding agreement to establish the process, terms and conditions governing the allocation and expenditure of Measure A funds. The TA allocated up to \$805,600 toward the scope of work described in the application (Grant Project.) These funds can be used for the plans, specifications and estimates (PS&E) and construction phases. The funding agreement requires the City to provide at least 20 percent of the scope of work costs. The City allocated \$201,400 from local Measure A funds to cover these costs.

The Scope of Work agreed to on the Grant Project consists of the following (See Attachment A and Attachment B for more information:)

1. Pierce Road sidewalk improvements
2. Coleman Avenue sidewalk improvements
3. San Mateo Drive/Wallea Drive and Ringwood Avenue bike route markings
4. *Middle Avenue and Blake Street crosswalk enhancements*
5. *Middle Avenue and San Mateo Drive crosswalk enhancements*

City staff split the Grant Project into two separate design/construction projects. The design of items 4 and 5 are currently underway and will not be included in this Project.

For fiscal year 2019-20, the City Council allocated additional funding of \$200,000 from the City’s transportation impact fee (TIF) to this Project. These funds would be used to cover additional scope of work along Pierce Road which was not included in the Measure A funding agreement (Attachment B) The additional scope of work was included in this Project as an Alternate A bid item.

The Pierce Road sidewalk improvements required the removal of eight trees (including four heritage trees.) For this reason, the City partnered with the nonprofit Canopy, who will plant over 40 new trees along Pierce Road. Funding will be provided by JB Matteson as part of the sixty-two trees for Menlo Park program. These trees are scheduled to be planted in December 2020.

**Analysis**

On August 5, the City opened bids for the Project with the results shown per Table 1.

Table 1: Bid results	
Bidder	Bid price
Engineer’s estimate	\$627,220
Golden Bay Construction, Inc.	\$353,957
J.J.R. Construction, Inc.	\$379,428
FBD Vanguard Construction, Inc.	\$471,732
Sposeto Engineering Inc.	\$475,428
Redwick Construction Co.	\$593,044
Granite Construction Company	\$629,844
Tri Valley Excavating Co., Inc.	\$833,214

Of the 7 bids received, Golden Bay Construction, Inc. offered the lowest price at \$353,957. This bid consists of a base bid of \$287,849 and Alternate A bid of \$66,108. Staff verified the background and reference of the contractor and is satisfied with its past performance. Additionally, staff determined the low bidder to be both responsive and responsible per the Project contract and public contracting code. Staff recommends the City Council award a construction contract to Golden Bay Construction, Inc. in the amount of \$353,957 and approve a contingency in the amount of \$54,000.

**Impact on City Resources**

The anticipated Project budget is summarized in Table 2, with the expected cost of construction, contingency, and construction administration in the amount of \$482,957. This figure includes a 15 percent contingency based on the construction award and the construction administration costs. The Grant Project is included in the 2019-20 capital improvement program and has \$1,207,000 in total funding (including \$805,600 from New Measure A grant funding.) Any unused portion of the \$201,400 local match will remain in the City’s Measure A fund. Any surplus from the \$200,000 funded by the City, will be reimbursed to the TIF fund.



Table 2: Construction budget	
Item	Amount
Construction bid	\$353,957
15% contingency	\$54,000
Construction administration	\$75,000
<b>Total construction</b>	<b>\$482,957</b>
Available funding	\$1,207,000

**Environmental Review**

This project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines §§ 15301(c) and 15301(d) Existing Facilities.

**Public Notice**

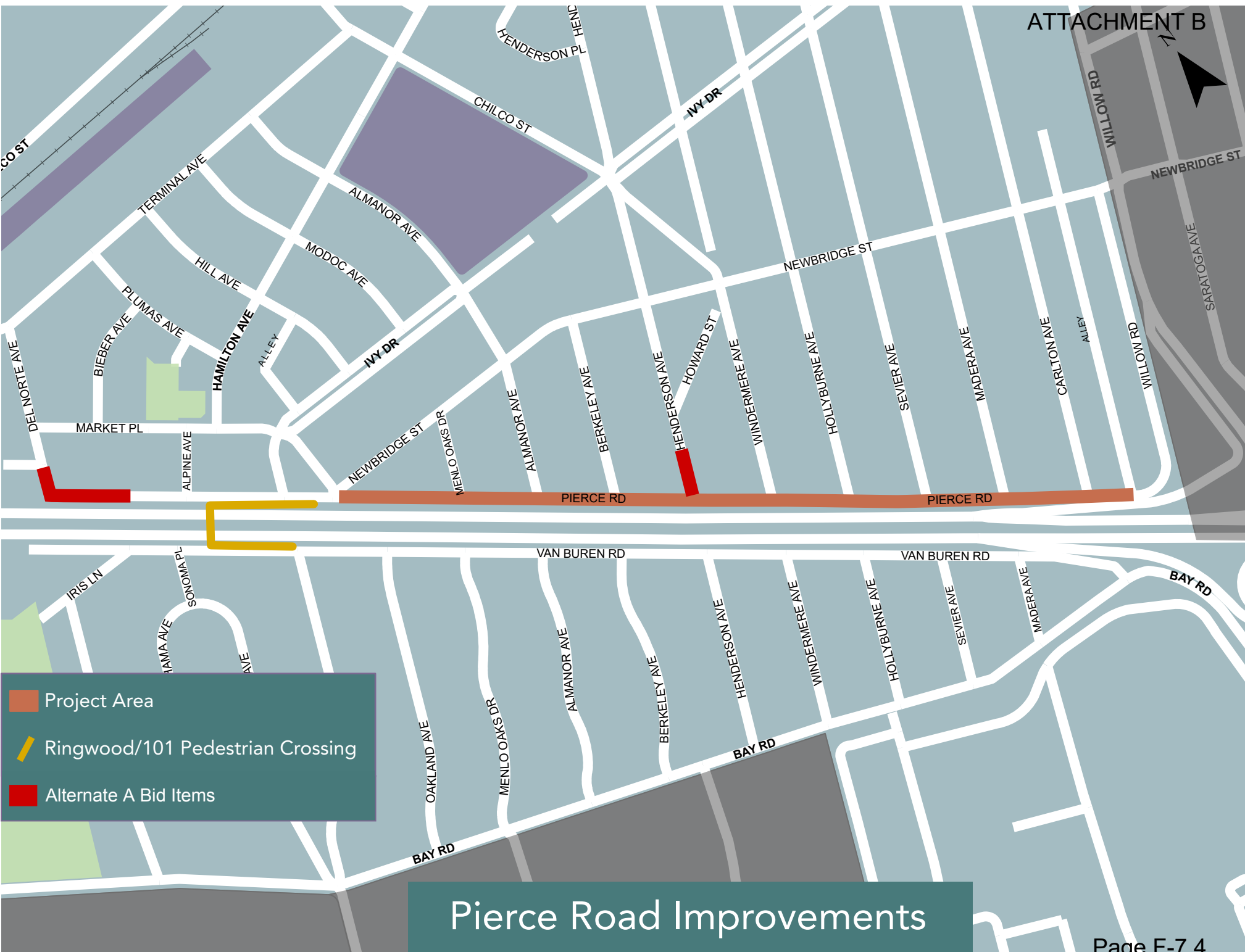
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.




**Attachments**

- A. Hyperlink – December 5, 2017 City Council staff report:  
[menlopark.org/DocumentCenter/View/16110/G5---Transportation-Authority-Pedestrian-and-Bicycle-Program?bidId=](http://menlopark.org/DocumentCenter/View/16110/G5---Transportation-Authority-Pedestrian-and-Bicycle-Program?bidId=)
- B. Project location map

Report prepared by:  
Scott Jaw, Junior Civil Engineer

Report reviewed by:  
Christopher T. Lamm, Assistant Public Works Director



-  Project Area
-  Ringwood/101 Pedestrian Crossing
-  Alternate A Bid Items

# Pierce Road Improvements



# San Mateo Drive and Wallea Drive Bike Route Installation



- Project Area
- Ringwood/101 Pedestrian Crossing

# Ringwood Avenue Bike Route Installation



COLEMAN AVE

SANTA MONICA AVE

 Project Area

# Coleman Avenue Improvements



## STAFF REPORT

### City Council

Meeting Date:

8/25/2020

Staff Report Number:

20-186-CC

Choose an item.

**Adopt Resolution No. 6582 accepting the Alcoholic Beverage Control grant to support programs deterring alcohol sales to minors**

### Recommendation

The staff recommends that the City Council adopt a resolution to accept a grant awarded in the amount of \$54,400 from the California Department of Alcoholic Beverage Control (ABC) mini grant program to support department's efforts to deter alcohol sales to minors.

### Policy Issues

The proposed action and spending plan require City Council authorization.

### Background

The ABC multiprogram mini grant program provides funding to support three programs: the minor decoy program, the shoulder tap program, and IMPACT (Informed Merchants Preventing Alcohol-Related Crime Tendencies) inspections. The funding for the project comes from the Office of Traffic Safety through the National Highway Safety Administration. The City has been a recipient of ABC mini grant funding previously. The 2020 grant program would provide funding for overtime costs associated with enforcement operations. The funds must be spent by June 30, 2021.

### Analysis

One of the police department's priorities is to address quality of life issues which include the illegal purchasing and distribution of alcoholic beverages by and to minors. Statistics from the Office of Traffic Safety for the year 2017 show the City of Menlo Park was ranked 8 out of 94 cities of similar population for "total fatal and injury" collisions. The City of Menlo Park was ranked 46 out of 94 cities with 11 incidents of alcohol being involved. The City of Menlo Park was ranked 33 out of 94 in driving under the influence with 53 arrests made in 2017.

In addition, there are many public and private high schools, colleges, parks and other various public venues located near the 106 Alcohol Beverage Control licensee establishments in the City of Menlo Park. The Menlo park police department has responded to many incidents where minors were found to have been intoxicated. Investigations revealed that minors obtained alcohol from either establishments or adults furnishing the alcohol to them.

This grant focuses on education and enforcement. The funds would allow the Menlo Park police department to expand its present efforts in identifying and targeting potential problematic ABC licensed establishments. The grant would fund ~~15~~eight overtime minor decoy operations, ~~15~~eight shoulder tap operations, and ~~15~~five IMPACT inspections.

The goal of the minor decoy program is to reduce the number of licensees who sell alcoholic beverages to minors. The minor decoy program has proven to be a significant and effective tool for law enforcement officials in combating sales of alcoholic beverages to underage persons.

The shoulder tap program is used to detect and deter adults who furnish alcoholic beverages to minors. "shoulder tapping" refers to the practices used by minors to obtain alcohol from adult strangers near off-sale retail outlets.

IMPACT inspections focus on licensee education. Officers randomly select licensed outlets to conduct business friendly compliance inspections. The officers look for loitering, litter, graffiti, posted signs, lack of food service in restaurants, illegal weapons or other violations. The licensee must then correct any problem areas. Follow up visits are then conducted to ensure the licensee has corrected the problems.

In addition to educating the public regarding the sales and distribution of alcohol to minors, conducting minor decoy programs, shoulder tap programs, and IMPACT Inspections would emphasize the legalities regarding the sales of alcohol to minors.

### **Impact on City Resources**

The fiscal year 2020-2021 grant funds must be spent or encumbered by June 30, 2021.

### **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. Alcoholic Beverage Control agreement
- B. Resolution No. 6582

Report prepared by:  
David C. Spiller, Chief of Police

SCO ID: 2100-20APP25

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

**STANDARD AGREEMENT**

STD 213 (Rev. 03/2019)

AGREEMENT NUMBER 20-APP25	PURCHASING AUTHORITY NUMBER (if Applicable) ABC-2100
------------------------------	---

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

Alcoholic Beverage Control

CONTRACTOR NAME

City of Menlo Park through the Menlo Park Police Department

2. The term of this Agreement is:

START DATE

July 1, 2020

THROUGH END DATE

June 30, 2021

3. The maximum amount of this Agreement is:

\$ 54,400.00 Fifty four thousand four hundred dollars and no cents

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibits	Title	Pages
Exhibit A	Scope of Work	
Exhibit B	Budget Detail and Payment Provisions	3
Exhibit C *	General Terms and Conditions	4
+ - Exhibit D	Special Terms and Conditions	1
+ - Attachment RFP	RFP Scope of Work	

Items shown with an asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>

**IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.**

**CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

City of Menlo Park through the Menlo Park Police Department

CONTRACTOR BUSINESS ADDRESS

701 Laurel Street

CITY

Menlo Park

STATE

CA

ZIP

94025

PRINTED NAME OF PERSON SIGNING

Dave Spiller

TITLE

Chief of Police

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED



STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

**STANDARD AGREEMENT**

STD 213 (Rev. 03/2019)

AGREEMENT NUMBER <b>20-APP25</b>	PURCHASING AUTHORITY NUMBER (If Applicable) <b>ABC-2100</b>
-------------------------------------	--

**STATE OF CALIFORNIA**

CONTRACTING AGENCY NAME

Alcoholic Beverage Control

CONTRACTING AGENCY ADDRESS

3927 Lennane Drive, Suite 100

CITY

Sacramento

STATE

CA

ZIP

95834

PRINTED NAME OF PERSON SIGNING

Patty Nelson

TITLE

Chief, Business Management Branch

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (If Applicable)

## **EXHIBIT A SCOPE OF WORK**

### **I. SCOPE OF WORK**

- Contractor agrees to implement the Department of Alcoholic Beverage Control (ABC), Alcohol Policing Partnership program. This program is intended to work with law enforcement agencies to develop an effective, comprehensive and strategic approach to eliminate the crime and public nuisance problems associated with problem alcoholic beverage outlets.
- Contractor agrees to implement ABC's Minor Decoy, Shoulder Tap Programs and conduct Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Inspections. These Programs target both ABC licensed premises and individuals who furnish alcoholic beverages to the underage operators. The project is targeted to reduce underage drinking and the resultant DUI driving injuries and fatalities, and/or property damages, reduce youth access to alcoholic beverages through the education of licensee, enforcement intervention and the impressions of omnipresence of law enforcement. In addition, Contractor agrees to the following goals:
  1. The operation period of the grant is July 1, 2020 through June 30, 2021.
  2. Contractor agrees to raise public awareness that selling, serving and/or furnishing alcoholic beverages to individuals under twenty-one years old is a criminal violation that will be prosecuted by local city and district attorneys.
  3. Minor Decoy operations are designed to educate and deter licensed locations from selling/furnishing alcohol to minors. Contractor agrees to conduct Minor Decoy Operations at both "On-Sale" and "Off-Sale" licensed establishments within the operation period of the grant.
  4. Shoulder Tap operations are used to detect and deter adult furnishers outside of a licensed business. Contractor agrees to conduct Shoulder Tap Operations at "Off-Sale" licensed locations to apprehend adults that are unaffiliated with the licensed businesses and who are purchasing alcohol for minors outside of the stores within the operation period of the grant.
  5. Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) primary goal is to educate licensee's on alcohol related laws to help reduce alcohol-related crime in and around licensed premises. Contractor agrees to conduct visits and inspections of licensed premises identifying areas of non-compliance at "On-Sale" and "Off-Sale" licensed locations within the operation period of the grant.

### **II. GOALS AND OBJECTIVES**

1. Conduct at least eight (8) Minor Decoy operations
2. Conduct at least eight (8) Shoulder Tap operations
3. Conduct at least five (5) IMPACT operations
4. Conduct at least two (2) General Enforcement operations

5. Conduct at least two (2) Undercover operations around problem establishments
6. Issue at least two (2) press releases regarding special enforcement operations and other activities under this grant

Contractor agrees to issue press releases as follows:

- A. To announce the start of the program;
  - B. At the conclusion of each Minor Decoy Operation has been held (to announce the number of licensed premises who sold to the minor decoy)
  - C. At the conclusion of each Shoulder Tap Operation has been held (to announce the number of adults arrested for purchasing alcoholic beverages for the decoy).
7. Contractor will fax (916) 419-2599 or email each press release to the Department's Public Information Officer ([John.carr@abc.ca.gov](mailto:John.carr@abc.ca.gov)) as soon as it is released.
  8. Contractor agrees in all press releases, in addition to any credits the agency wishes to give, will include the following statement: "This project is part of the Department of Alcoholic Beverage Control's Alcohol Policing Partnership."

Contractor agrees to complete and submit monthly reports, on a format designed and provided by the Department of Alcoholic Beverage Control due no later than 15<sup>th</sup> of the following month.

### III. PROJECT REPRESENTATIVES

The project representatives during the term of this agreement will be:

Menlo Park Department  
Galen Fliege, Officer  
701 Laurel Street  
Menlo Park, CA 94025  
(650) 847-0574  
[gpfliege@menlopark.org](mailto:gpfliege@menlopark.org)

Department of Alcoholic Beverage Control  
Michelle Ott, APP Agent  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
(510) 774-4133  
[michelle.ott@abc.ca.gov](mailto:michelle.ott@abc.ca.gov)

Direct all fiscal inquiries to:

Menlo Park Department  
Patricia Barboza, Senior Accountant  
701 Laurel Street  
Menlo Park, CA 94025  
(650) 330-6632  
[pobarboza@menlopark.org](mailto:pobarboza@menlopark.org)

Department of Alcoholic Beverage Control  
Kristine Okino, Grant Coordinator  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
(916) 419-2572  
[Kristine.okino@abc.ca.gov](mailto:Kristine.okino@abc.ca.gov)

## **EXHIBIT B BUDGET DETAIL AND PAYMENT PROVISIONS**

### **I. INVOICING AND PAYMENT**

- For services satisfactorily rendered and upon receipt and approval of the invoice, the Department of Alcoholic Beverage Control agrees to pay a monthly payment of approved reimbursable costs per the Budget Detail of personnel overtime and benefits (actual cost) and/or allowable costs.
- Invoices shall clearly reference this contract number (20-APP25) and must not exceed the contract total authorized amount of \$54,400.00. Invoices are to be submitted on a monthly basis, on the prescribed form designed by the Department of Alcoholic Beverage Control.

Submit to:                      Department of Alcoholic Beverage Control  
   Attn: Kristine Okino, Grant Coordinator  
   3927 Lennane Drive, Suite 100  
   Sacramento, California 95834

- Payment shall be made in arrears within 30 days from the receipt of an undisputed invoice. Nothing contained herein shall prohibit advance payments as authorized by Item 2100-101-3036, Budget Act, Statutes of 2021.
- Contractor understands in order to be eligible for reimbursement; cost must be incurred on or after the effective date of the project, July 1, 2020 and on or before the project termination date, June 30, 2021.
- Revisions to the "Scope of Work" and the "Budget Detail" may be requested by a change request letter submitted by the Contractor. If approved, the revised Grant Scope of Work and/or Budget Detail supersedes and replaces the previous grant and will initiate an amendment. No revisions can exceed allotted amount as shown on the Budget Detail. The total amount of the grant must remain unchanged.
- Contractor agrees to refund to the State any amounts claimed for reimbursement and paid to Contractor which are later disallowed by the State after audit or inspection of records maintained by the Contractor.
- Only the costs displayed in the Budget Detail are authorized for reimbursement by the State to Contractor under this agreement. Any other costs incurred by Contractor in the performance of this agreement are the sole responsibility of Contractor.
- Title shall be reserved to the State for any State-furnished or State-financed property authorized by the State which is not fully consumed in the performance of this agreement. Contractor is responsible for the care, maintenance, repair, and protection of any such property. Inventory records shall be maintained by Contractor and submitted to the State upon request. All such property shall be returned to the State upon the expiration of this grant unless the State otherwise directs.
- Prior approval by the State in writing is required for the location, costs, dates, agenda, instructors, instructional materials, and attendees at any reimbursable training seminar, workshop or conference, and over any reimbursable publicity or educational materials to be made available for distribution. Contractor is required to acknowledge the support of the State whenever publicizing the work under this grant in any media.

**II. BUDGET DETAIL**

<b>COST CATEGORY</b>	<b>TOTAL COST</b>
<b>A. Personnel Services</b>	
<u>Overtime</u>	
Officers	\$49,400.00
Benefits – n/a	\$0.00
<b>TOTAL Personnel</b>	<b>\$49,400.00</b>
<b>B. Operating Expenses (attach receipts)</b>	
“Buy Money”	\$2,500.00
<b>TOTAL Operating</b>	<b>\$2,500.00</b>
<b>C. Equipment (attach receipts)</b>	
Wire, Digital camera, ID Card Reader (pre-approval required)	\$2,500.00
<b>TOTAL Equipment</b>	<b>\$2,500.00</b>
<b>D. Travel Costs</b>	
n/a	\$0.00
<b>TOTAL Travel</b>	<b>\$0.00</b>
<b>GRANT TOTAL</b>	<b>\$54,400.00</b>

### **III. BUDGET CONTINGENCY CLAUSE**

- It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.
- Due to current and on-going fiscal uncertainty caused by the COVID-19 crisis, the grantee may spend no more than fifty percent (50%) of the grant amount without prior written authorization from the Department. The Department intends to authorize expenditures beyond the amount of fifty percent (50%) should its fiscal condition allow.

### **IV. PROMPT PAYMENT CLAUSE**

- Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

## **EXHIBIT C GENERAL TERMS AND CONDITIONS**

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT:** This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **AUDIT:** Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. **INDEMNIFICATION:** Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. **DISPUTES:** Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. **TERMINATION FOR CAUSE:** The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.
8. **INDEPENDENT CONTRACTOR:** Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. **RECYCLING CERTIFICATION**: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
  
10. **NON-DISCRIMINATION CLAUSE**: During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)  
  
Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.
  
11. **CERTIFICATION CLAUSES**: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.
  
12. **TIMELINESS**: Time is of the essence in this Agreement.
  
13. **COMPENSATION**: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.
  
14. **GOVERNING LAW**: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
  
15. **ANTITRUST CLAIMS**: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.



- a. The Government Code Chapter on Antitrust claims contains the following definitions:
    - 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
    - 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.
  - b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.
  - c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.
  - d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.
16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:
- a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
  - b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. **UNENFORCEABLE PROVISION:** In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.
18. **PRIORITY HIRING CONSIDERATIONS:** If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.
19. **SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:**
  - a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
  - b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)
20. **LOSS LEADER:** If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

## **EXHIBIT D SPECIAL TERMS AND CONDITIONS**

1. **Disputes:** Any disputes concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Director, Department of Alcoholic Beverage Control, or designee, who shall reduce his decision in writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Department shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the State a written appeal addressed to the Director of the Department of Alcoholic Beverage Control. The decision of the Director of Alcoholic Beverage Control or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the State.
2. **Cancellation/Termination:** This agreement may be cancelled or terminated without cause by either party by giving thirty (30) calendar days advance written notice to the other party. Such notification shall state the effective date of termination or cancellation and include any final performance and/or payment/invoicing instructions/requirements. No penalty shall accrue to either party because of contract termination.
3. **Contract Validity:** This contract is valid and enforceable only if adequate funds are appropriated in Item 2100-101-3036, Budget Act of 2021, for the purposes of this program.
4. **Contractor Certifications:** By signing this agreement, Contractor certifies compliance with the provisions of CCC 04/2017, Standard Contractor Certification Clauses. This document may be viewed at: <https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>
5. If the State determines that the grant project is not achieving its goals and objectives on schedule, funding may be reduced by the State to reflect this lower level of project activity and/or cancel the agreement.



**State of California**  
**Department of Alcoholic Beverage Control**  
**Alcohol Policing Partnership Program**

**PROPOSAL COVER SHEET**  
 (TO BE COMPLETED BY APPLICANT AGENCY)

<b>1. Name of Applicant Agency:</b> Menlo Park Police Department	
<b>2. Description of Applicant Agency:</b> Provide your city or county and a brief summary of department size, staffing, and structure. The Menlo Park Police Department is a municipal police department in the State of California, incorporated in 1874. The department's public safety goals are accomplished through crime suppression, problem solving, crime analysis, community outreach, education and crime prevention strategies. The Menlo Park Police Department's sworn personnel consists of: one Chief of Police, two Commanders, nine Sergeants, six Corporals and 29 Officers. Sworn personnel are divided between the Operations Division (Patrol, Traffic, Code Enforcement, & Community Service and Engagement) and the Special Operations Division (Narcotics and General Investigations).	
<b>3. Number of Licenses in Project Area:</b> 106	<b>4. Population of Service Area:</b> 35,000
<b>5. Project Description:</b> Provide a list of your project's goals and objectives and briefly summarize. The Menlo Park Police Department will conduct ABC operations and education programs focused on reducing the availability of alcohol to minors, the reduction of alcohol related crimes, and the improvement of ABC licensed establishments in the city of Menlo Park.	
<b>6. Funds Requested:</b> \$56,900	<b>7. Project Period:</b> July 1, 2020 – June 30, 2021
<b>8. Acceptance of Conditions:</b> By submitting this proposal, the applicant signifies acceptance of the responsibility to comply with all requirements stated in the Request for Proposals. The applicant understands that ABC is not obligated to fund the project until the applicant submits correctly completed documents required for the contract.	
<b>A. Project Director (person having day-to-day responsibility for the project)</b>	<b>B. Chief of Police or Sheriff (authorizing official)</b>
Name: Officer Galen Fliege Address: 701 Laurel Street Menlo Park, Ca 94025 Phone: (650) 847-0574 Fax: (650) 327-4314 EMail Address: gpliege@menlopark.org Signature:	Name: Chief Dave Bertini Address: 701 Laurel Street Menlo Park, Ca 94025 Phone: (650) 330-6300 Fax: (650) 327-4314 EMail Address: dcbertini@menlopark.org Signature:
Title: Police Officer	Title: Chief of Police
<b>C. Fiscal or Accounting Official</b>	<b>D. ABC USE ONLY</b>
Name: Patricia Barboza Address: 701 Laurel Street Menlo Park, Ca 94025 Phone: (650) 330-6632 Fax: (650) 327-5391 EMail Address: POBarboza@menlopark.org Signature:	<b>RECEIVED</b>  MAR 30 2020  Dept of Alcoholic Beverage Control William Brics
Title: Senior Accountant	

### **1. Summary**

The Menlo Park Police Department is requesting funding for the Minor Decoy, Shoulder Tap, and IMPACT Inspection Grant from the California Alcoholic Beverage Control (ABC) for the fiscal year 2020/2021. The Menlo Park Police Department previously received one grant from Alcoholic Beverage Control (ABC) in the last 10 years. Due to Menlo Park Police Department's small size, we have 47 sworn, and limited officers, it is necessary to conduct Alcoholic Beverage Control operations on an overtime basis.

### **2. Problem Statement**

Statistics from the Office of Traffic Safety for the year 2017 show the City of Menlo Park was ranked 8 out of 94 cities of similar population for "Total fatal and injury" collisions. The total number of individuals injured or killed was 226. The City of Menlo Park was ranked 46 out of 94 cities with 11 incidents of alcohol being involved. The City of Menlo Park was ranked 33 out of 92 in Driving Under the Influence with 53 arrests being made in 2017. In addition, there are many public and private high schools, colleges, parks and other various public venues located near the 106 Alcoholic Beverage Control licensee establishments in the City of Menlo Park. If the Menlo Park Police Department receives an ABC Grant it will provide an opportunity to conduct increased enforcement activity. The Menlo Park Police Department could make a change to these patterns of behavior currently taking place in our community. These changes would be with respect to alcohol sales and the consumption of alcoholic beverages involving minors.

Minors have been found intoxicated at parties where adults have provided the alcohol. It was found that adults, or a licensee, had sold/furnished the alcoholic beverages to the intoxicated youth in many cases. The Menlo Park Police Department has responded to many such events and have been successful in investigating how the minors had access to the alcohol. The investigations revealed the minors obtained the alcohol from either establishments or adults furnishing the alcohol to them. Having Minor Decoy, Shoulder Tap, and IMPACT Inspections would not only put the establishments and adults on notice that furnishing alcohol to minors is illegal and not tolerated in Menlo Park, but would also educate the public.

### **3. Project Description**

Funding is needed to staff Minor Decoy, Shoulder Tap, and IMPACT Inspections. Menlo Park Police Officers are prepared to handle such operations and are committed to working with ABC in this endeavor.

Officer Fliege would be assigned as the Project Director if this grant were awarded to the Menlo Park Police Department.

The Menlo Park Police Department would commit to conducting 15 Minor Decoy operations, 15 Shoulder Tap operations, and 15 IMPACT Inspections within a 12-month period.

#### 4. Project Personnel

Officer Fliege will be conducting the grant and will be assisted by Officer Luevano. Officer Luevano has previously conducted ABC Grants which included Minor Decoy, Shoulder Tap and IMPACT Inspection operations for the Sacramento Police Department and the Menlo Park Police Department. During those operations, all GAP Grant obligations (goals and objectives) were completed on time, were within budget, and the results were favorable.

Officer Luevano is familiar with the logistics and documentation that is necessary prior to and at the completion of an operation; this includes the selection of the minor decoys and the laws regarding the deployment of minor decoys. Officer Luevano would also assist in the training of officers in the above-mentioned Alcoholic Beverage Control operations and laws.

Officer Fliege participated in an Alcoholic Beverage Control Minor Decoy operation and Shoulder Tap Operation when he was a minor. Officer Fliege has also assisted with IMPACT Inspections within the City of Menlo Park in the past. Officer Fliege has an interest in becoming more experienced and familiar with Alcoholic Beverage Control operations and laws.

Each operation would be approximately 4 hours and would include, at a minimum, 3 officers. Total time for all Officers would be 540 hours. The cost of overtime including benefits would be \$135,400, with \$2,500 for travel expenses, \$2,500 for equipment, and \$2,500 for operating expenses; the total grant request is \$142,900. This is the funding level we would request from ABC to fund this program. All other supplies and costs will be absorbed by the City of Menlo Park.

The Menlo Park Police Department has a close working relationship with the San Mateo District Attorney's Office. We make every attempt to enforce underage drinking and prevent the purchasing of alcoholic beverages by or for minors in the City of Menlo Park. We provide the San Mateo District Attorney's Office with valuable evidence to prosecute adults and youth crimes. Please see the attached letter of support from the San Mateo District Attorney's Office to show they endorse our efforts and will support us with this ABC grant.

The City of Menlo Park will issue a press release at the following times:

- July 1st, 2020 to announce the kick off of the grant
- Immediate press release/ss as well as announcements on the Menlo Park Police social media site after each Minor Decoy/Shoulder Tap indicating the results of the individual operation.
- June 30<sup>th</sup>, 2021 to announce the end of the grant

The Menlo Park Police Department is dedicated to protect our youth and citizens from becoming victims of crime or from being injured; which includes traffic collisions involving DUI, assaults, inebriated subjects, and many other crimes.

**BUDGET DETAIL**

Exhibit B

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST (Round budget amounts to nearest dollar)
<b>A. Personnel Services (Straight Time Salaries, Overtime, and Benefits)</b>	
A.1 Straight Time Nonc	\$0.00
A.2 Overtime      Police Officer II 180 hrs@91.49x3 Officers	\$49,400.00
A.3 Benefits      enefits not effected by overtime rate	\$0.00
<b>TOTAL PERSONNEL SERVICES</b>	\$49,400.00
<b>B. Operating Expenses (maximum \$2,500)</b>	
Minor Decoy Operations Expenses	\$2,500.00
<b>TOTAL OPERATING EXPENSES</b>	\$2,500.00
<b>C. Equipment (maximum \$2,500)</b>	
(Attach receipts for all equipment purchases to monthly billing invoice) Wire, digital camera, ID card reader	\$2,500.00
<b>TOTAL EQUIPMENT</b>	\$2,500.00
<b>D. Travel Expense/Registration Fees (maximum \$2,500)</b>	
(Registration fee for July 2020 APP Conference attendee is \$325 each) Travel/Registration fees for 3 Officers	\$2,500.00
<b>TOTAL TRAVEL EXPENSE</b>	\$2,500.00
<b>TOTAL BUDGET DETAIL COST, ALL CATEGORIES</b>	\$56,900.00

### OTHER FUNDING SOURCES

Complete the following to report the total funds available to support the activities related to accomplishing the goals and objectives of the contract. In the "Grant Funds" column, report the ABC funds requested by category. In the "Other Funds" column, report all other funds available to support the project by category (if none, leave blank). Then calculate the totals by category in the "Program Total" column. Total each column down to arrive at the total program funds available. (Round all budget amounts to the nearest dollar—No Cents.)

BUDGET CATEGORY	GRANT FUNDS	OTHER FUNDS	PROGRAM TOTAL
Personnel Services	\$49,400.00	\$0.00	\$49,400.00
Operating Expenses	\$2,500.00	\$0.00	\$2,500.00
Travel/Registration Fees	\$2,500.00	\$0.00	\$2,500.00
Equipment	\$2,500.00	\$0.00	\$2,500.00
<b>TOTALS</b>	<b>\$56,900.00</b>	<b>\$0.00</b>	<b>\$56,900.00</b>

**This form does not become part of the contract but is required in the Request for Proposals package.**



**RESOLUTION NO. 6582**

**RESOLUTION OF THE MENLO PARK CITY COUNCIL TO ACCEPT A GRANT AWARDED IN THE AMOUNT OF \$54,400 FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) MINI GRANT PROGRAM TO SUPPORT DEPARTMENT'S EFFORTS TO DETER ALCOHOL SALES TO MINORS**

WHEREAS, The Menlo Park City Council desires to undertake a certain project designated as the Alcoholic Beverage Control Grant to be funded in part from funds made available through the Alcohol Policing Partnership Program (APP) administered by the Department of Alcoholic Beverage Control (hereafter referred to as ABC);

NOW, THEREFORE, BE IT RESOLVED that Chief Bertini of the Menlo Park Police Department is authorized to execute on behalf of Mayor Taylor, Vice Mayor Combs, Council Members Nash, Carlton, and Mueller the attached contract, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.

IT IS AGREED that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and ABC disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

IT IS ALSO AGREED that this award is not subject to local hiring freezes.

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 twenty-fifth day of August, 2020, 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 twenty-fifth day of August, 2020.

---

Judi A. Herren, City Clerk



## STAFF REPORT

**City Council**

**Meeting Date:**

**8/25/2020**

**Staff Report Number:**

**20-177-CC**

**Regular Business:**

**Authorize the city manager to enter in an agreement with SZS Engineering to develop a self-evaluation and transition plan pursuant to the Americans with Disabilities Act**

### Recommendation

Staff recommends that the City Council authorize the city manager to enter into an agreement with SZS Engineering, not to exceed \$125,340, to develop a self-evaluation and transition plan pursuant to the Americans with Disabilities Act (Plan.)

### Policy Issues

The City Council must authorize the city manager to enter into this agreement as the cost of the Plan exceeds the city manager's spending authority. The Plan is required in accordance with Title II of the Americans with Disabilities Act (ADA) which sets accessibility requirements for public programs, services, and activities to individuals with disabilities. Developing the Plan and implementing recommendations that arise from it is consistent with City Council policy direction to pursue institutionalized bias reform, particularly to improve diversity, equity and inclusion efforts for City programs.

### Background

The ADA is a federal law prohibiting discrimination against disabled persons across five titles. Title II of the ADA requires governments to ensure public programs, services and activities are accessible. Title II also establishes physical access requirements for buildings and paths of travel in the public domain. To document compliance, Title II requires cities to conduct a self-evaluation and transition plan and make reasonable modifications where deficiencies from the ADA are discovered.

The self-evaluation is an analysis of City programs, services and activities. This typically includes surveying City staff and facilities, including buildings, parks and sidewalks, with respect to accessibility obligations and listing noted deficiencies. City programs and activities are also examined to ensure equal participation opportunities are attained. The transition plan lists corrective actions based on the self-evaluation. This document includes an itemized list of recommendations, schedules and estimates for correcting deficiencies. The transition plan also includes protocols for resolving grievances arising from potential violations.

Public entities with 50 or more employees were required to develop a transition plan by July 26, 1992, pursuant to the ADA. The ADA code has undergone various amendments since that time and public agencies periodically update their Plan, based on need, or in response to these changes. The City's existing Plan does not reflect latest ADA standards set in 2010. Consequently, a new Plan serves as a vital template to ensure projects, programs, and activities in Menlo Park observe standards for equal accessibility as mandated by federal law.

**Analysis**

Scope of work

The Plan will assess facilities for ADA compliance under the scope of work outlined in Table 1 and per locations in Attachment A. These facilities include City-owned buildings, parks and their associated frontages. Given the new Belle Haven community center and library project targeted for construction in summer 2021, the existing facilities scheduled for demolition were excluded from the scope of work. Although the City leases the Neighborhood Services Center at 871 Hamilton Avenue, it provides a public service under Title II and was included in the Plan. Public frontages along schools (including private schools) were also included to promote accessibility for students and pedestrians in conjunction with the City’s Safe Routes to School program. Furthermore, downtown Santa Cruz Avenue was listed in the analysis given the high density of foot-traffic, crossings and parking (on-street and public lots) along this corridor. The Plan will also assess City staff, policies, and programs and solicit input from stakeholders, including individuals with disabilities or organizations representing individuals with disabilities, during its development.

**Table 1: Scope of work**

Facility*	ADA assessment (not a comprehensive list)
City buildings	<ul style="list-style-type: none"> <li>Assess all exterior and interior public spaces for ADA accessibility (entryways, doorways, lobbies, hallways, bathrooms, etc.)</li> </ul>
City parks and parcels	<ul style="list-style-type: none"> <li>Parcels: assess interior pathways, fountains, benches, etc.</li> <li>Parks: fields, courts, playgrounds, pathways, fountains, bathrooms, benches, etc.</li> </ul>
Public right-of-way	<ul style="list-style-type: none"> <li>Frontages at City parcels and schools: assess sidewalks, driveways and intersections (crosswalks, push-buttons, curb ramps, etc.)</li> <li>Downtown Santa Cruz Ave.: assess sidewalks, driveways, intersections and parking (on-street and public lots.)</li> </ul>
Other	<ul style="list-style-type: none"> <li>Review all City programs and policies for accessibility</li> <li>Survey City employees to gauge understanding of ADA obligations</li> </ul>
*See Attachment A for a list of facility locations.	

Consultant selection

On April 8, staff issued a request for proposals (RFP) seeking qualified consultants to develop the Plan. The consultant will be tasked to perform the scopes of work per Table 2.

Table 2: Consultant tasks	
Task	General description
A: Due diligence	<ul style="list-style-type: none"> <li><b>Review:</b> evaluate municipal codes, related masterplans, programs, and activities for compliance with ADA accessibility requirements. Review buildings, parcels and public rights-of-way for compliance with accessibility requirements per Attachment A. Each facility will be accompanied by a report summarizing results.</li> <li><b>Outreach:</b> Consultant will assist in soliciting input from stakeholders, including members of the disabled community, during the Plan’s development.</li> </ul>
B: Self-evaluation and transition plan	<ul style="list-style-type: none"> <li><b>Self-Evaluation:</b> The consultant shall identify the method used for the self-evaluation, provide survey results and state all accessibility barriers.</li> <li><b>Transition Plan:</b> The consultant shall identify a prioritization criterion for correcting barriers. This document also includes recommendations, estimates, and a schedule of repair with personnel in charge of its implementation. Procedures for grievances and facility reports would also be included.</li> </ul>
C: Additional services	<ul style="list-style-type: none"> <li>Assist staff in updating the City’s GIS database to include deficient areas in the public right of way (sidewalks, ramps, etc.) to help track remedial efforts.</li> </ul>

On May 5, the City received seven responses per Table 3. A selection panel composed of three staff members ranked proposals individually. Finalists were chosen based on a number of selection criteria including overall cost, work methodology, proposal quality, familiarity with ADA guidelines, and references, amongst others. SZS Engineering was ranked as the top choice when considering these factors and the proposed scope of work is included as Attachment B. SZS Engineering also has a local office in Menlo Park and is a women-owned business. While DAC’s proposal offered the lowest price at \$69,120, the estimate did not include costs for Task C and is not reflective of the entire project scope. Additionally, DAC’s schedule is approximately six months longer when compared to SZS Engineering. Therefore, staff recommends that the City Council authorize the city manager to enter into an agreement with SZS Engineering to develop a self-evaluation and transition plan.

Table 3: Summary of RFP results	
Firm	Proposal cost
Accessology	\$246,260
Disability Access Consultants (DAC)	\$69,120
Jensen Hughes	\$139,900
LRS Architects	\$173,120
Owen Group	\$140,320
Sally Swanson Architects	\$127,939
<b>SZS Engineering (Recommended)</b>	<b>\$108,990</b>

Next steps

The estimated timeline to develop the Plan is six months. The consultant will abide by COVID-19 public health guidelines during the Plan’s development including activities under public outreach and review of City

facilities. Staff anticipates returning to City Council in a study session to present findings and seek feedback prior to the Plan's adoption.

### **Impact on City Resources**

This project is included in the capital improvement program as a project under City buildings (minor) which has sufficient available funds from the general capital fund. The total estimated cost for the consultant contract would be drawn from this project and totals \$125,340. This total includes a 15 percent contingency on top of the consultant's proposal cost (\$108,990 + \$16,350.)

### **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15601(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. Scope of work locations
- B. Select pages from SZS Engineering's proposal

Report prepared by:  
Michael Fu, Senior Civil Engineer

Report reviewed by:  
Christopher T. Lamm, Assistant Public Works Director

**SELF-EVALUATION AND TRANSITION PLAN**

## SCOPE OF WORK LOCATIONS

**BUILDINGS<sup>1, 2, 3</sup>**

#	NAME	ADDRESS
1	ARRILLAGA FAMILY GYMNASIUM	600 ALMA ST.
2	ARRILLAGA FAMILY GYMNASTICS	501 LAUREL ST.
3	ARRILLAGA FAMILY RECREATION CENTER	700 ALMA ST.
4	BELLE HAVEN CHILD DEVELOPMENT	410 IVY DR.
5	BURGESS POOL	501 LAUREL ST.
6	CITY HALL & POLICE LOBBY	701 LAUREL ST.
7	CORPORATION YARD	333 BURGESS DR.
8	COUNCIL CHAMBERS	701 LAUREL ST.
9	GATEHOUSE	555 RAVENSWOOD AVE.
10	MAIN LIBRARY	800 ALMA ST.
11	MENLO CHILDREN'S CENTER	801 LAUREL ST.
12	BOYS & GIRLS CLUB OF THE PENNINSULA	400 MARKET PL.
13	NEIGHBORHOOD SERVICES CENTER <sup>4</sup>	871 HAMILTON AVE.

1. UNLESS OTHERWISE NOTED, THE PROJECT WILL ASSESS THE BUILDING INTERIOR / EXTERIOR, SITE, AND ITS PUBLIC FRONTAGE

2. THE PROJECT WILL ASSESS THE PUBLIC FRONTAGE ONLY FOR CITY OWNED FACILITIES LEASED TO OTHERS

3. THE BELLE HAVEN COMMUNITY CENTER AND LIBRARY WERE EXCLUDED DUE TO ON-GOING EFFORTS TO RECONSTRUCT THIS FACILITY TENTATIVELY IN 2021

4. THE CITY LEASES THIS FACILITY FROM A PRIVATE OWNER THEREFORE THE PLAN WILL ASSESS THE BUILDING ONLY

**CITY PARKS<sup>1</sup>**

#	NAME	ADDRESS
1	BEDWELL BAYFRONT PARK	MARSH RD & BAYFRONT EXPRESSWAY
2	BELLE HAVEN TOT-LOT	CHILCO ST. AND IVY DR.
3	BURGESS PARK	701 LAUREL ST.
4	FREMONT PARK	SANTA CRUZ AVE. & UNIVERSITY DR.
5	HAMILTON PARK	HAMILTON AVE. & SAGE ST.
6	JACK W. LYLE PARK	640 FREMONT ST.
7	KARL E. CLARK PARK	HAMILTON AVE. & MARKET PL.
8	KELLY PARK	100 TERMINAL AVE.
9	NEALON PARK	800 MIDDLE AVE.
10	SEMINARY OAKS PARK	299 SANTA MONICA AVE.
11	SHARON HILLS PARK	ALTSCHUL AVE. & VALPARAISO AVE.
12	SHARON PARK	1100 MONTE ROSA DR.
13	STANFORD HILLS PARK	2400 BRANNER DR.
14	TINKER PARK	1550 SANTA CRUZ AVE.
15	FLOOD PARK (PUBLIC FRONTAGE ONLY) <sup>2</sup>	215 BAY RD.
16	WILLOW OAKS PARK	490 WILLOW RD.

1. PROJECT WILL ASSESS PARK FACILITIES AND ITS PUBLIC FRONTAGE.

2. FLOOD PARK IS COUNTY OWNED AND ONLY THE PUBLIC FRONTAGE IS INCLUDED AT THAT LOCATION.

## SCHOOL FRONTAGES<sup>1</sup>

#	NAME	ADDRESS
1	ALTO INTERNATIONAL SCHOOL	475 POPE ST.
2	BEECHWOOD SCHOOL	50 TERMINAL AVE.
3	BELLE HAVEN ELEMENTARY SCHOOL	415 IVY DR.
4	HILLVIEW MIDDLE SCHOOL	1100 ELDER AVE.
5	LA ENTRADA MIDDLE SCHOOL	2200 SHARON RD.
6	LYDIAN ACADEMY	815 EL CAMINO REAL
7	MID-PENNISULA HIGH SCHOOL	1340 WILLOW RD.
8	MENLO ATHERTON HIGH SCHOOL	555 MIDDLEFIELD RD.
9	MENLO SCHOOL	50 VALPARAISO AVE.
10	NATIVITY CATHOLIC SCHOOL	1250 LAUREL ST.
11	OAK KNOLL SCHOOL	1895 OAK KNOLL LN.
12	PHILLIPS BROOKS SCHOOL	2245 AVY AVE.
13	SACRED HEART SCHOOLS	150 VALPARAISO AVE.
14	ST. RAYMOND ELEMENTARY SCHOOL	1211 ARBOR RD.
15	TIDE ACADEMY	150 JEFFERSON DR.
16	TRINITY SCHOOL	2650 SAND HILL RD.
17	WILLOW OAKS SCHOOL	620 WILLOW RD.

1. ONLY PUBLIC FRONTAGES WITHIN CITY LIMITS WILL BE ASSESSED

## CITY DOWNTOWN

#	NAME	ADDRESS
1	PUBLIC PARKING LOT 1 TO 8	VARIABLES ALONG DOWNTOWN
2	SANTA CRUZ AVE	EL CAMINO REAL TO UNIVERSITY DR.

## SELECT PAGES FROM SZS ENGINEERING'S PROPOSAL

### A. Task A: Due Diligence

#### 1) Meetings

SZS will plan and facilitate meetings with City staff as required to assure their familiarity with the tools and reports developed under the plan, to keep City staff up to date on the project's status, and to finalize the project. At a minimum, meetings will include a project kickoff meeting, interim progress meeting, and a project conclusion/Transition Plan Database training meeting (in addition to any required site visits and City staff interview meetings needed for self-evaluation investigations and document research).

SZS will also propose and lead a process for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments. The process may include surveys, workshops, or other outreach methods as proposed by SZS.

#### 2) ADA Self-evaluation Overview & City Policies and Standards Review

A public entity's policies and practices are reflected in its laws, ordinances, regulations, administrative manuals or guides, policy directives, and memoranda. Other practices, however, may not be recorded or documented and may be based on local custom. Our work product will document and review existing City policies and procedures to create standard operating procedures for City staff to use and to facilitate equal treatment of all individuals. This process is an opportunity to educate City staff, demystify access, and create respect among the stakeholders involved. SZS can help to create a process to allow for discussion of the obstacles that stakeholders see and plan for how those barriers (physical and procedural) can be addressed.

We begin the process by talking to key stakeholders to identify issues that are common ground and other issues that may be barriers to the process. The ADA describes specific rules and requirements, but many ADA requirements, such as program access, are more conceptual and need to take into account the specifics of each situation or specific program. Disability types and needs vary widely in the general population and persons with disabilities do not always interact easily with the typical way that cities do business. Keep in mind that people with disabilities are the only group that can be discriminated against by the built environment.

While the various stakeholders groups may not agree, each group should be given a chance to give input and create specific objectives that will move the City toward full compliance. The public comment period is also a great opportunity to build bridges among the various stakeholders that can elicit a new level of pride in the community.

According to the US Department of Justice, the ADA Self-evaluation portion of this proposal is required, at a minimum, to carefully examine the following areas:



- 1) Each City program must be examined to determine whether any physical barriers to access exist. Steps to be taken will be identified to enable these programs to be accessible when viewed in their entirety, which may mean that all locations are not required to be physically accessible.
- 2) City policies and practices will be evaluated to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, activity or service.
- 3) City policies will be reviewed to ensure that they communicate with applicants, participants, and members of the public with disabilities in a manner that is as effective as its communications with others. If the facilities communicate with applicants and beneficiaries by telephone, they should ensure that TTY's or equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech.
- 4) City policies will be reviewed to ensure that they include provisions for readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and amanuenses for individuals with manual impairments. Methods for securing these services will be developed, including guidance on when and where these services will be provided.
- 5) City policies and procedures will be reviewed for the evacuation of individuals with disabilities during an emergency. Where no policy or procedure is in place, SZS will assist in formulating policies and procedures.
- 6) Written and audio-visual materials used by the City will be reviewed to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.
- 7) Where the City operates historic preservation programs, a review of those policies governing that use will be made to ensure that it gives priority to methods that provide physical access to individuals with disabilities.
- 8) City facility policies will be reviewed to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity, service, or decision that an undue financial and administrative burden will be imposed, are made properly and expeditiously.
- 9) City policies and procedures will be reviewed to ensure that individuals with mobility impairments are provided access to public meetings. This will involve correlation with ADA Transition Plan data.
- 10) City policies will be reviewed to ascertain whether measures have been taken to ensure that Facility employees are familiar with the policies and practices for the full participation of individuals with disabilities. A training program can be provided to employees, as an addition to the scope of work for this proposed project.
- 11) City policies will be reviewed to evaluate the current level of ADA Accessibility, including participation requirements, facilities used, staffing, transportation, communications and emergency procedures

Where this Self-evaluation process identifies City policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, City staff should take immediate remedial action to eliminate the impediments to full and equivalent participation. Structural modifications identified in the ADA Transition Plan that are required for program accessibility should also be made as expeditiously as possible. The US DOJ does not require public hearings for an ADA Self-evaluation, but the department strongly encourages public entities to consult with individuals with disabilities and organizations that represent them to assist in the Self-evaluation process.

During the Self-evaluation process, it is often valuable to interview key members of the staff of a public entity to gain their input, one-on-one. Generally, discrimination is not intentional; it frequently occurs by accident and the examination of those instances often generates innovative approaches, which can lead to changes in the way programs, services and activities are provided.

SZS will identify City programs, services and activities with assistance from City staff and provide staff/public questionnaires derived from the US DOJ ADA Toolkit and adapted to include California statutes and regulations to gather information on the current use and function of City facilities. The toolkit functions to gather information that, when combined with the physical access data, paints a picture of how a facility functions and how well staff understands the needs of persons with disabilities. Staff questionnaires can help to demonstrate areas that require improvement or clarification.

The inclusion of individuals with disabilities in this process adds a new dimension. Persons with disabilities have unique perspectives on a public entity's programs, activities, and services. For example, individuals with mobility impairments can readily identify barriers that prevent them from obtaining full access to and use of the public entity's programs, activities, and services. Similarly, individuals with hearing impairments can identify the communication barriers that hamper participation in a public entity's programs, activities, and services.

Please note that this project does not propose to include a review of employment practices or procedures of any kind.

- 1) SZS shall provide assistance in developing a Public Notice to post in each facility informing the public of this on-going process as a Statement of Commitment required by the US DOJ. This step marks the start of the *safe harbor* provision.
- 2) SZS will compile a list of Programs, Services and Activities that take place in City owned and leased facilities
  - Correlation of the locations for PSAs with field investigation findings will be used to determine Transition Plan components and priorities for barrier removal plan
- 3) SZS will conduct an intensive review of all written policies rules and regulations of the City and of all its departments to determine which policy areas, if any, have language or processes that may be discriminatory and not in compliance with the ADA.

- 4) SZS shall provide assistance in developing or amending grievance procedures and all public notices required by the ADA.
- 5) SZS shall provide the US DOJ ADA Toolkit questionnaires to the City and compile the results for inclusion into the policy and practice review process (Self-evaluation).
- 6) SZS shall evaluate the responses to the Toolkit and provide recommendations for improving existing policies and practice, where necessary.
- 7) SZS will provide questionnaires for use with City staff to determine areas where input or improvements are needed with existing policies or practices
- 8) Final Self-evaluation documents will be provided to the City for review and adoption.

### 3) City Building Assessments

- 1) Reference Drawings: SZS will compile plans for all City buildings, parking structures, outdoor recreational areas, and leased facilities requiring assessment. Where not available, SZS will compile evacuation plans required in each facility per California Code of Regulations, Title 19, Section 3.09, the California Health and Safety Code Section 13220 or utilize Google maps.
- 2) Field Investigations: SZS will conduct the necessary investigations of the areas of all City buildings, parking structures, outdoor recreational areas, pathways, and leased facilities contained in this scope of work.
- 3) SZS will work with the City to determine the areas within each facility that are used by the public, to ensure that barrier removal contained within the transition plan does not include staff areas required under Title I of the ADA to be remediated on a case-by-case basis only.
- 4) Access Compliance Assessment Reports (ACAR): SZS will create an Access Compliance Assessment Reports (ACAR) for each element within City owned/leased facilities that constitutes a violation of applicable code or law or that otherwise hinders or prevents access to persons with disabilities. Each ACAR will include, at a minimum:
  - a) A description of the element by category (water fountain, ramp, door) and location (building, room number, pathway name, etc.)
  - b) Photograph(s) of each barrier
  - c) As-built dimensions of the feature
  - d) The specific deficiencies of the feature compared to ADA, Chapter 11B of the California Building Code, and other relevant code/guideline
  - e) An effective barrier severity rating (relative level of impact to access)
  - f) Reference to code and code text defining the barrier to access
  - g) Proposed solution(s) to eliminate the barrier
  - h) An effective measure of the ease of removing the barrier (relative to cost etc.)

- i) Individual detailed cost estimate for each solution, for each facility and for each priority within the ADA Transition Plan
- j) Reference drawing/map showing the location of the barrier
- k) GPS coordinates and mapping for exterior barriers
- l) Barrier as-built measure (SF, LF, etc.)

#### **4) ROW & Parcel Assessment:**

- 1) Field Investigations: SZS will conduct field investigations of pedestrian facility that is frontage to schools, per the scope of work, along City streets to include curb ramps and crosswalks, where applicable, outdoor recreational areas, alleys, sidewalks, paths and parking lots.
  - a) GPS coordinates will be captured while performing the field investigation for each physical location for a barrier to access.
- 2) Access Compliance Assessment Reports (ACAR): SZS will create an Access Compliance Assessment Reports (ACAR) identifying each element within the public right-of-way included in this scope of work that constitutes a violation of applicable code or law or that otherwise hinders or prevents access to persons with disabilities (see ACAR description above).
- 3) Scooters and bike share risks (Hazards): Barriers to access that constitute a hazard will be reported to the City as the data collection process takes place, rather than at the end of the process.
- 4) GIS City map containing barriers to access in the PROW and exterior locations (parking lots, sidewalks, walkways, parks and recreation areas, etc.) to correlate all exterior barriers with building entrances, providing a mapping capability to produce a city-wide accessible entry map
- 5) ArcGIS custom geo-database containing all PROW barriers with implementation tools

SZS will evaluate the ACARs in aggregate to identify prominent trends, features requiring immediate barrier mitigation, and programmatic suggestions to improve facility/right-of-way accessibility for presentation in the final Transition Plan Overview.

#### **5) Public Outreach**

SZS proposes to assist the City in hosting outreach events, and soliciting input from stakeholders, per ADA §35.150(d)(1) during the development of the transition plan to provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan.

The importance of gaining input from the people that actually use City facilities is significant. Not only can they help in prioritizing barrier removal in ways that are meaningful, but the process of informing them of financial constraints and future plans can help to obtain buy-in and reduce the likelihood of future complaints and litigation. SZS proposes to work with the City to develop an outreach program to advise the public of the ADA Self-evaluation and Transition Plan project and to

provide an opportunity for interested persons, individuals with disabilities or organizations representing persons with disabilities to participate in the development of the plan. SZS proposes to provide the following services:

- a. Prepare program materials including preparation and compilation of responses to Public Outreach questionnaires and assist the City in eliciting public input into the ADA Transition Plan process, as necessary.
- b. SZS shall assist the City with organizing a Project Kick-Off Workshops to inform the community of the project and seek input on the scope of the project and receive initial input on the final plan. At the start of the process, the public notice should be posted at City facilities informing the public of the process.
- c. SZS shall attend the workshops, maintain a record of the proceedings and comments and be prepared to answer questions within our area of expertise.
- d. SZS shall attend the ADA Transition Plan Review Workshops, maintain a record of the proceedings and comments and be prepared to answer questions within their area of expertise.
- e. SZS shall attend the City of Menlo Park Council meeting in which the Transition Plan is presented for approval. SZS will be present to answer any technical questions that arise during the Council Meeting.

## **B. Task B: ADA Self-Evaluation and Transition Plan**

SZS will develop a comprehensive Transition Plan in accordance with the guidelines and requirements proposed in the Americans with Disabilities Act with data contained in the SZS Database. The Self-evaluation report will be provided to the City for review in a draft form and finalized after input from stakeholders within the City, as deemed necessary.

The Database data collection tool will 1) summarize the methods used to assess and schedule improvements across the City, 2) itemize deficiencies found across City facilities and public rights-of-way based on the results of the barrier assessments, policy review, and guidance from City staff, and 3) provide a tool to aid City staff in implementing the Transition Plan.

The findings in the ACARs will be stored and accessed in the ADA Transition Plan Database.

- 1) Transition Plan Overview: The Transition Plan process will include, but is not limited to:
  - a) The methodology for the evaluation of barriers
  - b) The methodology used in the prioritization of barrier remediation
  - c) A summary of remediation costs in three levels (barrier-specific, facility-specific and ADA TP implementation priority-specific)
  - d) An implementation phasing schedule
  - e) Procedures and tools for monitoring implementation
  - f) Procedures and tools for performing evaluations of additional barriers, including field training of City staff
  - g) Procedures and tools for adding additional facilities and rights-of-way to the associated database, including field training of City staff
  - h) Procedures and tools for filing Requests for Accommodation
  - i) Standard construction drawings for remediation methods
  - j) Accessibility Resources: A section within the ADA Transition Plan report shall also be included that lists references and contacts information for ADA and accessibility related resources.

- 2) Transition Plan Database: SZS will develop a database for the ADA Transition Plan using City-approved, industry-standard software. The database will hold all aspects of the Transition Plan including the findings of the Access Compliance Assessment Reports, the Transition Plan Overview, reference drawings, standard drawings, etc. The database will be the property of the City throughout its development and upon the completion of Transition Plan. The purpose of the database is to facilitate ongoing monitoring and updating of the final Transition Plan.

The database will contain coordinates for GIS mapping for all facilities and rights-of-way evaluated within this scope of work.

The data structure of the database will be developed in coordination with City staff to ensure its compatibility/comparability with existing City space data. The completed database will be housed on City servers and include, at a minimum, the following features for end use:

- a) A graphical user interface to facilitate ongoing monitoring and updating of the final Transition Plan
  - b) A map interface that allows City staff to view the location of identified barriers relative to each other and adjacent facilities and rights-of-way
  - c) And a tool to allow sorting barriers identified in the ACARs by multiple factors simultaneously (i.e. barrier facility/location, barrier type, relative severity, cost of remediation, etc.)
- 3) Final Self-evaluation Report: The final report is the culmination of this effort. The draft report will be provided to the City for review after the analysis of programs,

services and activities is completed and policies and practices have been reviewed.

In order to finalize the report, staff and public questionnaires must be distributed and received for analysis, the public outreach process must be completed, and interviews with key stakeholders regarding these elements has taken place. The results from the checklists contained in the ADA/CBC Tool Kit will also be analyzed and included in the final document.

### **C. Task C: Optional Service**

SZS is capable of and prepared to assist City Staff in providing information to the City's GIS website for deficient areas in the public right of way. This task will be limited to public sidewalks, driveways, and intersections (crosswalks, ramps, push buttons, etc.) unless otherwise requested. All files will become property of the City once the plan is complete. This work will be completed on a time and materials basis.



## STAFF REPORT

### City Council

Meeting Date:

8/25/2020

Staff Report Number:

20-176-CC

Regular Business:

Approve the 2020-21 Finance and Audit Committee workplan

### Recommendation

Staff recommends approval of the 2020-21 Finance and Audit Committee workplan.

### Policy Issues

City Council Procedure # CC-19-004 directs all advisory commissions and committees to develop an annual workplan, finalized by a majority of the commission/committee, and presented to the City Council for direction and approval on an annual basis.

### Background

The Finance and Audit Committee (FAC) met July 15 and August 12 to review the prior year's workplan and draft a workplan for fiscal year 2020-21. FAC members present at the August 12 meeting, representing a majority of the committee, unanimously recommended approval of a workplan to City Council. The workplan, as recommended by the FAC, is included as Attachment A.

The FAC largely completed the fiscal year 2019-20 workplan and City Council Procedure # CC 19-004 identifies a number of ongoing focus areas, including:

- 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

### Analysis

The FAC workplan for fiscal year 2019-20 was approved by City Council September 10, 2019, and has worked since that time to meet its mission of facilitating an environment that focuses on accurate, efficient, and transparent financial reporting in an easy to understand format. At the public meetings July 15 and August 12, the FAC reviewed the prior year's workplan items, as outlined in Table 1.



Table 1: Finance and Audit Committee 2019-20 workplan items		
Ref #	Title	Status
1	Research and recommend a tool(s) for City Council's use in financial decision-making	Complete
2	Review public documents/reporting and identify opportunities to improve presentation (formatting) and usefulness of information to City Council and the general public	
2a	2019-20 budget in brief	Complete
2b	2018-19 Comprehensive annual financial report (CAFR)	Complete
2c	2018-19 Popular annual financial report (PAFR)	Removed
2d	Fiscal year 2020-21 budget document	In progress
2e	Website dashboard	In progress
2f	Investment reports	Complete
3	Support delivery of easy-to-use, timely, complete and transparent financial information	
3a	Capital improvement plan (CIP) program	In progress
3b	Unfunded pension liability	In progress

As shown in Table 1, many of the initiatives undertaken by the FAC in fiscal year 2019-20 are substantially complete while several are still in progress. The implementation of the City’s new budget development and financial transparency software, OpenGov, has helped to make progress toward a number of FAC initiatives; however, the temporary suspension of advisory bodies during the COVID-19 stay at home order limited the FAC’s capacity in the latter half of fiscal year 2019-20.

Recommended workplan

The FAC identified three categories of workplan items:

1. Ongoing annual projects identified in the FAC charter
2. New or ongoing initiatives which support the FAC’s mission
3. Potential future initiatives

In the first category, the annual investment policy review and annual independent auditor’s report review are included in the fiscal year 2020-21 recommended workplan. In the second category, the FAC identified updated or continuing projects building upon the 2019-20 workplan and 2020-21 needs. Each of these projects is described briefly below and in greater detail in Attachment A.

*OpenGov support and community training*

While the OpenGov transparency platform offers the community a powerful tool to view the City’s financial information, it is sufficiently complex that some information may be difficult to find absent additional context. The FAC recommends including community perspective and developing “how to” guides in order to improve accessibility for the community. This work may build upon and be supplemented by work done by non-FAC volunteers, as has been started in coordination with staff during the 2020-21 budget development cycle. Due to the magnitude of this task, the FAC did not recommend use of a subcommittee for this project.

### *Capital improvement plan (CIP) accessibility*

Started in fiscal year 2019-20, the FAC created a subcommittee to review the five-year CIP and make recommendations on accessibility and information available. This project is in progress and would include a review of prior CIP documents as well as the recently-adopted CIP. While traditionally included as part of the annual budget process and now using the OpenGov platform, this project would supplement the OpenGov support project. The FAC recommended a two-member subcommittee to spearhead this project.

### *Pension liability communication*

Started in fiscal year 2019-20, the FAC created a subcommittee to review the City's pension obligations and how to best communicate and review an extraordinarily complex topic. The City completed its implementation of the GovInvest pension planning platform in late spring 2020 and may utilize this tool to better identify funding alternatives and communicate the City's pension obligations. The FAC recommended a three-member subcommittee to lead this project.

### *Comparative benchmarking*

New to the recommended workplan, the FAC identified contextual benchmarks as critical to understanding information. These benchmarks may use information which is not strictly financial in nature but convey important information in comparison with other similar organizations or communities. This project would focus on identification of benchmark metrics, comparators, and appropriate platform for displaying these benchmarks, potentially including the OpenGov platform. The FAC recommended a two-member subcommittee for this project.

### Potential future initiatives

The FAC maintains a running list of "parking lot" items which are outside the scope of recommended or approved workplans but which may be considered in future years or as workplan projects are completed. The full list of these items is included in Attachment A.

### Staff initiatives

In addition to the FAC's workplan review, the FAC received an update on staff initiatives as part of the July 15 and August 12 meetings. One major initiative, the implementation of OpenGov for budgeting and transparency, was identified as a focus area and included in the FAC's recommended 2020-21 workplan in recognition of the FAC's ability to provide critical insight into the needs of the community.

The other major initiative identified by staff for fiscal year 2020-21, upgrading or replacing the City's aging accounting software, was determined to be outside the scope of the FAC's charter. The FAC did express support for the initiative and staff expects to bring a recommendation for City Council's review in September 2020.

### **Impact on City Resources**

No additional City resources are required to begin work on the identified fiscal year 2020-21 recommended workplan items. Consulting services related to actuarial calculations of pension liabilities are included in the fiscal year 2020-21 adopted budget.

### **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. Recommended 2020-21 FAC workplan

Report prepared by:

Dan Jacobson, Assistant Administrative Services Director

Report reviewed by:

Nick Pegueros, Assistant City Manager

2020-21 Finance and Audit Committee recommended workplan		
Ref #	Recommended project	Subcommittee
1	Annual investment policy review	N/A
2	Annual independent auditor's report review	N/A
3	OpenGov support and community training	N/A
4	Capital improvement plan (CIP) accessibility	Royse, Westcott
5	Pension liability communication	Keet, Maguire, Shepherd
6	Comparative benchmarks	Shepherd, Westcott
Parking lot items		
	Sale of assets	
	Review of utility users' tax cap	
	Library financing	
	Listing of parcels exempt from property taxes	
	Developer agreements	
	Community amenities fund	
	Use of multiple investment advisors	
	Consultant and contractor policy review	



**STAFF REPORT**

**City Council**  
**Meeting Date:** 8/25/2020  
**Staff Report Number:** 20-179-CC

**Regular Business:** **Update on and consideration of extension/modifications to the Downtown street closure and temporary outdoor use permit pilot program**

**Recommendation**

Staff recommends that the City Council consider the feedback received on the Downtown street closure and temporary outdoor use permit pilot program and provide staff with direction for any modifications to the street closure and/or the program, including amendments to the urgency ordinance.

**Policy Issues**

Businesses in Menlo Park have experienced substantial financial losses since the stay-at-home order was enacted March 16. As the COVID-19 pandemic continues to force people to change the way they interact with businesses, many local jurisdictions are considering how to increase the viability of those businesses in this new environment. The current temporary program closes portions of Santa Cruz Avenue, suspends certain zoning requirements, waives processing fees for the temporary outdoor use permit, and utilizes funding from the Downtown streetscape capital improvement plan (CIP) fund to acquire materials for the street closure and assistance with barricades for businesses. The City Council should consider whether to continue or modify the program as approved and subsequently modified July 16 (Attachment A) or end the program September 17 as originally adopted.

**Background**

The City Council took steps to help mitigate the economic impacts of COVID-19 by ensuring that local businesses remain viable while operating in a safe manner. On June 19, the City Council adopted an urgency ordinance that allowed the partial closure of Santa Cruz Avenue and for staff to implement a temporary outdoor use program. The City Council subsequently amended the urgency ordinance July 16, to expand the allowed uses eligible for a temporary outdoor use permit and to modify the street closure pattern. On August 11, the City Council received an informational item (Attachment B) with additional background details and a status update of the permit program as part of a 45-day check-in. At that meeting, the City Council expressed interest in further discussion and an opportunity for action on the item. This staff report is scheduled as a regular business item so that the City Council may provide direction to staff and take action on the item if modifications are desired.

## Analysis

The Downtown street closure and temporary outdoor use permit pilot program was adopted with the understanding that it was both temporary and would need to be assessed and possibly adjusted during the term in order to be successful. The urgency ordinance established a 90-day expiration, ending September 17, for the street closure and pilot program. With COVID-19 cases rising and regulations tightening, businesses continue to struggle in this pandemic economy. Like Menlo Park, many cities are trying to reimagine how spaces could be used and how to support our local businesses. If the City Council wishes to extend the current pilot program, the program could be extended under the emergency authority. The City Council can also consider whether modifications are needed to the components of the program. The pilot program contains two main components, the Downtown street and right of way closure and the temporary outdoor use permit, and are briefly discussed below. Depending on the extent of the changes, the ordinance could be amended at the meeting of August 25 or it would return to the City Council September 8 as a consent item.

### Downtown street and right of way closure

A key component of the pilot program has been the closure of portions of Santa Cruz Avenue to allow for greater pedestrian social distancing and the ability to use on-street parking spaces and parking spaces in the parking plazas in the Downtown to expand business operations. Given initial feedback collected and presented by the Chamber of Commerce, modifications to the Santa Cruz Avenue street closure pattern were implemented, although portions of Santa Cruz Avenue remained closed to through traffic. The prior changes were suggested to replenish some on-street parking for retail and services and aid walk-in business. However, the City has received additional correspondence, mostly by Downtown merchants, expressing concerns about the closure of portion of Santa Cruz Avenue. While many believe the use of the on-street parking spaces has been generally a success, correspondence received indicate that the closure of Santa Cruz Avenue to through traffic in both directions has resulted in the loss of drive-by traffic and walk-in customers. Separately, the Chamber of Commerce conducted a 45-day review survey and received approximately 220 responses, with a majority being Downtown business operators. In general, the responses indicate that the Santa Cruz Avenue closure should temporarily remain in place and the current closure is “about right,” which is different from the sentiments in the correspondence the City has received. The Chamber of Commerce’s survey questions and results are included as Attachment C.

The City Council should consider the feedback that has been received and provide direction to staff if street modifications are desired. The City Council has a range of options from full street closure along Santa Cruz Avenue in Downtown to fully reopening the street. The City Council can also consider a hybrid model such as a partial street closure based on blocks and/or direction or the reopening of Santa Cruz Avenue to vehicular traffic while keeping on-street parking as flex space to allow businesses to expand their operations into this area. If changes to Santa Cruz Avenue and/or other parts of the right of way (e.g., on-street parking spaces) are requested, the City Council should also provide direction on the timing for the changes. The temporary closure of a roadway and the removal of on-street parking spaces would require staff time to post signs, a 72-hour noticing period before the area can be closed, and resources to make changes in the field.

### Temporary outdoor use permit

Staff has seen continued interest in the temporary outdoor use permit program and several merchants have expressed their gratitude for having the ability to expand their business into the on-street parking spaces, which has allowed them to keep their businesses in operation. The City Council should consider whether

the permit program should be extended beyond September 17, and if so, for how long. At the meeting of August 11, a few ideas were suggested, including an extension through daylight saving, which would occur November 1, or concluding the program at the end of the calendar year, which would allow for expanded operations during the holiday months. The City Council could also consider whether any changes are needed to provide further assistance to merchants. Currently, retail, restaurants, personal services such as salons and fitness studios are eligible for the temporary outdoor use permit. The City Council may wish to discuss whether the program should be expanded to additional uses. Staff has heard that one of the biggest hurdles to complying with the permit requirements is the cost to obtain barricades. The barricades safely delineate the business from vehicular traffic and staff does not recommend any modifications to this requirement. Instead, staff has acquired and deployed barricades to businesses that have requested assistance. Unless the City Council directs otherwise, staff will continue to use funds from the downtown streetscape capital fund to assist merchants with their temporary outdoor operations.

### Next steps

Businesses and staff have invested a substantial amount of time into this program and want to see it succeed. Depending on the direction provided, staff would update the urgency ordinance, either August 25 or September 8, and begin implementation as directed. If the program remains as adopted, with no change to the pilot program end date, staff would reopen Santa Cruz Avenue and the issued temporary outdoor use permits would expire September 17. Outdoor business operations permitted under this program would be required to cease at that time unless extended by the City Council.

### **Impact on City Resources**

The City Council made \$300,000 in the downtown streetscape capital improvement fund available for any unexpected expenses related to the closure of Santa Cruz and implementation of the temporary outdoor use permit process. Approximately \$30,000 of the funds have been used in the procurement of trees, water-filled barricades and concrete k-rail additional to that which was provided by MPFPD (Menlo Park Fire Protection District) and Facebook. Staff will continue to utilize those funds on unexpected expenses related to the program.

### **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. Urgency Ordinance No. 1071
- B. Hyperlink – August 11, City Council staff report: [menlopark.org/DocumentCenter/View/25906/L2-20200811-CC-update-on-the-Downtown-street-closure](https://www.menlopark.org/DocumentCenter/View/25906/L2-20200811-CC-update-on-the-Downtown-street-closure)

Staff Report #: 20-179-CC

C. Chamber of Commerce Downtown Santa Cruz Avenue street closure – 45-day review and survey results

Report prepared by:  
Deanna Chow, Assistant Community Development Director

Report reviewed by:  
Justin Murphy, Deputy City Manager



**ORDINANCE NO. 1071****AN URGENCY ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF MENLO PARK AMENDING ORDINANCE 1070  
CREATING A TEMPORARY OUTDOOR USE PERMIT FOR  
RESTAURANTS AND OTHER BUSINESSES AND  
TEMPORARILY CLOSING SANTA CRUZ AVENUE TO  
ALLOW FOR SUCH USE**

The City Council of the City Menlo Park does hereby ordain as follows:

**SECTION 1. FINDINGS AND DETERMINATIONS.** The City Council of the City of Menlo Park hereby finds:

A. The Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

B. A complete clinical picture of this respiratory disease is not yet fully understood;

C. On March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

D. On March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

E. On March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

F. On March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

G. On March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

H. On March 16, 2020, the Health Officer issued an order that, among other things, directed all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorized individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

I. On March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

J. The Health Officer issued subsequent orders restricting residents’ ability to operate businesses and restricting movement and commerce;

K. The existence of State and County stay at home orders have drastically impacted local businesses which have been unable to operate, absent designation as an essential business. Restaurants and other facilities that prepare and serve food, have only been able to operate for delivery or carry out, and retail businesses have had to close to in-person sales.

L. On April 28, 2020, the Governor announced a four-phase roadmap for relaxing the current stay at home order requirements. On May 12, 2020, the Governor issued guidance for the eventual reopening of restaurants in counties certified as meeting state benchmarks for addressing the COVID-19 pandemic. On May 8, 2020, the Governor announced a loosening of rules linking coronavirus infection rates to allowed activities, giving counties more flexibility in making determinations of how to move through Phase 2 of the planned reopening, and indicated that Phase 3 could begin as soon as June 2020.

M. On June 17, 2020, the County Health Officer rescinded the local shelter-in-place order and issued a new order that aligns the county with the state's schedule for reopening.

N. Despite the ability of business to gradually re-open in accordance with State and local health requirements, businesses are limited in their capacity to provide services in their existing facilities due to existing and anticipated social distancing requirements.

O. The City Council intends to provide assistance to local businesses during this time of public health and economic hardships, by encouraging the patronization of local restaurants and other business in a safe manner and therefore desires to establish standards that allow restaurants and other businesses to temporarily operate in an expanded outdoor capacity in the public right-of-way, public parking plazas and private property throughout the Downtown and to give the City Manager more flexibility to close streets to allow for social distancing while providing greater pedestrian access and opportunities for outdoor dining and the sale of goods.

P. As a pilot program, the Chamber of Commerce recommended the closure of portions of Santa Cruz Avenue between Doyle Street to Evelyn Street. The closure plan and associated barricades were reviewed by the Director of Public Works and the Menlo Park Fire Protection District. On June 19, the City Council adopted urgency ordinance 1070 that allowed staff to close the street and implement the temporary outdoor permit program.

Q. Following implementation of the closure plan, many retailers voiced concerns about the lack of traffic flow on Santa Cruz. To address these concerns, on July 7, the Chamber of Commerce recommended an updated closure plan that would allow some of the blocked portions of Santa Cruz Avenue to reopen with one-way traffic. The City Council desires to implement that plan in order to address merchants' concerns.

R. The City Council also desires to continue to suspend Menlo Park Municipal Code requirements to allow businesses throughout the City to use certain public and private spaces for expanded operations while necessary to comply with social distancing requirements.

S. Based upon the findings above, the City Council finds that there is a current and immediate need to allow businesses to use certain outdoor spaces in order to prevent additional harm to small businesses in the City and to allow the public to patronize Menlo Park businesses while complying with social distance requirements, in order to mitigate the threat to the public health, safety and welfare presented by COVID-19.

T. Based upon the findings above, the City Council finds that this urgency ordinance is necessary for the immediate preservation of the public health, safety, and welfare. The City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. As described above, businesses in Menlo Park are facing unprecedented hardships related to COVID-19 and the shelter-in-place orders. It is anticipated that restaurants will begin to reopen for in-person dining within the next few days, and this Ordinance needs to become effective immediately in order to allow the City to permit businesses to expand into adjacent open public spaces. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

SECTION 2. TEMPORARY OUTDOOR USE PERMIT.

A. Downtown Businesses. Restaurants and other retail businesses and personal services and fitness studios located in Downtown may temporarily use private property or City public right of way or public parking plazas to provide or expand outdoor dining seating, conduct fitness classes or similar services or display their wares, subject to the terms and conditions of a Temporary Outdoor Use Permit. Downtown is defined as the area bounded by the El Camino Real, Menlo Avenue, University Drive and Oak Grove Avenue. Permits for use of public parking plazas shall be revocable upon 72-hour notice if the City determines the utilized parking spaces are needed for parking.

B. Outside Downtown Businesses. Restaurants and other retail businesses located outside of Downtown may temporarily use private property or public sidewalk to provide or expand outdoor dining seating, conduct fitness or similar services, or display their wares, subject to the terms and conditions of a Temporary Outdoor Use Permit.

C. Creation of Permit. The City Council authorizes the City Manager or their designee to create a Temporary Outdoor Use Permit application, to review applications for such a permit, and to issue such revocable and limited use permits with any necessary conditions of approval. Eligible business owners or their representative may apply to the City for a revocable Temporary Outdoor Use Permit. Before issuing the Temporary Outdoor Use Permit, the applicant's design and layout plans shall be approved by the Public Works Director or designee.

Such permits shall be subject to compliance with operational and safety provisions provided by the City Manager or their designee, applicable State and County of San Mateo health orders, applicable provisions in Menlo Park Municipal Code Sections 13.18.080-13.18.160, applicable regulations of the Department of Alcohol and Beverage Control, and in compliance with the Americans Disability Act. Provided these conditions are met, the applicant shall not be subject to minimum parking requirements specified in the Menlo Park Municipal Code or in a previously granted entitlement, for the duration of the term of the Permit, which shall be reasonably related to the requirements of State, County, or local social distancing requirements and the economic impacts of COVID-19. If the applicant intends to use a shared private parking lot for expanded outdoor dining seating, then the applicant must obtain written consent from other parties with whom the parking lot is shared, and such consent shall be provided upon submission of the permit application.

**SECTION 3. CLOSURE OF STREETS FOR OUTDOOR EVENTS.** Pursuant to Section 21101(e) of the California Vehicle Code, the City may adopt rules and regulations for highways under its jurisdiction by resolution regarding the temporarily closure of a portion of any street for local special events, and other purposes when, in the opinion of City, or a public officer or employee that the City designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing. The City Council desires that portions of Santa Cruz Avenue from Doyle Street to Evelyn Street, shall be temporarily closed and/or limited to one-way vehicular traffic as shown and depicted on Exhibit A incorporated herein to temporarily allow for open air dining and other business purposes intended to allow the public to patronize local businesses, obtain services and dine outdoors. The Public Works Director or designee shall have the authority to approve the final street closure plan and barrier placement to implement this ordinance.

The City finds and resolves that the closure of such streets is necessary for the protection of persons using such streets for such purposes during designated events. The City Council authorizes the City Manager to establish a schedule for outdoor dining/business events, and to order the closure of streets or portions of streets as necessary to allow for such events.

**SECTION 4. Temporary Suspension of Certain Fees and Zoning Requirements.** The City Council hereby temporarily suspends for the effective period of this Ordinance the payment of any fees associated with the uses described in Paragraph 2. In addition, the City Council temporarily suspends the application of any zoning requirements inconsistent with the uses described in Section 2.

**SECTION 5. ENVIRONMENTAL DETERMINATION.** In accordance with the California Environmental Quality Act ("CEQA") guidelines section 15061(b)(3), adoption of this ordinance is exempt from the provisions of CEQA, because there is no possibility that the implementation of this ordinance may have a significant effect on the environment.

**SECTION 6. SEVERABILITY.** In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

**SECTION 7. EFFECTIVE DATE AND POSTING.** This ordinance shall be effective immediately upon adoption and shall expire on September 17, 2020 unless extended by the City Council.

**SECTION 8. AMENDMENT.** This ordinance shall amend Ordinance 1070 adopted by the City Council on June 17, 2020. Where this ordinance is inconsistent with Ordinance No. 1070, this ordinance shall prevail.

PASSED AND ADOPTED as an urgency ordinance of the City of Menlo Park at a special meeting of said City Council on the sixteenth day of July, 2020 by the following vote:

AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:

---








Cecilia Taylor, Mayor

ATTEST:

---

Judi A. Herren, City Clerk

**Color Key**

-  Roadblocks
-  Street Closures
-  Restaurants
-  Cafe Dining (existing)
-  Outdoor Expansion (as requested)
-  Bicycle Parking Zone
-  Directional Traffic Pattern

**EL CAMINO REAL**

Peabody Gallery  
 Kyosho  
 S.C. Barber Shop  
 Park Ave Salon

**JOHNSON LN**

Cold Stone Creamery  
 VACANT (Ceci Wong)  
 Bank of America

**DOYLE ST**

**MALONEY**

Union Bank  
 Menlo Cafe  
 Dolma Carpets  
 Abby Carpet  
 Dolma Handicraft  
 Cheeky Monkey  
 Susie Cakes  
 La Migliore Salon  
 Breezezeway  
 Chase  
 Bow Wow Meow

Left Bank  
 Harvest  
 Bistro Vida  
 Walgreens  
 VACANT (Una Mas)  
 Starbucks

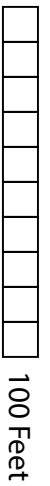


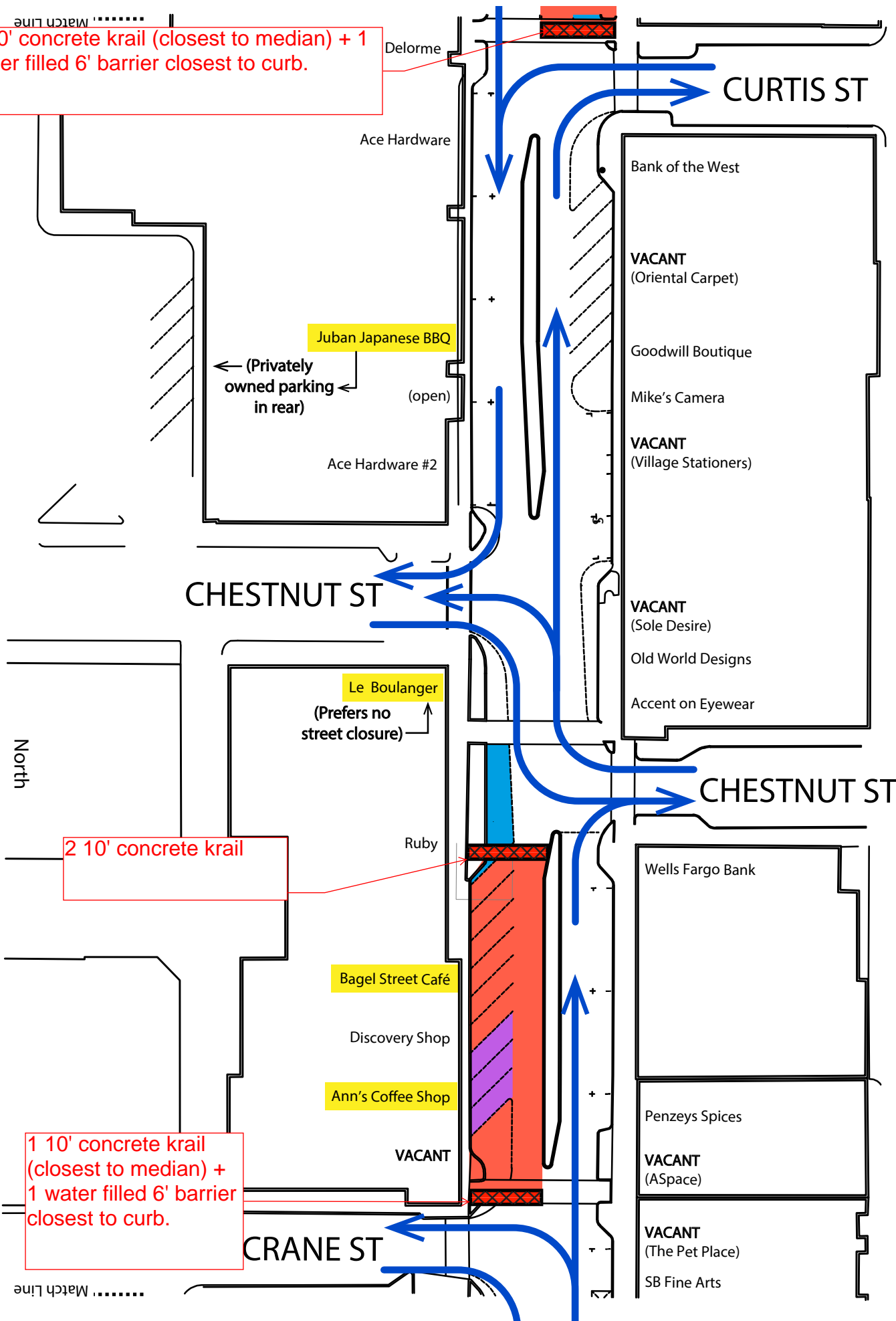
PLATE 1 South

1 10' concrete krail (closest to median) + 1 water filled 6' barrier closest to curb.

4 10' concrete krail.

Match Line

1 10' concrete krail (closest to median) + 1 water filled 6' barrier closest to curb.



2 10' concrete krail

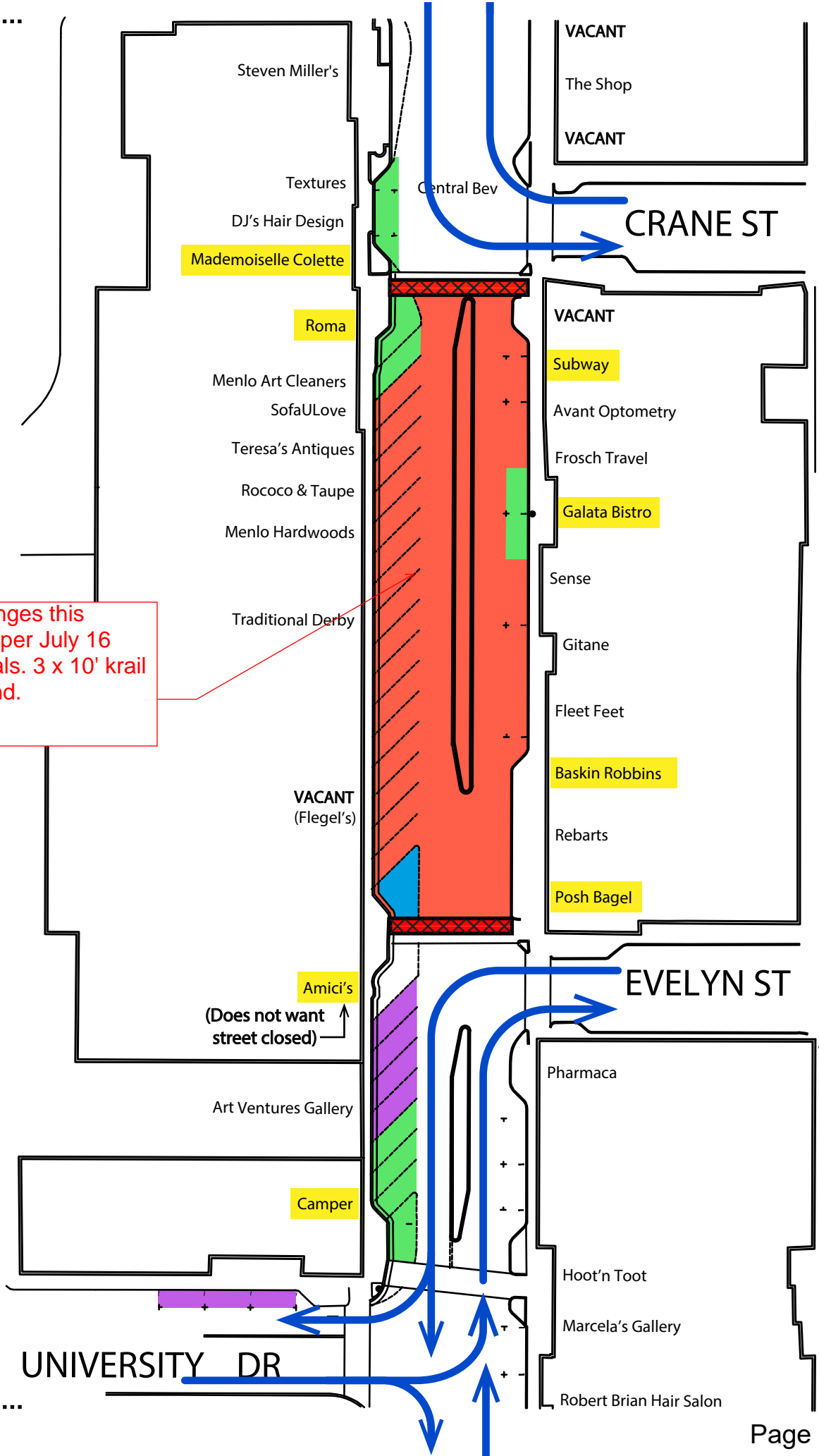
1 10' concrete krail (closest to median) + 1 water filled 6' barrier closest to curb.

PLATE 2 South

..... Match Line

North

..... Match Line



No changes this section per July 16 approvals. 3 x 10' krail each end.

PLATE 3 South

12 Restaurants in closed area; 3 not



Survey open to public from:  
**August 7, 2020 at 5 pm**  
 to **August 12, 2020 at 8 am**

## Downtown Santa Cruz Avenue Street Closure - 45-Day Review

As part of COVID-19 response, City Council adopted an Emergency Resolution to temporarily close Santa Cruz Avenue to allow restaurants, retail and services to operate business in closed street areas consistent with provisions set by Public Health orders. The June 16th resolution included a 45-day City Council check-in to review the program and make adjustments as needed. Program evaluation would consider performance in areas such as usage, aesthetics, and safety.

An update for the Downtown Street Closure and Temporary Outdoor Use Permit Pilot Program will be included on the August 11th Council Meeting Agenda.

Please provide feedback to the following questions as we approach the 45-day pilot program evaluation.

**\* Required**

Email address \*

Cannot pre-fill email address.

Do you operate a business in downtown Menlo Park? \*

- Yes
- No

### Business Owners

What type of business do you operate?

- Restaurant
- Grocery Store
- Retail
- Personal Services
- Other: \_\_\_\_\_

Hours of Operation: What hours is your business open to the public?

- Business is currently closed
- Internet only business
- Same hours as this time last year, or more
- Reduced hours from this time last year

How many employees does your business currently have?

- Same number of employees as this time last year, or more
- Reduced number of employees hours from this time last year

How is the sales volume during COVID-19?

- Weekly sales about proportional to current hours open, or better
- Weekly sales reduced more than hours reduced
- Internet or take-out sales volume has increased
- Internet or take-out sales volume has decreased

### Questions on Santa Cruz Avenue Street Closure Pilot Program

Do you think the Santa Cruz Avenue Street Closures allow for better social distancing?

- Yes
- No

Do you think the Santa Cruz Avenue Street Closures are:

- Too much closure
- About right
- Too little closure

Do you think the Santa Cruz Avenue Street Closures should temporarily remain in place?

- Yes
- Yes, with modifications
- No

### Use of Downtown Services

As a patron, how many times have you visited downtown Menlo Park in the past month?

- Not at all
- Less than five times
- More than five times

Have you utilized outdoor dining downtown in the past month?

- Not at all
- Less than five times
- More than five times

Have you shopped downtown in the past month?

- Not at all
- Less than five times
- More than five times

During this current pandemic, what local shopping, dining or service providers do you frequent? Check all that apply.

- Grocery stores
- Farmers Markets
- Grocery or meal delivery services to my home or place of work
- Restaurants: take-out only
- Restaurants: outside dining
- Clothing
- Home goods and services
- Personal services (salons, fitness training, etc.)
- Professional services (financial, legal, etc.)
- None

Do you work or live in Menlo Park?

- Yes
- No

Are there general comments that you would like to share:

Your answer

210 responses



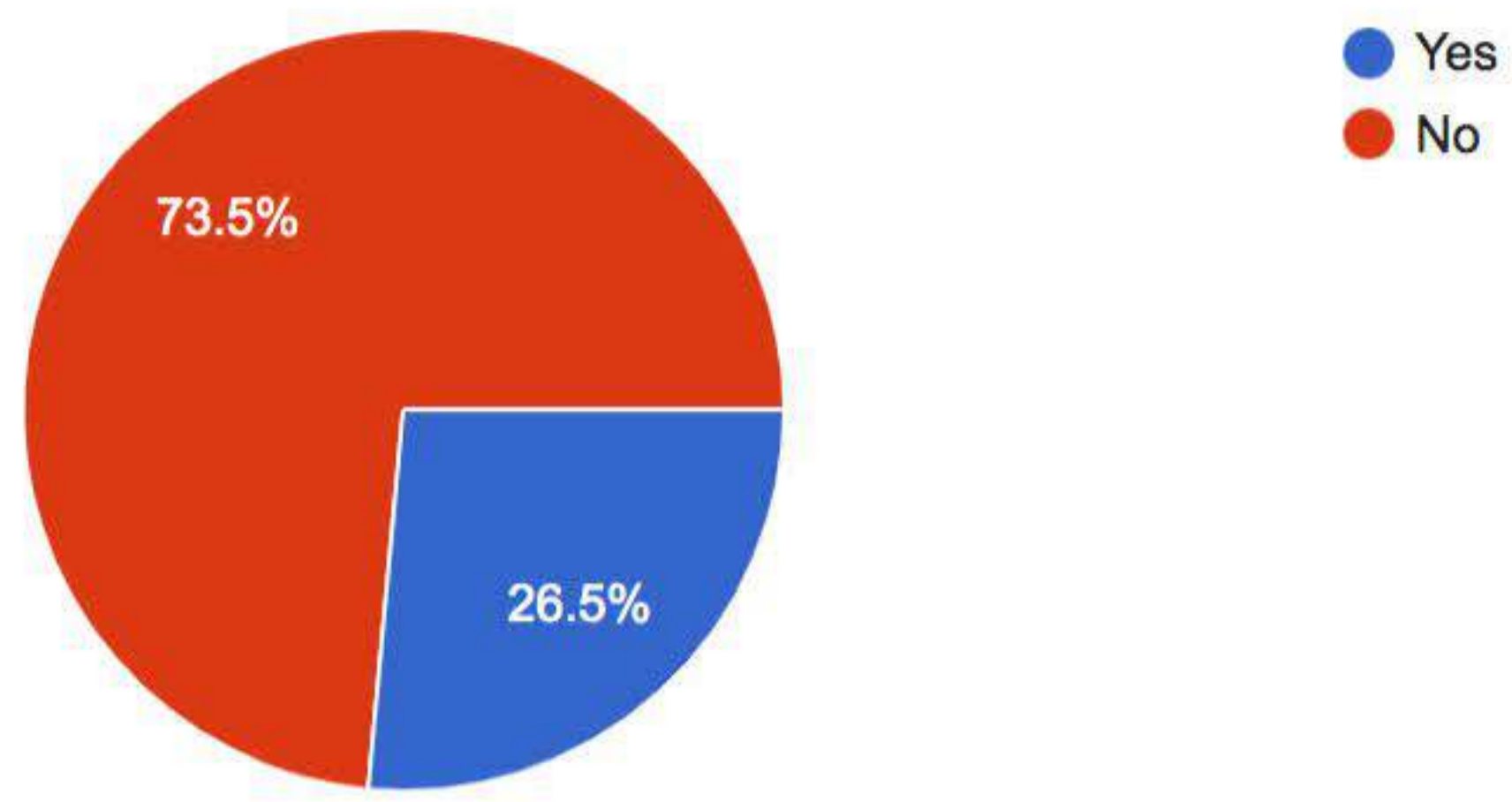
Not accepting responses

**Message for respondents**  
This form is no longer accepting responses

Summary Question Individual

Do you operate a business in downtown Menlo Park?

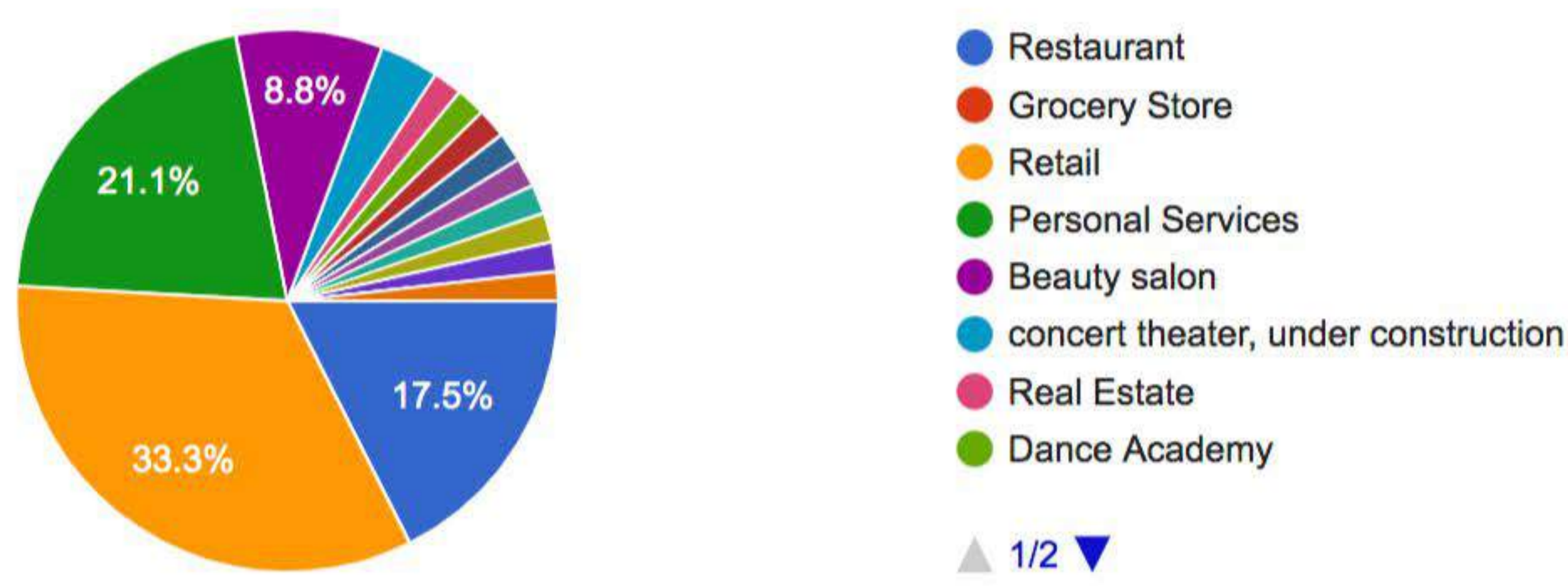
219 responses



Business Owners

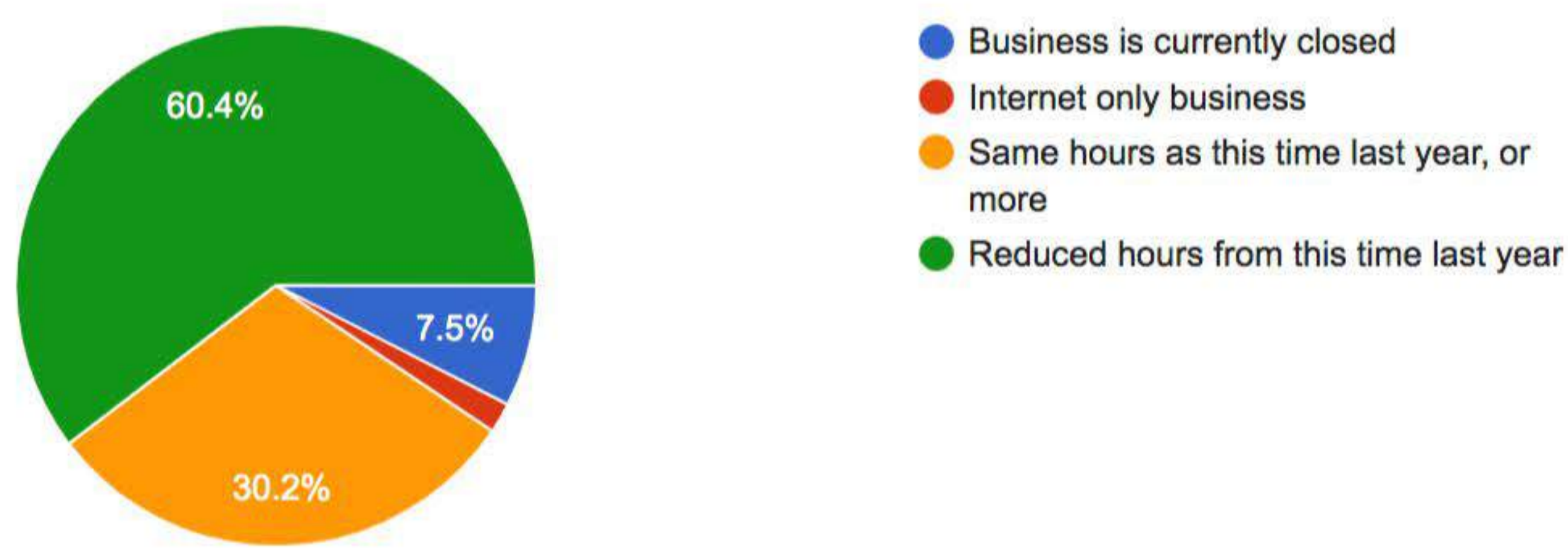
What type of business do you operate?

57 responses



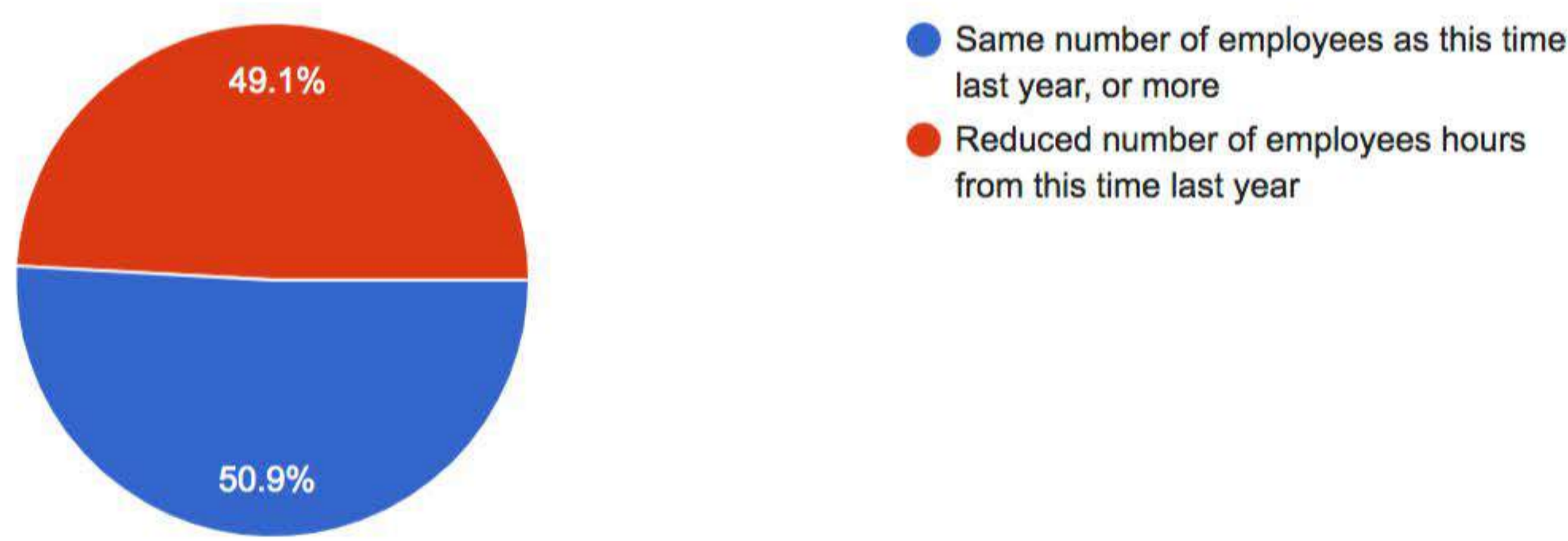
Hours of Operation: What hours is your business open to the public?

53 responses



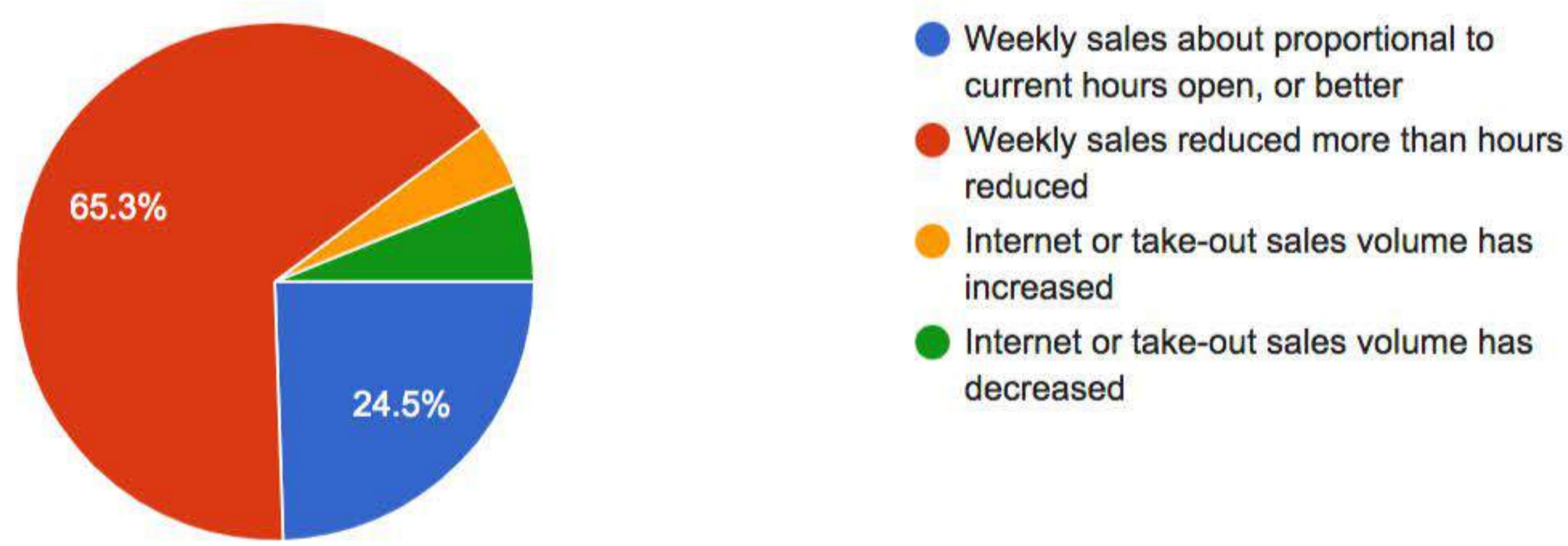
How many employees does your business currently have?

57 responses



How is the sales volume during COVID-19?

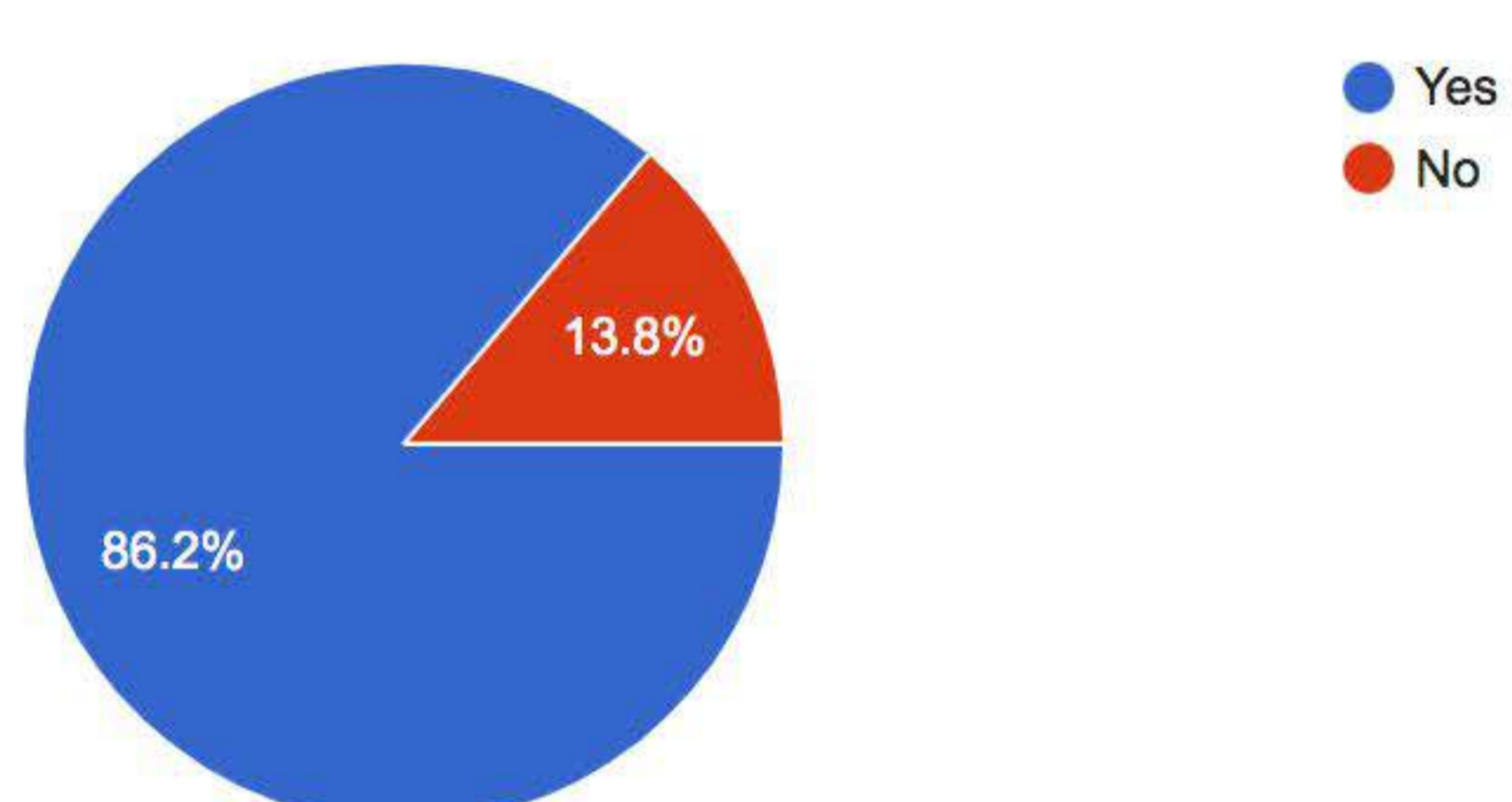
49 responses



Questions on Santa Cruz Avenue Street Closure Pilot Program

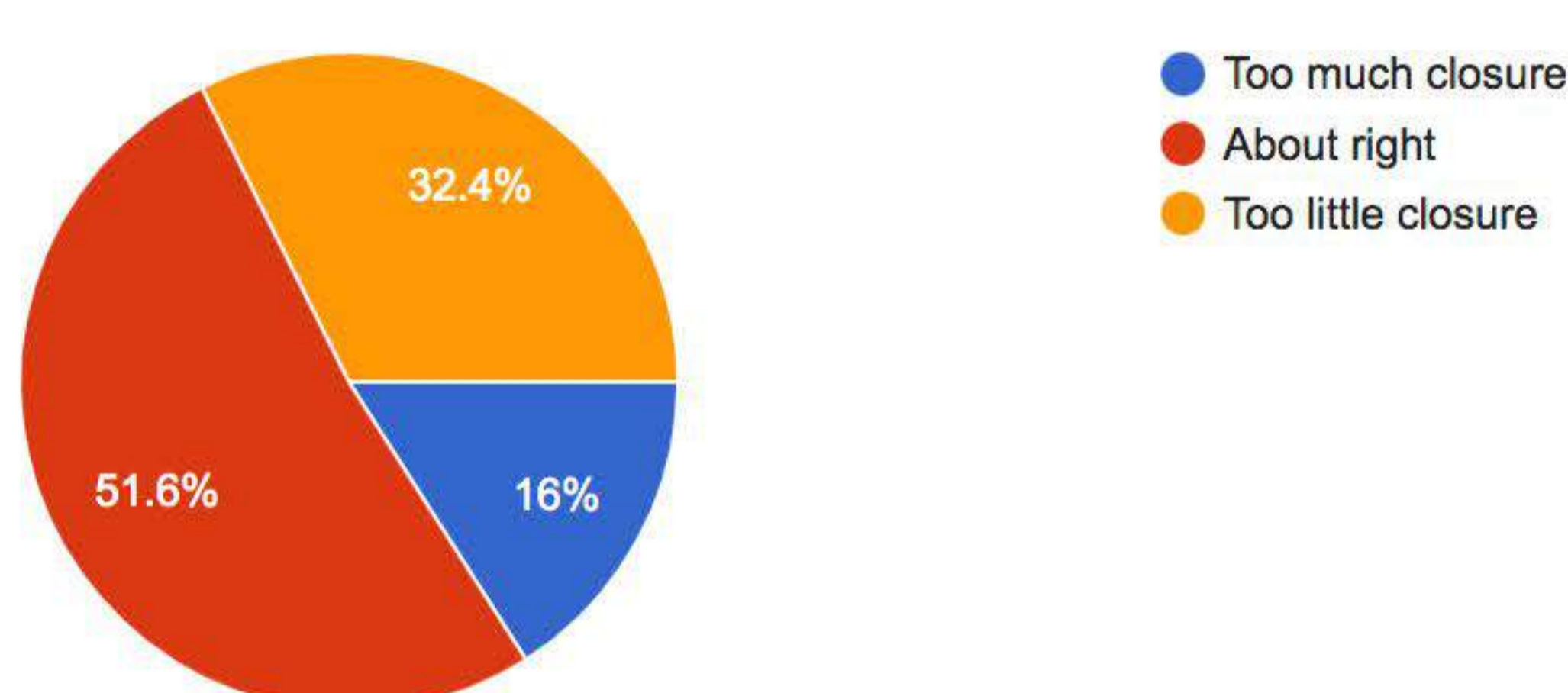
Do you think the Santa Cruz Avenue Street Closures allow for better social distancing?

210 responses



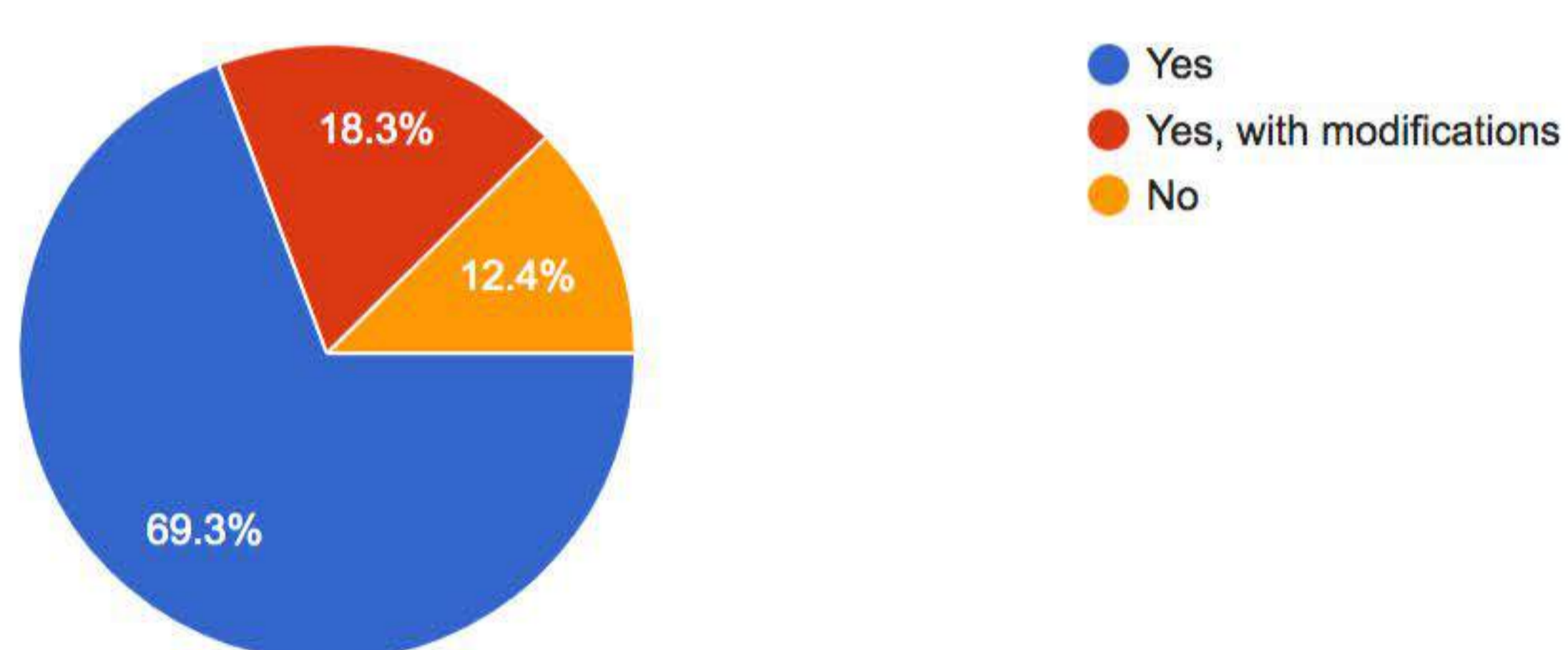
Do you think the Santa Cruz Avenue Street Closures are:

213 responses



Do you think the Santa Cruz Avenue Street Closures should temporarily remain in place?

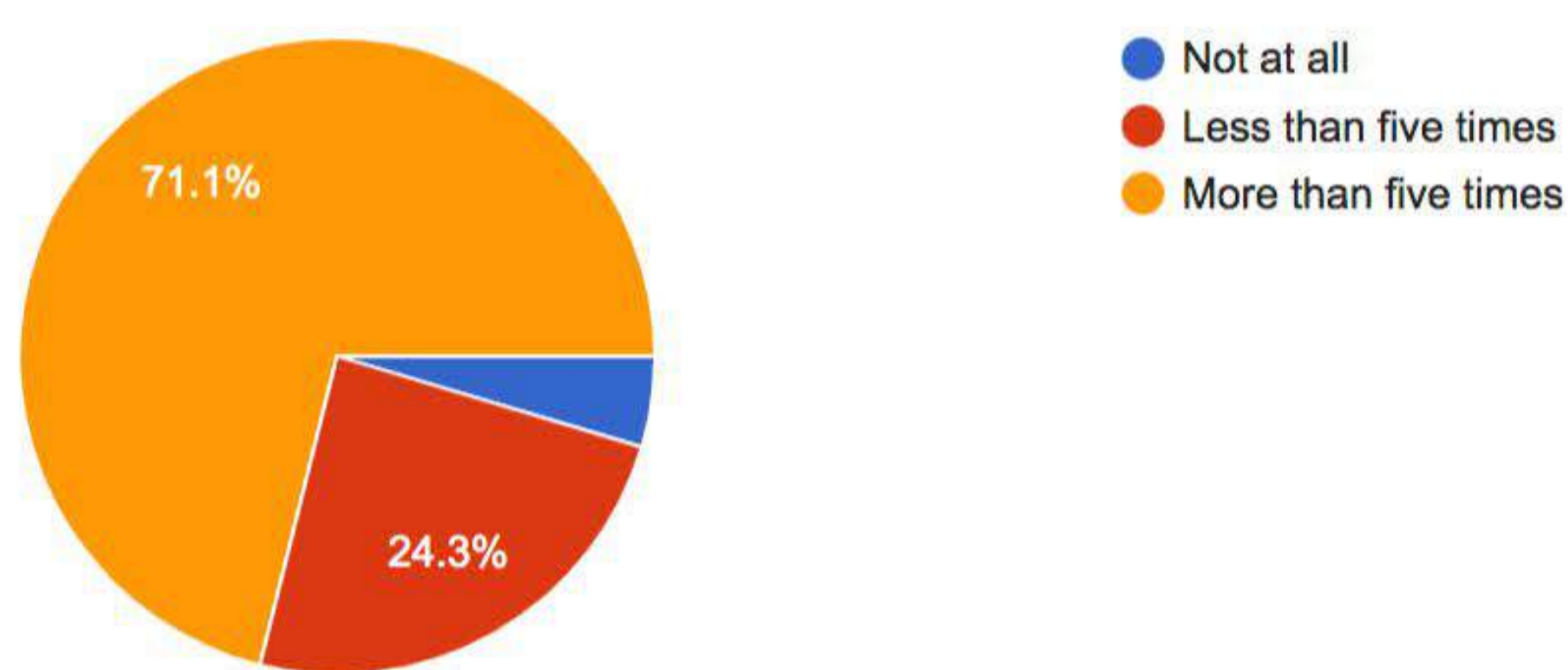
218 responses



Use of Downtown Services

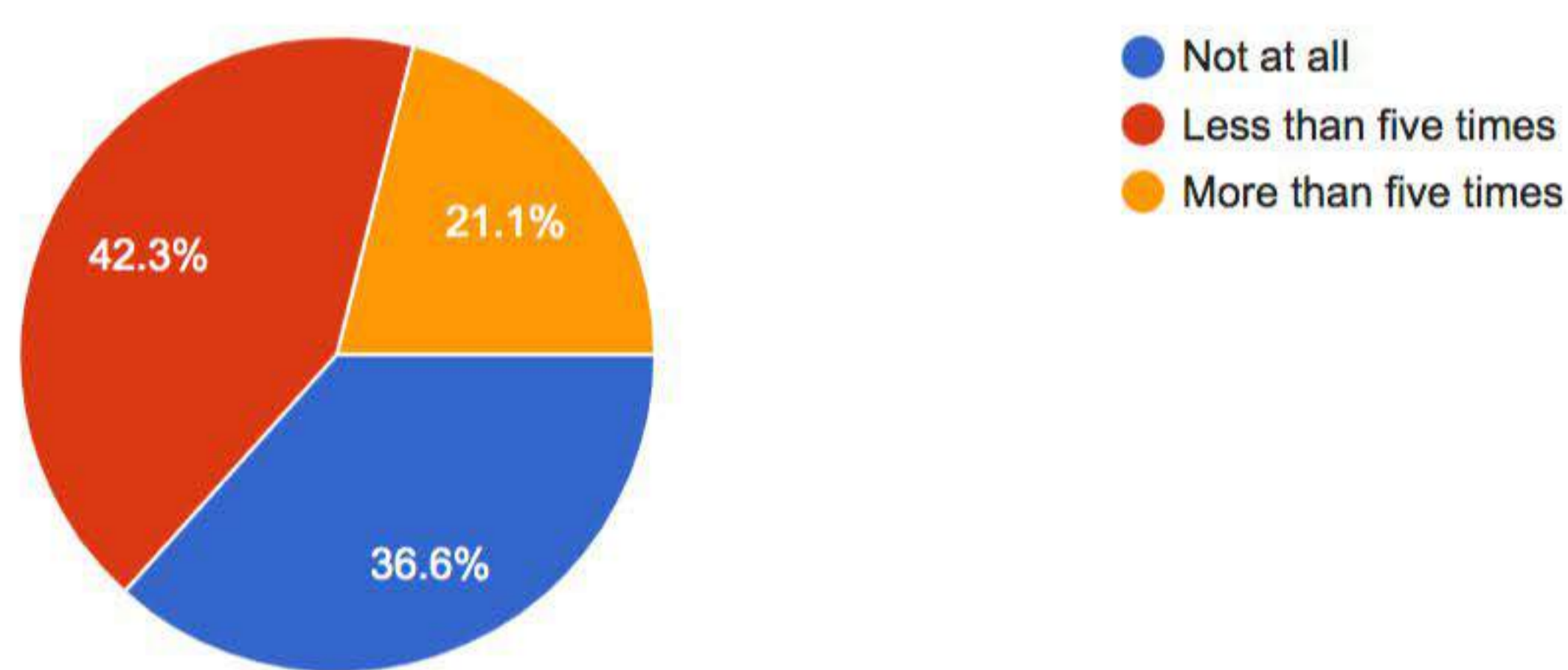
As a patron, how many times have you visited downtown Menlo Park in the past month?

218 responses



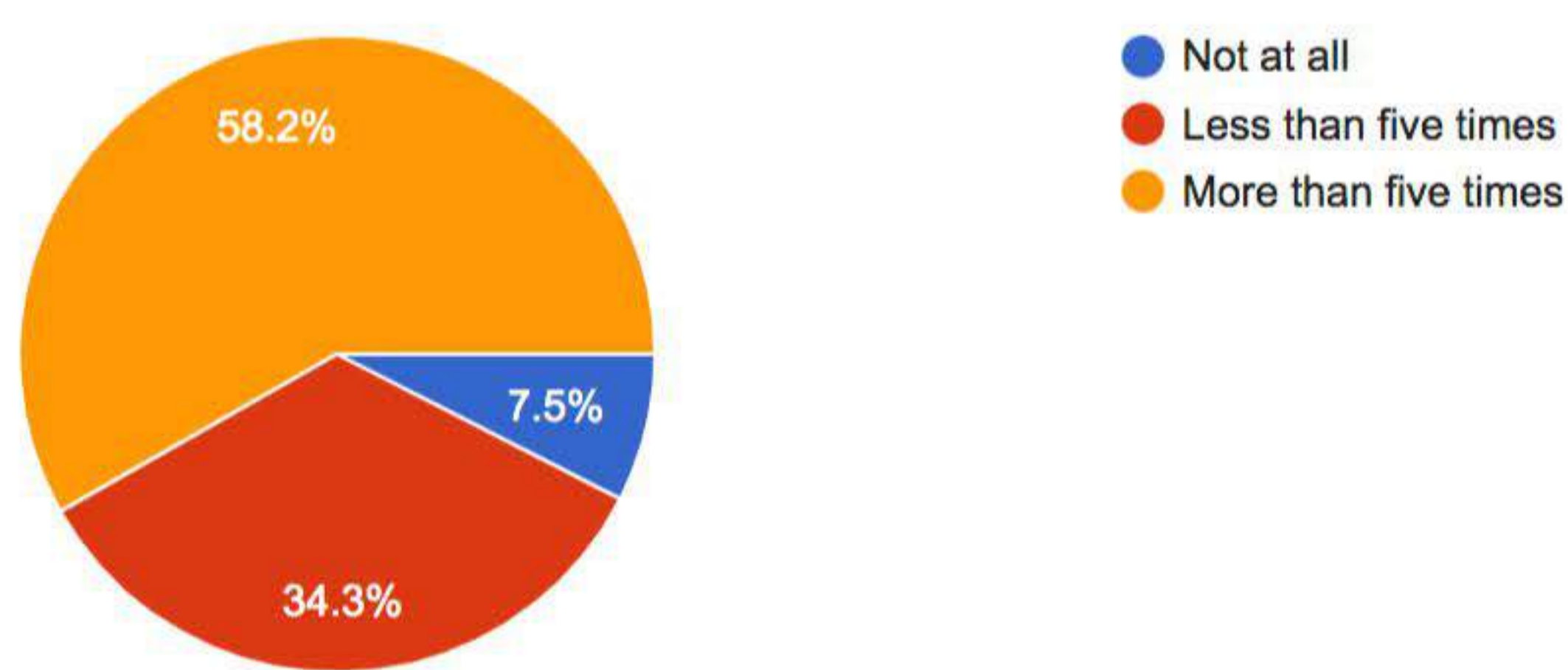
Have you utilized outdoor dining downtown in the past month?

213 responses



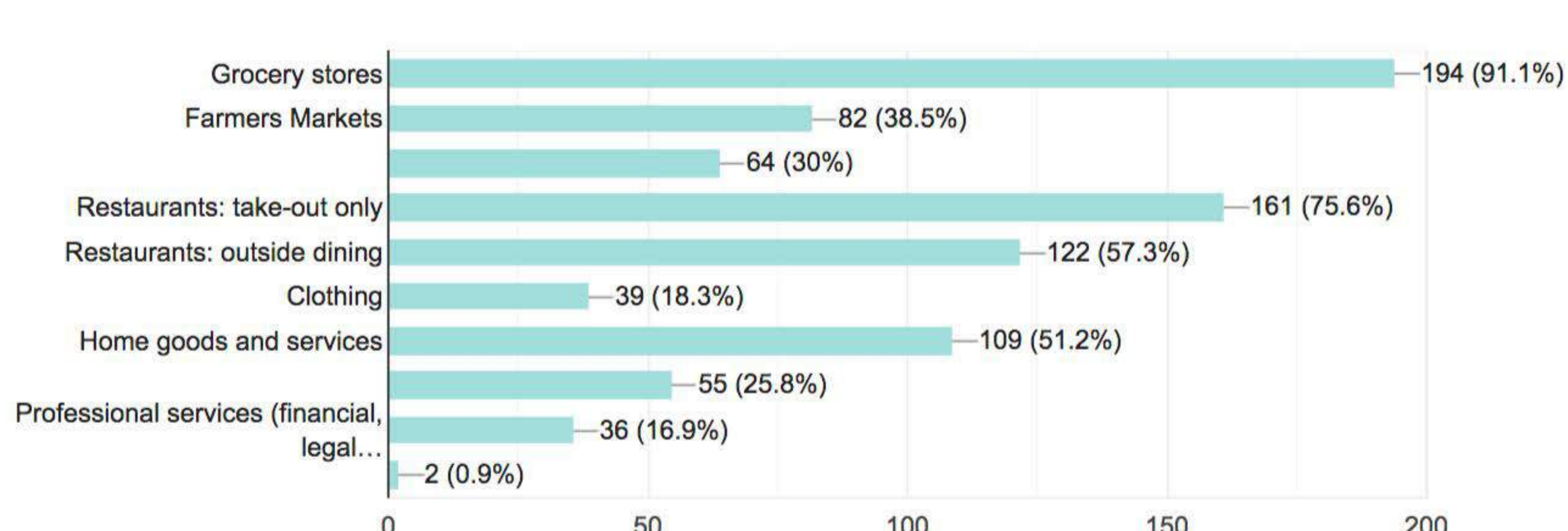
Have you shopped downtown in the past month?

213 responses



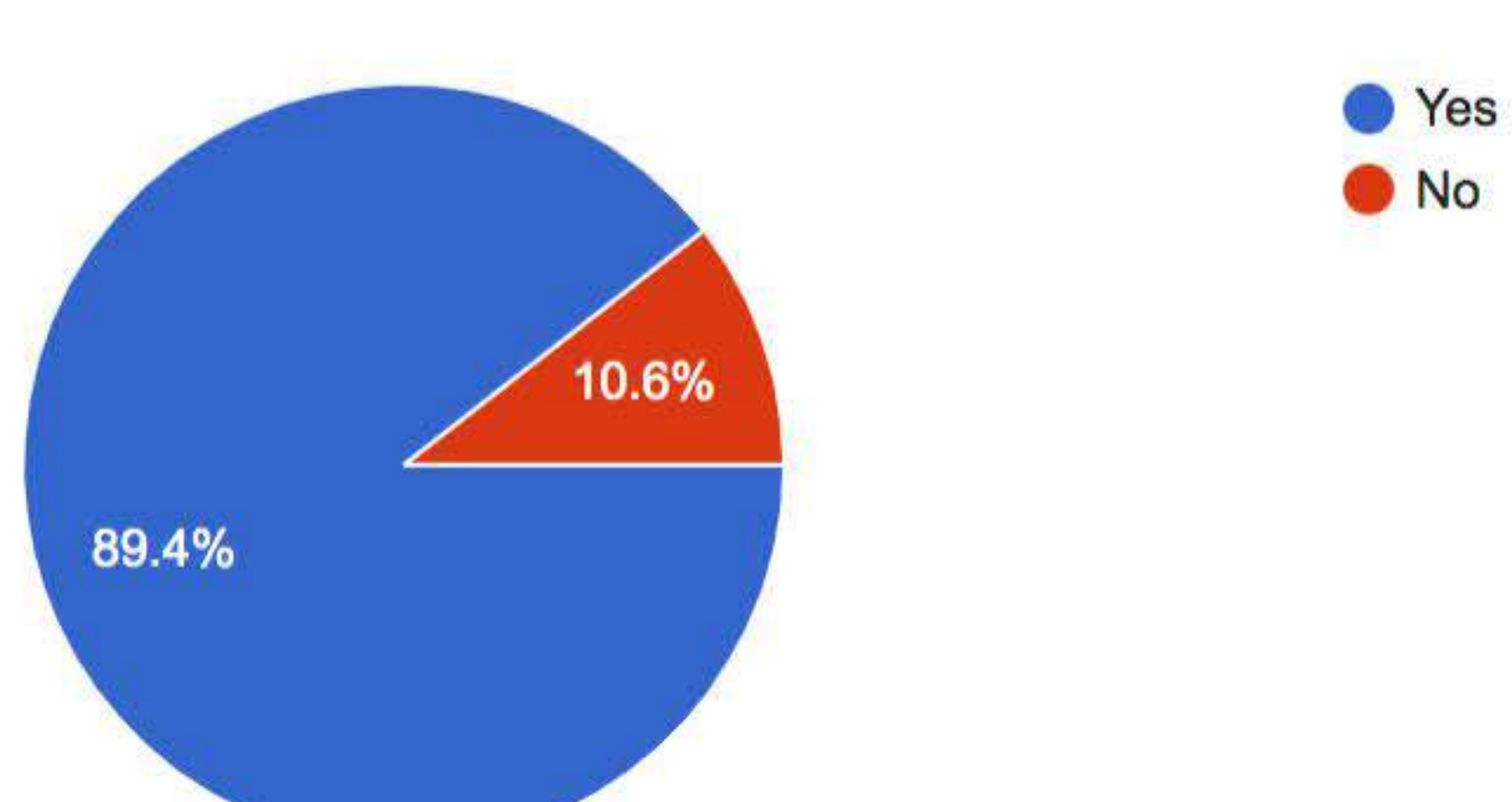
During this current pandemic, what local shopping, dining or service providers do you frequent? Check all that apply.

213 responses



Do you work or live in Menlo Park?

218 responses





## STAFF REPORT

**City Council**  
**Meeting Date:** 8/25/2020  
**Staff Report Number:** 20-180-CC

**Regular Business:** **Adopt Resolution No. 6581 to approve amendments to the salary schedule as of August 30, 2020 to include salary ranges for information technology staff needs and receive update on personnel vacancies as of August 18, 2020**

### Recommendation

City staff recommends that the City Council approve the following amendments to the salary schedule with no change in authorized full-time equivalent personnel:

1. Add network administrator and geographic information systems (GIS) analyst I/II/senior series
2. Remove information technology supervisor and GIS coordinator I/II

Additionally, City staff recommends that the City Council receive an update on personnel vacancies as of August 18, 2020.

### Policy Issues

The City Council retains sole authority to amend the salary schedule and budget for full-time equivalent personnel (FTEs.) The reclassification recommendations are consistent with existing memoranda of understanding between the City and labor units represented by AFSCME (American Federation of State, County and Municipal Employees) and SEIU (Service Employees International Union Local 521.)

### Background

Once each year, during the month of January, employees in AFSCME and SEIU bargaining units may request an evaluation of their classification based on significant changes in job assignment or significant discrepancies between job assignments and the classification description. This year the city received a total of seven requests for reclassification.

In addition to the reclassification process, the pandemic resulted in a significant increase in people hours and demand for expertise of in-house and contract information technology staff. The changes presented in this report are responsive to those increased demand for resources in information technology support.

### Analysis

#### Reclassification requests

This year the city received a total of seven requests for reclassification. The City used a consulting firm, Management Strategies Group, Sloan Sakai Yeung Wong LLP, which performed a comprehensive study that included the written request, a job analysis, interviews, a comparison with similar positions at other agencies, and an evaluation of the employees' current job description in comparison to the job description

of the position being requested. The firm recommended some changes based on the requests they received. Given the budget constraints the City continues to meet with the unions to discuss ideas and solutions that are in line with recommended changes and that won't significantly impact the budget. City staff recommends the following salary schedule changes:

1. *Network administrator*

In the 2016 information technology master plan (IT master plan,) ClientFirst recommended the addition of an in-house network administrator to manage the significant investments contemplated in the plan. At the time, City staff recommended contracting the role to minimize increased headcount. The impacts of the COVID-19 pandemic have taxed the City's information technology resources, both personnel and infrastructure, far beyond anything contemplated in the IT master plan.

City staff was unable to successfully contract out the network administrator expertise while also balancing security risks inherent in the position. In lieu of a contract network administrator, a provisional employee joined the IT (informational technology) team in August 2019 with the skill and capacity to serve as the network administrator. The individual is currently classified as provisional management analyst II, despite the network administrator position requiring a higher skill set and aptitude. Given that the duties of this particular position are highly specialized and technical the reclassification study conducted by Management Strategies Group supports reclassification of the incumbent to network administrator.

The City does not have a salary range for network administrator. Consistent with past practice, City staff recommends that the position be internally aligned with a classification that performs a similar level of technical duties independently. Upon evaluation of the current classification structure, the recommended salary range is \$116,454 to \$140,514, equivalent to the senior project manager classification.

If approved, the addition of the network administrator to the salary schedule results in the removal of the information technology supervisor. This action results in no change in authorized or budgeted full-time equivalent personnel.

2. *Geographic information systems analyst series (GIS analyst I/II/Sr.)*

The class characteristics of the GIS coordinator is an advanced journey level classification which exercises independent judgement in management of applications and assignments. The field is broad and touches almost every aspect of technology application or process used both within and outside of the city. The current incumbent in the GIS coordinator classification performs work that impacts policy at the City Council level and citywide.

The title "geographic information systems coordinator I/II" implies that the "I" is an entry level and the "II" would then be a journey level. There is no entry or journey level identified in this class specification, nor a path as to how an incumbent might advance from Level I to Level II. The GIS coordinator is far beyond the entry or even journey level as the class characteristics state.

The current incumbent is highly technical and performs at an advanced journey level. In addition, the incumbent serves as technical leads for assigned projects which could encompass the Accela and Cartegraph implementations which could be potentially lead to permanent project assignments. Lastly, the incumbent liaisons citywide across all departments and divisions and works in cooperation with the city management analyst and communication teams to coordinate citywide projects and assists and trains management analyst employees on various GIS projects. Given that

the duties of this particular position are highly specialized and technical staff supports reclassification of the incumbent to a GIS analyst series.

The City does not have a salary range for the GIS analyst series. Consistent with past practice, City staff recommends that the position be internally aligned with a classification that provides a similar level of expertise. Upon evaluation of the current classification structure, the recommended salary range is \$86,844 to \$134,599, equivalent to the management analyst series classification.

If approved, the addition of the GIS analyst series to the salary schedule results in the removal of the GIS coordinator series. This action results in no change in authorized or budgeted full-time equivalent personnel.

#### Update on personnel vacancies as of August 18, 2020

The purpose of this update is to advise the City Council of additional vacancies resulting from attrition, the status of recruitment for authorized FTEs, and reorganization plans underway to identify the highest and best use of vacant FTEs.

##### 1. *Administrative services*

A total of two vacancies were eliminated as part of the fiscal year 2020-21 budget. Restoration of the eliminated positions requires City Council action and funding. The budget retained an IT specialist I/II FTE which vacated in May 2020 and the recruitment to fill this position is scheduled for September.

##### 2. *City manager's office*

Reorganization to move 1.0 vacant FTE personnel from library and community services to city manager's office. The position will support public engagement and communication. The COVID-19 pandemic local emergency pandemic suspended the recruitment for this position prior to it being eliminated through the budget process. Consistent with the City's personnel rules, an appointment to this position can be made from the eligibility list established by the recruitment conducted in January 2020.

##### 3. *Community development*

Five vacancies were eliminated as part of the fiscal year 2020-21 budget process. Restoration of the eliminated positions requires City Council action and funding.

Since budget adoption, one personnel has left due to attrition for a total of one FTE.

##### 4. *Library and community services*

Twelve layoffs resulted from the fiscal year 2020-21 budget. Restoration of the eliminated positions requires City Council action and funding.

Since budget adoption, three personnel have left due to attrition for a total of 2.75 FTEs. One vacant full time equivalent personnel will transfer to the city manager's office. The other 1.75 FTEs are on hold pending evaluation of their highest and best use following the City Council's goal setting process.

##### 5. *Police*

A total of three vacancies and six layoffs resulted from the fiscal year 2020-21 budget. The department retains 2.0 vacant FTEs in the communications dispatcher (police 9-1-1 dispatcher) classification. Restoration of the eliminated positions requires City Council action and funding.

In addition to the eliminated positions, the department has lost one sworn police officer to another agency and the department might lose as many as two additional sworn police officers. This is an unfortunate consequence of the difficult budgetary process. The City took decisive action to address a budget shortfall that was both sudden and extreme. Many neighboring agencies did not take the reductions as early as Menlo Park resulting in the perception that other agencies are more stable and place a higher value on their employees. In light of the reductions, attrition and anticipated attrition, City staff recommends resuming the process of recruiting police officers. The process generally takes upward of 24 months before an office enters full service to the community.

#### 6. *Public works*

Seven vacancies were eliminated as part of the fiscal year 2020-21 budget. The department retains 0.25 full-time equivalent vacancy in the business manager classification in recognition of a temporary reduction in work schedule for the incumbent. Restoration of the eliminated positions requires City Council action and funding.

#### Future staffing resource requests

As City Council considers its work plan and potentially directs staff to incorporate additions or changes, authorized staffing levels within the fiscal year 2020-21 adopted budget will be evaluated for alignment with this updated direction. If resource needs exceed those authorized within the adopted budget, amendments will be brought before City Council for consideration as needed or during the planned regular budget review process. In addition, staff anticipates completing review of the reclassification requests by October 2020 which may necessitate further City Council consideration of potential staffing or salary schedule amendments.

#### **Impact on City Resources**

The recommended salary ranges do not impact the City Council adopted fiscal year 2020-21 budget. No new FTEs result from the action.

#### **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 No. 6581
- B. Amended salary schedule

Report prepared by:  
Nick Pegueros, Assistant City Manager

Staff Report #: 20-180-CC

Theresa DellaSanta, Human Resources Manager

**RESOLUTION NO. 6581**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AMENDING THE SALARY SCHEDULE EFFECTIVE AUGUST 30, 2020**

WHEREAS, pursuant to the Personnel System Rules, the City Manager prepared a Compensation Plan; and

NOW, THEREFORE BE IT RESOLVED that the following compensation provisions shall be established in accordance with the City's Personnel System rules.

BE IT FUTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6572 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes herein shall be effective August 30, 2020.

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 twenty-fifth day of August, 2020, 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 twenty-fifth day of August, 2020.

\_\_\_\_\_  
Judi A. Herren, City Clerk



Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Accountant I	\$ 82,778	\$ 86,918	\$ 91,264	\$ 95,827	\$ 100,619
Accountant II	\$ 90,666	\$ 94,952	\$ 99,432	\$ 104,213	\$ 109,180
Accounting Assistant I	\$ 58,702	\$ 61,484	\$ 64,323	\$ 67,328	\$ 70,443
Accounting Assistant II	\$ 64,323	\$ 67,328	\$ 70,443	\$ 73,736	\$ 77,196
Administrative Assistant	\$ 64,516	\$ 67,530	\$ 70,655	\$ 73,958	\$ 77,428
Administrative Services Director	\$ 160,531		Open Range		\$ 227,436
Assistant Administrative Services Director	\$ 126,578		Open Range		\$ 181,949
Assistant City Manager	\$ 169,530		Open Range		\$ 250,180
Assistant Community Development Director	\$ 126,578		Open Range		\$ 181,949
Assistant Community Services Director	\$ 129,495		Open Range		\$ 181,949
Assistant Engineer	\$ 99,840	\$ 104,597	\$ 109,598	\$ 114,831	\$ 120,301
Assistant Library Services Director	\$ 129,495		Open Range		\$ 181,949
Assistant Planner	\$ 90,459	\$ 94,713	\$ 99,253	\$ 103,983	\$ 108,950
Assistant Public Works Director	\$ 140,650		Open Range		\$ 181,949
Assistant to the City Manager	\$ 121,835		Open Range		\$ 159,205
Associate Civil Engineer	\$ 112,028	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174
Associate Engineer	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740
Associate Planner	\$ 99,253	\$ 103,983	\$ 108,950	\$ 114,163	\$ 119,627
Associate Transportation Engineer	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174	\$ 141,724
Asst. Public Works Director - Engineering	\$ 140,650		Open Range		\$ 181,949
Asst. Public Works Director - Maintenance	\$ 140,650		Open Range		\$ 181,949
Asst. Public Works Director - Transportation	\$ 140,650		Open Range		\$ 181,949
Building Custodian	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373
Building Inspector	\$ 96,166	\$ 100,790	\$ 105,594	\$ 110,642	\$ 115,925
Business Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Child Care Teacher I	\$ 52,473	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785
Child Care Teacher II	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373
Child Care Teacher's Aide	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938	\$ 46,922
City Clerk	\$ 121,835		Open Range		\$ 159,205
City Councilmember	n/a		Annual Rate		\$ 7,680
City Manager	\$ 197,605		Open Range		\$ 272,924
Code Enforcement Officer	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086	\$ 99,617
Communications and Records Manager	\$ 114,941	\$ 120,520	\$ 126,308	\$ 132,399	\$ 138,766
Communications Dispatcher	\$ 83,883	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012
Communications Training Dispatcher	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841
Community Development Director	\$ 160,316		Open Range		\$ 227,436
Community Development Technician	\$ 70,355	\$ 73,612	\$ 77,052	\$ 80,667	\$ 84,457
Community Service Officer	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Construction Inspector	\$ 90,722	\$ 95,086	\$ 99,617	\$ 104,380	\$ 109,363
Contracts Specialist	\$ 72,641	\$ 76,057	\$ 79,579	\$ 83,356	\$ 87,357
Custodial Services Supervisor	\$ 67,478	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003
Deputy City Clerk	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Deputy City Manager	\$ 164,671		Open Range		\$ 227,436
Deputy Comm. Dev. Director - Housing	\$ 126,553		Open Range		\$ 170,578
Economic Development Manager	\$ 121,835		Open Range		\$ 159,205
Engineering Services Manager/City Engineer	\$ 140,650		Open Range		\$ 181,949
Engineering Technician I	\$ 75,624	\$ 79,126	\$ 82,883	\$ 86,860	\$ 90,967
Engineering Technician II	\$ 84,779	\$ 88,768	\$ 92,942	\$ 97,398	\$ 102,039
Enterprise Applications Support Specialist I	\$ 89,483	\$ 93,957	\$ 98,655	\$ 103,587	\$ 108,767
Enterprise Applications Support Specialist II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Equipment Mechanic	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Executive Assistant	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540	\$ 88,516
Executive Assistant to the City Mgr	\$ 78,474	\$ 82,398	\$ 86,518	\$ 90,844	\$ 95,385
Facilities Maintenance Technician I	\$ 62,785	\$ 65,676	\$ 68,789	\$ 72,024	\$ 75,359
Facilities Maintenance Technician II	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Finance and Budget Manager	\$ 126,553		Open Range		\$ 170,578
GIS Analyst I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561
GIS Analyst II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
GIS Coordinator I	<del>\$ 86,844</del>	<del>\$ 91,186</del>	<del>\$ 95,746</del>	<del>\$ 100,534</del>	<del>\$ 105,561</del>
GIS Coordinator II	<del>\$ 99,250</del>	<del>\$ 104,023</del>	<del>\$ 108,981</del>	<del>\$ 114,192</del>	<del>\$ 119,643</del>
Gymnastics Instructor	\$ 42,010	\$ 43,910	\$ 45,893	\$ 47,941	\$ 50,146
Housing & Economic Development Manager	\$ 121,835		Open Range		\$ 159,205
Housing Manager	\$ 121,835		Open Range		\$ 159,205
Human Resources Director	\$ 160,531		Open Range		\$ 227,436
Human Resources Manager	\$ 126,553		Open Range		\$ 170,578
Human Resources Technician	\$ 68,162	\$ 71,387	\$ 74,574	\$ 78,213	\$ 81,891
Information Technology Manager	\$ 126,553		Open Range		\$ 170,578
Information Technology Specialist I	\$ 73,419	\$ 77,091	\$ 80,946	\$ 84,994	\$ 89,245
Information Technology Specialist II	\$ 81,576	\$ 85,410	\$ 89,427	\$ 93,632	\$ 98,122
Information Technology Supervisor	<del>\$ 100,584</del>	<del>\$ 105,613</del>	<del>\$ 111,171</del>	<del>\$ 117,023</del>	<del>\$ 123,181</del>
Internal Services Manager	\$ 126,553		Open Range		\$ 170,578
Junior Engineer	\$ 80,540	\$ 84,567	\$ 88,796	\$ 93,236	\$ 97,898
Librarian I	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540
Librarian II	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086
Library and Community Services Director	\$ 156,348		Open Range		\$ 227,436
Library Assistant I	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785	\$ 65,676
Library Assistant II	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024
Library Assistant III	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,856
Library Services Manager	\$ 126,553		Open Range		\$ 170,578
Literacy Program Manager	\$ 81,003	\$ 84,813	\$ 88,801	\$ 93,058	\$ 97,493

City of Menlo Park  
**PROPOSED** Salary Schedule - Effective 08/30/2020

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Maintenance Worker I	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024
Maintenance Worker II	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936
Management Analyst I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561
Management Analyst II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
<b>Network Administrator</b>	<b>\$ 116,454</b>	<b>\$ 122,028</b>	<b>\$ 127,846</b>	<b>\$ 134,022</b>	<b>\$ 140,514</b>
Office Assistant	\$ 53,872	\$ 56,329	\$ 58,878	\$ 61,668	\$ 64,516
Parking Enforcement Officer	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024
Permit Manager	\$ 112,897	\$ 118,298	\$ 123,961	\$ 129,869	\$ 136,144
Permit Technician	\$ 70,355	\$ 73,611	\$ 77,052	\$ 80,667	\$ 84,456
Plan Check Engineer	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156	\$ 136,461
Planning Technician	\$ 80,667	\$ 84,456	\$ 88,430	\$ 92,588	\$ 97,027
Police Chief	\$ 173,217	Open Range			\$ 250,180
Police Commander	\$ 155,896	Open Range			\$ 227,436
Police Corporal (2080 hours)	\$ 112,337	\$ 117,954	\$ 123,852	\$ 130,044	\$ 136,546
Police Corporal (2184 hours)	\$ 117,954	\$ 123,852	\$ 130,044	\$ 136,546	\$ 143,373
Police Officer (2080 hours)	\$ 104,378	\$ 109,597	\$ 115,076	\$ 120,830	\$ 126,872
Police Officer (2184 hours)	\$ 109,597	\$ 115,076	\$ 120,830	\$ 126,872	\$ 133,216
Police Records Specialist	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936
Police Recruit	n/a	Hourly Rate			\$ 84,546
Police Sergeant (2080 hours)	\$ 128,626	\$ 135,057	\$ 141,810	\$ 148,900	\$ 156,345
Police Sergeant (2184 hours)	\$ 135,057	\$ 141,810	\$ 148,900	\$ 156,345	\$ 164,163
Principal Planner	\$ 119,845	\$ 127,349	\$ 133,443	\$ 139,804	\$ 144,522
Program Aide/Driver	\$ 37,665	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938
Program Assistant	\$ 53,658	\$ 56,104	\$ 58,643	\$ 61,423	\$ 64,259
Project Manager	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740
Property and Court Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Public Engagement Manager	\$ 126,553	Open Range			\$ 170,578
Public Works Director	\$ 164,671	Open Range			\$ 227,436
Public Works Superintendent	\$ 124,351	Open Range			\$ 170,578
Public Works Supervisor - City Arborist	\$ 99,813	\$ 104,598	\$ 109,582	\$ 114,817	\$ 120,311
Public Works Supervisor - Facilities	\$ 100,523	\$ 105,342	\$ 110,361	\$ 115,635	\$ 121,167
Public Works Supervisor - Fleet	\$ 102,122	\$ 107,018	\$ 112,117	\$ 117,473	\$ 123,093
Public Works Supervisor - Park	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531
Public Works Supervisor - Streets	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531
Recreation Coordinator	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003	\$ 84,813
Recreation Supervisor	\$ 86,915	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716
Revenue and Claims Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Senior Accountant	\$ 104,267	\$ 109,196	\$ 114,347	\$ 119,846	\$ 125,558
Senior Accounting Assistant	\$ 70,755	\$ 74,061	\$ 77,488	\$ 81,109	\$ 84,915
Senior Building Inspector	\$ 107,932	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156
Senior Civil Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109
Senior Communications Dispatcher	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841	\$ 110,894
Senior Engineering Technician	\$ 90,967	\$ 95,259	\$ 99,840	\$ 104,597	\$ 109,598
Senior Equipment Mechanic	\$ 82,905	\$ 86,949	\$ 91,039	\$ 95,255	\$ 99,775
Senior Facilities Maintenance Technician	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
<b>Senior GIS Analyst</b>	<b>\$ 111,656</b>	<b>\$ 116,959</b>	<b>\$ 122,515</b>	<b>\$ 128,396</b>	<b>\$ 134,599</b>
Senior Information Technology Specialist	\$ 88,798	\$ 93,238	\$ 97,900	\$ 102,795	\$ 107,934
Senior Librarian	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716	\$ 109,716
Senior Library Assistant	\$ 72,147	\$ 75,668	\$ 79,226	\$ 82,895	\$ 86,742
Senior Maintenance Worker	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Senior Management Analyst	\$ 111,656	\$ 116,959	\$ 122,515	\$ 128,396	\$ 134,599
Senior Office Assistant	\$ 58,878	\$ 61,668	\$ 64,516	\$ 67,530	\$ 70,655
Senior Planner	\$ 108,950	\$ 114,163	\$ 119,627	\$ 125,329	\$ 131,384
Senior Police Records Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Senior Program Assistant	\$ 65,165	\$ 68,210	\$ 71,411	\$ 74,766	\$ 78,284
Senior Project Manager	\$ 116,454	\$ 122,028	\$ 127,846	\$ 134,022	\$ 140,514
Senior Sustainability Specialist	\$ 81,721	\$ 85,631	\$ 89,729	\$ 94,007	\$ 98,548
Senior Transportation Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109
Senior Water System Operator	\$ 77,316	\$ 80,895	\$ 84,675	\$ 88,648	\$ 92,813
Sustainability Manager	\$ 121,835	Open Range			\$ 159,205
Sustainability Specialist	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540
Transportation Demand Management Coord.	\$ 92,760	\$ 97,179	\$ 101,822	\$ 106,694	\$ 111,801
Transportation Director	\$ 164,671	Open Range			\$ 227,436
Transportation Manager	\$ 126,553	Open Range			\$ 170,578
Water Quality Specialist	\$ 80,742	\$ 84,540	\$ 88,516	\$ 92,760	\$ 97,179
Water System Operator I	\$ 64,244	\$ 67,122	\$ 70,099	\$ 73,563	\$ 76,987
Water System Operator II	\$ 70,287	\$ 73,541	\$ 76,977	\$ 80,589	\$ 84,375
Water System Supervisor	\$ 96,222	\$ 100,808	\$ 105,624	\$ 110,678	\$ 115,975



**STAFF REPORT**

**City Council**

**Meeting Date:**

**8/25/2020**

**Staff Report Number:**

**20-173-CC**

**Informational Item:**

**City Council agenda topics: September 2020 to October 2020**

**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 October 27. 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: September 2020 to October 2020

Report prepared by:

Judi A. Herren, City Clerk

**Tentative City Council Agenda**

#	Title	Department	Item type
1	Budget review	ASD	Regular
2	City Council Policy #CC-01-1996 as recommended by the City Council Community Funding sub-committee, approve revisions	ASD	Regular-no presentation
3	Consider waiver of additional TOT	ASD	Regular
4	Investment portfolio review as of September 30, 2020, receive and file	ASD	Regular-no presentation
5	Quarterly financial review of general fund operations as of September 30, 2020, receive and file	ASD	Regular-no presentation
6	Local Emergency Declaration Renewal (COVID-19)	CA	Regular-no presentation
7	Agreement with PlaceWorks for EIR (mixed-use project at 123 Independence Dr)	CDD	Regular-no presentation
8	BAE inclusionary study	CDD	Regular
9	Final Action for 201 El Camino Real	CDD	Regular
10	UC Berkeley presentation, follow-up	CDD	Regular
11	Annual records destruction, resolution adoption	CMO	Regular-no presentation
12	Approve scope and formation of two task forces for 2030 Climate Actions No. 1 (building electrification) and No.2 (Electric Vehicle Infrastructure)	CMO	Regular
13	BHCCL Term Sheet	CMO	Regular
14	City Council agenda topics	CMO	Informational
15	Confirm voting delegate for the League of California Cities Annual Conference	CMO	City Councilmember Report
16	Conflict of interest code update, resolution adoption	CMO	Regular-no presentation
17	EQC work plan report, approval	CMO	Regular-no presentation
18	Issue Prop 218 Notice for Solid Waste Rates	CMO	Regular
19	Minutes	CMO	Consent
20	Sister City Committee recommendation to form a separate association for sister city activities	CMO	Regular
21	Multifamily Electric Vehicle Infrastructure Gap Analysis	CMO	Study Session
22	Formation of Independent or Advisory Redistricting Commission for local elections	CMO, CA	Regular
23	Amendment with Team Sheeper, Inc. extending the term of the Belle Haven pool operations	LCS	Regular-no presentation
24	Pedestrian and Bicycle improvements project, reso adoption and San Mateo County Transportation Authority Pedestrian and Bicycle Grant Program	PW	Regular-no presentation
25	Abandon Alto Lane (Public ROW adjacent to 201 ECR), reso adoption	PW	Regular
26	Water and Energy Efficiency Grant for Automated Water Meter Infrastructure, reso adoption	PW	Regular-no presentation
27	Amendment with Black & Veatch for the Water Rate Study	PW	Regular-no presentation
28	Authorize Mayor to sign letter on the California High Speed Rail Authority DEIR	PW	Regular-no presentation

### Tentative City Council Agenda

#	Title	Department	Item type
29	Agreement for Bedwell Bayfront Park Entry Project	PW	Regular-no presentation
30	Initiation of Abandonment of Alto Lane (Public ROW adjacent to 201 ECR)	PW	Regular-no presentation
31	Provide an update on the water system operations and capital projects since COVID-19	PW	Study Session
32	Approval of Bayfront Canal drainage easement	PW, CA	Regular
33	Approval of MOU with FSLR re flood control project	PW, CA	Regular
34	City Council priorities update	VARIOUS	Regular



**STAFF REPORT**

**City Council**  
**Meeting Date:** 8/25/2020  
**Staff Report Number:** 20-174-CC

**Informational Item:** **Update on future City Council agenda items related to the Bayfront Canal and Atherton Channel flood protection project and associated drainage easement**

**Recommendation**

The purpose of this informational item is to provide City Council with an update on future agenda items related to the Bayfront Canal and Atherton Channel flood protection and ecosystem restoration project (Project) and an associated drainage easement. While City Council action is not currently required, staff intends to bring multiple agenda items related to the Project requiring timely City Council action in the near future.

**Policy Issues**

The Project is consistent with land use element goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers and visitors. The Project is included in the 2020-21 capital improvement plan adopted by the City Council July 28.

The proposed drainage easement is consistent with City Council Resolution No. 6281 (Attachment A) acknowledging that the City of Menlo Park has a non-exclusive easement, related to Bayfront Canal (Canal,) for the purpose of constructing, maintaining and operating storm drain facilities serving property within the City of Menlo Park and accepting such easement to the extent it relates to Menlo Park's storm drainage facilities.

**Background**

The Canal begins in Redwood City at Douglas Court and extends easterly to Marsh Road, along the rear of properties on the north side of East Bayshore Road in Redwood City and Haven Avenue in Menlo Park. Atherton Channel (Channel) joins the Canal several hundred feet west of Marsh Road. Jointly, the Canal and Channel drain approximately 9.5 square miles including sections of the cities of Menlo Park and Redwood City, the towns of Atherton and Woodside, and unincorporated areas of San Mateo County (County.)

Bayfront Canal and Atherton Channel flood protection and ecosystem restoration

The combined flows from the Canal and Channel empty into Flood Slough and San Francisco Bay (Bay) through a tide control structure that is maintained and operated by Redwood City, as shown in Attachment B. When tide levels in Flood Slough are high, the tide gates are closed to prevent Bay water from filling up the Canal.

The drainage areas along the Canal and Channel are subject to frequent flooding impacts due to a lack of

capacity during large storm events and flow restrictions when tide levels in the Bay require closing the tide gates. The flooding impacts residential and commercial properties along East Bayshore Road in Redwood City and along Haven Avenue and Marsh Road in Menlo Park, typically resulting in structure damage as well as road closures. Menlo Park joined a multiagency collaborative, consisting of Menlo Park, Redwood City, Atherton and the County to pursue a flood mitigation solution.

On October 10, 2017, City Council authorized the city manager to enter into a memorandum of understanding (MOU) with the collaborative for the development of design plans and specifications, environmental review and certification, construction permitting, and securing property access rights necessary to construct a diversion structure across the entrance to Bedwell Bayfront Park to route excess storm flows from the Canal to ponds in the Don Edwards San Francisco Bay National Wildlife Refuge (Attachment C.)

Effective January 1, the San Mateo County Flood and Sea Level Rise Resiliency District (FSLRRD) assumed the role of lead agency for the Project. Menlo Park, along with the others in the collaborative, is a member of the FSLRRD.

On June 9, City Council authorized the city manager to sign a letter committing the City, in conjunction with the other collaborative agencies, to ensuring that the Project is implemented by December 2021. This effort was undertaken to preserve a \$1.135 million construction grant that was obtained by Redwood City from the California Department of Water Resources (Attachment D.)

#### Drainage easement

The Canal was constructed about 1945 by the Leslie Salt Company. In 1952, Leslie Salt Company granted to Redwood City and the County a drainage easement (Easement) for the purpose of constructing, maintaining, and operating storm drain facilities related to the Canal. In 1959, the County created the San Mateo County Flood Control District, which assumed the County's rights and obligations under the Easement. In or around 1959, portions of Haven Avenue, including portions of the storm drain system flowing into the Canal, were annexed from the County into Menlo Park. By operation of law pursuant to Government Code Section 57325 and by necessity, Menlo Park became a party to the Easement by virtue of such annexation and the existence of Menlo Park's storm drain facilities flowing within the Easement.

In 2015, Cargill, as successor in interest to Leslie Salt Company, requested that the City adopt a resolution acknowledging its responsibility to share the costs of maintaining and operating the Bayfront Canal and Flood Slough. City Council subsequently adopted Resolution No. 6281 July 21, 2015.

By operation of law, FSLRRD assumed the rights and obligations under the Easement from the San Mateo County Flood Control District.

#### **Analysis**

In order for FSLRRD and the collaborative agencies to meet their collective commitment to completing Project construction by December 2021, it is imperative that a construction contract is awarded and access rights to the underlying property are secured before the end of 2020. Therefore, it is important for the participating jurisdictions to reach agreement on the terms of construction and maintenance of the Project, as well as the terms of related access rights in the near future.

To achieve this goal, the City Council will be considering the following action items related to the Project in the near future.

**Authorize MOU for Project construction**

The construction and maintenance of the Project will benefit from the collaboration and financial participation of all communities that contribute flow to the watershed that drains into the Canal. Therefore, an MOU is currently being developed between Menlo Park, Redwood City, Atherton, the County and FSLRRD to address Project pre-construction, construction, and post-construction responsibilities and funding obligations.

The principal terms of the proposed MOU include the following:

- Identifies the purpose as establishing terms and conditions for the sharing of costs and responsibilities related to completing design, securing all permits and property rights, completing construction and, for five years, conducting operations and maintenance (O&M) of new facilities, and monitoring, maintaining and reporting on mitigation sites;
- Establishes an effective term that expires five years after the completion of construction or December 31, 2026, whichever date comes first;
- Establishes that FSLRRD will serve as the Project’s lead agency under CEQA and serve as the contracting and managing agency for all work funded by the MOU, with the exception of O&M;
- Establishes that Redwood City will manage the O&M of new facilities for five years with costs reimbursed by FSLRRD through contributions outlined in the MOU;
- Establishes each jurisdiction’s financial contribution based on:
  - No contribution from the Town of Woodside;
  - A capped contribution from the Town of Atherton of \$1,350,000;
  - The residual cost resulting from the Town of Atherton contribution cap will be split among San Mateo County, Redwood City and Menlo Park, based on the ratio of each jurisdiction’s flow contribution to the Canal;
  - Any additional funding and/or reduction in costs up to \$2,000,000 will be used to reduce the obligations of San Mateo County, Redwood City and Menlo Park.

The estimated cost of the activities funded by the MOU is anticipated to be \$8,590,000. This amount is partially offset by the \$1,135,000 Department of Water Resources grant contribution, but the remaining \$7,455,000 will need to be shared among the collaborative. The corresponding financial contributions per jurisdiction are presented in Table 1.

Table 1 - Jurisdictional flow and financial contributions				
Jurisdiction	Watershed area (%)	Flow contribution (%)	Financial contribution (\$)	Financial contribution (%)
Town of Atherton	44.00	38.00	1,350,000	18.11
City of Redwood City	13.00	26.00	2,658,000	35.65
San Mateo County	20.00	22.00	2,294,000	30.77
City of Menlo Park	17.00	10.50	1,153,000	15.47
Town of Woodside	6.00	3.50	0	0

Note: Flow contribution is based on the 25-year event, the project design criteria.

Following approval of the MOU, the collaborative will continue the process of acquiring necessary construction permits and access rights in order to close-out the planning and design effort and prepare for construction advertisement, bidding and contract award.



### Authorize agreement to amend and restate terms of the drainage Easement with Cargill

As part of FSLRRD's effort to secure Project related construction and maintenance easements across Cargill property at the entrance to Bedwell Bayfront Park, Cargill conditioned approval on a requirement to update the 1952 Easement. Cargill began discussions with FSLRRD, County, and Redwood City to terminate the Easement and replace it with a new easement agreement that also included elements specific to the Project. Subsequently, to preserve its historic easement rights, the City began participating in continued discussions for an agreement to amend and restate the Easement, rather than terminate it entirely.

The benefit of the proposed agreement is that it now explicitly identifies Menlo Park as a party to the Easement and provides a point of access near the entrance to Bedwell Bayfront Park, while substantially retaining the previous rights and obligations under the original 1952 easement. The agreement further clarifies the responsibilities of all parties and establishes a communication process with Cargill for planned and emergency construction, maintenance, and repairs to City storm drain facilities.

### Next steps

After the MOU agreement has been finalized by all participating agencies, the collaborative will continue working to finalize construction permits and access rights in order to close out the planning and design effort. Construction bidding and contract award is anticipated to occur in late 2020 with construction starting in early 2021.

### **Impact on City Resources**

Per the terms of the proposed MOU, the City's maximum contribution to the construction and maintenance of the Project is anticipated to be \$1,153,000. City Council authorized funding in the amount of \$1,200,000 from the General Fund CIP in the fiscal year 2020-21 capital improvement program for the Project. In conjunction with prior year appropriations, the project currently has a balance of \$1,374,712, which is anticipated to be sufficient to cover the remaining City share of expenses for the design and planning effort, construction, maintenance and staff time for coordination.

### **Environmental Review**

An initial study/mitigated negative declaration (IS/MND) identified potential adverse effects during Project construction. Those effects will be reduced to less-than-significant levels through the implementation of specific mitigation measures pursuant to Section 21081.6 of the California Public Resources Code as identified in the mitigation monitoring and reporting program. A 30-day public review period from July 29, 2019, to August 27, 2019 was completed in compliance with the provisions of the California Environmental Quality Act ("CEQA"). No revisions to the IS/MND were required in response to comments received.

FSLRRD assumed the role of lead agency and authority to adopt the IS/MND. Notice of intent to adopt the IS/MND was provided and posted February 13. At its regularly scheduled meeting February 24, the FSLRRD board of directors approved a resolution certifying the IS/MND for the Project.

The amended and restated easement 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 No. 6281
- B. Figure – Project location
- C. Hyperlink – October 10, 2017 City Council staff report:  
[menlopark.org/DocumentCenter/View/15710/H4---Bayfront-Canal-Bypass-Agreement](http://menlopark.org/DocumentCenter/View/15710/H4---Bayfront-Canal-Bypass-Agreement)
- D. Hyperlink – June 9 City Council staff report:  
[menlopark.org/DocumentCenter/View/25277/H5-Letter-of-commitment-Bayfront-Canal](http://menlopark.org/DocumentCenter/View/25277/H5-Letter-of-commitment-Bayfront-Canal)

Report prepared by:

Eric Hinkley, Associate Engineer

Report reviewed by:

Christopher Lamm, Assistant Public Works Director

Cara Silver, Interim City Attorney

**RESOLUTION NO. 6281**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO  
PARK ACKNOWLEDGING AN EASEMENT FOR STORM DRAINAGE**

WHEREAS, on June 2, 1952, the Leslie Salt Company (now Cargill) granted to the City of Redwood City and the County of San Mateo a right of way for the purpose of constructing, maintaining and operating storm drain facilities (“Easement”); and

WHEREAS, the Easement, attached hereto as Exhibit A and incorporated herein by this reference, was recorded in the San Mateo County Recorder’s Office; and

WHEREAS, in or around 1959, the Haven Avenue area, including portions of the land upon which the Easement is located and portions of the storm drainage system flowing into the storm drain facilities within the Easement, was annexed from the County of San Mateo into the City of Menlo Park; and

WHEREAS, by operation of law pursuant to Government Code Section 57325 and by necessity, the City of Menlo Park became a party to the Easement by virtue of such annexation and the existence of the storm drain facilities flowing into the storm drain facilities within the Easement; and

WHEREAS, the City of Menlo Park and properties located in the City of Menlo Park have openly and continuously discharged storm water into the Easement since the annexation of the Haven Avenue area over 50 years ago; and

WHEREAS, the City of Menlo Park recently approved development projects at 3639 Haven Avenue (Anton Menlo) and 3645 Haven Avenue (Greystar) that have repaired portions of the existing storm drain facilities and will continue to approve development projects in the City of Menlo Park that will discharge storm water into the Easement; and

WHEREAS, Cargill has requested that the City Council of the City of Menlo Park adopt a resolution confirming acceptance of the Easement as it relates to the City of Menlo Park’s storm drainage facilities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby acknowledges that the City of Menlo Park has a non-exclusive easement and by this Resolution does hereby formally accept such easement to the extent it relates to Menlo Park’s storm drainage facilities, over the lands of Cargill for the purpose of construction, maintaining and operating storm drain facilities serving property within the City of Menlo Park, as more particularly set forth in Exhibit A.

I, Jelena Harada, Deputy City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the twenty-first day of July, 2015, by the following votes:

AYES: Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: Carlton

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-first day of July, 2015.

  
\_\_\_\_\_  
Jelena Harada  
Deputy City Clerk

## THIS INDENTURE WITNESSETH :

Leslie Salt Co., a corporation, hereby conveys to the City of Redwood City, a municipal corporation, and to the County of San Mateo, State of California, a right of way over and along each of the following described parcels of real property situate in the County of San Mateo, State of California, for the purpose of constructing, maintaining and operating thereon storm drainage facilities and for no other purpose -

Parcel 1 -

Commencing at a point in the northerly boundary line of the Rancho de las Fulgas where the same is intersected by the quarter section line running north and south through the middle of Section 22, Township 5 South, Range 3 West, Mt. Diablo Base and Meridian, being the southeast corner of that certain 100 foot strip of land described in deed from Geo. H. Rice, et al., to Spring Valley Water Co., dated Nov. 24, 1905 and recorded June 17, 1907, in Book 127 of Deeds at Page 534, San Mateo County; thence North 107.85 feet and North 68° 00' West 1354.7 feet to the true point of beginning of the parcel described herein. From said true point of beginning South 68° 00' East 936.0 feet along the northerly boundary of said lands heretofore conveyed to Spring Valley Water Co. to a point; thence leaving said boundary on the arc of a curve to the left tangent to last named course with a radius of 130 feet through a central angle of 74° 00', 167.90 feet to a point; thence North 38° 00' East 135 feet to a point in an existing dredged channel; thence along the arc of a 250 foot radius curve to the left tangent to a line bearing South 52° 00' East from the last named point, through a central angle of 153° 50 1/2', 671.26 feet; thence North 4000 feet to a point in Westpoint Slough; thence West 50 feet to a point, thence South 4012.16 feet to a point which is 50 feet distant radially from the last mentioned 250 foot radius curve; thence along the arc of a curve concentric with last mentioned curve, with a radius of 200 feet through a central angle of 156° 57', 547.86 feet; thence North 52° West 50 feet; thence South 38° 00' West 185 feet to a point; thence along a curve to the right tangent to last named course

with a radius of 80 feet through a central angle of 74° 00'; 103.32 feet to a point; thence North 68° 00' West 945.2 feet; thence North 88° 45' West 4104.0 feet; thence North 74° 00' West 820.62 feet; thence South 6° 15' West 97.80 feet to the lands of Pacific Gas and Electric Co.; thence South 81° 55 1/2' East 400 feet and South 67° 37 1/4' East 316.2 feet along the lands of Pacific Gas and Electric Co. to northerly boundary of aforementioned Spring Valley 100' strip; thence along the northerly boundary of said Spring Valley 100' strip, South 88° 45' East 4204.0 feet to the true point of beginning.

Parcel 2 -

A strip of land 15 feet in width measured 7.5 feet at right angles on each side of the following described line:

Beginning at a point in the north-easterly line of the parcel designated as "Road", distant thereon North 81 degrees 17 minutes West, 42.37 feet from the most northerly corner of Lot 1, Block 2, as said Road, Lot and Block are shown on that certain map of the Friend Industrial Tract, filed for record December 31, 1940 in Book 23 of Maps at page 33, San Mateo County Records.

Thence from said point of beginning, North 10 degrees 31 minutes 45 seconds West, 10.59 feet to a point in the northerly line of the lands of Leslie Salt Company.

The foregoing conveyances shall not be assignable and are made upon the understanding and condition that no excavation shall be made by the grantees below the elevation minus three feet mean sea level United States Coast and Geodetic Survey datum, and upon the further understanding and condition that the grantor shall have the right to construct and maintain over, under or across the said rights of way and each of them such bridges, pole lines, pipe lines and other structures as it may deem desirable, provided that no such bridge, pole line, pipe line or other structure shall interfere with the use of the said drainage facilities by the grantees.

The grantees agree to use reasonable care in the construction, maintenance and operation of the said drainage facilities.

IN WITNESS WHEREOF the undersigned has caused these presents to be executed by its officers thereunto duly authorized this 2<sup>nd</sup> day of June, 1952.

LESLIE SALT CO.

By

Edward H. Davis  
President

and

Shuman T. Allen  
Secretary-Treasurer



THIS PAGE INTENTIONALLY LEFT BLANK





**STAFF REPORT**

**City Council**

**Meeting Date:**

**8/25/2020**

**Staff Report Number:**

**20-183-CC**

**Informational Item:**

**Update on the actuarial valuation for the other post-employment benefits trust fund as of June 30, 2019**

**Recommendation**

This is an informational item and does not require City Council action.

**Policy Issues**

Internal Revenue Code section 115 allows the creation of irrevocable trusts (section 115 trust) to allow government funds to be invested at higher returns than otherwise permissible. The City of Menlo Park has a section 115 trust with the California Employers' Retiree Benefit Trust (CERBT) which offers three investment strategies with varying risk and expected returns.

**Background**

The City offers post-retirement health care reimbursement according to either contractual obligations in the memoranda of understanding (MOUs) with its collective bargaining units or according to Government Code Section 22825 of the Public Employees Medical and Hospital Care Act (PEMHCA,) referred to as other post-employment benefits (OPEB) in its financial statements. In fiscal year 2007-08, the City made a contribution of \$10.7 million to fully fund the actuarially accrued liability of OPEB, and has made regular annual contributions for the pay-as-you-go portion of the obligations. Due to the initial funding of the section 115 trust, subsequent contributions, and investment returns on the assets, the trust has reached full funding status.

**Analysis**

CERBT offers three investment strategies for funds invested in the section 115 trust, with a range of expected returns and volatility. The strategies and their expected near- and longer-term returns as well as the expected volatility of the returns is shown below in Table 1.

Table 1: CERBT investment strategies			
	Strategy 1	Strategy 2	Strategy 3
Expected time-weighted return, near term	5.85%	5.22%	4.41%
Expected time-weighted blended return, longer term	7.59%	7.01%	6.22%
Standard deviation of expected investment returns	11.83%	9.24%	7.28%

The choice of investment strategy affects the discount rate assumption and therefore the actuarially accrued liability for OPEB. The effect of the discount rate on the funding status of the plan is discussed in detail in the actuarial report as of June 30, 2019, Attachment A, on Page 37.

Since the inception of the section 115 trust, the City has used strategy 1 in order to maximize its investment returns and reduce the need for other City resources to meet OPEB obligations. The funding status, or ratio of the market value of plan assets to actuarially accrued liability, for the section 115 trust is greater than 100 percent, representing full funding under any of the investment strategies.

As an irrevocable trust fund, assets in the OPEB trust may not be used for any purposes other than fulfilling OPEB obligations. As a result, the City may choose to pursue a more aggressive investment strategy for purposes of reducing future years' requirements or to pursue a less aggressive investment strategy to preserve assets. Based on the aforementioned funding status, the City has switched to strategy 3 as of July 2020 in order to reduce the volatility of returns and preserve the assets in the trust.

Attachment A includes greater detail about OPEB obligations and provides the full valuation report.

**Impact on City Resources**

Using a strategy with a lower discount rate increases the actuarially accrued liability and reduces the overall funding status of the trust from 122 percent to 108 percent. However, as the trust is fully funded under any investment strategy and the funds cannot be used for any other purpose, there is no overall 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 this agenda item being listed, at least 72 hours prior to the meeting.

**Attachments**

A. City of Menlo Park OPEB trust fund valuation report as of June 30, 2019

Report prepared by:  
Patricia Barboza, Senior Accountant

Report reviewed by:  
Dan Jacobson, Assistant Administrative Services Director



**CITY OF MENLO PARK**

**RETIREE HEALTHCARE PLAN**

**BARTEL**  
ASSOCIATES, LLC

**June 30, 2019 Actuarial Valuation**

**Final Results**

**Doug Pryor, Vice President**

Bianca Lin, Assistant Vice President & Actuary

Wai Man Yam, Actuarial Analyst

Matthew Childs, Actuarial Analyst

**Bartel Associates, LLC**

July 17, 2020

**CONTENTS**

<b><u>Topic</u></b>	<b><u>Page</u></b>
Benefit Summary	1
Implied Subsidy	5
Participant Statistics	7
Actuarial Assumptions Highlights	13
Actuarial Methods	20
Plan Assets	21
Results	23
Bartel Associates OPEB Database	41
Actuarial Certification	44
Exhibits	45

**BENEFIT SUMMARY**

	SEIU	Supervisory	Executive	PSA	POA
■ Eligibility	<ul style="list-style-type: none"> <li>■ Retire directly from the City under CalPERS</li> <li>■ Service<sup>1</sup> or Disability retirement</li> <li>■ SEIUTE (temporary workers) are ineligible</li> </ul>				
■ PEMHCA Minimum Benefit	■ PEMHCA minimum once Retirement Health Credits exhausted <sup>2</sup> (\$136 in 2019 and \$139 in 2020)				
■ Retirement Health Credit Benefit	<ul style="list-style-type: none"> <li>■ Conversion of sick/general leave balance to a combination of:                             <ul style="list-style-type: none"> <li>• Cash payment</li> <li>• Retirement Health Credits (RHC)</li> </ul> </li> </ul>				
• RHC Eligibility	Hired < 5/4/2010	Hired < 10/23/2011		Hired < 7/1/2004	Hired < 7/1/2011
• Max Balance for Conversion	1,360 hrs		900 hrs	1,400 hrs	1,200 hrs
• Max Cash Payment	15% of balance		100% of balance		20% of balance

<sup>1</sup> Age 50 (52 for Miscellaneous PEPRA members) with 5 years of service.

<sup>2</sup> SEIU and Supervisory units (SEIU hired ≤ 5/4/2010 & Supervisory hired ≤ 10/24/2009) receive an additional \$100 benefit if ≥ 10 years of service (prorated for part-time employees) after RHC expires.  
City Council members are not eligible for sick / general leave



July 17, 2020



**BENEFIT SUMMARY**

	SEIU	Supervisory	Executive	PSA	POA														
• Retirement Health Credits	<table border="1"> <thead> <tr> <th>City Years</th> <th>Hrs per Credit</th> </tr> </thead> <tbody> <tr> <td>&lt; 15</td> <td>8</td> </tr> <tr> <td>15-20</td> <td>6</td> </tr> <tr> <td>≥ 20</td> <td>3</td> </tr> </tbody> </table>		City Years	Hrs per Credit	< 15	8	15-20	6	≥ 20	3	<table border="1"> <thead> <tr> <th>City Years</th> <th>Hrs per Credit</th> </tr> </thead> <tbody> <tr> <td>&lt; 20</td> <td>8</td> </tr> <tr> <td>≥ 20</td> <td>6</td> </tr> </tbody> </table>			City Years	Hrs per Credit	< 20	8	≥ 20	6
City Years	Hrs per Credit																		
< 15	8																		
15-20	6																		
≥ 20	3																		
City Years	Hrs per Credit																		
< 20	8																		
≥ 20	6																		
• Medical Coverage Conversion	<table border="1"> <thead> <tr> <th colspan="2">Credits for Month of Coverage</th> </tr> </thead> <tbody> <tr> <td>EE Only</td> <td>1</td> </tr> <tr> <td>EE+1</td> <td>2</td> </tr> <tr> <td>Family</td> <td>3</td> </tr> </tbody> </table>					Credits for Month of Coverage		EE Only	1	EE+1	2	Family	3						
Credits for Month of Coverage																			
EE Only	1																		
EE+1	2																		
Family	3																		
• Covered Medical Premium <sup>3</sup>	Highest HMO	Any Plan		<table border="1"> <thead> <tr> <th>City Years</th> <th>Plan</th> </tr> </thead> <tbody> <tr> <td>&lt; 20</td> <td>Any Plan</td> </tr> <tr> <td>≥ 20</td> <td>Highest HMO</td> </tr> </tbody> </table>	City Years	Plan	< 20	Any Plan	≥ 20	Highest HMO									
City Years	Plan																		
< 20	Any Plan																		
≥ 20	Highest HMO																		
• Retiree Dental Conversion	N/A	½ credit = 1 month City paid dental	N/A																
• Death Benefit	RHC forfeited upon death																		
• Layoffs	Benefit after layoff		N/A																

<sup>3</sup> Age 50 (52 for Miscellaneous PEPRA members) with 5 years of service.



July 17, 2020



## BENEFIT SUMMARY

	SEIU	Supervisory	Executive	PSA	POA
<ul style="list-style-type: none"> <li>■ Active Employee Sick/General Leave Accruals</li> </ul>	<ul style="list-style-type: none"> <li>■ Sick Leave</li> <li>■ 96 hrs / year</li> </ul>		<ul style="list-style-type: none"> <li>■ General Leave<sup>4</sup></li> <li>■ 333 hrs/yr</li> </ul>	<ul style="list-style-type: none"> <li>■ General Leave</li> <li style="padding-left: 20px;">svc hrs/yr</li> <li style="padding-left: 20px;">1-5 216</li> <li style="padding-left: 20px;">6-10 230</li> <li style="padding-left: 20px;">11-15 256</li> <li style="padding-left: 20px;">16-20 280</li> <li style="padding-left: 20px;">≥ 20 296</li> </ul>	<ul style="list-style-type: none"> <li>■ Sick Leave</li> <li>■ 96 hrs/yr</li> </ul>
<ul style="list-style-type: none"> <li>• Max Full-Time Balance</li> </ul>	1,440 hrs		1,200 hrs	1,400 hrs	1,500 hrs
<ul style="list-style-type: none"> <li>• Max Part-Time Balance</li> </ul>	Prorated			N/A	

<sup>4</sup> General leave includes sick leave and vacation.



July 17, 2020



## BENEFIT SUMMARY

	SEIU	Supervisory	Executive	PSA	POA
<ul style="list-style-type: none"> <li>■ Surviving Spouse Benefit</li> </ul>	<ul style="list-style-type: none"> <li>■ Based on retirement plan election</li> <li>■ Only PEMHCA minimum benefit continues to surviving spouse</li> </ul>				
<ul style="list-style-type: none"> <li>■ Vision, Life, Medicare Part B</li> </ul>	<ul style="list-style-type: none"> <li>■ None</li> </ul>				
<ul style="list-style-type: none"> <li>■ Pay-as-you-go</li> </ul>	<u>Fiscal Year</u>		<u>Cash Subsidy</u>		<u>Implied Subsidy</u>
	2018/19		\$731,562		\$161,000
	2017/18		728,616		186,000
	2016/17		636,497		165,000
	2015/16		608,057		137,000
	2014/15		550,668 <sup>5</sup>		n/a
	2013/14		566,643		n/a
	2012/13		544,903		n/a
	2011/12		488,617		n/a
	2010/11		413,594		n/a
	2009/10 <sup>6</sup>		328,191		n/a
	2008/09 <sup>7</sup>		277,307		n/a

<sup>5</sup> From CAFR.

<sup>6</sup> Reflects PEMHCA PPO premium holiday

<sup>7</sup> Excludes PEMHCA administrative cost of \$2,416, which is consistent with City's 2008/09 CAFR

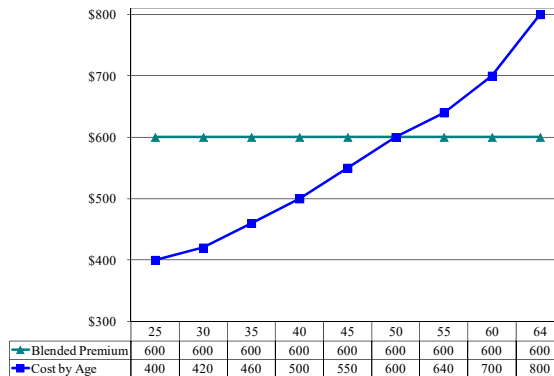


July 17, 2020

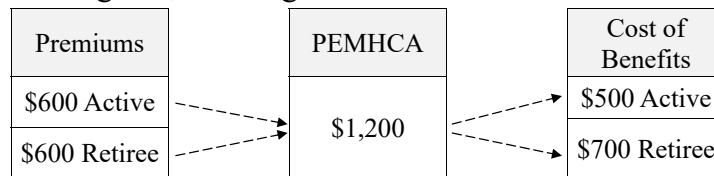


## IMPLIED SUBSIDY

- For PEMHCA, employer cost for allowing retirees to participate at active rates.
  - General trend:



- Sample active age 40, retire age 60:



July 17, 2020



## IMPLIED SUBSIDY

- GASBS 75 defers to actuarial standards of practice.
- Previous Actuarial Standards of Practice No. 6<sup>8</sup> (ASOP 6) allows community rated plans to value liability using premiums, resulting in no implied subsidy.
- In May 2014, Actuarial Standards Board released revised ASOP 6:
  - Requires implied subsidy valued for community rated plans such as PEMHCA.
  - Timing: effective with all valuations on or after March 31, 2015 with earlier implementation encouraged.
- June 30, 2015 and later valuations include implied subsidy.

<sup>8</sup> Measuring Retiree Group Benefits Obligations and Determining Retiree Group Benefits Plan Costs or Contributions.



July 17, 2020



**PARTICIPANT STATISTICS**

**Actives**

	1/1/10	6/30/11	6/30/13	6/30/15	6/30/17	6/30/19
■ Count	248	237	226	233	247	263
■ Average Age	43.8	44.3	43.4	44.8	43.6	42.7
■ Average Service						
• City	9.4	10.3	10.0	9.8	9.1	8.0
• CalPERS	11.3	12.4	11.8	11.7	10.9	9.9
■ Leave Balance (hr)						
• Average	329	360	345	361	341	314
• Total	81,650	85,291	78,048	84,160	84,145	82,507
■ Pay						
• Average	\$76,100	\$79,100	\$75,100	\$82,400	\$88,400	\$84,600
• Total (000s)	18,863	18,752	16,970	19,200	21,846	22,245



July 17, 2020



**PARTICIPANT STATISTICS**

**Retirees**

	1/1/10	6/30/11	6/30/13	6/30/15	6/30/17	6/30/19
■ Total Retirees:						
• Count < age 65	57	53	57	55	64	67
• Count ≥ age 65	57	59	80	90	89	103
• Total Count	114	112	137	145	153	170
■ Avg. Age	66.4	67.0	66.9	67.4	67.3	67.8
■ Avg. Ret. Age <sup>9</sup>						
• Service Retirees	58.0	58.4	58.2	58.2	58.3	58.4
• Disability Retirees	46.5	46.5	48.5	46.4	45.0	44.3
■ With RHC	35	38	42	43	50	56
■ Eligible for \$100	14	22	32	30	26	9

<sup>9</sup> Excludes surviving spouses.



July 17, 2020





**PARTICIPANT STATISTICS**

**Actives**  
**June 30, 2019**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Eligible for RHC	55	20	9	3	20	0	107
■ Ineligible for RHC	<u>86</u>	<u>26</u>	<u>16</u>	<u>4</u>	<u>19</u>	<u>5</u>	<u>156</u>
■ Total Count	141	46	25	7	39	5	263
■ Average Age	42.7	44.8	46.7	47.3	35.9	50.6	42.7
■ Average Service							
• City	7.8	8.0	7.7	14.2	8.3	2.7	8.0
• CalPERS	9.0	10.3	14.7	18.7	9.2	3.0	9.9
■ Leave Balance (hr)							
• Eligible for RHC	26,501	10,589	6,674	3,998	13,526	-	61,288
• Ineligible for RHC	<u>6,948</u>	<u>2,542</u>	<u>5,379</u>	<u>3,308</u>	<u>3,041</u>	-	<u>21,219</u>
• Total	33,449	13,131	12,054	7,305	16,568	-	82,507
■ Pay							
• Average	\$67,435	\$94,200	\$130,912	\$146,319	\$104,498	\$6,144	\$84,581
• Total (000s)	9,508	4,333	3,273	1,024	4,075	31	22,245



July 17, 2020



**PARTICIPANT STATISTICS**

**Service Retirees**  
**June 30, 2019**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Service Retirees:							
• Count < age 65	22	14	8	4	5	-	53
• Count ≥ age 65	<u>40</u>	<u>22</u>	<u>14</u>	<u>8</u>	<u>8</u>	<u>2</u>	<u>94</u>
• Total Count <sup>10</sup>	62	36	22	12	13	2	147
■ Avg. Age <sup>10</sup>	69.4	68.6	69.6	67.8	67.5	78.2	69.1
■ Avg. Ret. Age <sup>11</sup>	59.0	59.6	57.4	54.7	55.7	62.7	58.4
■ With RHC	23	18	6	4	3	-	54
■ Eligible for \$100	5	4	n/a	n/a	n/a	n/a	9

<sup>10</sup> Includes 14 surviving spouses

<sup>11</sup> Excludes surviving spouses.



July 17, 2020



**PARTICIPANT STATISTICS**

**Disabled Retirees**  
**June 30, 2019**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Disabled Retirees:							
• Count < age 65	2	-	-	2	10	-	14
• Count ≥ age 65	<u>3</u>	-	-	<u>1</u>	<u>5</u>	-	<u>9</u>
• Total Count	5	-	-	3	15	-	23
■ Avg. Age	70.1	-	-	65.4	54.8	-	59.5
■ Avg. Ret. Age	43.4	-	-	48.6	43.8	-	44.3
■ With RHC	-	-	-	-	2	n/a	2
■ Eligible for \$100	-	-	n/a	n/a	n/a	n/a	-



July 17, 2020



**PARTICIPANT STATISTICS**

**Participant Reconciliation**

	Actives	Retirees			
		Service	Disabled	Survivors	Total
■ <b>June 30, 2017</b>	247	119	23	11	153
• Terminations	(48)	-	-	-	-
• New Retirees	(21)	20	1	-	21
• Retiree Deaths without Survivor	-	(4)	(1)	(1)	(6)
• Retiree Deaths with Survivor	-	(2)	(1)	3	-
• New Hires	84	-	-	-	-
• Corrections/Prior Omission <sup>12</sup>	<u>1</u>	<u>-</u>	<u>1</u>	<u>1</u>	<u>2</u>
■ <b>June 30, 2019</b>	263	133	23	14	170

<sup>12</sup> They constitute a small amount of the total liability.



July 17, 2020



## ACTUARIAL ASSUMPTIONS HIGHLIGHTS

### Discount Rate

■ CERBT Investment Options

	Strategy 1	Strategy 2	Strategy 3
Global Equity	57%	40%	24%
Fixed Income	27%	39%	39%
TIPS	5%	10%	26%
Commodities	3%	3%	3%
REITs	<u>8%</u>	<u>8%</u>	<u>8%</u>
Total	100%	100%	100%

■ City currently in Strategy 1



July 17, 2020

13



## ACTUARIAL ASSUMPTIONS HIGHLIGHTS

### Discount Rate

■ Future expected returns

- Stochastic simulations of geometric average returns over 20 years
- 5,000 trials
- 2.75% inflation assumption
- Projections based on 5 independent Investment Advisors 2016 or 2017 (latest currently available) 10-year Capital Market Assumptions and where available, investment advisors anticipated long-term trends:
- Confidence levels:

	Strategy 1	Strategy 2	Strategy 3
50% Confidence Level	6.75%	6.25%	5.50%
55% Confidence Level	6.50%	6.00%	5.50%
60% Confidence Level	6.00%	5.75%	5.25%



July 17, 2020

14



**ACTUARIAL ASSUMPTIONS HIGHLIGHTS**

	<b>June 30, 2017 Valuation</b>	<b>June 30, 2019 Valuation</b>
■ Valuation Date	<ul style="list-style-type: none"> <li>■ June 30, 2017</li> <li>■ 2018/19 &amp; 2019/20 Fiscal Years</li> </ul>	<ul style="list-style-type: none"> <li>■ June 30, 2019</li> <li>■ 2020/21 &amp; 2021/22 Fiscal Years</li> </ul>
■ Funding Policy	■ Full ADC pre-funding through CERBT Option 1	■ Full ADC pre-funding through CERBT Option 3
■ Discount Rate	■ 6.75%	■ 5.50%
■ Mortality, Withdrawal, Disability	<ul style="list-style-type: none"> <li>■ CalPERS 1997-2015 Experience Study</li> <li>■ Post-retirement mortality projected fully generational with Scale MP-17</li> </ul>	<ul style="list-style-type: none"> <li>■ CalPERS 1997-2015 Experience Study</li> <li>■ Post-retirement mortality projected fully generational with Scale MP-19</li> </ul>



**ACTUARIAL ASSUMPTIONS HIGHLIGHTS**

	<b>June 30, 2017 Valuation</b>	<b>June 30, 2019 Valuation</b>
■ Participation at Retirement	<ul style="list-style-type: none"> <li>■ With Retirement Health Credit or \$100 benefit: 100%</li> <li>■ PEMHCA minimum only: based on current experience                             <ul style="list-style-type: none"> <li>• Pre 65: 40%</li> <li>• Post 65: 40%</li> </ul> </li> </ul>	■ Same



## ACTUARIAL ASSUMPTIONS HIGHLIGHTS

	June 30, 2017 Valuation			June 30, 2019 Valuation		
■ Medical Plan at Retirement	■ Actives:			■ Actives:		
	<u>Medical Plan</u>	<u>Pre-65</u>	<u>Post-65</u>	<u>Medical Plan</u>	<u>Pre-65</u>	<u>Post-65</u>
	Anthem Trad.	10%	n/a	Anthem Trad.	20%	n/a
	Blue Shield	25%	n/a	Blue Shield	10%	n/a
	Kaiser	40%	30%	Kaiser	30%	40%
	UnitedHealthcare	0%	20%	UnitedHealthcare	0%	20%
	PERS Choice	15%	20%	PERS Choice	30%	15%
	PERSCare	10%	30%	PERSCare	10%	25%
	■ Retirees:			■ Retirees:		
	<ul style="list-style-type: none"> <li>• Currently covered: Same as current election</li> <li>• Currently waived: PEMHCA minimum only</li> </ul>			<ul style="list-style-type: none"> <li>• Currently covered: Same as current election</li> <li>• Currently waived: PEMHCA minimum only</li> </ul>		
■ Non-Kaiser HMO over 65 – Elect UnitedHealthcare			■ Non-Kaiser HMO over 65 – Elect UnitedHealthcare			



July 17, 2020

17



## ACTUARIAL ASSUMPTIONS HIGHLIGHTS

■ Healthcare Trend for PEMHCA	<u>Increase from Prior Year</u>			<u>Increase from Prior Year</u>		
	<u>Year</u>	<u>Non-Medicare</u>	<u>Medicare</u>	<u>Year</u>	<u>Non-Medicare</u>	<u>Medicare</u>
		<u>HMO &amp; PPO</u>	<u>HMO &amp; PPO</u>		<u>HMO &amp; PPO</u>	<u>HMO &amp; PPO</u>
	2017	Actual Premiums		2019	Actual Premiums	
	2018	Actual Premiums		2020	Actual Premiums	
	2019	Actual Premiums		2021	7.25%	6.30%
	2020	7.50%	6.50%	2022	7.00%	6.10%
	2021	7.25%	6.30%	2023	6.75%	5.90%
	2022	7.00%	6.10%	2024	6.50%	5.70%
	2023	6.75%	5.90%	2025	6.25%	5.50%
	2024	6.50%	5.70%	2026	6.00%	5.30%
	2025	6.25%	5.50%	2027	5.80%	5.15%
	2026	6.00%	5.30%	2028	5.60%	5.00%
	2027	5.80%	5.15%	2029	5.40%	4.85%
	2028	5.60%	5.00%	2030	5.20%	4.70%
	2029	5.40%	4.85%	2031-2035	5.05%	4.60%
	2030	5.20%	4.70%	2036-2045	4.90%	4.50%
	2031-2035	5.05%	4.60%	2046-2055	4.75%	4.45%
	2036-2045	4.90%	4.50%	2056-2065	4.60%	4.40%
	2046-2055	4.75%	4.45%	2066-2075	4.30%	4.20%
	2056-2065	4.60%	4.40%	2076+	4.00%	4.00%
	2066-2075	4.30%	4.20%			
	2076+	4.00%	4.00%			



July 17, 2020

18



## ACTUARIAL ASSUMPTIONS HIGHLIGHTS

	June 30, 2017 Valuation	June 30, 2019 Valuation																																				
<b>■ Sick/General Time Use</b>	<b>■ Based on current experience:</b> <table style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;"><u>Group</u></th> <th style="text-align: left;"><u>Use</u></th> <th style="text-align: left;"><u>Accumulate</u></th> </tr> </thead> <tbody> <tr> <td>SEIU</td> <td>70%</td> <td>30%</td> </tr> <tr> <td>Supervisory</td> <td>70%</td> <td>30%</td> </tr> <tr> <td>Executive</td> <td>80%</td> <td>20%</td> </tr> <tr> <td>PSA</td> <td>70%</td> <td>30%</td> </tr> <tr> <td>POA</td> <td>70%</td> <td>30%</td> </tr> </tbody> </table>	<u>Group</u>	<u>Use</u>	<u>Accumulate</u>	SEIU	70%	30%	Supervisory	70%	30%	Executive	80%	20%	PSA	70%	30%	POA	70%	30%	<b>■ Based on current experience:</b> <table style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;"><u>Group</u></th> <th style="text-align: left;"><u>Use</u></th> <th style="text-align: left;"><u>Accumulate</u></th> </tr> </thead> <tbody> <tr> <td>SEIU</td> <td>75%</td> <td>25%</td> </tr> <tr> <td>Supervisory</td> <td>65%</td> <td>35%</td> </tr> <tr> <td>Executive</td> <td>80%</td> <td>20%</td> </tr> <tr> <td>PSA</td> <td>70%</td> <td>30%</td> </tr> <tr> <td>POA</td> <td>60%</td> <td>40%</td> </tr> </tbody> </table>	<u>Group</u>	<u>Use</u>	<u>Accumulate</u>	SEIU	75%	25%	Supervisory	65%	35%	Executive	80%	20%	PSA	70%	30%	POA	60%	40%
<u>Group</u>	<u>Use</u>	<u>Accumulate</u>																																				
SEIU	70%	30%																																				
Supervisory	70%	30%																																				
Executive	80%	20%																																				
PSA	70%	30%																																				
POA	70%	30%																																				
<u>Group</u>	<u>Use</u>	<u>Accumulate</u>																																				
SEIU	75%	25%																																				
Supervisory	65%	35%																																				
Executive	80%	20%																																				
PSA	70%	30%																																				
POA	60%	40%																																				
<b>■ PPACA Excise Tax</b>	<b>■ 2% load on cash subsidy</b>	<b>■ Removed</b> (law repealed 12/20/19)																																				
<b>■ PEMHCA / CERBT Admin. Fee</b>	<b>■ PEMHCA - 0.33% of retiree premium added to Normal Cost</b>  <b>■ CERBT - 0.06% of assets added to Normal Cost</b>	<b>■ PEMHCA - 0.27% of retiree premium added to Normal Cost</b>  <b>■ CERBT - 0.05% of assets added to Normal Cost</b>																																				



July 17, 2020

19



## ACTUARIAL METHODS

Method	June 30, 2017 Valuation	June 30, 2019 Valuation
<b>■ Cost Method</b>	<b>■ Entry Age Normal</b>	<b>■ Same</b>
<b>■ Actuarial Value of Assets</b>	<b>■ Investment gains and losses spread over a 5-year rolling period</b> <b>■ Not less than 80% nor more than 120% of market value</b> <b>■ Same method as CalPERS pension, but shorter period</b>	<b>■ Same</b>
<b>■ Amortization Method</b>	<b>■ Level Percent of Payroll</b>	<b>■ Same</b>
<b>■ Amortization Periods</b>	<b>■ 1.04-year fixed (closed) period for initial UAAL from 1/1/08 (currently paid off)</b> <b>■ 15-year (open) period for method, assumption, plan changes, and gains and losses</b> <b>■ Maximum 30-year combined period</b>	<b>■ 15-years fresh start</b>



July 17, 2020

20



**PLAN ASSETS**

**Market Value of Assets**<sup>13</sup>  
(amounts in 000's)

	2015/16	2016/17	2017/18	2018/19	Projected 2019/20 <sup>14</sup>
■ <b>Market Value of Assets (Beginning of Year)</b>	\$ 16,742	\$ 16,922	\$ 18,976	\$20,731	\$22,006
• Contributions	-	278	280	-	-
• Benefit Payments <sup>15</sup>	-	-	-	-	-
• Admin. Expenses	(8)	(9)	(35)	(4)	(11)
• Investment Return	<u>188</u>	<u>1,785</u>	<u>1,511</u>	<u>1,279</u>	<u>1,496</u>
■ <b>Market Value of Assets (End of Year)</b>	16,922	18,976	20,731	22,006	23,491
■ <b>Approximate Return</b>	1.1%	10.5%	7.8%	6.2%	6.8%

<sup>13</sup> Asset based on CERBT audited asset statements, except for 2019/20 projection.

<sup>14</sup> Asset projected from July 1, 2019 to June 30, 2020 with assumed 6.75% annual investment return

<sup>15</sup> Benefit payments made outside of trust. Starting 2015/16 no reimbursement requested from the trust



July 17, 2020

21



**PLAN ASSETS**

**Actuarial Value of Assets**  
(amounts in 000's)

	2015/16	2016/17	2017/18	2018/19	Projected 2019/20
■ <b>Actuarial Value of Assets (beginning of year)</b>	\$ 16,512	\$ 17,552	\$ 19,077	\$ 20,662	\$ 22,047
• Employer Contribution	-	278	280	-	-
• Benefit Payments	-	-	-	-	-
• Expected Return	1,197	1,273	1,288	1,395	1,488
■ Expected AVA (end of year)	17,709	19,102	20,645	22,057	23,535
■ 1/5 of (MVA – Expected AVA)	(157)	(25)	17	(10)	(9)
■ Preliminary AVA	17,552	19,077	20,662	22,047	23,526
• 80% of MVA	13,538	15,180	16,585	17,605	18,793
• 120% of MVA	20,306	22,771	24,878	26,407	28,189
■ <b>Actuarial Value of Assets (end of year)</b>	17,552	19,077	20,662	22,047	<b>23,526</b>
■ <b>Approximate Return</b>	6.3%	7.1%	6.8%	6.7%	6.8%



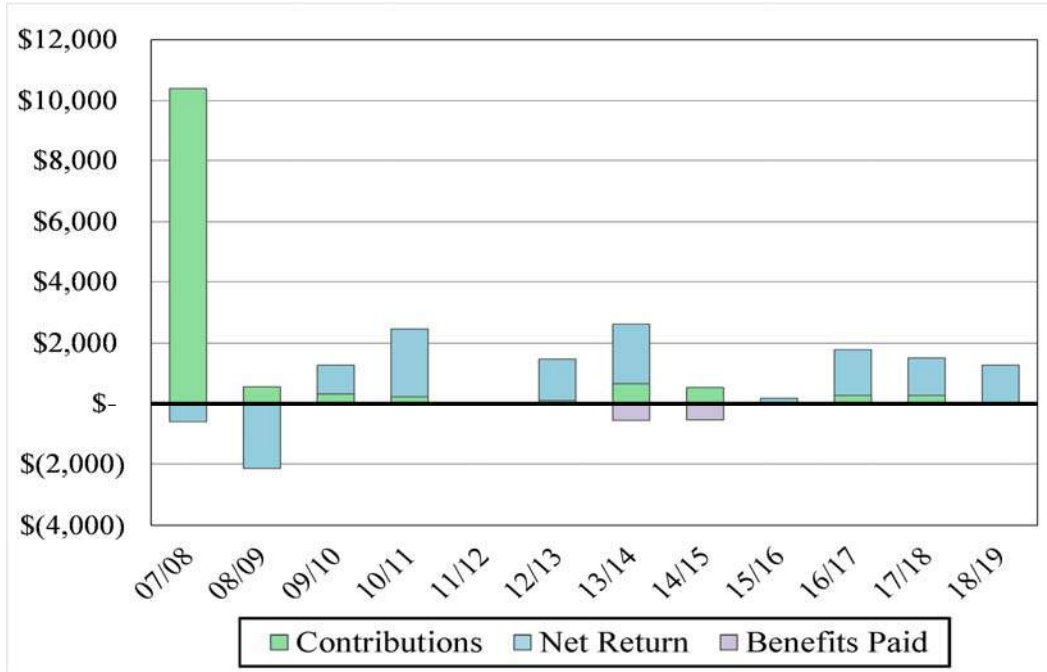
July 17, 2020

22



**PLAN ASSETS**

**Historical Asset Changes**



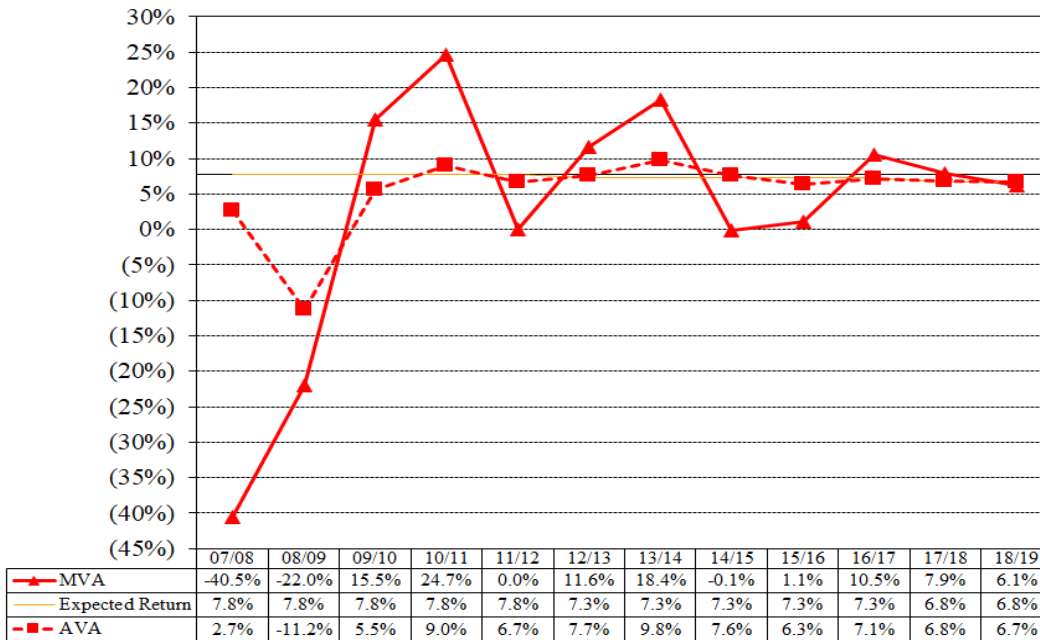
July 17, 2020

23



**PLAN ASSETS**

**Historical Asset Returns**



July 17, 2020

24





## RESULTS

### Funded Status

(amounts in 000's)

	6/30/17 Valuation	6/30/19 Valuation	6/30/20 Projected
<b>■ Present Value of Benefits</b> <ul style="list-style-type: none"> <li>• Actives</li> <li>• Retirees</li> <li>• Total</li> </ul>	\$ 15,437 <u>7,162</u> 22,599	\$ 18,777 <u>8,994</u> 27,771	
<b>■ Actuarial Accrued Liability</b> <ul style="list-style-type: none"> <li>• Actives</li> <li>• Retirees</li> <li>• Total</li> </ul>	10,041 <u>7,162</u> 17,203	11,366 <u>8,994</u> 20,360	\$ 21,283
<b>■ Actuarial Value of Assets</b>	<u>19,077</u>	<u>22,047</u>	<u>23,526</u>
<b>■ Unfunded Liability</b>	(1,874)	(1,687)	(2,243)
<b>■ Funded Ratio</b>	110.9%	108.3%	110.5%



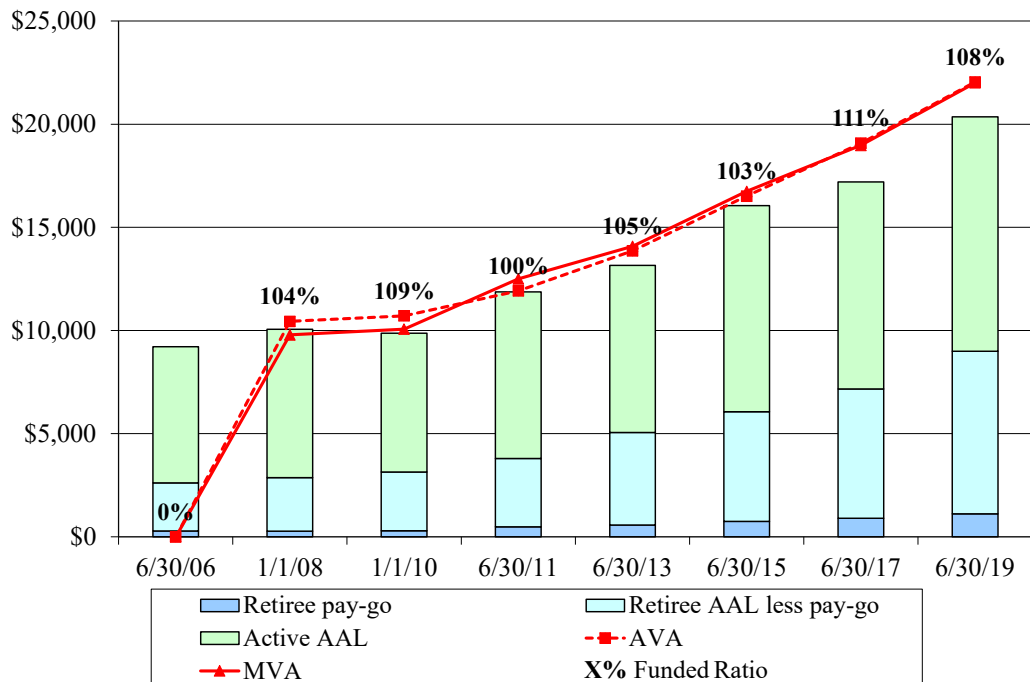
July 17, 2020

25



## RESULTS

### Historical Funded Status



July 17, 2020

26



**RESULTS**

**(Gain)/Loss Analysis**

(amounts in 000's)

	<b>AAL</b>	<b>AVA</b>	<b>UAAL</b>
■ 6/30/2017 Actual Value	\$ 17,203	\$ 19,077	\$ (1,874)
■ 6/30/2020 Expected Value	19,982	22,352	(2,370)
• Experience (Gains)/Losses:			
➢ Medical Premiums Less than Expected	(239)	-	(239)
➢ Demographic/Other	(627)	-	(627)
➢ Medical Plan Election at Retirement	30	-	30
➢ Sick Time Accrual	41	-	41
➢ Mortality Improvement Projection	(70)	-	(70)
➢ Excise Tax Removal	(299)	-	(299)
➢ Discount Rate Change 6.75%→5.5%	2,464	-	2,464
• Asset Gains/(Losses)	<u>-</u>	<u>1,174</u>	<u>(1,174)</u>
■ Total (Gains)/Losses	1,301	1,174	127
■ 6/30/2020 Projected Value	21,283	23,526	(2,243)



July 17, 2020

27



**RESULTS**

**This page intentionally blank**



July 17, 2020

28



## RESULTS

### Actuarially Determined Contribution (ADC)

(amounts in 000's)

	6/30/17 Valuation		6/30/19 Valuation	
	2018/19	2019/20	2020/21	2021/22
■ <b>ADC - \$</b>				
• Normal Cost <sup>16</sup>	\$ 696	\$ 691	\$ 855	\$ 851
• UAAL Amortization	(248)	(256)	(186)	(191)
• Total ADC	448	435	669	659
■ <b>Projected Payroll</b>	23,176	23,872	23,600	24,308
■ <b>ADC - %</b>				
• Normal Cost	3.0%	2.9%	3.6%	3.5%
• UAAL Amortization	(1.1%)	(1.1%)	(0.8%)	(0.8%)
• Total ADC	1.9%	1.8%	2.8%	2.7%

<sup>16</sup> Included CERBT and PEMHCA admin fees starting 2018/19.



July 17, 2020

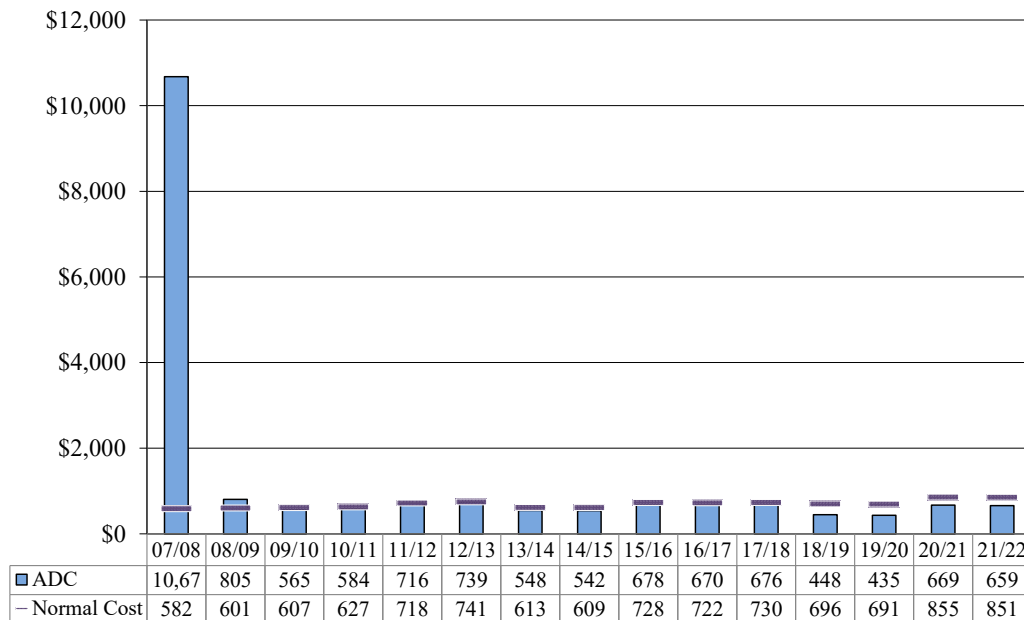
29



## RESULTS

### Historical ADC

(amounts in 000's)



July 17, 2020

30



RESULTS

**Amortization Bases**

(amounts in 000's)

	6/30/17 Valuation		6/30/19 Valuation	
	6/30/18	6/30/19	6/30/20	6/30/21
<b>■ Outstanding Balance</b>				
• Initial UAAL	\$ -	\$ -	\$ -	\$ -
• Assumption Changes, Plan Changes & Experience (Gain)/Loss	(2,537)	(2,460)	-	-
• 2019 Fresh Start	<u>n/a</u>	<u>n/a</u>	<u>(2,243)</u>	<u>(2,181)</u>
• Total	(2,537)	(2,460)	(2,243)	(2,181)



July 17, 2020

31



RESULTS

**Amortization Payments**

(amounts in 000's)

	6/30/2017 Valuation		6/30/2019 Valuation	
	2018/19	2019/20	2020/21	2021/22
<b>■ Amortization Payment - \$</b>				
• Initial UAAL	\$ -	\$ -	\$ -	\$ -
• Assumption Changes, Plan Changes & Experience (Gain)/Loss	(248)	(256)	-	-
• 2019 Fresh Start	<u>n/a</u>	<u>n/a</u>	<u>(186)</u>	<u>(191)</u>
• Total	(248)	(256)	(186)	(191)
• Amortization Factor	10.23	9.63	12.62	11.97
• Average Amortization Years	13.5	12.5	15.0	14.0



July 17, 2020

32



**RESULTS**

**10-Year Projection Illustration<sup>17</sup>**

(amounts in 000's)

Fiscal Year End	ADC	Contribution				Payroll	Contrib% of Payroll
		Cash Benefit Pmts	Implied Subsidy Pmts	Pre-Funding	Total Contr.		
2021	\$ 669	\$ 892	\$ 217	\$ (440)	\$ 669	\$ 23,600	2.8%
2022	659	934	231	(506)	659	24,308	2.7%
2023	651	992	250	(591)	651	25,037	2.6%
2024	641	1,045	261	(665)	641	25,788	2.5%
2025	629	1,120	303	(794)	629	26,562	2.4%
2026	615	1,160	347	(892)	615	27,359	2.2%
2027	597	1,187	359	(949)	597	28,179	2.1%
2028	580	1,232	393	(1,045)	580	29,025	2.0%
2029	565	1,234	380	(1,049)	565	29,895	1.9%
2030	548	1,286	370	(1,108)	548	30,792	1.8%

<sup>17</sup> Projection includes impact of future new hires not eligible for RHC.  
Overfunded liability amortization credit continues through 2034/35 (15 years)  
ADC approaches 1.5% of payroll (projected Normal Cost rate for Tier 2 employees) thereafter.



July 17, 2020

33



**RESULTS**

**Discount Rate Sensitivity**

(Amounts in 000's)

	Investment Strategy/Discount Rate		
	CERBT #1 6.75%	CERBT #2 6.25%	CERBT #3 5.50%
■ Present Value of Benefits	\$ 23,314	\$ 24,949	\$ 27,771
■ Funded Status - 6/30/19			
• Actuarial Accrued Liability	17,975	18,874	20,360
• Actuarial Value of Assets	<u>22,047</u>	<u>22,047</u>	<u>22,047</u>
• Unfunded AAL	(4,072)	(3,173)	(1,687)
• Funded Percentage	122.7%	116.8%	108.3%
■ ADC 2020/21			
• Normal Cost	\$ 689	\$ 750	\$ 855
• UAAL Amortization <sup>18</sup>	<u>(425)</u>	<u>(330)</u>	<u>(186)</u>
• Total ADC	263	420	669
■ ADC% 2020/21	1.1%	1.8%	2.8%

<sup>18</sup> Amortized as a level percentage of payroll over a 15-year period.



July 17, 2020

34



**RESULTS**

**Actuarial Obligations - by Bargaining Unit**

**June 30, 2019**

(amounts in 000's)

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ <b>PVPB</b>							
• Actives	\$ 9,273	\$ 3,552	\$ 1,873	\$ 706	\$ 3,273	\$ 100	\$ 18,777
• Retirees	<u>3,328</u>	<u>2,496</u>	<u>1,115</u>	<u>858</u>	<u>1,152</u>	<u>45</u>	<u>8,994</u>
• Total	12,601	6,048	2,988	1,564	4,425	145	27,771
■ <b>AAL</b>							
• Actives	5,914	2,121	1,069	510	1,734	18	11,366
• Retirees	<u>3,328</u>	<u>2,496</u>	<u>1,115</u>	<u>858</u>	<u>1,152</u>	<u>45</u>	<u>8,994</u>
• Total	9,242	4,617	2,184	1,368	2,886	63	20,360
■ <b>AVA<sup>19</sup></b>	<u>10,008</u>	<u>5,000</u>	<u>2,365</u>	<u>1,481</u>	<u>3,125</u>	<u>68</u>	<u>22,047</u>
■ <b>UAAL</b>	(766)	(383)	(181)	(113)	(239)	(5)	(1,687)
■ <b>20/21 Normal Cost</b>	413	161	103	29	141	9	855
■ <b>20/21 Pay-Go</b>	463	309	152	94	88	3	1,109

<sup>19</sup> Assets allocated to bargaining unit based on actuarial accrued liability



July 17, 2020

35



**RESULTS**

**Actuarially Determined Contribution (ADC) – by Bargaining Unit**

**2020/21 Fiscal Year**

(amounts in 000's)

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ <b>ADC - \$</b>							
• Normal Cost	\$ 413	\$ 161	\$ 103	\$ 29	\$ 141	\$ 9	\$ 855
• UAAL Amort. <sup>20</sup>	<u>(85)</u>	<u>(41)</u>	<u>(20)</u>	<u>(12)</u>	<u>(27)</u>	<u>(1)</u>	<u>(186)</u>
• Total ADC	328	120	84	17	114	8	669
■ <b>Projected Payroll</b>	10,087	4,597	3,472	1,086	4,323	33	23,600
■ <b>ADC - %</b>							
• Normal Cost	4.1%	3.5%	3.0%	2.6%	3.3%	25.9%	3.6%
• UAAL Amort.	<u>(0.8%)</u>	<u>(0.9%)</u>	<u>(0.6%)</u>	<u>(1.1%)</u>	<u>(0.6%)</u>	<u>(1.9%)</u>	<u>(0.8%)</u>
• Total ADC	3.3%	2.6%	2.4%	1.5%	2.6%	24.0%	2.8%

<sup>20</sup> UAAL amortization allocated to bargaining unit based on unfunded actuarial accrued liability



July 17, 2020

36



**RESULTS**

**Actuarial Obligations - By Cash and Implied Subsidy**

**June 30, 2019**

(amounts in 000's)

	<b>Cash Subsidy</b>	<b>Implied Subsidy</b>	<b>Total</b>
■ <b>PVPB</b>			
• Actives	\$ 14,327	\$ 4,450	\$ 18,777
• Retirees	<u>7,426</u>	<u>1,568</u>	<u>8,994</u>
• Total	21,753	6,018	27,771
■ <b>AAL</b>			
• Actives	8,924	2,442	11,366
• Retirees	<u>7,426</u>	<u>1,568</u>	<u>8,994</u>
• Total	16,350	4,010	20,360
■ <b>AVA<sup>21</sup></b>	<u>17,705</u>	<u>4,342</u>	<u>22,047</u>
■ <b>UAAL</b>	(1,355)	(332)	(1,687)
■ <b>2020/21 Normal Cost</b>	641	214	855
■ <b>2020/21 Pay-go</b>	892	217	1,109

<sup>21</sup> Assets allocated to bargaining unit based on actuarial accrued liability



July 17, 2020

37



**RESULTS**

**Actuarially Determined Contribution (ADC) By Cash and Implied Subsidy**

**2020/21 Fiscal Year**

(amounts in 000's)

	<b>Cash Subsidy</b>	<b>Implied Subsidy</b>	<b>Total</b>
■ <b>ADC - \$</b>			
• Normal Cost	\$ 641	\$ 214	\$ 855
• UAAL Amortization	<u>(149)</u>	<u>(37)</u>	<u>(186)</u>
• Total	492	177	669
■ <b>Projected Payroll</b>	23,600	23,600	23,600
■ <b>ADC - %Pay</b>			
• Normal Cost	2.7%	0.9%	3.6%
• UAAL Amortization	<u>(0.6%)</u>	<u>(0.2%)</u>	<u>(0.8%)</u>
• Total	2.1%	0.7%	2.8%



July 17, 2020

38



RESULTS

**Actuarial Obligations - By RHC Eligibility**

**June 30, 2019**

(amounts in 000's)

	PEMHCA Minimum Only	RHC Eligible	Total
■ <b>PVPB</b>			
• Actives	\$ 2,484	\$ 16,293	\$ 18,777
• Retirees	<u>1,519</u>	<u>7,475</u>	<u>8,994</u>
• Total	4,003	23,768	27,771
■ <b>AAL</b>			
• Actives	483	10,883	11,366
• Retirees	<u>1,519</u>	<u>7,475</u>	<u>8,994</u>
• Total	2,002	18,358	20,360
■ <b>AVA<sup>22</sup></b>	<u>2,168</u>	<u>19,879</u>	<u>22,047</u>
■ <b>UAAL</b>	(166)	(1,521)	(1,687)
■ <b>2020/21 Normal Cost</b>	180	675	855
■ <b>2020/21 Pay-go</b>	99	1,010	1,109

<sup>22</sup> Assets allocated to bargaining unit based on actuarial accrued liability



July 17, 2020

39



RESULTS

**Actuarially Determined Contribution (ADC) By RHC Eligibility**

**2020/21 Fiscal Year**

(amounts in 000's)

	PEMHCA Minimum Only	RHC Eligible	Total
■ <b>ADC - \$</b>			
• Normal Cost	\$ 180	\$ 675	\$ 855
• UAAL Amortization	<u>(19)</u>	<u>(167)</u>	<u>(186)</u>
• Total	161	508	669
■ <b>Projected Payroll</b>	12,508	11,092	23,600
■ <b>ADC - %Pay</b>			
• Normal Cost	1.4%	6.1%	3.6%
• UAAL Amortization	<u>(0.2%)</u>	<u>(1.5%)</u>	<u>(0.8%)</u>
• Total	1.3%	4.6%	2.8%



July 17, 2020

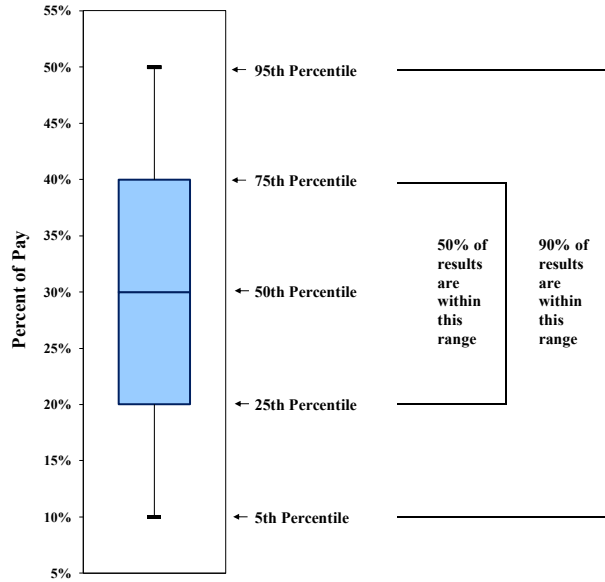
40





# BARTEL ASSOCIATES OPEB DATABASE

**Bartel Associates OPEB Database  
Sample Percentile Graph**

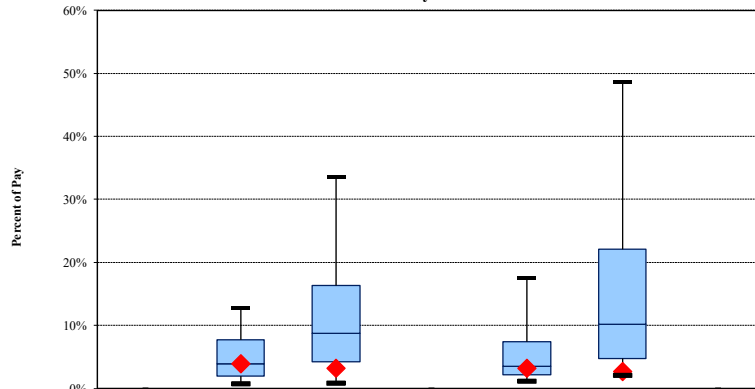


July 17, 2020



# BARTEL ASSOCIATES OPEB DATABASE

**Bartel Associates OPEB Database  
Normal Cost & Actuarially Determined Contribution**



	Miscellaneous		Safety	
	NC	ADC	NC	ADC
95th Percentile	12.8%	33.6%	17.5%	48.7%
75th Percentile	7.7%	16.3%	7.4%	22.1%
50th Percentile	3.9%	8.8%	3.5%	10.2%
25th Percentile	2.0%	4.2%	2.2%	4.8%
5th Percentile	0.7%	0.8%	1.1%	2.0%
<b>Percent of Pay (♦)</b>	<b>3.9%</b>	<b>3.2%</b>	<b>3.2%</b>	<b>2.6%</b>
<b>Percentile</b>	<b>49%</b>	<b>18%</b>	<b>46%</b>	<b>9%</b>

Discount Rate = 5.50%, Average Amortization Period = 15.0 Years

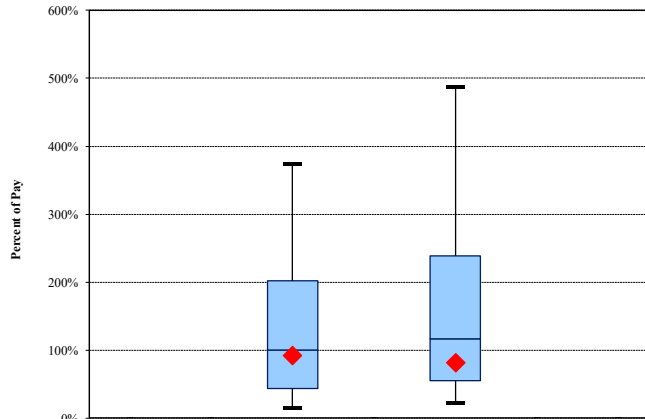


July 17, 2020



# BARTEL ASSOCIATES OPEB DATABASE

**Bartel Associates OPEB Database  
Actuarial Accrued Liability**



	<u>Miscellaneous</u>	<u>Safety</u>
95th Percentile	374%	486%
75th Percentile	202%	239%
50th Percentile	101%	117%
25th Percentile	44%	55%
5th Percentile	14%	22%
<b>Percent of Pay (♦)</b>	<b>91%</b>	<b>81%</b>
<b>Percentile</b>	<b>45%</b>	<b>41%</b>

Discount Rate = 5.50%



July 17, 2020

43



## ACTUARIAL CERTIFICATION

This report presents the City of Menlo Park Retiree Healthcare Plan (“Plan”) June 30, 2019 actuarial valuation. The purpose of this valuation is to:

- Determine the June 30, 2019 Benefit Obligations,
- Determine the Plan’s June 30, 2019 Funded Status, and
- Calculate the 2020/21 and 2021/22 Actuarially Determined Contributions.

Information provided in this report may be useful to the City for the Plan’s financial management. Future valuations may differ significantly if the Plan’s experience differs from our assumptions or if there are changes in Plan design, actuarial methods, or actuarial assumptions. The project scope did not include an analysis of this potential variation.

The valuation is based on Plan provisions, participant data, and asset information provided by the City as summarized in this report, which we relied on and did not audit. We reviewed the participant data for reasonableness.

To the best of our knowledge, this report is complete and accurate and has been conducted using generally accepted actuarial principles and practices. As members of the American Academy of Actuaries meeting the Academy Qualification Standards, we certify the actuarial results and opinions herein.

Respectfully submitted,

*Doug Pryor*

Doug Pryor, ASA, EA, MAAA  
Vice President  
Bartel Associates, LLC  
July 17, 2020

*Bianca Lin*

Bianca Lin, FSA, EA, MAAA, FCA  
Assistant Vice President  
Bartel Associates, LLC  
July 17, 2020



July 17, 2020

44



EXHIBITS

<u>Topic</u>	<u>Page</u>
Premiums	E - 1
Data Summary	E - 5
Actuarial Assumptions	E - 22
Definitions	E - 31



July 17, 2020



EXHIBITS

**This page intentionally blank**



July 17, 2020



**PREMIUMS**

**2019 PEMHCA Monthly Premiums**  
**Bay Area**

Plan	Non-Medicare Eligible			Medicare Eligible		
	Single	2-Party	Family	Single	2-Party	Family
Anthem Select	\$ 831.44	\$ 1,662.88	\$ 2,161.74	n/a	n/a	n/a
Anthem Traditional	1,111.13	2,222.26	2,888.94	\$ 357.44	\$ 714.88	\$ 1,072.32
Blue Shield Access+	970.90	1,941.80	2,524.34	n/a	n/a	n/a
Health Net SmartCare	901.55	1,803.10	2,344.03	n/a	n/a	n/a
Kaiser	768.25	1,536.50	1,997.45	323.74	647.48	971.22
UnitedHealthcare	n/a	n/a	n/a	299.37	598.74	898.11
Western Health Adv.	767.01	1,534.02	1,994.23	n/a	n/a	n/a
PERS Choice	866.27	1,732.54	2,252.30	360.41	720.82	1,081.23
PERS Select	543.19	1,086.38	1,412.29	360.41	720.82	1,081.23
PERSCare	1,131.68	2,263.36	2,942.37	394.83	789.66	1,184.49
PORAC	774.00	1,623.00	2,076.00	513.00	1,022.00	1,635.00



July 17, 2020

E-1



**PREMIUMS**

**2020 PEMHCA Monthly Premiums**  
**Bay Area – Region 1**

Plan	Non-Medicare Eligible			Medicare Eligible		
	Single	2-Party	Family	Single	2-Party	Family
Anthem Select	\$ 868.98	\$ 1,737.96	\$ 2,259.35	\$ 388.15	\$ 776.30	\$ 1,164.45
Anthem Traditional	1,184.84	2,369.68	3,080.58	388.15	776.30	1,164.45
Blue Shield Access+	1,127.77	2,255.54	2,932.20	n/a	n/a	n/a
Blue Shield Trio	833.00	1,666.00	2,165.80	n/a	n/a	n/a
Health Net SmartCare	1,000.52	2,001.04	2,601.35	n/a	n/a	n/a
Kaiser	768.49	1,536.98	1,998.07	339.43	678.86	1,018.29
UnitedHealthcare	899.94	1,799.88	2,339.84	327.03	654.06	981.09
Western Health Adv.	731.96	1,463.92	1,903.10	n/a	n/a	n/a
Anthem EPO Del Norte	861.18	1,722.36	2,239.07	n/a	n/a	n/a
PERS Choice	861.18	1,722.36	2,239.07	351.39	702.78	1,054.17
PERS Select	520.29	1,040.58	1,352.75	351.39	702.78	1,054.17
PERSCare	1,133.14	2,266.28	2,946.16	384.78	769.56	1,154.34
PORAC	774.00	1,699.00	2,199.00	513.00	1,022.00	1,635.00



July 17, 2020

E-2



**DATA SUMMARY**

**Active Participant Statistics**  
**June 30, 2019**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Eligible for RHC	55	20	9	3	20	-	107
■ Ineligible for RHC	<u>86</u>	<u>26</u>	<u>16</u>	<u>4</u>	<u>19</u>	<u>5</u>	<u>156</u>
■ Count	141	46	25	7	39	5	263
■ Average Age	42.7	44.8	46.7	47.3	35.9	50.6	42.7
■ Average Service							
• City	7.8	8.0	7.7	14.2	8.3	2.7	8.0
• CalPERS	9.0	10.3	14.7	18.7	9.2	3.0	9.9
■ Leave Balance (hr)							
• Eligible for RHC	26,501	10,589	6,674	3,998	13,526	-	61,288
• Ineligible for RHC	<u>6,948</u>	<u>2,542</u>	<u>5,379</u>	<u>3,308</u>	<u>3,041</u>	-	<u>21,219</u>
• Total	33,449	13,131	12,054	7,305	16,568	-	82,507
■ Pay							
• Average	\$67,435	\$94,200	\$130,912	\$146,319	\$104,498	\$6,144	\$84,581
• Total (000s)	9,508	4,333	3,273	1,024	4,075	31	22,245



July 17, 2020

E-3



**DATA SUMMARY**

**Active Participant Statistics**  
**June 30, 2017**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Eligible for RHC	73	24	10	5	24	-	136
■ Ineligible for RHC	<u>63</u>	<u>17</u>	<u>13</u>	<u>3</u>	<u>10</u>	<u>5</u>	<u>111</u>
■ Count	136	41	23	8	34	5	247
■ Average Age	42.8	47.2	48.8	45.6	37.6	49.7	43.6
■ Average Service							
• City	8.8	9.1	9.7	15.3	9.0	5.5	9.1
• CalPERS	9.9	12.0	13.8	18.4	10.4	5.8	10.9
■ Leave Balance (hr)							
• Eligible for RHC	30,637	11,500	7,801	5,328	12,225	-	67,491
• Ineligible for RHC	<u>4,852</u>	<u>1,443</u>	<u>5,976</u>	<u>2,862</u>	<u>1,520</u>	-	<u>16,654</u>
• Total	35,489	12,943	13,777	8,190	13,745	-	84,145
■ Pay							
• Average	\$67,893	\$90,423	\$148,851	\$163,862	\$121,530	\$7,680	\$88,444
• Total (000s)	9,233	3,707	3,424	1,311	4,132	38	21,846



July 17, 2020

E-4



**DATA SUMMARY**

**Service Retiree Participant Statistics**  
**June 30, 2019**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Service Retirees:							
• Count < 65	22	14	8	4	5	-	53
• Count ≥ 65	<u>40</u>	<u>22</u>	<u>14</u>	<u>8</u>	<u>8</u>	<u>2</u>	<u>94</u>
• Total Count <sup>23</sup>	62	36	22	12	13	2	147
■ Avg. Age <sup>23</sup>	69.4	68.6	69.6	67.8	67.5	78.2	69.1
■ Avg. Ret. Age <sup>24</sup>	59.0	59.6	57.4	54.7	55.7	62.7	58.4
■ With RHC	23	18	6	4	3	-	54
■ Eligible for \$100	5	4	n/a	n/a	n/a	n/a	9

<sup>23</sup> Includes 14 surviving spouses

<sup>24</sup> Excludes surviving spouses.



July 17, 2020

E-5



**DATA SUMMARY**

**Service Retiree Participant Statistics**  
**June 30, 2017**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Service Retirees:							
• Count < 65	23	12	8	4	4	-	51
• Count ≥ 65	<u>34</u>	<u>19</u>	<u>11</u>	<u>6</u>	<u>7</u>	<u>2</u>	<u>79</u>
• Total Count <sup>25</sup>	57	31	19	10	11	2	130
■ Avg. Age	68.7	69.4	69.0	67.1	67.7	76.2	68.8
■ Avg. Ret. Age <sup>26</sup>	59.1	59.8	56.4	55.1	55.9	62.7	58.3
■ With RHC	22	14	5	3	5	-	49
■ Eligible for \$100	16	10	n/a	n/a	n/a	n/a	26

<sup>25</sup> Includes 11 surviving spouses

<sup>26</sup> Excludes surviving spouses.



July 17, 2020

E-6



**DATA SUMMARY**

**Disabled Retiree Participant Statistics**  
**June 30, 2019**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Disabled Retirees:							
• Count < 65	2	-	-	2	10	-	14
• Count ≥ 65	<u>3</u>	=	=	<u>1</u>	<u>5</u>	=	<u>9</u>
• Total Count	5	-	-	3	15	-	23
■ Avg. Age	70.1	-	-	65.4	54.8	-	59.5
■ Avg. Ret. Age	43.4	-	-	48.6	43.8	-	44.3
■ With RHC	-	-	-	-	2	n/a	2
■ Eligible for \$100	-	-	n/a	n/a	n/a	n/a	-



**DATA SUMMARY**

**Disabled Retiree Participant Statistics**  
**June 30, 2017**

	SEIU	Super.	Exec.	PSA	POA	CNCL	Total
■ Disabled Retirees:							
• Count < 65	1	-	-	2	10	-	13
• Count ≥ 65	<u>3</u>	=	=	<u>2</u>	<u>5</u>	=	<u>10</u>
• Total Count	4	-	-	4	15	-	23
■ Avg. Age	71.9	-	-	66.7	52.9	-	58.6
■ Avg. Ret. Age	45.8	-	-	51.3	43.2	-	45.0
■ With RHC	-	-	-	-	1	n/a	1
■ Eligible for \$100	-	-	n/a	n/a	n/a	n/a	-



**DATA SUMMARY**

**Medical Plan Participation**

Plan	Actives	Retirees		
		Pre-65	Post-65	Total
Anthem Select	2%	0%	0%	0%
Anthem Traditional	10%	20%	3%	10%
Blue Shield Access+	1%	7%	0%	3%
Health Net SmartCare	2%	0%	0%	0%
Kaiser	68%	31%	36%	31%
UnitedHealthcare	0%	0%	19%	12%
PERS Choice	9%	27%	16%	21%
PERS Select	3%	2%	1%	2%
PERSCare	2%	11%	24%	19%
PORAC	3%	2%	1%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



July 17, 2020

E-9



**DATA SUMMARY**

**Current Active Medical Plan Coverage**

Plan	Single	2-Party	Family	Waived	Total
Anthem Select	1	-	4	-	5
Anthem Traditional	9	3	10	-	22
Blue Shield Access+	1	-	1	-	2
HN SmartCare Bay	2	-	2	-	4
Kaiser	56	39	63	-	158
UnitedHealthcare	-	-	-	-	-
PERS Choice	6	5	9	-	20
PERS Select	2	2	3	-	7
PERSCare	-	3	2	-	5
PORAC	3	1	2	-	6
Waived	-	-	-	34	34
<b>Total</b>	<b>80</b>	<b>53</b>	<b>96</b>	<b>34</b>	<b>263</b>



July 17, 2020

E-10





**DATA SUMMARY**

**Retiree Medical Plan Coverage - Pre 65**

<b>Plan</b>	<b>Single</b>	<b>2-Party</b>	<b>Family</b>	<b>Waived</b>	<b>Total</b>
Anthem Select	-	-	-	-	-
Anthem Traditional	7	2	-	-	9
Blue Shield Access+	2	1	-	-	3
HN SmartCare Bay	-	-	-	-	-
Kaiser	7	4	2	-	13
UnitedHealthcare	-	-	-	-	-
PERS Choice	5	2	5	-	12
PERS Select	-	1	-	-	1
PERSCare	4	1	-	-	5
PORAC	-	-	1	-	1
Waived	-	-	-	23	23
<b>Total</b>	<b>25</b>	<b>11</b>	<b>8</b>	<b>23</b>	<b>67</b>



July 17, 2020

E-11



**DATA SUMMARY**

**Retiree Medical Plan Coverage - Post 65**

<b>Plan</b>	<b>Single</b>	<b>2-Party</b>	<b>Family</b>	<b>Waived</b>	<b>Total</b>
Anthem Select	-	-	-	-	-
Anthem Traditional	-	2	-	-	2
Blue Shield Access+	-	-	-	-	-
HN SmartCare Bay	-	-	-	-	-
Kaiser	12	11	-	-	23
UnitedHealthcare	9	4	-	-	13
PERS Choice	6	5	-	-	11
PERS Select	1	-	-	-	1
PERSCare	11	5	-	-	16
PORAC	-	1	-	-	1
Waived	-	-	-	36	36
<b>Total</b>	<b>39</b>	<b>28</b>	<b>-</b>	<b>36</b>	<b>103</b>



July 17, 2020

E-12



**DATA SUMMARY**

**Actives by Age and Service – Miscellaneous**

Age	City Service							Total
	< 1	1-4	5-9	10-14	15-19	20-24	≥ 25	
< 25	1	1	-	-	-	-	-	2
25-29	12	14	1	-	-	-	-	27
30-34	10	17	4	4	-	-	-	35
35-39	6	9	7	3	1	-	-	26
40-44	5	10	7	4	9	-	-	35
45-49	2	7	6	7	2	4	-	28
50-54	2	5	4	5	5	2	-	23
55-59	4	4	-	2	4	1	3	18
60-64	1	2	2	5	4	1	2	17
≥ 65	-	-	1	-	2	1	1	5
<b>Total</b>	<b>43</b>	<b>69</b>	<b>32</b>	<b>30</b>	<b>27</b>	<b>9</b>	<b>6</b>	<b>216</b>



July 17, 2020

E-13



**DATA SUMMARY**

**Actives by Age and Service – Safety**

Age	City Service							Total
	< 1	1-4	5-9	10-14	15-19	20-24	≥ 25	
< 25	-	2	-	-	-	-	-	2
25-29	-	6	-	-	-	-	-	6
30-34	-	3	-	-	-	-	-	3
35-39	1	2	1	8	-	-	-	12
40-44	-	-	-	9	1	-	-	10
45-49	1	-	1	3	1	4	-	10
50-54	-	-	2	1	-	-	-	3
55-59	1	-	-	-	-	-	-	1
60-64	-	-	-	-	-	-	-	-
≥ 65	-	-	-	-	-	-	-	-
<b>Total</b>	<b>3</b>	<b>13</b>	<b>4</b>	<b>21</b>	<b>2</b>	<b>4</b>	<b>-</b>	<b>47</b>



July 17, 2020

E-14



**DATA SUMMARY**

**Actives by Age and Service – Total**

Age	City Service							Total
	< 1	1-4	5-9	10-14	15-19	20-24	≥ 25	
< 25	1	3	-	-	-	-	-	4
25-29	12	20	1	-	-	-	-	33
30-34	10	20	4	4	-	-	-	38
35-39	7	11	8	11	1	-	-	38
40-44	5	10	7	13	10	-	-	45
45-49	3	7	7	10	3	8	-	38
50-54	2	5	6	6	5	2	-	26
55-59	5	4	-	2	4	1	3	19
60-64	1	2	2	5	4	1	2	17
≥ 65	-	-	1	-	2	1	1	5
<b>Total</b>	<b>46</b>	<b>82</b>	<b>36</b>	<b>51</b>	<b>29</b>	<b>13</b>	<b>6</b>	<b>263</b>



**DATA SUMMARY**

**This page intentionally blank**



**DATA SUMMARY**

**Retirees Medical Plan Coverage by Age – Miscellaneous**

Age	Medical Coverage				
	Single	2-Party	Family	Waived	Total
Under 50	-	-	-	-	-
50-54	1	1	-	3	5
55-59	4	2	4	2	12
60-64	11	5	1	8	25
65-69	11	7	-	7	25
70-74	9	1	-	11	21
75-79	5	7	-	6	18
80-84	2	1	-	1	4
85 & Over	5	3	-	3	11
Total	48	27	5	41	121
Average Age	70.0	71.6	58.2	69.5	69.7



July 17, 2020

E-17



**DATA SUMMARY**

**Retirees Medical Plan Coverage by Age – Safety**

Age	Medical Coverage				
	Single	2-Party	Family	Waived	Total
Under 50	3	-	-	6	9
50-54	2	1	1	-	4
55-59	3	2	1	2	8
60-64	1	-	1	2	4
65-69	1	3	-	1	5
70-74	4	4	-	4	12
75-79	-	2	-	2	4
80-84	2	-	-	1	3
85 & Over	-	-	-	-	-
Total	16	12	3	18	49
Average Age	63.4	67.8	58.4	60.6	63.1



July 17, 2020

E-18



**DATA SUMMARY**

**Retirees Medical Plan Coverage by Age – Total**

Age	Medical Coverage				
	Single	2-Party	Family	Waived	Total
Under 50	3	-	-	6	9
50-54	3	2	1	3	9
55-59	7	4	5	4	20
60-64	12	5	2	10	29
65-69	12	10	-	8	30
70-74	13	5	-	15	33
75-79	5	9	-	8	22
80-84	4	1	-	2	7
85 & Over	5	3	-	3	11
Total	64	39	8	59	170
Average Age	68.3	70.4	58.3	66.7	67.8



**ACTUARIAL ASSUMPTIONS**

	June 30, 2017 Valuation	June 30, 2019 Valuation
■ Valuation Date	■ June 30, 2017 ■ 2017/18 & 2018/19 Fiscal Years	■ June 30, 2019 ■ 2019/20 & 2020/21 Fiscal Years
■ Funding Policy	■ Full ADC pre-funding through CERBT Option 1	■ Full ADC pre-funding through CERBT Option 3
■ Discount Rate	■ 6.75%	■ 5.50%
■ General Inflation	■ 2.75%	■ Same
■ Aggregate Payroll Increase	■ 3.00%	■ Same
■ Salary Merit and Longevity Increases	■ CalPERS 1997-2015 Experience Study	■ Same



**ACTUARIAL ASSUMPTIONS**

	<b>June 30, 2017 Valuation</b>		<b>June 30, 2019 Valuation</b>	
■ PEMHCA Minimum Increase	<u>Year</u>	<u>Minimum</u>	<u>Year</u>	<u>Minimum</u>
	2017	\$128.00	2019	\$136.00
	2018	133.00	2020	139.00
	2019	136.00	2021	143.00
	2020+	4.25%	2022+	4.25%
■ Additional \$100 Benefit Increase	■ 0%		■ Same	
■ Mortality, Withdrawal, Disability	■ CalPERS 1997-2015 Experience Study ■ Post-retirement mortality projected fully generational with Scale MP-17		■ CalPERS 1997-2015 Experience Study ■ Post-retirement mortality projected fully generational with Scale MP-19	



**ACTUARIAL ASSUMPTIONS**

■ Healthcare Trend for PEMHCA	<u>Increase from Prior Year</u>			<u>Increase from Prior Year</u>		
	<u>Year</u>	<u>Non-Medicare</u>	<u>Medicare</u>	<u>Year</u>	<u>Non-Medicare</u>	<u>Medicare</u>
		<u>HMO &amp; PPO</u>	<u>HMO &amp; PPO</u>		<u>HMO &amp; PPO</u>	<u>HMO &amp; PPO</u>
	2017	Actual Premiums		2019	Actual Premiums	
	2018	Actual Premiums		2020	Actual Premiums	
	2019	Actual Premiums		2021	7.25%	6.30%
	2020	7.50%	6.50%	2022	7.00%	6.10%
	2021	7.25%	6.30%	2023	6.75%	5.90%
	2022	7.00%	6.10%	2024	6.50%	5.70%
	2023	6.75%	5.90%	2025	6.25%	5.50%
	2024	6.50%	5.70%	2026	6.00%	5.30%
	2025	6.25%	5.50%	2027	5.80%	5.15%
	2026	6.00%	5.30%	2028	5.60%	5.00%
	2027	5.80%	5.15%	2029	5.40%	4.85%
	2028	5.60%	5.00%	2030	5.20%	4.70%
	2029	5.40%	4.85%	2031-2035	5.05%	4.60%
	2030	5.20%	4.70%	2036-2045	4.90%	4.50%
	2031-2035	5.05%	4.60%	2046-2055	4.75%	4.45%
	2036-2045	4.90%	4.50%	2056-2065	4.60%	4.40%
	2046-2055	4.75%	4.45%	2066-2075	4.30%	4.20%
	2056-2065	4.60%	4.40%	2076+	4.00%	4.00%
	2066-2075	4.30%	4.20%			
	2076+	4.00%	4.00%			



**ACTUARIAL ASSUMPTIONS**

	<b>June 30, 2017 Valuation</b>	<b>June 30, 2019 Valuation</b>
■ Retirement <sup>27</sup>	■ CalPERS 1997-2015 Experience Study	■ CalPERS 1997-2015 Experience Study
	<u>Tier 1</u> <u>ERA</u>	<u>Tier 1</u> <u>ERA</u>
	Misc      2.7%@55      59.6	Misc      2.7%@55      59.7
	Police      3.0%@50      55.2	Police      3.0%@50      55.4
	<u>Tier 2</u>	<u>Tier 2</u>
	Misc      2.0%@60      60.8	Misc      2.0%@60      59.9
	Police      3.0%@55      55.0	Police      3.0%@55      56.7
	<u>PEPRA</u>	<u>PEPRA</u>
	Misc      2.5%@67      61.5	Misc      2.5%@67      61.6
	Police      2.7%@57      56.1	Police      2.7%@57      57.0
■ Sick/General Time Cash Out	■ 0% cash out for SEIU, Supervisory, & POA groups ■ 10% cash out for Executive & PSA groups	■ Same



**ACTUARIAL ASSUMPTIONS**

	<b>June 30, 2017 Valuation</b>	<b>June 30, 2019 Valuation</b>
■ Sick/General Time Use	■ Based on current balances <sup>28</sup> :	■ Based on current balances <sup>29</sup> :
	<u>MOU</u> <u>Use</u> <u>Accumulate</u>	<u>MOU</u> <u>Use</u> <u>Accumulate</u>
	SEIU      70%      30%	SEIU      75%      25%
	Supervisory      70%      30%	Supervisory      65%      35%
	Executive      80%      20%	Executive      80%      20%
	PSA      70%      30%	PSA      70%      30%
	POA      70%      30%	POA      60%      40%
■ Participation at Retirement	■ With Retirement Health Credit or \$100 benefit: 100% ■ PEMHCA minimum only: based on current experience <ul style="list-style-type: none"> <li>• Pre 65: 40%</li> <li>• Post 65: 40%</li> </ul>	■ Same

<sup>27</sup> Formulas change to 2%@60 for Miscellaneous hired ≥ 2/12/12 for SEIU and Executive groups and hired ≥ 10/23/11 for Supervisors. Formulas change to 3%@55 for Safety hired ≥ 7/1/11 for POA and hired ≥ 11/20/11 for PSA.

<sup>28</sup> Based on current experience.

<sup>29</sup> Based on current experience.



**ACTUARIAL ASSUMPTIONS**

	<b>June 30, 2017 Valuation</b>	<b>June 30, 2019 Valuation</b>
<ul style="list-style-type: none"> <li>■ Waived Retiree Re-Elections</li> </ul>	<ul style="list-style-type: none"> <li>■ PEMHCA:                             <ul style="list-style-type: none"> <li>• Currently &lt; 65: 20% re-elect at age 65</li> <li>• Currently ≥ 65: none</li> </ul> </li> <li>■ \$100 benefit and Retirement Health Credit: none</li> </ul>	<ul style="list-style-type: none"> <li>■ Same</li> </ul>



**ACTUARIAL ASSUMPTIONS**

	<b>June 30, 2017 Valuation</b>	<b>June 30, 2019 Valuation</b>																																										
<ul style="list-style-type: none"> <li>■ Medical Plan at Retirement</li> </ul>	<ul style="list-style-type: none"> <li>■ Actives:                             <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Medical Plan</u></th> <th style="text-align: center;"><u>Pre-65</u></th> <th style="text-align: center;"><u>Post-65</u></th> </tr> </thead> <tbody> <tr> <td>Anthem Trad.</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td>Blue Shield</td> <td style="text-align: center;">25%</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td>Kaiser</td> <td style="text-align: center;">40%</td> <td style="text-align: center;">30%</td> </tr> <tr> <td>UnitedHealthcare</td> <td style="text-align: center;">0%</td> <td style="text-align: center;">20%</td> </tr> <tr> <td>PERS Choice</td> <td style="text-align: center;">15%</td> <td style="text-align: center;">20%</td> </tr> <tr> <td>PERSCare</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">30%</td> </tr> </tbody> </table> </li> <li>■ Retirees:                             <ul style="list-style-type: none"> <li>• Currently covered: Same as current election</li> <li>• Currently waived: PEMHCA minimum only</li> </ul> </li> <li>■ Non-Kaiser HMO over 65 – Elect UnitedHealthcare</li> </ul>	<u>Medical Plan</u>	<u>Pre-65</u>	<u>Post-65</u>	Anthem Trad.	10%	n/a	Blue Shield	25%	n/a	Kaiser	40%	30%	UnitedHealthcare	0%	20%	PERS Choice	15%	20%	PERSCare	10%	30%	<ul style="list-style-type: none"> <li>■ Actives:                             <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Medical Plan</u></th> <th style="text-align: center;"><u>Pre-65</u></th> <th style="text-align: center;"><u>Post-65</u></th> </tr> </thead> <tbody> <tr> <td>Anthem Trad.</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td>Blue Shield</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td>Kaiser</td> <td style="text-align: center;">30%</td> <td style="text-align: center;">40%</td> </tr> <tr> <td>UnitedHealthcare</td> <td style="text-align: center;">0%</td> <td style="text-align: center;">20%</td> </tr> <tr> <td>PERS Choice</td> <td style="text-align: center;">30%</td> <td style="text-align: center;">15%</td> </tr> <tr> <td>PERSCare</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">25%</td> </tr> </tbody> </table> </li> <li>■ Retirees:                             <ul style="list-style-type: none"> <li>• Currently covered: Same as current election</li> <li>• Currently waived: PEMHCA minimum only</li> </ul> </li> <li>■ Non-Kaiser HMO over 65 – Elect UnitedHealthcare</li> </ul>	<u>Medical Plan</u>	<u>Pre-65</u>	<u>Post-65</u>	Anthem Trad.	20%	n/a	Blue Shield	10%	n/a	Kaiser	30%	40%	UnitedHealthcare	0%	20%	PERS Choice	30%	15%	PERSCare	10%	25%
<u>Medical Plan</u>	<u>Pre-65</u>	<u>Post-65</u>																																										
Anthem Trad.	10%	n/a																																										
Blue Shield	25%	n/a																																										
Kaiser	40%	30%																																										
UnitedHealthcare	0%	20%																																										
PERS Choice	15%	20%																																										
PERSCare	10%	30%																																										
<u>Medical Plan</u>	<u>Pre-65</u>	<u>Post-65</u>																																										
Anthem Trad.	20%	n/a																																										
Blue Shield	10%	n/a																																										
Kaiser	30%	40%																																										
UnitedHealthcare	0%	20%																																										
PERS Choice	30%	15%																																										
PERSCare	10%	25%																																										
<ul style="list-style-type: none"> <li>■ Dental Plan at Retirement</li> </ul>	<ul style="list-style-type: none"> <li>■ None (per historical experience)</li> </ul>	<ul style="list-style-type: none"> <li>■ None</li> </ul>																																										





**ACTUARIAL ASSUMPTIONS**

	<b>June 30, 2017 Valuation</b>	<b>June 30, 2019 Valuation</b>
■ Marital Status	<ul style="list-style-type: none"> <li>■ Currently covered: current marital status</li> <li>■ Currently waived: 80%</li> </ul>	■ Same
■ Spouse Age	■ 3 years older than females if spouse birth date not given	■ Same
■ Dependents at Retirement	<ul style="list-style-type: none"> <li>■ Actives:                             <ul style="list-style-type: none"> <li>• Pre 65: 20%</li> <li>• Post 65: 0%</li> </ul> </li> <li>■ Retirees:                             <ul style="list-style-type: none"> <li>• Pre 65: current election</li> <li>• Post 65: 0%</li> </ul> </li> </ul>	■ Same
■ Medicare Eligible	<ul style="list-style-type: none"> <li>■ 100%</li> <li>■ Everyone eligible for Medicare will elect Part B coverage</li> </ul>	■ Same



**ACTUARIAL ASSUMPTIONS**

	<b>June 30, 2017 Valuation</b>	<b>June 30, 2019 Valuation</b>																																																																								
■ PPACA Excise Tax	■ 2% load on cash subsidy	■ Repealed 12/20/19																																																																								
■ PEMHCA / CERBT Admin. Fee	<ul style="list-style-type: none"> <li>■ PEMHCA - 0.33% of retiree premium added to Normal Cost</li> <li>■ CERBT - 0.06% of assets added to Normal Cost</li> </ul>	<ul style="list-style-type: none"> <li>■ PEMHCA - 0.27% of retiree premium added to Normal Cost</li> <li>■ CERBT - 0.05% of assets added to Normal Cost</li> </ul>																																																																								
<ul style="list-style-type: none"> <li>■ 2020 PPO Medical Claims Costs</li> <li>PEMHCA Implied Subsidy Estimate</li> </ul>	<ul style="list-style-type: none"> <li>■ Monthly claims costs estimated from Bartel Associates PEMHCA client database and non-Medicare PEMHCA premiums</li> </ul> <p align="center">Region 1 - NonMedicare Eligible</p> <table border="1"> <thead> <tr> <th rowspan="2"><u>Age</u></th> <th colspan="2"><u>PERS Choice</u></th> <th colspan="2"><u>PERS Select</u></th> <th colspan="2"><u>PERSCare</u></th> <th colspan="2"><u>PORAC</u></th> </tr> <tr> <th><u>M</u></th> <th><u>F</u></th> <th><u>M</u></th> <th><u>F</u></th> <th><u>M</u></th> <th><u>F</u></th> <th><u>M</u></th> <th><u>F</u></th> </tr> </thead> <tbody> <tr> <td>25</td> <td>\$252</td> <td>\$471</td> <td>\$175</td> <td>\$341</td> <td>\$326</td> <td>\$596</td> <td>\$308</td> <td>\$557</td> </tr> <tr> <td>35</td> <td>332</td> <td>592</td> <td>235</td> <td>432</td> <td>425</td> <td>746</td> <td>399</td> <td>694</td> </tr> <tr> <td>45</td> <td>495</td> <td>738</td> <td>359</td> <td>545</td> <td>625</td> <td>925</td> <td>582</td> <td>860</td> </tr> <tr> <td>55</td> <td>861</td> <td>1,001</td> <td>642</td> <td>747</td> <td>1,072</td> <td>1,245</td> <td>987</td> <td>1,154</td> </tr> <tr> <td>60</td> <td>1,105</td> <td>1,149</td> <td>831</td> <td>862</td> <td>1,369</td> <td>1,424</td> <td>1,256</td> <td>1,317</td> </tr> <tr> <td>65</td> <td>1,264</td> <td>1,254</td> <td>954</td> <td>944</td> <td>1,560</td> <td>1,550</td> <td>1,429</td> <td>1,431</td> </tr> </tbody> </table>			<u>Age</u>	<u>PERS Choice</u>		<u>PERS Select</u>		<u>PERSCare</u>		<u>PORAC</u>		<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	25	\$252	\$471	\$175	\$341	\$326	\$596	\$308	\$557	35	332	592	235	432	425	746	399	694	45	495	738	359	545	625	925	582	860	55	861	1,001	642	747	1,072	1,245	987	1,154	60	1,105	1,149	831	862	1,369	1,424	1,256	1,317	65	1,264	1,254	954	944	1,560	1,550	1,429	1,431
	<u>Age</u>	<u>PERS Choice</u>			<u>PERS Select</u>		<u>PERSCare</u>		<u>PORAC</u>																																																																	
		<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>																																																																	
	25	\$252	\$471	\$175	\$341	\$326	\$596	\$308	\$557																																																																	
	35	332	592	235	432	425	746	399	694																																																																	
	45	495	738	359	545	625	925	582	860																																																																	
	55	861	1,001	642	747	1,072	1,245	987	1,154																																																																	
	60	1,105	1,149	831	862	1,369	1,424	1,256	1,317																																																																	
65	1,264	1,254	954	944	1,560	1,550	1,429	1,431																																																																		



## ACTUARIAL ASSUMPTIONS

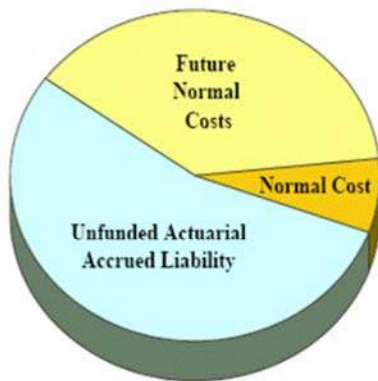
	June 30, 2017 Valuation				June 30, 2019 Valuation				
<b>2020 HMO Medical Claims Costs</b> <b>PEMHCA Implied Subsidy Estimate</b>	<b>Monthly claims costs estimated from Bartel Associates PEMHCA client database and non-Medicare PEMHCA premiums</b> Region 1 – Non-Medicare Eligible								
		Anthem Traditional		BS Access+		Kaiser		HealthNet SmartCare	
	<u>Age</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>
	25	\$429	\$751	\$375	\$657	\$281	\$492	\$360	\$631
	35	547	928	479	812	358	607	460	780
	45	781	1,139	684	997	512	745	656	957
	55	1,296	1,511	1,135	1,322	849	988	1,089	1,269
	60	1,635	1,716	1,431	1,502	1,071	1,122	1,374	1,442
	65	1,852	1,858	1,622	1,627	1,214	1,215	1,557	1,561



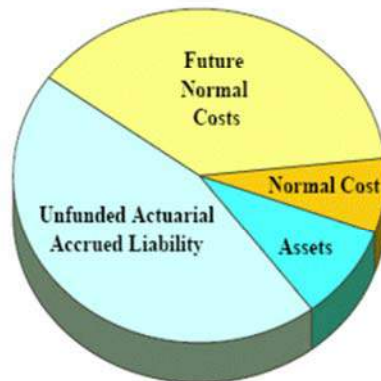
## DEFINITIONS

### Present Value of Benefits

**Present Value of Benefits  
(Without Plan Assets)**



**Present Value of Benefits  
(With Plan Assets)**



**■ PVPB – Present Value of all Projected Benefits**

- Discounted value, at measurement date of all future expected benefit payments
- Expected benefit payments based on various actuarial assumptions



## DEFINITIONS

### ■ AAL – Actuarial Accrued Liability / Actuarial Obligation

- Discounted value at measurement date of benefits “earned” through measurement date based on actuarial cost method
- Portion of PVPB “earned” at measurement

### ■ NC – Normal Cost

- Value of benefits “earned” during current year
- Portion of PVPB allocated to current year

### ■ Actuarial Cost Method

- Determines how benefits are “earned” or allocated to each year of service
- Has no effect on PVPB
- Has significant effect on Actuarial Obligations and Normal Cost

### ■ Pay-As-You-Go Cost (PayGo)

- Cash Subsidy – Actual cash benefit payments to retirees
- Implied Subsidy – Difference between cost of retiree benefits and retiree premiums (not valued for PEMHCA)
- PayGo is the expected retiree benefit payments for the year while Normal Cost is the expense for benefits accrued by active employees during the year.



**DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.1**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended this declaration of local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the San Mateo County Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, building construction requires regular inspection services to ensure that completed work complies with both issued permits and applicable building standards and waiving such inspections increases the risk of defective and unsafe construction;

WHEREAS, the City has extremely limited construction inspection services and protective gear to prevent inspectors from contaminated job sites and the Federal and State governments have requested that such protective gear be preserve for essential health workers;

WHEREAS, the Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths and preserve construction inspection services and the related administrative resources for the most critical projects;

WHEREAS, the Council also recognizes that housing is indeed a priority for our community and the region, but the immediacy of curbing the current health emergency must take precedence to prevent further spread of the virus;

WHEREAS, the Council desires to resume housing construction at the earliest opportunity; and

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, the City Manager does hereby make the following order:

1. Effective immediately and until this order is terminated by the City Manager, all construction activity in the City of Menlo Park shall be temporarily suspended.
2. The City Manager will regularly review the need for this order to be in place and may elect to modify it should local circumstances or applicable law change.
3. Upon approval of the City Manager, construction activity in the government facilities and water and wastewater systems sector may be performed provided adequate social distancing mitigation measures can be achieved during both construction and inspection work.
4. The City Manager or designee may authorize limited exceptions to Section 1 of this order to protect life, health or safety provided they are consistent with Executive Order No. N-33-20 and/or subsequent applicable State or County orders.

Dated: 3/23/2020

DocuSigned by:  
*Starla Jerome Robinson*  
6BD907BD261744C...  
\_\_\_\_\_  
City Manager

**CITY OF MENLO PARK DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER  
EMERGENCY ORDER NO. 2**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood, though it is highly contagious;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (“Health Officer”) declared a local health emergency throughout San Mateo County related to COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County; WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended the declaration of a local health emergency;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic and empowered the Director of Emergency Services to take all necessary actions;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities”, “Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place Order;

WHEREAS, Government Code Section 8634 empowers the Director of Emergency Services to promulgate orders and regulations necessary to provide for the protection of life and property;

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to

make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, the City Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths, and preserve limited resources in order to allocate them to the most critical projects; and

NOW, THEREFORE, the City Manager as the Director of Emergency Services does hereby make the following order:

1. Public Facilities Closures. For the duration of the local emergency, the following public facilities shall be closed to the public: City Hall; Arrillaga Family Recreation Center; Arrillaga Family Gymnasium; Arrillaga Family Gymnastics Center; Burgess Pool; Belle Haven Pool; Onetta Harris Community Center; Menlo Park Senior Center; Menlo Park Main Library and Belle Haven Branch Library; all public restrooms and playgrounds located in all public parks; Burgess Park skate park; all public tennis courts, and all public basketball courts.
  
2. Effective date. This order shall be effective immediately and shall terminate upon the earlier of (1) Director of Emergency Services order or (2) cessation of local emergency.
  
3. Enforcement. This order shall be enforceable as a misdemeanor as provided in Menlo Park Municipal Code Section 2.44.110.

Dated: 3/27/2020

DocuSigned by:  
  
 6BD907BD261744C...  
 \_\_\_\_\_  
 Director of Emergency Services

Approved as to form:

DocuSigned by:  
  
 CD6C53C794F6491...  
 \_\_\_\_\_  
 Interim City Attorney

**CITY OF MENLO PARK DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER  
EMERGENCY ORDER NO. 3**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood, though it is highly contagious;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (“Health Officer”) declared a local health emergency throughout San Mateo County related to COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;  
WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended the declaration of a local health emergency;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic and empowered the Director of Emergency Services to take all necessary actions;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities”, “Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place Order;

WHEREAS, Government Code Section 8634 empowers the Director of Emergency Services to promulgate orders and regulations necessary to provide for the protection of life and property;

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to



make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, on March 31, the County Health Officer extended the Shelter in Place order to May 3 and issued additional restrictions regarding construction activity, recreational activity and other essential services;

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, the City Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths, and preserve limited resources in order to allocate them to the most critical projects; and

NOW, THEREFORE, the City Manager as the Director of Emergency Services does hereby make the following order:

1. Public Facilities Closures. During the pendency of the local emergency, the following additional public facilities shall be closed to the public: Bedwell Bayfront Park (including trails, parking lot and other areas).
2. Effective date. This order shall be effective immediately and shall terminate upon the earlier of (1) Director of Emergency Services order or (2) cessation of local emergency.
3. Enforcement. This order shall be enforceable as a misdemeanor as provided in Menlo Park Municipal Code Section 2.44.110.

Dated: 4/17/2020

DocuSigned by:  
  
 6BD907BD261744C...  
 \_\_\_\_\_  
 Director of Emergency Services

Approved as to form:

DocuSigned by:  
  
 CD6C53C794F6491...  
 \_\_\_\_\_  
 Interim City Attorney

**DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.4**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended this declaration of local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the San Mateo County Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

WHEREAS, on March 19, 2020, Governor Newsom issue Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, on March 23, 2020, the Director issued the City of Menlo Park Director of Emergency Services/City Manager Order (“Order”) No. 1 temporarily suspending all construction activity in the City of Menlo Park. The Order was based in part on the City’s lack of personal protective gear (PPE) to protect its employees from the spread of the COVID 19 virus, the lack of established construction project safety protocols and the inability of adequate supervision and deployment of building inspectors;

WHEREAS, recognizing the need to continue to limit the transmission of COVID-19, on April 29, 2020, the County Health Officer ordered the shelter-in-place to continue through May 31, 2020. However, the order also allows some businesses to open that could not operate under the

previous order and allows some low-risk activities to resume (e.g. outdoor businesses, landscapers and gardeners). Specifically, with regard to construction, the order allows for construction so long as the project complies with specific safety protocols;

WHEREAS, given the County of San Mateo’s recent publication of construction project safety protocols, to the extent the city is able to provide sufficient PPE and building inspector personnel, the City Manager would like to re-activate construction activity in the city with a phased in approach giving priority to projects that were already scheduled for an inspection the first week of the shut down (3/16 - 3/20), existing projects that have been granted emergency status, any project that effects the livability of the house (water heater, furnace, plumbing repair, sewer main, water piping, etc.) and other single family residential projects and public works projects. Thereafter providing the city has adequate PPE and inspector capacity it would begin scheduling inspections for multi-family and commercial projects starting; and


WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, the Director of Emergency Services does hereby make the following order:

1. Effective 11:59 p.m. on May 3, 2020 Order Number 1 is hereby rescinded and superseded by this Order No. 4.
2. Construction activity in the City will be permitted to resume provided it complies with the applicable construction project safety protocol published in the County of San Mateo Health Officer Order dated April 29, 2020.
3. The City Manager reserves the right to modify this order if any of the following conditions occur:
  - a. The City is not able to secure adequate PPE for its building inspectors;
  - b. The City is not able to provide sufficient building inspectors to satisfy the demand;
  - c. Construction projects are not complying with the required safety protocols;
  - d. The number of COVID 19 cases increases significantly;
  - e. Other operational constraints make building inspection unsafe or infeasible.

Dated: 5/1/2020

DocuSigned by:  
  
 6BD907BD261744C...  
 City Manager

Approved as to Form:  
 DocuSigned by:  
  
 CD6C53C794F6491...  
 Interim City Attorney

**DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.5**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended this declaration of local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the San Mateo County Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

WHEREAS, on March 19, 2020, Governor Newsom issue Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, on March 23, 2020, the Director issued the City of Menlo Park Director of Emergency Services/City Manager Order (“Order”) No. 1 temporarily suspending all construction activity in the City of Menlo Park. The Order was based in part on the City’s lack of personal protective gear (PPE) to protect its employees from the spread of the COVID 19 virus, the lack of established construction project safety protocols and the inability of adequate supervision and deployment of building inspectors;

WHEREAS, recognizing the need to continue to limit the transmission of COVID-19, on April 29, 2020, the County Health Officer ordered the shelter-in-place to continue through May 31, 2020. However, the order also allows some businesses to open that could not operate under the

previous order and allows some low-risk activities to resume (e.g. outdoor businesses, landscapers and gardeners). In addition, the April 29 order allows additional outdoor recreation activity to resume provided it conforms with the social distancing and health/safety protocols contained in the order and other restrictions established by the entity that manages such area to reduce crowding and risk of transmission of COVID-19; and

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

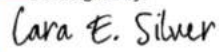
NOW, THEREFORE, the Director of Emergency Services does hereby make the following order:

1. Effective 7:00 a.m. on May 9, 2020, Order Number 3 is hereby rescinded and superseded by this Order No. 5.
2. Bedwell Bayfront Park shall be open to the public subject to social distancing and health/safety protocols established by the City Manager.
3. The City Manager reserves the right to modify this order if any of the following conditions occur:
  - a. Park users are not following the social distancing and health/safety protocols established by the City Manager;
  - b. The City is not able to provide sufficient monitors to ensure the safe use of the park;
  - c. The number of COVID 19 cases increases significantly; and
  - d. Other operational constraints make park opening unsafe or infeasible.

Dated: 5/8/2020

DocuSigned by:  
  
 6BD907BD261744C  
 \_\_\_\_\_  
 City Manager

Approved as to Form:

DocuSigned by:  
  
 CD66536794F8491  
 \_\_\_\_\_  
 Interim City Attorney

**DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.6**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended this declaration of local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the San Mateo County Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, on March 23, 2020, the Director issued the City of Menlo Park Director of Emergency Services/City Manager Order (“Order”) No. 1 temporarily suspending all construction activity in the City of Menlo Park. The Order was based in part on the City’s lack of personal protective gear (PPE) to protect its employees from the spread of the COVID 19 virus, the lack of established construction project safety protocols and the inability of adequate supervision and deployment of building inspectors;

WHEREAS, recognizing the need to continue to limit the transmission of COVID-19, on April 29, 2020, the County Health Officer ordered the shelter-in-place to continue through May 31, 2020. However, the order also allows some businesses to open that could not operate under the

previous order and allows some low-risk activities to resume (e.g. outdoor businesses, landscapers and gardeners). In addition, the April 29 order allows additional outdoor recreation activity to resume provided it conforms with the social distancing and health/safety protocols contained in the order and other restrictions established by the entity that manages such area to reduce crowding and risk of transmission of COVID-19; and

WHEREAS, on June 4, 2020, the County Health Officer modified the Shelter In Place order to eliminate the May 31, 2020 expiration and to expand the list of permitted activities. In particular County Health Order No. c19-5e – Appendix C-2 allowed additional activities that included indoor and outdoor pools, outdoor recreation areas, and outdoor shared recreation facilities may be opened, provided they are actively monitored and managed. Subsequently, the County of San Mateo issued additional guidelines to assist in re-opening public pools.

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

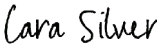
NOW, THEREFORE, the Director of Emergency Services does hereby make the following order:

1. Effective 7:00 a.m. on June 10, 2020, Order Number 2 is hereby modified and superseded by this Order No. 6.
2. Burgess Pool and Belle Haven Pool may re-open to the public.
3. The City Manager reserves the right to modify this order.

Dated: 6/10/2020

DocuSigned by:  
  
 6BD907BD261744C...  
 City Manager

Approved as to Form:

DocuSigned by:  
  
 CD6C53C794F6491...  
 Interim City Attorney

**DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.7**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (“Health Officer”) declared a local health emergency throughout San Mateo County related to COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended the declaration of local health emergency;

WHEREAS, the Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directed all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorized individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place Order;

WHEREAS, on March 19, 2020, Governor Newsom issue Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, on April 29, 2020, the Health Officer modified the Shelter-In-Place to continue through May 31, 2020, but allowed some businesses to open and some low-risk activities to resume, subject to social distancing and health/safety protocols;

WHEREAS, the State prepared a resilience roadmap to safely reopening that identifies four stages to reopening: stage 1 (safety and preparedness), stage 2 (lower risk workplaces), stage 3 (higher risk workplaces), and stage 4 (end of stay at home order) and has identified that the state is currently in stage 2;



WHEREAS, on June 4, 2020, the Health Officer further modified the Shelter-In-Place order to eliminate the May 31, 2020 expiration and to expand the list of permitted activities to include indoor and outdoor pools, outdoor recreation areas, and outdoor shared recreation facilities that are actively monitored and managed;

WHEREAS, on June 17, 2020, to be consistent with the state’s resilience roadmap, the Health Officer issued a new order that rescinded the Shelter-In-Place Order, subject to continued adherence to face covering requirements;

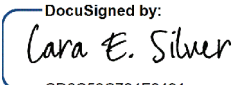
WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property in the City of Menlo Park as affected by such emergency.

NOW, THEREFORE, the Director of Emergency Services does hereby make the following order:

1. Effective 7:00 a.m. on June 25, 2020, Order Number 2 is hereby modified and superseded by this Order No. 7.
2. In addition to those public facilities opened by Order No. 6, the following public facilities may re-open to the public: Burgess Park skate park; all public tennis courts, and all public basketball courts and public restrooms associated with re-opened facilities.
3. Facility users shall adhere to applicable State and County required social distancing precautions, including but not limited to wearing face covering.
4. The City Manager reserves the right to modify this order.

Dated: 6/24/2020

DocuSigned by:  
  
 6BD907BD261744C...  
 \_\_\_\_\_  
 City Manager

Approved as to Form:  
 DocuSigned by:  
  
 CD6C53C794F6491...  
 \_\_\_\_\_  
 Interim City Attorney