



SPECIAL MEETING AGENDA – AMENDED

Date: 10/6/2020

Time: 5:30 p.m.

Special Meeting Location: Joinwebinar.com – ID# 874-990-331

This amended agenda includes the addition item E3.

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/publiccommentOctober6*
 - 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 – Special Meeting ID 874-990-331
 - Access the special meeting real-time via telephone (listen only mode) at: (415) 655-0052
Special Meeting ID 857-035-652 (# – 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

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. 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).

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.

Special Meeting (Joinwebinar.com – ID# 874-990-331)

A. Call To Order

B. Roll Call

C. Presentations and Proclamations

C1. Proclamation: John Preyer ([Attachment](#))

D. Regular Business

D1. Consider modifications to the Downtown street closure and temporary outdoor use permit pilot program and adopt urgency Ordinance No. 1073 ([Staff Report #20-221-CC](#)) ([Presentation](#))

D2. Consider an update on the housing innovation fund and confirm use of the housing inventory and local supply study ([Staff Report #20-204-CC](#)) – **continued from the September 15, 2020 City Council meeting**

E. City Council Initiated Items

E1. Refocus City Council 2020-21 priorities and direct specific land use planning work ([Staff Report #20-199-CC](#)) – **continued from the September 15, 2020 City Council meeting** ([Presentation](#))

[Web form public comment received on item E1.](#)

E2. Discuss endorsement of Proposition 15 on the November 3 ballot ([Staff Report #20-220-CC](#)) ([Presentation](#))

[Web form public comment received on item E2.](#)

E3. City Council consideration on Propositions 16, 17, and 18 on the November 3 ballot ([Attachment](#)) ([Presentation](#))

F. Informational Items

F1. Update on City advisory body workplans ([Staff Report #20-219-CC](#))

G. 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. 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 and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 10/3/2020)

PROCLAMATION

John Preyer

WHEREAS; John Preyer lived a full life, often reminiscing about his younger years in New Orleans. He joined the Armed Forces in World War II and was one of the last veterans residing in the Belle Haven community; and

WHEREAS; After completing his tour of duty, John Preyer moved to Chicago, IL where he studied art and photography and became a fantastic photographer; and

WHEREAS; John Preyer also liked to cook, and people, like Louie Armstrong and Cab Calloway, to name a few, often showed up at his home for a delicious meal. John was a people person and loved by those around him; and

WHEREAS; From Chicago, John Preyer made his way to Southern California. Finally, he found a place in Menlo Park during the early 60's and made that home. He noticed SRI International was hiring for a photographer, he applied, and was hired. He enjoyed photography and worked at SRI International until he retired; and

WHEREAS; John Preyer was a member of a bonsai club for 35 years. Often, his plants took the top spot in competitions; and

WHEREAS; John Preyer was involved with his community and became a member of the Belle Haven Neighborhood Association and the Police Advisory Board. He was committed to the community and worked to ensure rules and codes were followed and enforced.

NOW THEREFORE, BE IT PROCLAIMED that I, Cecilia Taylor, Mayor of the City of Menlo Park, on behalf of the City Council, thank you for your service to our Country, community, and the City.

DocuSigned by:

Cecilia Taylor

4A373F6C54BE48A...

Cecilia Taylor, Mayor
October 2020



STAFF REPORT

City Council

Meeting Date:

10/6/2020

Staff Report Number:

20-221-CC

Regular Business:

Consider modifications to the Downtown street closure and temporary outdoor use permit pilot program and adopt urgency Ordinance No. 1073

Recommendation

Staff recommends that the City Council adopt urgency Ordinance No. 1073 to modify the Downtown street closure and temporary outdoor use permit program.

Policy Issues

Businesses in Menlo Park have experienced substantial financial losses since the stay-at-home order was enacted March 16. Although San Mateo County recently moved to Tier 2 (red) of the state's reopening system, the COVID-19 pandemic continues to force businesses to adjust and adapt. The City's current temporary outdoor use permit 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. As conditions change, the City Council should consider whether modifications to the program and street closure are needed to better service merchants and residents.

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 urgency Ordinance No. 1070 that allowed the partial closure of Santa Cruz Avenue and for staff to implement a temporary outdoor use program. The City Council subsequently adopted urgency Ordinance No. 1071 July 16 to expand the allowed uses eligible for a temporary outdoor use permit and to modify the street closure pattern. As part of a 45-day review, staff prepared an information item for August 11. On August 25, the City Council received public testimony and had a robust discussion about the components of the urgency ordinance. While the City Council generally supported the extension of the temporary outdoor use permit beyond September 17, there were various considerations for potential modifications to the Santa Cruz Avenue closure configuration. The City Council continued the item to allow City Councilmembers to visit Downtown with these specific considerations in mind and meet with merchants. On September 8, the City Council adopted urgency Ordinance No. 1072, which resulted in an extension of the outdoor use permit until February 28, 2021 and additional modifications to the street closure by reopening the southbound travel lane along Santa Cruz Avenue. This change reflects a balancing of the interests of businesses who rely on pass-by vehicle traffic and businesses who wish to expand their outdoor operations into the street. The City Council also supported the use of the travel lane on the closed portion of Santa Cruz Avenue between

Doyle and Curtis Streets for business operations during the weekends. Because the use of the travel lane would require rerouting of bicycle traffic to the side streets, the City Council requested that staff return with additional options for the City Council to consider. On September 22, the city manager briefed the City Council with an update on the Santa Cruz Avenue street closure and temporary outdoor use permit program. At that time, members of the City Council also expressed interest in modifying the urgency ordinance and provided additional direction staff on revisions to how Santa Cruz Avenue can be used.

This staff report is scheduled as a regular business item so that the City Council can formerly adopt urgency Ordinance No. 1073 to reflect changes discussed September 22. The changes are described in more detail in the Analysis section below.

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.

Downtown street and right of way closure

The proposed urgency Ordinance No. 1073 (Attachment A) establishes minor modifications to the closure of Santa Cruz Avenue. Per Ordinance No. 1072, the southbound travel lane of Santa Cruz remains open. The northbound travel lane on Santa Cruz Avenue between Doyle and Curtis Streets and Crane and Evelyn Streets remains closed to vehicular traffic. While some businesses looked to maximize space by utilizing the travel lane, this expansion also created some concern for cyclists who would be rerouted to the side streets during certain hours to avoid conflict with patrons, displays and/or furnishings. At the September 22 meeting, the City Council directed the following additional changes:

- Install “walk your bike” signs for the closed portions of Santa Cruz Avenue
- Allow use of the travel lanes without any time limitations.

This alternative would allow merchants to expand into the travel lanes without limitation on the hours while allowing bikes to remain on Santa Cruz Avenue if bikes are walked within the closed portions of the street. New signs indicating “walk your bike” will be added at the barricades along Santa Cruz Avenue as shown in the exhibit in Attachment A. No other changes to the street configuration are proposed.

The City Council has continued to express interest in finding ways to assist local merchants and has also done their own outreach. One idea that has been raised is the closure of Ryan’s Lane between Crane Street and Escondido Lane for use by the adjacent businesses. This option is not currently part of Ordinance No. 1073 as drafted, but can be considered by the City Council October 6. It should be noted that any temporary closure of a roadway and/or 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.

Finally, as many cities have experienced, outdoor dining programs are usually iterative. As currently drafted the ordinance gives staff some limited authority to make adjustments in the event the City Council wants to give staff some broad parameter rather than making a decision this evening.

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. Staff has continued to work diligently to review applications and coordinate the placement of barriers, and more recently, has been able to refocus on liaising with businesses given additional staff support. The extension of the permit program through February 28, 2021 will continue to require reallocation of staff resources to respond to questions, manage the expedited review of the permits, and deploy barriers as requested to approved businesses.

For reference, table 1 below summarizes the current permit applications, with more details provided in Attachment B.

Use	Downtown core	Outside downtown core	Approved
Dining	10	1	4
Retail	3	0	1
Personal service	4	1	3
Fitness studio	1	0	1
Total	18	2	9

Next steps: Businesses and staff have invested a substantial amount of time into this program and want to see it succeed. Following City Council’s direction at its September 22 meeting and adoption of urgency Ordinance No. 1073 at the meeting of October 6, staff is targeting reopening of the southbound lane of Santa Cruz Avenue by mid-October pending coordination with adjacent businesses and their temporary outdoor use permit plans. Staff will also continue to work with businesses to address pending permits and their questions about the program, and to receive feedback.

Impact on City Resources

The City Council made \$300,000 in the downtown streetscape capital improvement project 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. 1073
- B. Temporary outdoor use permit summary

Report prepared by:
Deanna Chow, Assistant Community Development Director

Report reviewed by:
Justin Murphy, Deputy City Manager

ORDINANCE NO. 107~~3~~2**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING ORDINANCES 1070, ~~and~~ 1071, and 1072 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 desired to implement that plan in order to address merchants' concerns, and adopted urgency ordinance 1071 on July 16, 2020.

R. On August 11, 25₁, and September 8_{and 22}, the City Council considered additional input and discussed options for potential modifications to the closure of Santa Cruz Avenue and the temporary outdoor use permit program, and desires to make further changes as shown in Exhibit A.

S. 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, and continued the Temporary Outdoor Use Permit Program through February 28, 2021 at its September 8, 2020 meeting.

T. 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.

U. 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. 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 temporary 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 Curtis Street and from Crane 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. Use of the travel lane in the closed portions of the street is permitted by local businesses, subject to the installation of 'walk your bike' signs at the closed portions of the street, shall remain free of tables, furnishings and other structures, except from 4:00 p.m. on Fridays to 11:59 p.m. on Sundays ("exempt hours"). An alternate bicycle route shall be identified during the exempt hours. The Public Works Director or designee shall have the authority to approve the final street closure plan, barrier placement and signage 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 February 28, 2021 unless extended by the City Council.

SECTION 8. AMENDMENT. This ordinance shall amend Ordinance 1070 adopted by the City Council on June 19, 2020 and Ordinance 1071 adopted on July 16, 2020 and Ordinance No. 1072 adopted on September 8, 2020. Where this ordinance is inconsistent

with Ordinance Nos. 1070, ~~and~~ 1071, and 1072 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 sixth day of October, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Place barricades (see examples below) along outline of parking spaces for street cafe area per permit proposal.



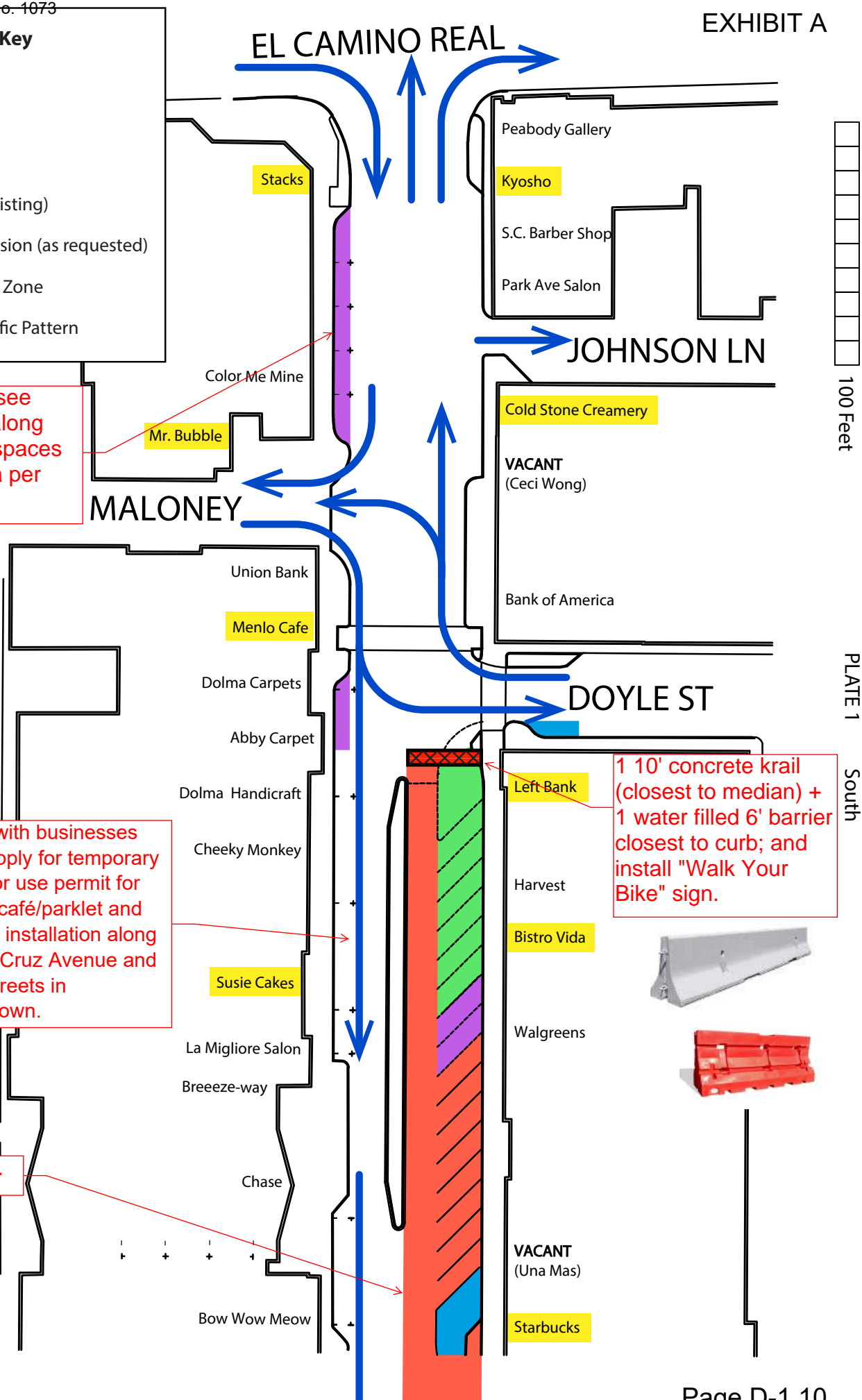
North

Work with businesses who apply for temporary outdoor use permit for street café/parklet and barrier installation along Santa Cruz Avenue and side streets in Downtown.

4 10' concrete krail.



Match Line



100 Feet

PLATE 1 South

1 10' concrete krail (closest to median) + 1 water filled 6' barrier closest to curb; and install "Walk Your Bike" sign.



1 10' concrete krail (closest to median) + 1 water filled 6' barrier closest to curb; and install "Walk Your Bike" sign.



Yves Delorme
Ace Hardware

CURTIS ST

Bank of the West

VACANT
(Oriental Carpet)

Goodwill Boutique

Mike's Camera

VACANT
(Village Stationers)

Work with businesses who apply for temporary outdoor use permit for street café/parklet and barrier installation along Santa Cruz Avenue and side streets in Downtown.

Juban Japanese BBQ

(Privately owned parking in rear)

(open)

Ace Hardware #2

CHESTNUT ST

VACANT
(Sole Desire)

Old World Designs

Accent on Eyewear

PLATE 2
South

Le Boulanger
(Prefers no street closure)

North

CHESTNUT ST

Ruby

Wells Fargo Bank

Place barricades along outline of parking spaces for street cafe area per permit proposal.

Bagel Street Café

Ann's Coffee Shop

Ann's Coffee Shop

VACANT

Penzey's Spices

VACANT
(ASpace)

VACANT
(The Pet Place)

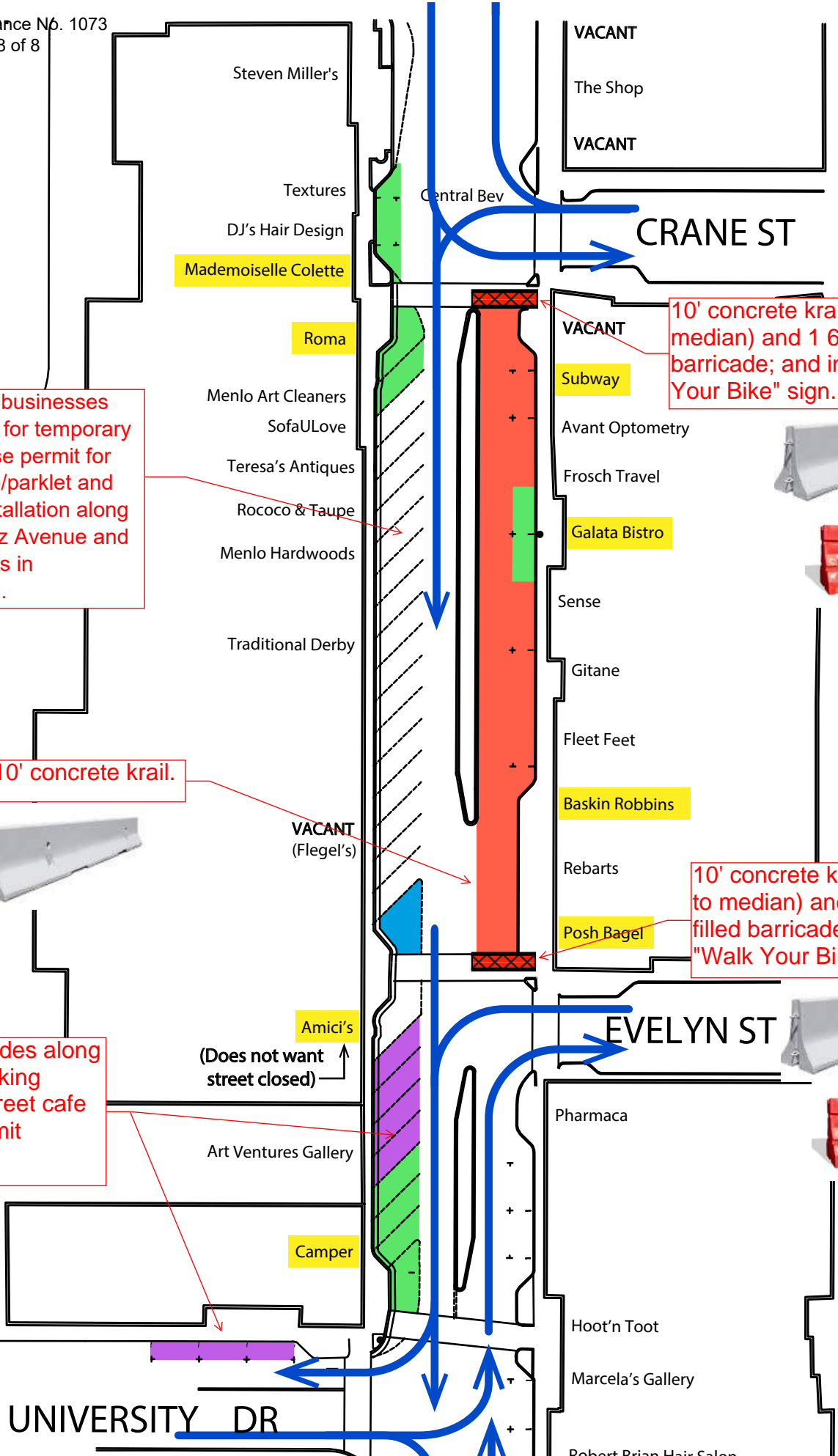
SB Fine Arts

CRANE ST

Match Line

North

Match Line



Work with businesses who apply for temporary outdoor use permit for street café/parklet and barrier installation along Santa Cruz Avenue and side streets in Downtown.

4 10' concrete krait.

Place barricades along outline of parking spaces for street cafe area per permit proposal.

10' concrete krait (closest to median) and 1 6' water filled barricade; and install "Walk Your Bike" sign.

10' concrete krait (closest to median) and 1 6' water filled barricade; and install "Walk Your Bike" sign.

Amici's
(Does not want street closed)

12 Restaurants in closed area; 3 not

VACANT
The Shop
VACANT

CRANE ST

VACANT

Subway
Avant Optometry
Frosch Travel
Galata Bistro

Sense
Gitane
Fleet Feet
Baskin Robbins

Rebarts
Posh Bagel

EVELYN ST

Pharmaca
Hoot'n Toot
Marcela's Gallery
Robert Brian Hair Salon

UNIVERSITY DR

PLATE 3
SOI

Temporary Outdoor Use Permits (as of October 1, 2020)

Address	Business	Status	Dining	Fitness	Personal Services	Retail
1 898 SANTA CRUZ AVE	Camper	Pending Resubmittal	Yes	No	No	No
2 603 SANTA CRUZ AVE	Peadbody Fine Art	Approved	No	No	No	Yes
3 888 SANTA CRUZ AVE	Art Ventures Gallery	Pending Resubmittal	No	No	No	Yes
4 641 SANTA CRUZ AVE	Bistro Vida	Approved	Yes	No	No	No
5 1143 CRANE ST	Refuge	Pending Resubmittal	Yes	No	No	No
6 1122 CRANE ST	Carpaccio	Approved	Yes	No	No	No
7 602 SANTA CRUZ AVE	Color Me Mine	Pending Resubmittal	No	No	No	Yes
8 211 EL CAMINO REAL	Koma Sushi	Approved	Yes	No	No	No
9 880 SANTA CRUZ AVE	Amici's	Pending Resubmittal	Yes	No	No	No
10 635 SANTA CRUZ AVE	Left Bank	Pending Resubmittal	Yes	No	No	No
11 600 SANTA CRUZ AVE	Stacks	Pending Resubmittal	Yes	No	No	No
12 1149 CHESTNUT ST	Coffeebar	Approved	Yes	No	No	No
13 1900 EL CAMINO REAL	Serenity Day Spa	Pending Resubmittal	No	No	Yes	No
14 650 MENLO AVE	Jasko Schroeder Salon	Approved	No	No	Yes	No
15 1080 CURTIS ST	Chestnut Lane Hair Design	Pending Resubmittal	No	No	Yes	No
16 1019 EL CAMINO REAL	SBM Fitness	Approved	No	Yes	No	No
17 846 OAK GROVE AVE	846 Oak Grove	Approved	No	No	Yes	No
18 1143 CRANE ST	Charisma Salon	Approved	No	No	Yes	No
19 820 SANTA CRUZ AVE	Roma	In Review	Yes	No	No	No
20 772 SANTA CRUZ AVE	Ann's Coffee Shop	Pending Resubmittal	Yes	No	No	No

A photograph of a brick building at dusk, with warm interior lights glowing through the windows and under the eaves. The building has a prominent gabled roofline. A semi-transparent blue horizontal band is overlaid across the middle of the image, containing the title and date. The overall scene is set against a deep blue twilight sky.

SANTA CRUZ AVENUE CLOSURE PILOT REVIEW

City Council Meeting – October 6, 2020

ANNUNCIATA FAMILY
GYMNASIUM



PROGRAM REVIEW

- Adopted urgency ordinance 1070 – June 19
 - Establish Santa Cruz Avenue street closure and temporary outdoor use permit program
- Adopted urgency ordinance 1071 – July 16
 - Modify Santa Cruz Avenue street closure
 - Allow personal services (e.g. salons) and fitness studios as eligible uses
- Adopted updated urgency ordinance 1072 – September 8
 - Modify Santa Cruz Avenue street closure
 - Allow use of closed travel lanes (4:00 p.m. Friday to 11:59 p.m. Sunday)
 - Extend temporary outdoor uses permit through February 28, 2021
 - Review bicycle routing options at future meeting



PROPOSED ACTION

- Proposed urgency ordinance 1073
 - Direction provided by City Council on September 22
 - Install ‘walk your bike’ signs and allow the use of travel lanes without time limitations
 - No change to Santa Cruz Avenue street closure configuration
 - No change to end date of permit program (February 28, 2021)
 - Implement changes mid-October

- Consideration for partial closure of Ryan’s Lane
 - Crane Street to Escondido Lane

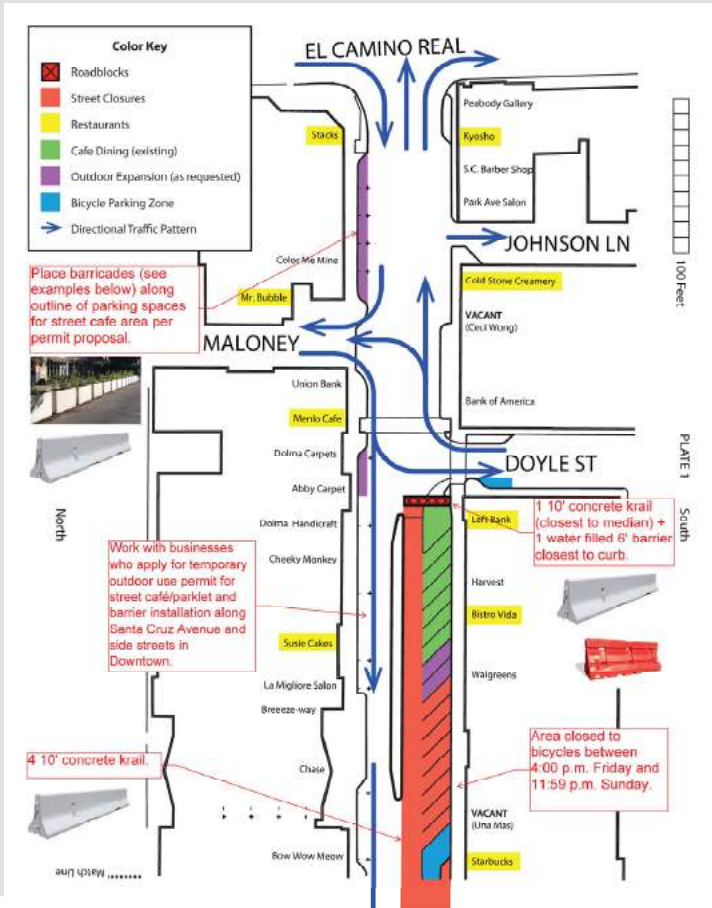


TEMPORARY OUTDOOR USE PERMIT SUMMARY

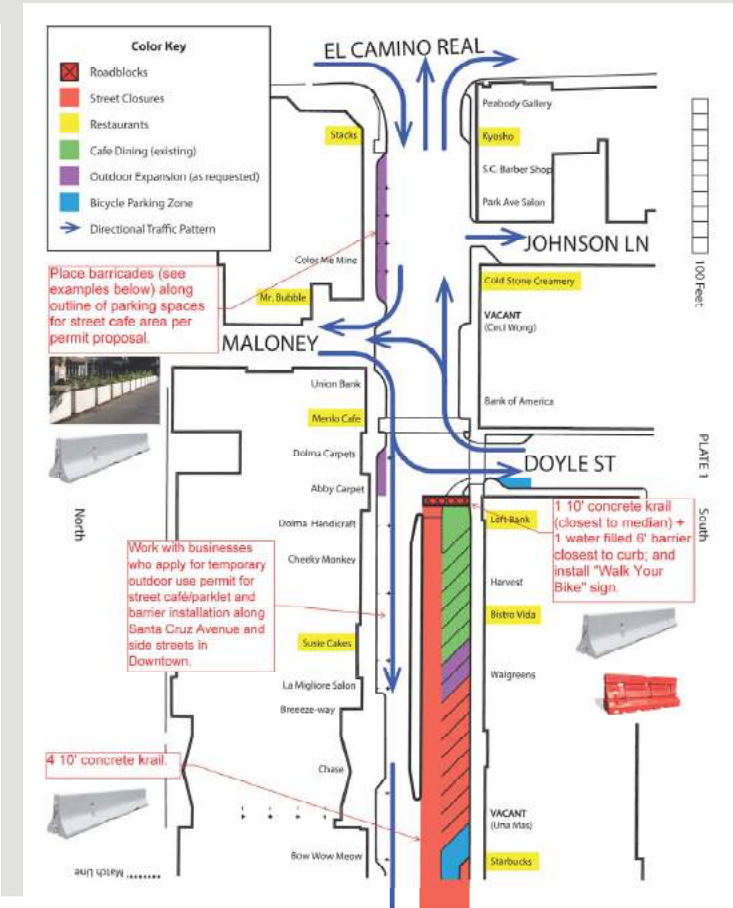


Temporary Outdoor Use Permit Applications			
Use	Downtown Core	Outside Downtown Core	Approved
Dining	10	1	4
Retail	3	0	1
Personal service	4	1	3
Fitness studio	1	0	1
Total	17	2	9

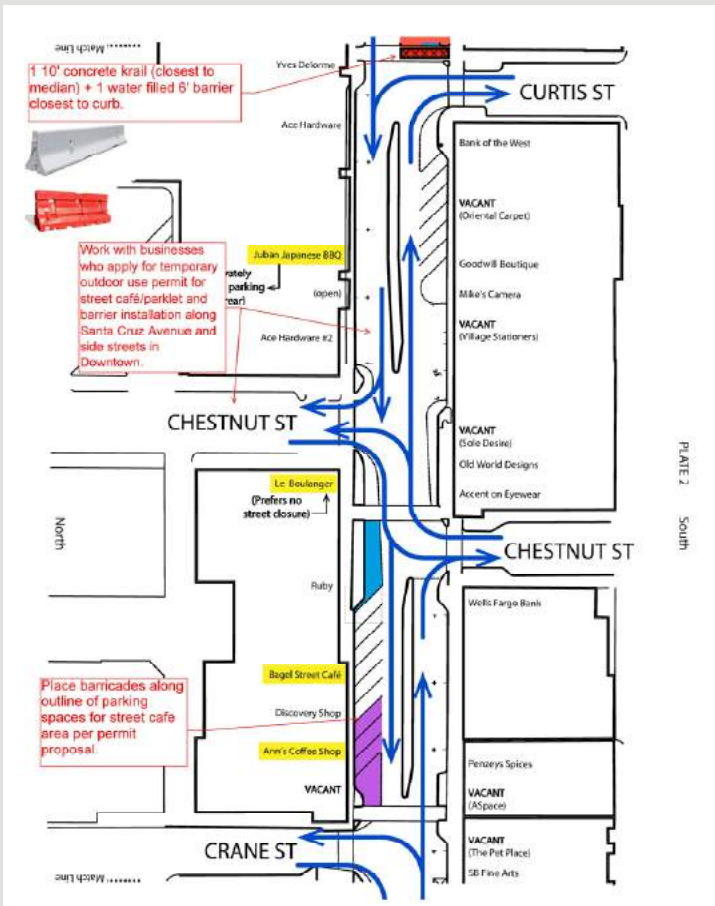
APPROVED STREET CLOSURE



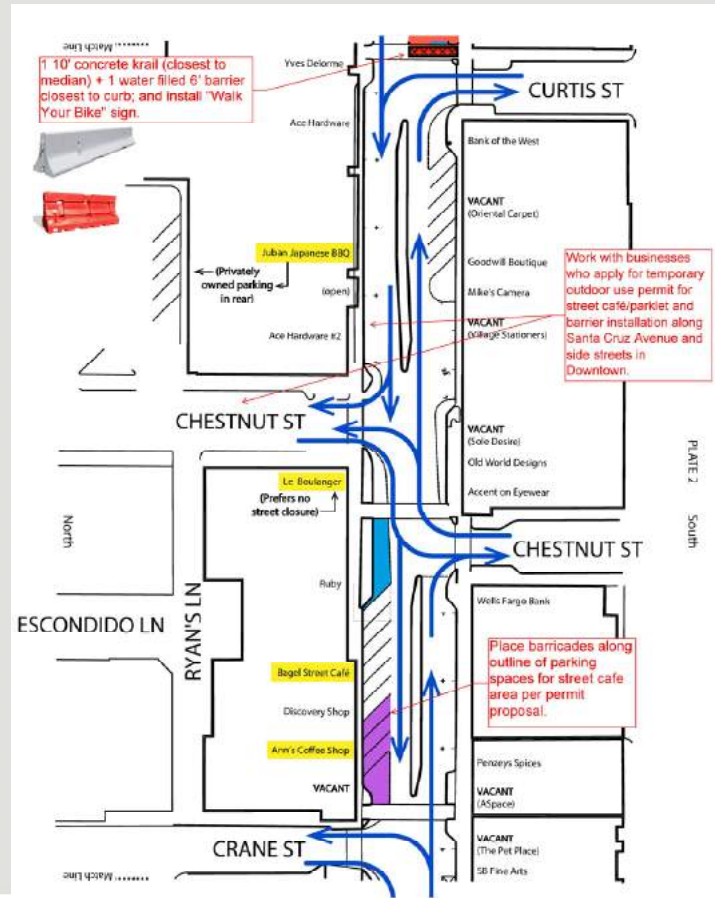
PROPOSED STREET CLOSURE



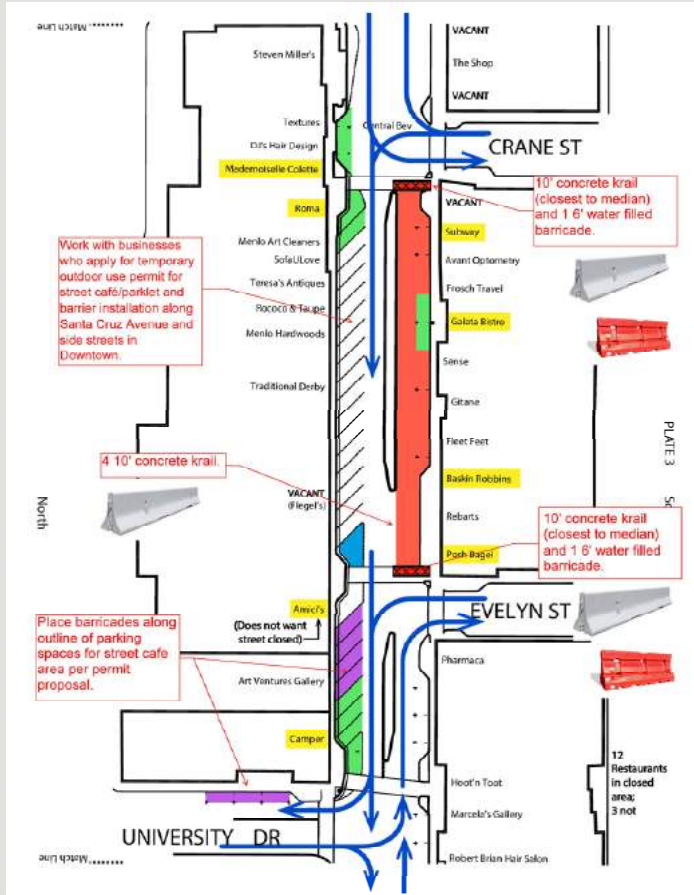
APPROVED STREET CLOSURE



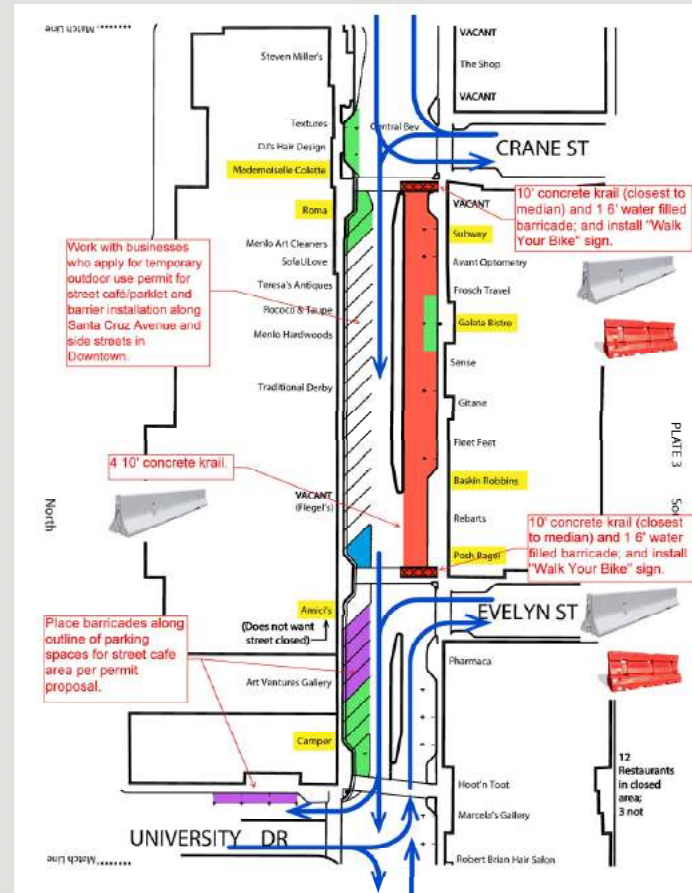
PROPOSED STREET CLOSURE



APPROVED STREET CLOSURE



PROPOSED STREET CLOSURE





THANK YOU



STAFF REPORT

City Council

Meeting Date:

9/15/2020 10/6/2020

Staff Report Number:

20-204-CC

Regular Business:

Consider an update on the housing innovation fund and confirm use of the housing inventory and local supply study

Recommendation

Staff recommends that the City Council confirm that the housing inventory and local supply study (Attachment A) should be utilized as part of future work on the housing element update.

Policy Issues

As required by the Facebook Campus expansion project development agreement (DA), Facebook conducted a housing inventory and local supply study to assess conditions, occupancy, and resident profiles to establish a baseline understanding of housing conditions and to identify long-term housing solutions in the Belle Haven neighborhood and East Palo Alto. Further, in accordance with the DA, Facebook is establishing the housing innovation fund to implement near term strategies as a direct outcome of the study. The implementation of the DA and Facebook's compliance with the terms of the DA are evaluated annually by the Planning Commission. Considering how the City could utilize the information provided in the study is a policy decision.

Background

On August 11, the City Council received an informational item updating the City Council on the DA requirement for Facebook to prepare a Housing Inventory and Local Supply Study. The staff report (Attachment B) provided an overview of the DA housing terms, specifically focused on the required housing inventory and local supply study (Item 8.1.1) and the housing innovation fund (Item 8.1.2.) The housing inventory and local supply study was prepared by UC Berkeley's Center for Community Innovation and its Y-PLAN group from the Center for Cities and Schools. At the August 11 meeting, the City Council also received a presentation from the study's preparers on the findings reported in the housing inventory and local supply study, titled Investment and Disinvestment as Neighbors. At the meeting, the City Council expressed appreciation for the study and its findings, and an interest in placing the topic on a future City Council agenda for further conversation about how the study could be used. At the September 15 meeting, staff is seeking confirmation on staff's recommendation on how the study could be used for future work efforts.

For more information about the East Campus and West Campus projects and the Campus Expansion project, please visit the City-maintained project pages in Attachments B and C, respectively.

Analysis

Housing inventory and local supply study

The housing inventory and local supply study outlines recommended actions for housing unit production and preservation, as well as tenant protections. The study also identifies the need to monitor conditions over time and for large employers, such as Facebook, to consider how a company's internal policies can affect housing conditions in the vicinity and educate employees. The study highlights a number of recommendations, some of which have since been addressed through either local regulations and/or State law. Despite efforts, the region continues to face housing challenges. The recommended actions in the study are intended to be used to inform potential projects the housing innovation fund could support.

Housing innovation fund

Since the August 11 City Council meeting, Facebook and City staff have continued to discuss and outline the implementation of the housing innovation fund. Facebook has interviewed three potential nonprofits to manage the housing innovation fund. The nonprofit selected would provide administrative functions and manage the housing innovation fund, but would not be involved in determining how the money from the fund is distributed. The eight-member oversight board would be independent of the nonprofit and would ultimately be responsible for determining how to allocate the \$1,500,000 for programming. Pursuant to the DA, money from the housing innovation fund shall not be spent on the nonprofit's operating expenses.

Facebook anticipates that the nonprofit would manage a request for proposals (RFP) process to solicit potential projects, evaluate the proposals, and provide recommendations to the oversight board. Facebook anticipates selecting a nonprofit within the next month with the goal of finalizing the oversight board soon after. Upon notification to the City that a nonprofit has been selected by Facebook, Menlo Park's City Manager will need to appoint her representative. The City of East Palo Alto and Menlo Park city managers each will appoint their own member of the oversight board and Facebook will appoint the six remaining members in its sole discretion.

Upon selection of all oversight board members, the nonprofit managing the housing innovation fund would issue the RFP for projects that could be funded by the housing innovation fund. The City may wish to consider to submit a proposal and staff would return to the City Council for direction. That timeline will be defined upon final selection of a nonprofit, but it is expected that the RFP process could commence before the end of 2020. This timing will coincide with the 2020 DA annual review and staff anticipates reporting on the housing innovation fund status as part of the DA compliance report to the Planning Commission in early 2021. Upon distribution of the funds, Facebook anticipates that the nonprofit managing the Housing Innovation Fund would send out periodic updates on project statuses to the oversight board, stakeholders and interested parties.

Upon receiving the information from the housing inventory and local supply study, the City Council expressed an interest using this information to explore policy direction for the city. The City, like many jurisdictions in the Bay Area, will be initiating its housing element update process in the near future. The housing element will consider a number of policies and implementation programs for the eight year planning period. Staff anticipates that the study could be used for background research and context as well to provide a launching point for housing policies (e.g., accessory dwelling units, land trusts, etc.) that would potentially be considered as part of the City's upcoming housing element update, environmental justice element and Housing Commission work plan. The City Council will be receiving a presentation on community land trusts at its September 15 meeting and will be considering the Housing Commission's work plan in the coming months. In addition to using the study to inform the housing element and environmental

justice element, the City Council may wish to provide staff with additional guidance and recommendations on appropriate uses of the study.

Impact on City Resources

Facebook is required to pay all costs associated with this review to fully cover the cost of staff time spent on the review of these projects, including implementation of the development agreement requirements. The housing innovation fund is also fully funded by Facebook.

Environmental Review

Click here to enter text. 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 – housing inventory and local supply study:
menlopark.org/DocumentCenter/View/25939/Housing-Inventory-and-Supply-Study
- B. Hyperlink – Facebook Campus expansion project DA update City Council staff report:
menlopark.org/DocumentCenter/View/25907/L3-20200811-CC-Update-on-Facebook-campus-expansion-project
- C. Hyperlink – Facebook Campus project page (East and West Campuses): menlopark.org/643/Facebook-Campus-Project
- D. Hyperlink – Facebook Campus expansion project page:
menlopark.org/995/Facebook-Campus-Expansion

Report prepared by:
Kyle Perata, Principal Planner

Report reviewed by:
Deanna Chow, Assistant Community Development Director



STAFF REPORT

City Council

Meeting Date:

~~9/8/2020~~ ~~9/15/2020~~ 10/6/2020

Staff Report Number:

20-199-CC

City Council Initiated
Items:

Refocus City Council 2020-21 priorities and direct
specific land use planning work

Recommendation

City staff seek City Council direction on requests from Mayor Taylor and City Councilmember Nash to refocus the City Council 2020-21 priorities (Attachment A) and direct specific land use planning work as detailed in the analysis section of this report.

Per City Council Procedure #CC-20-013 – “City Councilmember requests” a majority of the City Council may direct the following:

- 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.

Policy Issues

At their August 25 meeting, the City Council adopted City Council Procedure #CC-20-013 – “City Councilmember requests,” to assist in determining the City Council’s desire to move forward with work on requests by one or two City Councilmembers.

Background

At their August 18 meeting, the City Council adopted their top five priorities for 2020-21 and four suspended (or bike rack) initiatives. Also, at staff’s request, the City Council deferred action on 11 work plan items. Attachment B summarizes the updated list of priorities, yet-to-be approved work plan projects and the bike rack.

Analysis

For the City Council's August 18 meeting, Mayor Taylor and City Councilmember Nash presented a memo, Attachment A, detailing specific modifications to the City's goal-setting process. In recent years, the City Council's goal setting process generally resulted in a list of stand-alone projects or initiatives. The memo contains several high-level goals as follows:

- Support construction of new Belle Haven Community Center and Library project.
- Reform policing in Menlo Park so everyone can live their lives without fear.
- Reform our land use policies to reflect one united city.
- Prioritize climate action and empower the City's environmental leadership, recognizing that our most vulnerable residents are the most affected by this global issue.
- Ensure that City services support all our residents, and everyone feels welcome.
- Revise City policies and practices to promote inclusion and equity.

Staff's summary of City Council priorities and work plan, Attachment B, and the memo from City Councilmember Nash and Mayor Taylor, Attachment A, overlap in certain aspects. For example, both lists include the new Menlo Park community campus project. However, the overlap in planning efforts is less clear to staff and requires additional discussion to understand the intent of Attachment A.

On September 3, City Councilmember Nash emailed the following request to City Manager Jerome-Robinson with a copy to Mayor Taylor:

Mayor Taylor and City Councilmember Nash request the following item be added to City Council agenda for discussion as soon as possible:

Engage M-Group to perform a high-level review of development in the Bayfront.

- *Explore the amount and type of existing, proposed and potential development, compared with development anticipated under the 25-year ConnectMenlo plan.*
- *Evaluate current and potential impacts of the development in Bayfront using the City's Guiding Principles as described in ConnectMenlo.*
- *What lessons have been learned that can inform our process as we move into the Housing Element update?"*

For context relative to the long-range planning desired, staff drafted Attachment C to begin the discussion of the relationship between various mandated long-range planning efforts, their timelines, and their demand on resources. Attachment C serves as the springboard for a to be determined special meeting (tentative) to continue City Council priority and work plan discussions.

Impact on City Resources

Unknown. Staff estimates that initial assessment and discussion of Attachments A and C have far exceeded the customary one to two hours allocated to explore City Councilmember ideas, concerns and requests.

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. Request from Mayor Taylor and City Councilmember Nash – “City Council priorities – 8.11.2020”
- B. City Council approved priorities, August 18
- C. Memo: planning projects

Report prepared by:
Nick Pegueros, Assistant City Manager

COUNCIL PRIORITIES - 8.11.2020

Mayor Cecilia Taylor & Councilmember Betsy Nash

Based on Black Lives Matter Resolution #6563

All actions should have aggressive, achievable, measurable goals.

Support construction of new Belle Haven Community Center and Library project.**Reform policing in Menlo Park so everyone can live their lives without fear.**

- Discuss partnering with NOBLE for holistic approach to conducting police reform
- Develop new public safety policies and practices based on an open dialogue about public safety in our town, with
 - input from the community,
 - data and other input from our police department and police union, Menlo Park Fire District, and
 - learning from reforms elsewhere.
- Restructure city budget to implement new public safety policy goals.

Reform our land use policies to reflect one united city.

- Develop and implement an equitable community amenities list for projects in the Bayside area.
- Revise how land use is counted.
 - Eliminate development 'double-dipping.' Commercial land that is redeveloped for residential use should not be added back as available square footage under the development cap for future commercial use.
 - Count residential by square footage as well as units.
 - Count hotel square footage as well as units. Count hotel common space and parking garage.
 - Count square footage used for parking garages.
- Develop and implement single citywide General Use Plan.
 - Land use, including density and heights, should have citywide standards
 - Specific plans for downtown and Bayside areas
 - Apply environmental justice policies (SB1000 and AB617).
- Develop and implement citywide standards for locating essential services near residential areas.
- Plan RHNA numbers using citywide equity lens.

COUNCIL PRIORITIES - 8.11.2020

Mayor Cecilia Taylor & Councilmember Betsy Nash

Based on Black Lives Matter Resolution #6563

All actions should have aggressive, achievable, measurable goals.

Prioritize climate action and empower the City's environmental leadership, recognizing that our most vulnerable residents are the most affected by this global issue.

- Develop and implement citywide Climate Action Plan.
 - Priorities:
 - Explore policy/program options to convert 95% of existing buildings to all-electric by 2030
 - Expand access to EV charging for multifamily and commercial properties
 - Eliminate the use of fossil fuels from municipal operations
 - Address:
 - Setting regional goals for increasing EVs and decreasing gasoline sales
 - Reduce vehicle miles traveled (VMT) by 25% or other amount recommended by Complete Streets Commission
 - Develop a climate adaptation plan to protect the community from sea level rise and flooding

Ensure that City services support all our residents, and everyone feels welcome.

- Review and document all city services, including contracted services, to ensure they are equitable citywide.
- Develop and implement resident communication strategy
- Address community needs exacerbated by COVID-19 pandemic
 - Food insecurity
 - Housing instability
 - Internet and technology insufficiencies

Revise City policies and practices to promote inclusion and equity.

- Implement hiring practice of interviewing a diverse slate of candidates (no hires approved without diverse interviews).
- Review all levels of city staffing to establish baseline data from which to measure diversity at all levels.
- Identify a vendor for equity training (GARE?) and prioritize training for City staff, starting with executive management and working through all managers/staff.
- Develop and implement standards of equity training for all contractors and consultants.

2020-21 City Council Priorities and Work Plan
Approved August 18, 2020

10 20 30 40 50 60 70 80 90 100

Ref #	Priority projects (Approved August 18, 2020)	Lead Department	0	--	% Complete	--	100
1	Transportation master plan (TMP)	Public Works					
2	2022 Housing Element, zoning code update and related work	Community Development					
3	Menlo Park community campus	City Manager's Office					
4	COVID-19 pandemic local emergency response	City Manager's Office					
5	Information Technology Master Plan implementation	Administrative Services					
Ref #	Work plan projects (No action taken on August 18, 2020)	Lead Department	0	--	% Complete	--	100
6	Transportation management association (TMA) formation	Public Works					
7	Middle Avenue pedestrian & bicycle rail crossing planning	Public Works					
8	Short-term rental ordinance	Community Development					
9	Accessory dwelling unit ordinance update	Community Development					
10	ConnectMenlo community amenities list update	Community Development					
11	ECR/Downtown Specific Plan area housing development incentives	Community Development					
12	Development and environmental review process education series	Community Development					
13	Santa Cruz Ave closure and economic development initiatives	Community Development					
14	Citywide communication program development	City Manager's Office					
15	Climate Action Plan implementation	City Manager's Office					
16	Institutional bias reform	City Manager's Office					
Ref #	Suspended projects (Approved August 18, 2020)	Lead Department	0	--	% Complete	--	100
17	Near-term downtown parking and access strategies	Public Works					
18	Ravenswood Avenue Caltrain grade separation study	Public Works					
19	Single-Family residential design review	Community Development					
20	City Council procedures update	City Manager's Office					
			Complete				
			In progress / Implementation phase				
			Suspended				



MEMORANDUM

Date: 9/3/2020
To: Starla Jerome-Robinson, City Manager
From: Deanna Chow, Assistant Community Development Director
Re: City Council Priority and Work Plan – Planning Projects

The City Council is considering a number of land-use related priority projects and work plan items that would require a considerable amount of staffing and consultant resources as well as community, Commission and City Council involvement. As the City Council deliberates over its project priorities and work plan, the attached table has been prepared to provide a little more context for Planning projects to inform the City Council's discussion.

The projects identified in the attached table (Attachment A) are a subset of the full project list containing the 2020-21 City Council priorities and work plan (Attachment A of the August 11 City Council staff report and Attachment B to this memo). These projects are ones that would require the Planning Division to be in the lead or to dedicate staffing to help achieve them. These projects cannot be undertaken concurrently given the complexity of the work and the resources needed to accomplish the projects. However, staff has begun to outline how the projects can be accomplished over the next several years based upon our initial understanding of the work plan items. The table considers several factors for how the projects can be accomplished as noted below:

- **Project and Description:** Name and brief description of the project.
- **Priority Type:** The priority type reflects the City Council's discussion at its meeting on August 18.
- **CM Nash & Taylor 8.11.20 List, Land Use (Bullet Reference):** A reference note indicates alignment between the full City Council's list and the Mayor and City Councilmember Nash's list.
- **Sequence:** The number in the sequence columns reflects the order in which projects occur.
- **Staff Resources:** The dollar figure ranges from one to four dollar signs, depending on the level of Planning staffing needed to complete the project. All of the projects would also involve staff from other Departments, which have not been factored into this chart.
- **Consultant Resources:** Consultant assistance is anticipated for many of the projects and depending on the number of components, complexity, and/or technical skills, resources are needed to augment and support staff in the projects. The dollar signs in the chart range from one to four depending on the anticipated cost for services, but the amount would be determined once a scope of work is finalized.
- **Grant Funding:** Several of the projects will be supported by partial grant funding.
- **Public Engagement Level:** The chart provides a spectrum of public participation to help define the public's role in the process. The chart identifies the anticipated level of participation for each of the projects based upon the initial scope of work. A change in the level of participation could affect the timeline and budget of a project.
- **Timeline:** The chart attempts to identify when a project would be initiated and completed.

Following the City Council's direction to staff on the priority and work plan items, staff can return to the Council with more detailed information regarding needed staffing and consultant resources based upon the information outlined in the chart or as modified by the City Council.

Attachments

- A. Draft planning division action plan
- B. Hyperlink – Fiscal year 2020-21 City Council priorities and work plan August 11 staff report:
menlopark.org/DocumentCenter/View/25905/K2-20200811-CC-City-Council-priorities

Project	Description	Priority Type	CM Nash & Taylor 8.11.2020 List, Land Use (Bullet Reference)	Sequence	Staff Resources	Consultant Resources	Grant Funding
2022 Housing Element, zoning code update and related work (e.g., preparation of an Environmental Justice Element, Land Use Element amendments, rezonings, etc.) (Ref #2.)	The preparation of the Housing Element – Regional Housing Need Allocation (RHNA) Cycle 6 (2023-2031) is critical to addressing local housing needs and for compliance with State law. The housing element process would involve a number of components, including the preparation of an environmental justice element, updates to the land use and safety elements, potential zoning ordinance amendments and rezonings, environmental review (anticipated environmental impact report) and extensive public outreach, as well as require additional staff and consultant resources beyond the adopted budget. As new state laws have established stricter standards for site inventories, which will require additional data and analyses, the City will be taking a collaborative approach with other jurisdictions in San Mateo County (as part of 21 elements) to help leverage resources and streamline and strategically target work efforts. On June 30, 2020, following City Council's authorization, staff submitted an application for a Local Early Action Planning (LEAP) grant for \$150,000. The funding would be earmarked for work on the housing element, but would only be a small portion of the estimated \$1.5 to \$2.0 million needed to complete the project. Staff anticipates returning to City Council for review of the scope of work and consultant selection process by the end of the second quarter of fiscal 20-21. Staff anticipates the preparation of the Environmental Justice Element to occur first to help set the policy framework for the Housing Element.	Priority	3rd & 5th Bullet	Overarching	\$\$\$\$	\$\$\$\$	Partial
Accessory dwelling unit ordinance update (Ref #9.)	On February 25, the City Council adopted urgency Ordinance no. 1066, which amended the Menlo Park Municipal Code to comply with recent State Legislation pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs.) This was the first step in furthering ADU housing production. As a second step, staff will pursue "cleanup" amendments for internal consistency in the zoning ordinance for increased clarity for applicants. In addition, staff applied for and has been subsequently awarded an SB 2 grant. A portion of the funds is anticipated to be used to help fund additional work on ADU regulations and/or educational materials to support ADU production. At this point, staff recommends giving the urgency ordinance time to take effect before considering additional modifications given the recent changes are quite significant. Potential work on ADU regulations could also align with work on the upcoming housing element process.	Work Plan	n.a.	4 (if two phases, then 1 and 5)	\$\$	\$\$	Partial
ConnectMenlo community amenities list update (Ref #10.)	As part of the ConnectMenlo General Plan Update in 2016, the City Council adopted Resolution No. 6360, approving the community amenities list developed through the ConnectMenlo process. The list of amenities reflected the community's priority of benefits within the area generally bounded by Highway 101, Marsh Road, Bayfront Expressway and University Avenue, and was developed through an extensive outreach and input process that included a number of different stakeholders. Development projects seeking bonus level development are required to provide a community amenity. Since the adoption of the list, the City Council Subcommittee for District 1 in 2019 considered whether to change the amenities list, which can be done through adoption of a City Council resolution. If the City Council wishes to pursue changes to the community amenities list, they should provide staff with direction to either bring forward a resolution with the updated list previously provided by the Subcommittee (Attachment E) or establish a public engagement process with the community to update the amenities list. Additional funding for staffing and/or consultant resources may be needed to complete the latter effort.	Work Plan	1st Bullet	2	\$	N/A	No
ECR/Downtown specific plan area housing development incentives (Ref #11.)	The City Council redirected staff to focus its efforts on establishing incentives and reducing development barriers to creating housing in the Specific Plan Area. These changes would likely include modifications to the development regulations (e.g., density and height,) but would not increase the residential cap. This plan would be focused in its scope and would not incorporate policy items such as allowing hotels to automatically develop at the bonus level, consideration for a mixed-use parking structure, and creation of a parking inlieu fee previously identified by the City Council in its 2018 biennial review. This new focused work is consistent with recommendations made by the City Council Subcommittee for Districts 2 to 5. In April 2020, the City was awarded \$160,000 in SB 2 grant funds. Staff proposes to use apportionment of the SB 2 grant funding to assist with the preparation of potential specific plan amendments. If the City Council wishes to prioritize this as a work plan item, staff would return to the City Council with a timeline and scope of work, including potential funding request for consultant resources. The work would need to be completed/adopted prior to the end of the grant term June 30, 2022, and is anticipated to commence before the housing element process. The initial scope of work contemplates modification to the Specific Plan that would involve limited public outreach, not trigger an amendment to the general plan or the preparation of an environmental impact report. Any modifications that trigger one of those items would be folded into the housing element update process.	Work Plan	3rd bullet (partial)	3	\$\$	\$\$	Partial
Development and environmental review process education series (Ref #12.)	The idea for an education series on the development and environmental review processes was an outcome of work done by the City Council subcommittees to help educate the public and interested parties about the City's development review process given the number of large, complex development projects occurring in the City. Work on this effort would be timely as the preparation of multiple environmental impact reports (EIR) are underway. The first EIR could be released as early as this Fall. If the City Council wishes to prioritize this item, staff would recommend that funding be allocated to this effort, which would allow staff to collaborate with a consultant on how to best present these complex topics. The education series could be three parts, focused on 1) overview of development in the City, 2) the development review process and 3) California Environmental Quality Act (CEQA) and the various levels of environmental review.	Work Plan	n.a.	1	\$	\$	No
Institutional bias reform (Ref #16.)	The City Council received a report on institutional bias reform at their July 11 meeting. For 2020-21, staff recommends defining terms to establish a common language authorizing equity reviews of city departments, and training staff. A more detailed discussion is provided in Attachment B.	Work Plan	<i>Revise City policies and practices to promote inclusion and equity</i>				
Single-family residential design review. Suspended.	Due to competing priorities and staffing resources, work has yet to commence work on this item. The ability to initiate this project will be dependent upon the prioritization of this work in relation to other land use review and/or zoning changes.	Bike Rack	n.a.	TBD	\$\$\$	\$\$	No
Revise how land use is counted	<ul style="list-style-type: none"> o Eliminate development 'double-dipping.' Commercial land that is redeveloped for residential use should not be added back as available square footage under the development cap for future commercial use. o Count residential by square footage as well as units. o Count hotel square footage as well as units. Count hotel common space and parking garage. o Count square footage used for parking garages. 	New	2nd bullet under heading	TBD	\$	\$\$	No

<https://menlopark.org/DocumentCenter/View/25943/G1-20200811-CC-City-Council-priorities>

Consultant
 \$ - less than \$25,000
 \$\$ - up to \$100,000
 \$\$\$ - up to \$250,000
 \$\$\$\$ - over \$250,000

Project	Public Engagement Level					2020		2021				2022				2023	
	Inform	Consult	Involve	Collaborate	Empower	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
2022 Housing Element, zoning code update and related work (e.g., preparation of an Environmental Justice Element, Land Use Element amendments, rezonings, etc.) (Ref #2.)			X														
Accessory dwelling unit ordinance update (Ref #9.)	X (1st phase)	X (5th phase)					Phase 1				Phase 5						
ConnectMenlo community amenities list update (Ref #10.)	X																
ECR/Downtown specific plan area housing development incentives (Ref #11.)		X															
Development and environmental review process education series (Ref #12.)	X																
Institutional bias reform (Ref #16.)			X														
Single-family residential design review. Suspended.			X														
Revise how land use is counted	X																

<https://menlopark.org/DocumentCenter/V>

Consultant
 \$ - less than \$25,000
 \$\$ - up to \$100,000
 \$\$\$ - up to \$250,000
 \$\$\$\$ - over \$250,000

Agenda Item E1
Luis Guzman

Dear Menlo Park city council, candidates and city staff,

I would like to know what you are planning to do to address illegal dumpings on your city borders which affects neighboring cities but seems to be left unaddressed so far by Menlo Park?

Here are a couple of examples on Kavanaugh Way and University Avenue in Menlo Park (ref. https://nextdoor.com/news_feed/?post=163425420).

Several community cleanups have been organized by resident neighbors but at some point Menlo Park needs to take action and actively address this problem.

Would you leave these sights unattended for months if they were on El Camino Real or Santa Cruz Avenue?

Looking forward to hearing back for your feedback and suggestions.

Respectfully, your neighbors.

Luis Guzman

10.6.2020 Agenda Item E-1

We are proposing to create a council subcommittee of Mayor Taylor and Councilmember Nash:

- Now:
 - Update adopted **Amenities List** to appropriately serve existing and future residents.
 - Inventory existing, proposed and potential **citywide development** (amount and type) – and keep up-to-date.

- Future:
 - Review how land use is counted.
 - No impact to Willow Village or the other development projects in pipeline. Existing projects will proceed through the current system and be evaluated on standard criteria.
 - Review impacts of Bayfront development using our Guiding Principles.



STAFF REPORT

City Council

Meeting Date: 10/6/2020
Staff Report Number: 20-220-CC

City Councilmember

Initiated Items: Discuss endorsement of Proposition 15 on the November 3 ballot

Recommendation

City Councilmember Mueller requests that the City Council discuss endorsement of Proposition 15 on the November 3 ballot. The title of Proposition 15 is an initiative constitutional amendment that “increases funding sources for public schools, community colleges, and local government services by changing tax assessment of commercial and industrial property.” Per City Council Procedure #CC-20-013 – “City Councilmember requests” a majority of the City Council may direct the following:

- 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.

Policy Issues

The September 6, 2018, adopted City Council procedure manual contains guidance on legislative matters in both Chapter 4 and as an attachment. City staff is in the process of reformatting the procedures manual and has consolidated the relevant text on legislative advocacy into the new procedure format, Attachment A. City staff have made no edits to the procedure.

Background

On September 27, City Councilmember Mueller emailed Mayor Taylor and City Manager Jerome-Robinson requesting a full City Council discussion of whether to endorse Proposition 15.

Analysis

City Staff has not prepared an analysis of Proposition 15 on City property tax revenue. Attachment B provides the official voter guide for Proposition 15 official title and summary prepared by the attorney general and analysis prepared by the legislative analyst. At the end of the legislative analyst’s discussion, there is a link to a list of committees primarily formed to support or oppose the measure. Attachment C provides the full text of the proposed law.

Impact on City Resources

City staff does not have an estimate on the amount of time or cost required to perform a fiscal analysis of Proposition 15 on city revenues.

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. Legislative advocacy procedure
- B. Proposition 15 official title and summary prepared by the attorney general and analysis prepared by the legislative analyst
- C. Text of proposed laws – Proposition 15

Report prepared by:
Nick Pegueros, Assistant City Manager

LEGISLATIVE ADVOCACY

City Council Procedure
Adopted February 6, 2018



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.

Legislative policy guide (Appendix B)

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.

Procedure history

Action	Date	Notes
City Council adoption	February 6, 2018	Carryover text; no edits to the sections above Procedures Manual Menlo Park City Council

PROPOSITION **15** **INCREASES FUNDING SOURCES FOR PUBLIC SCHOOLS, COMMUNITY COLLEGES, AND LOCAL GOVERNMENT SERVICES BY CHANGING TAX ASSESSMENT OF COMMERCIAL AND INDUSTRIAL PROPERTY. INITIATIVE CONSTITUTIONAL AMENDMENT.**

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

15

The text of this measure can be found on the Secretary of State's website at voterguide.sos.ca.gov.

- Increases funding sources for K–12 public schools, community colleges, and local governments by requiring commercial and industrial real property be taxed based on current market value, instead of purchase price.
- Exempts from taxation changes: residential properties; agricultural land; and owners of commercial and industrial properties with combined value of \$3 million or less.
- Any additional education funding will supplement existing school funding guarantees.
- Exempts small businesses from personal property tax; for other businesses, provides \$500,000 exemption.

SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- Increased property taxes on commercial properties worth more than \$3 million providing \$6.5 billion to \$11.5 billion in new funding to local governments and schools.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Local Governments Tax Property. California cities, counties, schools, and special districts (such as a fire protection district) collect property taxes from property owners based on the value of their property. Property taxes raise around \$65 billion each year for these local governments. Overall, about 60 percent of property taxes go to cities, counties, and special districts. The other 40 percent goes to schools and community colleges. These shares are different in different counties.

Property Includes Land, Buildings, Machinery, and Equipment. Property taxes apply to many kinds of property. Land and buildings are taxed. Businesses also pay property taxes on most other things they own. This includes equipment, machinery, computers, and furniture. We call these things “business equipment.”

How Is a Property Tax Bill Calculated? Each property owner's annual property tax bill is equal to the taxable value of their property multiplied by their property tax rate. The typical property owner's property tax rate is 1.1 percent.

Taxable Value of Land and Buildings Is Based on Original Purchase Price. In the year a piece of

land or a building is purchased, its taxable value typically is its purchase price. Each year after that, the property's taxable value is adjusted for inflation by up to 2 percent. When a property is sold again, its taxable value is reset to its new purchase price. The taxable value of most land and buildings is less than what they could be sold for. This is because the price most properties could be sold for grows faster than 2 percent per year.

Taxable Value of Business Equipment Is Based on How Much It Could Be Sold for. Unlike land and buildings, business equipment is taxed based on how much it could be sold for today.

Counties Manage the Property Tax. County assessors determine the taxable value of property. County tax collectors bill property owners. County auditors distribute tax revenue to local governments. Statewide, counties spend about \$800 million each year on these activities.

PROPOSAL

Tax Commercial and Industrial Land and Buildings Based on How Much They Could Be Sold for. The measure requires commercial and industrial (after this referred to simply as “commercial”)

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

land and buildings to be taxed based on how much they could be sold for instead of their original purchase price. This change is put in place over time starting in 2022. The change does not start before 2025 for properties used by California businesses that meet certain rules and have 50 or fewer employees. Housing and agricultural land continues to be taxed based on its original purchase price.

Some Lower Value Properties Not Included.

This change does not apply if the owner has \$3 million or less worth of commercial land and buildings in California (adjusted for inflation every two years). These properties continue to be taxed based on original purchase price.

Reduce Taxes on Business Equipment. The measure reduces the taxable value of each business’s equipment by \$500,000 starting in 2024. Businesses with less than \$500,000 of equipment pay no taxes on those items. All property taxes on business equipment are eliminated for California businesses that meet certain rules and have 50 or fewer employees.

FISCAL EFFECTS

Increased Taxes on Commercial Land and Buildings.

Most owners of commercial land and buildings worth more than \$3 million would pay higher property taxes. Only some of these property owners would start to pay higher taxes in 2022. By 2025, most of these property owners would pay higher taxes. Beginning in 2025, total property taxes from commercial land and buildings probably would be \$8 billion to \$12.5 billion higher in most years. The value of commercial property can change a lot from year to year. This means the amount of increased property taxes also could change a lot from year to year.

Decreased Taxes on Business Equipment. Property taxes on business equipment probably would be several hundred million dollars lower each year.

Money Set Aside to Pay Costs of the Measure.

The measure sets aside money for various

costs created by the measure. This includes giving **several hundred million dollars per year** to counties to pay for their costs of carrying out the measure. The measure would increase the amount of work county assessors do and could require changes in how they do their work. Counties could have costs from the measure before new money is available to cover these costs. The state would loan money to counties to cover these initial costs until new property tax revenue is available.

New Funding for Local Governments and Schools.

Overall, \$6.5 billion to \$11.5 billion per year in new property taxes would go to local governments. 60 percent would go to cities, counties, and special districts. Each city, county, or special district’s share of the money depends on several things including the amount of new taxes paid by commercial properties in that community. Not all governments would be guaranteed new money. Some in rural areas may end up losing money because of lower taxes on business equipment. The other 40 percent would increase funding for schools and community colleges. Each school or community college’s share of the money is mostly based on how many students they have.

Visit <http://cal-access.sos.ca.gov/campaign/measures/> for a list of committees primarily formed to support or oppose this measure.

Visit <http://www.fppc.ca.gov/transparency/top-contributors.html> to access the committee’s top 10 contributors.

If you desire a copy of the full text of this state measure, please call the Secretary of State at (800) 345-VOTE (8683) or you can email vigfeedback@sos.ca.gov and a copy will be mailed at no cost to you.

PROPOSITION 15

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds sections to the California Constitution; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Title.

This measure shall be known as “The California Schools and Local Communities Funding Act of 2020.”

SEC. 2. Findings.

(a) California is the fifth largest economy in the world, but if we don’t invest in our future, we’ll fall behind. To grow our economy and provide a better quality of life now, and for future generations of Californians, we need to do a better job of investing in our schools, community colleges, and local communities, and do more to encourage small businesses and start-ups.

(b) Our competitiveness begins with making children and their education a priority. Decades of cuts and underfunding have undermined California schools. A recent national study ranked the performance of California schools in the bottom half of all states. The top ranked states spend thousands of dollars more per student than California.

(c) California’s funding shortfall has direct consequences for our kids: we’re dead last in the nation in teacher-to-student ratios, last in guidance counselor-to-student ratios, and last in librarian-to-student ratios.

(d) The quality of life in our local communities is also critical to our economic future. It depends on streets that are safe and clean, emergency services we can count on, parks and recreation programs that keep our youth off the streets, and roads that are well maintained. Our cities, counties, and local agencies are on the front line facing the consequences of the lack of affordable housing and increasing homelessness as well as worsening risks from wildfires and other disasters.

(e) Property taxes on commercial and industrial properties are a principal source of funding for our schools and local communities. While virtually every other state assesses commercial and industrial property based on its fair market value, California allows commercial and industrial property taxes to go many years, even decades, without reassessment. This unusual system is prone to abusive tax avoidance schemes, diverts funds away from schools and local communities, contributes to the shortage of affordable

housing, distorts business competition, and disadvantages business start-ups.

(f) California’s under-assessment of commercial and industrial properties is a growing problem. Large investors and corporations, many of whom are from other states and countries, are using a variety of schemes to get around the law and buy and sell properties without being reassessed, costing our schools and local communities billions of dollars.

(g) A recent study by the University of Southern California has found that under-assessed commercial and industrial property allows owners to avoid over \$11 billion in local property taxes each year that should be going to support our schools and local communities.

(h) California’s unusual commercial and industrial property tax system contributes to California’s affordable housing crisis. Studies by the Legislative Analyst’s Office and the University of California have demonstrated that California’s property tax system incentivizes owners to hold idle vacant and under-utilized commercial and industrial property. A reformed system, that assesses all properties based on their fair market value, would create a powerful new incentive to build new housing.

(i) Every commercial and industrial property owner benefits from local schools and services like public safety and infrastructure. It is unfair and anti-competitive that the property tax system forces some businesses to pay higher property taxes to support our schools and local communities while their competitors pay much lower property taxes because their properties are assessed far below their fair market value.

(j) California’s unusual property tax system not only distorts competition, it discourages business investments. Under the current system, businesses that invest in improving their properties trigger reassessment and higher property taxes. But businesses that don’t invest in improving their properties continue to enjoy the low cost of under assessment.

(k) A study done at the University of California demonstrates that reassessing commercial property will have a net positive benefit on jobs and the California economy.

(l) If we reformed California’s under-assessment problem on business properties, California would still rank among the lowest states for business property taxes in the nation because of the California Constitution’s provisions related to the 1% limitation on property tax rates.

(m) Thriving small businesses and start-ups are essential to California’s economy now and for our future. The property tax on equipment and fixtures discourages new start-ups, small businesses and larger businesses from making new productive

investments. By requiring under-assessed large properties to be assessed at fair market value, small businesses can be fully exempted from the property tax on equipment and fixtures and the tax can be substantially reduced for other businesses, removing this disincentive without harm to funding for our schools and local communities.

(n) Reassessing under-assessed commercial and industrial property in California would primarily impact a small number of properties owned by the largest corporations and wealthiest investors. Almost 80 percent of the tax benefits of the under-assessment allowed by the current system go to just 8 percent of the properties.

(o) The benefits to our schools, local communities, and economy resulting from ending the under-assessment of commercial and industrial property can be achieved while protecting small businesses through exemptions and deferrals of reassessment and at the same time encouraging small businesses by creating a more level playing field and by eliminating the property tax on business equipment and fixtures.

(p) Reforming commercial and industrial property assessments to fair market value will result in a fairer system for our schools, our local communities, and our businesses. All businesses will compete on a level playing field, generating billions of dollars in additional support for our schools and local communities.

SEC. 3. Purpose and Intent.

It is the intent of the people of the State of California to do all of the following in this measure:

(a) Preserve in every way Proposition 13's protections for homeowners and for residential rental properties. This measure only affects the assessment of taxable commercial and industrial property.

(b) Provide for increased and stable revenues for schools, cities, counties, and other local agencies by requiring under-assessed commercial and industrial properties to be assessed based on their fair market value.

(c) Distribute the new revenues resulting from this measure to schools and local communities, not to the state.

(d) Ensure that the portion of any new revenues going to local schools and community colleges as a result of this measure is treated as new revenues that are in addition to all other funding for schools and community colleges, including Proposition 98.

(e) Guarantee every school district and community college will receive additional funding from this measure and that funds going to schools and community colleges are allocated in a manner that is consistent with local control funding formulas intended to advance equity.

(f) Ensure that any new revenues going to cities, counties, and special districts as a result of this measure will be allocated in the same manner as other property tax revenues, consistent with prior ballot measures approved by voters, to improve the quality of life in local communities in all parts of California.

(g) Make certain there is complete public transparency by requiring schools, community colleges, cities, counties, and special districts to publicly disclose the new revenues they receive and how those revenues are spent in a manner that is widely available and easily understood.

(h) Be very clear that this measure only applies to taxable commercial and industrial real property by including provisions stating that:

(1) All residential property is exempt so homeowners and renters will not be affected in any way by this measure.

(2) This measure makes no change to existing laws affecting the taxation or preservation of agricultural land.

(i) Make no change to Proposition 13's constitutional provisions relating to the 1 percent limitation on property tax rates for all taxable real property so local property taxes on commercial and industrial property will continue to be among the lowest in the country after this measure is approved by voters.

(j) Ensure stability for owners of small business properties by providing an exclusion for small commercial and industrial real property owners. The intent of this provision is to provide an exclusion that applies only to the true owners of small businesses and that large property owners shall be prevented from using the exclusion for their own benefit.

(k) Defer reassessments for properties in which small businesses account for 50 percent or more of the occupied space until the 2025–26 lien date to provide those small business tenants additional time to choose the leasing option that works for them, recognizing that the impact of this measure will be different for each property, depending on how close the current assessment is to the fair market value and whether or not it qualifies for the small property exclusion for properties with a fair market value of \$3 million or less.

(l) Encourage new and existing businesses to make new investments by eliminating the business tangible personal property tax on equipment and fixtures for small businesses and providing a \$500,000 per year exemption for all other businesses. The Legislature may not reduce this exemption, but it may increase it.

(m) Provide greater equity in the taxation of commercial and industrial properties by assessing all of them based on their actual fair market value just like start-ups and new commercial and industrial properties that already are being assessed based on

their actual fair market value. The intent is for all businesses to compete on a more level playing field and make sure all businesses are paying their share to support the schools and local communities from which they benefit.

(n) Require the Legislature, after conferring with a task force on property tax administration, to provide by statute for the phase-in of reassessments of under-assessed commercial and industrial real properties so that county assessors may effectively implement the new law. Such phase-in will begin with the lien date for the 2022–23 fiscal year and occur over several years. Affected owners shall only be obligated to pay the taxes based on the new assessed value beginning with the lien date for the fiscal year when the assessor has completed the reassessment.

(o) Require the Legislature to ensure that the phase-in provisions provide affected owners of under-assessed commercial and industrial real properties reasonable time to pay any increase in their tax obligations resulting from this measure.

(p) Provide for the recovery of actual direct administrative costs incurred by counties to effectively implement the new law.

(q) Ensure that the General Fund and other funds of the state are held harmless by reimbursing the state for reductions in tax revenue caused by the deductibility of the property tax.

(r) Maintain the State Board of Equalization's oversight over the property tax system to assure the public that assessments of commercial and industrial real property in every county are equitable and uniform as required by this measure, and to further ensure that the State Board of Equalization provides statewide assistance as necessary to support the efficient implementation of this measure within all 58 counties.

SEC. 4. Section 8.7 is added to Article XVI of the California Constitution, to read:

SEC. 8.7. (a) The Local School and Community College Property Tax Fund is hereby created in the State Treasury, to be held in trust, and is continuously appropriated for the support of local educational agencies as that term is defined in Section 421 of the Education Code, as that statute read on January 1, 2020, and for the support of community college districts. The moneys deposited in the Local School and Community College Property Tax Fund shall be held in trust for schools, and shall be distributed as follows:

(1) Eleven percent of the moneys shall be allocated by the Board of Governors of the California Community Colleges to community college districts in proportion to the funding calculated for each district pursuant to the distribution formulas operative in statute as of January 1, 2020, or any successor statute, provided that property tax revenues calculated pursuant to

Section 84751 of the Education Code, or any successor statute, that exceed the total funding calculated for a district pursuant to the then operative distribution formulas shall be subtracted from that district's proportionate share of the Local School and Community College Property Tax Fund.

(2) Eighty-nine percent of the moneys shall be allocated by the Superintendent of Public Instruction to school districts, charter schools, and county offices of education as follows:

(A) To school districts and charter schools, in proportion to each school district's or charter school's total funding calculated pursuant to subdivisions (a) to (i), inclusive, of Section 42238.02 of the Education Code, as those provisions read on July 1, 2019. Any school district or charter school that qualifies as a "basic aid school district" or "excess tax entity" under subdivision (o) of Section 42238.02 of the Education Code shall have subtracted from its proportionate share of the Local School and Community College Property Tax Fund the amount by which the sum calculated in subdivision (j) of Section 42238.02 of the Education Code exceeds the amount calculated pursuant to subdivisions (a) to (i), inclusive, of Section 42238.02 of the Education Code, as each of those provisions read on July 1, 2019.

(B) To county offices of education, in proportion to each office's total funding calculated pursuant to Section 2574 of the Education Code, as that section read on July 1, 2019.

(3) Notwithstanding paragraphs (1) and (2) of this subdivision, no school district or charter school shall receive from the Local School and Community College Property Tax Fund less than one hundred dollars (\$100) per unit of average daily attendance, adjusted annually upward or downward by the same percentage that the Local School and Community College Property Tax Fund grew or declined from the previous year, and no community college district shall receive from the Local School and Community College Property Tax Fund less than one hundred dollars (\$100) per enrolled full-time equivalent student, adjusted annually upward or downward by the same percentage that the Local School and Community College Property Tax Fund grew or declined from the previous year.

(b) Except as provided in paragraph (2) of subdivision (d) of Section 8.6 of this article, notwithstanding any other law, the moneys deposited in the Local School and Community College Property Tax Fund shall not be subject to appropriation, reversion, or transfer by the Legislature, the Governor, the Director of Finance, or the Controller for any purpose other than those specified in this section, nor shall these revenues be loaned to the General Fund or any other fund of the State or any local government fund.

(c) Moneys allocated to local educational agencies, as that term is defined in Section 421 of the Education

Code, as that statute read on January 1, 2020, and to community college districts from the Local School and Community College Property Tax Fund shall supplement, and shall not replace, other funding for education. Funds deposited into or allocated from the Local School and Community College Property Tax Fund shall not be part of “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes” for purposes of paragraphs (2) and (3) of subdivision (b) of Section 8 of this article or for purposes of Section 21 of this article. Except as provided in subdivision (c) of Section 8.6 of this article, revenues generated by Section 2.5 of Article XIII A shall not be deemed to be General Fund revenues which may be appropriated pursuant to Article XIII B for purposes of paragraph (1) of subdivision (b) of Section 8 of this article, nor shall they be considered in the determination of per capita General Fund revenues for purposes of subdivisions (b) and (e) of Section 8 of this article.

(d) Except as provided in subdivision (c) of Section 8.6 of this article, revenues generated by Section 2.5 of Article XIII A shall not be deemed to be General Fund proceeds of taxes that may be appropriated pursuant to Article XIII B for purposes of Section 20 or Section 21 of this article.

SEC. 5. Section 8.6 is added to Article XVI of the California Constitution, to read:

Sec. 8.6. (a) The Legislature shall provide by statute a methodology, based on historical experience, for determining the additional revenue generated in each county each fiscal year as a result of the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the application of Section 2.5 of Article XIII A. The determination as to the amount of additional revenue in each county shall be transmitted to the county auditor annually for use for the calculations required by this section.

(b) After transferring the necessary funds pursuant to subdivisions (c), (d), and (e), and subparagraph (B) of paragraph (1) of this subdivision, all additional revenue resulting from the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the application of Section 2.5 of Article XIII A shall be allocated and transferred by the county auditor as follows:

(1) (A) First, to the Local School and Community College Property Tax Fund created pursuant to Section 8.7 of this article, in an amount equal to the school entities’ share of property taxes as determined pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, as that chapter read on January 1, 2020.

(B) Prior to making the transfer pursuant to subparagraph (A) of paragraph (1) of this subdivision,

the county auditor shall subtract an amount equal to the county’s share of the increase in appropriations of General Fund proceeds of taxes for the support of school districts and community college districts pursuant to Section 8 of this article due to the revenue loss resulting from the exemptions provided by Section 3.1 of Article XIII, as determined by the Director of Finance. The county’s share of additional General Fund appropriations shall be transferred by the county auditor to the General Fund prior to the allocation specified in subparagraph (A) of paragraph (1) of this subdivision. The amount determined by the Director of Finance pursuant to this subparagraph shall for each fiscal year be apportioned by county in proportion to the revenue loss resulting from the exemptions provided by Section 3.1 of Article XIII.

(2) Second, among cities, counties, and special districts pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, as that chapter read on January 1, 2020.

(c) The Franchise Tax Board shall determine the reduction to the General Fund and any other affected state fund of revenues derived from the taxes imposed by the Personal Income Tax Law (Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code) and the Corporation Tax Law (Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code), as those laws read on January 1, 2020, due to the deduction of any net increase in property taxes resulting from the implementation of subdivision (a) of Section 3.1 of Article XIII and Section 2.5 of Article XIII A. The amount of reduction as determined by the Franchise Tax Board shall be transferred by the county auditor to the General Fund and any other affected state fund prior to the allocation specified in subdivision (b). For purposes of making the determinations required by Sections 8, 20, and 21 of this article, the amount transferred to the General Fund pursuant to this subdivision shall be deemed to be General Fund revenues which may be appropriated pursuant to Article XIII B and General Fund proceeds of taxes appropriated pursuant to Article XIII B and shall be included in the calculation of per capita General Fund revenues. The amount transferred pursuant to this subdivision shall for each fiscal year be apportioned among the counties in proportion to each county’s contribution to the total additional revenue resulting from the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the application Section 2.5 of Article XIII A determined for all counties.

(d) (1) Each county or city and county shall be annually compensated for the actual direct administrative costs of implementing Section 3.1 of Article XIII and Section 2.5 of Article XIII A as identified by the board of supervisors of the county or city and county consistent with statutes identifying

those costs. The Legislature shall determine by statute what constitutes actual direct administrative costs for purposes of this subdivision. Such costs shall at a minimum include the costs of assessment, assessment appeals, legal counsel, tax allocation and distribution, and auditing and enforcement of the provisions of Section 3.1 of Article XIII and Section 2.5 of Article XIII A. It is the intent of this subdivision to provide full adequate funding to counties to cover all costs associated with implementation of the act.

(2) The Legislature shall determine by statute the initial startup costs necessary for each county or city and county and the State Board of Equalization to implement the act and shall appropriate General Fund moneys to pay for such startup costs until sufficient funds are available to pay for all ongoing costs to implement the act, at which time the statute shall provide for the General Fund to be reimbursed.

(e) Each county or city and county shall annually be reimbursed for actual refunds of property taxes paid in the prior fiscal year as a result of corrections to assessments made pursuant to Section 2.5 of Article XIII A. The amount reimbursed pursuant to this subdivision shall for each fiscal year be subtracted from each county's contribution to the total additional revenue resulting from the application of Section 2.5 of Article XIII A as a result of the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A.

(f) All local educational agencies, community colleges, counties, cities and counties, cities, and special districts that receive funds from the revenues generated by Section 2.5 of Article XIII A shall publicly disclose for each fiscal year, including in their annual budgets, the amount of property tax revenues they received for that fiscal year as the result of Section 2.5 of Article XIII A and how those revenues were spent. Such disclosure shall be made so that it is widely available to the public and written so as to be easily understood.

SEC. 6. Section 2.5 is added to Article XIII A of the California Constitution, to read:

SEC. 2.5. (a) (1) Notwithstanding Section 2 of this article, for the lien date for the 2022–23 fiscal year and each lien date thereafter, the “full cash value” of commercial and industrial real property that is not otherwise exempt under the Constitution is the fair market value of such real property as of that date as determined by the county assessor of the county in which such real property is located, except as provided by the Legislature pursuant to subdivision (b).

(2) Paragraph (1) of this subdivision shall not apply to residential property as defined in this section, whether it is occupied by a homeowner or a renter. Residential property as defined in this section shall be assessed as required by Section 2 of this article. Paragraph (1) of this subdivision shall also not apply

to real property used for commercial agricultural production as defined in this section. Real property used for commercial agricultural production as defined in this section shall be assessed as required by Section 2 of this article.

(b) The Legislature shall establish a task force on property tax administration immediately after this section is enacted, including a county assessor or designee, a State Board of Equalization member or designee, a proponent of this act or designee, a taxpayer representative, and a member of the Legislature or designee. The task force shall publicly convene immediately upon its creation to examine and recommend to the Legislature all statutory and regulatory changes necessary for the equitable implementation of this measure consistent with its purpose and intent. The Legislature, after conferring with the task force, shall provide by statute for the phase-in of the reassessment of commercial and industrial real property as required by paragraph (1) of subdivision (a). Any such phase-in shall provide for reassessment of a percentage of all commercial and industrial real properties within each county commencing with the lien date for the 2022–23 fiscal year and extending over two or more lien dates each fiscal year thereafter, in order to ensure a reasonable workload and implementation period for county assessors, including provision for processing and timing of assessment appeals. An owner shall first be obligated to pay the taxes based on the new assessed value beginning with the lien date for the fiscal year when the county assessor has completed the reassessment. The phase-in also shall provide taxpayers whose property has been reassessed a reasonable timeframe within which to pay any increase in taxes. After the initial reassessment of commercial and industrial real property pursuant to this subdivision, such commercial and industrial real property shall be periodically reassessed no less frequently than every three years as determined by the Legislature. Notwithstanding existing statutes, the Legislature shall, in consultation with county assessors, develop a process for hearing appeals resulting from the reassessment of properties pursuant to this section that is consistent with the following:

(1) The process shall not include automatic acceptance of the applicant's opinion of values within a given timeframe.

(2) The process shall impose on the taxpayer the burden of proof that the property was not properly valued.

(3) The process shall require the taxpayer to provide evidence relevant to any appeal in the initial application before the local assessment appeals board.

(4) The process shall ensure that decisions by local administrative hearing bodies such as assessment appeals boards, if subject to judicial review, are

subject only to *de novo* judicial review on issues of law, while issues of fact, including valuation, shall be reviewed under the substantial evidence standard.

(c) For purposes of this section:

(1) “Commercial and industrial real property” means any real property that is used as commercial or industrial property, or is vacant land not zoned for residential use and not used for commercial agricultural production. For purposes of this paragraph, vacant land shall not include real property that is used or protected for open space, a park, or the equivalent designation for land essentially free of structures, natural in character to provide opportunities for recreation and education, and intended to preserve scenic, cultural, or historic values.

(2) “Mixed-use real property” means real property on which both residential and commercial or industrial uses are permitted.

(3) “Real property used for commercial agricultural production” means land that is used for producing commercial agricultural commodities.

(4) (A) “Residential property” shall include real property used as residential property, including both single-family and multiunit structures, and the land on which those structures are constructed or placed.

(B) The Legislature shall provide by statute that any property zoned as commercial or industrial but used as long-term residential property shall be classified as residential for purposes of paragraph (2) of subdivision (a). For mixed-use real property, the Legislature shall ensure only that portion of the property that is used for commercial and industrial purposes shall be subject to reassessment as required by paragraph (1) of subdivision (a). The Legislature shall also define and provide by statute that limited commercial uses of residential property, such as home offices, home-based businesses or short-term rentals, shall be classified as residential for purposes of paragraph (2) of subdivision (a). The Legislature may provide for an exclusion from reassessment for the commercial share of mixed-use property provided 75 percent or more of the property by square footage or value is residential.

(d) (1) Subject to paragraph (2) of this subdivision, upon reassessment pursuant to subdivisions (a) and (b), each commercial and industrial real property with a fair market value of three million dollars (\$3,000,000) or less shall not be subject to reassessment pursuant to paragraph (1) of subdivision (a) and shall be assessed as required by Section 2 of this article. The amount specified in this paragraph shall be adjusted for inflation every two years commencing January 1, 2025, as determined by the State Board of Equalization. The State Board of Equalization shall calculate the adjustment separately for each county taking into consideration differences

in average commercial and industrial market values among counties.

(2) Notwithstanding paragraph (1) of this subdivision, real property that would otherwise comply with the exclusion set forth in paragraph (1) of this subdivision shall be subject to reassessment pursuant to paragraph (1) of subdivision (a) if any of the direct or indirect beneficial owners of such real property own a direct or indirect beneficial ownership interest in other commercial or industrial real property located in the State, which such real property in the aggregate, including the subject property, has a fair market value in excess of three million dollars (\$3,000,000). The amount specified in this paragraph shall be adjusted for inflation every two years commencing January 1, 2025, as determined by the State Board of Equalization.

(3) All determinations of fair market value under this subdivision shall be determined by the county assessor of the county in which the property is located, and such determinations by the county assessor shall be conclusive and subject only to judicial review for abuse of discretion.

(4) In order to be eligible for the exclusion provided by paragraph (1) of this subdivision, the owner of the real property shall make a claim and certify annually to the county assessor under penalty of perjury that the conditions required by paragraphs (1) and (2) of this subdivision for exemption from reassessment have been met and shall be subject to audit by the county or the State as to that certification. The State Board of Equalization shall have the authority to conduct any audits on behalf of the State.

(5) Any real property excluded from reassessment under paragraph (1) of this subdivision shall only be excluded from reassessment so long as it meets the conditions imposed by paragraphs (1) and (2) of this subdivision. If there is any change in the direct or indirect beneficial ownership of such real property, a new claim and certification must be made to the county assessor.

(6) Any appeals by taxpayers who are found not to be excluded from reassessment pursuant to paragraph (1) of this subdivision shall be subject to the process for hearing appeals as provided in subdivision (b).

(e) (1) Provided 50 percent or more of the occupied square footage of a commercial or industrial real property is occupied by a small business as defined in paragraph (4) of this subdivision, the provisions of paragraph (1) of subdivision (a) shall not take effect prior to the lien date for the 2025–26 fiscal year; provided, however, that if the Legislature establishes by statute pursuant to subdivision (b) that a real property qualified under this paragraph shall be reassessed on a lien date subsequent to the 2025–26 fiscal year, then such property shall be reassessed commencing on that subsequent lien date.

(2) In order to be eligible for the deferral provided by paragraph (1) of this subdivision, the owner of the property shall make a claim and certify annually to the county assessor under penalty of perjury that the conditions required by paragraph (1) of this subdivision for deferral from reassessment have been met and shall be subject to audit by the county or the State Board of Equalization as to that certification.

(3) Any real property for which reassessment is deferred under paragraph (1) of this subdivision shall only be eligible for deferral so long as it meets the conditions imposed by paragraph (1) of this subdivision and if there is any change in the direct or indirect beneficial ownership of such real property, a new claim and certification must be made to the county assessor. Upon termination of the deferral, the property shall be subject to paragraph (1) of subdivision (a).

(4) For purposes of this subdivision, the term “small business” shall include only those businesses which meet all of the following conditions:

(A) The business has fewer than 50 annual full-time equivalent employees.

(B) The business is independently owned and operated such that the business ownership interests, management, and operation are not subject to control, restriction, modification, or limitation by an outside source, individual, or another business.

(C) The business owns real property located in California.

(f) For purposes of this section, the failure in any year to claim, in a manner required by the laws in effect at the time the claim is required to be made, an exclusion or classification which reduces or defers an assessment or reassessment shall be deemed a waiver of the exclusion or classification for that year.

(g) Using the methodology prescribed by the Legislature pursuant to subdivision (a) of Section 8.6 of Article XVI, the percentage change in gross taxable assessed valuation within a city, county, or city and county used to calculate an entity’s vehicle license fee adjustment amount pursuant to Section 97.70 of the Revenue and Taxation Code shall not include the additional assessed valuation that results from the application of this section.

(h) Notwithstanding Section 16 of Article XVI or any other law, the additional assessed valuation that results from the application of this section shall not be factored into any division of taxes or calculation of growth for treatment as tax increment and shall not be diverted in any manner whatsoever.

SEC. 7. Section 3.1 is added to Article XIII of the California Constitution, to read:

SEC. 3.1. (a) (1) For each taxpayer paying the tax on tangible personal property, including business

equipment and fixtures, used for business purposes, either of the following shall apply:

(A) (i) For a taxpayer that is a small business, as defined in paragraph (4) of subdivision (e) of Section 2.5 of Article XIII A, all tangible personal property owned and used for business purposes is exempt from taxation.

(ii) A taxpayer shall make a claim and certify annually to the county assessor under penalty of perjury that the condition required by this subparagraph for exemption has been met and such claim shall be subject to audit by the county or the State as to that certification.

(B) Except for a taxpayer subject to subparagraph (A) of paragraph (1) of this subdivision, an amount of up to five hundred thousand dollars (\$500,000) of combined tangible personal property and fixtures, per taxpayer, is exempt from taxation.

(2) Aircraft and vessels shall not be subject to this exemption.

(3) The Legislature shall not lower the exemption amounts provided by this subdivision or change their application, but may increase the exemption amount specified in subparagraph (B) of paragraph (1) of this subdivision consistent with the authority enumerated in Section 2 of this article.

(b) The Legislature shall provide by statute that all related entities, including, but not limited to, any subsidiaries, holding companies, or parent corporations, are considered one “taxpayer” for the purposes of this section.

SEC. 8. Section 16 is added to Article XIII B of the California Constitution, to read:

SEC. 16. (a) For purposes of this article, “proceeds of taxes” shall not include the additional revenues generated by Section 2.5 of Article XIII A.

(b) For purposes of this article, appropriations subject to limitation of each entity of government shall not include appropriations of the additional revenues collected as a result of the implementation of Section 2.5 of Article XIII A.

SEC. 9. Effective Date.

This measure shall become operative on January 1, 2022, except that subdivision (a) of Section 3.1 of Article XIII shall become operative on January 1, 2024, and subdivision (d) of Section 8.6 of Article XVI and subdivision (b) of Section 2.5 of Article XIII A shall become operative immediately upon passage of this measure.

SEC. 10. Severability.

The provisions of this act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect

the validity of the remaining portions of this act. The people of the State of California hereby declare that they would have adopted this act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this act or application thereof would be subsequently declared invalid. Notwithstanding the foregoing, Section 7 of this act is non-severable from Section 6 of this act.

SEC. 11. Liberal Construction.

This act shall be liberally construed in order to effectuate its purposes as articulated in Section 3 of this act.

PROPOSITION 16

This amendment proposed by Assembly Constitutional Amendment 5 of the 2019–2020 Regular Session (Resolution Chapter 23, Statutes of 2020) expressly amends the California Constitution by repealing a section thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~.

PROPOSED AMENDMENT TO ARTICLE I

That Section 31 of Article I thereof is repealed.

~~SEC. 31. (a) The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.~~

~~(b) This section shall apply only to action taken after the section's effective date.~~

~~(c) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.~~

~~(d) Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.~~

~~(e) Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.~~

~~(f) For the purposes of this section, "State" shall include, but not necessarily be limited to, the State itself, any city, county, city and county, public university system, including the University of California, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the State.~~

~~(g) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as~~

~~are otherwise available for violations of then-existing California antidiscrimination law.~~

~~(h) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.~~

PROPOSITION 17

This amendment proposed by Assembly Constitutional Amendment 6 of the 2019–2020 Regular Session (Resolution Chapter 24, Statutes of 2020) expressly amends the California Constitution by amending sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLE II

First—That Section 2 of Article II thereof is amended to read:

SEC. 2. (a) A United States citizen 18 years of age and resident in this State may vote.

(b) An elector disqualified from voting while serving a state or federal prison term, as described in Section 4, shall have their right to vote restored upon the completion of their prison term.

Second—That Section 4 of Article II thereof is amended to read:

SEC. 4. The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole *serving a state or federal prison term* for the conviction of a felony.

PROPOSITION 18

This amendment proposed by Assembly Constitutional Amendment 4 of the 2019–2020 Regular Session (Resolution Chapter 30, Statutes of 2020) expressly amends the California Constitution by amending a section thereof; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE II

That Section 2 of Article II thereof is amended to read:

SEC. 2. (a) A United States citizen *who is at least 18 years of age and a resident in this State* may vote.

(b) A United States citizen who is 17 years of age, is a resident in this State, and will be at least 18 years of age at the time of the next general election may

15

16

17

18

Agenda Item E2
Karen Grove, Resident
Page 1 of 2

Dear Mayor Taylor and City Councilmembers,

As you know, I wear many hats, but I am writing as an individual resident of Menlo Park.

I'm very glad to see agenda items E2 and E3 on tonight's agenda. I support endorsing Prop 15 and 16 as a city, as I think the research has been done by our county staff, and our county board of supervisors voted today – unanimously – to endorse both initiatives. I'll add that several informed public comments were heard on both initiatives, all in support.

In case it's helpful for your discussion tonight, here are my notes from the discussion of Prop 15, which was presented and discussed in some depth.

Staff - Overview:

- Commercial property owners with < \$3M in holdings are exempt (check that I got this right)
- Legislature will set the process for implementation and appeal
- Funds in order of priority/distribution: (check my accuracy here)
 - o Backfill state general fund for any losses
 - o Counties, to cover administrative costs
 - o Local govts
 - o Schools
- School share goes to the state to be distributed in proportion with exceptions that a lower proportion to basic aid districts and a higher proportion to higher need districts.

Staff - Impacts to County:

- 2428 properties meet the threshold for reassessment in San Mateo County
- Increase value of 46.3M upon full implementation
- Increased workload especially assessor's office, county counsel, controller
- Most reassessments will be challenged.
- 8-10x workload over three year implementation period

Pine:

- Long overdue to implement split roll
- 2/3 of property tax used to come from commercial properties

Page 2 of 2

- Now it's reversed.
- Prop 15 website has estimates for each and every jurisdiction in the county of San Mateo County and each estimate is NEW money. \$169M new money to SMC; \$22.5M to RWC;
- How does it affect our basic aid school districts; pie increases for all even as some of our property tax goes to higher need districts.
- SMC is biggest beneficiary in per capita basis

Horsley:

- Prop 13 made our state tax system is a mess. Although I will support Prop 15, I don't love it because it will make the tax system even messier.
- Sea level rise, wild fires, we have major funding needs.
- Will support

Groom:

- Nothing else to add.

Canepa:

- Sound policy; makes sense
- 8-12.5B state-wide, upon full implementation
- Obviously I'm in support of this...
- CTA, State Dem Party, support Prop 15; why is the CA NAACP is opposed?
- Makes a ton of sense, I support it.

Slocum:

- Has serious concerns
- Did considerable amount of research
- Some newspapers have supported this and some have not
- Subject of school financing is a mystery
- I intend to support Prop 15 but I would caution that the impact will be huge to the assessor's office. Expect a massive number of appeals. Asks county manager to pay attention to, and plan for, the probable impact on assessor's and county counsel's office.

Thanks for your consideration,
-Karen Grove

Herren, Judi A

From: Taylor, Cecilia
Sent: Saturday, October 3, 2020 8:48 AM
To: Jerome-Robinson, Starla L <SLRobinson@menlopark.org>
Subject: California Election 2020 Voter Guide | CalMatters

Good morning Starla,
I am requesting for council consideration to add Proposition 16, 17, and 18 to the 10/6 agenda if there will be no significant additional work for staff.

I have included a link for information on every proposition from Calmatters. There are even one-minute videos that can be used as a part of council consideration.

What are your thoughts?

<https://calmatters.org/election-2020-guide/>

Thank you for your time.

All the best,
Cecilia Taylor, Mayor
City of Menlo Park
701 Laurel Street
Menlo Park, Ca 94025

CALIFORNIA BALLOT PROPOSITIONS 15, 16, 17, AND 18 FOR NOVEMBER 3, 2020

	<p>PROPOSITION 15: Taxes on Commercial property</p> <p>The Question: Should the California Constitution be amended so that most commercial and industrial property is reassessed on a regular basis?</p>	<p>PROPOSITION 16: Allow Public Agencies to Consider Diversity</p> <p>The Question: Should California and local government entities be allowed to consider diversity as a factor in public employment, education, and contracting decisions?</p>	<p>PROPOSITION 17: Voting Rights for People on Parole</p> <p>The Question: Should people on parole in California be allowed to register to vote and vote in elections?</p>	<p>PROPOSITION 18: Voting Rights for 17-Year Olds</p> <p>The Question: Should 17-year-olds who will be 18 by a general election be allowed to vote in the primary and special elections in that election cycle?</p>
Summary	Increases funding for public schools, community colleges, and local government services by changing tax assessment of commercial and industrial property	Allows diversity as a factor in public employment, education, and contracting decisions	Restores voting rights upon completion of prison term.	Amends California constitution to permit 17-year-olds to vote in primary and special elections if they will turn 18 by the next general election and be otherwise eligible to vote.
A YES vote means:	Property taxes on most commercial properties worth more than \$3 million would go up in order to provide new funding to local governments and schools.	State and local entities could consider race, sex, color, ethnicity, and national origin in public education, public employment, and public contracting to the extent allowed under federal and state law.	People on state parole who are U.S. citizens, residents of California, and at least 18 years of age would be able to vote, if they register to vote.	Eligible 17-year-olds who will be 18 years old by the time of the next general election may vote in the primary election and any special elections preceding the general election.
A NO vote means:	Property taxes on commercial properties would stay the same. Local governments and schools would not get new funding.	The current ban on the consideration of race, sex, color, ethnicity, and national origin in public education, public employment, and public contracting would remain in effect.	People on state parole would continue to be unable to vote in California.	No one younger than 18 years of age may vote in any election.



STAFF REPORT

City Council
Meeting Date: 10/6/2020
Staff Report Number: 20-219-CC

Informational Item: Update on City advisory body workplans

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

City Council Procedure #CC-19-0004 (Attachment A) requires each commission/committee to develop an annual workplan which is the foundation for the work performed by the advisory body in support of City Council annual workplan. The workplan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed workplan must align with the City Council's adopted workplan. When modified, the workplan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq, 65300-65401.)

Background

At the March 11 City Council meeting, the City Council directed staff to cancel all advisory body meetings, with the exception of the Planning Commission. At the May 26 City Council meeting, the City Council directed staff to reactivate advisory body meetings on a virtual platform. To date, all advisory bodies have conducted virtual meeting at least once. Table 1 provides the meeting dates since reactivation.

Table 1: Advisory body meetings since March 11	
Advisory body	Meeting date
Complete Streets Commission	July 8
	August 12
	September 9
Housing Commission	July 1
	August 5
	September 2
Environmental Quality Commission	July 15
	August 19
	September 16
Finance and Audit Committee	July 15
	August 12
	September 23*
Library Commission	July 20
	August 17
	September 21
Sister City Committee	August 21
Parks and Recreation Commission	August 26
	September 23
Transportation Master Plan Oversight and Outreach Committee	September 17

*subcommittee meeting

Analysis

Due to the impacts of COVID-19 and the cancellation of advisory body meeting in March, many of the advisory bodies have not approved or presented their workplans to the City Council in time for the September 30 deadline. City staff liaisons are working with their advisory bodies to schedule, approve, and present workplans to the City Council. Table 2 provides a status update for each advisory body workplan.

Table 2: Advisory body workplan status update		
Advisory Body	Workplan to body	Workplan to City Council
Complete Streets Commission	October 14	November
Environmental Quality Commission	October 21 - annual report out	November - annual report out
Housing Commission	October 7	October - November
Library Commission	August 17 - approved	October - November
Parks and Recreation Commission	August 26 - approved	October - November
Finance and Audit	August 12 - approved	August 25 - approved

Impact on City Resources

There is no impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it 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 24 hours prior to the meeting.

Attachments

- A. Commissions/Committees Policies and Procedures, Roles and Responsibilities City Council Policy #CC-19-0004

Report prepared by:
Judi A. Herren, City Clerk

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-19-0004
 Effective 3/5/2019
 Resolution No. 6477



Purpose
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
Authority
Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”
Background
<p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
Policies and Procedures
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council’s attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council’s adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq., 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

2

department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.

- Additional or other staff support may be provided upon a formal request to the City Council.
- The staff liaison shall act as the commission/committee's lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that his or her statements do not represent the position of the City Council.
- Commission/Committee members will have mandatory training every two years regarding the Brown Act and parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.
- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

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

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

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

City Staff Liaison

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

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the City Clerk's Office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

3

- Ensuring the City Clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.
- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Commission/Committee Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

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

Public appearance of commission/committee members

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

Disbanding of advisory body

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

Meetings and officers

1. *Agendas/notices/minutes*

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

4

- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, City Manager, City Attorney, City Clerk and other appropriate staff, as requested.
 - Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
 - The official record of the commissions/committees will be preserved by preparation of action minutes.
2. *Conduct and parliamentary procedures*
- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
 - A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
 - The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
 - The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if s/he thinks it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by his/her signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.
3. *Lack of a quorum*
- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
 - The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
 - Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
 - All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.
4. *Meeting locations and dates*
- Meetings shall be held in designated City facilities, as noticed.
 - All commissions/committees with the exception of the Planning Commission, Finance and Audit Committee and Sister City Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month. The Finance and Audit Committee and Sister City Committee shall hold quarterly meetings.
 - Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

5

a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

The schedule of Commission/Committee meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Wednesday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month at 7 p.m.
- Sister City Committee – Quarterly; Date and time to be determined

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

5. *Off-premises meeting participation*

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

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

6. *Selection of chair and vice chair*

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

G. Memberships

Appointments/Oaths

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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

6

Application and selection process

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

Attendance

- An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that he/she will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

Compensation

- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

7

incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002).

Conflict of interest and disclosure requirements

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

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee with the exception of:
 - Finance and Audit Committee – five (5) members
 - Housing Commission – seven (7) members
 - Complete Streets Commission – nine (9) members
 - Library Commission – eleven (11) members

Reappointments, resignations, removals

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

Term of office

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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

Vacancies

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

Roles and Responsibilities

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on multi-modal transportation issues according to the goals and policies of the City's general plan. This includes strategies to encourage safe travel, improve accessibility, and maintaining a functional and efficient transportation network for all modes and persons traveling within and around the City. The Complete Streets Commission's responsibilities would include:

- Coordination of multi-modal (motor vehicle, bicycle, transit and pedestrian) transportation facilities
- Advising City Council on ways to encourage vehicle, multi-modal, pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan
- Coordination on providing a citywide safe routes to school plan
- Coordination with regional transportation systems
- Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.028

Environmental Quality Commission

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

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

Finance and Audit Committee

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

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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

9

Housing Commission

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

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991).

Library Commission

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

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

Parks and Recreation Commission

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

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

Planning Commission

The Planning Commission is organized according to State Statute.

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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-19-0004

Effective 3/5/2019

Resolution No. 6477

Sister City Committee

The Sister City Committee is primary charged with promoting goodwill, respect and cooperation by facilitating cultural, educational and economic exchanges

- Develop a mission statement and program plan consisting of projects, exhibits, contacts and exchanges of all types to foster and promote the objectives of the mission statement
- Implement the approved program plan upon request of the City Council
- Keep the community informed concerning the Sister City program
- Advise the City Council on matters pertaining to any sister city affairs
- Perform other duties as may be assigned to the committee by the City Council

Special Advisory Bodies

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

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

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261
Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377