



"The City with a Heart"

Rico Medina, Mayor
Linda Mason, Vice Mayor
Tom Hamilton, Councilmember
Marty Medina, Councilmember
Michael Salazar, Councilmember

AB361 CORONAVIRUS COVID-19

On September 16, 2021, the Governor of California signed AB361 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the CDC's social distancing guidelines which discourage large public gatherings, the San Bruno City Council meetings are being conducted electronically. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda or watch by livestream at www.youtube.com/user/cityofsanbruno. CityNet Services Channel 1 will air the meeting live and the recorded meeting will be made available for viewing on the City's YouTube channel after the meeting has concluded.

If you would like to make a Public Comment on an item not on the agenda, or comment on a particular agenda item, please email mthurman@sanbruno.ca.gov. Emails received before the special or regular meeting start time will be forwarded to the City Council, posted on the City's website and will become part of the public record for that meeting. If emailed comments are received after the meeting start time, or after the meeting ends, they will be forwarded to the City Council and filed with the agenda packet becoming part of the public record for that meeting. Emails received will not be read aloud during the meeting.

Individuals who require special assistance of a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, agenda packet or other writings that may be distributed at the meeting, should contact Melissa Thurman, City Clerk 48 hours prior to the meeting at (650) 619-7070 or by email at mthurman@sanbruno.ca.gov. Notification in advance of the meeting will enable the City of San Bruno to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

AMENDED AGENDA

Agenda amended on 03/07/2022 to update Exhibit A in Item 5.a.

SAN BRUNO CITY COUNCIL

March 8, 2022

7:00 PM

Zoom Meeting Details

<https://sanbruno-ca-gov.zoom.us/j/86991738031?pwd=dTJzcUlh6YjBpRTI1Zm0wMWV0S0N5Zz09>

Webinar or Meeting ID: 869 9173 8031 (audio only)

Participant ID: #

Webinar or Meeting Password: 708619

Zoom Phone Line: 1-669-900-9128 (same webinar ID and password as above)

City Council meetings are conducted in accordance with Roberts Rules of Order. All regular Council meetings are recorded and televised on CityNet Services Channel 1 and replayed the following Thursday, at 2:00 pm.

1. **CALL TO ORDER**
2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Individuals allowed three minutes. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendized pursuant to State Law.

5. **PUBLIC HEARING(S) - 7:10 p.m.**

Note: Public comment will be requested after each topic in this section

- a. Hold Fifth Public Hearing, Waive First Reading and Introduce an Ordinance to Adopt a District Map and Amend Municipal Code Chapter 2.32.010 General Municipal Elections

6. **ANNOUNCEMENTS/PRESENTATIONS**

- a. Presentation of a Community Grant Check to the San Bruno City Council for the Drug Education Program to be Run by the San Bruno Police Department from San Bruno Community Foundation President Malissa Netane-Jones
- b. Recognition of March as National Women's History Month
- c. Announcement from City Attorney Marc Zafferano

7. **CONSENT CALENDAR**

All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion, unless requested.

Note: There will be a single public comment period for all items in this section unless a Councilmember requests to pull an item for a separate vote.

- a. Approve Accounts Payable for February 22 and February 28, 2022
- b. Accept Payroll for February 13, 2022
- c. Approve Investment Report and Reconciliation of General Ledger to Bank Report dated January 31, 2022
- d. Approval the Draft Special and Regular Meeting Minutes for the Meetings of February 22, February 23 and March 1, 2022
- e. Receive Written Update on the City's Response Efforts to COVID-19
- f. Adopt Resolution Declaring the Continued State of Local Emergency and Need for the City Council and Other Legislative Bodies Subject to the Ralph M. Brown Act to Continue to Teleconference in Order to Ensure the Health and Safety of the Public Pursuant to AB 361
- g. Adopt Resolution: • Approving the Design; • Authorizing the City Manager to

Execute a Construction Contract with JMB Construction, Inc. for the Avenues 3-1 Sewer and Water Main Replacement Project in an amount not to exceed \$8,993,767.40; • Approving a Material Testing Agreement with Twining in an amount not to exceed \$157,332.50; • Approving a Construction Management Agreement with CSG Engineers in an amount not to exceed \$350,000; • Approving an Amendment with Bellecci Associates for Construction Support Services in an amount not to exceed \$60,236; • Approving a Construction Contingency of \$1,350,000; and • Approving a Total Project Budget in the Amount of \$11,956,000

- h. Waive Second Reading and Adopt an Ordinance of the City Council of the City of San Bruno Amending San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 (Temporary uses), regarding reference to off-site construction staging area.
- i. Adopt Resolution Appropriating \$2,600 from the Restricted Revenues Fund, City Art Fund Fees for Sponsorship of a Community Services Department Juneteenth Event

8. **CONDUCT OF BUSINESS**

Note: Public comment will be requested after each topic in this section.

- a. Study Session Regarding the Framework for the City's Sustainability Projects Including the Implementation of Reach Codes, Electric Vehicle Charging Stations, Climate Action Plan, Flood Plain Management Ordinance, and Construction & Demolition Debris Ordinance

9. **COMMENTS FROM COUNCIL MEMBERS**

Note: Public comment will be requested after each topic in this section.

a. **Linda Mason:**

- Request Council Consensus to place Ukrainian flag on City Flag Pole in front of San Bruno City Hall to signify solidarity and support by the City of San Bruno to the country of Ukraine for the ensuing 30 days.

b. **Rico Medina:**

- Commission/Committee/Board Virtual Gathering
- Joint Use Agreement between the City of San Bruno and San Bruno Parks School District
- Placing a plaque on a bench at Centennial Park to acknowledge Harry Costa

- Transportation information on SamTrans, Transportation Authority, Caltrans and BART
- Congratulations to the Capuchino High School Girls Varsity Basketball team for winning the CCS Championship

10. **ADJOURNMENT** – The next Regular City Council Meeting will be held on March 22, 2022 at 7:00 PM.



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Jennifer Brizel, Assistant City Manager

SUBJECT: Hold Fifth Public Hearing, Waive First Reading and Introduce an Ordinance to Adopt a District Map and Amend Municipal Code Chapter 2.32.010 General Municipal Elections

BACKGROUND: Over the last several years, cities, school districts, and community college districts throughout the State of California have been changing from at-large to by district elections to comply with the California Voting Rights Act of 2001 (CVRA) and/or to avoid litigation regarding compliance with the Act. During its March 10, 2020, meeting, the City Council adopted Resolution 2020-21, which expressed the Council's "intent to transition from an at-large election system to a by-district election system for the City Councilmembers as authorized by Government Code section 34886 for use in the City's General Municipal Election for City Councilmembers commencing in November 2020 or November 2022." Five public hearings were held on September 28, 2021, October 19, 2021, January 25, 2022, February 22, 2022, and March 8, 2022, as well as two community workshops on November 1, 2021 and November 13, 2021.

Currently, the San Bruno City Council consists of four Council Members and a directly elected Mayor. All five Councilmembers are elected at-large. The districting process was designed to determine which neighborhoods and communities would be grouped together into districts for purposes of electing Councilmembers. The City Council sought community input over the past five months so that proposed district-based election maps could be submitted through community workshops and interactive mapping tools. Submitted maps were provided to the City's demographic consultants, NDC, to generate the population numbers for each proposed district and other demographic details, and the proposed maps were then posted for public view on the City's dedicated webpage: <https://districtingsanbruno.org/draft-maps/>. The City received 28 unique map submissions from the public. Of the public submissions, a total of 13 maps met basic requirements for equal population and contiguity. NDC prepared and presented three additional maps for consideration. Two new DistrictR maps were added to the Draft Maps page, but both maps were submitted after the deadline to submit draft maps. One of the late submissions is population-balanced and the other is not.

DISCUSSION: On February 22, 2022, the City held the fourth in a series of five Public Hearings to create population-balanced districts in San Bruno for the purposes of electing City Councilmembers to ensure that each Councilmember represents a similar number of constituents. During this meeting the City Council identified a four-district map for adoption. A City Council candidate must reside within an election district and is elected only by voters residing within that same election district. Maps were discussed during the February 22, 2022 Public Hearing and Map #104 (Attachment 2) was identified for adoption.

To increase public awareness of the transition to district elections, the City activated a variety of public communication channels to engage members of the community. Districting information was featured on the City's website and City social media platforms. Numerous frequently asked questions (FAQs) have been posted on the dedicated districting webpages on the City's website. Members of the community also visited Tanforan to access the map kiosk.

The City Council had previously discussed several possible actions in connection with establishing district elections, including transitioning from a directly elected mayor to an appointed mayor, which would result in establishing five districts instead of four, and implementing alternative voting mechanisms (such as ranked choice voting or some other variant) for district elections, which requires that the voters adopt a charter. As more fully explained below, both of these changes would require a vote of the people.

San Bruno's directly elected mayor was adopted by the people in the 1977 general election (Measure F), and therefore would require a vote of the people to repeal. The districting process must be completed by April 17, 2022, and there is therefore not sufficient time per state law to hold an election before that date to propose the repeal of the directly elected mayoral process. The City Council was provided information during the February 22nd Public Hearing that they were not prohibited from considering and identifying both a four-district map that would be used in the November 2022 general election, and a five-district map that could be used in 2024 if the voters repeal the directly elected mayoral process in November 2022. The five-district map could not be used prior to the 2024 election because if the voters repeal the directly elected mayoral process in 2022, state law requires that the repeal can operate only prospectively, and in the case of the Mayor, at the end of the two-year term that will begin after the November 2022 election. It has been suggested that the voters of the City could adopt a Charter at a special election that would by its terms repeal Measure F and establish a rotational Mayor before the November 2022 general election. This is not possible because a Charter must be voted on at a general election. However, at the November 2022 election, the City Council could propose a Charter that itself repeals the directly elected mayoral process or place a stand-alone measure on the ballot for this purpose, but in either event, the change would operate only prospectively. The City Council selected a four-district map (that would be used in the November 2022 general election).

The proposed Ordinance adds Section D to Municipal Code Chapter 2.32.010. City

councilmembers will be elected on a by-district basis from four council districts and the Mayor will continue to be elected at large for a term of two years until otherwise changed in accordance with the law.

Section D:

City councilmembers will be elected on a by-district basis from the council districts described in subsection 1 below and depicted on the map attached to the ordinance codified in this section as Exhibit "A" and incorporated by this reference. To the extent there is a conflict between the map incorporated herein and the descriptions contained in subsection 1. below, the description will prevail. The Mayor will continue to be elected at large for a term of two years until otherwise changed in accordance with state law.

1. District Boundaries:

District 1

Starting at the intersection of Interstate 280 and the City's northern border; thence proceeding southerly along I-280 to Sneath Lane; thence proceeding westerly along Sneath Lane to Skyline Blvd; thence proceeding southerly along Skyline Blvd approximately 310 yards to where Skyline Blvd first adjoins the City's western border; thence proceeding counter-clockwise along the city border to the point of beginning.

District 2

Starting at the intersection of the City's northern border and El Camino Real, thence proceeding southerly along El Camino Real to Interstate 380; thence proceeding westerly along the southern portion of I-380 to Interstate 280; thence proceeding southerly along I-280 to Crestmoor Dr; thence proceeding easterly along Crestmoor Dr and continuing northeasterly along Crystal Springs Rd and its extension to the City's southern border; thence proceeding clockwise along the city border and continuing along Skyline Blvd to Sneath Lane; thence proceeding easterly along Sneath Lane to I-280; thence proceeding northerly along I-280 to the City's northern border; thence proceeding easterly along the City border to the point of beginning.

District 3

Starting at the intersection of the City's northern border and El Camino Real, thence proceeding southerly along El Camino Real to Interstate 380; thence proceeding westerly along the southern portion of I-380 to Interstate 280; thence proceeding southerly along I-280 to Crestmoor Dr; thence proceeding easterly along Crestmoor Dr and continuing easterly along Crystal Springs Rd and its extension to the City's southern border; thence proceeding counter-clockwise along the city border to El Camino Real; thence proceeding northerly along El Camino Real to San Bruno Ave; thence proceeding easterly along San Bruno Ave to Huntington Ave; thence proceeding northerly along Huntington Ave to I-380; thence proceeding easterly along I-380 to the Bay Area Rapid Transit (BART) rail line; thence proceeding northerly along the rail line to the City's northern border; thence proceeding counter-clockwise along the City border to the point of beginning.

District 4

Starting at the intersection of City's southern border and El Camino Real; thence proceeding northerly along El Camino Real to San Bruno Ave; thence proceeding easterly along San Bruno Ave to Huntington Ave; thence proceeding northerly along Huntington Ave to I-380; thence proceeding easterly along I-380 to the Bay Area Rapid Transit (BART) rail line; thence proceeding northerly along the rail line to the City's northern border; thence proceeding clockwise along the City border to the point of beginning.

The City Council received public comment through the above-referenced process and selected map #104, attached to the ordinance. The next step in the transition to effectuate the changes from at-large to by district elections is to introduce the attached ordinance. The proposed Council district maps submitted to the City Council were prepared in accordance with all applicable law, including the provisions of the California Voting Rights Act, the Federal Voting Rights Act providing criteria for the establishment of City Council Districts.

The second reading of the ordinance will occur at the next regularly scheduled City Council Meeting on March 22, 2022. The ordinance would become effective immediately after adoption at the second reading pursuant to Government Code Section 36937(a) as it is an Ordinance relating to an election for the City. It is therefore recommended that the City Council introduce the attached ordinance.

The final map must be posted at least 7 days prior to adoption and the second reading/adoption is at least five days after introduction. The submitted maps can be found on the City's dedicated website: <https://districtingsanbruno.org/draft-maps/>

FISCAL IMPACT: The fiscal impact of voluntarily converting to by-district elections is estimated to be approximately \$101,000 which includes the cost of the consultant demographer, communications firm as well as publication notices, translation fees for communications, and the cost for interpreters at all public hearings. The FY 2021-22 adopted budget includes funds for District Elections. No additional appropriation is required at this time. The fiscal impact of voluntarily converting to by-district elections is estimated to be approximately \$101,000 which includes the cost of the consultant demographer, communications firm as well as publication notices, translation fees for communications, and the cost for interpreters at all public hearings. The FY 2021-22 adopted budget includes funds for District Elections. No additional appropriation is required at this time.

ENVIRONMENTAL IMPACT: The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION: Hold Fifth Public Hearing, Waive First Reading, and Introduce an Ordinance to Adopt a District Map and Amend Municipal Code Chapter 2.32.010 General Municipal Elections

ALTERNATIVES: Request Additional Information from the City's Independent Demographer.

ATTACHMENTS:

1. Ordinance 2.32.020 – General Municipal Elections
2. Map #104/ Exhibit A – City of San Bruno District Map

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO ADDING CHAPTER 2.32.010 GENERAL MUNICIPAL ELECTIONS

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1.

WHEREAS, Over the last several years, cities, school districts, and community college districts throughout the State of California have been changing from at-large to by district elections to comply with the California Voting Rights Act of 2001 (CVRA) and/or to avoid litigation regarding their compliance with the Act. During its March 10, 2020, meeting, the City Council adopted Resolution 2020-21, which expressed the City Council's "intent to transition from an at-large election system to a by-district election system for the City Councilmembers as authorized by Government Code section 34886 for use in the City's General Municipal Election for City Councilmembers commencing in November 2020 or November 2022." Five public hearings were held on September 28, 2021, October 19, 2021, January 25, 2022, February 22, 2022, and March 8, 2022, as well as two community workshops on November 1, 2021 and November 13, 2021.

WHEREAS, The City Council received public comment through the above-referenced process and the next step in the transition to effectuate the changes from at-large to by district elections is to introduce the attached ordinance. The district map selected by the City Council complies with all applicable law, including the provisions of the California Voting Rights Act, the Federal Voting Rights Act providing criteria for the establishment of City Council Districts; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff.

SECTION 2. San Bruno Municipal Code Chapter 2.32.010 – General Municipal Elections is hereby amended as follows, with insertions shown in underline format:

A. The two councilmembers elected in the November 2017 and in the November 2019 general municipal elections shall each serve for a term of three years, from the Tuesday succeeding their election and until their successors are elected and qualified in 2020 and 2022, respectively.

B. The mayor elected in the November 2017 general municipal election shall serve for a term of three years until a successor is elected and qualified in 2020.

C. The terms of councilmembers elected in November 2020 and in November 2022, and in each subsequent general municipal election shall be, in accordance with state law, for a term of four years, from the Tuesday succeeding their election and until their successors are elected and qualified. (Ord. 1856 § 2, 2017; Ord. 1391 § 1, 1981; Ord. 1349 § 1, 1980; prior code § 2-8.1)

D. City councilmembers will be elected on a by-district basis from the council districts described in subsection 1 below and depicted on the map attached to the ordinance codified in this section as Exhibit "A" and incorporated by this reference. To the extent there is a conflict between the map incorporated herein and the descriptions contained in subsection 1. below, the description will prevail. The Mayor will continue to be elected at large for a term of two years until otherwise changed in accordance with state law.

1. District Boundaries:

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SECTION 2. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect on the date of adoption per Government Code section 36937(a).

SECTION 4. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

Exhibit A: District Map

Dated:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk
Melissa Thurman

City Attorney
Marc Zafferano

Rico E. Medina, Mayor

ATTEST:

Melissa Thurman, City Clerk

APPROVED AS TO FORM:

Marc Zafferano, City Attorney

--oOo--

I hereby certify that foregoing **Ordinance No.**
was introduced at a regular meeting of the San Bruno City Council on
March 8, 2022 and adopted by the San Bruno City Council at a regular meeting on
March 8, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

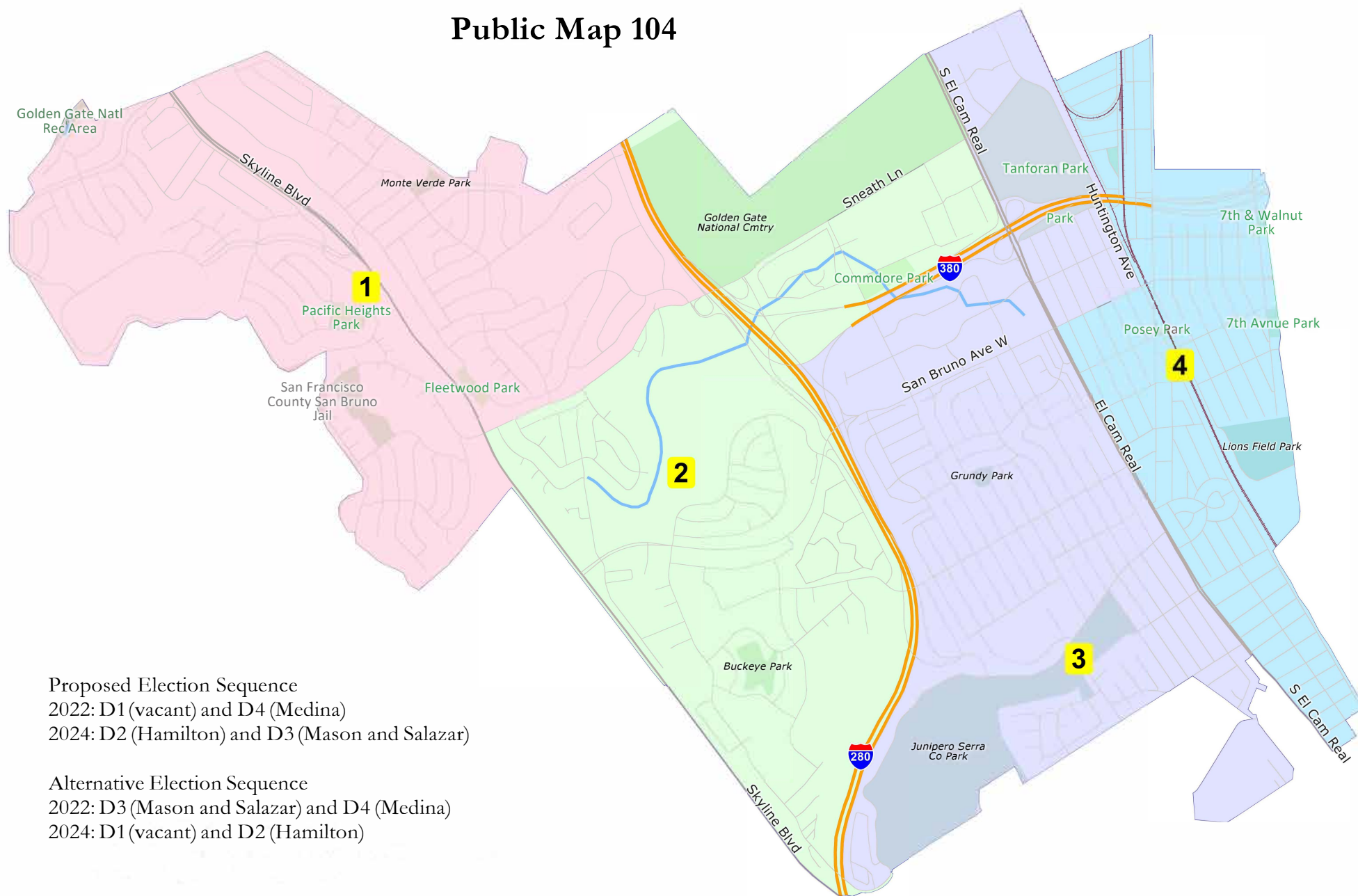
RECUSED: Councilmembers:

ABSENT: Councilmembers:

Melissa Thurman, City Clerk

City of San Bruno Districting 2022

Public Map 104



Proposed Election Sequence

2022: D1 (vacant) and D4 (Medina)

2024: D2 (Hamilton) and D3 (Mason and Salazar)

Alternative Election Sequence

2022: D3 (Mason and Salazar) and D4 (Medina)

2024: D1 (vacant) and D2 (Hamilton)

Public 104						
District		1	2	3	4	Total
	Total Pop	11,583	11,030	10,607	10,727	43,947
	Deviation from ideal	596	43	-380	-260	976
	% Deviation	5.42%	0.39%	-3.46%	-2.37%	8.88%
Total Pop	% Hisp	18.3%	17%	27%	51%	28%
	% NH White	27%	36%	41%	15%	30%
	% NH Black	2%	2%	2%	2%	2%
	% Asian-American	47%	40%	25%	22%	34%
Citizen Voting Age Pop	Total	8,098	7,455	7,311	6,912	29,776
	% Hisp	16%	13%	24%	40%	23%
	% NH White	35%	46%	50%	21%	38%
	% NH Black	1%	2%	2%	1%	1%
	% Asian/Pac.Isl.	45%	38%	24%	37%	36%
Voter Registration (Nov 2020)	Total	7,505	6,378	6,618	4,910	25,411
	% Latino est.	25%	20%	20%	42%	26%
	% Spanish-Surnamed	23%	18%	19%	39%	23%
	% Asian-Surnamed	19%	16%	12%	14%	15%
	% Filipino-Surnamed	8%	4%	3%	5%	5%
	% NH White est.	48%	59%	65%	41%	54%
	% NH Black	2%	3%	1%	1%	2%
Voter Turnout (Nov 2020)	Total	6,421	5,464	5,669	3,810	21,364
	% Latino est.	24%	19%	20%	42%	25%
	% Spanish-Surnamed	22%	17%	18%	39%	23%
	% Asian-Surnamed	19%	16%	11%	14%	15%
	% Filipino-Surnamed	8%	4%	3%	4%	5%
	% NH White est.	49%	60%	65%	41%	55%
	% NH Black	2%	3%	1%	1%	2%
Voter Turnout (Nov 2018)	Total	4,570	3,918	4,120	2,376	14,984
	% Latino est.	22%	17%	19%	40%	23%
	% Spanish-Surnamed	21%	16%	18%	38%	21%
	% Asian-Surnamed	16%	14%	8%	10%	12%
	% Filipino-Surnamed	6%	3%	3%	3%	4%
	% NH White est.	54%	62%	69%	47%	59%
	% NH Black est.	2%	4%	1%	1%	2%
ACS Pop. Est.	Total	11,449	10,469	10,808	10,310	43,036
Age	age0-19	20%	17%	23%	21%	21%
	age20-60	56%	58%	59%	63%	59%
	age60plus	24%	24%	18%	15%	21%
Immigration	immigrants	36%	36%	32%	46%	37%
	naturalized	72%	62%	63%	69%	67%
Language spoken at home	english	54%	55%	55%	34%	50%
	spanish	13%	10%	16%	37%	19%
	asian-lang	24%	23%	14%	15%	19%
	other lang	9%	11%	14%	13%	12%
Language Fluency	Speaks Eng. "Less than Very Well"	15%	13%	14%	27%	17%
Education (among those age 25+)	hs-grad	33%	32%	32%	43%	35%
	bachelor	34%	30%	32%	19%	29%
	graduatedegree	15%	21%	16%	6%	15%
Child in Household	child-under18	37%	21%	35%	34%	31%
Pct of Pop. Age 16+	employed	68%	72%	71%	76%	72%
Household Income	income 0-25k	9%	9%	7%	11%	9%
	income 25-50k	7%	14%	12%	16%	12%
	income 50-75k	7%	11%	10%	13%	10%
	income 75-200k	54%	47%	48%	50%	50%
	income 200k-plus	24%	19%	23%	10%	19%
Housing Stats	single family	88%	35%	80%	57%	63%
	multi-family	12%	65%	20%	43%	37%
	rented	23%	47%	38%	57%	41%
	owned	77%	53%	62%	43%	59%
Total population data from the 2020 Decennial Census.						
Surname-based Voter Registration and Turnout data from the California Statewide Database.						
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.						



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: February 22, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Qianyu Sun, Finance Director
Kathleen O'Malley, Accounting & Customer Service Representative

SUBJECT: Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 2 inclusive, and/or claims numbered from 196474 through 196554 inclusive, totaling \$281,605.44 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

Fund	Fund Name	Amount
001	General Fund	\$115,737.04
006	American Rescue Plan Act	\$928.53
122	Solid Waste/Recycle	\$202.08
132	Agency on Aging	\$72.00
133	Restricted Revenues	\$419.10
137	Developer Project Contributions	\$7,194.75
201	Parks and Facilities Capital	\$69,436.60
611	Water Fund	70,427.05
621	Stormwater Fund	2,256.25
631	Wastewater Fund	1,011.77
641	CityNet Services Fund	11,843.01
701	Central Garage	236.36
702	Facility Maintenance Fund	1,169.40
707	Technology Development	671.50
TOTAL FOR APPROVAL		\$281,605.44

Respectfully submitted,


Finance Director

02/23/2022

Date

Document group: komalley Bank: apbank 432000438

Vendor Code & Name	Check #	Check Date	Amount
0106435 ACTION TOWING & ROAD SVC. INC.	196474	2/22/2022	655.00
0001170 AIRGAS USA, LLC	196475	2/22/2022	204.79
0104925 ASIA TV USA, LTD.	196476	2/22/2022	306.09
0016123 AT&T	196477	2/22/2022	933.52
0018363 AT&T LONG DISTANCE	196478	2/22/2022	32.88
0000345 BAKER & TAYLOR BOOKS	196479	2/22/2022	1,672.32
0102626 BARBARA BRUXVOORT	196481	2/22/2022	54.95
0017431 BAY AREA AIR QUALITY MANAGEMENT DISTRICT	196534	2/22/2022	759.00
0001849 BAY AREA WATER SUPPLY & CONSERVATION AGEN	196546	2/22/2022	1,308.00
0017361 BOETHING TREELAND FARMS, INC.	196480	2/22/2022	65.67
0109137 BRYCE CONSULTING	196482	2/22/2022	340.00
0105324 CAINE COMPUTER CONSULTING, LLC	196483	2/22/2022	2,470.00
0014739 CAL-STEAM	196484	2/22/2022	1,228.35
0106676 CBS SPORTS NETWORK	196485	2/22/2022	1,054.93
0017206 CENTRAL CONCRETE SUPPLY CO.INC	196486	2/22/2022	446.31
0016324 CINTAS CORPORATION #464	196487	2/22/2022	154.08
0098588 CITY OF BURLINGAME	196488	2/22/2022	2,728.35
0109639 CLAREMONT BEHAVIORAL SVCS,INC.	196490	2/22/2022	753.75
0109788 CORE & MAIN LP	196492	2/22/2022	9,076.84
0015857 COUNTY OF SAN MATEO	196494	2/22/2022	164.51
0093479 DEPARTMENT OF JUSTICE	196495	2/22/2022	714.00
0110123 DUNNIGAN PSYCHOLOGICAL& THREAT ASSESSMEI	196549	2/22/2022	600.00
0018799 ECONOMIC&PLANNING SYSTEMS INC.	196496	2/22/2022	19,887.25
0017300 ENVIRONMENTAL HEALTH FEE	196498	2/22/2022	318.00
0013683 F. FERRANDO & CO.	196499	2/22/2022	12,211.00
0017720 FOX TELEVISION STATIONS, INC.	196501	2/22/2022	939.30
0108472 FREYER & LAURETA, INC.	196502	2/22/2022	2,256.25
0018272 GALE/CENGAGE LEARNING	196503	2/22/2022	34.27
0096311 GOL TV, INC.	196504	2/22/2022	375.96
0000162 GRAINGER	196505	2/22/2022	644.82
0095966 GREAT AMERICA FINANCIAL SVC.	196506	2/22/2022	593.20
0016967 GROUP 4	196507	2/22/2022	76,716.60
0096837 GYM DOCTORS	196508	2/22/2022	120.00
0000385 HACH COMPANY	196509	2/22/2022	3,851.09
0018838 INFOSEND, INC.	196510	2/22/2022	4,324.49
0018261 INTL MEDIA DISTRIBUTION, LLC	196511	2/22/2022	3,044.53
0000581 IRVINE & JACHENS INC.	196512	2/22/2022	438.70
0108549 JEANETTE M FEINBERG	196500	2/22/2022	205.20
0109931 JESSICA JIMENEZ	196513	2/22/2022	137.88
0000075 K-119 TOOLS OF CALIFORNIA INC.	196514	2/22/2022	496.47
0096379 KAREN OJAKIAN	196524	2/22/2022	128.25
0000132 KELLY-MOORE PAINT CO INC.	196515	2/22/2022	159.58
0109565 LAND LOGISTICS, INC.	196516	2/22/2022	6,817.50
0109918 LAW ENFORCEMENT PSYCHOLOGICAL SERVICES I	196532	2/22/2022	1,200.00
0103799 LDVALI LLC	196517	2/22/2022	423.90
0000849 LEAGUE OF CALIFORNIA CITIES	196518	2/22/2022	16,477.00
0106012 LEXISNEXIS CLAIMS SOLUTIONS INC.	196489	2/22/2022	7,035.50
0018777 LEXISNEXIS RISK DATA MANAGEMENT	196538	2/22/2022	989.25
0018177 LOWE'S	196520	2/22/2022	96.82
0016041 METROMOBILE COMMUNICATIONS	196521	2/22/2022	100.00
0103301 NHL NETWORK US, LP	196522	2/22/2022	1,299.50
0092263 OFFICE DEPOT INC	196523	2/22/2022	856.31
0097567 ONE HOUR DRY CLEANING	196525	2/22/2022	187.40

Document group: komalley

Bank: apbank

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Vendor Code & Name	Check #	Check Date	Amount
0104416 OVERDRIVE, INC.	196526	2/22/2022	1,723.93
0000012 PACIFIC GAS & ELECTRIC	196527	2/22/2022	56,994.45
0001154 PENINSULA LIBRARY SYSTEM	196528	2/22/2022	735.57
0106269 PENINSULA PET RESORT INC.	196529	2/22/2022	187.20
0014961 PENINSULA UNIFORMS & EQUIPMENT	196530	2/22/2022	193.16
0018130 PITNEY BOWES INC.	196531	2/22/2022	177.43
0097558 PURCHASE POWER	196533	2/22/2022	350.13
0000229 REEVES CO., INC.	196535	2/22/2022	50.93
0103531 RICOH USA, INC.	196536	2/22/2022	843.95
0103531 RICOH USA, INC.	196537	2/22/2022	651.88
0108539 ROSALIE L. STEINWAY	196544	2/22/2022	130.50
0017807 SAN MATEO COUNTY CONTROLLER'S OFFICE	196493	2/22/2022	9,912.70
0099047 SAN MATEO CTY SHERIFF'S OFFICE	196539	2/22/2022	5,770.00
0017145 SAN MATEO LAWN MOWER SHOP	196540	2/22/2022	243.49
0108537 SCOTT TONG	196550	2/22/2022	42.30
0102917 SFPUC FINANCIAL SERVICES	196541	2/22/2022	25.00
0097626 SHARP ELECTRONICS CORP.	196542	2/22/2022	78.30
0110102 SILENCERCO, LLC	196543	2/22/2022	3,821.50
0105796 SUNRISE FOOD DISTRIBUTOR INC.	196545	2/22/2022	72.00
0015671 TECHNOLOGY, ENGINEERING & CONSTRUCTION, II	196491	2/22/2022	975.00
0002025 TELECOMMUNICATIONS ENGINEERING ASSOCIATE	196497	2/22/2022	3,342.00
0017928 THE EDCCO GROUP, INC.	196547	2/22/2022	1,750.00
0103559 THE MLB NETWORK, LLC	196548	2/22/2022	1,325.49
0105932 THOMY LEDESMA	196519	2/22/2022	298.48
0106660 TRIDENT K9 CONSULTING INC.	196551	2/22/2022	900.00
0017133 TURBO DATA SYSTEMS INC	196552	2/22/2022	2,661.08
0098625 UPS	196553	2/22/2022	38.38
0105133 UTILITY TELECOM, INC.	196554	2/22/2022	221.23
GrandTotal:			281,605.44
Total count:			81



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: February 28, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

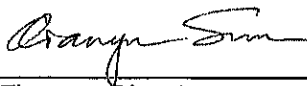
PREPARED BY: Qianyu Sun, Finance Director
Kathleen O'Malley, Accounting & Customer Service Representative

SUBJECT: Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 3 inclusive, and/or claims numbered from 196555 through 196664 inclusive, totaling \$509,527.95 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

Fund	Fund Name	Amount
001	General Fund	\$159,607.28
006	American Rescue Plan Act	\$1,283.99
111	Police Asset Forfeiture	\$10,912.72
132	Agency on Aging	\$832.25
137	Developer Project Contributions	\$40,409.31
201	Parks and Facilities Capital	\$24,663.55
203	Street Improvement Projects	\$20,560.00
611	Water Fund	14,997.39
621	Stormwater Fund	16.65
631	Wastewater Fund	1,869.51
641	CityNet Services Fund	164,143.23
701	Central Garage	7,224.44
702	Facility Maintenance Fund	23,625.55
707	Technology Development	5,462.23
711	Self-Insurance	33,919.85
TOTAL FOR APPROVAL		\$509,527.95

Respectfully submitted,


Finance Director

03/01/2022
Date

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Vendor Code & Name	Check #	Check Date	Amount
0096852 ABAG PLAN CORPORATION	196555	2/28/2022	3,263.50
0106435 ACTION TOWING & ROAD SVC. INC.	196556	2/28/2022	105.00
0018711 AD BRAKES	196557	2/28/2022	1,902.44
0017586 AIR EXCHANGE, INC	196558	2/28/2022	1,296.33
0001170 AIRGAS USA, LLC	196559	2/28/2022	174.20
0000163 AIRPORT AUTO PARTS INC.	196560	2/28/2022	412.13
0018953 ALLIANT INSURANCE SVC. INC.	196561	2/28/2022	2,747.00
0110078 ALTA PLANNING + DESIGN, INC.	196562	2/28/2022	20,560.00
0102355 AMAZON	196563	2/28/2022	471.46
0109784 AP TRITON CONSULTING	196564	2/28/2022	4,227.00
0109697 ARI DELAY	196582	2/28/2022	600.00
0105649 ATLAS PLUMBING AND ROOTER, INC.	196565	2/28/2022	2,500.00
0105649 ATLAS PLUMBING AND ROOTER, INC.	196566	2/28/2022	2,400.00
0018688 BEST BEST & KRIEGER LLP	196568	2/28/2022	2,480.00
0109646 BIO CAR CARE	196570	2/28/2022	800.00
0102737 BURKE, WILLIAMS & SORENSEN, LLP	196571	2/28/2022	14,670.70
0001888 CALIFORNIA CABLE & TELECOMMUNICATIONS ASSI	196646	2/28/2022	775.22
0102989 CALIFORNIA DIESEL & POWER	196572	2/28/2022	5,226.80
0100470 CARROT-TOP INDUSTRIES, INC.	196573	2/28/2022	675.08
0018977 CBS TELEVISION STATIONS	196574	2/28/2022	12,179.59
0017679 CDW GOVERNMENT, INC	196575	2/28/2022	294.43
0016324 CINTAS CORPORATION #464	196576	2/28/2022	333.04
0098588 CITY OF BURLINGAME	196577	2/28/2022	451.76
0109809 COMCAST SPORTSNET BAY AREA	196578	2/28/2022	39,379.97
0104508 COMCAST SPORTSNET CALIFORNIA	196579	2/28/2022	32,066.40
0109957 CORETECH LEASING, INC.	196580	2/28/2022	2,583.14
0018188 DAU PRODUCTS	196581	2/28/2022	7,615.05
0108696 DAVID J POWERS AND ASSOCIATES, INC.	196626	2/28/2022	24,788.61
0106442 DAVID WONG	196664	2/28/2022	500.00
0107953 DEPT. OF THE TREASURY- INTERNAL REVENUE SE	196602	2/28/2022	484.88
0109577 DIRECTWORX	196583	2/28/2022	2,558.06
0101178 DISCOUNT PLUMBING	196584	2/28/2022	9,000.00
0105820 EAST BAY TIRE CO	196585	2/28/2022	1,543.01
0106234 FASTRAK INVOICE PROCESSING DEPT.	196603	2/28/2022	7.00
0102627 FASTRK VIOLATION PROCESSING DEPT.	196660	2/28/2022	32.00
0000944 FEDEX	196587	2/28/2022	21.91
0017335 FIBER INSTRUMENT SALES INC	196588	2/28/2022	280.26
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	196589	2/28/2022	1,096.59
0018117 FLYERS ENERGY, LLC	196590	2/28/2022	18,337.80
0017720 FOX TELEVISION STATIONS, INC.	196591	2/28/2022	11,271.60
0107011 FRANK J. BIANCHI	196569	2/28/2022	175.50
0109776 FRESH LINE PRODUCE	196592	2/28/2022	496.25
0110019 GIBBONS & CONLEY	196593	2/28/2022	1,973.70
0104135 GLOBAL TRACKING COMMUNICATIONS, INC.	196654	2/28/2022	24.99
0016969 GOLDEN IDEAS	196594	2/28/2022	126.00
0106614 GOLDFARB & LIPMAN LLP	196595	2/28/2022	18,325.32
0000162 GRAINGER	196596	2/28/2022	574.78
0095966 GREAT AMERICA FINANCIAL SVC.	196597	2/28/2022	276.89
0108302 GRIFFIN STRUCTURES, INC.	196598	2/28/2022	24,257.22
0105966 HMTV TV DOMINICANA LLC	196599	2/28/2022	71.57
0104529 IMPACT TV	196601	2/28/2022	38.46
0108435 JACINTA LIANG	196612	2/28/2022	500.00
0098964 JARVIS, FAY & GIBSON, LLP	196604	2/28/2022	4,735.00

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Vendor Code & Name	Check #	Check Date	Amount
0109512 JIMENEDA BUILDERS	196605	2/28/2022	3,225.00
0105970 JONES/NCTI, INC.	196606	2/28/2022	659.75
0017661 KATHY M SCHMIDT	196630	2/28/2022	694.80
0107368 KME FIRE APPARATUS	196608	2/28/2022	1,708.12
0000317 L.N. CURTIS & SONS	196609	2/28/2022	149.61
0017570 LEHR AUTO ELECTRIC	196610	2/28/2022	634.98
0106342 LESLIE MENDOZA	196614	2/28/2022	500.00
0105752 LEVEL 3 COMMUNICATIONS, LLC	196611	2/28/2022	11,328.80
0108432 LUPITA HUERTA	196600	2/28/2022	281.00
0094271 MARY TESSIER	196647	2/28/2022	500.00
0109281 MATHENY SEARS LINKERT & JAIME LLP	196631	2/28/2022	25,654.65
0109532 MATRIX HG, INC.	196613	2/28/2022	2,703.77
0001709 MILLBRAE LOCK	196615	2/28/2022	38.00
0103600 MOMENTUM TELECOM, INC.	196616	2/28/2022	8,237.42
0000357 NATIONAL CABLE TV CO-OP, INC.	196617	2/28/2022	3,127.49
0105855 NBATV, LLC	196618	2/28/2022	4,585.88
0103301 NHL NETWORK US, LP	196619	2/28/2022	1,286.50
0092263 OFFICE DEPOT INC	196621	2/28/2022	1,000.51
0097567 ONE HOUR DRY CLEANING	196622	2/28/2022	187.40
0000012 PACIFIC GAS & ELECTRIC	196623	2/28/2022	12,990.19
0105457 PENINSULA CHAPTER ICC	196624	2/28/2022	180.00
0015163 PENINSULA SPORTS OFFICIALS ASSOC.INC.	196639	2/28/2022	1,521.00
0106229 PET FOOD EXPRESS	196625	2/28/2022	103.32
0109504 PRIME GOVERNMENT SOLUTIONS INC	196627	2/28/2022	16,068.00
0013581 ROVI GUIDES, INC.	196628	2/28/2022	6,385.35
0018839 RYAN JOHANSEN	196629	2/28/2022	83.37
0109773 SECURITY 101	196632	2/28/2022	5,927.78
0110073 SERVER SUPPLY.COM, INC.	196633	2/28/2022	5,167.80
0106354 SEWER RAT PLUMBING, INC.	196634	2/28/2022	1,800.00
0109953 SHRED CITY	196635	2/28/2022	63.72
0016458 SIADAT ENTERPRISES INC.	196636	2/28/2022	47.60
0109579 SKYHAWKS PENINSULA	196637	2/28/2022	1,051.05
0105745 SMELLY MEL'S PLUMBING	196638	2/28/2022	5,400.00
0097079 SPRINT	196640	2/28/2022	113.97
0105481 STARVISTA	196641	2/28/2022	18,849.52
0106866 STEPHEN KADASH	196607	2/28/2022	440.00
0017857 STERICYCLE, INC.	196642	2/28/2022	187.46
0017036 STEVEN'S BAY AREA DIESEL SERVICE, INC.	196567	2/28/2022	3,368.54
0105796 SUNRISE FOOD DISTRIBUTOR INC.	196643	2/28/2022	336.00
0108104 SUPERIOR AUTOMATIC SPRINKLER	196644	2/28/2022	2,084.63
0096932 TASC	196645	2/28/2022	232.50
0002025 TELECOMMUNICATIONS ENGINEERING ASSOCIATE	196586	2/28/2022	496.00
0108402 THE HOME DEPOT PRO	196648	2/28/2022	3,486.66
0103559 THE MLB NETWORK, LLC	196649	2/28/2022	1,389.42
0018275 THE REGENTS OF THE UNIVERSITY OF CA	196620	2/28/2022	267.93
0018088 THE UPS STORE #810	196650	2/28/2022	48.89
0017527 TIFCO INDUSTRIES INC.	196651	2/28/2022	150.33
0018898 TJKM TRANSPORTATION CONSULTANT	196652	2/28/2022	25,760.00
0097449 TK ELEVATOR CORPORATION	196653	2/28/2022	2,591.78
0001362 TV GUIDE MAGAZINE, LLC	196655	2/28/2022	112.68
0107354 TV MEX CONTENIDO,S.DE RL DE CV	196656	2/28/2022	30.69
0018313 U.S. BANK	196657	2/28/2022	1,730.00
0102744 UNIVERSAL BUILDING SERVICES	196658	2/28/2022	8,303.60
0095749 VERIZON WIRELESS	196659	2/28/2022	13,919.54

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Vendor Code & Name	Check #	Check Date	Amount
0105762 VUBIQUITY INC.	196661	2/28/2022	1,086.81
0104233 WAVE	196662	2/28/2022	19,450.00
0096893 WILSEY HAM	196663	2/28/2022	110.50
		GrandTotal:	509,527.95
		Total count:	110



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

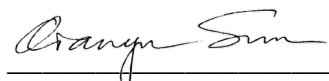
FROM: Jovan D. Grogan, City Manager

PREPARED BY: Benjie Lin, Management Analyst

SUBJECT: Payroll Acceptance

City Council acceptance of the City payroll distributed February 18, 2022 is recommended. The Labor Summary report reflecting the total payroll amount of \$1,569,156.48 for bi-weekly pay period ending February 13, 2022 by fund is shown below:

Fund	Amount
Fund: 001 - GENERAL FUND	\$1,139,613.73
Fund: 006 - AMERICAN RESCUE PLAN ACT	54,849.41
Fund: 122 - SOLID WASTE/RECYCL.	2,134.88
Fund: 132 - AGENCY ON AGING	1,037.71
Fund: 137 - DEVELOPER PROJECT CONTRIBUTIONS	9,061.95
Fund: 201 - PARKS AND FACILITIES CAPITAL	600.51
Fund: 203 - STREET IMPROVE. PROJECTS	9,501.28
Fund: 611 - WATER FUND	83,511.18
Fund: 621 - STORMWATER FUND	24,992.90
Fund: 631 - WASTEWATER FUND	76,528.48
Fund: 641 - CITYNET SERVICES FUND	107,563.56
Fund: 701 - CENTRAL GARAGE	9,659.55
Fund: 702 - FACILITY MAINT.FUND	29,734.42
Fund: 707 - TECHNOLOGY DEVELOPMENT	13,133.76
Fund: 711 - SELF INSURANCE	7,233.16
Total:	\$1,569,156.48



Qianyu Sun, Finance Director

03/02/2022

Date

glCashInv.rpt

Cash and Investments Report

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Through period: 7

City of San Bruno
Through January 2022

		Cash	Investments	Fund Total
001	GENERAL FUND	9,885,002.32	57,275.72	9,942,278.04
002	GENERAL FUND RESERVE	11,640,517.62	0.00	11,640,517.62
003	ONE-TIME REVENUE	1,241,867.64	0.00	1,241,867.64
004	CAP IMPROV/ONE-TIME INITIATIVE RSRV	9,196,195.24	0.00	9,196,195.24
005	MEASURE G DISTRICT SALES TAX	2,466,310.57	0.00	2,466,310.57
006	AMERICAN RESCUE PLAN ACT	3,430,681.67	0.00	3,430,681.67
101	GAS TAX	1,419,955.58	0.00	1,419,955.58
102	MEASURE A TRANSPORTATION TAX	1,797,327.46	0.00	1,797,327.46
103	STREET SPECIAL REVENUE	183,237.09	0.00	183,237.09
104	MEASURE W TRANSPORTATION TAX	727,969.01	0.00	727,969.01
111	POLICE ASSET FORFEITURE	507,542.75	0.00	507,542.75
113	POLICE SPECIAL REVENUE	187,688.68	0.00	187,688.68
121	FEDERAL/STATE GRANTS	(38,920.09)	0.00	(38,920.09)
122	SOLID WASTE/RECYCL.	314,008.41	0.00	314,008.41
130	IMPACT FEES	129,773.00	0.00	129,773.00
131	IN-LIEU FEES	10,413,635.59	0.00	10,413,635.59
132	AGENCY ON AGING	108,778.03	0.00	108,778.03
133	RESTRICTED REVENUES	2,473,317.98	0.00	2,473,317.98
136	EMERGENCY DISASTER RESERVE	2,781,399.46	0.00	2,781,399.46
137	DEVELOPER PROJECT CONTRIBUTIONS	957,585.48	0.00	957,585.48
140	DEVELOPER IN-LIEU UNDERGROUNDING	75,000.00	0.00	75,000.00
151	SUCCESSOR AGENCY TO THE SB RDA - OPS	0.00	0.00	0.00
152	CITY OF SB AS SUCCESSOR HOUSING AGENCY	700,648.55	0.00	700,648.55
153	RDA OBLIGATION RETIREMENT FUND	2,282,721.30	4.95	2,282,726.25
190	DISASTER RECOVERY FUND	913,260.44	0.00	913,260.44
201	PARKS AND FACILITIES CAPITAL	6,583,431.64	0.00	6,583,431.64
203	STREET IMPROVE. PROJECTS	4,544,148.10	0.00	4,544,148.10
207	TECHNOLOGY CAPITAL	412,982.82	0.00	412,982.82
302	LEASE DEBT SERVICE	217,307.54	0.22	217,307.76
611	WATER FUND	46,117,485.23	71.50	46,117,556.73
621	STORMWATER FUND	697,246.96	0.00	697,246.96
631	WASTEWATER FUND	45,794,490.40	59,343.72	45,853,834.12
641	CITYNET SERVICES FUND	(15,108,060.87)	0.00	(15,108,060.87)
701	CENTRAL GARAGE	167,660.66	0.00	167,660.66
702	FACILITY MAINT.FUND	583,939.34	0.00	583,939.34
703	GENERAL EQUIPMENT REVOLVING	3,881,030.84	0.00	3,881,030.84
707	TECHNOLOGY DEVELOPMENT	297,205.73	0.00	297,205.73
711	SELF INSURANCE	784,235.08	91,118.50	875,353.58
891	RECOLOGY SAN BRUNO	381,381.92	0.00	381,381.92
	Grand Total:	159,149,989.17 *	207,814.61	159,357,803.78

* Reconciliation of Pooled Cash & Investments to Portfolio Book Value

Investment Portfolio Value	143,811,021.78
Cash on hand - Checking Account	17,292,996.24
Payroll and Accounts Payable Outstanding Checks	(1,903,058.85)
Deposits in Transit	(50,970.00)
General Ledger Cash Balance as of January 31, 2022	159,149,989.17

Totals are through period: 7

Page: 1

DocuSigned by:

Prepared By:

Darlene Wong

3/3/2022

Reviewed By:

Qianyu Sun

3/3/2022

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**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Qianyu Sun, Finance Director

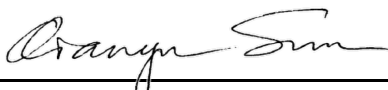
PREPARED BY: Esther Garibay-Fernandes, Financial Services Manager

SUBJECT: Monthly Investment Report – January 2021

The table below summarizes the investment portfolio's total book value by Investment type.

Investment Type	Total Book Value
TriCounties Bank	\$17,292,996
Local Agency Investment Fund	33,103,949
San Mateo County Pool	25,868,014
Government Agency Investments	62,703,122
Municipal Bonds	21,630,700
Certificate of Deposit	500,000
Money Market Investments	5,237
Total Investments	\$161,104,019

Respectfully submitted,



Finance Director

3/3/2022

Date



City of San Bruno
567 El Camino Real
San Bruno, CA 94066

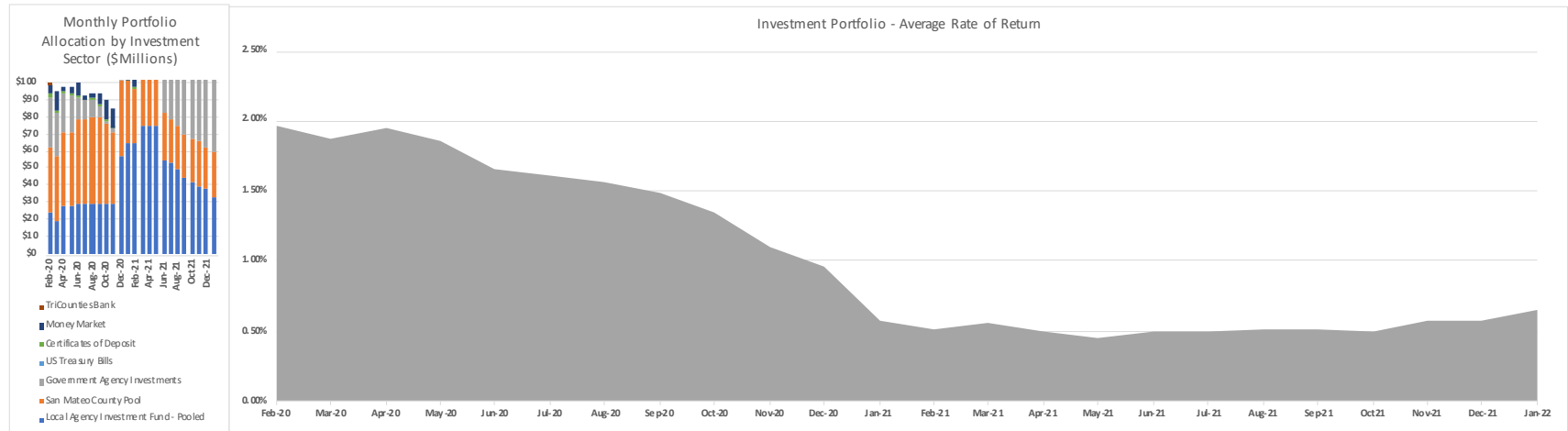
CITY OF SAN BRUNO
Portfolio Summary
January 31, 2022

Investments	Coupon Rate	CUSIP	Book Value	Market Value	YTM	Maturity Date	% of Portfolio
Short Term Investments							
TriCounties Bank Cash Balance			17,292,996	17,292,996	0.00%	N/A	11%
Pooled Investments							
Local Agency Investment Fund			29,812,539	29,812,539	0.23%	NA	19%
Glenview Fire Local Agency Investment Fund			3,291,410	3,291,410	0.23%	NA	2%
Total LAIF			33,103,949	33,103,949			21%
San Mateo County Pool			25,868,014	25,868,014	0.79%		16%
Money Market Investments							
U.S. Government Money Market		31846V567	5,237	5,237	0.02%	NA	0%
Total Money Market Investments			5,237	5,237			
Certificate of Deposit							
Morgan Stanley Bank Brokered CD	1.95%	61690UPF1	250,000	255,293	1.84%	November 29, 2024	0.16%
Morgan Stanley Private Bank Brokered CD	1.90%	61760A3L1	250,000	254,945	1.80%	November 29, 2024	0.16%
Total Certificate of Deposit			500,000	510,238			0%
Total Short Term Investments			76,770,196	76,780,433			
Municipal Bonds							
San Francisco Ca City/County Pub Util	0.50%	79771FAW7	1,631,308	1,617,663	0.78%	November 1, 2023	1%
Riverside Community College Non-Callable GO	3.61%	76886PFF5	1,080,380	1,051,700	0.70%	August 1, 2024	1%
California St Federally Taxable Var	3.38%	13063DGB8	1,105,910	1,060,995	0.69%	April 1, 2025	1%
California St Federally Taxable Var	3.38%	13063DGB8	1,466,885	1,407,310	0.65%	April 1, 2025	1%
University Calif Revs Taxable Gen Bds	0.88%	91412HGE7	1,513,455	1,462,560	0.65%	May 15, 2025	1%
Los Angeles Calif Comm Coll Dist GOB Unlimited Tax	0.77%	54438CYK2	2,000,000	1,942,360	0.77%	August 1, 2025	1%
California St Univ Revenue	0.89%	13077DML3	1,459,170	1,459,815	1.64%	November 1, 2025	1%
California St Taxable Various GOB	2.65%	13063DMA3	1,068,690	1,038,390	1.07%	April 1, 2026	1%
Pasadena USD non-callable GOB	2.07%	702282QD9	1,043,920	1,012,350	1.09%	May 1, 2026	1%
Los Angeles Unified SD non-callable	1.46%	544547FC9	2,009,340	1,977,860	1.35%	July 1, 2026	1%
Southern California St Public Pwer Auth	1.26%	842475P82	1,555,751	1,558,884	1.77%	July 1, 2026	1%
San Jose CA Redev Agy Successor Agy Tax Allocation	3.18%	798170AJ5	1,405,984	1,382,613	1.51%	August 1, 2026	1%
Cupertino UHSD Taxable non-callable GOB	2.15%	231237P28	1,057,240	1,018,760	0.96%	August 1, 2026	1%
Santa Monica CCD taxable non-callable GOB	1.04%	802385RR7	755,235	727,995	0.90%	August 1, 2026	0%
Los Angeles Calif Comm Coll Dist GOB Unlimited Tax	1.17%	54438CYL0	998,010	974,990	1.22%	August 1, 2026	1%
California St Taxable BID non-callable	2.38%	13063DRD2	736,400	721,692	1.28%	October 1, 2026	0%
California St Taxable BID non-callable	2.38%	13063DRD2	743,022	728,182	1.37%	October 1, 2026	0%
Total Municipal Bonds Investments			21,630,700	21,144,120			13%



CITY OF SAN BRUNO
Portfolio Summary Metrics
January 31, 2022

Monthly Portfolio Allocation by Investment Sector (\$Millions)	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22
TriCounty Bank	\$7.2	\$7.5	\$8.3	\$4.0	\$8.7	\$15.5	\$15.9	\$15.5	\$17.8	\$22.3	\$16.4	\$14.5	\$22.9	\$7.8	\$10.3	\$17.1	\$12.8	\$14.9	\$16.6	\$16.4	\$21.5	\$16.5	\$17.4	\$17.3
Local Agency Investment Fund - Pooled	24.5	19.5	27.6	27.6	28.6	28.7	28.7	28.7	28.7	28.8	56.8	64.8	64.8	74.8	74.9	74.9	54.9	53.5	49.5	44.4	41.3	39.6	38.0	33.1
San Mateo County Pool	37.5	38.0	43.2	43.3	49.5	49.8	50.4	50.7	46.5	41.9	43.9	35.8	31.4	31.9	33.8	30.2	27.4	24.5	24.9	25.1	25.7	26.2	23.8	25.9
Government Agency Investments	29.0	25.0	23.0	21.0	13.0	11.0	11.0	7.0	2.0	2.0	1.0	0.0	0.0	9.4	9.3	12.2	35.9	37.0	38.0	44.0	44.0	52.5	57.2	62.7
Municipal Bond Investments	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.1	1.1	2.6	4.6	6.1	7.9	8.9	11.1	14.8	17.2	21.6
US Treasury Bills	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Certificates of Deposit	2.5	1.5	1.5	1.0	0.8	0.8	0.8	0.8	0.8	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Money Market	<u>5.1</u>	<u>10.2</u>	<u>2.3</u>	<u>4.8</u>	<u>8.2</u>	<u>2.2</u>	<u>2.2</u>	<u>6.2</u>	<u>11.3</u>	<u>11.5</u>	<u>0.5</u>	<u>6.5</u>	<u>6.5</u>	<u>0.1</u>	<u>0.1</u>	<u>0.0</u>	<u>1.2</u>	<u>0.0</u>	<u>2.0</u>	<u>0.0</u>	<u>2.9</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Total	\$105.8	\$101.7	\$105.9	\$101.7	\$108.7	\$108.0	\$108.9	\$108.9	\$107.1	\$107.0	\$119.1	\$122.1	\$126.1	\$125.6	\$130.0	\$137.5	\$137.3	\$136.5	\$139.4	\$139.3	\$147.0	\$150.1	\$154.1	\$161.1
Average Rate of Return	1.97%	1.87%	1.94%	1.85%	1.66%	1.60%	1.56%	1.48%	1.35%	1.09%	0.95%	0.57%	0.51%	0.55%	0.50%	0.44%	0.50%	0.49%	0.51%	0.51%	0.50%	0.57%	0.57%	0.64%





“The City with a Heart”

Rico E. Medina, Mayor
Linda Mason, Vice Mayor
Tom Hamilton, Councilmember
Marty Medina, Councilmember
Michael Salazar, Councilmember

MINUTES

SAN BRUNO CITY COUNCIL

February 22, 2022

7:00 p.m.

1. CALL TO ORDER

2. ROLL CALL/PLEDGE OF ALLEGIANCE – All Councilmembers were present.

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

The following members of the public spoke during public comment:

- Janet Lutus – Spoke regarding the closure of Tanforan Mall.
- Paul Wapensky – Spoke regarding communications with city staff and asked for a response to questions he has submitted.
- Jeremy Sarnecky – Spoke regarding a visit he made to St. Robert’s Church and the Biden Administration.

4. PUBLIC HEARING

- a. **Hold** Fourth Public Hearing to 1) Receive Public Comments on Proposed Council District Map Alternatives; 2) Identify a Preferred Map; 3) Request Any Revisions to Maps, If Desired, and 4) Provide Direction for Introduction of an Ordinance Adopting One or More Council District Maps.

Jovan Grogan, City Manager and Kristen Parks, NDC Consultant, presented the report.

Rico E. Medina, Mayor, opened the public hearing.

There were two opportunities for members of the public to speak. The following members of the public spoke regarding the item in the first round of public comment:

- Malcolm Robinson – Spoke with various questions about the process.
- Jeremy Sarnecky – Spoke in favor of parts of the district process and had questions regarding the process.
- Paul Wapensky – Spoke in support of term limits.
- Jennifer Blanco – Spoke with various questions about the process and map submission timelines.
- David Morgan – Spoke with various questions about the process.
- Karen Queally – Spoke regarding her opinion on the process.

The following members of the public spoke regarding the item in the second round of public comment:

- Jeremy Sarnecky – Spoke to request that the Rollingwood neighborhood not be split in the process.

- Jennifer Blanco – Spoke regarding the San Mateo Union High School District districting process and the potential impacts of that process in San Bruno.

M/S Mason/Hamilton to close the public hearing. **Motion carried unanimously by roll call vote.**

A majority of the City Council recommended Map No. 104 be brought back at the next public hearing to be introduced as an ordinance.

- b. **Hold** Public Hearing and Waive First Reading and Introduce Ordinance Amending the San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 (Temporary uses), regarding reference to off-site construction staging area.

Pamela Wu, Community Development Director and Michael Laughlin, Planning and Housing Manager, presented the report.

Rico E. Medina, Mayor, opened the public hearing.

There were no speakers during public comment.

M/S Hamilton/Salazar to close the public hearing. **Motion carried unanimously by roll call vote.**

M/S Salazar/Hamilton to waive the first reading and introduce the ordinance. **Motion carried unanimously by roll call vote.**

The City Council took a brief recess at 10:24 p.m.

The City Council reconvened at 10:30 p.m.

5. **CONSENT CALENDAR**

All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion, unless requested.

Marty Medina, Councilmember, pulled the special meeting of February 8, 2022 meeting minutes from consideration due to a clarification regarding the direction provided regarding cannabis.

M/S Hamilton/Salazar to approve the Consent Calendar, excluding the special meeting minutes of February 8, 2022. **Motion carried unanimously by roll call vote.**

- a. **Accept** Accounts Payable of February 7 and February 14, 2022.
- b. **Accept** Payroll of January 30, 2022.
- c. **Approve** the Regular Meeting Minutes for the Regular Meetings of December 14, 2021, January 25, February 8, February 16 and February 17, 2022.
- d. **Receive** Written Update on the City's Response Efforts to COVID-19.
- e. **Adopt** Resolution Regarding Policy Amendments for Public Noticing of Development Projects.
- f. **Adopt** Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Wilsey Ham for Design and Construction Support Services in the

Amount Not to Exceed \$150,000 for the Avenues 2-1 and 2-2 Sewer and Water Replacement Project.

6. CONDUCT OF BUSINESS

- a. Receive Mid-Year Financial Update Report for FY2021-22 as of December 31, 2021 and Adopt a Resolution Approving a Second-Quarter Budget Amendment for the FY2021-22 Operating and Capital Budget.

Qianyu Sun, Finance Director, presented the report.

There were no speakers during public comment.

M/S Hamilton/M. Medina to adopt a resolution. **Motion carried unanimously by roll call vote.**

7. COMMENTS FROM COUNCIL MEMBERS

- a. **Linda Mason:**

- Request the San Bruno Community Foundation archive and post meetings for the public to access maximizing access and transparency to the public.

Linda Mason, Vice Mayor, presented the item.

Rico E. Medina, Mayor, announced the San Bruno Community Foundation would be presenting an item on their meeting agenda for March 1, 2022, regarding archiving their meeting recordings. At the time of the City Council meeting the SBCF agenda had not been posted.

- b. **Michael Salazar:**

- Ask staff to examine the feasibility of placing a repeal of the use of safe and sane fireworks in San Bruno on the November 2022 ballot.

Michael Salazar, Councilmember, presented the item.

The following members of the public spoke regarding the item:

- David Morgan – Spoke in favor of fireworks.
- Jeremy Sarnecky – Spoke in favor of fireworks.

The item did not receive majority City Council support.

Tom Hamilton:

- Announced a Meet and Greet in downtown San Bruno
- Announce a pop-up event at Tanforan Mall Art Zone

Marty Medina:

- Announced Second Harvest Food Banks at Skyline College and Belle Air Elementary School.

8. **ADJOURNMENT** – The meeting adjourned at 11:32 p.m.

The next Regular City Council Meeting will be held on March 8, 2022 at 7:00 p.m.

City Council – Minutes

February 22, 2022

Page 4 of 4

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of March 8, 2022.

Vicky S. Hasha, Deputy City Clerk

Rico E. Medina
Mayor



“The City with a Heart”

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MINUTES
SAN BRUNO CITY COUNCIL SPECIAL MEETING
February 22, 2022
5:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL** – All Councilmembers were present.
3. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no speakers during public comment.

4. **CLOSED SESSION**

- a. Conference with Labor Negotiators Pursuant to Gov't Code Section 54957.6
Agency Designated Representatives: City Manager
Employee Organizations: Mid-Management Unit, Public Safety Mid-Management Bargaining Unit, San Bruno Police Bargaining Unit, San Bruno Professional Firefighters Association, Miscellaneous Bargaining Unit, San Bruno Management Employees Association

There was no reportable action for this item.

5. **ADJOURNMENT:** The meeting adjourned at 6:45 p.m.

The next Regular City Council Meeting will be held on February 22, 2022 at 7:00 p.m.

The meeting minutes were prepared by **Melissa Thurman, City Clerk**, for approval at the regular meeting of March 8, 2022.

Vicky S. Hasha, Deputy City Clerk

Rico E. Medina
Mayor



“The City with a Heart”

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MINUTES
SAN BRUNO CITY COUNCIL SPECIAL MEETING
February 23, 2022
5:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL** – All Councilmembers were present.
3. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no speakers during public comment.

4. **CLOSED SESSION**

- a. Public Employee Performance Evaluations Pursuant to Government Code § 54957
Title: City Attorney

There was no reportable action for this item.

5. **ADJOURNMENT:** The meeting adjourned at 7:15 p.m.

The next Regular City Council Meeting will be held on March 8, 2022 at 7:00 p.m.

The meeting minutes were prepared by **Melissa Thurman, City Clerk**, for approval at the regular meeting of March 8, 2022.

Vicky S. Hasha, Deputy City Clerk

Rico E. Medina
Mayor



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MINUTES
SAN BRUNO CITY COUNCIL SPECIAL MEETING
March 1, 2022
5:00 p.m.

1. CALL TO ORDER

- 2. ROLL CALL** – Councilmembers Hamilton, M. Medina, Salazar and Mayor R. Medina were present at 5:00 p.m. Councilmember Mason arrived to the meeting at 5:21 p.m.

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no speakers during public comment.

4. STUDY SESSION

- a. Receive Report on the Downtown Parking Meters and Enhanced Parking Enforcement Project

Ryan Johansen, Police Chief, presented the item.

There were no speakers during public comment.

Discussion item only. No motion taken.

- b. Waive First Reading and Introduce Ordinance (Chapter 2.52) Regarding Police Department Acquisition and Use of Military Equipment; Approve Military Equipment Use Policy

Ryan Johansen, Police Chief, presented the item.

There were no speakers during public comment.

M/S Salazar/M. Medina to waive the first reading. **Motion carried unanimously by roll call vote.**

M/S Hamilton/M. Medina to introduce the ordinance. **Motion carried unanimously by roll call vote.**

M/S R. Medina/M. Medina to approve the Military Equipment Use Policy. **Motion carried 4-0-1 by roll call vote with Vice Mayor Mason abstained.**

- c. Receive Report on Reducing the Impact of Drugs on Families (RIDOF) Pilot Program

Ryan Johansen, Police Chief, presented the item.

There were no speakers during public comment.

Discussion item only. No motion taken.

- d. Receive Report on Police Radio Encryption and Infrastructure Project

Ryan Johansen, Police Chief, presented the item.

City Council – Minutes

March 1, 2022

Page **2** of **2**

There were no speakers during public comment.

Discussion item only. No motion taken.

5. **ADJOURNMENT:** The meeting adjourned at 8:28 p.m.

The next Regular City Council Meeting will be held on March 8, 2022 at 7:00 p.m.

The meeting minutes were prepared by **Melissa Thurman, City Clerk**, for approval at the regular meeting of March 8, 2022.

Vicky S. Hasha, Deputy City Clerk

Rico E. Medina
Mayor



“The City with a Heart”

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Michael Salazar, Councilmember

MINUTES
SAN BRUNO CITY COUNCIL SPECIAL MEETING
March 1, 2022
5:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL** – All Councilmembers were present.
3. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no speakers during public comment.

4. **CLOSED SESSION**

- a. Public Employment pursuant to Government Code section 54957: City Attorney

There was no reportable action for this item.

5. **ADJOURNMENT:** The meeting adjourned at 9:40 p.m.

The next Regular City Council Meeting will be held on March 8, 2022 at 7:00 p.m.

The meeting minutes were prepared by **Melissa Thurman, City Clerk**, for approval at the regular meeting of March 8, 2022.

Vicky S. Hasha, Deputy City Clerk

Rico E. Medina
Mayor



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Jennifer Dianos, Assistant to the City Manager

SUBJECT: Receive Written Update on the City's Response Efforts to COVID-19

BACKGROUND:

This report is to provide an update on the City's response efforts to COVID-19, while the Emergency Operations Center (EOC) is activated. The information provided in this report is as of the time it was produced and may be subject to change.

DISCUSSION:

San Mateo County Health provides regular COVID-19 statistic dashboards through their website, smchealth.org. San Mateo County Health reports as of Feb. 24, 2022 there are a total of 581 cases within the last 30 days in the City of San Bruno; and as of Mar. 1, 2022 approximately 96.4% of San Bruno residents age 5+ are vaccinated. Additional statistics are attached to this report.

There are no new operational modifications of City services to report to the City Council.

COVID-19 TESTING AND VACCINE

The City of San Bruno is happy to again partner with the San Bruno Community Foundation in the City's response to COVID-19. The Foundation has awarded the City a \$10,000 grant to fund the purchase of COVID-19 rapid antigen tests to assist San Bruno first responders when responding to emergency service calls where patients are experiencing symptoms of COVID-19 or are not feeling well. The Grant is to be used exclusively in connection with purchasing COVID-19 rapid antigen test kits to support San Bruno Fire Department personnel in their response to emergency service calls.

No-cost PCR testing remains available at the Curative kiosk located at Narita Plaza, located between San Bruno City Hall and San Bruno Library. Appointments can be made at cur.tv/Sanbruno or 888-702-9042. Other no-cost County testing sites located throughout San Mateo County can be found at smcgov.org/testing.

For those that are interested in getting vaccinated, visit myturn.ca.gov or 1-833-422-4255. Appointments are suggested and may vary from site to site. The San Bruno Park School District will host a vaccination clinic on Mar. 9, 2022, from 1:30-6:00 p.m. at the San Bruno Park School District Health Center (next to Belle Air Elementary School). Full details on the attached flyer.

FISCAL IMPACT:

There is no fiscal impact associated with this update.

ENVIRONMENTAL IMPACT:

There is no environmental impact.

RECOMMENDATION:

Receive Written Update on the City's Response Efforts to COVID-19

ALTERNATIVES:

The City of San Bruno's Emergency Operations Center remains activated and there are no alternatives proposed at this time.

ATTACHMENTS: 1. San Mateo County Health Department COVID-19 Data Dashboard
2. Curative Testing Site Flyer (English/Spanish) 3. San Bruno Park School District COVID-19 Vaccination Clinic Flyer (English/Spanish)



San Mateo County COVID-19 Data Dashboard

Data up to and including February 28, 2022 as of 1:00pm



Select time frame for case data:

Last 30 Days

Historical

Total Cases
118,509

Cases by Sex

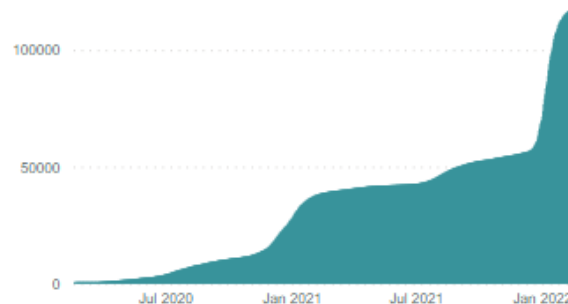
Female **59904**
Male **57297**
Unknown **1233**

R-eff

0.42

- R-eff is the average number of people an infected person will infect
- Represents rate at which COVID-19 is spreading
- Value less than 1 means decreasing spread
- Value greater than 1 means increasing spread
Source: [CalCasi](#) ensemble for 2/20/2022, accessed on 2/24/2022

Total Cases by Episode Date



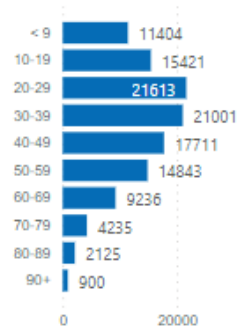
Total Deaths

711

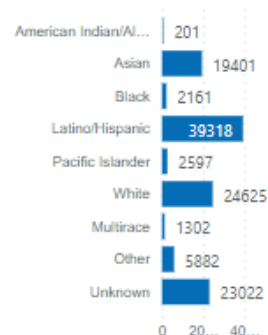
Deaths by Sex

Female **327**
Male **384**

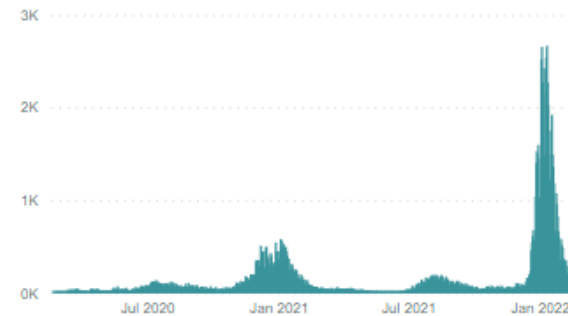
Cases by Age Group



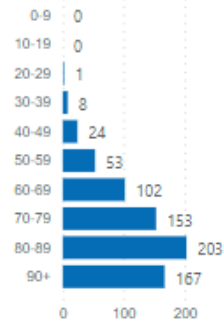
Cases by Race/Ethnicity



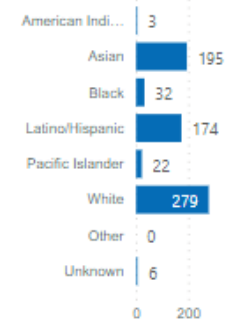
Cases by Episode Date



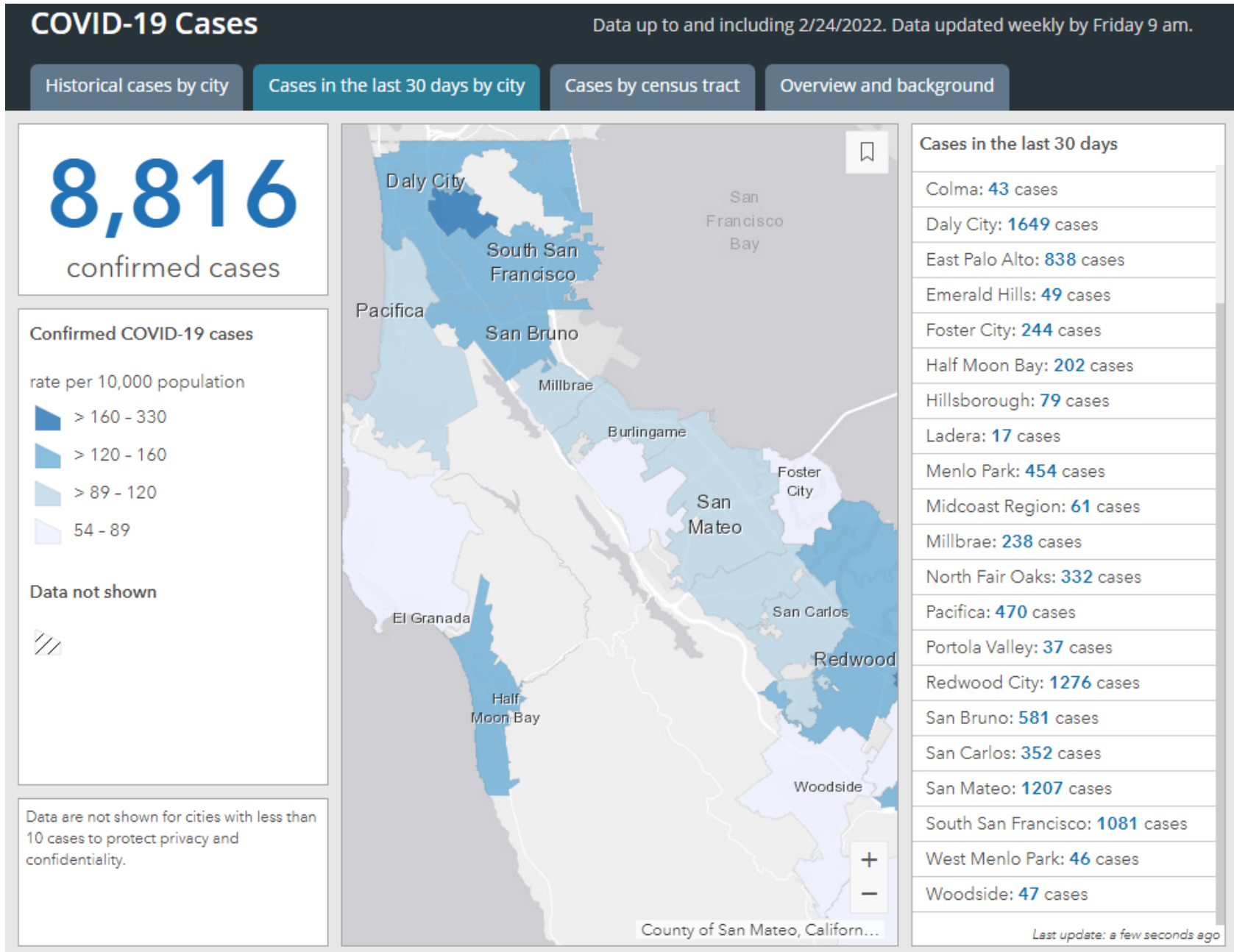
Deaths by Age Group




Deaths by Race/Ethnicity



Because of limited testing capacity, the number of cases detected through testing represents only a small portion of the total number of likely cases in the County. COVID-19 data are reported as timely, accurately, and completely as we have available. Data are updated as we receive information that is more complete and will change over time as we learn more. Cases are lab-confirmed COVID-19 cases reported to San Mateo County Public Health by providers, commercial laboratories, and academic laboratories, including reporting results through the California Reportable Disease Information Exchange. A lab-confirmed case is defined as detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test. Cases are counted by episode date; episode date is defined as the earliest of: case symptom onset date, sample collection date, date of laboratory result, or date of death. Deaths reported in this dashboard include only San Mateo County residents; death data last updated February 24, 2022.

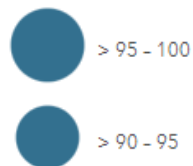


COVID 19 Vaccinations of San Mateo County Residents as of 3/1/2022

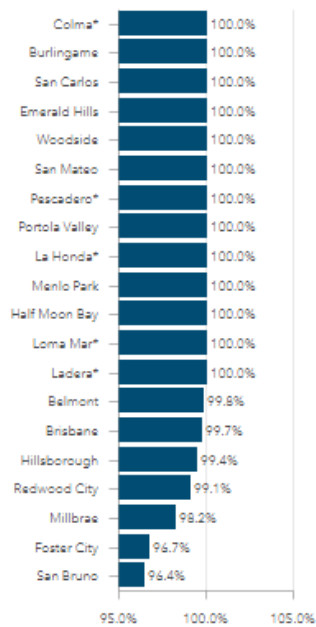
 **692,118**
Individuals with at least 1 dose

COVID 19 Vaccinations

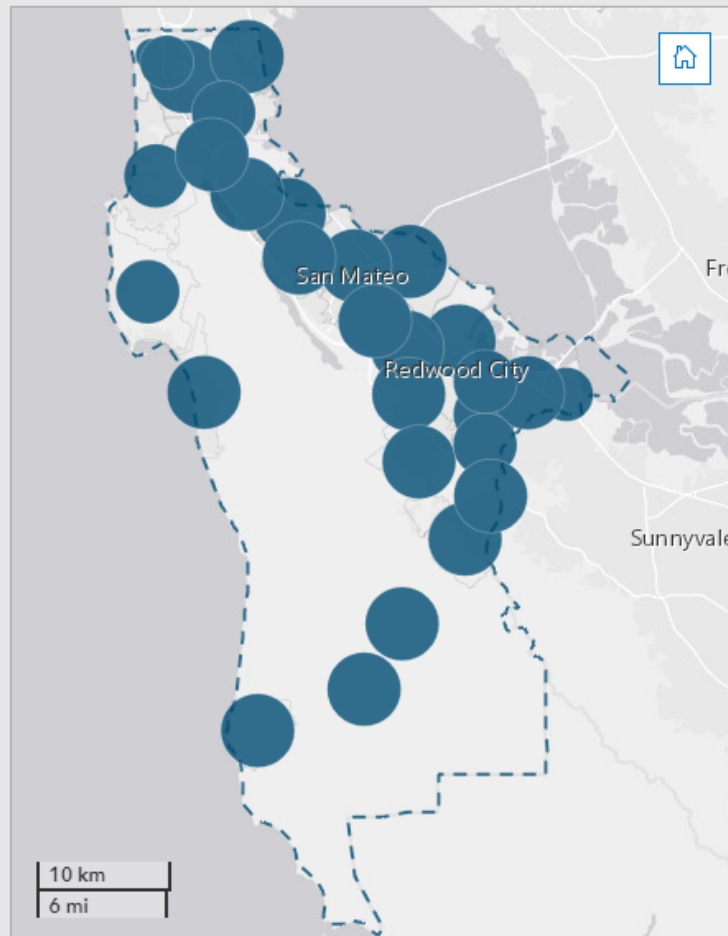
%5+ Vaccinated



Top 20 Vaccinated Cities (%5+ Vaccinated)



Vaccinations by city are calculated by geocoding and aggregating self-reported addresses by city or town. In instances where geocoding is not possible (due to missing street addresses), counts of self-reported city of residence are aggregated with counts of geocoded addresses. Vaccinations with addresses that are not successfully geocoded or where city of residence is missing cannot be assigned to a corresponding city. For geographies with smaller populations, such as Pescadero, there is some likely inaccuracy in calculated vaccination rates due to geocoding errors and instability of vaccination counts and population counts. Please interpret this map with caution.



%5+ Vaccinated

Half Moon Bay: 100.0%
Hillsborough: 99.4%
La Honda*: 100.0%
Ladera*: 100.0%
Loma Mar*: 100.0%
Menlo Park: 100.0%
Midcoast Region: 90.1%
Millbrae: 98.2%
North Fair Oaks: 91.7%
Pacifica: 90.8%
Pescadero*: 100.0%
Portola Valley: 100.0%
Redwood City: 99.1%
San Bruno: 96.4%
San Carlos: 100.0%
San Mateo: 100.0%
South San Francisco: 91.1%
West Menlo Park: 91.8%
Woodside: 100.0%

[Click here for vaccination rates for 10+, 16+, and 65+](#)

*Population estimates are less precise for towns with small populations. The vaccine eligible population may be higher or lower than the ACS estimate.

County Population 5+ years: 735,951

Note

About

Total Individuals Vaccinated
692,118

as of

3/1/2022

County Population: 774,990
County Population 5+ years: 735,951
%5+ years Vaccinated: **94.0%**
County Population 12+ years: 672,183
%12+ years Vaccinated: **96.7%**

Date Administered
from

8/1/2020

3/1/2022

Individuals Who Completed
Vaccination Series

640,716

% Completed Vaccination Series



Total Vaccine Doses Administered

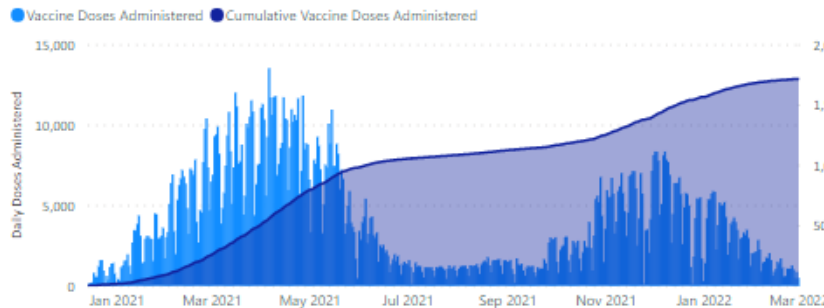
1,713,059

Vaccinations administered as part of federal health care organizations or programs such as the Department of Veterans Affairs (VA) report to federal immunization systems, may not report into CAIR2, and may not be included in vaccination numbers on the dashboard.

COVID 19 Vaccinations of San Mateo County Residents

Vaccinations for San Mateo County residents are reported to SMC Public Health via the California Immunization Registry (CAIR2). COVID-19 vaccine administration data are reported as timely, accurately, and completely as data become available. Previous data will change as new and updated data are received.

Vaccine Doses Administered by Date

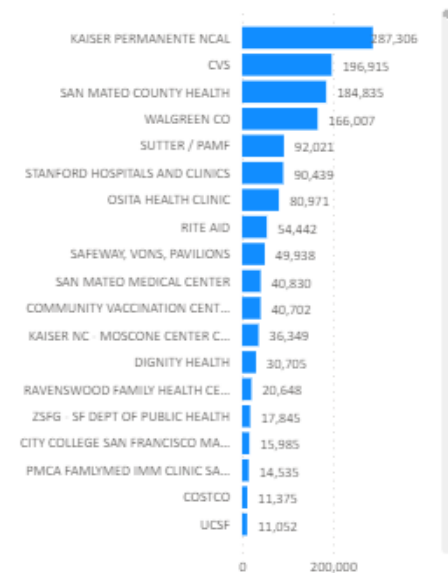


Note: Vaccine Doses Administered by Date includes any doses administered to residents.

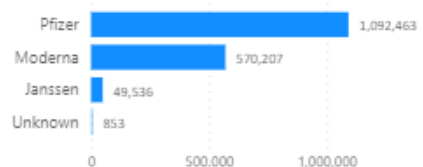
Vaccine Series Completed and Additional/Booster Doses by Date

Note: Vaccination Series Completed represents those who have received the second dose of a two dose vaccine (Pfizer and Moderna) and those who have received one dose of a single dose vaccine (Janssen). Additional/Booster Doses include additional doses for immunocompromised individuals and booster doses. Data for boosters and vaccination of 5-11 year olds are preliminary and subject to revision.

Vaccines Administered By



Vaccines Administered



COVID-19 Testing in San Bruno!

Self-collected, shallow nasal PCR test

No out-of-pocket costs

Results within 1-2 days from
receipt of the sample at the lab

San Bruno City Hall
Narita Plaza
570 Linden Ave
San Bruno, CA 94066

Monday - Friday
8:30AM - 4:00 PM

Book now at
cur.tv/sanbruno



Locate a testing site near
you at curative.com or call
888.702.9042 with questions.

¡Pruebas de COVID-19 en San Bruno!

Auto-Prueba de COVID-19 Nasal (Tipo PCR)

Sin costo directo para usted

Resultados dentro de 1-2 días después de
entregar la muestra al laboratorio

San Bruno City Hall
Narita Plaza
570 Linden Ave
San Bruno, CA 94066

Lunes - Viernes
8:30AM - 4:00 PM

Reserva ahora en
cur.tv/sanbruno



Busque un sitio de pruebas
cerca de usted en
curative.com o llame
888.702.9042 con preguntas.

San Bruno Park School District COVID-19 vaccination clinic

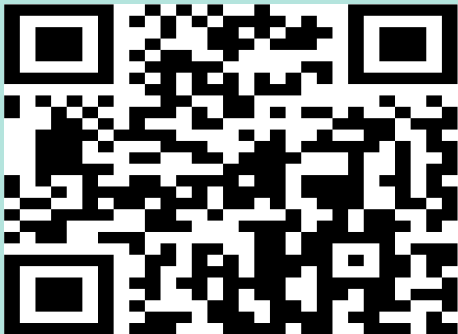
Wednesday, March 9th
1:30pm-6:00pm

@the San Bruno Park School District Health
Center

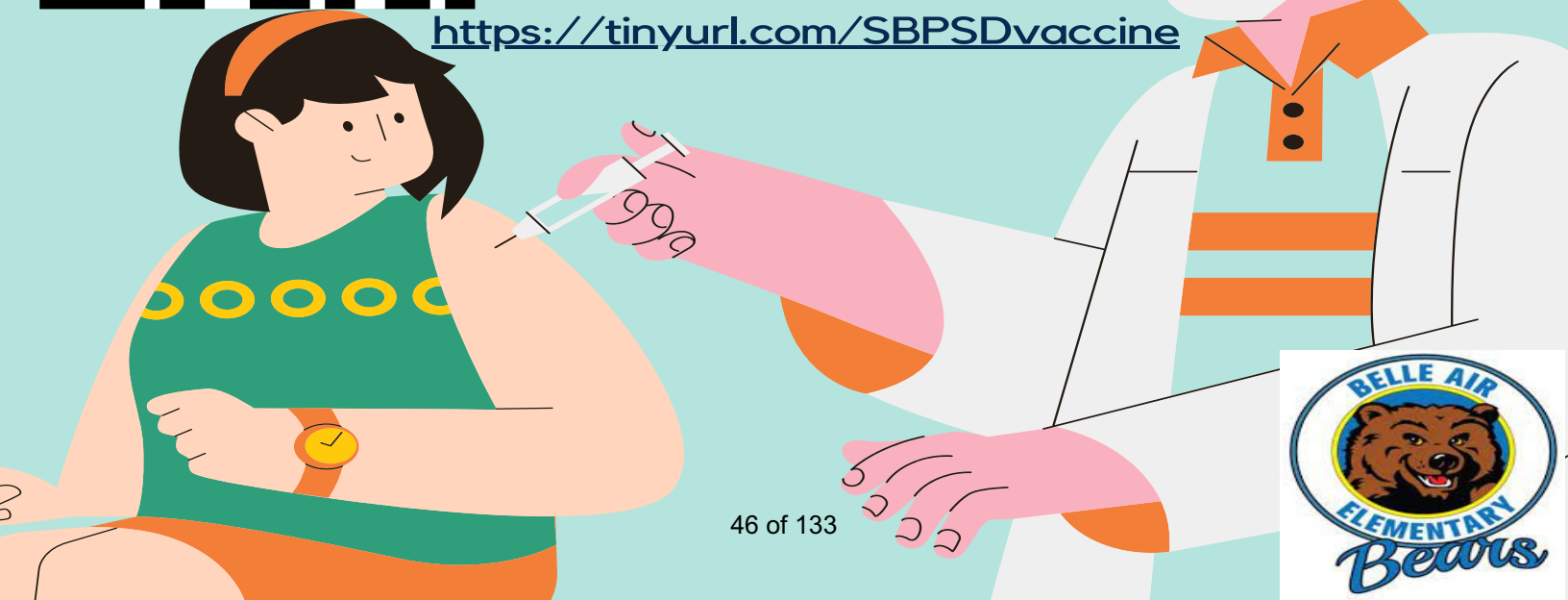
(next to Belle Air Elementary School)
450 3rd Avenue San Bruno, CA 94066

**Walk-ins welcome; pre-
registration preferred**

**Please bring printed out
consent to the clinic.**



<https://tinyurl.com/SBPSDvaccine>



Clínica de vacunación COVID-19 del Distrito Escolar de San Bruno Park

miércoles, 9 de marzo

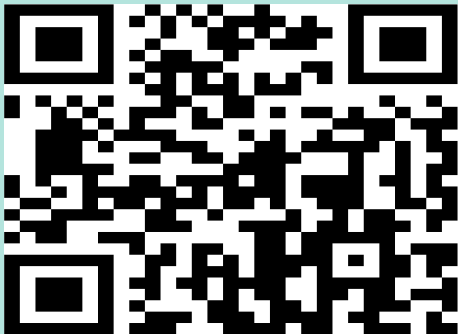
13:30-18:00

@el Centro de Salud del Distrito Escolar de San Bruno Park

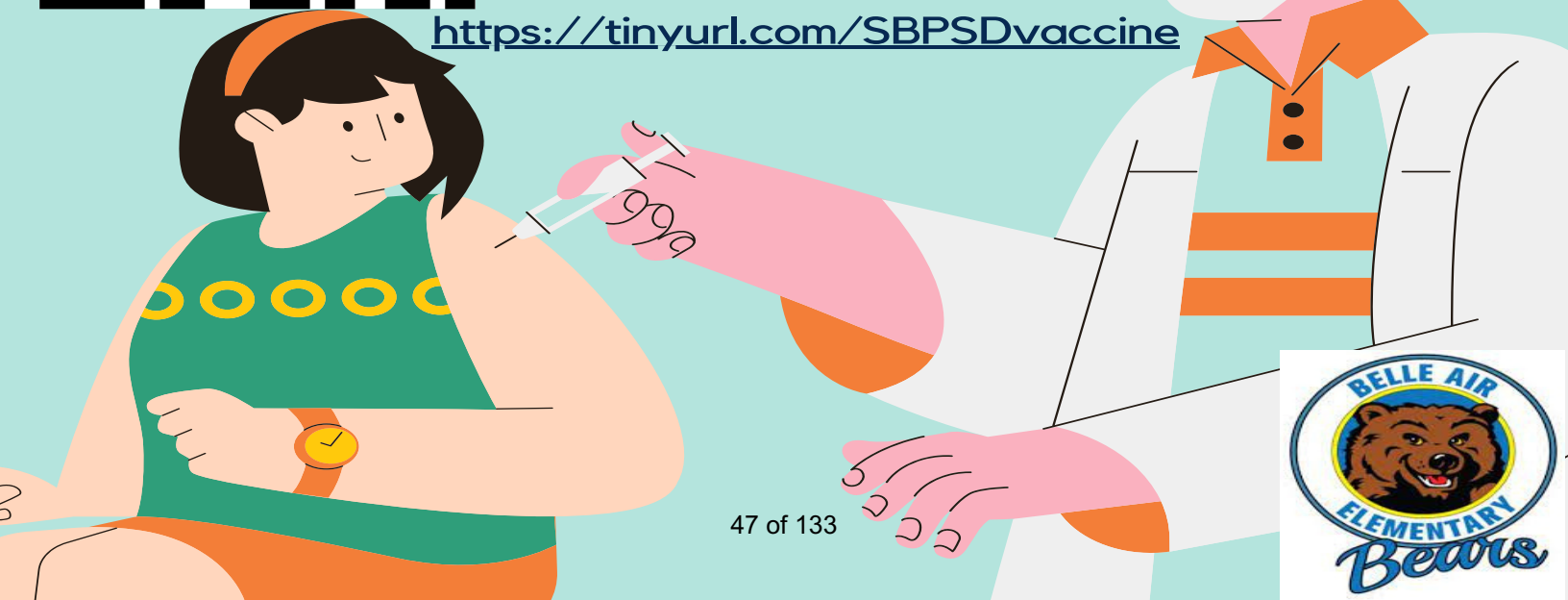
(junto a la Escuela Primaria Belle Air)
450 3ra Avenida San Bruno, CA 94066

**Bienvenidos sin cita previa;
pre-registro preferido**

**Por favor traiga el
consentimiento impreso a
la clínica.**



<https://tinyurl.com/SBPSDvaccine>





City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Melissa Thurman, City Clerk

SUBJECT: Adopt Resolution Declaring the Continued State of Local Emergency and Need for the City Council and Other Legislative Bodies Subject to the Ralph M. Brown Act to Continue to Teleconference in Order to Ensure the Health and Safety of the Public Pursuant to AB 361

BACKGROUND: On March 4, 2020, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

In response to the Executive Order, City staff created Zoom accounts for various departments and underwent training to ensure that City Council meetings could continue safely for the members, staff, and the public. The City Council has been conducting virtual meetings since April 2020 and the City's Commissions, Boards and Committees began meeting virtually in June 2020. The usage for Zoom for public meetings has allowed the City to ensure the public's continued access to government meetings while also ensuring the public's safety.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for agencies to transition back to public meetings held in full compliance with the Ralph M. Brown Act. Since Executive Order N-08-21 was enacted, the Delta and Omicron Variants of the COVID-19 virus have emerged, which has resulted in ten times the number of confirmed COVID-19 cases throughout the county since June 2021. Taking these factors into account, San Bruno has continued its public meetings in the virtual setting and wishes to maintain this format to preserve the health and safety of its staff, elected officials and constituents.

DISCUSSION: AB 361 was signed into law by the Governor on September 16, 2021, went into effect immediately as urgency legislation (codified under Government Code § 54953), and allows local legislative bodies to continue to meet remotely beyond the current executive order's expiration of September 30, 2021, in any of the following circumstances:

- The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. (Government Code § 54953(e)(1)(A)-(C).)

Staff has determined the following findings can be made to meet the above provisions of AB 361:

- The state of California remains under the COVID-19 state of emergency proclaimed by the Governor pursuant to the California Emergency Services Act.
- The emergency continues to directly impact the ability of members to meet safely in person.

On February 17, 2022, Governor Gavin Newsom lifted several states of emergencies that were in place in California but kept the state of emergency for COVID-19 intact.

On October 26, 2021, during a regular meeting, the City Council adopted a resolution making necessary findings so that the City may continue to teleconference public meetings without adhering to all of the Brown Act's teleconferencing requirements, in order to ensure the health and safety of the public. The public has the ability to attend public meetings by teleconference accessibility via call-in option or an internet-based service option (via the Zoom Webinars platform). Meeting details including the Zoom link and accessible phone numbers are listed on the published agenda for each meeting. The City monitors attendance via teleconference as well as email correspondence received throughout each public meeting and provides access for public comment opportunities in real time both verbally and in writing.

The City Council may continue to teleconference public meetings under AB 361 if the City Council makes findings every 30 days during the proclaimed state of emergency. AB 361 will sunset on January 1, 2024, or whenever the City Council returns to in-person meetings, whichever occurs first.

FISCAL IMPACT: There is no fiscal impact.

ENVIRONMENTAL IMPACT: The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION: Adopt Resolution Declaring the Continued State of Local Emergency and Need for the City Council and Other Legislative Bodies Subject to the Ralph M. Brown Act to Continue to Teleconference in Order to Ensure the Health and Safety of the Public Pursuant to AB 361

ALTERNATIVES: The City Council may choose to not adopt the resolution or adjust staff's findings; however, if a resolution is not adopted, the City may not be subject to the Brown Act exemptions that would be allowed under AB 361.

ATTACHMENTS:

1. Resolution
2. Governor's Executive Order N-29-20
3. Governor's Executive Order N-08-21
4. AB 361

RESOLUTION NO. 2022 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO DECLARING THE CONTINUED STATE OF LOCAL EMERGENCY AND NEED FOR THE CITY COUNCIL AND OTHER CITY LEGISLATIVE BODIES SUBJECT TO THE RALPH M. BROWN ACT TO CONTINUE TO TELECONFERENCE IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC PURSUANT TO AB 361

WHEREAS, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of novel coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 17, 2020, the Governor of California executed Executive Order N-29-20 which suspended and modified specified provisions in the Ralph M. Brown Act (Government Code Section § 54950 *et seq.*) and authorized local legislative bodies to hold public meetings via teleconferencing and to make public meeting accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body; and

WHEREAS, on June 11, 2021, the Governor of California executed Executive Order N-08-21 which extended the provisions of Executive Order N-29-20 concerning teleconference accommodations for public meetings through September 30, 2021; and

WHEREAS, the City of San Bruno, including its City Council and all other legislative bodies subject to the Ralph M. Brown Act ("Brown Act Bodies") have been holding meetings using teleconferencing and virtual meeting technology in an effort to help protect City officials, City staff and the public from COVID-19; and

WHEREAS, because of the rise in COVID-19 cases due to the Delta and Omicron variants, the City is concerned about the health and safety of all individuals who intend to attend public meetings of the City in person; and

WHEREAS, on September 16, 2021, the Governor of California signed into law Assembly Bill 361 (AB 361, Rivas) into law as an urgency measure that went into effect immediately; and

WHEREAS, AB 361 authorizes local legislative bodies to continue to conduct meetings using teleconferencing without complying with the Ralph M. Brown Act's standard teleconferencing requirements if certain conditions are met; and

WHEREAS, AB 361 requires local findings that meeting in person would present an imminent risk to the health and safety of attendees; and

WHEREAS, the City desires to continue conducting public meetings of its Brown Act Bodies using teleconferencing as authorized by AB 361.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN BRUNO RESOLVES AS FOLLOWS:

1. The City Council hereby finds and determines that the foregoing recitals are true and correct; the recitals are hereby incorporated by reference into each of the findings as though fully set forth therein.
2. In compliance with AB 361, the City Council makes the following findings:
 - a. The City Council has reconsidered the circumstances of the state of emergency, and the state of emergency remains active; and
 - b. The state of emergency continues to directly impact the ability of the City's Brown Act Bodies, as well as staff and members of the public, to meet safely in person; and
3. Meetings of the City's Brown Act Bodies will continue to be conducted via teleconference, pursuant to AB 361.
4. This resolution will be effective upon adoption.

---oOo---

I hereby certify that foregoing **Resolution No. 2022 -**
was adopted by the San Bruno City Council at a regular meeting on
March 8, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST:

Melissa Thurman, MMC
City Clerk

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-29-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

WHEREAS time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

WHEREAS social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-08-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives; and

WHEREAS as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS in light of the current state of the COVID-19 pandemic in California, it is appropriate to roll back certain provisions of my COVID-19-related Executive Orders; and

WHEREAS certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs, and the termination of certain provisions of my COVID-19 related Executive Orders during this stage of the emergency would compound the effects of the emergency and impede the State's recovery by disrupting important governmental and social functions; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

The following provisions shall remain in place and shall have full force and effect through June 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

AMENDED IN SENATE SEPTEMBER 3, 2021

AMENDED IN SENATE AUGUST 30, 2021

AMENDED IN SENATE JULY 6, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Robert Rivas

February 1, 2021

An act to *add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953* ~~of of, and to add and repeal Section 11133 of~~, the Government Code, relating to ~~local government, open meetings~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Robert Rivas. Open meetings: *state and* local agencies: teleconferences.

Existing

(1) *Existing* law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special

meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a ~~state~~ *legislative* body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The

act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

This

(4) *This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.*

This

(5) *This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.*

The

(6) *The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~This~~

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 89305.6 is added to the Education Code,
2 to read:

3 89305.6. (a) Notwithstanding any other provision of this
4 article, and subject to the notice and accessibility requirements in
5 subdivisions (d) and (e), a legislative body may hold public
6 meetings through teleconferencing and make public meetings
7 accessible telephonically, or otherwise electronically, to all
8 members of the public seeking to observe and to address the
9 legislative body.

10 (b) (1) For a legislative body holding a public meeting through
11 teleconferencing pursuant to this section, all requirements in this
12 article requiring the physical presence of members, the clerk or
13 other personnel of the legislative body, or the public, as a condition
14 of participation in or quorum for a public meeting, are hereby
15 suspended.

16 (2) For a legislative body holding a public meeting through
17 teleconferencing pursuant to this section, all of the following
18 requirements in this article are suspended:

19 (A) Each teleconference location from which a member will be
20 participating in a public meeting or proceeding be identified in
21 the notice and agenda of the public meeting or proceeding.

22 (B) Each teleconference location be accessible to the public.

23 (C) Members of the public may address the legislative body at
24 each teleconference conference location.

25 (D) Post agendas at all teleconference locations.

1 (E) At least one member of the legislative body be physically
2 present at the location specified in the notice of the meeting.

3 (c) A legislative body that holds a meeting through
4 teleconferencing and allows members of the public to observe and
5 address the meeting telephonically or otherwise electronically,
6 consistent with the notice and accessibility requirements in
7 subdivisions (d) and (e), shall have satisfied any requirement that
8 the legislative body allow members of the public to attend the
9 meeting and offer public comment. A legislative body need not
10 make available any physical location from which members of the
11 public may observe the meeting and offer public comment.

12 (d) If a legislative body holds a meeting through
13 teleconferencing pursuant to this section and allows members of
14 the public to observe and address the meeting telephonically or
15 otherwise electronically, the legislative body shall also do both of
16 the following:

17 (1) Implement a procedure for receiving and swiftly resolving
18 requests for reasonable modification or accommodation from
19 individuals with disabilities, consistent with the federal Americans
20 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and
21 resolving any doubt whatsoever in favor of accessibility.

22 (2) Advertise that procedure each time notice is given of the
23 means by which members of the public may observe the meeting
24 and offer public comment, pursuant to paragraph (2) of subdivision
25 (e).

26 (e) Except to the extent this section provides otherwise, each
27 legislative body that holds a meeting through teleconferencing
28 pursuant to this section shall do both of the following:

29 (1) Give advance notice of the time of, and post the agenda for,
30 each public meeting according to the timeframes otherwise
31 prescribed by this article, and using the means otherwise
32 prescribed by this article, as applicable.

33 (2) In each instance in which notice of the time of the meeting
34 is otherwise given or the agenda for the meeting is otherwise
35 posted, also give notice of the means by which members of the
36 public may observe the meeting and offer public comment. As to
37 any instance in which there is a change in the means of public
38 observation and comment, or any instance prior to the effective
39 date of this section in which the time of the meeting has been
40 noticed or the agenda for the meeting has been posted without

1 also including notice of the means of public observation and
2 comment, a legislative body may satisfy this requirement by
3 advertising the means of public observation and comment using
4 the most rapid means of communication available at the time.
5 Advertising the means of public observation and comment using
6 the most rapid means of communication available at the time shall
7 include, but need not be limited to, posting such means on the
8 legislative body's internet website.

9 (f) All legislative bodies utilizing the teleconferencing
10 procedures in this section are urged to use sound discretion and
11 to make reasonable efforts to adhere as closely as reasonably
12 possible to the otherwise applicable provisions of this article, in
13 order to maximize transparency and provide the public access to
14 legislative body meetings.

15 (g) This section shall remain in effect only until January 31,
16 2022, and as of that date is repealed.

17 SEC. 2. Section 11133 is added to the Government Code, to
18 read:

19 11133. (a) Notwithstanding any other provision of this article,
20 and subject to the notice and accessibility requirements in
21 subdivisions (d) and (e), a state body may hold public meetings
22 through teleconferencing and make public meetings accessible
23 telephonically, or otherwise electronically, to all members of the
24 public seeking to observe and to address the state body.

25 (b) (1) For a state body holding a public meeting through
26 teleconferencing pursuant to this section, all requirements in this
27 article requiring the physical presence of members, the clerk or
28 other personnel of the state body, or the public, as a condition of
29 participation in or quorum for a public meeting, are hereby
30 suspended.

31 (2) For a state body holding a public meeting through
32 teleconferencing pursuant to this section, all of the following
33 requirements in this article are suspended:

34 (A) Each teleconference location from which a member will be
35 participating in a public meeting or proceeding be identified in
36 the notice and agenda of the public meeting or proceeding.

37 (B) Each teleconference location be accessible to the public.

38 (C) Members of the public may address the state body at each
39 teleconference conference location.

40 (D) Post agendas at all teleconference locations.

1 (E) *At least one member of the state body be physically present*
2 *at the location specified in the notice of the meeting.*

3 (c) *A state body that holds a meeting through teleconferencing*
4 *and allows members of the public to observe and address the*
5 *meeting telephonically or otherwise electronically, consistent with*
6 *the notice and accessibility requirements in subdivisions (d) and*
7 *(e), shall have satisfied any requirement that the state body allow*
8 *members of the public to attend the meeting and offer public*
9 *comment. A state body need not make available any physical*
10 *location from which members of the public may observe the*
11 *meeting and offer public comment.*

12 (d) *If a state body holds a meeting through teleconferencing*
13 *pursuant to this section and allows members of the public to*
14 *observe and address the meeting telephonically or otherwise*
15 *electronically, the state body shall also do both of the following:*

16 (1) *Implement a procedure for receiving and swiftly resolving*
17 *requests for reasonable modification or accommodation from*
18 *individuals with disabilities, consistent with the federal Americans*
19 *with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and*
20 *resolving any doubt whatsoever in favor of accessibility.*

21 (2) *Advertise that procedure each time notice is given of the*
22 *means by which members of the public may observe the meeting*
23 *and offer public comment, pursuant to paragraph (2) of subdivision*
24 *(e).*

25 (e) *Except to the extent this section provides otherwise, each*
26 *state body that holds a meeting through teleconferencing pursuant*
27 *to this section shall do both of the following:*

28 (1) *Give advance notice of the time of, and post the agenda for,*
29 *each public meeting according to the timeframes otherwise*
30 *prescribed by this article, and using the means otherwise*
31 *prescribed by this article, as applicable.*

32 (2) *In each instance in which notice of the time of the meeting*
33 *is otherwise given or the agenda for the meeting is otherwise*
34 *posted, also give notice of the means by which members of the*
35 *public may observe the meeting and offer public comment. As to*
36 *any instance in which there is a change in the means of public*
37 *observation and comment, or any instance prior to the effective*
38 *date of this section in which the time of the meeting has been*
39 *noticed or the agenda for the meeting has been posted without*
40 *also including notice of the means of public observation and*

comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SECTION 4.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and

1 agenda of the meeting or proceeding, and each teleconference
2 location shall be accessible to the public. During the teleconference,
3 at least a quorum of the members of the legislative body shall
4 participate from locations within the boundaries of the territory
5 over which the local agency exercises jurisdiction, except as
6 provided in subdivisions (d) and (e). The agenda shall provide an
7 opportunity for members of the public to address the legislative
8 body directly pursuant to Section 54954.3 at each teleconference
9 location.

10 (4) For the purposes of this section, “teleconference” means a
11 meeting of a legislative body, the members of which are in different
12 locations, connected by electronic means, through either audio or
13 video, or both. Nothing in this section shall prohibit a local agency
14 from providing the public with additional teleconference locations.

15 (c) (1) No legislative body shall take action by secret ballot,
16 whether preliminary or final.

17 (2) The legislative body of a local agency shall publicly report
18 any action taken and the vote or abstention on that action of each
19 member present for the action.

20 (3) Prior to taking final action, the legislative body shall orally
21 report a summary of a recommendation for a final action on the
22 salaries, salary schedules, or compensation paid in the form of
23 fringe benefits of a local agency executive, as defined in
24 subdivision (d) of Section 3511.1, during the open meeting in
25 which the final action is to be taken. This paragraph shall not affect
26 the public’s right under the California Public Records Act (Chapter
27 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
28 inspect or copy records created or received in the process of
29 developing the recommendation.

30 (d) (1) Notwithstanding the provisions relating to a quorum in
31 paragraph (3) of subdivision (b), if a health authority conducts a
32 teleconference meeting, members who are outside the jurisdiction
33 of the authority may be counted toward the establishment of a
34 quorum when participating in the teleconference if at least 50
35 percent of the number of members that would establish a quorum
36 are present within the boundaries of the territory over which the
37 authority exercises jurisdiction, and the health authority provides
38 a teleconference number, and associated access codes, if any, that
39 allows any person to call in to participate in the meeting and the

1 number and access codes are identified in the notice and agenda
2 of the meeting.

3 (2) Nothing in this subdivision shall be construed as
4 discouraging health authority members from regularly meeting at
5 a common physical site within the jurisdiction of the authority or
6 from using teleconference locations within or near the jurisdiction
7 of the authority. A teleconference meeting for which a quorum is
8 established pursuant to this subdivision shall be subject to all other
9 requirements of this section.

10 (3) For purposes of this subdivision, a health authority means
11 any entity created pursuant to Sections 14018.7, 14087.31,
12 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
13 and Institutions Code, any joint powers authority created pursuant
14 to Article 1 (commencing with Section 6500) of Chapter 5 of
15 Division 7 for the purpose of contracting pursuant to Section
16 14087.3 of the Welfare and Institutions Code, and any advisory
17 committee to a county-sponsored health plan licensed pursuant to
18 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
19 Health and Safety Code if the advisory committee has 12 or more
20 members.

21 (e) (1) A local agency may use teleconferencing without
22 complying with the requirements of paragraph (3) of subdivision
23 (b) if the legislative body complies with the requirements of
24 paragraph (2) of this subdivision in any of the following
25 circumstances:

26 (A) The legislative body holds a meeting during a proclaimed
27 state of emergency, and state or local officials have imposed or
28 recommended measures to promote social distancing.

29 (B) The legislative body holds a meeting during a proclaimed
30 state of emergency for the purpose of determining, by majority
31 vote, whether as a result of the emergency, meeting in person
32 would present imminent risks to the health or safety of attendees.

33 (C) The legislative body holds a meeting during a proclaimed
34 state of emergency and has determined, by majority vote, pursuant
35 to subparagraph ~~(B)~~ (B), that, as a result of the emergency, meeting
36 in person would present imminent risks to the health or safety of
37 attendees.

38 (2) A legislative body that holds a meeting pursuant to this
39 subdivision shall do all of the following:

1 (A) The legislative body shall give notice of the meeting and
2 post agendas as otherwise required by this chapter.

3 (B) The legislative body shall allow members of the public to
4 access the meeting and the agenda shall provide an opportunity
5 for members of the public to address the legislative body directly
6 pursuant to Section 54954.3. In each instance in which notice of
7 the time of the teleconferenced meeting is otherwise given or the
8 agenda for the meeting is otherwise posted, the legislative body
9 shall also give notice of the means by which members of the public
10 may access the meeting and offer public comment. The agenda
11 shall identify and include an opportunity for all persons to attend
12 via a call-in option or an internet-based service option. This
13 subparagraph shall not be construed to require the legislative body
14 to provide a physical location from which the public may attend
15 or comment.

16 (C) The legislative body shall conduct teleconference meetings
17 in a manner that protects the statutory and constitutional rights of
18 the parties and the public appearing before the legislative body of
19 a local agency.

20 (D) In the event of a disruption which prevents the public agency
21 from broadcasting the meeting to members of the public using the
22 call-in option or internet-based service option, or in the event of
23 a disruption within the local agency's control which prevents
24 members of the public from offering public comments using the
25 call-in option or internet-based service option, the body shall take
26 no further action on items appearing on the meeting agenda until
27 public access to the meeting via the call-in option or internet-based
28 service option is restored. Actions taken on agenda items during
29 a disruption which prevents the public agency from broadcasting
30 the meeting may be challenged pursuant to Section 54960.1.

31 (E) The legislative body shall not require public comments to
32 be submitted in advance of the meeting and must provide an
33 opportunity for the public to address the legislative body and offer
34 comment in real time. This subparagraph shall not be construed
35 to require the legislative body to provide a physical location from
36 which the public may attend or comment.

37 (F) Notwithstanding Section 54953.3, an individual desiring to
38 provide public comment through the use of an internet website, or
39 other online platform, not under the control of the local legislative
40 body, that requires registration to log in to a teleconference may

1 be required to register as required by the third-party internet
2 website or online platform to participate.

3 (G) (i) A legislative body that provides a timed public comment
4 period for each agenda item shall not close the public comment
5 period for the agenda item, or the opportunity to register, pursuant
6 to subparagraph (F), to provide public comment until that timed
7 public comment period has elapsed.

8 (ii) A legislative body that does not provide a timed public
9 comment period, but takes public comment separately on each
10 agenda item, shall allow a reasonable amount of time per agenda
11 item to allow public members the opportunity to provide public
12 comment, including time for members of the public to register
13 pursuant to subparagraph (F), or otherwise be recognized for the
14 purpose of providing public comment.

15 (iii) A legislative body that provides a timed general public
16 comment period that does not correspond to a specific agenda item
17 shall not close the public comment period or the opportunity to
18 register, pursuant to subparagraph (F), until the timed general
19 public comment period has elapsed.

20 (3) If a state of emergency remains active, or state or local
21 officials have imposed or recommended measures to promote
22 social distancing, in order to continue to teleconference without
23 compliance with paragraph (3) of subdivision (b), the legislative
24 body shall, not later than 30 days after teleconferencing for the
25 first time pursuant to subparagraph (A), (B), or (C) of paragraph
26 (1), and every 30 days thereafter, make the following findings by
27 majority vote:

28 (A) The legislative body has reconsidered the circumstances of
29 the state of emergency.

30 (B) Any of the following circumstances exist:

31 (i) The state of emergency continues to directly impact the
32 ability of the members to meet safely in person.

33 (ii) State or local officials continue to impose or recommend
34 measures to promote social distancing.

35 (4) For the purposes of this subdivision, “state of emergency”
36 means a state of emergency proclaimed pursuant to Section 8625
37 of the California Emergency Services Act (Article 1 (commencing
38 with Section 8550) of Chapter 7 of Division 1 of Title 2).

39 (f) This section shall remain in effect only until January 1, 2024,
40 and as of that date is repealed.

~~SEC. 1.1.~~

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, ~~the any applicable~~ language access and other nondiscrimination obligations of Section 11135 and Subchapter V (commencing with Section 2000d) of Chapter 21 of Title 42 of the United States Code. *obligations.*

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph ~~(B)~~ (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda

1 shall identify and include an opportunity for all persons to attend
2 via a call-in option or an internet-based service option. This
3 subparagraph shall not be construed to require the legislative body
4 to provide a physical location from which the public may attend
5 or comment.

6 (C) The legislative body shall conduct teleconference meetings
7 in a manner that protects the statutory and constitutional rights of
8 the parties and the public appearing before the legislative body of
9 a local agency.

10 (D) In the event of a disruption which prevents the public agency
11 from broadcasting the meeting to members of the public using the
12 call-in option or internet-based service option, or in the event of
13 a disruption within the local agency's control which prevents
14 members of the public from offering public comments using the
15 call-in option or internet-based service option, the body shall take
16 no further action on items appearing on the meeting agenda until
17 public access to the meeting via the call-in option or internet-based
18 service option is restored. Actions taken on agenda items during
19 a disruption which prevents the public agency from broadcasting
20 the meeting may be challenged pursuant to Section 54960.1.

21 (E) The legislative body shall not require public comments to
22 be submitted in advance of the meeting and must provide an
23 opportunity for the public to address the legislative body and offer
24 comment in real time. This subparagraph shall not be construed
25 to require the legislative body to provide a physical location from
26 which the public may attend or comment.

27 (F) Notwithstanding Section 54953.3, an individual desiring to
28 provide public comment through the use of an internet website, or
29 other online platform, not under the control of the local legislative
30 body, that requires registration to log in to a teleconference may
31 be required to register as required by the third-party internet
32 website or online platform to participate.

33 (G) (i) A legislative body that provides a timed public comment
34 period for each agenda item shall not close the public comment
35 period for the agenda item, or the opportunity to register, pursuant
36 to subparagraph (F), to provide public comment until that timed
37 public comment period has elapsed.

38 (ii) A legislative body that does not provide a timed public
39 comment period, but takes public comment separately on each
40 agenda item, shall allow a reasonable amount of time per agenda

1 item to allow public members the opportunity to provide public
2 comment, including time for members of the public to register
3 pursuant to subparagraph (F), or otherwise be recognized for the
4 purpose of providing public comment.

5 (iii) A legislative body that provides a timed general public
6 comment period that does not correspond to a specific agenda item
7 shall not close the public comment period or the opportunity to
8 register, pursuant to subparagraph (F), until the timed general
9 public comment period has elapsed.

10 (3) If a state of emergency remains active, or state or local
11 officials have imposed or recommended measures to promote
12 social distancing, in order to continue to teleconference without
13 compliance with paragraph (3) of subdivision (b), the legislative
14 body shall, not later than 30 days after teleconferencing for the
15 first time pursuant to subparagraph (A), (B), or (C) of paragraph
16 (1), and every 30 days thereafter, make the following findings by
17 majority vote:

18 (A) The legislative body has reconsidered the circumstances of
19 the state of emergency.

20 (B) Any of the following circumstances exist:

21 (i) The state of emergency continues to directly impact the
22 ability of the members to meet safely in person.

23 (ii) State or local officials continue to impose or recommend
24 measures to promote social distancing.

25 (4) For the purposes of this subdivision, “state of emergency”
26 means a state of emergency proclaimed pursuant to Section 8625
27 of the California Emergency Services Act (Article 1 (commencing
28 with Section 8550) of Chapter 7 of Division 1 of Title 2).

29 (f) This section shall remain in effect only until January 1, 2024,
30 and as of that date is repealed.

31 ~~SEC. 2.~~

32 *SEC. 4.* Section 54953 is added to the Government Code, to
33 read:

34 54953. (a) All meetings of the legislative body of a local
35 agency shall be open and public, and all persons shall be permitted
36 to attend any meeting of the legislative body of a local agency,
37 except as otherwise provided in this chapter.

38 (b) (1) Notwithstanding any other provision of law, the
39 legislative body of a local agency may use teleconferencing for
40 the benefit of the public and the legislative body of a local agency

1 in connection with any meeting or proceeding authorized by law.
2 The teleconferenced meeting or proceeding shall comply with all
3 requirements of this chapter and all otherwise applicable provisions
4 of law relating to a specific type of meeting or proceeding.

5 (2) Teleconferencing, as authorized by this section, may be used
6 for all purposes in connection with any meeting within the subject
7 matter jurisdiction of the legislative body. All votes taken during
8 a teleconferenced meeting shall be by rollcall.

9 (3) If the legislative body of a local agency elects to use
10 teleconferencing, it shall post agendas at all teleconference
11 locations and conduct teleconference meetings in a manner that
12 protects the statutory and constitutional rights of the parties or the
13 public appearing before the legislative body of a local agency.
14 Each teleconference location shall be identified in the notice and
15 agenda of the meeting or proceeding, and each teleconference
16 location shall be accessible to the public. During the teleconference,
17 at least a quorum of the members of the legislative body shall
18 participate from locations within the boundaries of the territory
19 over which the local agency exercises jurisdiction, except as
20 provided in subdivision (d). The agenda shall provide an
21 opportunity for members of the public to address the legislative
22 body directly pursuant to Section 54954.3 at each teleconference
23 location.

24 (4) For the purposes of this section, “teleconference” means a
25 meeting of a legislative body, the members of which are in different
26 locations, connected by electronic means, through either audio or
27 video, or both. Nothing in this section shall prohibit a local agency
28 from providing the public with additional teleconference locations

29 (c) (1) No legislative body shall take action by secret ballot,
30 whether preliminary or final.

31 (2) The legislative body of a local agency shall publicly report
32 any action taken and the vote or abstention on that action of each
33 member present for the action.

34 (3) Prior to taking final action, the legislative body shall orally
35 report a summary of a recommendation for a final action on the
36 salaries, salary schedules, or compensation paid in the form of
37 fringe benefits of a local agency executive, as defined in
38 subdivision (d) of Section 3511.1, during the open meeting in
39 which the final action is to be taken. This paragraph shall not affect
40 the public’s right under the California Public Records Act (Chapter

1 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
2 inspect or copy records created or received in the process of
3 developing the recommendation.

4 (d) (1) Notwithstanding the provisions relating to a quorum in
5 paragraph (3) of subdivision (b), if a health authority conducts a
6 teleconference meeting, members who are outside the jurisdiction
7 of the authority may be counted toward the establishment of a
8 quorum when participating in the teleconference if at least 50
9 percent of the number of members that would establish a quorum
10 are present within the boundaries of the territory over which the
11 authority exercises jurisdiction, and the health authority provides
12 a teleconference number, and associated access codes, if any, that
13 allows any person to call in to participate in the meeting and the
14 number and access codes are identified in the notice and agenda
15 of the meeting.

16 (2) Nothing in this subdivision shall be construed as
17 discouraging health authority members from regularly meeting at
18 a common physical site within the jurisdiction of the authority or
19 from using teleconference locations within or near the jurisdiction
20 of the authority. A teleconference meeting for which a quorum is
21 established pursuant to this subdivision shall be subject to all other
22 requirements of this section.

23 (3) For purposes of this subdivision, a health authority means
24 any entity created pursuant to Sections 14018.7, 14087.31,
25 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
26 and Institutions Code, any joint powers authority created pursuant
27 to Article 1 (commencing with Section 6500) of Chapter 5 of
28 Division 7 for the purpose of contracting pursuant to Section
29 14087.3 of the Welfare and Institutions Code, and any advisory
30 committee to a county-sponsored health plan licensed pursuant to
31 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
32 Health and Safety Code if the advisory committee has 12 or more
33 members.

34 (e) This section shall become operative January 1, 2024.

35 ~~SEC. 2.1.~~

36 *SEC. 4.1.* Section 54953 is added to the Government Code, to
37 read:

38 54953. (a) All meetings of the legislative body of a local
39 agency shall be open and public, and all persons shall be permitted
40 to attend any meeting of the legislative body of a local agency, in

1 person except as otherwise provided in this chapter. Local agencies
2 shall conduct meetings subject to this chapter consistent with
3 applicable state and federal civil rights laws, including, but not
4 limited to,—the *any applicable* language access and other
5 nondiscrimination obligations of Section 11135 and Subchapter
6 V (commencing with Section 2000d) of Chapter 21 of Title 42 of
7 the United States Code. *obligations.*

8 (b) (1) Notwithstanding any other provision of law, the
9 legislative body of a local agency may use teleconferencing for
10 the benefit of the public and the legislative body of a local agency
11 in connection with any meeting or proceeding authorized by law.
12 The teleconferenced meeting or proceeding shall comply with all
13 requirements of this chapter and all otherwise applicable provisions
14 of law relating to a specific type of meeting or proceeding.

15 (2) Teleconferencing, as authorized by this section, may be used
16 for all purposes in connection with any meeting within the subject
17 matter jurisdiction of the legislative body. All votes taken during
18 a teleconferenced meeting shall be by rollcall.

19 (3) If the legislative body of a local agency elects to use
20 teleconferencing, it shall post agendas at all teleconference
21 locations and conduct teleconference meetings in a manner that
22 protects the statutory and constitutional rights of the parties or the
23 public appearing before the legislative body of a local agency.
24 Each teleconference location shall be identified in the notice and
25 agenda of the meeting or proceeding, and each teleconference
26 location shall be accessible to the public. During the teleconference,
27 at least a quorum of the members of the legislative body shall
28 participate from locations within the boundaries of the territory
29 over which the local agency exercises jurisdiction, except as
30 provided in subdivision (d). The agenda shall provide an
31 opportunity for members of the public to address the legislative
32 body directly pursuant to Section 54954.3 at each teleconference
33 location.

34 (4) For the purposes of this section, “teleconference” means a
35 meeting of a legislative body, the members of which are in different
36 locations, connected by electronic means, through either audio or
37 video, or both. Nothing in this section shall prohibit a local agency
38 from providing the public with additional teleconference locations.

39 (c) (1) No legislative body shall take action by secret ballot,
40 whether preliminary or final.

1 (2) The legislative body of a local agency shall publicly report
2 any action taken and the vote or abstention on that action of each
3 member present for the action.

4 (3) Prior to taking final action, the legislative body shall orally
5 report a summary of a recommendation for a final action on the
6 salaries, salary schedules, or compensation paid in the form of
7 fringe benefits of a local agency executive, as defined in
8 subdivision (d) of Section 3511.1, during the open meeting in
9 which the final action is to be taken. This paragraph shall not affect
10 the public's right under the California Public Records Act (Chapter
11 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
12 inspect or copy records created or received in the process of
13 developing the recommendation.

14 (d) (1) Notwithstanding the provisions relating to a quorum in
15 paragraph (3) of subdivision (b), if a health authority conducts a
16 teleconference meeting, members who are outside the jurisdiction
17 of the authority may be counted toward the establishment of a
18 quorum when participating in the teleconference if at least 50
19 percent of the number of members that would establish a quorum
20 are present within the boundaries of the territory over which the
21 authority exercises jurisdiction, and the health authority provides
22 a teleconference number, and associated access codes, if any, that
23 allows any person to call in to participate in the meeting and the
24 number and access codes are identified in the notice and agenda
25 of the meeting.

26 (2) Nothing in this subdivision shall be construed as
27 discouraging health authority members from regularly meeting at
28 a common physical site within the jurisdiction of the authority or
29 from using teleconference locations within or near the jurisdiction
30 of the authority. A teleconference meeting for which a quorum is
31 established pursuant to this subdivision shall be subject to all other
32 requirements of this section.

33 (3) For purposes of this subdivision, a health authority means
34 any entity created pursuant to Sections 14018.7, 14087.31,
35 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
36 and Institutions Code, any joint powers authority created pursuant
37 to Article 1 (commencing with Section 6500) of Chapter 5 of
38 Division 7 for the purpose of contracting pursuant to Section
39 14087.3 of the Welfare and Institutions Code, and any advisory
40 committee to a county-sponsored health plan licensed pursuant to

Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

~~SEC. 3.~~

~~SEC. 5.~~ Sections ~~1.1~~ 3.1 and ~~2.1~~ 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections ~~1~~ 3 and ~~2~~ 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections ~~1.1~~ 3.1 and ~~2.1~~ 4.1 of this bill shall become operative.

~~SEC. 4.~~

~~SEC. 6.~~ It is the intent of the Legislature in enacting this act to improve and enhance public access to *state and* local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

~~SEC. 5.~~

~~SEC. 7.~~ The Legislature finds and declares that Sections ~~1~~ 3 and ~~2~~ 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

1 *SEC. 8. (a) The Legislature finds and declares that during the*
2 *COVID-19 public health emergency, certain requirements of the*
3 *Bagley-Keene Open Meeting Act (Article 9 (commencing with*
4 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
5 *the Government Code) were suspended by Executive Order*
6 *N-29-20. Audio and video teleconference were widely used to*
7 *conduct public meetings in lieu of physical location meetings, and*
8 *public meetings conducted by teleconference during the COVID-19*
9 *public health emergency have been productive, have increased*
10 *public participation by all members of the public regardless of*
11 *their location in the state and ability to travel to physical meeting*
12 *locations, have protected the health and safety of civil servants*
13 *and the public, and have reduced travel costs incurred by members*
14 *of state bodies and reduced work hours spent traveling to and from*
15 *meetings.*

16 *(b) The Legislature finds and declares that Section 1 of this act,*
17 *which adds and repeals Section 89305.6 of the Education Code,*
18 *Section 2 of this act, which adds and repeals Section 11133 of the*
19 *Government Code, and Sections 3 and 4 of this act, which amend,*
20 *repeal, and add Section 54953 of the Government Code, all*
21 *increase and potentially limit the public's right of access to the*
22 *meetings of public bodies or the writings of public officials and*
23 *agencies within the meaning of Section 3 of Article I of the*
24 *California Constitution. Pursuant to that constitutional provision,*
25 *the Legislature makes the following findings to demonstrate the*
26 *interest protected by this limitation and the need for protecting*
27 *that interest:*

28 *(1) By removing the requirement that public meetings be*
29 *conducted at a primary physical location with a quorum of*
30 *members present, this act protects the health and safety of civil*
31 *servants and the public and does not preference the experience of*
32 *members of the public who might be able to attend a meeting in a*
33 *physical location over members of the public who cannot travel*
34 *or attend that meeting in a physical location.*

35 *(2) By removing the requirement for agendas to be placed at*
36 *the location of each public official participating in a public meeting*
37 *remotely, including from the member's private home or hotel room,*
38 *this act protects the personal, private information of public officials*
39 *and their families while preserving the public's right to access*
40 *information concerning the conduct of the people's business.*

1 ~~SEC. 6.~~

2 ~~SEC. 9.~~ This act is an urgency statute necessary for the
3 immediate preservation of the public peace, health, or safety within
4 the meaning of Article IV of the California Constitution and shall
5 go into immediate effect. The facts constituting the necessity are:
6 In order to ensure that *state and* local agencies can continue
7 holding public meetings while providing essential services like
8 water, power, and fire protection to their constituents during public
9 health, wildfire, or other states of emergencies, it is necessary that
10 this act take effect immediately.

O

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-08-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives; and

WHEREAS as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS in light of the current state of the COVID-19 pandemic in California, it is appropriate to roll back certain provisions of my COVID-19-related Executive Orders; and

WHEREAS certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs, and the termination of certain provisions of my COVID-19 related Executive Orders during this stage of the emergency would compound the effects of the emergency and impede the State's recovery by disrupting important governmental and social functions; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

The following provisions shall remain in place and shall have full force and effect through June 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

1) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 10. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
- b. Paragraph 11;
- c. Paragraph 12; and
- d. Paragraph 13.

2) Executive Order N-25-20:

- a. Paragraph 1; and
- b. Paragraph 7, and as applicable to local governments per Executive Order N-35-20, Paragraph 3. Effective July 1, 2021, the waivers in Executive Order N-25-20, Paragraph 7, and Executive Order N-35-20, Paragraph 3, of reinstatement requirements set forth in Government Code sections 7522.56(f) and (g) are terminated.

3) Executive Order N-26-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3;
- d. Paragraph 5;
- e. Paragraph 6; and
- f. Paragraph 7.

4) Executive Order N-27-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

5) Executive Order N-28-20:

- a. Paragraph 3; and
- b. Paragraph 6.

6) Executive Order N-31-20:

- a. Paragraph 1; and
- b. Paragraph 2.

7) Executive Order N-35-20:

- a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
- b. Paragraph 4;
- c. Paragraph 6. To the extent the Director exercised their authority pursuant to this provision on or before June 30, 2021, the extension shall remain valid until the effective expiration;

- d. Paragraph 10. The State Bar shall receive the time extension in the aforementioned order for any nomination submitted to the State Bar by the Governor on or before June 30, 2021; and
 - e. Paragraph 11 (as extended and clarified by N-71-20, Paragraph 6). Claims accruing before June 30, 2021 will remain subject to the 120-day extension granted in the aforementioned orders.
- 8) Executive Order N-36-20, Paragraph 1. To the extent the Secretary exercised their authority pursuant to this provision, the Secretary shall allow each facility to resume intake in a manner that clears intake backlog as soon as feasible.
- 9) Executive Order N-39-20:
- a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
 - b. Paragraph 4; and
 - c. Paragraph 7. The leases or agreements executed pursuant to this provision shall remain valid in accordance with the term of the agreement.
- 10) Executive Order N-40-20:
- a. Paragraph 1. For rulemakings published in the California Regulatory Notice Register pursuant to Government Code section 11346.4(a)(5) prior to June 30, 2021, the deadlines in the aforementioned order shall remain extended in accordance with the order;
 - b. Paragraph 2 (as extended and clarified by N-66-20, Paragraph 12, and N-71-20, Paragraph 10). Notwithstanding the expiration of this provision, state employees subject to these training requirements shall receive the benefit of the 120-day extension granted by the aforementioned orders. All required training due on or before June 30, 2021 must be completed within 120 days of the statutorily prescribed due date;
 - c. Paragraph 7 (as extended and clarified by N-66-20, Paragraph 13 and N-71-20, Paragraph 11). With regard to appeals received on or before June 30, 2021, the State Personnel Board shall be entitled to the extension in the aforementioned order to render its decision;
 - d. Paragraph 8. To the extent the deadlines specified in Government Code section 22844 and California Code of Regulations, title 2, sections 599.517 and 599.518 fell on a date on or before June 30, 2021 absent the extension, they shall expire pursuant to the timeframes specified in the aforementioned orders;
 - e. Paragraph 16;
 - f. Paragraph 17; and
 - g. Paragraph 20.
- 11) Executive Order N-45-20:
- a. Paragraph 4;
 - b. Paragraph 8;
 - c. Paragraph 9; and

- d. Paragraph 12. For vacancies occurring prior to June 30, 2021, the deadline to fill the vacancy shall remain extended for the time period in the aforementioned order.

12) Executive Order N-46-20:

- a. Paragraph 1; and
- b. Paragraph 2.

13) Executive Order N-47-20:

- a. Paragraph 2; and
- b. Paragraph 3.

14) Executive Order N-48-20, Paragraph 2 (which clarified the scope of N-34-20).

15) Executive Order N-49-20:

- a. Paragraph 1;
- b. Paragraph 3. For determinations made on or before June 30, 2021, the discharge date shall be within 14 days of the Board's determination; and
- c. Paragraph 4.

16) Executive Order N-50-20, Paragraph 2.

17) Executive Order N-52-20:

- a. Paragraph 6;
- b. Paragraph 7. To the extent an individual has commenced a training program prior to June 30, 2021, that was interrupted by COVID-19, that individual shall be entitled to the extended timeframe in the aforementioned order; and
- c. Paragraph 14; and
- d. Paragraph 16.

18) Executive Order N-53-20:

- a. Paragraph 3;
- b. Paragraph 12 (as extended or modified by N-69-20, Paragraph 10, and N-71-20, Paragraph 27); and
- c. Paragraph 13 (as extended or modified by N-69-20, Paragraph 11, and N-71-20, Paragraph 28).

19) Executive Order N-54-20, Paragraph 7. To the extent the date governing the expiration of registration of vehicles previously registered in a foreign jurisdiction falls on or before June 30, 2021, the deadline is extended pursuant to the aforementioned orders.

20) Executive Order N-55-20:

- a. Paragraph 1. Statutory deadlines related to cost reports, change in scope of service requests, and reconciliation requests occurring on

or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order;

- b. Paragraph 4;
- c. Paragraph 5;
- d. Paragraph 6;
- e. Paragraph 8;
- f. Paragraph 9;
- g. Paragraph 10;
- h. Paragraph 13;
- i. Paragraph 14. Statutory deadlines related to beneficiary risk assessments occurring on or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order; and
- j. Paragraph 16. Deadlines for fee-for-service providers to submit information required for a Medical Exemption Request extended on or before June 30, 2021 shall remain subject to the extended deadline granted under the aforementioned order.

21) Executive Order N-56-20:

- a. Paragraph 1;
- b. Paragraph 6;
- c. Paragraph 7;
- d. Paragraph 8;
- e. Paragraph 9; and
- f. Paragraph 11.

22) Executive Order N-59-20, Paragraph 6.

23) Executive Order N-61-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 4.

24) Executive Order N-63-20:

- a. Paragraph 8(a) (as extended by N-71-20, Paragraph 40). The deadlines related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board on proposed standards or variances due on or before June 30, 2021 shall remain subject to the extended timeframe;
- b. Paragraph 8(c). To the extent the date upon which the Administrative Director must act upon Medical Provider Network applications or requests for modifications or reapprovals falls on or before June 30, 2021 absent the extension in the aforementioned order, it shall remain subject to the extended timeframe;
- c. Paragraph 8(e). To the extent filing deadlines for a Return-to-Work Supplement appeal and any reply or responsive papers fall on or before June 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe;
- d. Paragraph 9(a) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for the Labor Commissioner to

issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;

- e. Paragraph 9(b) (as extended and modified by N-71-20, Paragraph 41);
- f. Paragraph 9(c) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for a worker to file complaints and initiate proceedings with the Labor Commissioner pursuant to Labor Code sections 98, 98.7, 1700.44, and 2673.1, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- g. Paragraph 9(d) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for Cal/OSHA to issue citations pursuant to Labor Code section 6317, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- h. Paragraph 9(e) (as extended and modified by N-71-20, Paragraph 41);
- i. Paragraph 10;
- j. Paragraph 12. Any peace officer reemployed on or before June 30, 2021 pursuant to the aforementioned order shall be entitled to the extended reemployment period set forth in the order;
- k. Paragraph 13;
- l. Paragraph 14; and
- m. Paragraph 15 (as extended by N-71-20, Paragraph 36).

25) Executive Order N-65-20:

- a. Paragraph 5 (as extended by N-71-20, Paragraph 35; N-80-20, Paragraph 4; and N-01-21). Identification cards issued under Health and Safety Code section 11362.71 that would otherwise have expired absent the aforementioned extension between March 4, 2020 and June 30, 2021 shall expire on December 31, 2021; and
- b. Paragraph 7.

26) Executive Order N-66-20:

- a. Paragraph 3;
- b. Paragraph 4; and
- c. Paragraph 5.

27) Executive Order N-68-20:

- a. Paragraph 1. Notwithstanding the expiration of the aforementioned order, temporary licenses granted on or before June 30, 2021 shall be valid through September 30, 2021; and
- b. Paragraph 2. Renewal fee payments otherwise due to the to the California Department of Public Health absent the extension in the aforementioned order on or before June 30, 2021, shall be entitled to the extensions of time set forth in the aforementioned order.

28) Executive Order N-71-20:

- a. Paragraph 1;
- b. Paragraph 4;
- c. Paragraph 16. Where the statutory deadline for opening or completing investigations is set to occur on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order; and
- d. Paragraph 17. Where the statutory deadline for serving a notice of adverse action is due on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order.

29) Executive Order N-75-20:

- a. Paragraph 7. Children placed in foster care on or before June 30, 2021 shall receive such examinations on or before July 31, 2021;
- b. Paragraph 8;
- c. Paragraph 9;
- d. Paragraph 10. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the California Department of Public Health, or September 30, 2021, whichever occurs first; and
- e. Paragraph 13.

30) Executive Order N-76-20, Paragraph 3.

31) Executive Order N-77-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

32) Executive Order N-78-20 (as extended and modified by N-03-21):

- a. Paragraph 1; and
- b. Paragraph 2.

33) Executive Order N-83-20:

- a. Paragraph 3. To the extent the Director of the Department of Alcoholic Beverage Control suspends deadlines for renewing licenses upon payment of annual fees on or before June 30, 2021, the extension shall remain valid until the effective expiration;

- b. Paragraph 5 (which repealed and replaced N-71-20, Paragraph 19, which extended N-52-20, Paragraph 1, and N-69-20, Paragraph 3);
- c. Paragraph 6 (which repealed and replaced N-71-20, Paragraph 20, which extended N-52-20, Paragraph 2, and N-69-20, Paragraph 4); and
- d. Paragraph 7 (which repealed and replaced N-71-20, Paragraph 21, which extended N-52-20, Paragraph 3, and N-69-20, Paragraph 5).

34) Executive Order N-84-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 5.

The following provisions shall remain in place and shall have full force and effect through July 31, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

35) Executive Order N-39-20, Paragraph 8 (as extended by N-69-20, Paragraph 2 and N-71-20, Paragraph 8).

36) Executive Order N-53-20, Paragraph 11 (as extended or modified by N-68-20, Paragraph 15, and N-71-20, Paragraph 26).

37) Executive Order N-71-20, Paragraph 25.

38) Executive Order N-75-20:

- a. Paragraph 5; and
- b. Paragraph 6

The following provisions shall remain in place and shall have full force and effect through September 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

39) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 3; and
- b. Paragraph 14. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the Department of Social Services, or September 30, 2021, whichever occurs first.

40) Executive Order N-25-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 4.

41) Executive Order N-28-20:

- a. Paragraph 4; and
- b. Paragraph 5.

42) Executive Order N-29-20, Paragraph 3, is withdrawn and replaced by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply through September 30, 2021.

43) Executive Order N-32-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

44) Executive Order N-35-20:

- a. Paragraph 2; and
- b. Paragraph 12.

45) Executive Order N-39-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 6.

46) Executive Order N-40-20:

- a. Paragraph 12 (as extended or modified by N-66-20, paragraph 16, N-71-20, paragraph 14, and N-75-20, Paragraph 12). To the extent the Director exercised their authority pursuant to this provision on or before September 30, 2021, the extension shall remain valid until the effective expiration of the applicable waiver; and
- b. Paragraph 18.

47) Executive Order N-42-20.

48) Executive Order N-43-20.

49) Executive Order N-49-20, Paragraph 2.

50) Executive Order N-54-20:

- a. Paragraph 8 (as extended by N-80-20, Paragraph 6); and
- b. Paragraph 9. To the extent any timeframe within which a California Native American tribe must request consultation and the lead agency must begin the consultation process relating to an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration under the California Environmental Quality Act extends beyond September 30, 2021, the tribe and lead agency will receive the benefit of the extension so long as the triggering event occurred on or before September 30, 2021.

51) Executive Order N-55-20:

- a. Paragraph 2;
- b. Paragraph 3;
- c. Paragraph 7. All on-site licensing visits which would have been due on or before September 30, 2021 shall occur before December 31, 2021;
- d. Paragraph 11; and
- e. Paragraph 12.

52) Executive Order N-56-20, Paragraph 10 is withdrawn and superseded by the following text:

Paragraph 42 of this Order, including the conditions specified therein, shall apply to meetings held pursuant to Article 3 of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code and Education Code section 47604.1(b).

53) Executive Order N-58-20 (as extended by N-71-20, Paragraph 29).

54) Executive Order N-59-20:

- a. Paragraph 1. The sworn statement or verbal attestation of pregnancy must be submitted on or before September 30, 2021 and medical verification of pregnancy must be submitted within 30

working days following submittal of the sworn statement or verbal attestation for benefits to continue;

- b. Paragraph 2 (as extended and modified by N-69-20, Paragraph 14, and N-71-20, Paragraph 31);
- c. Paragraph 3 (as extended and modified by N-69-20, Paragraph 15, and N-71-20, Paragraph 32); and
- d. Paragraph 4 (as extended and modified by N-69-20, Paragraph 16, and N-71-20, Paragraph 33).

55) Executive Order N-63-20:

- a. Paragraph 8(b). To the extent filing deadlines for claims and liens fall on or before September 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe; and
- b. Paragraph 11.

56) Executive Order N-66-20, Paragraph 6.

57) Executive Order N-71-20:

- a. Paragraph 15;
- b. Paragraph 22; and
- c. Paragraph 23.

58) Executive Order N-75-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 4.

59) Executive Order N-80-20:

- a. Paragraph 3; and
- b. Paragraph 7.

60) Executive Order N-83-20

- a. Paragraph 2 is withdrawn and replaced by the following text:

The deadline to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, 19984, and any accompanying regulations is September 30, 2021; the deadlines for submission of any application or deposit fee, as specified in Business and Professions Code sections 19951 (a), 19867, 19868, 19876, 19877, 19942, 19984, and any accompanying regulations is no later than September 30, 2021, or per existing requirements, whichever date is later.

- b. Paragraph 4.

61) Executive Order N-03-21, Paragraph 3, is withdrawn and replaced by the following text:

As applied to commercial evictions only, the timeframe for the protections set forth in Paragraph 2 of Executive Order N-28-20 (and extended by Paragraph 21 of Executive Order N-66-20, Paragraph 3 of Executive Order N-71-20, and Paragraph 2 of Executive Order N-80-20) is extended through September 30, 2021.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Matthew Lee, Director

SUBJECT: Adopt Resolution:

- Approving the Design;
- Authorizing the City Manager to Execute a Construction Contract with JMB Construction, Inc. for the Avenues 3-1 Sewer and Water Main Replacement Project in an amount not to exceed \$8,993,767.40;
- Approving a Material Testing Agreement with Twining in an amount not to exceed \$157,332.50;
- Approving a Construction Management Agreement with CSG Engineers in an amount not to exceed \$350,000;
- Approving an Amendment with Bellecci Associates for Construction Support Services in an amount not to exceed \$60,236;
- Approving a Construction Contingency of \$1,350,000; and
- Approving a Total Project Budget in the Amount of \$11,956,000

BACKGROUND: The City of San Bruno Water and Sewer Master Plans were approved by the City Council on March 12, 2013 and February 25, 2014, respectively. The City subsequently prepared a 10-year prioritized work plan, which coordinates the individual improvement projects identified in the master plans into sequenced, bundled construction packages. On June 24, 2014, staff provided City Council with a report on the 10-year Improvement Work Plan and presented the following issues that were taken into consideration in developing the overall program priorities:

- Regulatory deadlines that require completion of sewer capacity projects.
- Sewer condition assessments that identify pipelines requiring replacement.
- Replacement of aging and under-sized sewer infrastructure to reduce infiltration/inflow and ongoing maintenance needs.
- Replacement of aging and under-sized water infrastructure that will improve fire flow reliability and reduce pipeline leaks.

Based on these considerations, priorities were developed to focus on the following:

- Implement and complete sewer capacity projects to meet regulatory completion deadlines.
- Replace oldest infrastructure in the downtown area and surrounding neighborhoods.

The Avenues 3-1 Sewer and Water Main Replacement Project was identified as one of the capital improvement projects in this work plan. The primary purpose of the project is to increase the capacities of the sewer and water mains with the goals of reducing the risk of sanitary sewer overflows and improving the reliability of the water system.

This project consists of installing approximately 6,700 feet of water pipeline and 6,500 feet of sewer pipeline within various streets bounded by Kains Avenue, El Camino Real, San Mateo Avenue and Sylvan Avenue (Attachment 3). After the pipelines have been replaced, the pavement will be rehabilitated and accessible curb ramps will be installed.

DISCUSSION: In December 2021, staff issued a notice inviting bids for the construction of the Avenues 3-1 Sewer and Water Main Replacement Project. Notice to bidders was sent to contractors listed in the City's contractor directory, posted on the City's website and provided to construction distribution centers. The project was also advertised twice in the San Mateo County Times newspaper on December 3, 2021 and December 10, 2021. Staff held a non-mandatory pre-bid meeting on January 5, 2022.

A total of five bids were received and opened on January 17, 2022. A summary of the bid results is provided below.

Contractor	Total Bid Price
1. JMB Construction	\$ 8,993,767.40
2. Ranger Pipelines	\$ 9,277,607.50
3. K.J. Woods Construction	\$ 9,988,054.00
4. Con-Quest Contractors	\$ 11,927,626.42
5. Minerva Construction	\$ 14,116,640.50
Engineer's Estimate	\$ 10,847,342.00

After a thorough review of all bid proposals for responsiveness, compliance with bid specifications, and reference checks, staff recommends awarding the contract to JMB Construction of San Francisco, California. JMB Construction is a responsible bidder and submitted the lowest responsive bid in the amount of \$8,993,767.40, which was \$1,853,575 less than the engineer's estimate. JMB Construction has satisfactorily completed numerous water and sewer construction work for public agencies in the Bay Area including for the Cities of Burlingame, San Bruno, San Francisco, San Jose, and South San Francisco. Based on their experience and performance, staff has determined that JMB Construction meets the qualifications to perform the work for the Avenues 3-1 Sewer & Water Main Replacement Project as specified in the contract documents.

Construction work will be limited to the hours of 8:00 am to 5:00 pm Monday through Friday, excluding holidays. Construction will be performed in a manner to minimize disruptions to water and sewer services. Typically, the only utility disruptions occur when the contractor ties in the new water main to the existing water system and connects the new water services. Other construction impacts will include temporary roadway closures, on-street parking, noise, dust, and short-term accessibility in and out of driveways. However, minimizing the neighborhood impact is one of the goals for a successful project. Businesses and residents will be notified 48 hours in advance of any planned disruptions to water and

sewer services and extended driveway access. As directed by City Council, all capital improvement projects shall limit construction equipment and materials stored within the public right-of-way to what is needed for five days of construction and will also require equipment/materials to be removed over the weekend (Attachment 4). This requirement effectively requires that the contractor remobilize their equipment/materials every week to the project site. Residents living along the roadways leading from the off-site staging areas to the project site should expect additional trips of construction equipment and trucks laden with materials as the contractor will now be mobilizing and demobilizing on a weekly basis. The cost to perform the work and meet this requirement is approximately \$100,000 and is an additional cost that has been included the total bid price.

A community meeting will be conducted with the neighborhood prior to construction to advise residents and businesses of project-related construction impacts and obtain their comments and feedback. Construction on the Avenues 3-1 project is expected to begin in Summer 2022 and be completed by Summer 2023.

In order to increase capacity to deliver, staff is bringing on comprehensive construction management support so that staff can focus on the delivery of other capital improvement projects. CSG Engineers was on the City's on-call list for engineering support and was retained to provide this service. City staff will continue to perform overall project management as well as field inspection. Material testing services are required to ensure materials used on the project meet the relevant standards and will be performed by Twining, a material testing consultant firm that was on the City's on-call list for material testing services.

FISCAL IMPACT: The amended FY 2021-22 CIP budget for the project includes an allocation of \$6,060,000 from the Wastewater Fund and \$5,900,000 from the Water Fund to complete the design, bid and construction phases. This amount is sufficient to fund the estimated total project cost of approximately \$11,956,000 which includes construction contingency, materials testing, design and construction support services, construction management services, staff management and inspection, construction materials testing and construction contingency.

The estimated project costs are as follows:

Design / Construction Support (Bellecci Associates)	\$ 559,328
Construction Management (CSG Engineers)	\$ 350,000
Staff Management and Inspection	\$ 545,000
Construction Materials Testing (Twining)	\$ 157,333
Construction Contract (JMB Construction)	\$ 8,993,768
Construction Contingency (15%)	\$ 1,350,000
Estimated Total Project Cost	\$ 11,956,000

ENVIRONMENTAL IMPACT: The proposed project qualifies for a categorical exemption per 15302 "Replacement or Reconstruction".

RECOMMENDATION:

Adopt Resolution:

- Approving the Design;
- Authorizing the City Manager to Execute a Construction Contract with JMB Construction, Inc. for the Avenues 3-1 Sewer and Water Main Replacement Project in an amount not to exceed \$8,993,767.40;
- Approving a Material Testing Agreement with Twining in an amount not to exceed \$157,332.50;
- Approving a Construction Management Agreement with CSG Engineers in an amount not to exceed \$350,000;
- Approving an Amendment with Bellecci Associates for Construction Support Services in an amount not to exceed \$60,236;
- Approving a Construction Contingency of \$1,350,000; and
- Approving a Total Project Budget in the Amount of \$11,956,000

ALTERNATIVES:

1. Reject all bids and direct staff to re-advertise the project. This action will delay the completion of the Avenues 3-1 Sewer and Water Main Replacement Project.
2. Do not award the construction contract and do not complete the project.

ATTACHMENTS:

1. Resolution
2. 2021-22 CIP Budget Sheets (Pending until 2/22 mid-year adjustment)
3. Location Map
4. Construction Staging/Screening Requirement

RESOLUTION NO. 22 - ____

RESOLUTION

- **APPROVING THE DESIGN;**
- **AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH JMB CONSTRUCTION, INC. FOR THE AVENUES 3-1 SEWER AND WATER MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$8,993,767.40;**
- **APPROVING A MATERIAL TESTING AGREEMENT WITH TWINING IN AN AMOUNT NOT TO EXCEED \$157,332.50;**
- **APPROVING A CONSTRUCTION MANAGEMENT AGREEMENT WITH CSG ENGINEERS IN AN AMOUNT NOT TO EXCEED \$350,000;**
- **APPROVING AN AMENDMENT WITH BELLECCI ASSOCIATES FOR CONSTRUCTION SUPPORT SERVICES IN AN AMOUNT NOT TO EXCEED \$60,236;**
- **APPROVING A CONSTRUCTION CONTINGENCY OF \$1,350,000; AND**
- **APPROVING A TOTAL PROJECT BUDGET IN THE AMOUNT OF \$11,956,000**

WHEREAS, the City Council adopted resolutions to accept the updated Water System Master Plan and Sewer Master Plan on March 12, 2013 and February 25, 2014, respectively; and

WHEREAS, the City completed the 10-year Work Plan that coordinated individual improvement projects identified in the separate utility master plans and identified the Avenues 3-1 as one of the capital improvement project; and

WHEREAS, the project will increase capacities of the sewer and water mains with the goal of reducing the risk of sanitary sewer overflows and improving the reliability of the water system; and

WHEREAS, the project consists of installing approximately 6,700 feet of water pipeline and 6,500 feet of new water pipelines; and

WHEREAS, the City advertised this project for bid in compliance with State Contract Code and local purchasing regulations and received five sealed bids on January 17, 2022; and

WHEREAS, JMB Construction, Inc. was determined to be a responsible bidder and submitted the lowest responsive bid in the amount of \$8,993,767.40; and

WHEREAS, JMB Construction, Inc. has satisfactorily completed water and sewer replacement projects for public agencies in the Bay Area, meets the contractor qualifications, and has a valid contractor's license required to perform the scope of work of this project; and

WHEREAS, funding for this project is available within the established FY 2021-22 Capital Improvement Program in the Water and Sewer Main Improvement and Replacement Programs.

NOW, THEREFORE, BE IT RESOLVED that the San Bruno City Council hereby:

- Approves the design;
- Authorizes the City Manager to execute a construction contract with JMB Construction, Inc. for the Avenues 3-1 Sewer and Water Main Replacement Project in an amount not to exceed \$8,993,767.40;
- Approves a material testing agreement with Twining in an amount not to exceed \$157,332.50;
- Approves a construction management agreement with CSG Engineers in an amount not to exceed \$350,000;
- Approves an amendment with Bellecci Associates for construction support services in an amount not to exceed \$60,236;
- Approves a construction contingency of \$1,350,000; and
- Approves a total project budget in the amount of \$11,956,000

Dated: March 8, 2022

I, Melissa Thurman, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 8th day of March 2022 by the following vote:

AYES: Councilmembers: _____
NOES: Councilmembers _____
ABSENT: Councilmembers: _____

ATTEST:

Melissa Thurman, MMC
City Clerk

Water Capital

Water Mains

Water Main Improvement and Replacement Program - Project Detail

PROJECT #: 11006 | 11007 | 11008 | 11009 | 11010 | 11011

DEPARTMENT: Public Works			FY2021-22			Total FY2022-26 Budget				
FUNDING SOURCES		Prior Appropriations	Estimated Carryover	New Request	Total Appropriations	FY2022-23	FY2023-24	FY2024-25	FY2025-26	
Water Fund		\$ 10,482,500	\$ 5,793,037	\$ 250,000	\$ 6,043,037	\$ 6,150,000	\$ 7,000,000	\$ 8,000,000	\$ -	\$ 27,193,037
Defund? Completed?			FY2021-22			Total FY2022-26 Budget				
PROJECT APPROPRIATIONS	Project	Prior Appropriations	Estimated Carryover	New Request	Total Appropriations	FY2022-23	FY2023-24	FY2024-25	FY2025-26	
San Antonio Avenue	11006	\$ 1,082,500	\$ (3)	\$ -	\$ (3)	\$ -	\$ -	\$ -	\$ -	\$ (3)
Design		25,500	3,003	-	3,003	-	-	-	-	3,003
Construction		1,057,000	(3,006)	-	(3,006)	-	-	-	-	(3,006)
Avenues No. 1-3	11007	\$ 5,020,000	\$ 1,854,312	\$ (1,000,000)	\$ 854,312	\$ -	\$ -	\$ -	\$ -	\$ 854,312
Design		300,000	62,021	-	62,021	-	-	-	-	62,021
Construction		4,720,000	1,792,291	(1,000,000)	792,291	-	-	-	-	792,291
Avenues No. 2-1	11008	\$ 230,000	\$ 90,952	\$ 200,000	\$ 290,952	\$ -	\$ -	\$ -	\$ -	\$ 290,952
Design		180,000	52,926	-	52,926	-	-	-	-	52,926
Construction		50,000	38,026	200,000	238,026	-	-	-	-	238,026
Avenues No. 3-1	11009	\$ 3,850,000	\$ 3,547,776	\$ 1,050,000	\$ 4,597,776	\$ 1,550,000	\$ -	\$ -	\$ -	\$ 6,147,776
Design		300,000	43,741	50,000	93,741	-	-	-	-	93,741
Construction		3,550,000	3,504,035	1,000,000	4,504,035	1,550,000	-	-	-	6,054,035
Avenues No. 3-2	11010	\$ 300,000	\$ 300,000	\$ -	\$ 300,000	\$ 4,000,000	\$ -	\$ -	\$ -	\$ 4,300,000
Design		300,000	300,000	-	300,000	-	-	-	-	300,000
Construction		-	-	-	-	4,000,000	-	-	-	4,000,000
Avenues No. 3-3	11011	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 4,000,000	\$ -	\$ 4,300,000
Design		-	-	-	-	-	300,000	-	-	300,000
Construction		-	-	-	-	-	-	4,000,000	-	4,000,000
Avenues No. 3-4	Unassigned	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 4,000,000	\$ -	\$ 4,300,000
Design		-	-	-	-	-	300,000	-	-	300,000
Construction		-	-	-	-	-	-	4,000,000	-	4,000,000
Avenues No. 4-1	Unassigned	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 2,400,000	\$ -	\$ -	\$ 2,700,000
Design		-	-	-	-	300,000	-	-	-	300,000
Construction		-	-	-	-	-	2,400,000	-	-	2,400,000
Avenues No. 4-2	Unassigned	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 4,000,000	\$ -	\$ -	\$ 4,300,000
Design		-	-	-	-	300,000	-	-	-	300,000
Construction		-	-	-	-	-	4,000,000	-	-	4,000,000
Total		\$ 10,482,500	\$ 5,793,037	\$ 250,000	\$ 6,043,037	\$ 6,150,000	\$ 7,000,000	\$ 8,000,000	\$ -	\$ 27,193,037

Wastewater Capital

Sewer Mains

Sewer Main Improvement & Replacement - Project Detail

PROJECT #: 31006 | 31007 | 31008 | 31009 | 31010 | 31011 | 31012 | 31013 | 31014

DEPARTMENT: Public Works			FY2021-22			Total				
FUNDING SOURCES	Prior Appropriations		Estimated Carryover	New Request	Total Appropriations	FY2022-23	FY2023-24	FY2024-25	FY2025-26	FY2022-26 Budget
Wastewater Fund	\$ 11,985,316		\$ 5,905,357	\$ 1,600,000	\$ 7,505,357	\$ 13,600,000	\$ 10,860,000	\$ 7,000,000	\$ -	\$ 38,965,357
			FY2021-22			Total				
PROJECT TITLE	Project #	Prior Appropriations	Estimated Carryover	New Request	Total Appropriations	FY2022-23	FY2023-24	FY2024-25	FY2025-26	FY2022-26 Budget
Crestwood Drive	31006	\$ 1,200,000	\$ 999,900	\$ -	\$ 999,900	\$ -	\$ -	\$ -	\$ -	\$ 999,900
Design		300,000	105,077	-	105,077	-	-	-	-	105,077
Construction		900,000	894,823	-	894,823	-	-	-	-	894,823
San Antonio Avenue	31007	\$ 1,425,316	\$ (651)	\$ -	\$ (651)	\$ -	\$ -	\$ -	\$ -	\$ (651)
Design		170,000	-	-	-	-	-	-	-	-
Construction		1,255,316	(651)	-	(651)	-	-	-	-	(651)
Avenues No. 1-3	31008	\$ 5,430,000	\$ 1,848,310	\$ (1,000,000)	\$ 848,310	\$ -	\$ -	\$ -	\$ -	\$ 848,310
Design		300,000	(27,241)	100,000	72,759	-	-	-	-	72,759
Construction		5,130,000	1,875,551	(1,100,000)	775,551	-	-	-	-	775,551
Avenues No. 2-1	31009	\$ 400,000	\$ 106,685	\$ -	\$ 106,685	\$ 5,500,000	\$ -	\$ -	\$ -	\$ 5,606,685
Design		400,000	106,685	-	106,685	-	-	-	-	106,685
Construction		-	-	-	-	5,500,000	-	-	-	5,500,000
Avenues No. 2-2	31010	\$ 370,000	\$ 99,724	\$ -	\$ 99,724	\$ 4,500,000	\$ -	\$ -	\$ -	\$ 4,599,724
Design		370,000	99,724	-	99,724	-	-	-	-	99,724
Construction		-	-	-	-	4,500,000	-	-	-	4,500,000
Avenues No. 2-3	31011	\$ 400,000	\$ 399,955	\$ -	\$ 399,955	\$ -	\$ 3,260,000	\$ -	\$ -	\$ 3,659,955
Design		400,000	399,955	-	399,955	-	-	-	-	399,955
Construction		-	-	-	-	-	3,260,000	-	-	3,260,000
Avenues No. 3-1	31012	\$ 2,460,000	\$ 2,151,546	\$ 2,600,000	\$ 4,751,546	\$ -	\$ -	\$ -	\$ -	\$ 4,751,546
Design		300,000	27,956	50,000	77,956	-	-	-	-	77,956
Construction		2,160,000	2,123,590	2,550,000	4,673,590	-	-	-	-	4,673,590
Avenues No. 3-2	31013	\$ 300,000	\$ 299,977	\$ -	\$ 299,977	\$ 3,000,000	\$ -	\$ -	\$ -	\$ 3,299,977
Design		300,000	299,977	-	299,977	-	-	-	-	299,977
Construction		-	-	-	-	3,000,000	-	-	-	3,000,000
Avenues No. 3-3	31014	\$ -	\$ (90)	\$ -	\$ (90)	\$ -	\$ 300,000	\$ 4,000,000	\$ -	\$ 4,299,910
Design		-	(90)	-	(90)	-	300,000	-	-	299,910
Construction		-	-	-	-	-	-	4,000,000	-	4,000,000
Avenues No. 3-4	Unassigned	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 3,000,000	\$ -	\$ 3,300,000
Design		-	-	-	-	-	300,000	-	-	300,000
Construction		-	-	-	-	-	-	3,000,000	-	3,000,000
Avenues No. 4-1	Unassigned	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 2,000,000	\$ -	\$ -	\$ 2,300,000
Design		-	-	-	-	300,000	-	-	-	300,000
Construction		-	-	-	-	-	2,000,000	-	-	2,000,000
Avenues No. 4-2	Unassigned	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 5,000,000	\$ -	\$ -	\$ 5,300,000
Design		-	-	-	-	300,000	-	-	-	300,000
Construction		-	-	-	-	-	5,000,000	-	-	5,000,000
Total	\$ 11,985,316		\$ 5,905,357	\$ 1,600,000	\$ 7,505,357	\$ 13,600,000	\$ 10,860,000	\$ 7,000,000	\$ -	\$ 38,965,357

RESOLUTION NO. 2022-_____

**RESOLUTION APPROVING THE BUDGET BALANCING STRATEGIES AND SECOND-
QUARTER BUDGET AMENDMENT FOR THE FY2021-22 OPERATING AND CAPITAL
BUDGET**

WHEREAS, the City prepares and adopts its budgets with the intent of providing a planned policy program for City services and a financial system to carry out the planned program of services; and

WHEREAS, the City Council approved Resolution no. 2021-22 adopting the FY2021-22 Operating and Capital Budget on June 22, 2021; and

WHEREAS, the City Council may amend the budget as necessary to account for changing conditions; and

WHEREAS, amendments for revenues and expenditures impacting the various funds should be approved consistent with the operating requirements and previous City Council actions and consistent with the information provided with the mid-year financial status report received by the City Council on February 22, 2022:

Item	Fund	Program / Request	Revenue Increase / (Decrease)	Expense Increase / (Decrease)
A	General Fund	Human Resources		\$ 8,000
B	General Fund	Community Services: Recreation	76,189	54,314
C	General Fund	Community Services: Senior Services	(61,786)	
D	General Fund	Community Services: Library		54,000
E	ARPA		(290,000)	(281,842)
F	Equipment Reserves	Police Department		70,000
Operating Budget Amendment Requests			(\$275,597)	(\$95,628)

CIP Budget Amendment Requests:		Expense Increase / (Decrease)
G	Avenues 3-1 (#11009) – Water for construction	1,000,000
H	Avenues 3-1 (#31012) – Wastewater for construction	1,000,000
I	Avenues 2-1 (#31009) – Wastewater for design	100,000
J	Avenues 2-2 (#31010) – Wastewater for design	100,000
Total CIP Budget Amendment Requests:		\$2,200,000

WHEREAS, amendments will increase the General Fund operating deficit by \$28,613 to \$1,112,874, decrease ARPA surplus by \$8,058, increase Equipment reserve by \$70,000 and increase CIP appropriation by \$2.2 million.

NOW THEREFORE, the City Council of the City of San Bruno hereby resolves to amend the FY2021-22 General Fund, Special Revenue Funds, and Capital Improvement Program Budgets and that specific revenue and expenditure line items enumerated are hereby amended.

—o0o—

I hereby certify that foregoing Resolution No. 2022-_____ was introduced and adopted by the San Bruno City Council at a regular meeting on February 22, 2022 by the following vote:

AYES:

NOES:

ABSENT:

City Clerk

DOCUMENT 00 73 00

SPECIAL CONDITIONS

List and describe any Contract Conditions not covered under Document 00 72 00 General Conditions that are unique to this specific project.

1. If approved by the City, construction equipment and materials may be stored within the public right-of-way but must be moved every five (5) days as construction progresses. Material storage at the construction site shall be limited to what is needed for five (5) days construction. No construction material shall be stored over the weekend unless approved by the City Engineer. Operating reflector barricades shall be required for all equipment and material left on the street overnight. At the end of each workday all loose material, parts and debris must be cleaned up and discarded and any stored materials shall be neatly stacked and organized.

Failure to comply with these requirements shall result in liquidated damages in the amount of **\$250** per **Calendar Day**.

2. The construction site and any off-site staging areas must be secured by temporary chain linked fencing, with a minimum height of 72 inches, unless the building code requires additional protection. The chain link fence is to be made of galvanized steel and must include a top and bottom rail. The fencing must be adequately anchored to prevent movement and the effects of wind. No visible gaps in the fencing are allowed, including between panels or under them. Gates must be sliding or in-swinging and close tightly with no gaps in or around them.

When the construction site or off-site staging area is adjacent to any public right-of-way, the fence adjacent to the right-of-way shall have a visual/dust barrier or screening. The screen is to be constructed of green knitted polyethylene or canvas securely fixed to the inside face of the fencing and shall be maintained in a taut condition throughout the project. No twisted wire is to protrude on the exterior side of the fence. No tears or rips greater than 2" in any dimension will be allowed. Any screening that is torn or ripped or fencing or barricades that have been defaced will be replaced at the contractor's expense within 48 hours.

In addition to the required screening, any wood barricades or temporary chain link fencing facing a public roadway shall be setback two (2) feet from any property line or sidewalk, if site conditions allow. All areas visible from the public right-of-way shall be maintained free of weeds and litter.

Any construction site or staging area fencing facing a public roadway shall include a sign, securely installed on the fence that is made of durable and waterproof materials that provides the following information: the name and emergency contact telephone number of the general contractor. The sign lettering shall be large enough to be read from 10 feet away and the sign shall not extend above the top of the fence. The sign language and graphics need to be approved by City staff prior to installation.

Failure to comply with these requirements shall result in liquidated damages in the amount of **\$250** per **Calendar Day**.

-END OF DOCUMENT-



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Pamela Wu, Director

SUBJECT: Waive Second Reading and Adopt an Ordinance of the City Council of the City of San Bruno Amending San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 (Temporary uses), regarding reference to off-site construction staging area.

BACKGROUND:

On February 22, 2022, the City Council held a public hearing, received public comments, waived the first reading and introduced an Ordinance amending San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 (Temporary uses). City Council discussed mechanisms to ensure that construction sites should be well screened and voted unanimously to approve the proposed ordinance amendment. With City Council adopts the second reading to adopt the ordinance, the amendment would be in effect on April 8, 2022. The draft ordinance amendment is included as Attachment 1 to this report.

DISCUSSION:

The proposed ordinance amendment would eliminate the requirement of obtaining a Temporary Use Permit (TUP) for off-site construction staging areas as listed in SBMC 12.84.030.D & E and allow for staff adoption of uniform standards to significantly reduce the unsightly appearance of construction sites and off-site staging areas for future projects.

FISCAL IMPACT: There is no fiscal impact.

ENVIRONMENTAL IMPACT: The proposed ordinance qualifies for an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), because the ordinance is not a Project that has the potential for causing a significant effect on the environment.

RECOMMENDATION: Waive second reading and adopt Ordinance No. 2022-XX Amending San Bruno Municipal Code, Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 (Temporary uses), removing the requirement of obtaining approval from Planning Commission for any off-site construction staging area.

ALTERNATIVES:

1. Do not adopt the ordinances.
2. Make changes to the ordinance amendment.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. 2022-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO AMENDING CHAPTER 12.84.030 (TEMPORARY USE PERMITS) OF THE CITY OF SAN BRUNO MUNICIPAL CODE REMOVING REFERENCES TO CONSTRUCTION STAGING

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Chapter 12.84.030 (Temporary uses) of Title 12 (Land Use), Article III (Zoning) of the San Bruno Municipal Code is hereby amended

SECTION 2. FINDINGS.

WHEREAS, there has been recent concern over the unsightly appearance of temporary construction staging areas across the City; and

WHEREAS, the Temporary Use Permit review process for construction staging areas requires review by the Planning Commission, increasing the time required for developers and for City Public Works projects to obtain approval; and

WHEREAS, comparable standards can be applied to construction staging area requests through the application of standard requirements; and

WHEREAS, a study of nearby jurisdictions has determined that most nearby cities have more standardized, streamlined approaches to the approval and regulation of construction staging areas; and,

WHEREAS, it is in the public interest for the City to establish consistent and detailed standards for construction sites and construction staging area fencing and screening to ensure the safety and general welfare, proper appearance, and the quality of the city's neighborhoods is preserved while ensuring that development projects may be staged efficiently and appropriately;

SECTION 3. REGULATION

San Bruno Municipal Code Chapter 12.80 (Definitions) is amended as shown in underline for additions and ~~strikethrough~~ for deletions, as follows:

12.84.030 Temporary uses.

A. Before a temporary use that is permitted by this section occurs, a temporary use permit shall be obtained.

B. The purpose of the temporary use permit is to allow the proper integration into the community of uses that may be appropriate only in specific locations in a zoning district, or appropriate only if such uses are established or arranged on the site in a particular manner.

C. The community development director (which refers to the director or his or her designee throughout this section) or planning commission may approve, deny, or conditionally approve an application for a temporary use permit as further specified in this section.

D. The community development director may grant temporary use permits for uses ~~(other than off-site construction staging areas)~~ lasting for a period of three months or less.

1. An application for a temporary use permit shall be made under this subsection D shall conform to the requirements specified in Sections 12.76.060 (Payment of fees required), 12.78.010 (Planning application completeness and close out due to inactivity), and 12.112.020 (Application and plans), and the application shall be made at least sixty days in advance of the intended commencement date of the temporary use.

2. Upon receipt of a complete application for a temporary use permit under this subsection D, the community development director shall approve, deny, or conditionally approve the application within one month.

3. At least ten days prior to approving a temporary use permit under this subsection D, the community development director shall ensure that written notice of the proposed temporary use is: (a) posted in at least three conspicuous places on utility poles on both sides of the property frontage and across the street from the subject property; and (b) is given through the United States mail, with postage prepaid to all persons (including businesses, corporations, or other public or private entities) owning real property within three hundred feet of the exterior boundaries of the property for which the application is being considered, and using addresses from the latest equalized assessment roll, or alternatively, from other records of the assessor or tax collector that, in the opinion of the secretary of the assessor or tax collector, contain more recent addresses. The notice shall specify the type and magnitude of the application to be considered, the place where copies of the application may be reviewed, the timing of approval, and a statement indicating the ability of any interested party to submit comments to the community development director.

4. The community development director shall grant a temporary use permit under this subsection D only if he or she makes the findings required by Section 12.112.050(B).

5. The applicant or any other interested party may appeal to the city manager any order, requirement, decision or determination of the community development director pursuant to this subsection D. Appeals shall be made in writing, accompanied by any required fee, and filed with the city clerk within ten days after the final action of the community development director. The appeal shall clearly state the facts of the case and the grounds for the appeal. Upon receipt of the appeal, the city clerk shall notify the city manager, or designee, who will render a decision within thirty days after the filing of the appeal.

6. The community development director may revoke a temporary use permit granted pursuant to the provisions of this subsection D if any of the conditions or terms of such approval are violated or if any law is violated in connection therewith. At least ten days prior to revoking a temporary use permit under this subsection D, the community development director shall ensure that written notice of the proposed revocation is given to the permittee, and is given through the United States mail, with postage prepaid to all persons (including businesses, corporations, or other public or private entities) owning real property adjacent to the property for which the revocation is being considered, and using addresses from the latest equalized assessment roll, or alternatively, from other records of the assessor or tax collector that, in the opinion of the secretary of the assessor or tax collector, contain more recent addresses. A permittee or other

interested party may appeal a revocation decision to the city manager, as provided in subsection (D)(5) of this section.

E. The planning commission may grant temporary use permits for ~~off-site construction staging areas of any duration less than or equal to one year~~ and for other temporary uses lasting longer than three months but less than or equal to one year.

1. An application for a temporary use permit under this subsection E shall conform to the requirements specified in Sections 12.76.060 (Payment of fees required), 12.78.010 (Planning application completeness and close out due to inactivity), and 12.112.020 (Application and plans), and the application shall be made at least sixty days in advance of the intended commencement date of the temporary use.

2. Upon receipt of a complete application for a temporary use permit under this subsection E, the community development director shall schedule a public hearing before the planning commission within thirty days of receipt of the complete application, and the planning commission shall reach a decision on the application within thirty days of the public hearing.

3. At least ten days prior to such hearing, the planning commission shall ensure that written notice of the proposed temporary use is posted in at least three conspicuous places on utility poles on both sides of the property frontage and across the street from the subject property. The posted notice shall specify the type and magnitude of the application to be considered, the place where copies of the application may be reviewed, the timing of approval, and a statement indicating the ability of any interested party to submit comments to the community development director. In addition, the planning commission shall ensure that at least ten days prior to such hearing, written notice of the proposed temporary use is given through the United States mail, with postage prepaid and using addresses from the latest equalized assessment roll, or alternatively, from other records of the assessor or tax collector that, in the opinion of the secretary of the assessor or tax collector, contain more recent addresses. This notice by mail shall be sent to all persons (including businesses, corporations, or other public or private entities) owning real property within three hundred feet of the exterior boundaries of the property for which the application is being considered.

4. The planning commission (or city council on appeal) shall grant a temporary use permit under this subsection E only if it makes the findings required by Section 12.112.050(B).

5. Appeals of decisions made under this subsection E shall proceed in accordance with the procedures specified in Section 12.78.060.

6. The planning commission may revoke a temporary use permit granted pursuant to the provisions of this subsection E if any of the conditions or terms of such approval are violated or if any law is violated in connection therewith. At least ten days prior to revoking a temporary use permit under this subsection E, the planning commission shall ensure that written notice of the proposed revocation is given to the permittee and is given through the United States mail, with postage prepaid to all persons (including businesses, corporations, or other public or private entities) owning real property adjacent to the exterior boundaries of the property for which the revocation is being considered, and using addresses from the latest equalized assessment roll, or alternatively, from other records of the assessor or tax collector that, in the opinion of the secretary of the assessor or tax collector, contain more recent addresses.

F. The community development director or planning commission may impose such conditions on temporary use permits as deemed necessary to secure the purposes of this section and to protect adjacent properties and the public interest. The director or commission may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control and time limits. The director or commission may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

G. The issuance of a permit under this section does not entitle a permittee or any other person to a temporary use permit beyond the period of time provided for in the temporary use permit, or to the issuance of another temporary use permit in the future, even at the same location or for the same use.

H. It is unlawful and a violation of the provisions of this section for any person to construct or modify any structure, or expand or alter any approved uses, except in strict conformance with any use permit issued.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days from and after the date of its adoption.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

Rico E. Medina, Mayor

ATTEST:

Melissa Thurman, MMC
City Clerk

APPROVED AS TO FORM:

Marc Zafferano, City Attorney

--oOo--

I hereby certify that the foregoing Ordinance No. 2022-xx was introduced on February 22, 2022, and adopted at a regular meeting of the San Bruno City Council on March 8, 2022, by the following vote:

AYES: COUNCILMEMBERS:_____

NOES: COUNCILMEMBERS:_____

ABSENT: COUNCILMEMBERS:_____

Melissa Thurman, MMC
City Clerk



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Tim Wallace, Community Svcs Superintendent

SUBJECT: Adopt Resolution Appropriating \$2,600 from the Restricted Revenues Fund, City Art Fund Fees for Sponsorship of a Community Services Department Juneteenth Event

BACKGROUND: Juneteenth is a holiday commemorating the emancipation of African-American slaves. It is also a day to celebrate African-American culture. Juneteenth is sometimes referred to as Jubilee Day, Emancipation Day, Freedom Day, and Black Independence Day.

Juneteenth is traditionally celebrated on June 19th due to the fact that Union Army General Gordon Granger proclaimed on June 19, 1865, freedom for slaves in Texas, the last Confederate state with institutional slavery.

Celebrations of Juneteenth began in 1866 in Texas and slowly spread across the South. Today, Juneteenth is celebrated nationwide, and Juneteenth officially became a federal holiday in 2021.

Juneteenth activities can include, but are not limited to, rodeos, street fairs, cookouts, family reunions, and park parties.

DISCUSSION: Staff is proposing a San Bruno Juneteenth event. The Community Services Department staff have not previously organized a Juneteenth event. Not surprisingly, the event will be held in June, 2022. Specific activities for the event are in the early stages, but will include an outdoor celebratory event and an informational program.

Two local members of the African-American community have volunteered to provide advice to staff in the planning and execution of the Juneteenth event. This will ensure that a respectful and authentic event of which the San Bruno community can be proud is presented.

FISCAL IMPACT: The fiscal impact for this item is \$2,600, which will be covered by the City Art Fund.

ENVIRONMENTAL IMPACT: There is no environmental impact.

RECOMMENDATION: Adopt Resolution Appropriating \$2,600 from the Restricted Revenues Fund, City Art Fund Fees for Sponsorship of a Community Services Department Juneteenth Event.

ALTERNATIVES:

1. Do not approve the proposed event

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 2022 - ____

ADOPT RESOLUTION APPROPRIATING \$2,600 FROM THE RESTRICTED REVENUES FUND, CITY ART PROGRAM FEES FOR SPONSORSHIP OF A COMMUNITY SERVICES DEPARTMENT JUNETEENTH EVENT

WHEREAS, Juneteenth is a holiday commemorating the emancipation of African-American slaves and a day to celebrate African-American culture; and

WHEREAS, Juneteenth is traditionally celebrated on June 19th when slaves in Texas were finally freed on June 19, 1865; and

WHEREAS, Juneteenth is celebrated nationwide and became a federal holiday in 2021; and

WHEREAS, Staff is proposing for the first time to hold a San Bruno Juneteenth event and including an outdoor celebratory event and an informational program; and

WHEREAS, Two local members of the African-American community have volunteered to provide advice to staff in the planning and execution of the event to ensure a respectful and authentic event is presented; and

WHEREAS, The Culture and Arts Commission, at its January 20, 2022 meeting, recommended sponsorship of a San Bruno Juneteenth event.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the appropriation of \$2,600 from the Restricted Revenues Fund, City Art Program Fees for the sponsorship of a Community Services Department Juneteenth event.

Dated: March 8, 2022

-o0o-

I, Melissa Thurman, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 8th day of March, 2022 by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ATTEST:

Melissa Thurman, MMC
City Clerk



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Pamela Wu, Director

SUBJECT: Study Session Regarding the Framework for the City's Sustainability Projects Including the Implementation of Reach Codes, Electric Vehicle Charging Stations, Climate Action Plan, Flood Plain Management Ordinance, and Construction & Demolition Debris Ordinance

BACKGROUND: As directed by City Council in its 2021 Strategic Initiatives to adopt City's Reach Codes and Climate Action Plan, the purpose of the study session is to provide City Council an update regarding the framework for the City's environmental goals and priorities and facilitate City Council discussion on the City's Sustainability Plans. Prior to adopting ordinances and implementing sustainability policies, staff intends to provide an overview of the sustainability development process, discuss the assessment of the City's goals and progress related to greenhouse gas emissions, and review next steps. Staff's presentation has been divided into five sections with an opportunity to ask questions or provide comments. Staff's proposed initiatives primarily focuses to reduce the City's carbon footprint and to become more sustainable energy users. The five sections are:

- Section 1: Reach Codes Ordinance
- Section 2: Electric Vehicle Charging Stations Ordinance
- Section 3: Climate Action Plan
- Section 4: Flood Plain Management Ordinance
- Section 5: Construction & Demolition Debris Ordinance

DISCUSSION: **SECTION 1: REACH CODES ORDINANCE**

BACKGROUND

Reach Codes are local amendments that exceed the Building Energy Efficiency Standards Code and Green Building Standards Code. The adoption of Reach Codes aim to reduce greenhouse gas emissions (GHGs) by reducing reliance on natural gas and gasoline through refocusing energy consumption towards electrification. California state law allows local governments to impose additional measures beyond the California Building Energy Efficiency and the Green Building Standards Codes through the adoption of Reach Codes.. The adoption of Reach Codes will include new building standards under Title 24 of the California Code Regulation, titled as the California Building Standards Code. Since the State requires the Building Code to be updated every three years, the next code cycle will be adopted in 2022 and

will be effective January 1, 2023. Local jurisdictions that adopt Reach Codes to the California Energy Code (Title 24, Part 6) and the California Green Building Standards (Title 24, part 11) codes in 2022 to meet local climate action goals will be included in the next code update. The proposed framework for the City's Reach Codes is modeled after the template provided by Peninsula Clean Energy (PCE) and the San Mateo County Office of Sustainability which includes key concepts that have been previously approved by California Energy Commission (CEC).

Reach Codes must be shown to be cost-effective as a relevant criteria for adoption. The cost saved from the reduced energy needs to be enough to cover the initial cost within a reasonable period of time. Statewide Investor-Owned Utilities Codes and Standards Team (Statewide IOU Team) prepares a cost effectiveness study for different climate zones. The study is funded by ratepayer funds and analyzes different building types. Although the study will not primarily depict each City's findings, it does target various climate zones. If City Council recommends Staff to move forward with Reach Codes, Staff will develop and draft the ordinance based on the cost effectiveness study findings.

BUILDING APPLIANCE ELECTRIFICATION

The goals of adopting the Reach Codes is to eliminate fossil fuels from buildings and to ensure buildings allow the community to easily use electric vehicles (EVs). In California, building emissions are overwhelmingly from methane gas uses that can be electrified. There are three Reach Code Pathways:

All-Electric Required

The all-electric required Reach Codes pathway requires specific end-uses to install electric appliances, with exceptions. There is considerable interest in mandating all-electric new construction to eliminate any fossil fuel services in new construction. PCE will be providing approximately 96% carbon-free electricity to assist the community in meeting the State's goal. Additionally, eliminating the use of natural gas can greatly reduce GHG emissions from buildings.

All-Electric Preferred

The all-electric preferred Reach Codes pathway allows mixed-fuel buildings with high energy performance, requiring additional energy efficiency measures, battery storage, and/or pre-wiring for buildings to be electric-ready. This pathway encourages electrification of buildings by achieving a higher energy efficiency level than the Energy Code using both natural gas and electricity. Energy efficiency improvements for mixed fuel buildings are typically implemented by requiring buildings to meet some marginal improvement in the Energy Design Rating (EDR), thus exceeding the minimum efficiency required by Title 24 Energy Standards. The higher the EDR margin, the greater the increase in energy efficiency. This rating is calculated using CEC approved software that is used to demonstrate compliance with energy standards by builders. This pathway creates additional complexity in measuring the construction requirements and increases staff time and resources.

Natural Gas Ban

The Natural Gas Ban Reach Codes pathway prohibits gas hookups in new construction. This

model requires an amendment of both local building codes and Health and Safety Code (HSC). Few cities have adopted this ordinance, which is more aggressive than all-electric required and all-electric preferred model. However, natural gas bans receive more oppositions from businesses and stakeholders and are more difficult to implement.

STAFF RECOMMENDED APPROACHES AND EXEMPTIONS

In January 2022, PCE shared information to Cities and provided an update on efforts towards developing Reach Code recommendations based on key findings from the upcoming 2022 Energy and Green Building Standards Code. In general, Reach Codes would only apply to **new construction** and will include single-family, multi-family, non-residential buildings. To align with the direction of the State's goal in reducing reliance on natural gas and gasoline, Staff is requesting feedback on the recommendation of all-electric required reach codes.

Table 1 outlines six potential exceptions to the recommended all-electric Reach Codes option for City Council to consider based on exceptions adopted in other Cities:

Table 1. Staff Recommended Exemptions		
Exemption	Definition & Notes	Cities Adopted
1. Planning Entitlement	All-Electric Building requirements shall not apply to projects with planning entitlements approved by the City prior to the effective date of this ordinance.	Berkeley, Los Gatos, Milpitas, Palo Alto, Redwood City, San Jose
2. Non-Residential Building containing a commercial kitchen	Non-Residential Building containing a commercial kitchen may contain non-electric cooking appliances.	Brisbane, Burlingame, Campbell, Cupertino, Daly City, Hayward, Los Gatos, Menlo Park, Millbrae, Mountain View, Pacifica, Palo Alto, Redwood City, San Jose, San Mateo
3. Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs)	Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) shall be exempt from the all-electric building provisions of this section.	Campbell, Cupertino, Daly City, Hayward, Pacifica, Palo Alto, Redwood City

<p>4. Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards</p>	<p>Non-Residential Buildings that will be constructed per standards stipulated by the Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards. This includes any construction that may contain non-electric space-conditioning, water-heating systems, and process load systems.</p>	<p>Burlingame, Campbell, Daly City, Los Gatos, Millbrae, Palo Alto, Redwood City, San Jose, San Mateo</p>
<p>5. Affordable Housing</p>	<p>All-Electric building requirements shall not apply to new residential structures that designate 100% of the dwelling units to be affordable, excluding any onsite manager unit(s), for persons earning 50% or less of the Area Median Income (AMI), as evidenced by instruments recorded against the property that restrict the units as affordable for a period of at least 55 years.</p>	<p>Daly City, Redwood City, San Jose</p>
<p>6. Technical Infeasibility</p>	<p>Technical Infeasibility exemption in the Energy Code amendments for unusual circumstances where an applicant can show that due to exceptional characteristics of the structure, property, or business involved, a literal enforcement of the code will result in practical infeasibility. If an applicant for a covered project believes that circumstances exist that make it infeasible to meet the requirements of this chapter, the applicant may request an exemption. In applying for an exemption, the burden is on the applicant to show infeasibility. Whenever there are practical difficulties involved in carrying out provisions of the technical codes, the building official may grant modifications for individual cases. The design professional shall submit findings to the building official demonstrating a special and unique reason makes the strict letter of the technical code impractical, the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the building division.</p>	<p>Berkeley, Burlingame, Cupertino, Daly City, Hayward, Los Gatos, Morgan Hill, Redwood City</p>

NEXT STEPS

Upon confirmation of framework presented for the draft Reach Codes, the actual adoption can be combined with the Building and Fire code updates in fall this year, which will take effect on January 1, 2023.

Staff will continue working alongside resource partners in finalizing the cost-effectiveness study for the San Bruno Reach Code model. This study will be included as part of the Reach Codes adoption. Additionally, staff will conduct community and stakeholder outreach to seek feedback on Reach Codes and provide technical assistance resources as needed to the community. San Mateo County Office of Sustainability has partnered with TRC Companies, Inc. (TRC) to provide free community support and technical assistance to stakeholders impacted by the Reach Codes.

QUESTIONS FOR CITY COUNCIL

1. Does the City Council agree with Staff to proceed with the adoption of Reach Codes?
2. Does the City Council agree with Staff's recommendation to apply all-electric reach codes with exceptions for new construction only?

SECTION 2: ELECTRIC VEHICLE CHARGING STATIONS ORDINANCE

BACKGROUND

Bay Area residents are showing a significant interest in electric vehicles. California had approximately 425,300 electric vehicle (EV) registrations in 2020. California has the greatest number of registered electric vehicles, approximately 42% of the electric vehicles nationwide. It is widely known that availability of EV charging infrastructure is a critical component to EV adoption. The City of San Bruno has 69 public charging stations, 3 of which are free EV charging stations. It is significantly more expensive to install charging infrastructure as a retrofit than it is during new construction. As such, ensuring that newly constructed residential and non-residential parking has ample EV charging capability will reduce long-term costs of EV infrastructure installation, while helping to increase EV adoption and decrease transportation-related greenhouse gas emissions.

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

While California's new minimum requirements are a step forward, it is unlikely that the requirements for multi-family dwellings and non-residential buildings are enough to keep pace with expected EV growth looking towards 2030. The Statewide Program's team reviewed approaches to increase the amount of EV infrastructure in new construction buildings, while keeping construction costs as low as possible.

Although the 2022 California Green Building Standards Code ("CALGreen", Title 24, Part 11) has not been published to the public yet, PCE provided the 2022 key concepts that includes EV infrastructure requirements. In addition, the 2022 CALGreen Code requires that all new construction to include adding "EV Capable" parking spaces which have electrical panel capacity, a dedicated branch circuit and a raceway to the EV parking spot to support future

installation of charging stations. Staff recommended electric vehicle charging requirements are listed below in Table 2:

Table 2: Electrical Vehicle Charging Requirements			
	Mandatory		Recommended
Building Type (New Construction)	2019 CALGreen	2022 CALGreen	Proposed San Bruno Code
One- & Two-family Dwellings	(1) Level 2 EV Capable for one parking space per dwelling	(1) Level 2 EV Capable for one parking space per dwelling	(1) Level 2 EV Capable for one parking space per dwelling
Multi-Family	10% Level 2 EV Capable	5% Level 2 EVCS 25% Level 2 EV Ready 10% Level 2 EV Capable	10% Level 2 EVCS 30% Level 2 EV Ready 25% Level 1 EV Capable
Non-Residential	6% Level 2 EV Capable	5% Level 2 EVCS 15% Level 2 EV Capable	10% Level 2 EVCS 20% Level 2 EV Capable

All new construction must comply with CALGreen. Unlike amendments to the Energy Code or the adoption of Reach Codes, a cost-effectiveness study is not required for amendments to Title 24, Part 22, which covers as the requirement of installing electric vehicle charging infrastructure. However, to evaluate the financial impact on first costs, PCE commissioned an analysis of the total cost of implementing various EV infrastructure measures. Staff have worked closely with PCE to establish new construction EV requirements which are more in-line with local EV adoption trends, while providing flexibility for the builder and keeping construction costs as low as possible. Per a cost study completed by Turner and Townsend, implementation of EV charging infrastructure is approximately 0.3% of the overall construction cost. PCE also provides incentives to developers for various port types for property owners when implementing EV charging infrastructure. To be eligible for incentives, applicants are required to enroll and participate in the Technical Assistant Program. Based on the property and port type, applicants are eligible incentives between \$2,000 to \$80,000.

EV charging requirements in California are implemented through one of the three categories below:

Table 3: Electrical Vehicle Charging Infrastructure	
Readiness	Description
EV Capable	Conduit is installed to parking space, and building electrical system has ample capacity to serve future load. An electrician would be required to complete the circuit before charging is possible

EV Ready	Parking space is provided with all power supply and associated outlet, such that a charging station can be plugged in and a vehicle can charge
EV Charging Station (EVCS)	All supply equipment is installed at a parking space, such that an EV can charge without additional equipment

EV charging capacity and speed can be summarized as three categories:

Table 4: Electrical Vehicle Charging Capacity/ Speed	
Capacity/ Speed	Description
Level 1	3-4 miles per charging hour · Equivalent to a standard home outlet
Level 2	10-20 miles per charging hour · Service capacity typically used for larger appliance loads in homes
Level 3	150+ miles per charging hour · Used for Tesla Superchargers and DC Fast Chargers at some supermarket

The EV Charging requirements are specifically for newly constructed buildings. The 2019 CALGreen Code did present certain exceptions to the EV charging spaces, however, it is uncertain on the exact exemptions indicated in the 2022 CALGreen Code. After the Building Codes are published in July, Staff will review the requirements and exemptions and incorporate it into the ordinance for City Council's review. Table 5 addresses nearby Cities which have adopted the ordinance.

Table 5: EV Charging Station Ordinance Adoption	
City	Ordinance Adoption
Brisbane	
Burlingame	X
Daly City	X
East Palo Alto	X
Menlo Park	X
Millbrae	X
Pacifica	
Redwood City	X
San Bruno	
San Carlos	X
San Mateo	X
San Mateo County	X
South San Francisco	X

Campbell	X
Cupertino	X
Los Altos	
Los Altos Hills	
Los Gatos	X
Milpitas	X
Morgan Hill	

NEXT STEPS

Staff will require City Council approval before adopting the EV Charging Station Infrastructure ordinance for new construction. If City Council recommends Staff to move forward with the adoption of the ordinance, Staff will present the ordinance and findings in Fall 2022. If City Council declines the adoption of EV Charging Station Infrastructure ordinance, the City will have to comply with the minimum requirements through CALGreen.

QUESTION FOR CITY COUNCIL

1. Does the City Council agree with Staff to proceed with the adoption of EV Charging Station ordinance?

SECTION 3: CLIMATE ACTION PLAN

BACKGROUND

In June 2011 and November 2015, Staff presented the scope of work and budget related to the preparation of City's Climate Action Plan (CAP) to City Council. However, the CAP preparation did not proceed with other competing priorities, in addition to the needed work and staff's involvement following the San Bruno explosion and rebuild. As part of City Council's 2021 Strategic Initiatives, staff is presenting an updated scope of work and budget to implement City's CAP. To put California on the path to a low-carbon future, the California Air Resources Board (CARB) approved the Climate Change Scoping Plan in 2008. The plan directed the State to reach 1990 emissions levels by 2020. Municipal governments were asked to reduce their emissions by at least 15 percent by 2020 compared with current levels (2008 levels or earlier). This prompted many cities to adopt community-wide emissions reduction targets of at least 15 percent below 2005 levels. To remain in compliance with State law, local jurisdictions are encouraged to adopt a Climate Action Plan to reduce GHG emissions limits to levels identified by CARB.

The Climate Action Plan (CAP) is a comprehensive framework that helps fight climate change by focusing on major sources of greenhouse gas emissions in the City. CAP is designed to be a blueprint of the community's response to the challenges posed by climate change. It also provides tools for residents and businesses to curb the impacts of global warming. Energy use is a vital component of sustainability due to the greenhouse gas emissions associated with natural gas, electricity, transportation, and burning of fossil fuels. Initiating a City CAP will

provide a roadmap for pursuing community-wise and municipal reduction in GHG emissions. The Plan will also encourage future policies to be geared towards a sustainable community.

However, it is important to note that although the City has not yet adopted the City's Climate Action Plan, several sustainability efforts have been implemented in many City facilities. For instance, the City has made efficient use of electricity and water in municipal buildings and facilities. City-occupied spaces have been converted to LED lighting and exterior lighting has been converted to solar power with battery reserve to last overnight. Majority of the HVAC systems have programmed schedules with setpoint control to maximize efficiency. These controls prevent HVAC systems from operating overnight. Additionally, with the Police Department providing 24-hour/7-day coverage, the Facilities and Fleet staff is completing the installation of a building management system (BMS) to improve HVAC efficiency. Instead of the HVAC running full time to create a specific temp without any real input, the BMS analyzes the various zone demands and optimizes supply air temperature. With the adoption of City's Climate Action Plan, there will be additional measures requirement to further reduce the overall greenhouse gas emissions.

GREENHOUSE GAS INVENTORY

The initial step towards the Climate Action Plan draft is to develop a City-wide inventory of GHG emissions. Conducting a GHG emissions inventory will determine which sectors are the greatest contributors of GHG emissions and establish a baseline from which to set goals and measure progress. The baseline GHG emissions inventory provides the data needed to prioritize actions that will offer the best return on investment, whether through cost, energy consumption, or GHG emissions reductions. The scope of a GHG emissions inventory can be completed for local government operations, the community, or both.

The latest inventory report San Bruno received was for 2010 community GHG. The report was provided in April 2014 and was prepared through the San Mateo County Energy Watch program and funded by California utility customers. If City Council advises staff to move forward with the preparation of CAP, the previous study is outdated and will require an updated GHG inventory report. A GHG inventory is a precursor to developing a CAP and ensuring investments in climate action strategies and programs target local pollution sources. Staff is awaiting response from CARB on the initiation of GHG inventory. The outdated GHG inventories will not represent current practices. To complete a study, there are two options presented. Option 1 is to receive data that is being prepared by Rincon that was contracted by the County of San Mateo to collect data collection for the 2018-2019 Countywide inventory development. The preliminary data collection is underway and Rincon will be reaching out to data partners by March 2022 to request authorization to access community utility use data. In Spring 2022, the team will be providing GHG inventory and methodology updates. However, it is unclear when the County will provide individual City GHG inventory data. If data collected by Rincon is not available to San Bruno, alternative the study can be conducted through a request for California Air Resources Board. The request was submitted on behalf of 42 cities and towns to conduct GHG inventories as part of a statewide initiative. .

BUDGET

While there are no active grants currently available for the drafting and preparation of the Climate Action Plan, there are various resources available for jurisdictions to initiate actions towards CAP and sustainability. City Staff can continue collaborating with multiple stakeholder

groups and enhance the accuracy and suitability of CAP funding and financing strategies. City of Fremont is considering a bond to combine a large subset of climate action initiatives, including transportation, municipal building energy efficiency retrofits, and energy generation projects. Oakland is considering a Green or Public Bank as part of its CAP, which could serve as the funding source for multiple other CAP action items. Green banks are financial institutions that can leverage public funding to attract private capital for clean energy projects. Many other neighboring Cities are procuring services for CAP through the capital improvement program fund. Staff can continue researching additional methods of funding while collaborating with organizations to push sustainable initiatives.

Staff has contacted both Skyline College and Climate Corps to discuss ways to assist City staff in drafting the Climate Action Plan as part of Fellowship programs. If City Council advises staff to proceed preparation of CAP using a Fellowship program and available resources, additional budget enhancement for a sustainability staff may be needed to mentor and oversee the project. Additionally, the timeframe to complete the draft may be longer than utilization of professional consultants. Table 6 outlines the differences in budget and timeline between the two options. Based on a County-wide sustainability questionnaire conducted in 2021, Cities that have prepared a CAP draft has had a .65 FTE position dedicated to CAP work.

Table 6: CAP Preparation Paths					
Option 1: City Staff and Professional Consultant	Tasks	Timeline for CAP Preparation	Prepared by	Budget	Notes
	Greenhouse Gas Inventory	15 months	Consultant	\$150,000	Handled primarily by consultant with minimal staff time/cost. <u>Does not include implementation costs.</u>
	Greenhouse Gas Forecast & Target Setting		Consultant		
	Greenhouse Gas Reduction Analysis		Consultant		
	CEQA Streamlining		Consultant		
	Climate Action Plan		Consultant		
	Community Engagement		Consultant & City Staff		
Option 2: City Staff, RICAPS, Fellowship, and Community Resources	Tasks	Timeline for CAP Preparation	Prepared by	Budget	Notes
	Greenhouse Gas Inventory	19-23 months	CARB/RINCON	\$90,000	Includes staff time/cost of .5 FTE. <u>Does not include implementation</u>
	Greenhouse Gas Forecast & Target Setting		City Staff & Fellow		

	Greenhouse Gas Reduction Analysis		City Staff & Fellow		<u>costs.</u>
	CEQA Streamlining		City Staff & Fellow		
	Climate Action Plan		City Staff & Fellow		
	Community Engagement		City Staff & Fellow		

NEXT STEPS

Staff will require City Council approval before implementing either of the options described in Table 5. If the City Council accepts recommended prioritization, the total initial investment would be between \$90,000 to \$150,000 to prepare a CAP draft. It is also important to note that each of these tasks outlined would be completed towards the adoption of the CAP. Implementation of the CAP would require additional funding and assistance. If the City Council accepts Staff to move forward with CAP preparation, Staff will provide an update to City Council after the adoption of CAP to discuss the next steps for implementation.

QUESTION FOR CITY COUNCIL

1. Does the City Council want to move forward with the City's Climate Action Plan?
2. Does the City Council want Staff to utilize State & Community resources to work on the CAP or would City Council want Staff to work with professional consultant?

SECTION 4: FLOOD PLAIN MANAGEMENT

BACKGROUND

Changes in climate and atmosphere can result in extreme drought, wildfires, and tropical storms. The challenges posed by climate change, such as more intense storms, frequent heavy precipitation, heat waves, drought, extreme flooding, and higher sea levels could significantly alter the types and magnitudes of hazards faced by communities. Cities are recommended to adapt to the impacts of climate change. The Floodplain Management Ordinance governs construction in flood-prone areas. The City of San Bruno is a participant in the National Flood Insurance Program (NFIP). Under this program, which is managed by the Federal Emergency Management Agency (FEMA), the federal government makes flood insurance available at affordable rates in the City.

In 2014, FEMA conducted the San Francisco Bay Area Coastal Study and as a result of the study, wave-induced flood risks for coastal communities were assessed. Previously, the entire area of San Bruno had been categorized as Zone D in FEMA's Flood Rate Insurance Rate Maps (FIRM). The Zone D designation is used by FEMA for areas where there are possible but

undetermined flood hazards in circumstances where no analysis of flood hazards has been conducted. Although FEMA's previous studies did not show any special flood hazard areas in San Bruno, the new analysis completed by FEMA identified numerous residential properties within the City's Belle Air neighborhood as potentially subject to coastal flooding. The parcels identified on FEMA's preliminary FIRM are now shown to be higher-risk flood zone and indicated as Zone AE. Zone AE is official defined by FEMA as "Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply." By Federal Law, any property owner with a federally regulated or insured mortgage loan is required to purchase flood insurance for any property within FEMA flood hazard zones.

In August 2016, an appeal package was subsequently submitted to FEMA. In 2017, FEMA reviewed San Bruno's submitted data, assumptions, and model in the appeal package, but determined that the preliminary FIRM showing the SFHA, BFE, flood depths, and flood risk zones for coastal flooding from the San Francisco Bay were correct as shown in the preliminary FIRM and therefore, rejected the City's appeal. On February 26, 2019, City adopted the Floodplain Management ordinance adding chapter 11.40 to Title 11. Since the adoption, FEMA reached out to the City with recommended revisions for City ordinance to align with the updated requirements and include Zone AH into the Ordinance along with additional definitions.

NEXT STEPS

Staff is working with FEMA to bring an amended ordinance for Floodplain Management in compliance with the regulations. In January 2022, Staff made draft edits to the ordinance and submitted for FEMA review. After the ordinance changes are approved by FEMA, Staff will request City Council for ordinance adoption.

QUESTION FOR CITY COUNCIL

1. Does the City Council have any comments or questions on the Floodplain Management compliance process identified by staff?

SECTION 5: CONSTRUCTION & DEMOLITION DEBRIS

BACKGROUND

Effective January 1, 2011, California's Green Building Standards Code (CALGreen) required the diversion of at least 50 percent of the construction waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Subsequent amendments have expanded upon what types of construction are covered and, effective January 1st, 2017, the required diversion rate was raised to a minimum of 65%. That means, on certain construction and demolition projects, at least 65% of the generated waste has to be reused, or recycled. Cities can be fined \$10,000 per day by the California Integrated Waste Management Board (CIWMB) for failure to comply with this law. The CIWMB encourages cities to adopt a Construction & Demolition (C&D) Materials Recycling Ordinance to improve recycling rates.

DISCUSSION

CALGreen allows for either a 65% diversion requirement or the local requirements, whichever are more stringent. CALGreen's waste diversion requirement applies to projects that require a construction or building permit from a local agency. It also applies to residential additions and alteration of existing buildings where the building's conditioned area, volume, or size increases. The current C&D ordinance adopted by the City requires at least 50% of C&D debris to be recycled for existing buildings and at least 65% of the C&D debris to be recycled for new buildings. CALGreen applies the 65% diversion requirements for both new and existing buildings.

Additionally, the current ordinance was first administrated via the use of paper forms built into the consolidated CALGreen checklist used at the Building's front counter. Several disadvantages of that system were experienced by staff, including:

- Difficulty in reviewing the quantity of paperwork involved in reporting;
- Level of detail needed in forms added to form length;
- Some permit applicants required additional help on forms.
- Staff unable to assess meaningful penalty for non-compliance and unable to fully enforce Ordinance

NEXT STEPS

Staff is working to bring an ordinance amendment related to Construction and Demolition Debris to comply with the regulations. Staff will present the ordinance and findings for City Council's review in Fall 2022. The proposed code updates would bring the City's ordinance into compliance with the California Green Building Code by requiring 65% diversion of all construction and demolition debris from the landfill, and by requiring that 100% of all rock, concrete, dirt, and vegetative debris from a project be recycled. This increase will likely have a minimal impact on construction projects, as many projects are already achieving these targets. Staff will also update the Waste Management Plan after the adopted of the updated C&D ordinance.

Additionally, Staff shall research automated tools to implement waste tracking. The automated tool will decrease staff time and resources and provide a more accurate estimate of waste generated. Most waste tracking applications have no cost for appliances to use the reporting system. The Waste Management Plan and automated tool would be integrated. Staff plans to submit an RFP for procurement by January 2023 after the ordinance adoption.

QUESTION FOR CITY COUNCIL

1. Does the City Council have any comments or questions on Construction & Demolition compliance identified by staff?

FISCAL IMPACT: There is no fiscal impact.

ENVIRONMENTAL IMPACT: The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION: Receive public comment and Council input on City's sustainability efforts

ALTERNATIVES:

The City Council has the following alternatives to consider:

1. Only adopt ordinances required for compliance
2. Provide staff with further direction on these issues

ATTACHMENTS: 1. Sustainability Work Plan

SUSTAINABILITY WORK PLAN											
Task	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23
Community Outreach											
Reach Codes Cost-Effectiveness Study											
Flood Plain Management Ordinance Adoption											
Construction & Demolition Ordinance Adoption											
EV Charging Station Ordinance											
Reach Codes Ordinance Adoption											
Local Building Codes Adoption											
City's Greenhouse Gas Inventory Data											