

**CITY OF BELMONT
CITY COUNCIL AND BELMONT FIRE
PROTECTION DISTRICT BOARD OF
DIRECTORS**



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CITY COUNCIL SPECIAL MEETING AGENDA

Tuesday, December 13, 2022

6:00 PM

City Council Chambers

City Hall, One Twin Pines Lane, Belmont, California

TELECONFERENCE PARTICIPANTS

Some Members may Participate Virtually

Being held under Gov. Code 54953(e)

The meeting will be broadcast live to Belmont residents on Comcast Cable Channel 27, streamed live via the City's website at www.Belmont.gov. The public may also attend the meeting in the City Council Chambers and address the council from the chambers. Social distancing must be practiced, and seating will be limited.

PUBLIC COMMENT:

To maximize time for live public comment, we encourage members of the public to provide comments by joining the City Council meeting via Zoom : For web, visit <https://belmont-gov.zoom.us/> select "Join" and enter Meeting ID: 95745673035. Use the Raise Hand feature to request to speak. You may rename your profile if you wish to remain anonymous.

For dial- in comments, call *67 1-(669) 900-6833 (your phone number will appear on the live broadcast if *67 is not dialed prior to the phone number), enter Meeting ID: 95745673035, and press *9 to request to speak. All public comments are subject to a 3-minute time limit unless otherwise determined by the Mayor.

If you wish to submit written public comment, you may send an email to cclerk@belmont.gov before the council considers the item. Please indicate the agenda item topic or agenda item number you wish to comment on in your email's subject line. Any public comment regarding agenda items that are received from the publication of the agenda through the meeting date will be made part of the meeting record, but will not be read during the Council meeting.

1. SPECIAL PRESENTATIONS

A. Presentation of Beautiful Belmont Awards

B. Presentation of Community Service Award

C. Proclamation Honoring Congress Woman Jackie Speier

D. Proclamation Honoring Assembly Member Kevin Mullin

**2. REGULAR MEETING 6:30 PM
ROLL CALL**

3. PLEDGE OF ALLEGIANCE
Belmont Police Department Color Guard

4. REPORT FROM CLOSED SESSION

5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

This portion of the meeting is reserved for persons wishing to address the Body on any City matter not on the agenda. The period for public comment at this point in the agenda is limited to 15 minutes, with a maximum of 3 minutes per speaker. Speakers who requested but did not receive an opportunity to speak during this comment period will be given an opportunity to address the Body later in the meeting. State law prohibits the Body from acting on non-agenda items.

6. COUNCILMEMBER ANNOUNCEMENTS

7. CONSENT BUSINESS

This portion of the meeting is reserved for persons wishing to address the Body on any City matter not on the agenda. The period for public comment at this point in the agenda is limited to 15 minutes, with a maximum of 3 minutes per speaker. Speakers who requested but did not receive an opportunity to speak during this comment period will be given an opportunity to address the Body later in the meeting. State law prohibits the Body from acting on non-agenda items.

A. Virtual Meetings in December

Recommendation: Adopt a resolution finding that the COVID-19 statewide emergency remains in effect and that state and local officials continue to recommend measurements to promote social distancing and directing the Council's Citizen Advisory Bodies to make consistent findings.

Attachment(s):

[Staff Report](#)
[Resolution](#)

B. Approval of Minutes

Recommendation: Approve Meeting Minutes of BFPD 2022 and Council Special Meeting Minutes of November 29, 2022 as presented

Attachment(s):

[BFPD 2022 Meeting Minutes](#)
[Special Meeting Minutes of Nov 29, 2022](#)

C. Notice of Completion for North Road Pump Station and Force Main Project (CCN 2019-575)

Recommendation: Adopt a resolution accepting the work for the North Road Pump Station and Force Main Project construction, City Contract Number 2019-575, by Casey Construction, Inc. allowing for the filling of a Notice of Completion for the project.

Attachment(s):

[Staff Report](#)
[Resolution](#)

D. Belmont Pavement Preservation Project Notice of Completion

Recommendation: Adopt a resolution accepting work and authorizing the issuance of a Notice of Completion for the Belmont Pavement Preservation Project, City Contract Number 2022-608, for a final contract cost of \$625,908.75.

Attachment(s):

[Staff Report](#)
[Resolution](#)

E. 815 Old County Road Sanitary Sewer Main Upgrade Project Construction Inspection Services

Recommendation: Adopt a resolution amending the Task Order #10 with MNS Engineers, Inc. (MNS), for construction management and inspection services for the 815 Old County Road Sanitary Sewer Main Upgrade, for an additional amount of \$184,000, bringing to a total amount not to exceed \$381,314.

Attachment(s):

[Staff Report](#)
[Resolution](#)
[Proposal from MNS](#)

F. Code of Ethics and Conduct

Recommendation: Consider amendments to the “Code of Ethics and Conduct for Elected and Appointed Officials” and adopt a resolution updating the document

Attachment(s):

[Staff Report](#)
[Resolution](#)
[Draft Code of Ethics and Conduct Update](#)

G. 2022 Energy Reach/EV Infrastructure Code Amendments

Recommendation: Introduce 2022 Energy Reach & EV Infrastructure Code Amendments Ordinance and set a Public Hearing date for the Ordinance for January 10, 2023

Attachment(s):

[Staff Report Reach Code Amendments](#)
[Ordinance Reach Code EV](#)

H. Belmont Community Foundation Memorandum of Understanding

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding between the City of Belmont and the Belmont Community Foundation

Attachment(s):

[Staff Report](#)
[Resolution](#)

8. PUBLIC HEARINGS (none)

9. GENERAL BUSINESS

General Business items are considered separately, typically in the order listed. The chair will call for public comment on each item when the body considers the item.

A. November 8, 2022, Regular Municipal Election Results

Recommendation: Adopt Resolution declaring the results of the regular municipal election held November 8, 2022 for Mayor-at-Large, Councilmembers in District 1 and 3, and Measure K

Attachment(s):

[Resolution](#)

[Staff Report](#)

[San Mateo County Election Results](#)

B. Council Reorganization including Oath of Office for Newly Elected Members, Selection of Vice Mayor for 2023 and Remarks from Outgoing Councilmembers

Recommendation: Adopt a Resolution Appointing Vice Mayor for 2023

10. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

1. Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments
2. Verbal report from City Manager

11. MATTERS OF INTEREST/CLARIFICATION

Items in this category are for discussion and direction to staff only. However, Council/Board may take final action on an item if there is no need for additional staff analysis.

12. ADJOURNMENT

If you need assistance to participate in this meeting, please contact the City Clerk at (650) 595-7413.

Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Meeting information can also be accessed via the internet at: www.belmont.gov.

All staff reports will be posted to the web in advance of the meeting, and any writings or documents provided to a majority of the City Council/District Board or Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, One Twin Pines Lane, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting.



STAFF REPORT

Meeting Date: December 13, 2022
Agency: City of Belmont
Staff Contact: Scott Rennie, City Attorney
Agenda Title: Virtual Meetings in December
Agenda Action: Resolution

Recommendation

Adopt a resolution finding that the COVID-19 statewide emergency remains in effect and that state and local officials continue to recommend measures to promote social distancing and directing the Council's Citizen Advisory Bodies to make consistent findings.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

Governor Newsom proclaimed a state of emergency on March 4, 2020, in response to the COVID-19 pandemic and subsequently issued a series of Executive Orders (N-25-20, N-29-20, and N-08-21) that effectively suspended certain provisions of the Brown Act governing the use of teleconferencing by local legislative bodies and allowed them to hold fully virtual meetings. The Brown Act was subsequently amended by enactment of AB 361 in 2021 to include new requirements for holding fully virtual meetings during a state of emergency proclaimed by the Governor.

The Brown Act, in Government Code Section 54953(b)(3), typically requires a city legislative body that this uses teleconferencing to: (1) post agendas at all teleconference locations from which members will participate, (2) identify each location in the notice and agenda of the meeting or proceeding, (3) make teleconference location accessible to the public and (4) maintain at least a quorum of the members of the legislative body in locations within the boundaries of the city. Under Government Code Section 54953(e) as amended by AB 361, fully virtual meetings are allowed without complying with these requirements during a proclaimed state of emergency if either:

1. State or local officials have imposed or recommended measures to promote social distancing;
- or,
2. The legislative body determines by majority vote that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees.

After the initial teleconferenced meeting the legislative body must reconsider the state of emergency and determine whether either of the above circumstances continue every 30 days in order to continue to teleconference without complying with the requirements in section 54953(b)(3) listed above.

The City Council found both circumstances listed both existed and began holding fully virtual public



meetings on September 28, 2021. Most recently, on November 9, 2022, the Council found that state and local officials have imposed or recommended measures to promote social distancing.

The current San Mateo County Health Officer order related to COVID-19 issued on February 16, 2022, remains in effect and advises that individuals should continue to follow guidance released by the United States Department of Health & Human Services (“HHS”) including their sub-agency United States Centers for Disease Control and Prevention (“CDC”), the United States Environmental Protection Agency (“EPA”), California Department of Public Health (“CDPH”), and California Department of Social Services (“CDSS”).

On February 25, 2022, Governor Newsom lifted many of his previous emergency order’s related to COVID-19 and left in place critical measures that support the state’s ongoing response and recovery efforts.

For much of this summer, COVID-19 transmission and community levels were high in San Mateo County and then fell heading into the fall. However, in November case rates and hospitalizations increased substantially in San Mateo County and are continuing to rise. The COVID-19 community levels in some bay area counties has gone from low to moderate and community transmission in San Mateo County remains substantial. While the virus continues to mutate allowing it to evade immunity developed from initial vaccination, the rate of booster vaccination needed to better protect against emerging variants is lagging. As of November 30, 25% of San Mateo County residents have obtained the updated COVID-19 bivalent booster.

The CDC continues to recommend that individuals who are not up to date on COVID-19 vaccinations stay six feet apart from other people in indoor public places. The CDC also continues to advise regardless of community transmission level that physical distancing along with other risk-reduction measures will help reduce the chances of spreading COVID-19 and especially recommends physical distancing when levels are medium or high. <https://www.cdc.gov/coronavirus>.

The current emergency COVID-19 regulations of the California Department of Industrial Relations Division Occupational Safety and Health (Cal/OSHA) require employers to inform employees that strategies to decrease the spread of COVID-19 are most effective when used in combination including physical distancing. (California Code of Regulations Title 8, Section 3205). [COVID-19 Prevention Emergency Temporary Standards](#)

Analysis

Transmission rates of COVID-19 are presently rising, the risk of COVID-19 variants which continue to emerge are still unknown, and booster rates are lacking. COVID-19 remains a significant public health hazard, particularly for unvaccinated individuals and continues to spread and impact nearly all parts of city operations.

Reducing the circumstances under which people come into close contact remains an important component of Belmont’s COVID-19 response strategy. However, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Meetings of the city’s legislative bodies incur indoors for sustained



periods of time which increases the risk to members of the legislative bodies and attending members of the public to Delta variant transmission and infection. In addition, the non-emergency teleconferencing requirements of the Brown Act do not provide a safe alternative for legislative body members who may be at high risk of infection or are susceptible to more severe illness as a result of infection because those rules require that the public be allowed to attend at the teleconference location.

Staff concludes that the Council may reasonably find, based on the available public health information pertaining to COVID-19, that meeting in person by the city's legislative bodies at this time would present imminent risks to the health or safety of attendees. Staff also concludes that the Council may also reasonably find, as an independent basis for continuing virtual meetings, that the County Health Officer recommends individuals follow CDC guidance which continues to encourage physical distancing as risk reduction strategy, and that CalOSHA continues to promote physical distancing as a prevention strategy in the workplace. Council may therefore find that state and local officials continue to recommend measures to promote social distancing in settings such as legislative body meetings.

Alternatives

1. Take no action (in which case in-person meetings will resume)
2. Consider other findings

Attachments

- A. Draft resolution

Fiscal Impact

- ☒ No Fiscal Impact
☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT RECONSIDERING THE COVID-19 STATEWIDE EMERGENCY AS OF DECEMBER 13, 2022, FINDING THAT STATE AND LOCAL OFFICIALS CONTINUE TO RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING, AND DIRECTING THE COUNCIL’S CITIZEN ADVISORY BODIES TO MAKE CONSISTENT FINDINGS

WHEREAS, in response to the COVID-19 pandemic, Governor Newsom proclaimed a state of emergency on March 4, 2020, and the state of emergency remains in effect; and,

WHEREAS, the City Council made findings under Government Code Section 54953(e) and began holding fully virtual public meetings on September 28, 2021; and most recently, on October 11, 2022, the Council found that state and local officials have imposed or recommended measures to promote social distancing,

WHEREAS, the current San Mateo County Health Officer order related to COVID-19 issued on February 16, 2022, remains in effect and advises that individuals should continue to follow guidance released by the United States Department of Health & Human Services (“HHS”) including their sub-agency United States Centers for Disease Control and Prevention (“CDC”), the United States Environmental Protection Agency (“EPA”), California Department of Public Health (“CDPH”), and California Department of Social Services (“CDSS”); and,

WHEREAS, on February 25, 2022, Governor Newsom lifted many of his previous emergency order’s related to COVID-19 and left in place critical measures that support the state’s ongoing response and recovery efforts; and,

WHEREAS, case rates and hospitalizations have risen significantly in San Mateo County and are continuing to rise and the rate of booster vaccination needed to better protect against emerging variants is lagging; and,

WHEREAS, the CDC continues to recommend that individuals who are not up to date on COVID-19 vaccinations stay six feet apart from other people in indoor public places, and the CDC also continues to advise regardless of community transmission level that physical distancing along with other risk-reduction measures will help reduce the chances of spreading COVID-19; and,

WHEREAS, the current emergency COVID-19 regulations of the California Department of Industrial Relations Division Occupational Safety and Health (Cal/OSHA) require employers to inform employees that strategies to decrease the spread of COVID-19 are most effective when used in combination including physical distancing. (California Code of Regulations Title 8, Section 3205).

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The Council has reconsidered the circumstances of the state of emergency

and finds that state and local officials continue to recommend measures to promote social distancing.

SECTION 2. The subordinated legislative bodies of the city, including the commissions and other citizen advisory bodies, are directed to make findings consistent with the findings herein unless the body finds new information which was not known and could not have been known with the exercise of reasonable diligence as of December 13, 2022 that would prevent a reasonable decisionmaker from making either of the findings in Section 1 or the Council directs otherwise. Any finding inconsistent with the findings in Section 1 is subject to review and vacation by the Council.

SECTION 3. The resolution is effective immediately.

* * *

ADOPTED December 13, 2022 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, January 11, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:0 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Hurt, Stone, McCune, Mates

BOARDMEMBERS ABSENT: None

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 9:15 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, February 8, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Hurt, Mates, Stone

BOARDMEMBERS ABSENT: None

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 10:45 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, February 22, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Councilmembers Lieberman, Stone, Hurt, McCune, Mates

BOARDMEMBERS ABSENT: none

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 10:40 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, March 8, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:04 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Hurt, McCune, Mates, Stone, (all remotely via Zoom webinar)

BOARDMEMBERS ABSENT: none

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 10:45 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, March 22, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:05 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Hurt, McCune, Mates, Stone, (all remotely via Zoom webinar)

BOARDMEMBERS ABSENT: none

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 9:45 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, April 12, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:08 PM

ROLL CALL

BOARDMEMBERS PRESENT: Stone, Hurt, McCune, Mates

BOARDMEMBERS ABSENT: Lieberman

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 8:50 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, April 26, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:03 PM

ROLL CALL

BOARDMEMBERS PRESENT: Stone, Lieberman (via Zoom), Hurt, McCune, Mates

BOARDMEMBERS ABSENT: None

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 10:07 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, May 10, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

(Note: Regular Fire Protection District Meetings held concurrent with City Council meetings.)

Due to technical difficulties with televising and live streaming the meeting the Mayor explained that some time sensitive items on the agenda will be addressed while other items will be continued to the next meeting.

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Stone, Hurt (virtual participation), Lieberman, McCune, Mates (in person)

BOARDMEMBERS ABSENT: none

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 9:12 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, May 24, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Stone, McCune, Mates

BOARDMEMBERS ABSENT: Hurt

Introduction of the Proposed Fiscal Year 2023 Budget

Informational item, see Council minutes for presentation and discussion notes.

ADJOURNMENT at this time, being 9:10 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, June 14, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:20 PM

(Note: Regular Fire Protection District Meetings held concurrent with City Council meetings.)

CALL TO ORDER 7:25 (due to technical difficulties)

ROLL CALL

DIRECTORS PRESENT: Lieberman (virtual), Stone, Hurt, McCune, Mates (virtual)

DIRECTORS ABSENT: None

ITEM APPROVED ON CONSENT BUSINESS

Resolution 2022-02 Ratifying The Belmont-San Carlos Fire Department Budgets For FY 2023 and FY 2024

Resolution 2022-03 adopting Fiscal Year 2022-2023 Revenue and Appropriations Budgets, and Permanent Staffing Plan For The District

Resolution establishing the District's Appropriation Limit for FY 2022-2023

ACTION: On a motion by Director Hurt, seconded by Director Stone the Consent Business items were unanimously approved (5-0).

ADJOURNMENT at this time, being 9:32 pm

**Jozi Plut
District Secretary**

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, June 28, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 8:05 PM (Study Session for Business License Modernization continued into the regular meeting)

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Stone, Hurt, McCune, Mates

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 9:31 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, July 12, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman (virtual), Stone, Hurt, McCune, Mates

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 12:5 am

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, July 26, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:08 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Stone, Hurt, McCune
BOARDMEMBERS ABSENT: Mates

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 12:25 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, September 13, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Stone, Hurt, Mates
BOARDMEMBERS ABSENT: McCune

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 8:25 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, September 27, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman (virtual), Stone, Hurt, McCune, Mate

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 11:00 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, October 11, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Stone, Hurt, McCune, Mates
BOARDMEMBERS ABSENT:

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 8:07pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, October 25, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

(Note: Regular Fire Protection District Meetings held concurrent with City Council meetings.)

CALL TO ORDER 7:05 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman (virtual), Stone, Hurt, McCune, Mates

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 9:35 pm.

**Jozi Plut
District Secretary**

**ADJOURNED MEETING OF NOVEMBER 8, 2022
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, November 9, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

(Note: Regular Fire Protection District Meetings held concurrent with City Council meetings.)

CALL TO ORDER 2:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Stone, McCune, Mates,
BOARDMEMBERS ABSENT: Hurt

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 3:25 pm.

**Jozi Plut
District Secretary**

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, November 22, 2022
ONE TWIN PINES LANE
BELMONT, CALIFORNIA**

(Note: Regular Fire Protection District Meetings held concurrent with City Council meetings.)

CALL TO ORDER 7:00 PM

ROLL CALL

BOARDMEMBERS PRESENT: Lieberman, Stone, McCune, Mates

BOARDMEMBERS ABSENT: Hurt

No Belmont Fire Protection District action on this agenda.

ADJOURNMENT at this time, being 8:05 pm.

**Jozi Plut
District Secretary**

CITY OF BELMONT CITY COUNCIL AND BELMONT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS

Minutes of Special Meeting of November 29, 2022

CALL TO ORDER 6:10 p.m.

ATTENDED BY Councilmembers Lieberman, Stone, Hurt (virtual), Mates

ABSENT: McCune

ITEMS OF BUSINESS

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

No persons came forward to speak.

CONSENT BUSINESS

Approved Minutes as presented for Special and Regular meetings of June 28, 2022, and October 25, 2022.

Received Monthly Financial Reports for October 2022

GENERAL BUSINESS

Interview Candidates for Belmont Representative to the San Mateo County Mosquito and Vector Control District

The Council discussed the interview process and conducted interviews of the following candidates:

Colleen You

Charles Cotten

Wade Leschyn (incumbent)

Council discussion ensued regarding appointing a candidate for a 2 or 4-year term. Councilmember Hurt stated that due to the quality of the audio she will abstain from discussion and vote.

ACTION: On a motion made by Councilmember Stone and seconded by Mayor Mates **Resolution 2022- 119** appointing Charles (Chuck) Cotton to the San Mateo County Mosquito and Vector Control District for a 2-year term was approved by a roll call vote (Stone, Mates yes, Hurt Lieberman abstain, McCune absent).

ADJOURNMENT at this time being 7:20

**Jozi Plut
City Clerk**



STAFF REPORT

Meeting Date: December 13, 2022
Agency: City of Belmont
Staff Contact: Bozhena Palatnik, Public Works, (650) 595-7463, bpalatnik@belmont.gov
Agenda Title: Notice of Completion for North Road Pump Station and Force Main Project (CCN 2019-575)
Agenda Action: Resolution

Recommendation

Adopt a resolution accepting the work for the North Road Pump Station and Force Main Project construction, City Contract Number 2019-575, by Casey Construction, Inc. allowing for the filling of a Notice of Completion for the project.

Strategic Focus Area

Infrastructure and Mobility

Background

The North Road Sewer Pump Station is located on northern City limits at the corner of North Road and El Camino Real. It is the second largest pump station in the City of Belmont and was significantly undersized for the existing wet weather and planned development in its drainage basin. Additionally, the North Road/El Camino Real force main had issues with soil corrosivity and its size.

On October 22, 2019, Council approved advertisement for bids and award of a construction contract for the North Road Pump Station and Force Main Rehabilitation Project, to the lowest responsible bidder, for an amount not to exceed \$5,393,065.

The bid opening took place on November 22, 2019, and the lowest bid came in at \$4,154,760. The contract was awarded to Casey Construction, Inc. as the lowest responsible bidder. The project construction started in late February of 2020, and work progressed through to substantial completion on March 31, 2022.

The work involved major coordination and permitting with Caltrans, Caltrain, and SamTrans to minimize impact to vehicular, bicycle, and pedestrian traffic along the heavily traveled corridor.

Analysis

During construction of the project, the City was completing a Citywide sewer capacity analysis, and it discovered that the downstream gravity sewer pipeline would be undersized to receive the higher flows from the new pump station. To reduce the potential risk of sanitary sewer overflows, staff determined that upsizing of the gravity sewer main downstream of the North Road Force Main was imminently needed prior to completion of the pump station project.

On September 22, 2020, Council issued an Emergency Declaration and authorized additional expenditure



of \$999,880, bringing the total construction cost to \$5,570,116, for the proposed gravity sewer main capacity improvements as part of this project. By December 2020 the gravity main installation was completed. The force main construction was completed shortly thereafter.

The pump station construction was completed in March 2022. After substantial completion, the City generated a punch list of deficient items requiring correction prior to contract acceptance. The City Engineer has reviewed the work, and verified that the work is complete per the City requirements, and that all punch list items have been addressed.

Formal acceptance of the project by the governing body is required to allow for filing of a Notice of Completion for the project, which allows for statutory subcontractor claims and release of retained funds to the Contractor. The final cost of construction including six change orders is \$5,212,603.54 which is below \$5,570,116 approved for this project.

Alternatives

1. Take no action
2. Refer back to staff for further information

Attachments

- A. Resolution

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed: \$2,822,351.54 from Account No. 503-3-730-7036-9030/ CIP Sewer Pump Station Rehabilitation, \$999,880 from Account 503-3-730-7073-9030/CIP Basin Rehabilitation and \$1,390,372 Account No. 503-3-730-7078-9030/CIP Force Main Rehabilitation.
Unspent budget will be returned to the Sewer Collections Fund balance and available for future appropriations.

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ACCEPTING THE WORK AND AUTHORIZING THE ISSUANCE OF A NOTICE OF COMPLETION FOR THE NORTH ROAD PUMP STATION AND FORCE MAIN PROJECT, CITY CONTRACT NUMBER 2019-575

WHEREAS, on October 22, 2019, Council approved advertisement for sealed bids and awarding the North Road Pump Station and Force Main Rehabilitation Project to the lowest responsible bidder for an amount not to exceed \$5,393,065; and,

WHEREAS, on November 22, 2019, City conducted a bid opening, and the low bid came in at \$4,154,760; and,

WHEREAS, on September 22, 2020, Council issued an Emergency Declaration authorizing appropriation of \$999,880 to conduct construction of the gravity line improvements as part of this project, bringing the total cost of construction including contingency to \$5,570,116; and,

WHEREAS, the final cost of construction is 5,212,603.54.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. Accepts the work as complete.

SECTION 2. Authorizes the City Clerk to issue the Notice of Completion to Casey Construction, Inc.

SECTION 3. Authorizes the City Clerk to file Notice of Completion with the San Mateo County Clerk-Record's office for the North Road Pump Station and Force Main Rehabilitation Project, City Contract Number 2019-575.

* * *

ADOPTED December 13, 2022 by the City of Belmont City Council by the following
vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: December 13, 2022
Agency: City of Belmont
Staff Contact: Nima Mazhari, Public Works, (650) 730-5706
Agenda Title: Belmont Pavement Preservation Project Notice of Completion
Agenda Action: Resolution

Recommendation

Adopt a resolution accepting work and authorizing the issuance of a Notice of Completion for the Belmont Pavement Preservation Project, City Contract Number 2022-608, for a final contract cost of \$625,908.75.

Strategic Focus Area

Infrastructure and Mobility

Background

On March 22, 2022, the City Council approved the project plans and specification and authorized advertising and awarding the Belmont Pavement Preservation Project for an amount up to the engineer's estimate of \$546,470.50 plus a 10% construction contingency.

On May 5, 2022, staff conducted a bid opening. Four bids were received with low bid being at \$616,076.75 from O'Grady Paving, Inc. Since the lowest bid was over the engineer's estimate, it was decided that City staff would seek Council approval for additional funding to award this project to the low bidder in order to construct this project in summer 2022 to retain the time sensitive grant funding that the City otherwise would lose.

On May 24, 2022, the City Council awarded the Belmont Pavement Preservation Project to O'Grady Paving, Inc. for an amount not to exceed \$708,488.25 including construction contingency. The work included pavement repair, rehabilitation, crack sealing, slurry sealing, thermoplastic striping, and pavement markings on the following street segments:

<u>STREET</u>	<u>FROM:</u>	<u>TO:</u>
Dale View Avenue	Hiller Street	Old County Road
Elmer Street	Ralston Avenue	O'Neill Avenue
6 th Avenue	Ralston Avenue	Hill Street
Harbor Boulevard	Molitor Road	El Camino Real
Notre Dame Avenue	Arbor Avenue	Miller Avenue
Chula Vista Drive	Alameda De Las Pulgas	Ralston Avenue

Analysis

The construction began May 2022 and was completed by August 2022. Due to the unforeseen increase in digouts and crack seal required during construction, the project went 1.5% above the original contract



cost, but was delivered 13% below the Council approved budget. The project was also completed ahead of schedule.

The City is retaining 5% from the contractor to ensure that all subcontractors and suppliers are paid. If there are no claims filed within 35 days of recording the Notice of Completion, final payment will be released to the contractor.

Alternatives

1. Take No Action
2. Refer back to staff for further information

Attachments

- A. Resolution

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed:

- 625,908.75 from the Street Improvement Fund, Local Streets and Roads Pavement Project #3227 (234-3-730-3227-9030)
- \$467,000 was awarded through the Federal Surface Transportation Funds (STP) and the One Bay Area Grant (OBAG) Program for roadway improvements.
- \$158,908.75 of the City's matching fund requirement.

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ACCEPTING WORK AND AUTHORIZING THE ISSUANCE OF A NOTICE OF COMPLETION FOR THE BELMONT PAVEMENT PRESERVATION PROJECT, CITY CONTRACT NUMBER 2022-608, FOR A FINAL CONTRACT COST OF \$625,908.75

WHEREAS, on March 22, 2022, the City Council approved the project plans and specification and authorized advertising and awarding the Belmont Pavement Preservation Project for an amount up to the engineer's estimate of \$546,470.50 plus a 10% construction contingency; and,

WHEREAS, on May 5, 2022, staff conducted a successful bid opening where the City received four bids for the construction of the project, with low bid received at \$616,076.75 from O'Grady Paving, Inc.; and,

WHEREAS, on May 24, 2022, the City Council awarded the Belmont Pavement Preservation Project to O'Grady Paving, Inc. for an amount not to exceed \$708,488.25, including construction contingency.

WHEREAS, the construction began in late May 2022 and was completed by August 2022. Due to the unforeseen increase in digouts and crack seal required during construction, the project went 1.5% above the original contract cost.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. Accepts the work as complete.

SECTION 2. Authorizes the City Clerk to issue the Notice of Completion to O'Grady Paving, Inc.

SECTION 3. Authorizes the City Clerk to file Notice of Completion with the San Mateo County Clerk-Record's office for the Belmont Pavement Preservation Project, CCN 2022-608.

* * *

ADOPTED December 13, 2022 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: December 13, 2022
Agency: City of Belmont
Staff Contact: Matt Hoang, Public Works, (650) 637-2998, mhoang@belmont.gov
Agenda Title: 815 Old County Road Sanitary Sewer Main Upgrade Project Construction Inspection Services
Agenda Action: Resolution

Recommendation

Adopt a resolution amending the Task Order #10 with MNS Engineers, Inc. (MNS), for construction management and inspection services for the 815 Old County Road Sanitary Sewer Main Upgrade, for an additional amount of \$184,000, bringing to a total amount not to exceed \$381,314.

Strategic Focus Area

Infrastructure and Mobility

Background

The development at 815 Old County Road, consisting of a 177-unit apartment building, is a project by Carmel Partners VII 815 BELMONT LLC (Developer) which was entitled in 2021 and is currently under construction. As part of the conditions of approval, the Developer is required to replace the existing undersized sanitary sewer gravity main along Hiller Street (from Wessex Way to the Hiller lift station located between 604 and 606 Hiller Street) to meet the additional demand incurred by the development. The project scope involves replacing approximately 1,870 feet of the undersized and defective sewer main, reconnecting service laterals, rehabilitating existing manholes, and constructing new manholes to provide for a more efficient project completion.

On April 26, 2022 Council authorized the City Manager to enter into a cost sharing agreement with the Developer for the replacement and upsize of the existing sewer gravity main along Hiller Street in the amount of \$1,671,279. This cost will be shared based on proportionate cost of improvements of 75% by the City and 25% by the Developer. The total amount also includes allocation for construction inspection and constructability review services to be conducted by the City's representative, MNS, in the amount of \$197,314.

On May 10, 2022 Council authorized the City Manager to execute a Task Order with MNS to provide the necessary construction inspection and constructability review services for the sewer main upgrade on Hiller Street.

Analysis

Based on the original scope of work, MNS Engineers forecasted an estimated cost for the construction inspection and constructability review services based on 100 working days of construction and general construction management oversight. However, during submittal review process and subsequently during



construction, due to the difficulties of the site conditions and constructability, it was determined that the Development team was not best equipped to provide the necessary oversight and construction management (CM) services that would meet the City's requirements. The longer construction time frames are in part related to unstable soils encountered in the construction area. This lack of stability has caused regular trench collapses during excavation, thus prolonging work as trenches need to be re-excavated and shored up for safety prior to work continuing. MNS has undertaken additional CM responsibilities and construction inspection services. These additional responsibilities as well as the longer than anticipated project timeframe require additional resources to cover time and effort to bring the project to successful completion.

MNS submitted an updated proposals requesting an amendment in the amount of \$184,000 bringing the total for their Task Order to \$381,314. This cost is based on the estimated 200 working days that included constructability review, construction timeframe, and project close-out services. This cost for services provided by MNS will also be shared based on proportionate cost of 75% by the City and 25% by the Developer.

Alternatives

1. Take no action.
2. Refer back to staff for further information.

Attachments

- A. Resolution
- B. Proposal from MNS

Fiscal Impact

- ☐ No Fiscal Impact
- ☒ Funding Source Confirmed: \$184,000 from the Sewer Collections Fund, Basin
Rehabilitation Project #7073 (Account 503-3-730-7073-8331)

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AUTHORIZING THE CITY MANAGER TO AMEND THE CURRENT TASK ORDER WITH MNS ENGINEERS, INC. TO PROVIDE CONSTRUCTION INSPECTION AND CONSTRUCTABILITY REVIEW SERVICES FOR THE 815 OLD COUNTY SANITARY SEWER MAIN UPGRADE PROJECT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$184,000

WHEREAS, the conditions of approval of the development at 815 Old County Road required CP VII 815 BELMONT LLC (Developer) to design and replace the existing sanitary sewer gravity main line along Hiller Street from Wessex Way to the Hiller lift station located between 604 and 606 Hiller Street; and,

WHEREAS, on April 26, 2022, Council authorized the City Manager to enter into a cost sharing agreement with the Developer for the replacement of the sewer main along Hiller Street in the amount of \$1,671,279 which includes the amount of \$197,314 for construction inspection and constructability review services to be conducted by MNS Engineers, Inc.; and,

WHEREAS, on May 10, 2022, Council authorized the City Manager to negotiate and execute a Task Order with MNS Engineers, Inc. to provide construction inspection and constructability review services for the 815 Old County Road Sanitary Sewer Main Upgrade Project; and,

WHEREAS, MNS submitted an updated proposals requesting an amendment in the amount of \$184,000 bringing the total for their Task Order to \$381,314; and,

WHEREAS, funds are available in account 503-3-730-7073-9030.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The City Manager is authorized to amend current Task Order from Engineers, Inc. to extend construction inspection and constructability review services for the 815 Old County Road Sanitary Sewer Main Upgrade Project to the completion of construction for an additional amount not to exceed \$184,000

* * *

ADOPTED December 13, 2022 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

November 30, 2022

Ms. Bozhena Palatnik, Senior Civil Engineer

City of Belmont
1 Twin Pines Lane
Belmont, CA 94002

SUBJECT: Request for Amendment to Task Order No. 10 for Constructability Review, Construction Management Services, and Inspector Services for Hiller Street Sanitary Sewer Main Upgrade Project

Dear Ms. Palatnik,

MNS Engineers, Inc., is requesting an amendment in an amount of \$184,000 increasing the currently authorized amount to \$381,314. A breakdown of the forecast costs to complete for the project is included as an attachment. This request is based on the current anticipated completion of the project by the end of April of 2023 with one month to close out the project. MNS Engineers' original cost proposal was based on an original 100 working days contract. The project is now anticipated to take over 200 working days to complete.

The requested increase in the current authorized amount is due to the following which has increased our construction management efforts and extended the construction schedule:

- Delay of start of field work by a couple of months due to lack of availability of pipe material
- Additional construction management efforts to assist with location of available pipe sources, multiple reviews and responses of submittals, and multiple change orders request and potential claims
- Additional time and effort to install pipe due to difficult soil conditions and other unforeseen field conditions
- Additional inspection effort to verify and document and track potential contract change orders and claims from Developer's subcontractor

Sincerely,



Michael K. Chan, Principal Construction Manager
MNS Engineers, Inc.

Forecast Belmont Old County Road Gravity Sewer Upgrade

Date 10/10/2022
Budget \$197,314.00

Chronology

Potholing began 8/8/2022
Construction began 8/22/2022
end of 100 WD duration of field work beginning 8/8/22 11/30/2022
New Anticipated Completion date 4/30/2023
Anticipated Closeout By 5/31/2023

Name	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	2022 Total Hrs	2023 Total Hrs	2022 Hourly Rates	*2023 Hourly Rates	2022	2023	Total
Mike Chan	3	0	0	0	0	0	0	0	0	0	0	0	0	3	0	\$250.25	\$257.76	\$750.75	\$0.00	\$750.75
Sami Khan (RE)	0	76	64	20	12	0	20	0	0	0	0	0	0	192	0	\$200.00	\$206.00	\$38,400.00	\$0.00	\$38,400.00
Melissa Androlowicz (OE)	20	0	5	0	10	9	10	10	10	10	10	10	15	64	55	\$90.84	\$93.57	\$5,813.76	\$5,146.09	\$10,959.85
Sami Khan (Inspector)	0	0	0	144	92	81.5	140	0	0	0	0	0	0	457.5	0	\$167.00	\$172.01	\$76,402.50	\$0.00	\$76,402.50
Ryun Ernst (Inspector)	22	18	0	0	0	0	0	0	0	0	0	0	0	40	0	\$167.00	\$172.01	\$6,680.00	\$0.00	\$6,680.00
Peter Testa (Inspector)	0	0	0	0	70	79	0	176	160	152	184	168	88	325	752	\$167.00	\$172.01	\$54,275.00	\$129,351.52	\$183,626.52
Peter Testa (Inspector) OT 1.5XST	0	0	0	0	0	1	2	2	2	2	2	2	0	5	8	\$250.50	\$258.02	\$1,252.50	\$2,064.12	\$3,316.62
Nick Boswell (Project Engineer)	18.5	0	8	0	18	26.5	30	30	30	30	30	30	50	131	170	\$200.00	\$206.00	\$26,200.00	\$35,020.00	\$61,220.00

* - Anticipated 3% increase allowed by contract annually

Forecast to Complete \$381,356.24
Amount Over (\$184,042.24)
Amendment Amount \$184,000



STAFF REPORT

Meeting Date: December 13, 2022
Agency: City of Belmont
Staff Contact: Afshin Oskoui, City Manager
Scott Rennie, City Attorney
Agenda Title: Code of Ethics and Conduct Update
Agenda Action: Resolution

Recommendation

Consider amendments to the “Code of Ethics and Conduct for Elected and Appointed Officials” and adopt a resolution updating the document.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

In June 2014, the City Council adopted the “Code of Ethics and Conduct for Elected and Appointed Officials” establishing rules and expectations for behavior by the city’s elected and appointed officials while exercising their public office. The code is intended to instill public confidence and trust in the fair operation and integrity of Belmont’s city government and is organized around the four core principles that elected and appointed officials:

- (1) comply with both the letter and spirit of the laws and policies affecting the operations of government;
- (2) are independent, impartial and fair in their judgment and actions;
- (3) use their public office for the public good, not for personal gain; and
- (4) conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

By all accounts, the code has been successful in clearly conveying the norms of appropriate behavior needed to advance these core principles and has served the city well. The code was last updated in 2017.

At the Council’s adjourned regular meeting on November 9, 2022, the council adopted updates to the Council’s protocols and requested that staff bring back additional language addressing Council governance under the new by-district system of elections for inclusion in the appropriate Council documents.

Analysis

Staff has reflected on the addition of governance language and has prepared a proposed amendment for inclusion in the Code of Ethics and Conduct. In addition to addressing governance in by-district election



system, the amendment incorporates a broader notion of the governed community to include those employed, conducting business, or visiting the city. The amendment recognizes that everyone in the city contributes to the city's economic, cultural, and social health through the investment of their time, energy, or money in the community, and that the city government serves all of these community members. Staff believes the best place to locate the new statement is in the Code of Ethics and Conduct under the Ethics section near the beginning of the document.

Staff has also taken the opportunity to amend the code to reflect the transition from elected to appointed treasurer and city clerk, to update terminology, and to improve flow and clarity.

Alternatives

1. Direct other or further to amendments
2. Take no action

Attachments

- A. Code of Ethics and Conduct for Elected and Appointed Officials with proposed amendments
- B. Resolution

Fiscal Impact

- ☒ No Fiscal Impact
- ☐ Funding Source Confirmed:

Source:

Council

Purpose:

Council Vision/Priority

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AMENDING THE COUNCIL’S CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, the City Council has reviewed proposed modifications prepared by staff to the Code of Ethics and Conduct for Elected and Appointed Officials and finds the changes appropriate.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The City Council’s Code of Ethics and Conduct for Elected and Appointed Officials is amended as set in the draft included with the staff report to the Council at its regular meeting on December 13, 2022. The City Clerk is directed to finalize the document, update the amendment history, attach it to this resolution, and post it to the city’s website.

* * *

ADOPTED December 13, 2022 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



City of Belmont

Code of Ethics and Conduct For Elected and Appointed Officials

*"Always do right. This will gratify some people and
astonish the rest."
-- Mark Twain*

Adopted June 10, 2014 by Resolution No. 2014-095
Amended February 11, 2016 by Resolution No. 2016-019
Amended February 2, 2017 by Resolution No. 2017-008

Policy Purpose

The Belmont City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Belmont's City government.

A. ETHICS

The citizens and businesses of Belmont are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required-authorized by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, ~~City Treasurer, and City Clerk~~ and of all city Boards, Committees and Commissions ~~citizen advisory bodies~~ shall must conduct themselves in accordance with the following ethical standards:

1. **Governance.** The City Council governs the whole city. Councilmembers including the mayor can only act as the council through the body and only the body, not individual members, can act as the council. All councilmembers, whether elected at-large, by-district or appointed to fill a vacancy, represent and serve the whole city.

(a) *Represent the Entire Community.* -

Although a councilmember may be elected only by residents within a certain district, or otherwise have an affinity for a certain portion of the community, good governance requires all members be guided by a citywide prospective and exercise their office in the best interest of the entire community.

(b) *Equal Responsiveness.*

Councilmembers should be equally available and responsive to all persons in the city community regardless of where in the city the person resides, is employed, conducts business or visits, and should assure fair and equal treatment of all persons, claims and transactions coming before them.

2. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Belmont and not for any private or personal interest, ~~and they will assure fair and equal treatment of all persons, claims and transactions coming before them.~~

32. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall-will comply with the laws of the nation, the State of California and the City of Belmont in the performance of their public duties.
43. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall-will refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, ~~Boards, Committees and Commissions~~ citizen advisory bodies, the staff or public.
54. **Respect for Process.** Members shall-will perform their duties in accordance with the processes and rules of order established by the City Council.
65. **Conduct at Public Meetings.** Members shall-will prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
76. **Decisions Based on Merit.** Members shall-will base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. -When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall-will maintain an open mind until the conclusion of the hearing on the matter and shall-will base their decisions on the facts presented at the hearing and the law.
87. **Communication.** For adjudicative matters pending before the body, members shall-will refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall-will publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.
98. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with ~~conflict of interest~~ conflict-of-interest laws, members shall-will use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall-will not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall-will disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall-should not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall-will diligently pursue obtaining such advice. The member shall-will provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members ~~shall~~will disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, ~~shall~~will not, once the conflict is ascertained, participate in the decision and ~~shall~~will not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

- 109. Gifts and Favors.** Members ~~shall~~will not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They ~~shall~~will refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
- 10. Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members ~~shall~~will neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- 11. Use of Public Resources.** Members ~~shall~~will not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
- 12. Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council ~~shall~~will not appear on behalf of the private interests of third parties before the Council or any ~~Board, Committee, Commission~~citizen advisory body or proceeding of the City, nor ~~shall~~will members of ~~Boards, Committees and Commissions~~citizen advisory bodies appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
- 13. Advocacy.** Members ~~shall~~will represent the official policies or positions of the City Council, ~~Board, Committee or Commission~~citizen advisory body to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members ~~shall~~will explicitly state they do not represent their body or the City of Belmont, nor will they allow the inference that they do. Councilmembers and ~~Board, Committee and Commission~~citizen advisory bodies members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or ~~Board, Committee and Commission~~citizen advisory bodies meetings, or other official City meetings.
- 14. Policy Role of Members.** Members ~~shall~~will respect and adhere to the council-manager structure of Belmont City government as outlined in the Belmont City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, ~~Boards, Committees and Commissions~~citizen advisory bodies, and the public. Except as provided by the City Code, members ~~shall~~will not interfere with the administrative functions of the City or the professional duties of City staff; nor ~~shall~~will they impair the ability of staff to implement Council policy decisions.
- 15. Independence of ~~Boards, Committees and Commissions~~Citizen Advisory Bodies.** Because

of the value of the independent advice of ~~Boards, Committees and Commissions~~Citizen Advisory Bodies to the public decision-making process, members of Council shall will refrain from using their position to unduly influence the deliberations or outcomes of ~~Board, Committee and Commission~~citizen advisory bodies proceedings.

16. **Positive ~~Work-Place~~Workplace Environment.** Members shall will support the maintenance of a positive and constructive ~~work-placeworkplace~~ environment for City employees and for citizens and businesses dealing with the City. Members shall will recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Belmont.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

- (a) *Honor the role of the chair in maintaining order*
It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

4

For ease of reference the term "member" refers to any member of the Belmont City Council or ~~City Boards, Committees and Commissions~~member of a citizen advisory body (ex. Planning Commission)- established by City ordinance or Council policy.

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- (a) *Be welcoming to speakers and treat them with care and gentleness.*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- (b) *Be fair and equitable in allocating public hearing time to individual speakers.*
The chair will determine and announce limits on speakers at the start of the public hearing process.
- (c) *Practice active listening*
It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members ~~shall~~will try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.
- (d) *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
- (e) *Ask for clarification, but avoid debate and argument with the public*
Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Elected and Appointed Officials' Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- (a) *Treat all staff as professionals*
Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- (b) *Do not disrupt City staff from their jobs*
Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

(d) *Do not get involved in administrative functions*

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding ~~of~~ of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

(e) *Do not solicit political support from staff*

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) *No Attorney-Client Relationship*

Members shall may not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. **Council Conduct with ~~Boards, Committees and Commissions~~Citizen Advisory Bodies**

The City has established several ~~Boards, Committees and Commissions~~Citizen Advisory Bodies as a means of gathering more community input. Citizens who serve on ~~Boards, Committees and Commissions~~citizen advisory bodies become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

(a) *If attending a ~~Board, Committee or Commission~~Citizen advisory body meeting, be careful to only express personal opinions*

Councilmembers may attend any ~~Board, Committee or Commission~~citizen advisory body meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a ~~Board, Committee or Commission~~citizen advisory body meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

(b) *Limit contact with ~~Board, Committee and Commission~~citizen advisory body members to questions of clarification*

It is inappropriate for a Councilmember to contact a ~~Board, Committee or Commission~~citizen advisory body member to lobby on behalf of an individual, business, or

developer, and vice versa. It is acceptable for Councilmembers to contact ~~Board, Committee or Commission~~citizen advisory body members in order to clarify a position taken by the ~~Board, Committee or Commission~~citizen advisory body.

- (c) *Respect that ~~Boards, Committees and Commissions~~citizen advisory bodies serve the community, not individual Councilmembers*

The City Council appoints individuals to serve on ~~Boards, Committees and Commissions~~citizen advisory bodies, and it is the responsibility of ~~Boards, Committees and Commissions~~citizen advisory bodies to follow policy established by the Council. But ~~Board, Committee and Commission~~citizen advisory body members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten ~~Board, Committee and Commission~~citizen advisory body members with removal if they disagree about an issue. Appointment and re-appointment to a ~~Board, Committee or Commission~~citizen advisory body should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A ~~Board, Committee or Commission~~citizen advisory body appointment should not be used as a political "reward."

- (d) *Be respectful of diverse opinions*

A primary role of ~~Boards, Committees and Commissions~~citizen advisory bodies is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on ~~Boards, Committees and Commissions~~citizen advisory bodies, but must be fair and respectful of all citizens serving on ~~Boards, Committees and Commissions~~citizen advisory bodies.

- (e) *Keep political support away from public forums*

~~Board, Committee and Commission~~citizen advisory body members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support ~~Board, Committee and Commission~~citizen advisory body members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS

- (a) *Acknowledgement of Code of Ethics and Conduct*

Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct ~~shall be in~~are not eligible for intergovernmental assignments or Council subcommittees. ~~Board, Committee and Commission~~Citizen advisory body members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

- (b) *Ethics Training for Local Officials*

Councilmembers, ~~City Treasurer, City Clerk, and Board, Committee and Commission~~citizen advisory body ~~m~~Members who are out of compliance with State or City mandated requirements for ethics training ~~shall~~may not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

(c) *Behavior and Conduct*

The Belmont Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Belmont City Council, ~~Boards, Committees and Commissions~~citizen advisory bodies. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Belmont and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full Council.

~~Board, Committee and Commission~~Citizen advisory body ~~m~~**Members:**

Counseling, verbal reprimands and written warnings may be administered by the Mayor to ~~Board, Committee and Commission~~citizen advisory body members failing to comply with City policy. These lower levels of sanctions ~~shall~~will be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor ~~shall~~will be distributed in memo format to the chair of the respective ~~Board, Committee or Commission~~citizen advisory body, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on ~~Board, Committee and Commission~~citizen advisory body members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council ~~shall~~will be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action ~~shall~~will be preceded by a ~~r~~Report to Council with supporting documentation.

~~When deemed warranted, t~~The Mayor or majority of Council may call for an investigation of ~~Board, Committee or Commission~~citizen advisory body member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they ~~shall~~are to confer with the Mayor or Council. The Mayor or Council ~~shall~~will ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying

with Rules ~~3-600(B)~~1.6 and 1.13 of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document ~~shall~~is to-be included in the regular orientations for candidates for City Council, ~~City Treasurer, City Clerk,~~ applicants to ~~Board, Committee and Commissions~~citizen advisory bodies, and newly elected and appointed officials. Members entering office ~~shall~~must sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct ~~shall~~should be periodically reviewed by the City Council, ~~Boards, Committees and Commissions~~citizen advisory bodies, and updated it as necessary.

Example:

I affirm that I have read and understand the City of Belmont Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date



STAFF REPORT

Meeting Date: December 13, 2022

Agency: City of Belmont

Staff Contact: Carlos de Melo, Community Development Director, (650) 595-7440, cdemelo@belmont.gov, Dino Francesconi, Chief Building Official, (650) 595-7450, dfrancesconi@belmont.gov

Agenda Title: 2022 Energy Reach/EV Infrastructure Code Amendments

Agenda Action: Ordinance

Recommendation

Introduce 2022 Energy Reach & EV Infrastructure Code Amendments Ordinance and set a Public Hearing date for the Ordinance for January 10, 2023.

Strategic Focus Area

Quality of Life

Background

Every three years, the State of California adopts new building standards that are organized in Title 24 of the California Code of Regulations, referred to as the California Building Standards Code (CBSC). This regular update is referred to as a “code cycle.” The current code cycle was adopted in 2019 and became effective on January 1, 2020. Cities and counties can adopt reach codes that require items that are above the minimum state code requirements. However, these reach codes must be filed with the State.

Belmont reviewed Energy Reach Codes in conjunction with the CBSC Adoption process in December 2019, in conjunction with a Climate Action Plan (CAP) update in March 2021, and via updates in October 2021, and February 2022. At the April 26, 2022 City Council meeting, the Council reviewed and discussed the Model Energy Reach & EV Infrastructure Code Amendments (1st Reading of Ordinance) and directed staff set a Public Hearing for the 2nd Reading of the Ordinance.

The Council subsequently conducted a public hearing and adopted the Ordinance (2nd reading) at their June 14, 2022 meeting. The Council further directed that the Reach Code provisions be carried forward in conjunction with the 2022 CBSC code cycle update Ordinance (which was introduced at the November 22, 2022 Council as a separate item).

Staff has prepared a draft Reach Code Ordinance (First Reading) for Council consideration. Should Council advance this item at tonight’s meeting, a public hearing/second reading of the Ordinance would be set for the 1/10/23 Council meeting (consistent with the timing of the currently scheduled Public Hearing/Second Reading for the 2022 CBSC Ordinance).



Analysis

Building Electrification

In August 2021, the California Energy Commission (CEC) adopted the 2022 Building Energy Efficiency Standards ("2022 Energy Code"). The 2022 Energy Code was also considered by the California Building Standards Commission (CBSC) in December 2021. The proposed 2022 Energy Code, which is slated to go into effect on January 1, 2023, includes a few key changes from the 2019 Energy Code. This includes promoting usage of electric heat pump technology, establishing electric-ready requirements for buildings when natural gas is installed, updating requirements for nonresidential solar photovoltaic (PV) system and battery storage standards, and bolstering gas cooking ventilation standards.

Provisions for multifamily buildings include a compliance pathway for central heat pump water heating and prescriptive heat pump requirements for multifamily HVAC systems in dwelling units. Single-family dwelling requirements include a new prescriptive baseline based on either a space heating heat pump or heat pump water heater. Nonresidential buildings will be required to add efficiency measures if not meeting prescriptive requirements such as heat pump space heating.

Funded by the California investor-owned utilities (IOUs), the California Statewide Codes and Standards Program (Statewide Program) led the development of a cost-effectiveness studies for Energy Code reach codes that examined different performance-based approaches for new construction of specific building types. The Statewide Program's analysis estimated cost-effectiveness of several building prototypes including one-story and two-story single-family homes, a two-story and five-story multifamily building, a three-story office building, a one-story retail building, a one-story quick service restaurant, and a four-story hotel. The single-family homes, multifamily homes, and office building prototypes are directly applicable to current Belmont development. The studies identified cost-effective pathways for all-electric buildings and noted where certain exceptions may be necessary.

The City has seen a dramatic increase in multi-family residential activity within the last two years (over 500 units currently under construction or completed). In addition, over 435 multi-family units (spread over 6 different projects) have received entitlement approvals, are in the construction permitting phase, or are currently in the review pipeline. The City also anticipates enhanced commercial development activity in the form of proposed Biotech/Life Sciences office uses in key redevelopment areas of the community - Island Parkway, Shoreway Road, and the Unincorporated Harbor Industrial Area (HIA) - over the next several years.

Building appliance electrification options can generally be broken into three categories:

- **All-Electric Municipal Code**: No gas hookup allowed (via municipal ordinance). This code is the most effective, avoids the triennial building code cycle, and is flexible in that a City may choose to include time-certain or existing building policies.
- **All-Electric Building Code Amendment**: Appliances must be electric has many of the same benefits as the Municipal Code option, except that it must be re-adopted with every triennial building code cycle.
- **All-Electric-Preferred Building Code Amendment**: 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. In many ways, the 2022 California Energy Code is already electric-preferred.

Electric Vehicle Charging Infrastructure

Electric Vehicle (EV) charging requirements in California can generally be broken into three categories:

- EV Charging Installed: All supply equipment is installed at a parking space, such that an EV can charge without additional equipment.
- 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 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 charging capacity and speed can be summarized as three categories:

- Level 1: Capable of charging at 120V, 20A. This is an equivalent to a standard home outlet.
- Level 2: Capable of charging at 240V, 30-40A. This is the service capacity typically used for larger appliance loads in homes.
- Level 3 (DC Fast Charging): Capable of charging at 20-400kW. This is the type of charger used for Tesla Superchargers and DC Fast Chargers at some supermarkets.

The 2022 California Green Building Code Update (Title 24, Part 11) increases requirements for electric vehicle charging infrastructure in new construction; including:

- New one- and two-family dwellings and townhouses with attached private garages: must be Level 2 EV-capable.
- Multi-family dwellings: 10% of parking spaces must be Level 2 EV Capable, 25% of parking spaces must be low-power Level 2 EV Ready, and 5% must be Level 2 EV Charging Installed.
- Non-residential: 15% of parking spaces must be Level 2 EV-capable, and 5% must be Level 2 EV Charging Installed.

Discussion

Building Appliance Electrification

An all-electric required model Ordinance requires specific end-uses to install electric appliances, with exceptions. For multiple reasons including health, safety, economics, and environmental benefits, there is considerable interest in mandating all-electric new construction, or “building electrification,” which means that the buildings would not have any fossil fuel services. All-electric buildings have electric appliances for space heating, water heating, clothes-drying, and cooking. The interest in building electrification stems from the fact that Peninsula Clean Energy is providing 100% carbon-free electricity and eliminating the use of natural gas can greatly reduce greenhouse gas emissions from the building sector.

Electric Vehicle Charging Infrastructure

It is widely known that availability of EV charging infrastructure is a critical component to EV adoption. Meanwhile, 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. 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 Peninsula Clean Energy team reviewed approaches to increase the amount of EV infrastructure in new construction buildings, while keeping construction costs as low as possible.

Building Appliance Electrification Reach Codes

As noted earlier, staff has worked with Peninsula Clean Energy and Silicon Valley Clean Energy who have provided consultant support in understanding the cost-effectiveness past study results and adopting reach codes. Current reach codes (under consideration) meet the requirements of the CEC for cost-effectiveness and are also a cost-effective approach for constituents, contractors, and developers pursuing new construction within city limits. In addition, the results of the analysis show that all-electric buildings are typically less expensive to construct. No changes are proposed to the Building Appliance Electrification Reach Code content/text/requirements as adopted by the Council in June 2022.

As such, the staff-recommended reach code requirements for newly constructed buildings are:

- Require new multifamily and commercial buildings to be all-electric with limited exceptions.
- Require all exempted appliances have electrical pre-wiring to accommodate a future electric appliance.
- Require all new Single Family Dwellings (SFD) to be all-electric. This requirement extends to substantial SFD remodels (i.e. when replacement of more than 50% of the foundation or the above-sill framing occurs).

Exceptions include:

- Commercial kitchens may apply for a modification to install gas cooking appliances. The City may grant the modification if they find: 1) A business-related need to cook with *combustion equipment*; 2) The need cannot be achieved equivalently with an *electric heating appliance*; and 3) The applicant has employed reasonable methods to mitigate the greenhouse gas emissions of the *combustion equipment*.
- Laboratory areas within Non-Residential Buildings may contain non-electric Space Conditioning Systems. To implement this exception, an applicant shall provide third party verification that the All-Electric space heating requirement is not cost effective and feasible.
- Hotels and motels with eighty or more guestrooms may utilize *fuel gas* in on-site commercial clothes drying equipment.
- If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the City may grant a modification. The City may approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.



Electric Vehicle Charging Infrastructure Reach Codes

Unlike amendments to the Energy Code, a cost-effectiveness study is not required for amendments to Title 24, Part 11, or the Green Building Code “CALGreen” which covers items such as electric vehicle (EV) charging infrastructure. However, to evaluate the financial impact on first costs, PCE/SVCE commissioned [an analysis](#) of the total cost of implementing various EV infrastructure measures. Staff has consulted with Peninsula Clean Energy and Silicon Valley Clean Energy to understand and potentially 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. As noted earlier, no changes are proposed to the EV Charging Infrastructure Reach Codes content/text/requirements as adopted by the Council in June 2022. As such, the requirements included in the proposed Code Amendments are:

Residential

- Single Family:
 - 1 Level 2 EV Ready
 - 1 Level 1 EV Ready
- Multi-Unit Dwelling:
 - 40% of the units, 1 Level 2 EV Charging Station
 - 60% of the units, 1 Level 1 EV Ready

Exceptions include:

- Accessory Dwelling Unit (ADU’s) & Junior Accessory Dwelling Unit (JADU’s) without additional parking facilities & without electrical panel upgrade or new panel installation.
- Buildings with entitlement permits.
- Documented high costs for providing utility service, and lower levels of charging infrastructure for 100% affordable housing projects.

Non-Residential Office

- 20% of the parking spaces, Level 2 EV Charging Station
- 30% of the parking spaces, Level 2 EV Capable

Non-Residential, Non-Office

- 10% of the parking spaces, Level 2 EV Charging Station
- 10% of the parking spaces, Level 2 EV Capable

The use of Automated Load Management Systems (ALMS) is encouraged. ALMS curtail charging speeds during rare instances of building-wide simultaneous EV charging demand, mitigating electrical infrastructure costs such as utility service connections and transformer sizing.

Environmental Assessment

In accordance with California Environmental Quality Act (CEQA) Guidelines, Section 15308, adoption of the proposed Ordinance Amendments is categorically exempt from CEQA, because it imposes stricter energy efficiency requirements and is a regulatory action authorized by state law and intended to protect the environment.



Alternatives

1. Direct staff to revise or remove specific local amendments germane to the Reach Code & EV Infrastructure Ordinance.
2. Request staff to bring back additional information for further consideration.
3. Take no action.

Attachments

A. Draft Ordinance – First Reading

Fiscal Impact

- ☒ No Fiscal Impact
☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT ADOPTING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE BY REFERENCE AS AMENDED WITH LOCAL REACH STANDARDS

THE CITY COUNCIL OF THE CITY OF BELMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. REPEALS

All ordinances or parts of ordinances of the City of Belmont that are in conflict with this ordinance are repealed to the extent that they are in conflict with this ordinance.

SECTION 2. DRAFTING SYNTAX

Belmont City Code (BCC) section text is italicized in this ordinance to assist the reader in distinguishing between City of Belmont modifications to the California Building Standards Code and the City Code section text adopting the modifications.

For each section of the California Building Standards Code that is modified in part by the City of Belmont, whole subsections that are not modified are indicated by the subsection number followed by "{text not modified}" with the appropriate acronym for the specific code, which is to be codified as written. Each subsection that is deleted in its entirety and not replaced is indicated by the subsection number followed by "- deleted".

SECTION 3. BCC CHP 7, ART. IV, DIV. 10 ADDED

Division 10 is added to Belmont City Code Chapter 7, Article IV to read:

DIVISION 10 – GREEN BUILDING STANDARDS CODE

Sec. 7-96 2022 California Green Building Standards Code Adopted

The 2022 California Green Building Standards Code (CGBSC), California Code of Regulations, Title 24, Part 11 is adopted by reference as the Green Building Standards Code of the City of Belmont, California. A copy of 2022 CGBSC shall be maintained on file in the office of the City Clerk.

Sec. 7-97 2022 CGBSC Appendix Chapters Adopted

(a) The following Appendix Chapters of the 2022 California Green Building Standards Code are adopted: none.

(b) The remaining Appendix Chapters are not adopted unless adopted by a state agency for application to occupancies subject to that agency's jurisdiction.

SECTION 4. BCC SECTION 7-98 AMENDED

Belmont City Code Section 7-98 is amended to read as follows:

Sec. 7-98

Numbering of Amendments to 2022 CGBSC

The 2022 California Green Building Standards Code is amended as provided in Sections 7-98.202, 7-98.301, 7-98.4.106, and 7-98.5.106. The number to the right of the first decimal point in these sections corresponds to the section in the 2022 California Green Building Standards Code that is amended.

SECTION 5. BCC SECTION 7-98.202 ADDED

Belmont City Code Section 7-98.202 is added to read:

Sec. 7-98.202

Amendment of 2022 CGBSC Section 202 (Definitions)

Section 202 of the 2022 California Green Building Standards Code is amended by adding or amending the following definitions. Definitions not shown below are unchanged.

AFFORDABLE HOUSING. Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

ALL-ELECTRIC BUILDING. A building that contains no *combustion equipment* or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

AUTOMATIC LOAD MANAGEMENT SYSTEMS (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, or panels, and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems must be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses fuel gas.

COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT. An equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

DIRECT CURRENT FAST CHARGING (DCFC). A parking space provided with electrical infrastructure that meets the following conditions:

- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- ii. Electric vehicle supply equipment (EVSE) located within three feet of the parking space providing a minimum capacity of 80-ampere.

ELECTRIC HEATING APPLIANCE. A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

ELECTRIC VEHICLE (EV) CAPABLE SPACE – definition deleted

ELECTRIC VEHICLE CHARGING STATION (EVCS). A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE must be installed in accordance with the California Electrical Code, Article 625.

ELECTRIC VEHICLE (EV) READY SPACE – definition deleted

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

FUEL GAS. A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

LABORATORY. Is a building or area where research, experiments, and measurements in medical and life sciences are performed and/or stored requiring examination. The building may include workbenches, countertops, scientific instruments, and supporting offices.

LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) – definition deleted

LEVEL 2 EV CAPABLE. A parking space provided with electrical infrastructure that meets the following requirements:

- i. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within 3 feet of the parking space.
- ii. The conduit must be designed to provide at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit must have a minimum nominal trade size of 1 inch diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents must indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.
- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as “EV CAPABLE.”
- iv. Electrical load calculations must demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

- v. The parking space must contain signage with at least a 12” font adjacent to the parking space indicating the space is EV Capable.

LEVEL 1 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within 3 feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within 3 feet of the parking space. If EVSE is provided the minimum capacity of the EVSE must be 30-ampere.

LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE – definition deleted

LOW POWER LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within 3 feet of the parking space. If EVSE is provided the minimum capacity of the EVSE must be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

SECTION 6. BCC SECTION 7-98.301 ADDED

Belmont City Code Section 7-98.301 is added as follows:

Sec. 7-98.301 Amendment of 2022 CGBSC Section 301 (General)

2022 California Building Code Section 301 (Green Building – General) is amended to read:

301.1 – {text not modified}

301.1.1 Additions and alterations.

[HCD] The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration. (No change to existing California amendment.)

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings.

The mandatory provisions of Section 5.106.5.3 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing nonresidential buildings.

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

301.2 through 301.5 {text not modified}

SECTION 7. BCC SECTION 7-98.4.106 AMENDED

Belmont City Code Section 7-98.4.106 is added as follows:

Sec. 7-98.4.106 Amendment of 2022 CGBSC Section 4.106 (Site Development)

2022 California Building Code Section 4.106 (Residential Mandatory Measures – Site Development) is amended to read:

4.106.1 – 4.106.3 {text unchanged}

4.106.4 Electric vehicle (EV) charging. Residential construction shall comply with Section 4.106.4.1 or 4.106.4.2, and 4.106.4.3, to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:

1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.

1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the

implementation of Section 4.106.4, may increase construction cost by an average of \$4,500 per parking space for market rate housing or \$400 per parking space for affordable housing. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of 4.106.4.1.

3. Multifamily residential R-2 building projects that have approved entitlements before the code effective date shall provide, based on the total number of parking spaces, at least five percent (5%) with EVCS Level 2 EV Ready, twenty-five percent (25%) with Low Power Level 2 EV Ready, and ten percent (10%) with Level 2 EV Capable according to 2022 California Green Building Standards Code requirements.

4.106.4.1 New one- and two-family dwellings and town-houses with attached private garages. For each dwelling unit, one parking space provided shall be a Level 2 EV Ready space. If a second parking space is provided, it shall be provided with a Level 1 EV Ready space.

4.106.4.2 New multifamily dwellings with residential parking facilities. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included. EV ready spaces and EVCS in multifamily developments must comply with California Building Code, Chapter 11A, Section 1109A. EVCS must comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

4.106.4.2.1 New Construction – Affordable Housing. Fifteen percent (15%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Twenty-five percent (25%) of dwelling units with parking spaces shall be provided with a Low Power Level 2 EV Ready space. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space.

4.106.4.2.2 New Construction – All Other. Forty percent (40%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space.

Note: The total number of EV spaces should be one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less.

4.106.4.2.3 Existing Buildings.

1. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, 10% of the total number of parking spaces added or altered shall be EVCS.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

4.106.4.3 Electric vehicle charging stations (EVCS). Electric vehicle charging stations required by Section 4.106.4.2 shall comply with Section 4.106.4.3.

Exception: Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See California Building Code, Chapter 11B, for applicable requirements.

4.106.4.3.1 Location. EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.3.1 and Section 4.106.4.3.2, Item 3.

4.106.4.3.2 Dimensions. The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8- foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
 - a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

Exception: Where the Belmont's development regulations permit parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

4.106.4.4 Direct current fast charging stations. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

4.106.5 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use *combustion equipment* or are ready to accommodate installation of *electric heating appliances*.

4.106.5.1. New construction and qualifying alteration projects. All newly constructed buildings shall be *all-electric buildings*. Alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be *all-electric buildings*. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the *all-electric buildings* requirements.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the local enforcing agency.

Exceptions:

1. Multifamily residential building projects that have approved entitlements before the effective date of this section may install *fuel gas* for water heating systems serving multiple dwelling units. The applicant shall comply with Section 4.106.5.2.
2. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 4.106.5.2.

Local enforcing agency may approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

4.106.5.2 Requirements for Combustion Equipment. Where *combustion equipment* is allowed per Exceptions under 4.106.5.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an *electrical heating appliance* in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all *electrical heating appliances* in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and,

2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and,
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and,
4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the *future electrical heating appliances*. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and,
5. Physical space for future *electrical heating appliances*, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future *electrical heating appliances* may overlap with non-structural partitions and with the location of currently designed *combustion equipment*.

SECTION 8. BCC SECTION 7-98.5.106 ADDED

Belmont City Code Section 7-98.5.106 is added as follows:

Sec. 7-98.5.106 Amendment of 2022 CGBSC Section 5.106 (Site Development)

2022 California Building Code Section 5.106 (Nonresidential Mandatory Measures – Site Development) is amended to read:

5.106.1 through 5.106.5.2.1 {text unchanged}

5.106.5.3 Electric vehicle (EV) charging. Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the California Building Code and the California Electrical Code. Accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average

of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

5.106.5.3.1 Class B Office buildings - Shared Parking Spaces.

5.106.5.3.1.1. New Construction. Twenty percent of parking spaces provided must be *EVCS* with *Level 2 EV Ready*. *ALMS* must be permitted to reduce load when multiple vehicles are charging. Thirty percent of parking spaces provided must be *Level 2 EV Capable*.

5.106.5.3.1. 2. Existing Buildings. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, 10% of the total number of parking spaces added or altered must be *EVCS* with *Level 2 EV Ready*.

5.106.5.3.2 Hotel and Motel Occupancies – shared parking facilities.

5.106.5.3.2.1. New Construction. Five percent of parking spaces provided shall be *EVCS* with *Level 2 EV Ready*. *ALMS* shall be permitted to reduce load when multiple vehicles are charging. Twenty Five percent of parking spaces must be *Low Power Level 2 EV Ready* spaces. Ten percent (10%) of parking spaces provided shall be *Level 2 EV Capable*.

5.106.5.3.2.2. Existing Buildings. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, 10% of the total number of parking spaces added or altered must be *EVCS* with *Level 2 EV Ready*.

5.106.5.3.3 All Other Occupancies – Shared Parking Facilities.

5.106.5.3.3.1. New Construction. Ten percent of parking spaces provided must be *EVCS* with *Level 2 EV Ready*. *ALMS* must be permitted to reduce load when multiple vehicles are charging. Ten percent of parking spaces provided must be *Level 2 EV Capable*.

5.106.5.3.3.2 Existing Buildings. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered must be *EVCS* with *Level 2 EV Ready*.

5.106.5.3.4 Direct current fast charging stations. One *DCFC* may be substituted for up to 5 *EVCS* to meet the requirements of 5.106.5.3.1, 5.106.5.3.2, and 5.106.5.3.3. Where *ALMS* serve *DCFC* stations, the power demand from the *DCFC* shall be prioritized above *Level 1* and *Level 2* spaces.

5.106.5.4 Electric vehicle charging readiness: medium-duty and heavy-duty. [N] Construction must comply with Section 5.106.5.4.1 to facilitate future installation of

EVSE. Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces must also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS must be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

Exceptions: On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:

- a. Where there is no local utility power supply.
- b. Where the local utility is unable to supply adequate power.
- c. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

5.106.5.4.1 Warehouses, grocery stores and retail stores with planned off-street loading spaces. [N] In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the *California Electrical Code*. Construction plans and specifications shall include, but are not limited to, the following:

1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1 to accommodate the dedicated branch circuits for the future installation of EVSE.
2. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium- and heavy-duty ZEV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.
3. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium- and heavy-duty EVSE will be located and shall terminate in close proximity to the potential future location of the charging equipment for medium- and heavy-duty vehicles.
4. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty EVs as shown in Table 5.106.5.4.1.

TABLE 5.106.5.4.1
Raceway Conduit and Panel Power
Requirements for Medium-and-Heavy-Duty EVSE [N]

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional Capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Grocery	10,000 to 90,000	1 or 2	200
		3 or Greater	400
	Greater than 90,000	1 or Greater	400
Retail	10,000 to 135,000	1 or 2	200
		3 or Greater	400
	Greater than 135,000	1 or Greater	400
Warehouse	20,000 to 256,000	1 or 2	200
		3 or Greater	400
	Greater than 256,000	1 or Greater	400

5.106.8 through 5.106.12.3 {text unchanged}

5.106.13 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use *combustion equipment* or are ready to facilitate future electrification.

5.106.13.1. New construction and qualifying alteration projects. All newly constructed buildings shall be *all-electric buildings*. Alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be *all-electric buildings*. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the *all-electric buildings* requirements.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the local enforcing agency.

Exceptions:

1. Nonresidential buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may apply to

the local enforcing agency for a modification to install *commercial food heat-processing equipment* served by *fuel gas*. The local enforcing agency may grant the modification if they find:

- a. A business-related need to cook with combustion *equipment*; and,
- b. The need cannot be achieved equivalently with an *electric heating appliance*; and,
- c. The applicant has employed reasonable methods to mitigate the greenhouse gas emissions of the *combustion equipment*.

The applicant shall comply with Section 5.106.13.2.

2. Laboratory areas within Non-Residential Buildings may contain non-electric Space Conditioning Systems. To implement this exception, an applicant shall provide third party verification that the All-Electric space heating requirement is not cost effective and feasible. The applicant shall comply with Section 5.106.13.2.

3. Hotels and motels with eighty or more guestrooms may utilize *fuel gas* in on-site commercial clothes drying equipment. The applicant shall comply with Section 5.106.13.2.

4. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2

Local enforcing agency may approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

5.106.13.2. Requirements for *combustion equipment*. Where *combustion equipment* is allowed per exceptions under Section 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an *electrical heating appliance* in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all *electrical heating appliances* in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and,
2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and,
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and,

4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the *future electrical heating appliances*. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and

5. Physical space for future *electrical heating appliances*, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future *electrical heating appliances* may overlap with non-structural partitions and with the location of currently designed *combustion equipment*.

SECTION 9. SEVERABILITY.

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

SECTION 10. EFFECTIVE DATE.

This Ordinance takes effect and will be enforced 30 days after its adoption.

* * *

The City Council of the City of Belmont, California introduced the foregoing ordinance, on [insert date], 2022 and adopted the ordinance at a regular meeting held on [insert date], 2022 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: December 13, 2022
Agency: City of Belmont
Staff Contact: Brigitte Shearer, Parks & Recreation Director, bshearer@belmont.gov, 650-595-7488
Agenda Title: Belmont Community Foundation Memorandum of Understanding
Agenda Action: Resolution

Recommendation

Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding between the City of Belmont and the Belmont Community Foundation.

Strategic Focus Area

Quality of Life

Background

Council Priorities adopted for fiscal year 2019 included a Barrett Community Center master planning effort. This priority was reaffirmed by Council for fiscal year 2020 and continues to be a Strategic Objective of the City's 2020 Strategic Plan. The current Barrett Community Center, a former elementary school site, includes a 5.1-acre parcel bordered by Ralston Avenue and Belburn Drive, and by homes along Academy Avenue and Avon Street. The Community Center is an integral part of the City's recreation, enrichment, sports, and childcare portfolio. Approximately 150-200 children are on site each weekday for full day or afterschool childcare. Numerous recreation classes are conducted each week for children and adults, and the multipurpose field is used by youth sports organizations and, for select hours, as an off-leash dog park. The site currently includes 65 parking spaces and 25 community garden plots.

Park and facility staff continue to provide low-cost repairs and address maintenance tasks on an as-needed basis. However, the facility, originally constructed in 1949, suffers from deferred maintenance due to fiscal constraints and age, as well as operational inefficiencies due to its original use. In addition, accessibility and seismic upgrades are necessary and expensive.

In 2019, Group4 Architecture was engaged to develop a conceptual design for a new facility to address the community's resiliency and resource needs, provide a greater variety of recreational offerings, develop an efficient use and operation of the interior and exterior spaces, and improve vehicular and pedestrian circulation. The project included a needs assessment and site analysis, program and site option development, conceptual design development, and cost estimates and funding plan. Following extensive community engagement and outreach, the final conceptual design was presented to City Council on November 12, 2019.



The following project budget estimates, in Q4 2019 dollars, were provided for two construction options. These costs include hard and soft costs, furniture, technology, signage, and a contingency.

- 1) Construct the building and all amenities concurrently at a total project cost of \$57,773,100.
- 2) Construct the building, park, and parking first at a cost of \$40,432,800 and add the pool and gymnasium, \$7,432,700 and \$9,746,300, respectively, in later phases as funding permits.

Analysis

Following a project hiatus due to the Covid-19 pandemic and economic impacts to the City and the greater Belmont community, the City is now revitalizing the effort to advance this project and seek funding sources. Group4 Architects projects a 17% to 22% cost escalation since 2019, bringing the Q4 2022 total project cost for construction of the building and all amenities concurrently to \$67.6 to \$69.3 million. A comprehensive construction scope is preferable, as it avoids further cost escalation, minimizes impact to the community, and leverages mobilization and construction logistics synergies.

BELMONT COMMUNITY CENTER PRELIMINARY OPTIONS	Community Center	Outdoor Pool	Gym	Community Center + Pool + Gym
	Phase 1	Phase 2 or 3	Phase 2 or 3	Single Phase
Total Hard Cost Budget	\$26,381,000	\$4,692,000	\$6,214,000	\$37,286,000
Site Development	\$1,330,960	\$0	\$0	\$1,330,960
Site Construction	\$2,806,800	(\$122,400)	(\$126,000)	\$2,558,400
Building Construction	\$18,620,000	\$4,387,000	\$5,775,000	\$28,782,000
Parking	\$1,224,100	\$0	\$0	\$1,224,100
Design/Estimating Contingency	\$2,398,186	\$426,460	\$564,900	\$3,389,546
Furniture, Technology and Signage	\$1,678,000	\$466,000	\$549,000	\$2,806,000
Total Soft Cost Budget	\$9,568,000	\$1,759,000	\$2,307,000	\$13,672,000
A/E and CM, Permits & Fees	\$8,697,980	\$1,598,670	\$2,096,530	\$12,428,210
Soft Costs Contingency	\$869,798	\$159,867	\$209,653	\$1,242,821
Project Contingency	\$2,805,800	\$515,700	\$676,300	\$4,009,100
Escalation 2019 Q4 -2022 Q4		\$0	\$0	\$0
Low 17%	\$6,873,576	\$1,263,559	\$1,656,871	\$9,821,427
High 20%	\$8,086,560	\$1,486,540	\$1,949,260	\$11,554,620
PROJECT BUDGET				
LOW	\$47,306,376*	\$8,696,259*	\$11,403,171*	\$67,594,527*
HIGH	\$48,519,360*	\$8,919,240*	\$11,695,560*	\$69,327,720*
TOTAL PROJECT BUDGET CC + POOL		LOW		
		HIGH		
		\$56,002,635*		
		\$57,438,600*		
TOTAL PROJECT BUDGET CC + GYM			LOW	
			HIGH	
			\$58,709,547*	
			\$60,214,920*	

* Q4 2019 dollars, escalated to Q4 2022



To help bring this project to fruition, residents of the City of Belmont are establishing the Belmont Community Foundation (“Foundation”), a 501(c)3 organization, with the stated mission “To improve the lives of people in the City of Belmont by bringing together the financial resources of individuals, families, businesses and other organizations to foster a vibrant, inclusive, and healthy community.” The Foundation’s first project will be to engage the community and raise funds, first towards the construction and operation of a new Community Center, and subsequently for additional benefits for the Belmont Community. A Memorandum of Understanding (MOU) with the City is being requested by the Foundation to secure its 501(c)3 status.

The Belmont Community Foundation and the City of Belmont are developing an MOU establish their intent to work together towards the common goal of realizing a new community center for Belmont. The Foundation will independently raise funds through a capital campaign and donor solicitations. The Foundation intends to periodically transfer raised capital funds to the City for uses determined by the City and agreed to by the donor and/or the Foundation. The City is updating its naming rights policy to complement this endeavor.

There is no financial commitment or obligations for the City of Belmont to enter this MOU. The mechanics of the arrangement between the Foundation and the City will be governed by a Master Grant Agreement, which both parties will be finalizing soon.

Alternatives

1. Reject MOU
2. Take no action

Attachments

- A. Resolution

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed: There is no financial commitment or obligation requirement for the City of Belmont to enter this Memorandum of Understanding.

Source:

Council

Purpose:

Council Vision/Priority

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BELMONT AND THE BELMONT COMMUNITY FOUNDATION.

WHEREAS, in January of 2019 the City Council directed City staff to complete a needs assessment and conceptual design for a new community center at the Barrett site; and,

WHEREAS, in November of 2019, City Council reviewed and approved the conceptual design prepared by Group4 Architects for a 2019 construction estimate of \$57.8M; and,

WHEREAS, the revised construction estimate for this project has residents of Belmont have established the Belmont Community Foundation, a 501(c)3 organization for the purpose of developing funding to support the City's Community Center project and other improvements to City assets, programs and services; and,

WHEREAS, the purpose of this Memorandum of Understanding is to establish the intent of the City and the Belmont Community Foundation to work together towards the common goal of realizing a new community center for the Belmont Community.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The City Manager is authorized to negotiate and execute a Memorandum of Understanding between the City of Belmont and the Belmont Community Foundation.

* *

ADOPTED December 13, 2022 by the City of Belmont City Council by the following
vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT DECLARING THE RESULTS OF THE REGULAR MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2022

WHEREAS, a regular municipal election of the City of Belmont was held in accordance with the laws of the State of California on Tuesday, November 8, 2022; and,

WHEREAS, the election was consolidated and conducted by the County of San Mateo elections official; and,

WHEREAS, the county elections official has completed the canvass of the returns and presented the results to the city clerk who has certified the results to the city council in accordance with Elections Code 10262(b); and,

WHEREAS, Elections Code Section 10263(b) requires the city council to meet at its usual place of meeting no later than the next regularly scheduled city council meeting following presentation of the 28-day canvass of the returns, or at a special meeting called for this purpose, to declare the election results and to install the newly elected officers; and,

WHEREAS, before installing the new officers, Elections Code Section 10263 requires the city council to adopt a resolution reciting the fact of the election and the details of the election results as reflected in the canvass.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. On November 8, 2022 the City of Belmont held a regular municipal election for the purpose of electing by-district one city councilmember from council district 1 and one city councilmember from council district 3, electing a mayor at large, and voting upon Measure K which would increase the city's transient occupancy tax to 14%. Exhibit A attached to this resolution shows the whole number of votes cast in the City, the names of the persons voted for, the measures voted upon, what office each person was voted for, the number of votes given at each precinct to each person and for and against each measure, and the number of votes given in the city to each person and for and against each measure.

SECTION 2. The following persons are declared elected to the respective offices:

Julia Mates to the Office of Mayor for a two year term;

Gina Latimerlo to the office of Councilmember for District 1 for a four year term; and,

Robin Pang-Maganaris to the office of Councilmember for District 3 for a four year term.

SECTION 3. Measure K is declared to have passed on having received more than a majority of the votes cast.

* * *

ADOPTED December 13, 2022 by the City of Belmont City Council by the following
vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: December 13, 2022
Agency: City of Belmont
Staff Contact: Jozi Plut, City Clerk/Communications Coordinator, jplut@belmont.gov, 650-595-7414
Agenda Title: November 8, 2022, Regular Municipal Election Results
Agenda Action: Resolution

Recommendation

Adopt Resolution declaring the results of the regular municipal election held November 8, 2022, for Mayor-at-Large, Councilmembers in District 1 and 3, and Measure K.

Strategic Focus Area

Not Applicable

Background

On November 8, 2022, the City of Belmont held a municipal election for the purpose of electing a mayor at large, two councilmembers by-district, one each for council districts 1 and 3, and voting upon Measure K, an ordinance increasing the transient occupancy tax rate (also known as the “hotel tax”) to 14%. The election was consolidated and conducted by the County of San Mateo elections official who has completed the canvass of the vote. On December 9, 2022, Chief Elections Officer Mark Church transmitted the canvass of returns to the city clerk who has in turn certified the results to the city council as shown in the exhibit to the draft Resolution included with this item.

Analysis

California Elections Code Section 10263(b) requires the city council to meet its usual place of meeting no later than the next regularly scheduled council meeting following presentation of the 28-day canvass of the returns, or at a special meeting called for this purpose, to declare the results and to install the newly elected officers. Before installing the new councilmembers, Section 10263 requires the council to adopt a resolution reciting the fact of the election and the information from the results of the canvass listed below, and to declare elected the persons for whom the highest number of votes were cast for each office:

- (a) The whole number of votes cast in the city.
- (b) The names of the persons voted for.
- (c) The measures voted upon.
- (d) For what office each person was voted for.
- (e) The number of votes given at each precinct to each person and for and against each measure.
- (f) The number of votes given in the city to each person and for and against each measure.

Exhibit A to the draft resolution cites the fact of the elections and includes the information listed above as certified by the City Clerk and declares elected the persons receiving the highest number of votes. The



canvass of returns shows that Julia Mates received the most votes for mayor, Gina Latimerlo received the most votes for councilmember by voters in district one, and Robin Pang-Maganaris who was unopposed received the most votes for councilmember by voters of district 3. Measure K needed a majority of votes to pass and received approximately 79% of the votes cast.

Alternatives

1. There are no alternatives as this action is required by the Elections Code.

Attachments

- A. Resolution with exhibit of election results

Fiscal Impact

- ☒ No Fiscal Impact

Source:

Other*

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

* this action is required by the Elections Code

STATEMENT OF THE VOTE
OF THE
COUNTY OF SAN MATEO, STATE OF CALIFORNIA

**IN THE MATTER OF THE CANVASS OF
THE VOTES CAST IN THE COUNTY OF
SAN MATEO AT THE STATEWIDE
GENERAL ELECTION HELD TUESDAY,
NOVEMBER 8, 2022**

**CERTIFICATE OF THE
CHIEF ELECTIONS OFFICER**

I, MARK CHURCH, CHIEF ELECTIONS OFFICER of the County of San Mateo, State of California, do hereby certify that the Statewide General Election was conducted pursuant to law in the said county on November 8, 2022; and

I HEREBY FURTHER CERTIFY the following facts: that at said Statewide General Election 332 election precincts were duly established with 49 operating Vote Center precinct boards; that the election was conducted thereat pursuant to law; that pursuant to Division 15, Chapter 4 of the California Elections Code, I have canvassed that 234,272 Vote by Mail votes were cast; that 17,961 Vote Center votes were cast, canvassed and included in the result of the total 252,233 votes cast which is accurately shown in this Statement of the Result of the Vote as determined by the official canvass of the returns attached hereto and made a part hereof.

IN WITNESS WHEREOF, I hereunto affix my hand and official seal of this office this 8th day of December, 2022.



MARK CHURCH
Chief Elections Officer &
Assessor-County Clerk-Recorder

HELP AMERICA VOTE ACT OF 2002

CERTIFICATION OF ELECTIONS OFFICIAL

STATE OF CALIFORNIA
COUNTY OF SAN MATEO

} ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) 52 U.S.C. § 21083),

I, Mark Church, County Clerk/Registrar of Voters for the County of San Mateo, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the 8th day of November 2022, in the County of San Mateo, State of California and all elections consolidated therewith.

I hereby set my hand and official seal this 8th day of December, 2022, at the County of San Mateo.




County Clerk/Registrar of Voters
County of San Mateo
State of California

HAVA Certification of Elections Official
(11/2022)

**CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS OF THE
RESULTS OF THE CANVASS
OF THE NOVEMBER 8, 2022,
STATEWIDE GENERAL ELECTION**

STATE OF CALIFORNIA
COUNTY OF SAN MATEO

} ss.

I, Mark Church, County Clerk/Registrar of Voters of County of San Mateo, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the Statewide General Election held in said County on November 8, 2022, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached, is full, true, and correct.

I hereby set my hand and official seal this 8th day of December, 2022, at the County of San Mateo.



County Clerk/Registrar of Voters
County of San Mateo
State of California

Canvass Certification of Elections Official
(11/2022)

1 City of Belmont Mayor						
		Registered Voters	Voters Cast	Turnout (%)	1 JULIA MATES	1 WARREN LIEBERMAN
21001	Total	2106	1209	57.41 %	614	464
21004	Total	1016	615	60.53 %	336	190
21007	Total	565	403	71.33 %	266	96
21008	Total	2916	2064	70.78 %	1166	651
21010	Total	2322	1720	74.07 %	1106	451
21013	Total	1984	1400	70.56 %	783	435
21023	Total	196	112	57.14 %	47	44
21049	Total	0	0			
31015	Total	2419	1613	66.68 %	975	454
31017	Total	1272	722	56.76 %	424	199
31022	Total	15	14	93.33 %	4	8
31032	Total	1465	991	67.65 %	539	358
31036	Total	28	24	85.71 %	18	6
31037	Total	266	167	62.78 %	81	60
31043	Total	12	6	50.00 %	***	***
Total - Vote Centers		16582	711	4.29 %	322	268
Total - Vote by Mail		16582	10349	62.41 %	6041	3148
Contest Total		16582	11060	66.70 %	6363	3416

*** Indicates vote data was suppressed due to voter privacy settings.

1 City of Belmont Member, City Council, District 1						
					1	1
		Registered Voters	Voters Cast	Turnout (%)	MICHAEL E CRAIG	GINA LATIMERLO
21001	Total	2106	1209	57.41 %	486	586
21004	Total	1016	615	60.53 %	153	330
21023	Total	196	112	57.14 %	29	47
31037	Total	266	167	62.78 %	44	90
Total - Vote Centers		3584	167	4.66 %	71	62
Total - Vote by Mail		3584	1936	54.02 %	641	991
Contest Total		3584	2103	58.68 %	712	1053

*** Indicates vote data was suppressed due to voter privacy settings.

1 City of Belmont Member, City Council, District 3					
		Registered Voters	Voters Cast	Turnout (%)	1 ROBIN K. PANG- MAGANARIS
21007	Total	565	403	71.33 %	285
21010	Total	2322	1720	74.07 %	1167
31017	Total	1272	722	56.76 %	466
Total - Vote Centers		4159	163	3.92 %	98
Total - Vote by Mail		4159	2682	64.49 %	1820
Contest Total		4159	2845	68.41 %	1918

*** Indicates vote data was suppressed due to voter privacy settings.

1 City of Belmont, Measure K (Majority Approval Required)						
					1	1
		Registered Voters	Voters Cast	Turnout (%)	YES	NO
Electionwide	Total	16582	11060	66.70 %	8352	2180
Board Of Equalization - District 2	Total	16582	11060	66.70 %	8352	2180
15th Congressional District	Total	16582	11060	66.70 %	8352	2180
13th Senatorial District	Total	16582	11060	66.70 %	8352	2180
21st Assembly District	Total	16582	11060	66.70 %	8352	2180
County of San Mateo	Total	16582	11060	66.70 %	8352	2180
2nd Supervisorial District	Total	11105	7523	67.74 %	5709	1451
3rd Supervisorial District	Total	5477	3537	64.58 %	2643	729
City of Belmont	Total	16582	11060	66.70 %	8352	2180