

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



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CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, April 26, 2022

7:00 PM

City Council Chambers

City Hall, One Twin Pines Lane, Belmont, California

TELECONFERENCE PARTICIPANTS:

26 North Washington Avenue, Ventnor City, NJ 08406
(Councilmember Lieberman)

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. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. REPORT FROM CLOSED SESSION**

4. SPECIAL PRESENTATIONS

- A. Proclamation Celebrating April 29th as Arbor Day
- B. Earth Day Art Contest Participation Acknowledgment

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

Consent business items are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion on these items unless a member or staff request specific items to be removed for separate action. The City Attorney will read the title of ordinances to be adopted.

A. Approval of Minutes

Recommendation: Approve Minutes as Presented

Attachment(s):

[Minutes of the Special and Regular Meeting Oct 12, 2022](#)

[Minutes of the Special and Regular Meeting October 26, 2022](#)

[Minutes of the Special Meeting Nov. 2, 2022](#)

[Minutes of the Special and Regular Meeting Nov. 9, 2022](#)

B. Monthly Financial Reports

Recommendation: Motion to Approve March 2022 Monthly Financial Reports

Attachment(s):

[Monthly Financial Reports - March](#)

C. District Elections Codification Ordinance

Recommendation: Adopt Ordinance as Presented

Attachment(s):

[Ordinance](#)

D. Barrett Off-Leash Dog Program Hours Update

Recommendation: Adopt a resolution directing the City Manager to establish a new two-year pilot program allowing dogs off-leash at Barrett Community Center with reduced hours

Attachment(s):

[Staff Report](#)

[Resolution](#)

E. 3700 Naughton Avenue Summary Easement Vacation

Recommendation: Adopt a resolution approving a summary vacation of a 5-foot sanitary sewer construction and maintenance easement across the property at 3700 Naughton Avenue.

Attachment(s):

[Staff Report.pdf](#)

[Resolution.pdf](#)

[Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[Exhibit C.pdf](#)

F. 815 Old County Road Sanitary Sewer Main Upgrades Cost Sharing Agreement

Recommendation: Adopt a resolution authorizing the City Manager to enter into a cost sharing agreement with CP VII 815 BELMONT LLC (Developer) for the replacement of the sewer main along Hiller Street in the amount of \$1,671,279.

Attachment(s):

[Staff Report](#)

[Resolution](#)

[Attachment B](#)

G. Bertrand, Fox, Elliot, Osman + Wenzel Agreement Amendment

Recommendation: Adopt a resolution authorizing an amendment to the City's agreement with Bertrand, Fox, Elliot, Osman + Wenzel for legal services and the procurement of legal services at the rates set forth in the attachment to the resolution

Attachment(s):

[Staff Report](#)

[Resolution](#)

H. Establishing a City Historian

Recommendation: Adopt a resolution establishing a volunteer position of City Historian and appointing Karl Mittelstadt to serve as the first City Historian for Belmont for a 3-year term

Attachment(s):

[Staff Report](#)

[Resolution](#)

[Belmont Historian Responsibilities & Application Pocess](#)

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. Introduction of Age-Friendly City Initiative and Establishment of Task Force

Recommendation: Adopt a resolution to accept the Center for Age-Friendly Excellence's assistance in applying for the Age-Friendly Communities certification under the AARP/World Health Organization's Network of Age-Friendly Communities and establishing an Age-Friendly Communities Task Force to assist staff in overseeing the process

Attachment(s):

[Staff Report](#)

[Resolution](#)

B. Return to Fully Virtual Meetings May

Recommendation: Adopt a resolution finding that as a result of the COVID-19 statewide emergency, (1) meeting in person would present imminent risks to the health or safety of attendees of council and citizen advisory body meetings, and (2) that state and local officials continue to recommend measures to promote social distancing, and (3) directing the

Council's Citizen Advisory Bodies to make consistent findings

Attachment(s):

[Staff Report](#)

[Resolution](#)

C. Energy Reach /EV Infrastructure Code Amendments

Recommendation: 1. Introduce Energy Reach & EV Infrastructure Code Amendments Ordinance;

2. Consider and provide direction for Code Amendments, preparation of 2nd Ordinance reading, and conduct Public Hearing

Attachment(s):

[Reach Energy EV Code Amendments Staff Report.pdf](#)

[Reach Code CalGreen Ordinance Attachment 1.pdf](#)

[Reach Code EV Resolution-Attachment 2.pdf](#)

D. Refinancing of Sewer Treatment Facility Revenue Bonds, Series 2009A

Recommendation: Adopt a resolution authorizing the execution and delivery of an Installment Purchase Agreement, Reserve Fund Custodian Agreement and Irrevocable Refunding Instructions, and authorizing certain related matters regarding the refinancing of the Belmont Joint Powers Financing Authority Sewer Treatment Facility Revenue Bonds, Series 2009A ("2009A Bonds"), and a separate resolution authorizing the appropriation of Sewer Treatment Facility Fund Revenue to contribute toward the defeasance of the 2009A Bonds.

Attachment(s):

[Staff Report](#)

[Resolution - Refinancing](#)

[Resolution - Appropriation](#)

[Presentation](#)

E. Military Equipment Policy

Recommendation: Review Belmont Police Department - Draft Military Equipment Policy 710 and provide direction

Attachment(s):

[Staff Report](#)

[BPD 710 Draft.pdf](#)

[Military Equipment Law Overview 2022 PPT](#)

10. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

A. Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

B. 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. The speech and

hearing-impaired may call (650) 637-2999 for TDD services. 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.

Meeting Minutes of Regular Meeting of October 12, 2021
One Twin Pines Lane, Belmont, California

CALL TO ORDER 7:00 P.M

ROLL CALL

COUNCILMEMBERS PRESENT: McCune, Lieberman, Hurt, Mates, Stone (all via ZOOM)

PLEDGE OF ALLEGIANCE

Led by Fire Marshal Robert Marshall.

REPORT FROM CLOSED SESSION

City Attorney Rennie stated that there was no Closed Session this evening.

SPECIAL PRESENTATIONS

Proclamation Designation October Fire Prevention Month

Mayor Stone read the proclamation.

Fire Marshal Marshall accepted the proclamation he noted that the theme for the month is “Know the Sounds of Safety. He explained the many differences of safety alarms and encouraged the households to practice the sounds of the alarms and create exit plans.

Reimagine SamTrans Recommended Network

Jonathan Steketee, SamTrans Operations Planning Manager outlined the recommended plan changes for the City of Belmont. He discussed the local bus route changes, ridership levels and noted that Sunday services will be increased.

Jessica Epstein, SamTrans Government Affairs, outlined the outreach for implementation of the changes.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None

COUNCILMEMBER ANNOUNCEMENTS

Councilmember Mates commented on the recent Water Dog Run event.

Mayor Stone announced April 24, 2022 for Save the Music Festival at Twin Pines Parks.

ITEMS APPORVED ON THE CONSENT CALENDAR

City Attorney Rennie read the titles of the Consent Calendar Ordinances.

Ordinance 2021-1157 as introduced on September 14, 2021 Which Amends Belmont City Code Chapter 8.5 Regarding Campaign Contributions And Reporting Requirements

Ordinance 2021-1158 as introduced on September 14, 2021 which amends Belmont City Code chapter 2, article 7 Regarding Permanent City Council Committees to establish A Public Safety Committee

Resolution 2021-084 approving a Permanent Encroachment Agreement to allow tiered retaining

walls and stairway at 2618 Barclay Avenue (APN: 043-301-220)

Resolution 2021-085 accepting work and authorizing the issuance of a Notice of Completion for the 2021 Slurry Seal Pavement Project, City Contract Number 2021-596, for a final contract cost of \$717,252

Resolution 2021-086 approving a Task Order for Constructability Review, Construction Management, and Inspection Services with MNS Engineers, Inc. for an amount not to exceed \$419,200 for the Hiller Street Sanitary Sewer Pump Station Capacity Enhancement Project

ACTION: On a motion made by Councilmember McCune and Seconded by Councilmember Hurt the Consent Items were unanimously approved by a roll call vote. (5-0)

PUBLIC HEARINGS

Firehouse Square – Townhome Units Design Review Amendment

Adam Petersen, City Consultant, M Group stated that the amendment before the Council is for architectural changes and does not make any changes to the 15 approved townhomes related to location or configuration. He explained the proposed alteration to the architecture of unit composition, including unit composition and site modifications. He concluded stating that the proposed changes are exempt from environmental review and consistent with the Belmont General Plan, Belmont Village Specific Plan (BVSP) and Design Review Findings, With Conditions of Approval.

Dave Hopkins Sares Regis provided a brief overview of the proposed design modifications.

Mayor Stone Opened the Public Hearing, no members of the public requested to speak, Mayor Stone Closed the Public Hearing

Discussion ensued on the composition of the bedroom units and proposed architecture and visual detail amendments.

Councilmember Hurt stated her concerns on the architectural aspects of the project, she noted the need for high quality.

Councilmember Lieberman stated his concurrence with the modifications and commented that the neighborhood was noticed and no opposition to the modifications were voiced.

Councilmember McCune stated that the fenestration of the original scheme was more elegant.

Councilmember Mates supports the livability changes she concurred that the original fenestration is preferred.

Mayor Stone stated that the units are more family oriented and marketable, and stated his support for the design amendments.

ACTION: On a motion made by Councilmember Lieberman and seconded by Councilmember Mates **Resolution 2021-087** Taking the Following Actions Find the Project Exempt from the California Environmental Quality Act (CEQA) Pursuant to State Public Resources Code Section

21155.4(A); and, approve the requested Design Review Amendment, subject to the findings and conditions of approval, as described in this report and its attachments was approved by a roll call vote.

Recess 8:12 P.M.

Reconvene 8:19 P.M.

OTHER BUSINESS

Energy Reach/EV Infrastructure Code Updates

Community Development de Melo provided an overview of the Reach Codes. He noted that 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). He stated that the current code cycle was adopted in 2019 and became effective on January 1, 2020. He noted that Belmont initially reviewed Energy Reach Codes in conjunction with the CBSC adoption process in December 2019 and again in conjunction with a Climate Action Plan (CAP) update in March 2021. He explained that during both Council reviews, a number of questions centered on cost-comparisons for All-Electric vs Natural Gas construction, exceptions based on construction type, and reliability of the PG&E power grid in the face of revolving power safety shutdowns & increased demand for electric infrastructure. He reviewed the electric vehicle code options. Mr. de Melo concluded with the potential reach code development timeline overview.

Farhad Farahmand, TRC Companies provided a cost breakdown for electrifying new 24 thousand square foot single family in the Bay Area. He noted that the analogy uses above code minimum efficiency appliances.

The following spoke in favor of adopting a Reach Code Ordinance:

Diane Bailey, Bruce Nagel and Robert Whitehair

Council discussion ensued.

Council directed staff to continue community outreach and bring back local city ordinances for comparison discussion.

BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

Verbal report from Councilmembers on Intergovernmental (IGR) Subcommittee Assignments

Mayor Stone expressed his appreciation to City Departments for a successful Water Dog Run event. He gave kudos to Park and Recreation employee Matt Ward for his qualifying run for the Boston Marathon.

Verbal report from City Manager

City Manager Oskoui invited the community to view the draft recommendations for the Belmont Park and Recreation Open Space Master (PROS) plan and participate in the upcoming focus group discussions. He announced an upcoming flu shot clinic and a document shredding event.

MATTERS OF COUNCIL INTEREST/CLARIFICATION - None

Appointment of At-Large Council Committee Member to the Public Safety Committee

City Manager Oskoui stated that an earlier consent item ordinance formalized the Public Safety Committee and appointment of an at large committee member. He noted that composition of the Committee is the Vice Mayor and an at large Councilmember. He also noted that an initial meeting of the committee is planned November 2022 and that the permanent assignment can be reviewed at the annual Intergovernmental (IGR) Assignment process.

ACTION: On a Motion made by Councilmember Hurt and second by Mayor Stone the City Council Appointed Vice Mayor Mates and Councilmember Hurt to serve on the Public Safety Committee.

ADJOURNMENT at this time being 9:55 P.M.

**Meeting Minutes of Regular and Special Meetings of October 26, 2021
City Hall, One Twin Pines Lane, Belmont, California**

**SPECIAL MEETING
CALL TO ORDER 5:45 P.M.**

ITEMS OF BUSINESS

CLOSED SESSION

ATTENDED BY: McCune, Lieberman, Hurt, Mates, Stone (all via ZOOM)

1. Conference with Legal Counsel – Existing Litigation (Gov’t Code Section 54956.9(d)(1)): Coleman v. City of Belmont, San Mateo Superior Court No. CIV 523248;
2. Conference with Legal Counsel - Significant Exposure to Litigation (Gov’t Code Section 54956.9(d)(2)), one matter - Letter from Kevin Shenkman, Esq. dated July 30, 2021, on behalf of Southwest Voter Registration Education Project alleging violation of California Voting Rights Act demanding the city change to its at-large method of electing councilmembers.
3. Conference With Labor Negotiators (Govt Code Section 54957.6) Agency designated representatives: Afshin Oskoui, City Manager, Employee Organization: Belmont Police Officers Association (BPOA), and Mid-Management Confidential Employee Association (MMCEA)

ADJOURNMENT at this time being 7:05 p.m.

**Jozi Plut
City Clerk**

CALL TO ORDER 7:00 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: McCune, Lieberman, Hurt, Mates, Stone (all via ZOOM)

PLEDGE OF ALLEGIANCE

Led by Mayor Stone

REPORT FROM CLOSED SESSION

City Attorney stated that there are no reportable actions from the earlier held closed session.

SPECIAL PRESENTATIONS

State Legislative Update on Areas of Importance to the City

Dane Hitchings, Renne Public Policy Group (RPPG) presented a State legislative update he noted that City of Belmont Sponsored Senate Bill 640 (Becker) Transportation Financing: Jointly

Funded Projects authorizing two or more eligible cities, or one or more cities and a county, to propose a project be jointly funded with their respective local streets and roads (LSR) apportionments, and are continuously appropriated each year from the Road Maintenance and Rehabilitation Account was signed by the Governor on July 16, 2021. He noted that this Bill was Senator Becker's first signed bill.

He further outlined other Bills that the City took position on. He provided a 2022 Legislative Outlook and noted that 2022 is an election year with members in both houses terming out and others up for election. He briefly discussed the continuing economic recovery efforts due to the COVID-19 pandemic, Housing Legislation, State Budget priorities, and potential Brown Act modernization. Mr. Hutchings also briefly outlined the 2021/2022 Legislative Calendar thru February 2022.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA - None

COUNCILMEMBER ANNOUNCEMENTS

Councilmember Hurt reported that as a Bay Area Air Quality Management District Board Member she will be attending the United Nations Climate Action Conference in Scotland to represent the Bay Area. She also announced the upcoming Belmont Police Mental Health Symposium.

Mayor Stone announced the Marriage of Councilmember McCune. He thanked city staff and Adopt-A-Drain participants for their part with keeping the City safe during the recent rain storms.

At this time Mayor Stone left the meeting. Vice Mayor Mates chaired the meeting.

ITEMS APPROVED ON CONSENT BUSINESS

Resolution 2021-088 Authorizing the Issuance Of A Purchase Order to Eyep Solutions To Upgrade The City's Network Infrastructure Plus Associated Maintenance And Implementation Services in an Amount not to Exceed \$250,765.98

Received Grand Jury Response "San Mateo County - CA's Ground Zero for Sea Level Rise" Recommendation: Motion approving the City of Belmont's response to the Grand Jury Report "San Mateo County: California's Ground Zero for Sea Level Rise" September 2021 Financial Reports

Resolution 2021-089 Continuing To Find That Meeting In Person During The Covid-19 State Of Emergency Would Present Imminent Risks To The Health Or Safety Of Attendees

Resolution 2021-090 authorizing Retention of Election Method Consultants to Assist the City to Evaluate the Existing AT-Large Election System and Potentially Transition to a District-Based Election System, and Appropriating \$180, 000 for Those Purposes

Approved September 2021 Monthly Financials

At this time Mayor Stone rejoined the meeting via telephone.

In response to Councilmember Lieberman City Attorney Rennie explained that the consent item authorizing the city manager to enter into agreements for legal, district-based elections, and communications consultant services is in response to the City receiving a letter from Attorney Kevin Shankman on the behalf of Southwest Voter Registration Education Project asserting that the City's method of at large electing members of Council violates the Voting Rights Act. He noted that the typical remedy to this type of demand is to transition from the at-large to district based election system. He noted that the Council will consider

the letter at an open session at the November 9th meeting whether to begin that process of transitioning. He explained that the item tonight is for the retention of consultants necessary to assist the Council in making that determination and proceeding. He further explained that should the Council proceed the timeline is highly constrained.

Councilmember Liberman noted that the potential process of moving to at large elections will require public input and if interested the public should get involved in the process.

City attorney explained that if Council decides to begin the process the City will make information available on its website and provide opportunities for public participation.

Mayor Stone concurred with Councilmember Lieberman, he explained that it will be a notable step for Belmont he noted the element of forceful compliance. He concurred that the public will have opportunity to provide input.

In response to Councilmember McCune's question on providing in person public testimony at public meetings, City Manager Oskoui explained that the public, may participate at the City Council Chambers while adhering to the COVID-19 protocols that are in place.

E-mail correspondence received

Max Reinhardt commented in regard to all virtual meetings.

ACTION: On a motion made by Mayor Stone and seconded by Councilmember Hurt the consent calendar was unanimously approved as presented by a roll call vote. (5-0)

PUBLIC HEARINGS

Wireless Telecommunication Regulation Update

Community Development Senior Planner DiDonato provided an overview of the proposed updates. He noted that the proposed ordinance updates the Belmont Zoning Ordinance (BZO) chapter 25, establish section 35 to BZO for private property and Chapter 22 Article VIII of the Belmont City Code City Property. Mr. DiDonato noted the rational of the proposed updates are to meet the needs of the community and to become consistent with State and Federal Law. He provided a background of the actions taken by the City to develop the updates. He reviewed the goals and objectives of the proposed regulations. He outlined the amendments finding and recommendation to introduce the ordinance and provided the next steps.

Council discussion ensued.

For Council clarification Mr. DiDonato stated that the updated ordinance will allow for small cell wireless structure application approval at the Community Development, Public Works Director or City engineer level. He also clarified that the City has little discussion to deny a project based on favorable or lack of location. City Consultant Baum stated that there are incentives in the ordinance that encourage carriers to choose less desirable locations.

Mayor Stone opened the public hearing no members of the public came forward to speak on the item.

Council concluded the discussion.

ACTION: On a motion made by Councilmember McCune and seconded by Councilmember Lieberman Ordinance amending the Belmont City Code and the Belmont Zoning Ordinance to comprehensively update wireless facility regulations was introduced by a roll call vote. (5-0)

OTHER BUSINESS (None)

BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

Councilmembers reported on their assignments.

City Manager Oskoui thanked staff for their efforts during the recent rainstorms. He noted that the City received an American Public Works Association (APWA) recognition for the Sports Complex Turf project. He provided sandbag locations for community use. He announced Halloween events planned by the Parks and Recreation department. He outlined a grant funded traffic signal system upgrade within the City.

MATTERS OF INTEREST/CLARIFICATION - None

ADJOURNMENT at this time being 8:25 P.M.

Jozi Plut
City Clerk

DRAFT

Meeting Minutes Special Meetings of November 2, 2021
City Hall, One Twin Pines Lane, Belmont, California

CALL TO ORDER 1:35 P.M.

ROLL CALL

ATTENDED BY: Councilmembers McCune, Lieberman, Mates, Stone (all via ZOOM)

ABSENT: Councilmember Hurt

STUDY SESSION

Consider Directly Elected Mayor and Method of Electing City Councilmembers and Possibly Mayor

City Manager Oskoui explained that staff seeks direction on whether the City will transition from the existing at-large election system for electing City Council to district elections and a directly elected Mayor.

City Attorney Rennie explained that the City received a letter from attorney Kevin Shenkman, Esq. dated July 30, 2021, on behalf of Southwest Voter Registration Education Project alleging violation of California Voting Rights Act (CVRA) demanding the city change the at-large method of electing councilmembers. He noted that Councilmembers are elected in the City of Belmont with at-large elections system. He noted that a remedy to the allegation is to transition to an election “by-district” is one in which the City is divided into separate districts, each with one councilmember who resides in the district and is chosen by the voters in that district. He explained that Government Code Section 34871 gives the Council several options with respect to the number of districts. He noted when the Mayor is selected by the Council and not directly elected, an odd number of districts are created (5, 7, or 9), and when the Mayor is directly elected at-large, an even number of districts (4, 6, or 8) results.

City Manager Oskoui explained that upon adoption of a resolution of intent, the City will host subsequent Community Meetings to provide additional opportunity for public education and participation in the districting process. These meetings must be held within a compressed timeframe mandated by law.

In response to Mayor stone, City Attorney Renne clarified that the Council may choose to delay the conversation of an elected Mayor but may present challenges for the City’s demographer. He noted that the anticipated mapping process public hearings will commence in January 2022.

In response to Councilmember Mates, City Consultant Simran Mihal, Hansen Brigitte, stated that a four district and directly elected mayor model provides voters two votes (one vote for the district candidate and one for the directly elected Mayor). She further explained that a directly elected mayor assures that Belmont’s focus, interests and influence are represented as a whole City. She stated that there are no perceived disadvantages of a directly elected mayor. She also noted that the City Council has political means to address any directly elected mayor that might exercise power and authority of the Council.

City Attorney Rennie added that a directly appointed Mayor in a general law City holds similar authority to an appointed Mayor with exception that the directly elected mayor would have the approval of the Council to appoint individuals to city commissions and the Council confirming the appointment.

In response to Mayor Stone City Manager Oskoui stated that the City Demographer will use current census data and the composition of communities of interest, demographics, geography of the city and other factors when drawing the district map.

City Attorney Rennie clarified that Councilmember incumbency may not be taken into account when forming election districts.

City Consultant Mahal added that political parties will also not be considered when composing election districts. She clarified that the creation of districts would not affect the term of any sitting Councilmember. Councilmembers elected to a term will have the opportunity finish out the term.

City Manager Oskoui explained the districting process, he noted that numerous public hearings and engagements are required in this process and that schedule will be made available to the public on the City's website for input in the creation of the districts.

Mayor Stone opened the meeting for public comment no members of the public came forward to speak.

E-mail comments received

Richard Smith, commented on the letter from Attorney Shenkman and support for four districts and mayor at large.

Council discussion ensued.

In response to Mayor Stone, Ms. Mahal stated that the CVRA states any method of election that combines at large election with district election is considered an at large method of election. She noted that an argument could be made that an at large elected mayor with a four district councilmember system is remains an at large method of election. She further explained CVRA language allows for the Council to adopt an ordinance allowing for a directly elected mayor specifically for the furtherance of the CVRA. She noted other cities that received the letter of violation and chose the at large mayor method and did not receive issue from the suing attorney.

Council discussion ensued Council concurred that the best course of action is to move to a by district election system to elect councilmembers.

Councilmember McCune stated that he could support a 5 district election map.

Councilmember Lieberman stated that could support a 4 district and at large mayor election map.

Councilmember Mates stated that she could support the 4 district and at large mayor election map.

Due to her inability to participate in person as a result of overseas travel City Manager Oskoui read Councilmember Hurt's comments, she stated that she could support by district elections and an at-large mayor with a two-year term.

In response to Councilmembers McCune and Stone, City Attorney Rennie stated that it is possible but not probable that the City would again get sued for choosing an at large method of election of a mayor.

Councilmember Stone stated he could support the at large mayor with a two-year term commencing in 2024.

In response to Council questions, City Attorney Rennie stated that the discussion on the term of an at-large mayor is not critical prior to adoption of the ordinance.

Email correspondence received:

John Boykin commented in opposition of by district elections in Belmont.

Richard Smith commented in support of by district elections and an at-large Mayor in Belmont.

ACTION: Councilmembers concurred to form a four district election map with an at-large mayor, term to of the mayor to be determined at subsequent discussion.

ADJOURNMENT at this time being 2:30 p.m.

Jozi Plut
City Clerk

Special and Regular Meeting Minutes of Meeting November 9, 2021
One Twin Pines Lane, Belmont CA

SPECIAL MEETING 5:55 p.m.

CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation (Gov’t Code Section 54956.9(d)(1)): Coleman v. City of Belmont, San Mateo Superior Court No. CIV 5232482.
2. Conference with Legal Counsel - Significant Exposure to Litigation (Gov’t Code Section 54956.9(d)(2)), one matter - Letter from Kevin Shenkman, Esq. dated July 30, 2021, on behalf of Southwest Voter Registration Education Project alleging violation of California Voting Rights Act demanding the city change to its at-large method of electing councilmembers.

ATTENDED BY COUNCILMEMBERS: McCune, Lieberman, Mates, Stone (all Virtual)
COUNCILMEMBER ABSENT: Hurt

Jozi Plut
City Clerk

STUDY SESSION (6:20 P.M.)

Review Options for Local Regulation of Commercial Cannabis Activity

City Consultant Ajay Kolluri, HDL briefly outlined the background on cannabis policy noting that the City Council in January of 2021 directed staff to explore options for diversifying revenue, followed by a review of the policy framework on local regulations of commercial cannabis activities in April 2021. He noted that tonight’s session would address direction for the April session. He explained various cannabis business categories and outlined California cannabis laws, he noted that the Council should focus retail license types for Belmont. He outlined cannabis distribution and noted that it is the second mostly likely business type to locate in Belmont after retail. He briefly outlined revenue generating scenarios for retail and distribution.

Economic Development Manager Rose led a discussion on eight policy items associated with cannabis regulations in Belmont.

1. Council concurred to regulate commercial cannabis.
2. Council concurred with staff’s recommendation on retail and distribution license types only.
3. Council concurred with maximum of two retail business and two distribution business with potential of future increase.
4. Council provided direction on commercial cannabis business locations. Council concurred not to allow cannabis locations at the Carlmont Shopping Center, strip mall centers and area near the Belmont Sports Complex.
5. Council concurred on the recommended location restrictions and sensitive use buffers including schools, commercial daycare, youth centers.

6. Council concurred with staff recommendation of locally defined minimum distance requirements. Staff will define map.
7. Council concurred with staff recommendation to include commercial cannabis as part of 2022 Business License Tax Update and adopt a resolution setting a fee schedule.
8. Council concurred to review best practices and adopt a resolution following passage of a cannabis ordinance.

Mayor Stone opened the item for public comments.

Sean Kali-rai of Silicon Valley Cannabis Alliance, commented on exercising flexibility for cannabis locations.

Council concluded the discussion.

ADJOURNMENT at this time being 7:02 P.M.

**Jozi Plut
City Clerk**

REGULAR MEETING

CALL TO ORDER 7:05 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Lieberman, McCune, Mates. Stone (All Virtual)

ABSENT: Councilmember Hurt and Councilmember Lieberman (for part of the meeting)

PLEDGE OF ALLEGIANCE

Led by Vice Mayor Mates

REPORT FROM CLOSED SESSION

City Attorney Rennie stated that there are no reportable actions from the earlier held Closed Session.

SPECIAL PRESENTATIONS – None

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA - None

COUNCILMEMBER ANNOUNCEMENTS

Councilmember McCune stated that he will recuse himself from the discussion on the Crystal Springs Cross County Course.

Councilmember Lieberman stated he may need step out of the meeting before its conclusion. He also thanked the Belmont Police Department for communications regarding a watermain break within City limits. He requested City staff to provide guidance to Mid-Peninsula Water Department on outreach efforts during emergencies.

Vice Mayor Mates commented on the Belmont Police Department Mental Health Symposium held earlier in the week.

Mayor Stone invited the public to the annual Veteran's Memorial Celebration at the Eric Reed Groove in Twin Pines Park.

ITEM TAKEN OUT OF ORDER

GENERAL BUSINESS

Crystal Springs Cross Country Course

At this time Councilmember McCune stated that he lives within the 500 foot radius of Crystal Springs Course and recused himself from the meeting.

Parks and Recreation Director Shearer noted that the course is an asset to local schools, athletic organizations, and nearby neighborhoods. She explained that San Mateo County Community College District (SMCCD) was granted a license to operate a cross country course on land owned by the San Francisco Public Utilities Commission (SFPUC). She also noted that the license is currently being reviewed with the SFPUC seeking to update it. She explained that parking, traffic, fire hazard, noise, and environmental concerns at the course were raised by a small number of residents in the Belmont Heights neighborhood. She further explained that in July 2020 the Belmont City Council established an ad hoc committee, consisting of Mayor Charles Stone and Councilmember Davina Hurt to further explore the issue with the City and other stakeholders. Both Councilmembers participated in discussions with the SFPUC and SMCCD.

Mayor Stone explained the work of the ad hoc committee, He noted that the issue was brought to closure after months long process of outreach he also noted that the use of the course was reduced by 44%. He further explained that a group of neighbors from the Belmont Heights contacted the SFPUC and voiced their dissatisfaction of the process and outcome.

Discussion ensued.

Mayor Stone opened the item for public comment.

Joan Dentler spoke in support of the use of the course by student athletes and neighbors.

Comments in support of the course received via email from the following:

Josh Walker, Jim Kauffold, Lynn, Bell, David Grissom, Steve Chamberlin, Kelsey Homyk, Frank Hunt

ACTION: Council concurred to direct staff to draft a resolution in support of the continued use of the course.

CONSENT BUSINESS

Received report on Americans with Disability Act Title II for Fiscal Year 2021-2022

Resolution 2021-091 approving 1) Painting red curb in front of the parking garage entrance at 600 El Camino Real, 2) Adding centerline striping on Somerset Drive and Leigh Way, and 3) Adding Class III shared lane markings (sharrows) on Carlmont Drive east of the Lake Road intersection up to Hidden Canyon Park.

Resolution 2021-092 authorizing the City Manager to execute Amendment One to the Franchise Agreement with Recology San Mateo County to add a fourth route to the Bulky Item and Abandoned Waste Collection Program to begin on January 1, 2022, amending the Franchise Agreement to expand the Bulky Item Collection/Abandoned Waste Collection program.

Resolution 2021-093 authorizing the City Manager to explore a partnership with Peninsula Clean Energy Authority (Peninsula Clean Energy) to collaboratively procure and deploy a Solar Photovoltaic (Solar PV) System at the Belmont City Hall

Resolution 2021-094 authorizing the City Manager to execute a Services Agreement for transportation engineering services with Kimley-Horn and Associates, Inc., for implementation of a Transportation Fund for Clean Air (TFCA) grant funded project in the amount of \$230,000, plus a City match of \$25,500, for a total of \$255,500, and approving a supplemental appropriation of \$255,500 in the Street Improvement Fund for the Ralston Adaptive Signal Timing Project as part of the mid-year review

Resolution 2021-095 authorizing the City Manager to execute Amendment No. 1 to the service agreement with Diana Elrod Consulting to provide supplemental Housing Element update services related to fair housing requirements

In response to Mayor Stone and Councilmember Mates, Public Works Director Brown explained that adaptive signals read traffic from all directions and take samples from the cycles adjusting timing to allocate green phases to directions where most needed. He anticipates complete installation by 2022. He noted that no changes to pedestrian crossing times are anticipated.

In response to Councilmember McCune, Parks and Recreation Director Shearer stated that the purposed of exploring a partnership with Peninsula Clean Energy Authority (Peninsula Clean Energy) is to result in more competitive pricing.

Public Comment

Chez provided comments regarding red curb stripping at 600 El Camino Real.

ACTION: On a Motion made by Councilmember Mates and seconded by Councilmember McCune the Consent Business was unanimously approved as presented by a roll call vote. (4-0, Councilmember Hurt absent).

PUBLIC HEARINGS - none

GENERAL BUSINESS

Transition to District-Based Election System

City Attorney Rennie provided a brief background on the California Voter's Rights (CVR) allegations made against the City received in July 2021 from attorney Keven Shenkman. He stated that approval of a resolution outlining the city's intention to transition from at-large to district-based elections with a directly elected mayor and specifying the steps to facilitate the transition and estimating the timeframe for doing so is before the Council for discussion and adoption.

In response to Councilmember Lieberman City Attorney Rennie explained that if Council decides to transition to a directly elected mayor, the term of an at-large mayor can be a two- or four-year term. He noted that at the point of the map adoption process the council will also adopt by ordinance the length of the term of the mayor and when the term will begin either 2022 or 2024. He noted that no current council term will be shortened.

In response to Councilmember McCune, City Attorney Rennie stated that the Council may wish to discuss the powers, authorities and privileges of the directly elected mayor and appointed vice mayor qat a future date and make adjustments to the current Council Protocols to reflect changes.

City Attorney Rennie explained that the district election public hearing process will begin in January 2022 and is anticipated to complete by April 12, 2022, given the extension by Attorney Shenkman.

Mayor Stone opened the item for public comment, no member of the public came forward to speak.

E-mail correspondence received from Terri Cook in support of five district election method of electing councilmembers and a 2 year term for a directly elected mayor should the council decide on an at large mayor method.

ACTION: On a motion made by Councilmember Mates and seconded by Councilmember McCune Resolution **2021-096** Declaring the City of Belmont's Intention to Transition from At-Large to District-Based Elections Under Elections Code Section 10010 Commencing in November Of 2022 was unanimously approved by a roll call vote. (4-0 Councilmember Hurt absent)

At this time Councilmember Lieberman excused the meeting.

Mandatory Organic Waste Disposal Reduction Regulations

Public Works Director Brown provided an overview of the six main elements of SB 1383 which include edible food recovery, organic recycling collection, contamination monitoring, procurement, capacity planning, and education and outreach. He noted that options on addressing any gaps to meeting the requirements of the various portions of the new regulations is in development. He explained that once the roadmap is complete, there will be some changes to the City's waste collection, recycling, and organics programs in the next few years.

ACTION: On a motion made by Councilmember McCune and seconded by Councilmember Mates an ordinance establishing mandatory organic waste disposal reduction regulations to implement and enforce

CalRecycle organics regulations and SB 1383 was introduced by a roll call vote. (3-2 Councilmembers Hurt and Lieberman absent)

BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

None

Verbal report from City Manager

City Manager Oskoui announced that the City is seeking nominations for the annual Community Service Awards and beautiful Belmont. He acknowledged the Parks and Recreation staff for their efforts in planning recent Halloween events. He announced that comments on the PROS plan are still being accepted by the committee and a presentation of findings will be made in the near future. He announced a business grant application process thru San Mateo Strong.

MATTERS OF INTEREST/CLARIFICATION - None

ADJOURNMENT at this time being 8:15 pm

**Jozi Plut
City Clerk**



HIGHLIGHTS

PERFORMANCE AT A GLANCE REPORT

- General Fund balance increased compared to prior YTD
- COVID-19 has negatively impacted revenue stream related to taxes (Budget Variance on pg. 4).

FUND RECAP AT A GLANCE REPORT

Increasing Fund Balance to PY:

- General Fund
- Fleet & Equipment Management
- Sewer Collection System
- Sewer Treatment

Decreasing Fund Balance to PY:

- Planned Park
- Storm Drainage
- Infrastructure

BUDGET VARIANCE REPORT

- Management Discussion & Analysis
- Tax Trends

CASH DISBURSEMENTS & PURCHASE ORDER ACTIVITY REPORT

- Amounts equal to and above \$5,000

This report contains financial information which has not been reviewed or audited by an independent auditor, does not reflect the application of generally accepted accounting principles in all instances and is subject to future revision. This report has not been prepared with a view to informing an investment decision in any of the City's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in this report are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the City's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the City on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and website, maintained on the World Wide Web at <https://emma.msrb.org/>

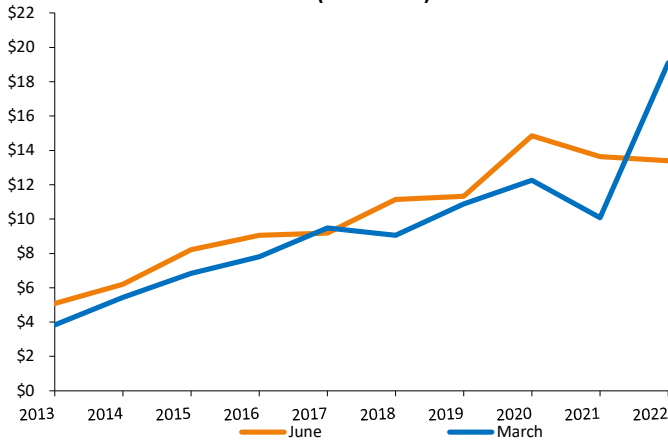
These financial reports are designed to provide a general overview of the City of Belmont's interim finances. Questions concerning any information provided in these reports should be addressed to financedept@belmont.gov or for additional information regarding the City's financial activities, including past award winning audited financial statements, transparency efforts and best practices please visit the City at www.belmont.gov.



City of Belmont
Performance at a Glance
Results for the Period Ended March 31, 2022
 (000's)



General Fund Balance Trend
 (in millions)

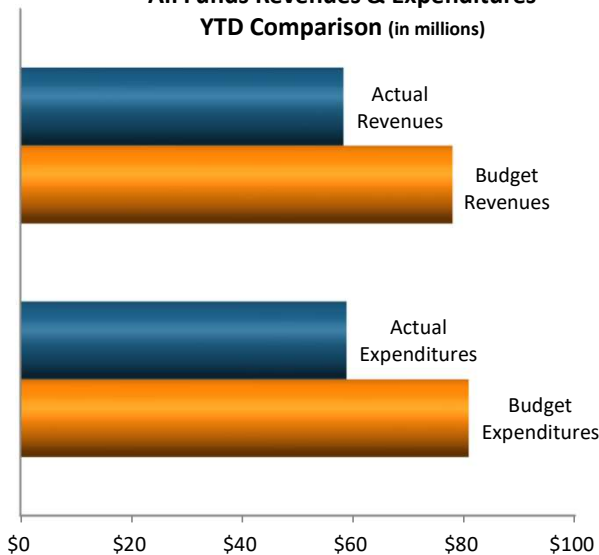


General Fund Balance Trends*

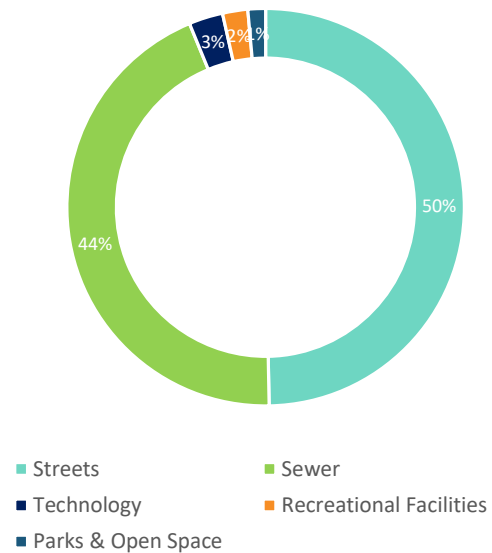
6/30/2012	\$5,085	Audited
6/30/2013	\$6,200	Audited
6/30/2014	\$8,204	Audited
6/30/2015	\$9,049	Audited
6/30/2016	\$9,177	Audited
6/30/2017	\$11,128	Audited
6/30/2018	\$11,325	Audited
6/30/2019	\$14,846	Audited
6/30/2020	\$13,637	Audited
6/30/2021	\$13,398	Audited
3/31/2022	\$19,094	Unaudited

* excludes Measure I

All Funds Revenues & Expenditures
YTD Comparison (in millions)



Capital Improvement Plan



General Fund

The General Fund balance is \$19.1 million, a \$5.7 million increase compared to amount at the prior fiscal year end. The increase compared to the 6/30/21 balance was primarily due to the receipt of \$3.2 million in ARPA Federal Coronavirus State and Local Fiscal Recovery Funds and interfund transfers that will be recorded at the end of the fiscal year.

Fund Balance - YTD Fund Deficits

As shown on the Fund Recap at a Glance (page 3), the Recreation Fund, Supplemental Law Enforcement, Planned Park, Library Bond Debt Service, and Facilities Management Fund have deficits that are expected to be eliminated in a future period.

City of Belmont
Fund Recap at a Glance
Results for the Period Ended March 31, 2022
(000's)



Fund	Fund Name	Audited Fund Bal. 06/30/21 (1)	Revenues				Expenditures					Unaudited Fund Bal. 03/31/22 (1)+(2)-(3)	PY YTD Fund Bal. 03/31/21	
			YTD Budget	YTD Actual (2)	Variance (Under) Over	%	PY YTD Actual	YTD Budget	YTD Actual (3)	Under (Over)	%			PY YTD Actual
GENERAL FUND														
101	General	\$13,398	\$20,679	\$20,893	\$214	101%	\$16,458	\$19,663	\$15,197	\$4,466	77%	\$20,079	\$ 19,094	10,063
102	Measure I	3,751	1,667	1,355	(311)	81%	1,311	2,703	786	1,917	29%	362	4,320	3,087
SPECIAL REVENUE FUNDS														
205	Recreation	21	2,158	1,194	(964)	55%	1,372	2,110	1,964	146	93%	1,837	(750)	(464)
206	Library Maintenance & Operation	962	231	152	(79)	66%	183	336	293	43	87%	266	822	950
207	Athletic Field Maintenance	377	61	81	20	133%	77	79	74	4	95%	29	384	373
208	City Tree	326	5	7	2	145%	10	55	30	26	54%	38	304	334
209	Senior Services Donation	86	4	3	(1)	79%	0	0	0	0	N/A	0	89	86
210	Development Services	417	4,102	3,121	(980)	76%	3,587	4,065	3,288	777	81%	2,931	250	655
212	General Plan Maintenance	738	376	173	(204)	46%	178	236	8	228	3%	65	903	521
223	Belmont Fire Protection District	15,403	9,531	7,471	(2,060)	78%	7,812	8,770	11,193	(2,423)	128%	10,355	11,682	10,833
225	Police Grants and Donations	35	0	0	(0)	20%	(0)	4	2	2	40%	0	34	35
227	Supplemental Law Enforcement	0	206	145	(61)	71%	143	158	175	(17)	111%	161	(30)	(15)
231	Street Maintenance	711	1,756	753	(1,003)	43%	957	1,768	1,425	343	81%	1,707	40	101
232	RMRA Street Project	323	400	349	(52)	87%	325	1,331	620	711	47%	52	52	883
233	Measure W	250	274	217	(57)	79%	508	450	0	450	0%	300	467	208
234	Street Improvements	2,161	3,242	2,768	(474)	85%	1,252	3,654	2,178	1,476	60%	645	2,751	1,327
237	Traffic Impact	-	216	200	(16)	93%	0	0	0	0	N/A	0	200	0
239	Public Art	-	417	0	(417)	0%	0	0	0	0	N/A	0	0	0
275	Affordable Housing Successor	3,688	3,106	65	(3,040)	2%	263	418	341	76	82%	135	3,412	3,747
277	Inclusionary Housing	2,385	211	0	(211)	0%	2	0	0	0	N/A	1,000	2,385	2,268
Total Special Revenue		27,885	26,295	16,700	(9,595)	64%	16,669	23,434	21,590	1,844	92%	19,520	22,995	21,843
CAPITAL PROJECT FUNDS														
308	General Facilities	827	3	0	(2)	16%	9	310	86	224	28%	200	742	829
310	Infrastructure	2,302	179	1	(178)	1%	9	2,551	189	2,361	7%	2	2,114	2,823
312	Comcast PEG Program	363	1	33	32	3175%	1	90	0	90	0%	11	395	362
341	Planned Park	357	2,258	0	(2,258)	0%	10	753	469	284	62%	3,920	(112)	749
342	Park Impact	1,397	1,486	1	(1,485)	0%	18	2,480	0	2,480	0%	0	1,398	381
343	Open Space	206	1	0	(1)	18%	7	53	39	14	74%	23	167	218
704	Special Assessment Districts	308	1	0	(1)	21%	1	0	0	0	N/A	0	308	307
Total Capital Projects		5,760	3,928	36	(3,892)	1%	53	6,236	784	5,453	13%	4,157	5,012	5,669
DEBT SERVICE & OTHER FUNDS														
406	Library Bond Debt Service	267	508	337	(171)	66%	400	513	653	(140)	127%	654	(49)	9
501-505	Sewer Collection System	20,034	12,441	7,084	(5,358)	57%	8,266	13,423	7,204	6,219	54%	11,491	19,915	12,081
507	Sewer Treatment	24,301	2,425	1,575	(849)	65%	1,831	4,068	3,896	172	96%	5,093	21,981	18,341
525	Storm Drainage Enterprise	3,585	1,532	649	(884)	42%	1,379	2,052	1,419	633	69%	1,602	2,814	4,344
530	Solid Waste Management	1,582	385	356	(30)	92%	330	370	319	52	86%	308	1,619	1,560
570	Worker's Compensation	1,337	582	547	(35)	94%	541	493	557	(64)	113%	566	1,327	779
571	Liability Insurance	3,375	363	(1,297)	(1,661)	-357%	(872)	1,195	540	655	45%	474	1,537	1,396
572	Self Funded Vision	-	9	8	(1)	90%	12	10	(3)	13	-33%	(2)	11	14
573	Fleet & Equipment Management	5,831	3,829	3,829	(0)	100%	3,950	3,865	2,620	1,244	68%	2,825	7,039	5,268
574	Facilities Management	41	2,012	1,231	(781)	61%	1,365	1,571	1,541	30	98%	1,349	(268)	222
575	Benefit Prefunding	1,396	1,093	999	(95)	91%	1,114	1,231	1,322	(91)	107%	1,384	1,073	1,289
775	Successor Agency Trust Fund ¹	(3,430)	177	3,924	3,747	2214%	89	0	356	(356)	N/A	857	138	(4,973)
Total Debt & Other		58,319	25,357	19,241	(6,116)	76%	18,404	28,791	20,423	8,368	71%	26,599	57,137	40,330
Total All Funds		\$109,114	\$77,925	\$58,224	(\$19,701)	75%	\$52,896	\$80,827	\$58,780	\$22,047	73%	\$70,717	\$108,558	\$80,993

Fund Types:

General Fund - Used to account for and report all financial resources not accounted for and reported in another fund.

Special Revenue Funds - Used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

Capital Projects Funds - Used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

Debt Service & Other Funds - Includes funds used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest; funds used to finance and account for special activities and services performed by a designated department for other departments in the City on a cost reimbursement basis; and funds to account for operations financed and operated in a manner similar to a private business enterprise with the intent that the cost of providing goods and services is primarily financed through user charges; and funds used to account for assets held by the City as an agent.

¹ The Successor Agency Trust Fund is a Fiduciary Fund and is only displayed here for informational and reporting purposes.

City of Belmont
Budget Variance Report
General Fund / All Other Funds
Results for the Period Ended March 31, 2022
(000's)



	General Fund					All Other Funds					Annual Budget	PY YTD Actual
	Budget	Year to Date (YTD)		%	Annual Budget	Budget	Year to Date (YTD)		%	Annual Budget		
		Actual	Variance				Actual	Variance				
REVENUES												
Taxes	\$13,125	\$12,984	(\$141)	99% a	\$17,499	\$10,287	\$12,734	\$14,014	\$1,281	110% a	\$16,978	\$10,400
<i>Property Taxes</i>	4,431	5,192	761	117% *	5,908	3,696	9,414	11,325	1,910	91%	12,552	7,857
<i>Sales Taxes</i>	3,021	2,614	(407)	87%	4,028	2,699	2,584	2,169	(416)	71%	3,446	1,963
<i>Other Taxes</i>	5,672	5,177	(495)	91% *	7,563	3,892	735	521	(214)	99%	980	580
Licenses and permits	804	610	(195)	76% b	1,073	652	1,383	1,342	(41)	97%	1,844	1,241
Intergovernmental	2,592	3,431	839	132%	3,456	545	4,270	2,337	(1,933)	55% d	5,693	1,036
Charge for services	3,134	3,124	(10)	100%	4,179	4,576	28,980	20,101	(8,879)	69% e	38,640	20,849
Fines and forfeits	123	105	(18)	85%	164	113	-	-	-	N/A	-	-
Use of money and property	660	561	(98)	85%	880	232	504	224	(280)	45% f	672	431
Miscellaneous	242	78	(163)	32% c	322	53	114	(705)	(819)	-617% g	152	(1,441)
Other financing sources	-	-	-	N/A	-	-	2,826	17	(2,808)	1% h	3,767	6
Operating transfers in	-	-	-	N/A	-	-	6,436	-	(6,436)	i	8,581	3,916
Total Revenues	20,679	20,893	214	101%	27,572	16,458	57,246	37,331	(19,915)	65%	76,328	36,438
EXPENDITURES												
General government	4,996	3,828	(1,168)	77%	6,662	5,100	6,175	5,059	(1,115)	82%	8,233	5,281
Public safety	10,823	9,980	(843)	92%	14,431	10,367	8,932	11,369	2,437	127% j	11,909	10,515
Streets and utilities	-	-	-	N/A	-	-	29,338	15,737	(13,601)	54%	39,117	18,155
Culture and recreation	1,521	1,389	(132)	91%	2,027	1,707	5,146	4,279	(867)	83%	6,862	7,419
Urban redevelopment	-	-	-	N/A	-	-	3,202	3,026	(176)	95%	4,269	3,428
Debt service	-	-	-	N/A	-	-	4,259	4,113	(146)	97%	5,679	4,829
Operating transfer out	2,324	-	(2,324)		3,098	2,905	4,112	-	(4,112)		5,483	1,012
Total Expenditures	19,663	15,197	(4,466)	77%	26,218	20,079	61,164	43,583	(17,581)	71%	81,552	50,638
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$1,016	\$5,696			\$1,354	(\$3,621)	(\$3,918)	(\$6,251)	(\$37,496)		(\$5,224)	(\$14,200)

Management Discussion and Analysis
(Items with unfavorable budget variance more than \$0.1 million)

General Fund:

Revenues

*) Beginning with the December 2020 monthly financial report, Property Tax in lieu of VLF and excess ERAF are reported under Property Taxes, not Other Taxes.

- a) **Taxes** – The majority of Sales Tax and Transient Occupancy Taxes (TOT) received in July are related to June activities, which are subject to an accounting adjustment. COVID-19 impacts are occurring.
b) **Licenses and Permits** – Business License revenue will be received in a future reporting period and includes activities related to the prior fiscal year, which are subject to accounting adjustment.
c) **Miscellaneous** – The budget variance is primarily due to the timing of the annual CSUS Public Service Fee, which will be received in a future reporting period.

Other Funds

Revenues

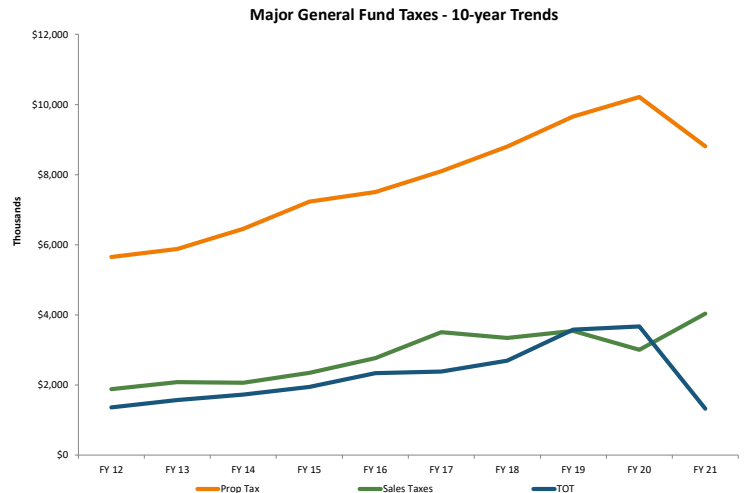
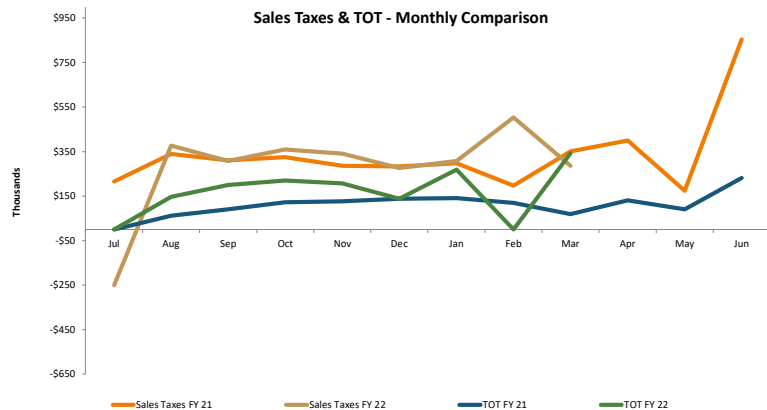
- d) **Intergovernmental** – The revenue will be received in a future reporting period and includes activities related to the prior fiscal year, which are subject to accounting adjustment.
e) **Charges for Services** – The Sewer Use Fee (Collection & Treatment), budgeted for \$17M, is included as part of the City's Property Tax bill to be received semi-annually, typically in April and December.
f) **Use of Money and Property** – the LAIF interest rate continues to decline resulting in lower investment returns.
g) **Miscellaneous** – This revenue is subject to an accounting adjustment during the fiscal year closing process related to claims liability.
h) **Other Financing Sources** – The budget assumes a sale of \$3.8M in housing capital assets which is anticipated to occur in a subsequent period.
i) **Operating Transfers In** – The budget assumes operating transfers, which will be recorded at the end of the fiscal year based on actual results.

Other Funds

Expenditures

- j) **Public safety** – First quarter payments of \$1.6M to BSCFD and \$2.1M to San Mateo Consolidated Fire Department.

Trends



** July TOT revenues received were for June activities and accrued to the previous FY. July revenues will be received in August.

City of Belmont
Disbursements & Purchase Order Activity Report
Results for the Period Ended March 31, 2022



Disbursements Amounts Equal to \$5,000 and Above

Vendor	Description	Date	No.	Amount
ADP	03/22 ADP FEES	3/25/22	DAJ000007233	7,487.78
ALL FENCE CO., INC.	MCDUGAL DUGOUT PROJECT	3/11/22	1202512	24,760.00
BAMACOR, INC.	SOAP BOTTLE	3/4/22	EFT00028033	21,970.75
BAMACOR, INC.	LODGE - SPECIAL CLEAN	3/11/22	EFT00028084	10,043.10
BAYRIDGE CONSTRUCTION	ALAMEDA KIOSK REPAIRS	3/11/22	1202514	11,600.00
BENEFIT COORDINATORS CORP	COB Life, LTD ADD Feb 2022	3/18/22	EFT00028120	6,862.66
BKF ENGINEERS	Alameda corridor Dec 21-Jan 22	3/11/22	EFT00028089	27,747.00
BURKE, WILLIAMS & SORENSEN, LLP	LEGAL FEES	3/18/22	EFT00028107	21,554.10
CALPERS	COB CONTRIBUTION PPE 02/25/22	3/21/22	DAJ000007253	110,888.43
CALPERS	COB HEALTH PREMIUM-MARCH	3/11/22	DAJ000007255	165,335.12
CALPERS	COB CONTRIBUTION PPE 3/11/22	3/22/22	DAJ000007251	108,134.39
CCAG	STREETLIGHT DATA COST SHARING	3/25/22	1202575	18,264.00
CITY OF BELMONT EMPLOYEES	PAYROLL 3/11/2022	3/10/22	DAJ000007237	389,120.16
CITY OF BELMONT EMPLOYEES	PAYROLL 3/11/2022	3/11/22	DAJ000007239	90,719.55
CITY OF BELMONT EMPLOYEES	PAYROLL 3/25/2022	3/24/22	DAJ000007241	399,098.59
CITY OF BELMONT EMPLOYEES	PAYROLL 3/25/2022	3/25/22	DAJ000007242	93,104.04
COMFORT INTERNATIONAL INC	BOILER TROUBLESHOOT	3/4/22	1202493	10,541.97
CORA	ANNUAL ERP SERV(070121-063022)	3/18/22	EFT00028139	5,118.00
CREEKSID GRILL	DECEMBER MEALS	3/4/22	EFT00028011	11,547.18
CREEKSID GRILL	FEBRUARY MEALS	3/18/22	EFT00028111	7,647.65
CSG CONSULTANTS, INC.	On call rev. thru Jan 2022	3/25/22	EFT00028259	5,015.00
EDD	PAYROLL TAXES	3/25/22	DAJ000007247	33,852.19
EDD	PAYROLL TAXES PPE 03/11/22	3/14/22	DAJ000007254	33,120.33
EXPRESS PLUMBING	Swr Ease. Rehab 12-20 to 1-22	3/11/22	EFT00028101	165,206.82
FACILITRON INC	SUMMER AQUATICS PROGRAM	3/11/22	1202520	14,400.00
GATES & ASSOCIATES	Prof services through 1/31/22	3/11/22	EFT00028096	7,998.25
GATES & ASSOCIATES	PROS MASTER PLAN SERVICES	3/25/22	EFT00028271	5,833.50
GOOD CITY COMPANY	601 Harbor Serv. Jan 2022	3/25/22	EFT00028253	28,012.50
HDR ENGINEERING INC	Serv thru Feb 22	3/25/22	EFT00028263	5,352.25
ICMA RC	DEF COM ACCT#803366	3/18/22	DAJ000007249	5,225.00
ICMARC	DEF COMP ACCT# 302442	3/4/22	DAJ000007261	47,845.09
ICMARC	DEF COM ACCT# 803366	3/4/22	DAJ000007262	5,087.50
ICMARC	DEF COMP ACCT#302442	3/18/22	DAJ000007250	48,049.98
INFRASTRUCTURE ENGINEERING CORP	SS analysis for January 22	3/11/22	EFT00028065	34,228.75
INTERSTATE GRADING AND	Ralston seg 3 prog pay Jan 22	3/11/22	EFT00028097	121,329.57
JPW COMMUNICATIONS LLC	FEB 2022 COMMUNICATIONS	3/25/22	EFT00028251	18,040.22
KIMLEY-HORN & ASSOC., INC.	Ralston ASCT through Feb 22	3/25/22	EFT00028265	9,846.00
LEXIS NEXIS RISK SOLUTIONS	ONLINE REPORTING SYSTEM ANNUAL	3/4/22	1202499	7,046.15
MED-I-BANK/P&A GROUP	C125	3/15/22	DAJ000007252	5,810.59
MID-PENINSULA WATER DISTRICT	HALLMARK/FOUNTAIN	3/4/22	EFT00028039	7,717.38
MID-PENINSULA WATER DISTRICT	BUCKLAND LEASE (JUL'22-DEC'22)	3/18/22	EFT00028135	7,352.60
MIG, INC.	605 Harbor services for 1/22	3/4/22	EFT00028040	5,818.75
MNS ENGINEERS INC	Street Recon TO 5 Dec 2021	3/11/22	EFT00028070	110,731.51
PACIFIC GAS AND ELECTRIC COMPANY	PERMIT REFUND - PM43595870	3/18/22	1202556	9,800.00
PG&E	Gas & Electricity 9853805205-5	3/4/22	EFT00028050	10,060.51
QUALITY STRIPING, INC.	TPSCC STRIPING	3/11/22	EFT00028095	24,777.00
REDISTRICTING PARTNERS	DISTRICT MAPPING/DEMOGRAPHICS	3/18/22	1202558	24,800.00
RINCON CONSULTANTS	FEBRARY PROF SERVICES	3/18/22	EFT00028129	5,015.25
RUGGERI-JENSEN-AZAR	3214 Upper Lock TO 2 mtg coord	3/11/22	EFT00028073	10,405.50

Vendor	Description	Date	No.	Amount
SAN MATEO CONSOLIDATED FIRE DEPARTMENT	SMCFD Q4 21/22 CONTRACTED SRVC	3/25/22	EFT00028247	2,101,437.25
SAN MATEO COUNTY PUBLIC	MESSAGE SWITCH(3RDQTR JAN-MAR)	3/25/22	1202587	5,300.75
SILICON VALLEY CLEAN WATER	APRIL CONTRIBUTIONS	3/4/22	EFT00028015	282,253.00
SM COUNTY FLOOD & SEA LEVEL RISE RESILIENCY DIST	Third Installment-Sea Level	3/25/22	EFT00028249	40,000.00
SQUARE	SQUARE FEES MAR 2022	3/31/22	DAJ000007272	5,697.97
STAR VISTA	FIRST CHANCE (JANUARY-JUNE)	3/4/22	1202506	8,620.33
STATE WATER RESOURCES CONTROL	Annual Permit Fee Blmt Creek	3/11/22	1202532	19,697.00
SUN RIDGE SYSTEMS, INC.	RIMS ANNUAL SUPPORT	3/4/22	EFT00028056	43,026.00
TESCO CONTROLS, INC.	6TH ST TRAFFIC LIGHTS	3/18/22	1202564	5,977.20
THE LEW EDWARDS GROUP	JAN 2022	3/18/22	1202565	10,350.00
THYSSENKRUPP ELEVATOR	PD ELEVATOR REPAIR	3/4/22	EFT00028060	6,250.00
TJKM	ON-CALL TRAFFIC ENGINEERING	3/18/22	EFT00028103	6,190.00
TOWNE FORD SALES	PARTIAL PAYMENT ON 4 VEHICLES	3/25/22	EFT00028269	100,000.00
TRIDENT K9 CONSULTING	ANNUAL K9 TRAINING MAINTENANCE	3/4/22	EFT00028028	6,000.00
U.S. BANK CORP PAYMENT SYSTEM	FEB CAL CARD STMT	3/25/22	1202590	16,639.70
UTILITY TELEPHONE, INC.	MONTHLY (DEC/JAN)	3/4/22	EFT00028012	9,595.06
VALLEY OIL COMPANY	DIESEL FUEL	3/18/22	EFT00028151	9,080.11
VMI, INC.	OUTSTANDING BALANCE(PO2200039)	3/11/22	1202534	8,397.48
WOOD RODGERS INC	SDMP for Dec 2021	3/11/22	EFT00028081	6,015.00
WRA INC	OPEN SPACE MGMT PLAN	3/18/22	EFT00028130	22,865.92

Purchase Order Amounts Equal to \$5,000 and Above				
Vendor	Description	Date	No.	Amount
GOOD CITY COMPANY	TO#1-601 HARBOR ROJECT	3/3/22	22 00058	95,000.00
GOOD CITY COMPANY	TO#2-601 HARBOR PROJECT ZO	3/3/22	22 00058	17,000.00
GOOD CITY COMPANY	TO#3-601 HARBOR - CEQA REV	3/3/22	22 00058	61,165.00
4LEAF INC	BUILDING INSPECTION SERVIC	3/15/22	22 00062	49,955.00
PRIORITY 1	PURCHASE/INSTALL/OUTFIT	3/24/22	22 00063	31,650.20

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CITY OF BELMONT TREASURER'S REPORT March-22



Agency Receipts and Disbursements Summary

	Beginning Balance February 28, 2022		Receipts		Disbursements		Ending Balance March 31, 2022
City of Belmont	\$ 84,572,511.09	\$	2,736,784.85	\$	(3,232,294.56)	\$	84,077,001.38
Belmont Fire Protection District	13,989,187.75		3,657.90		(2,192,748.33)		11,800,097.32
Successor Agency of the RDA	135,084.53		2,340.39		-		137,424.92
Total	\$ 98,696,783.37	\$	2,742,783.14	\$	(5,425,042.89)	\$	96,014,523.62

Balance Summary

	Deposit		Investments		Pool Total
City of Belmont, Belmont Fire Protection District, & Successor Agency of RDA	\$ 1,327,973.38	\$	94,686,550.24	\$	96,014,523.62

I certify that this report accurately reflects all investments of City of Belmont, Belmont Fire Protection District, and Successor Agency, and is in conformance with the adopted Investment Policy mandated by Government Code 53646. Furthermore, I certify to the best of my knowledge, sufficient investment liquidity and anticipated revenues are available to meet the Agency's budgeted expenditure requirement for the next six months.

Respectfully Submitted,

s/b Grace Castaneda

Grace Castaneda

City Treasurer

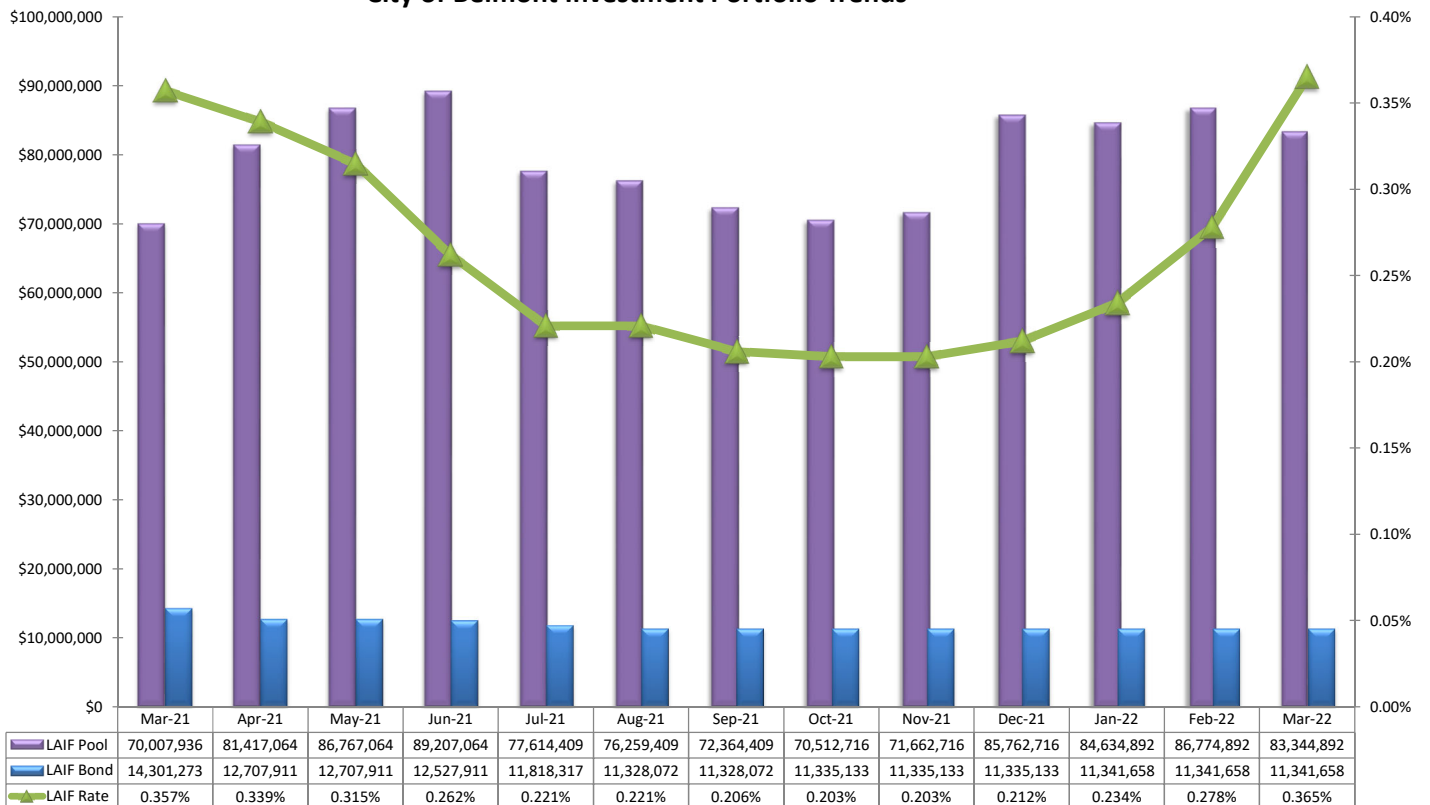
**CITY OF BELMONT
TREASURER'S REPORT
March-22**



Investment Detail

Investment Type	Issuer	Maturity Date	Par Amount	Current Market Value	Interest	Total	Investment Period	Rate	Pricing Source	Manager
Deposit										
General Account	Wells Fargo		\$ 1,327,973.38	\$ 1,327,973.38					Bank	Bank
Investments:										
L.A.I.F.-POOL	State of California	Daily	83,344,891.76	83,131,455.49	25,350.74		90 days	0.365%	LAIF	LAIF
L.A.I.F.-BONDS	State of California	Daily	11,341,658.48	11,312,613.85	3,449.75		90 days	0.365%	LAIF	LAIF
Total			\$ 96,014,523.62	\$ 95,772,042.73	\$ 28,800.49					

City of Belmont Investment Portfolio Trends



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT CODIFYING DISTRICT-BASED ELECTIONS ESTABLISHED BY ORDINANCE NO 2022-02, ESTABLISHING THE SEQUENCE OF COUNCILMEMBER ELECTIONS BY-DISTRICTS, SETTING THE TERM AND INITIAL ELECTION DATE FOR THE ELECTIVE MAYOR, AND REORGANIZING THE CITY CODE TO INCORPORATE THE CHANGE IN METHOD OF COUNCIL ELECTIONS

WHEREAS, the city council is the legislative body governing the City of Belmont and consists of five members including a mayor; and,

WHEREAS, councilmembers are elected by all of the voters of the city, a process known as at-large elections, and the mayor is appointed annually by the city councilmembers; and,

WHEREAS, the city clerk received a letter by certified mail dated July 30, 2021, from the law firm of Shenkman & Hughes, P.C. asserting that the election of councilmembers at-large in the city violates the California Voting Rights Act (“CVRA”) and threatening litigation against the city if the city does not voluntarily change its at-large system of electing councilmembers; and,

WHEREAS, the city has historically used an at-large method of election, which is consistent with the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution; and

WHEREAS, Government Code Sections 34871 and 34886 authorize the city council to change the method of election by ordinance in which councilmembers are elected by-district with an elective at-large mayor without submitting the ordinance to the voters for approval when the change in election method is made in furtherance of the purposes of the CVRA; and

WHEREAS, the council finds the most suitable by-district method of electing councilmembers is to divide the city into four districts and have the residents of each district elect a resident who resides in their district to the council, and to have all the residents of the city directly elect a mayor; and,

WHEREAS, the council held public hearings on January 11, 2022 and January 24, 2022, in accordance with Elections Code Section 10010(a)(1) to provide information to the public and receive public input regarding the composition of district maps; and,

WHEREAS, the council held public hearings on February 8, 2022, and February 22, 2022, in accordance with Elections Code Section 10010(a)(2) to invite input regarding draft district maps, the first versions of which were published at least seven days before each of the hearings, and the sequence of elections in each district; and,

WHEREAS, the council held a public hearing on March 8, 2022, to consider the draft district maps, decided upon two draft district maps for further consideration, and thereafter, the city published the two draft maps and the proposed sequence of elections; and,

WHEREAS, after the two draft maps were published for at least seven days, the council held a public hearing on March 22, 2022, and selected “Draft Plan Two” (Map 2), attached as Exhibit A to this ordinance, to establish the district boundaries for the four council districts and invited

public comment on the sequence of elections; and,

WHEREAS, on April 12, 2022 after holding a public hearing, the council made a determination on the sequence of elections, and in determining the elections sequence the council gave special consideration to the purposes of the CVRA and took into account the preferences expressed by members of the districts; and,

WHEREAS, throughout the foregoing process, the city engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, including hosting a webpage dedicated to districting; inviting the submission of community of interest forms to allow the public to provide input on keeping communities of interest in single districts to the extent possible; inviting the submission of draft maps by the public using an interactive mapping tool; and providing districting information to local and civic engagement groups active within the City; and,

WHEREAS, the purpose of this ordinance is to enact, under California Government Code Sections 34871 and 34886, an ordinance providing for the election of councilmembers by-district in four single-member districts as reflected on Map 2 and a directly elected mayor in furtherance of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code) to encourage by-district elections as one method to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. BCC § 1-15 ADDED.

Belmont City Code Chapter 1 is amended by adding a new section 1-15, formerly section 2-4, to read:

Sec. 1-15 Publication of ordinances.

(a) In lieu of posting or publishing the full text of an adopted ordinance under Government Code Section 36933(a), the city clerk may cause a summary prepared by the city attorney to be published in a newspaper of general circulation printed and published in San Mateo County and circulated in the city in compliance with Government Code Section 36933(c) as provided in this section.

(b) An ordinance summary must be published, and a certified copy of the full text of the ordinance must be posted in the office of the city clerk, at least five days before the date of adoption. Within 15 days after adoption, the city clerk must cause the summary to be published again with the names of those city council members voting for and against the ordinance; and the city clerk must post in the office of the city clerk a certified copy of the full text of this adopted ordinance with the names of those city council members voting for and against the ordinance.

SECTION 2. BCC § 1-16 ADDED.

Belmont City Code Chapter 1 is amended by adding a new section 1-16, formerly section 2-5, to

read:

Sec. 1-16	Posting.
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When citywide posting in a public place is required, the document shall be posted at City Hall, and may be posted at any of the following locations: the Senior Center, the Barrett Community Center, and the Belmont Public Library.

SECTION 3. BCC § 1-17 ADDED.

Belmont City Code Chapter 1 is amended by adding a new section 1-17, formerly section 2-6, to read:

Sec. 1-17

Contracts.

(a) Any contract made or purportedly made by any person is not an obligation of the city unless in writing and signed by a person authorized by state law, this Code or an ordinance, resolution, motion or contract adopted or approved by the city council. An oral contract does not bind the city and may not become an obligation of the city.

(b) For the purposes of this Section, the term “contract” means an agreement, contract, lease, promise, or other obligation to which the city is, or is alleged to be, a party and includes, but is not limited to, any contract for equipment, supplies, services, financing, or public works.

SECTION 4. BCC CHP 2, ART 1 REORGANIZED

Belmont City Code Chapter 2, Article 1 is reorganized by renaming Article 1 as follows:

ARTICLE 1 – CITY COUNCIL

SECTION 5. BCC § 2-1 AMENDED

Belmont City Code Chapter 2, Article 1, Section 2-1 is amended to read:

Sec. 2-1 Date, time and place of council meetings

(a) The regular meetings of the city council shall be held on the second and fourth Tuesdays of each calendar month.

(b) The council shall set the location and normal starting time of regular council meetings by resolution.

(c) The council may incorporate the location and normal starting time of regular council meetings in the council's protocols as amended from time to time.

SECTION 6. BCC § 2-2 ADDED

Belmont City Code Chapter 2, Article 1, Section 2-2 is added to read:

Sec. 2-2 Council constituency

The city council of the City of Belmont consists of five councilmembers including a mayor.

SECTION 7. BCC § 2-4 REPEALED AND ADDED

Belmont City Code Chapter 2, Article 1, Section 2-4 is repealed and a new section 2-4 is added to read:

Sec. 2-4 Council districts

The geographic area of city is divided into four council districts. The numeric designation of each district and the current boundaries of districts are as shown on the map adopted by Resolution 2022-027. The boundaries may be amended from time to time by council resolution.

SECTION 8. BCC § 2-5 REPEALED AND ADDED

Belmont City Code Chapter 2, Article 1, Section 2-5 is repealed and a new section 2-5 is added to read:

Sec. 2-5 By-District elections

(a) Commencing on the general municipal election in November 2022, and every four years thereafter, the voters in districts 1 and 3 shall elect councilmembers by-district for full four year terms. At the general municipal election in November 2024, and every four years thereafter, the voters in districts 2 and 4 shall elect councilmembers by-district for full four year terms.

(b) The term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

(c) Beginning with general municipal election in November 2022, no person may be elected at-large to the council, except for the member elected to the office of mayor as provided in Section 2-6.

(d) In accordance with Government Code Section 34882, a person is not eligible to hold office as a councilmember elected by-district unless he or she is otherwise qualified, resides in the district and both resided in the geographical area making up the district from which he or she is elected and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Elections Code Section 10227.

(e) In accordance with Government Code Section 34883, registered voters signing nomination petitions or voting for a councilmember other than the mayor must be residents of the geographical area making up the district from which the member is to be elected.

- (f) The term of office for each councilmember elected by-district is four years.

SECTION 9. BCC § 2-6 REPEALED AND ADDED

Belmont City Code Chapter 2, Article 1, Section 2-6 is repealed and a new section 2-6 is added to read:

Sec. 2-6 Office of Mayor

(a) Beginning with the general municipal election to be held in November 2022, one of the five members of the city council shall be a mayor elected by the voters of the city on a citywide basis.

(b) The term of office of mayor is two years.

(c) In accordance with Government Code Section 34903, an elected mayor is a member of the city council and has all of the powers and duties of a member of the city council.

(d) The elected mayor has those additional powers and duties as are formally delegated by the city council.

(e) In accordance with Government Code Section 40605, the elected mayor, with the approval of the city council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion of this ordinance shall be deemed severable and the remaining portions of this ordinance shall nonetheless remain in full force and effect. The council hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this ordinance be declared invalid, unconstitutional, or unenforceable.

* * *

The City Council of the City of Belmont, California introduced the foregoing ordinance, on [insert date], 2012 and adopted the ordinance at a regular meeting held on [insert date], 2012 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: April 26, 2022
Agency: City of Belmont
Staff Contact: Brigitte Shearer, Parks & Recreation Director, (650) 595-7488, bshearer@belmont.gov
Agenda Title: Barrett Off-Leash Dog Program Hours Update
Agenda Action: Resolution

Recommendation

Adopt a resolution directing the City Manager to establish a new two-year pilot program allowing dogs off-leash at Barrett Community Center with reduced hours.

Strategic Focus Area

Quality of Life

Background

On July 11, 2017, City Council adopted Resolution 2017-057 directing the City Manager to establish a two-year pilot program allowing dogs off-leash at Barrett Community Center and appropriating funds to install a fence around the field and signage informing the public of off-leash hours and dates. The City Manager was also delegated the authority to determine the program's schedule and adjust it as necessary to respond to field conditions and conflicts with programmed uses.

In addition, the City Ordinance was amended to allow dogs at Barrett Field during designated hours. The resulting Administrative Regulations, effective March 1, 2018, were established as follows.

1. The primary use of Barrett Field is as an athletic field for youth sports and recreation
2. Off-leash dog pilot program hours were set as:
 - a. **March to November:** 30 minutes before sunrise to 8 a.m.
 - b. **June 15 (after school ends) to August 15 (approx. school and fall sports start):** 6:30 p.m. to 30 minutes after sunset
3. The Parks & Recreation Director may authorize temporary closures to address field conditions

Upon establishment of the pilot program, City Council, the Parks & Recreation Commission, and the Ad Hoc Committee concurred that Barrett Field's primary use is as an athletic field and that safety is paramount. For safety reasons, Belmont American Youth Soccer Organization (AYSO) does not permit any dogs on the field during youth sports practices or games. Compliance enforcement was another concern expressed by Council. To monitor the efficacy of the program, Resolution 2017-057 stipulated that the Parks & Recreation Commission "shall periodically review the implementation of the pilot program, and at the end of the program shall make recommendations whether to continue or discontinue the program."



For the following two years, the pilot program was monitored. On September 5, 2018, the Parks & Recreation Commission received an update, including feedback about extending hours as well as concerns about abandoned dog waste, vandalized signage, and minor incident reports. On December 5, 2018, the Commission unanimously approved staff's recommendation to extend morning hours by 30 minutes, extend summer evening hours by one week, and extend the pilot program for one more year.

On October 2, 2019, the Parks and Recreation Commission unanimously recommended formalizing the program and removing its "pilot" status; however, the item was not formally brought to City Council. On September 2, 2020, the Commission also unanimously recommended a one-time extension to evening off-leash hours through the month of September due to the COVID-19 pandemic related spring closure of all dog parks and cancellation of fall youth sports.

At the September 1, 2021, Commission meeting, staff reported concerns regarding the increased usage of off-leash dog hours. Staff had observed a substantial increase in usage, particularly during summer evening hours, contributing to a significant decline in the quality of the field for its primary purpose as a youth sports athletic field. In addition, especially during summer evening hours, the City had received a greater volume of comments from neighbors regarding excessive barking and off-leash use during non-authorized hours. On October 6, 2022, the Commission established the Barrett Off-Leash Dog Program Committee to further explore options to address these issues.

The Barrett Off-Leash Dog Program Committee held a virtual public meeting on October 28, 2021, including representatives from the Parks & Recreation and Police Departments, youth sports, neighbors, dog owners, and other stakeholders. Comments are summarized as follows.

- Police Department: Varying hours and dates made enforcement very challenging. Consistent hours and signage supplemented by education and social media outreach were recommended.
- Parks & Recreation Department: Off-leash activity was contributing to the degradation of Barrett Field more so than youth sports. Morning hour activity when grass was damp from irrigation or dew was an added challenge for field maintenance. Cipriani Dog Park originally had a natural grass surface, which was replaced with wood chips and ultimately decomposed granite as maintaining natural grass was not sustainable.
- Youth Sports: Field degradation had been noted since the inception of the program.
- Barrett Community Center Partners: Field usage was not significantly impacted by off-leash use if dog owners followed the rules.
- Neighbors: Use during unsanctioned hours and excessive barking continued to be a problem.
- Dog Owners: Off-leash gathering was a community-building opportunity and the location proved convenient for many. Many participants were diligent about monitoring dogs on the field.
- Parks & Recreation Commissioners: Barrett Field's priority use was as an athletic field; therefore, dual use was problematic, and alternates should be explored.

After the meeting, the Committee convened to discuss possible solutions, developing the following recommendations for consideration at the Commission's January 12, 2022, meeting.



1. Pilot an alternative off-leash dog location such as the Twin Pines Oval (in front of the Manor House);
2. Improve Cipriani Dog Park;
3. Eliminate or modify the Barrett Off-Leash Dog Program; and
4. Increase awareness of alternative off-leash dog locations in nearby Cities.

From January-March 2022, the Parks & Recreation Commission continued to discuss Barrett's Off-Leash Dog Program and potential alternatives. On February 2, 2022, the Commission unanimously approved staff's recommendation to establish a pilot off-leash dog program at the Twin Pines Park Oval (pending fencing and other modifications). At the Commission's March 2, 2022, meeting, staff then recommended eliminating summer evening hours and reducing morning hours to Monday-Friday only, 7-8 am. However, after further discussion, the Commission voted 4-2 to recommend eliminating all off-leash dog hours at Barrett.

Following the Commission's March recommendation, staff brought the item back to their April 6, 2022, meeting to ensure the matter was appropriately considered. After hearing feedback from staff, including Parks Manager Daniel Ourtiague, and weighing written and verbal community feedback to-date, the Commission unanimously recommended limiting Barrett's Off-Leash Dog Program to the following.

- **March 1 to December 1:** Monday-Friday only, 7-8 a.m.
- **Approx. June 20 to August 12** (to align with summer camp): Monday-Friday only, 7-8 p.m.

Analysis

To-date, staff has received feedback regarding Barrett Off-Leash Dog Program's significant community benefit as well as associated issues, including the degradation field conditions for youth sports, elevated noise for neighbors, and confusion over hours and resulting enforcement challenges. The popularity of the program has demonstrated a clear community need for off-leash spaces and while space within the City is limited, staff will continue to explore alternatives through a pilot off-leash program at the Twin Pines Oval, improvements to Cipriani Dog Park, identification of additional sites within the impending Parks, Recreation, and Open Space Master Plan, implementation of the Belmont Community Center Redesign, and other creative partnerships when possible.

At this time, staff recommends that City Council follow the Parks & Recreation Commission's April 6, 2020 recommendation by adopting a resolution directing the City Manager to establish a new two-year pilot program allowing dogs off-leash at Barrett Community Center during the following dates and times.

- **March 1 to December 1:** Monday-Friday only, 7-8 a.m.
- **Approx. June 20 to August 12** (to align with summer camp): Monday-Friday only, 7-8 p.m.

Staff would continue monitor the field's condition and user compliance with hours and other conditions of use. Staff would also continue to close the field to all users following rain events and for necessary maintenance. As before, all field users are to check www.belmont.gov/fieldstatus or the Field Status Hotline at (650) 592-7557 for field closures following inclement weather.



Should Council adopt this resolution, staff would proceed to update Administrative Regulation: Dogs at Barrett Community Center as needed, prepare revised signage and conduct outreach regarding any operating hours modifications, and meet with dog owners to discuss potential improvements at Twin Pines Oval and Cipriani Dog Park.

Alternatives

1. Provide an alternative recommendation
2. Direct further study
3. Take no action

Attachments

- A. 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 DIRECTING THE CITY MANAGER TO ESTABLISH A NEW 2-YEAR PILOT PROGRAM ALLOWING DOGS OFF-LEASH AT BARRETT COMMUNITY CENTER WITH REDUCED HOURS

WHEREAS, the City Council's Fiscal Year 2017-2018 priorities included direction to staff to examine and report on potential policy modifications to address the conflict between dogs and youth sports at the Barrett Community Center Field; and,

WHEREAS, a pilot off-leash dog program was established in 2018 to assess community interest and impacts on the Field and other park users, and refine the program as needed; and,

WHEREAS, Administrative Regulation AR Parks 1 was established to memorialize the original pilot program arrangement and then modified to AR Parks 2, effective March 1, 2019, based on the Parks & Recreation Commission's recommendation; and,

WHEREAS, the Parks & Recreation Commission has periodically reviewed implementation of the pilot program, noting positive community feedback including requests to extend hours as well as concerns about abandoned dog waste, vandalized signage, and minor incident reports; and,

WHEREAS, On October 2, 2019, the Parks & Recreation Commission unanimously recommended removing the program's "pilot" status; however, the item was not formally brought to City Council; and,

WHEREAS, At the September 1, 2021, Parks & Recreation Commission meeting, staff reported a substantial increase in off-leash dog usage at Barrett Field, particularly during summer evening hours, contributing to reduced field quality for youth sports and increased comments regarding excessive barking and off-leash use during non-authorized hours; and,

WHEREAS, On October 6, 2022, the Parks & Recreation Commission established the Barrett Off-Leash Dog Program Committee to further explore options to address these issues, holding a virtual public meeting on October 28, 2021, and developing alternatives to present to the Parks & Recreation Commission at their January 12, 2022 meeting; and,

WHEREAS, The Parks & Recreation Commission discussed Barrett's Off-Leash Dog Program and potential alternatives from January-March 2022, recommending 4-3 to eliminate all off-leash dog hours at the March 2, 2022 meeting; and,

WHEREAS, Staff brought the item back to the April 6, 2022, Parks & Recreation Commission meeting to ensure the matter was appropriately considered, and the Commission ultimately unanimously recommended continuing the off-leash program, but with hours reduced to (1) March 1-December 1, Monday-Friday only, 7-8 a.m. and (2) approximately June 20 to August 12 (to align with summer camp), Monday-Friday only, 7-8 p.m.

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

SECTION 1. City Council directs the City Manager to update Administrative Regulation AR Parks 2 to implement the following off-leash dog hours at Barrett Field, consistent with the Parks & Recreation Commission's recommendation, as a 2-year pilot program: (1) March 1-December 1, Monday-Friday only, 7-8 a.m. and (2) approximately June 20 to August 12 (to align with summer camp), Monday-Friday only, 7-8 p.m.

SECTION 2. The City Manager retains the authority to adjust the days and hours that dogs may be off-leash on Barrett Field as necessary to respond to field conditions and conflicts with programmed uses.

SECTION 3. The Parks & Recreation Director retains the authority to temporarily suspend the use of the Barrett Field by dogs as necessary due to field conditions or to program or restore the field to suitable condition for youth sports and recreation.

SECTION 4. The Parks & Recreation Commission shall periodically review the implementation of the pilot program directed herein and at the end of the program shall make recommendations on whether to continue to discontinue the program.

* * *

ADOPTED April 26, 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: April 26, 2022
Agency: City of Belmont
Staff Contact: Bozhena Palatnik, Public Works, (650) 595-7463, bpalatnik@belmont.gov
Agenda Title: 3700 Naughton Avenue Summary Easement Vacation
Agenda Action: Resolution

Recommendation

Adopt a resolution approving a summary vacation of a 5-foot sanitary sewer construction and maintenance easement across the property at 3700 Naughton Avenue.

Strategic Focus Area

Infrastructure and Mobility

Background

In 2021 City constructed the El Camino Real and Old County Road Sanitary and Storm Sewer Rehabilitation Project. A portion of the project involved replacement of 623 linear feet of 6-inch VCP pipe with an 8-inch polyvinyl chloride pipe (PVC) in the easement and within the street at Naughton and Hillcrest Avenues. The pipe in the easement was constructed at a different alignment than the original one, therefore requiring dedication of the new sanitary sewer easement. On March 9, 2021, Council approved a new sanitary sewer easement dedication at 3700 Naughton Avenue.

The original easement over the property at 3700 Naughton Avenue was dedicated to the City of Belmont in 1958 by a grant deed recorded on November 13, 1958, in Book 3491, at Page 371 in the Official Records of San Mateo County, and consisted of a 5-foot sanitary sewer easement running across a portion of lots 28 and 29 of block 121 in Belmont Country Club Subdivision No. 10.

Analysis

The property owners at 3700 Naughton Avenue requested that the city vacate the existing 5-foot sewer easement. The legislative body of a local agency may summarily vacate a public service easement under Streets and Highways Code Section 8333 when the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

The original sanitary sewer easement is no longer needed since it has been superseded by relocation, and there are no public facilities located within the easement. The Council may therefore summarily vacate the easement.

Alternatives

1. Take no action.
2. Refer to staff for additional information.



Attachments

- A. Resolution
- B. Exhibit A
- C. Exhibit B
- D. 1958 Grant Deed

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 SUMMARILY VACATING A 5-FOOT SANITARY SEWER CONSTRUCTION AND MAINTENANCE EASEMENT ACROSS A PORTION OF LOT 29 AND LOT 28, BLOCK 121 IN THE BELMONT COUNTRY CLUB PROPERTIES SUBDIVISION NO. 10 (3700 NAUGHTON AVENUE)

WHEREAS, in 1958 a 5-foot sanitary sewer easement running across a portion of lots 28 and 29 of block 121 in Belmont Country Club Subdivision No. 10 was dedicated to the City of Belmont by grant deed recorded on November 13, 1958, in Book 3491, at Page 371, Official Records of San Mateo County; and,

WHEREAS, in 2021 the city relocated the sewer pipe utilizing the 1958 sanitary sewer easement and obtained a new easement for the relocated sewer pipe and no other utilities are now located in the 1958 sanitary sewer easement; and,

WHEREAS, the Council may summarily vacate a public service easement under Streets and Highways Code Division 9, Part 3, Chapter 4, Section 8333, subdivision (c) when the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

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

SECTION 1. The 5-foot sanitary sewer easement running across a portion of lots 28 and 29 of block 121 in Belmont Country Club Subdivision No. 10 dedicated to the City of Belmont by the Grant Deed recorded on November 13, 1958, in Book 3491, at Page 371, Official Records of San Mateo County described on Exhibit “A” and shown on Exhibit “B” (the “Easement”) has been superseded by relocation, and that there are no public utility facilities that are in use and that would be affected by vacation of the easement.

SECTION 2. The Council hereby vacates the Easement described in Section 1 under Streets and Highways Code Division 9, Part 3, Chapter 4, and from and after the date this resolution is recorded the Easement vacated no longer constitutes a public service easement.

* * *

ADOPTED April 26, 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

March 24, 2021

A16153-9

PAGE 1 OF 1

EXHIBIT "A"
VACATION OF
SANITARY SEWER EASEMENT

ALL OF THAT SANITARY SEWER CONSTRUCTION AND MAINTENANCE EASEMENT AS DESCRIBED IN THAT CERTAIN GRANT DEED, RECORDED ON NOVEMBER 13, 1958, IN BOOK 3491 AT PAGE 371, OFFICIAL RECORDS OF SAN MATEO COUNTY.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.



RODNEY A. STEWART II, L.S. 9225



03/24/2021

DATE

LEGEND

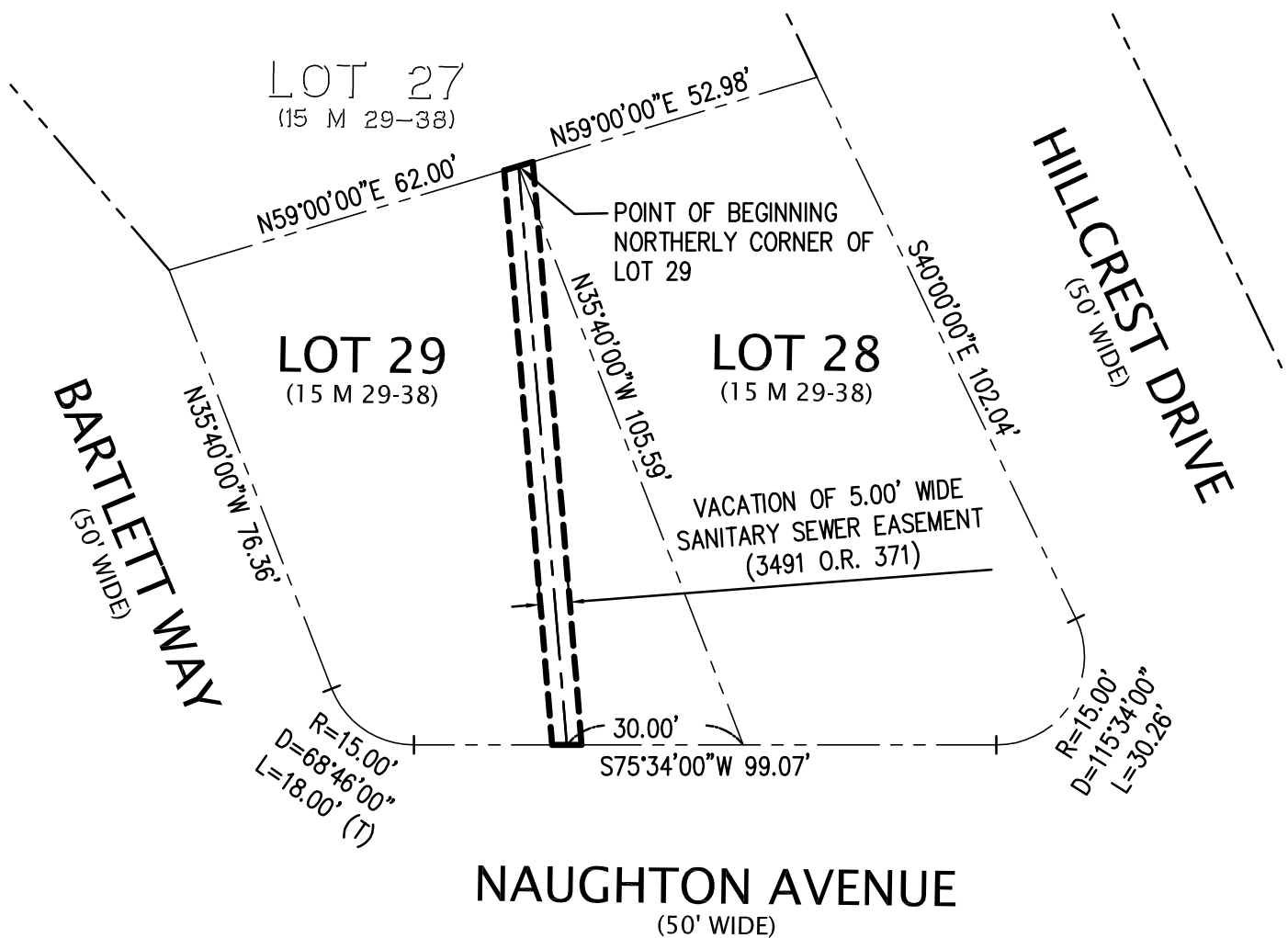
----- EASEMENT LINE
 ----- EASEMENT CENTERLINE
 ----- BOUNDARY
 M
 O.R. MAPS
 OFFICIAL RECORDS



0 15' 30' 60'
 Scale 1" = 30'



03/24/2021



KIER+WRIGHT

3350 Scott Boulevard, Building 22
 Santa Clara, California 95054

Phone: (408) 727-6665
 www.kierwright.com

EXHIBIT "B"
 VACATION OF SANITARY
 SEWER EASEMENT

BELMONT,

CALIFORNIA

DATE	MARCH, 2021
SCALE	1" = 30'
BY	MA
JOB NO.	A16153-9
SHEET	1 OF 1

D-112-58

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOSEPH MARINO, and PHYLLIS MARINO, husband and wife, hereinafter referred to as "Grantors", grant to the CITY OF BELMONT, a municipal corporation, an easement for the construction and maintenance of a sanitary sewer over the following described real property, situated in the City of Belmont, County of San Mateo, State of California, to-wit:

A strip of land five feet in width over the North-westerly portion of Lot 28 and the Easterly portion of Lot 29, Block 121, as shown on a certain map entitled "Subdivision No. 10, Belmont Country Club Properties", which map is recorded March 24, 1927 in Volume 15 of Maps at pages 29 to 38, inclusive, San Mateo County, California, records, the center line of said easement being described as follows:

Beginning at the most Northerly corner of Lot 29, Block 121, as shown on the above mentioned map; thence from the said point of beginning South-easterly on a straight line to a point on the South-easterly property line of said Lot 29, said point being South 75° 34' West and 30.00 feet distant from the most Easterly corner of said Lot 29.

As a further consideration of and for the granting of said easement, the City of Belmont agrees to repair any and all damage to any improvements and appurtenances, including without limitation driveways, in connection with the installation and/or maintenance and repair of any sewer or other utility facility lying within said easement. This covenant on the part of the City of Belmont shall inure to the benefit of Grantors and their successors in interest in and to said real property.

Dated this 25TH day of September, 1958.

Joseph Marino
Phyllis Marino
GRANTORS

CITY OF BELMONT

BY

Catherine B. Heston

STATE OF CALIFORNIA
County of San Mateo } ss.

On SEPTEMBER 25TH 1958, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOSEPH MARINO and PHYLLIS MARINO husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Helen E. Estep
Notary Public
in and for the County of San Mateo
State of California

My Commission Expires April 16, 1960

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the above Deed to the City of Belmont, a municipal corporation, is hereby accepted by order of the City Council on October 13, 1958, and the grantors consent to the recordation thereof by its duly authorized officer, the City Clerk of said City.

Dated: October 13, 1958.

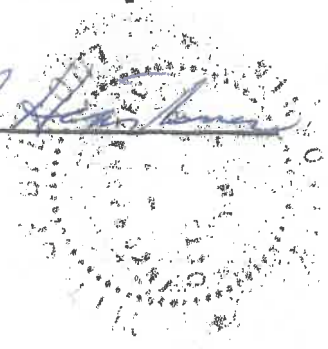
92301Q

RECORDED AT REQUEST OF
City of Belmont
Nov 13 10 57 A 1958

OFFICIAL RECORDS
SAN MATEO COUNTY
Ruth Hirota
RECORDER

CITY OF BELMONT, a Municipal Corporation

By: *Catherine H. ...*
City Clerk



Compared Rentrow



STAFF REPORT

Meeting Date: April 26, 2022
Agency: City of Belmont
Staff Contact: Bozhena Palatnik, Public Works, (650) 595-7463, bpalatnik@belmont.gov
Agenda Title: 815 Old County Road Sanitary Sewer Main Upgrades Cost Sharing Agreement
Agenda Action: Resolution

Recommendation

Adopt a resolution authorizing the City Manager to enter into a cost sharing agreement with CP VII 815 BELMONT LLC (Developer) for the replacement of the sewer main along Hiller Street in the amount of \$1,671,279.

Strategic Focus Area

Infrastructure and Mobility

Background

The development at 815 Old County Road will consist of a 5-story 177-unit apartment building. The project was entitled in 2021 and is currently under review for building permit issuance. As part of the conditions of approval the Developer is required to design offsite improvements to upgrade the Hiller Sanitary Sewer Lift Station, and subsequently the City will bid and construct the pump station improvements. Additionally, 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. The new sewer main will be sized to handle flows from the tributary area in a fully developed condition.

Analysis

The City and the Developer have agreed to a proportional cost sharing agreement to replace approximately 1,870 feet of the undersized and defective sewer main, reconnecting 37 sewer laterals along the alignment, and other associated improvements. Developer is responsible for designing the improvements, securing a contractor, and managing the construction of the sewer main. All costs associated with the sewer main replacement will be divided between the City and the Developer based on the development's sanitary sewer flow contribution compared to the overall sewer flow in the pipe. Based on flow analysis the Developer will be responsible for 25% of the estimated project cost and the City will be responsible for the remaining 75% of the cost. The shared project costs include design, construction, materials testing, construction support services and management, inspection, and close out activities. The project cost is estimated to be \$2,228,371.84, with the City's share of \$1,671,279 and the Developer's share of \$557,093.

Work is anticipated to begin after execution of the Cost Sharing Agreement with start of construction in late May/early June 2022.



Alternatives

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

Attachments

- A. Resolution
- B. Cost Sharing Agreement

Fiscal Impact

- ☐ No Fiscal Impact
- ☒ Funding Source Confirmed: The City's share of \$1,671,279 will be funded from Basin Rehabilitation Account 503-3-730-7073-9030.

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 ENTER INTO A COST SHARING AGREEMENT WITH CP VII 815 BELMONT LLC FOR THE UPGRADE OF THE SANITARY SEWER MAIN ALONG HILLER STREET IN THE AMOUNT OF \$1,671,279.

WHEREAS, the conditions of approval of the development at 815 Old County Road required Developer to design upgrades to the Hiller Sanitary Sewer Lift Station 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, the City has agreed to assist Developer in fulfilling the sewer condition by sharing in the cost to replace approximately 1,870 feet of the undersized and defective sewer main, reconnect 37 service laterals along the alignment, rehabilitate existing manholes, and construct new manholes to provide for a more efficient project completion; and,

WHEREAS, staff has negotiated a Cost Sharing Agreement with CP VII 815 BELMONT LLC based on proportional flows for the replacement of the sewer main with the overall estimated project cost to be \$2,228,372 at a cost of \$1,671,279 paid by the City (75%) and \$557,093 to be paid by the Developer (25%); and,

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

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

SECTION 1. The City Manager is authorized to execute a Cost Sharing Agreement with CP VII 815 BELMONT LLC for the replacement of 1,870 feet of the undersized and defective sewer main and related appurtenances.

SECTION 2. The Cost Sharing Agreement will be funded from Account 503-3-730-7073-9030 in the amount of \$1,671,279.

* * *

ADOPTED April 26, 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

COST SHARING AGREEMENT

THIS COST ESCROW AGREEMENT (this "**Agreement**") is made as of April __, 2022 (the "**Effective Date**"), by and between CP VII 815 Belmont, LLC, a Delaware limited liability company ("**Developer**"), and THE CITY OF BELMONT ("**City**"). Developer and City may be referred to hereafter individually as a "**Party**" or collectively as the "**Parties**".

RECITALS

- A. Developer received approval from the City to construct a 177 unit building at 815 Old County Road, Belmont, California. ("**Development**").
- B. The conditions of approval of the development require Developer to design and install sewer gravity main upgrades from Wessex Way to Hiller pump station (approximately 1,875 LF of 15-inch pipe with appurtenances) ("**Project**").
- C. The City has agreed to assist Developer in fulfilling the sewer condition by sharing in certain costs of the Project, ("**Shared Project Costs**"), as further defined below.
- D. Developer will engage and manage the contractors necessary to complete the Project, but Developer and City will be responsible for the Cost of the Project as set forth in the terms of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements herein set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The term of this Agreement ("**Term**") shall commence on the Effective Date and shall terminate upon completion of the Project, acceptance of the completed project by the City, and payment in full of all obligations set forth in the Agreement by Developer or City, as the case may be.
2. Developer will submit plans and specifications for the Project to City for review and approval. Upon approval of the plans and specifications by City, Developer will obtain bids for the Project in accordance with prevailing wage laws. Developer and City will jointly review all bids received by contractors qualified to complete the Project. All contractors shall have appropriate licensing and certification and be registered with California Department of Industrial Relations (DIR).
3. After City's approval of the amount and funding for City's portion of the Shared Project Costs, which are estimated design, construction, material testing, engineering construction support services, developer's financing fees to obtain funding for this project, and construction management/inspection costs, Developer shall negotiate and enter into a written construction

contract with the winning bidder in compliance with prevailing wage laws setting forth the terms of the work, the construction schedule and the Project cost. The Developer will be solely responsible for payment to the Contractor and will be responsible to deliver the Project. Developer must use reasonable care in delivering the Project and not unreasonably incur Project costs.

4. The Parties agree to share the reasonably incurred Shared Project Costs based on the Project's flow contribution as follows.

(a) Except as provided in subparagraphs (b) and (c), Developer will be responsible for 25% of the Shared Project Cost and the City will be responsible for 75% of the Shared Project Costs. For purposes of this section, Shared Project Costs are estimated design, construction, material testing, engineering construction support services, developer's financing fees to obtain funding for this project, and construction management/inspection costs.

(b) The City will be responsible for the cost of Public Works permits.

(c) Developer will be responsible for all penalties and costs that may be assessed or incurred because of non-conformance with the law.

5. The City will pay its portion of the Shared Project Costs in subparagraph 4(a) to Developer as follows:

(a) Fifty percent (estimated) at commencement of construction of the Project, based upon an executed subcontractor agreement and executed design contract, and

(b) The remainder upon completion of the Project, based upon an actual Shared Project Costs (including any change orders, additions, or deductions), final pay application from contractor, final invoice from Construction Management/Inspection firm, final invoice from Material Testing company, and final invoice from the design consultant pertaining to this project. The project's completeness determination will be made by the City Engineer.

6. All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered (including by means of professional messenger service or reputable overnight courier service utilizing receipts), and shall be deemed received upon the date of receipt thereof if received prior to 5:00 p.m. of the recipient's business day, and if not so received, shall be deemed received upon the following business day.

If to Developer:

CP VII 815 Belmont, LLC
1000 Sansome Street
San Francisco, CA 94111
Attn: Britt Wenzler

with copies to:

If to City:

with copies to:

7. This Agreement shall not be assigned by City or Developer without the prior written consent of the other Party; provided, however, that Developer may assign Developer's rights and obligations under this Agreement, without the prior written consent of City, to any entity controlling, controlled by, or under common control with Developer. In such case, Developer shall provide written notice of such assignment to Escrow Agent and City. Subject to the foregoing, this Agreement and the terms and provisions hereof shall inure to the benefit of and be binding upon the Parties and their respective heirs, executors, personal representatives, successors, agents and assigns.

8. The Parties hereto expressly agree that this Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California, with venue in San Mateo County, California.

9. This Agreement may be signed in counterparts and all counterparts so executed shall constitute one contract, binding on all Parties hereto, even though all Parties are not signatories to the same counterpart.

10. This Agreement may not be modified, changed, supplemented or terminated, nor may any obligations hereunder be waived, except by written instrument signed by the Party to be charged. The Parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the Effective Date.

DEVELOPER:

CP VII 815 BELMONT, LLC,
a Delaware limited liability company

By: CP Fund VII Holdings, L.P.,
a Delaware limited partnership,
its Managing Member

By: Carmel Partners GP VII, LLC,
A Delaware limited liability company,
its General Partner

By: _____

Name: _____

Title: _____

City:

THE CITY OF BELMONT

By: _____

Name: _____

Title: _____

[See attached copy.]

Documents: 815 OCR SANITARY SEWER MAIN UPGRADES, 100%CD, 3/8/22

CSI	DESCRIPTION	DETAILS	U	ALLOWANCE \$/LF, \$/SF OR \$/UNIT	TOTAL	NOTES
	Hard Costs					
2-02010	Soil Testing					
2-02010	Environmental		1.00	LS	\$12,000.00	Allowance. Environmental testing only.
2-02010	Testing: Compaction, Epoxy Coating & Materials	CTS		LS	\$35,101.31	Allowance. Water testing only. \$105/HR
2-02010	Testing: Water Testing		32.48	\$1,200 / DAY	\$20,000.00	Allowance. Water testing only. \$105/HR
2-02085	Contaminated Soil Disposal - Class-II Premium			\$54.50 / CY		TBD Allowance. Any contaminated soil disposal shall be funded by contingency.
2-02730	Sanitary Sewer Upgrades - McGuire and Hester Bid					
	Mobilization / Demobilization		1.00	LS	\$ 60,000.00	McGuire and Hester bid
	Shoring		1.00	LS	\$ 35,000.00	McGuire and Hester bid
	Pedestrian and Traffic Control		1.00	LS	\$ 95,000.00	McGuire and Hester bid
	Water Pollution Control Plan		1.00	LS	\$ 6,250.00	McGuire and Hester bid
	Locating and Protecting Utilities in Place		1.00	LS	\$ 44,000.00	McGuire and Hester bid
	Dewatering		1.00	LS	\$ 44,000.00	McGuire and Hester bid
	Sewer Bypass Pumping		1.00	LS	\$ 23,000.00	McGuire and Hester bid
	Manhole Rehabilitation		1.00	EA	\$ 8,250.00	McGuire and Hester bid
	New Manhole 6ft - 9ft depth		4.00	EA	\$ 61,000.00	McGuire and Hester bid
	New Manhole 10ft - 15 ft depth		4.00	EA	\$ 72,000.00	McGuire and Hester bid
	New Manhole Drop Inlet		4.00	EA	\$ 5,800.00	McGuire and Hester bid
	6" Saddle Tap & Lateral		4.00	EA	\$ 3,700.00	McGuire and Hester bid
	Lateral Reconnections		37.00	EA	\$ 38,850.00	McGuire and Hester bid
	Manhole Removal / Disposal		8.00	EA	\$ 8,000.00	McGuire and Hester bid
	Sewer Main Abandonment		200.00	LF	\$ 9,000.00	McGuire and Hester bid
	Open Trench / Piping / Backfill		1859.00	LF	\$ 839,181.00	McGuire and Hester bid
	15" Pipe Connection at Hiller St. Pump Station		1.00	LS	\$ 1,400.00	McGuire and Hester bid
	24" Steel Sleeve		20.00	LF	\$ 27,000.00	McGuire and Hester bid
	Bid Allowance - add'l trenching depth of 6" to 24" (revocable)		350.00	LF	\$ 12,250.00	McGuire and Hester bid
	Bid Allowance - CDF Backfill		50.00	CY	\$ 8,000.00	McGuire and Hester bid
1-10070	Surveying / Staking / Engineering	BKF to mark utilities			\$36,000.00	Staking needs to be done by licensed surveyor (BKF). Benchmarks, shoot alignment and offset of pipes, shoot bottom of trench excavation / bedding, shoot manhole inverts, manhole bottoms, centerline of manholes, top of rim verification.
1-10110	Supervision					
	Field Super	Onsite Superintendent		\$135 / HR	\$47,829.00	Part time/ hours per day/ their tasks. Half-time oversight per City request. MNS to provide safety and oversight to cover other half.
	Preconstruction / PM Services - GG	CP West Project Management			\$30,000.00	
	Overhead				\$10,000.00	Fixed overhead cost. Travel Expense, Phone/Data, Office expense, etc.
	Don Bowser - Precon consultant	Plan & Bid Review	60.00	\$230 / HR	\$13,800.00	
	Job Cost Accounting (wage monitor)	Prevailing wage monitoring	1.00	LS	\$7,500.00	Allowance
1-51101	Temp Electricity	Removed per City call 4.8.22	3.00	\$4,500 / MO		
1-51103	Temp Water	Removed per City call 4.8.22	3.00	\$1,000 / MO		
1-59101	Office Trailer		3.00	\$3,000 / MO	\$9,000.00	Allowance
1-65110	Vacuum testing for pipe and manholes			LS		McGuire & Hester to test. MNS to supervise
1-70550	Street Cleaning	McGuire Hester bid covers sweeping, removed.	12.99	\$2,000 / WK		
1-73010	Tools & Equipment	Removed per City call 4.8.22	3.00	\$1,500 / MO		
1-80100	SDI / Bond	Bond for SS work	1.00	LS	\$0.00	Performance Bond, 2%; bond included in McGuire Hester Bid.
1-80145	GL Insurance	Liability insurance for SS scope	1.00	LS	\$5,000.00	Allowance of \$5K for CP cost
1-80175	Taxes - Local					Excluded
1-80175	Gross Receipts Tax					Excluded
				HC SUB-TOTAL A	\$1,627,911.31	
				HC CONTINGENCY 10% TOTAL A	\$162,791.13	
				HC FEE 5%	\$0.00	Remove.
				HC TOTAL	\$1,790,702.44	
	Soft Costs					
	Encroachment Permits	City to issue permit at no cost				
	Design Fees (BKF)				\$146,200.00	BKF consulting agreement - project management, initial investigation, contract documents / design
	Engineering Services (BKF)				\$36,300.00	BKF engineering services - bidding phase, construction support, record drawings
	Legal		1.00	LS	\$20,000.00	Allowance. Cost Share Agreement & Collateral Agreement
	City's Construction Manager services (MNS)				\$197,314.00	MNS cost proposal to City
	Financing & Accounting Fees				\$17,014.00	Construction loan interest and fees
	Development Fee		1.5%		\$0.00	Remove.
				SC SUB-TOTAL B	\$416,828.00	
				SC CONTINGENCY 5%	\$20,841.40	Design Contingency
				SC TOTAL	\$437,669.40	

GRAND TOTAL \$2,228,371.84



STAFF REPORT

Meeting Date: April 26, 2022
Agency: City of Belmont
Staff Contact: Scott Rennie, City Attorney
Agenda Title: Bertrand, Fox, Elliot, Osman + Wenzel Agreement Amendment
Agenda Action: Resolution

Recommendation

Adopt a resolution authorizing an amendment to the City's agreement with Bertrand, Fox, Elliot, Osman + Wenzel for legal services and the procurement of legal services at the rates set forth in the attachment to the resolution.

Strategic Focus Area

Not Applicable

Background

From time to time the City has need of legal services related to municipal law issues and in particular civil litigation defense that are highly technical and require the services of legal practitioners with particular expertise. In 2012, the City Council authorized the procurement of such legal services on an as needed basis from the law firm of Bertrand, Fox, & Elliot (which has since revised its name to Bertrand, Fox, Elliot, Osman + Wenzel) at the following rates: partners \$175 per hour, associates \$165 per hour. The firm has requested to amend the rates as set forth in Attachment 1 to the proposed resolution accompanying this report.

The firm specializes in public entity defense and has represented the city well in the cases it has handled for the city.

Analysis

The sources of funds that may be used for payment of legal services will vary dependent on the matter at issue. This request for authorization to procure legal services is limited to the amount of available funds appropriated within the budget for that purpose. Civil litigation defense is generally paid for from the liability fund.

Alternatives

1. Deny the request
2. Continue item for further discussion

Attachments

- A. Resolution

Fiscal Impact



☐ No Fiscal Impact

☒ Funding Source Confirmed:

Costs for civil litigation defense legal services have been incorporated in the Liability Fund (571), and no additional appropriated is need for the current fiscal year. Ongoing costs will be incorporated through the annual budget development process.

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AUTHORIZING AN AMENDMENT TO THE RATES IN THE CITY’S AGREEMENT WITH BERTRAND, FOX, ELLIOT, OSMAN + WENZEL TO PROCURE LEGAL SERVICES

WHEREAS, the City has need from time to time of legal services related to municipal law issues and in particular to civil litigation defense; and,

WHEREAS, the law firm of Bertrand, Fox, Elliot, Osman + Wenzel (BFEOW) has demonstrated expertise in these fields; and,

WHEREAS, the City entered into an agreement with BFEOW for legal services at specified rates in 2012 (“2012 Agreement”) and the parties now desire to amend the rates.

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

SECTION 1. The City Manager is authorized to negotiate and execute an amendment to 2012 Agreement with BFEOW to provide legal services at the rates set forth in Attachment 1 and the City Attorney is authorized to retain BFEOW to provide legal services at the rates set forth in Attachment 1. This authorization is limited to the amount of available funds appropriated within a fiscal year budget for that purpose.

* * *

ADOPTED April 26, 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

Attachment 1
Resolution No. 2022-xxx

Bertrandt, Fox, Elliot, Osman + Wenzel Billing Rates

Attorneys and staff who have been approved in writing by the City's Authorized Representative are authorized to perform legal services at the following billing rates:

Partners \$235 per hour

Associates \$215 per hour

The Consultant may revise the billing rates set forth above for new task orders not earlier than July 1, 2023 and not more than once per fiscal year (July 1 to June 30) thereafter, by providing at least 30 days prior written notice to the City. The amount of any such increase shall not exceed the lesser of: (a) 5%, or (b) the annual percentage increase in the Consumer Price Index for San Francisco-Oakland-San Jose.

Billing shall be provided in increments not greater than 1/10th of an hour.

In addition to billing for services based on the hourly rates set forth above, the Consultant is authorized to bill the City for reimbursement of its actual costs directly related to the services; provided that the total billing (for hourly services and reimbursable costs) shall not exceed the amount identified in each Task Order, and provided that the Consultant either: (a) obtains the approval of the City's Authorized Representative prior to incurring the costs, or (b) the costs fall into one of the following categories:

- (1) Travel expenses within the Bay Area.
- (2) Court costs, such as filing fees.
- (3) Service of process.
- (4) Court reporter fees.
- (5) Expert witnesses, consultants, or investigators.
- (6) Copying costs, at \$0.10 per page.
- (7) Actual costs of mailing.



STAFF REPORT

Meeting Date: April 26, 2022
Agency: City of Belmont
Staff Contact: Brigitte Shearer, Parks & Recreation Director, (650) 595-7488, bshearer@belmont.gov
Agenda Title: Establishing a City Historian
Agenda Action: Resolution

Recommendation

Adopt a resolution establishing a volunteer position of City Historian and appointing Karl Mittelstadt to serve as the first City Historian for Belmont for a 3-year term.

Strategic Focus Area

Quality of Life

Background

City Council's Vision Statement includes creating "a thriving culture in which our history makes Belmont what it is, and we preserve that heritage for our children." Furthermore, the community's collective identity is enriched by learning and understanding our heritage, which is in keeping with the City's commitment to Diversity, Equity, and Inclusion.

Currently, the Belmont Historical Society researches and preserves Belmont's long and diverse history. In addition, on February 8, 2022, City Council introduced an "Item 11" agenda report proposing that a Belmont Historian could formally highlight Belmont's cultural, economic, and sociological history at City events, through presentations, and by other creative mechanisms.

In 2026, Belmont will also proudly observe the 100th anniversary of its incorporation. With that in mind, and as part of the City's Quality of Life Strategic Focus Area, creating a City Historian position, like Belmont's Poet Laureate role, would further engage the community while preserving the City's rich history.

Analysis

The City Historian role would include the following.

- Serve as an ambassador and steward of the City's history;
- Ensure that the conservation of Belmont's history is inclusive, sustainable, and relevant to 21st century;
- Promote and coordinate opportunities for lifelong learning;
- Expand access to meaningful and relevant cultural experiences;
- Collaborate with the Belmont Historical Society to assist in the preservation of the City's growth, development, and evolution into the vibrant community of today;



- Assist in highlighting and incorporating the City’s history into City projects, events, and programs; and
- Assist in planning the City’s 100th Anniversary.

City staff recommends that Karl Mittelstadt be appointed as Belmont’s first City Historian. As an integral co-founder of the Belmont Historical Society, a long-time Belmont resident, and a dedicated volunteer as a Parks & Recreation Commissioner, his tenure would help further define the scope and opportunities for future historians of Belmont.

The City Historian will be an honorary position that is both ceremonial and educational. The application process will be coordinated by the Parks & Recreation Department, and the position shall have a 3-year term, with option for reappointment. Ideal applicants will have demonstrated knowledge of Belmont’s cultural history from within local and regional perspectives and possess an interest in sharing that knowledge through and with City projects, events, and programs. Appointments will be formally made by City Council following a recommendation by the Historian Selection Committee, consisting of the Parks & Recreation Director and a representative of the Belmont Historical Society.

Alternatives

1. Refer to staff for more information
2. Take no action

Attachments

- A. Resolution
- B. Belmont Historian Responsibilities & Application Process

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 ESTABLISHING THE VOLUNTEER POSITION OF CITY HISTORIAN AND APPOINTING KARL MITTELSTADT TO SERVE AS THE FIRST CITY HISTORIAN FOR BELMONT FOR A 3-YEAR TERM

WHEREAS, Belmont City Council’s Vision Statement includes creating “a thriving culture in which our history makes Belmont what it is, and we preserve that heritage for our children”; and,

WHEREAS, The community’s collective identity is enriched by learning and understanding our heritage, which is in keeping with the City’s commitment to Diversity, Equity, and Inclusion; and,

WHEREAS, A Belmont Historian could formally highlight Belmont’s cultural, economic, and sociological history at City events, through presentations, and by other creative mechanisms; and,

WHEREAS, A future application and appointment process for this role has been developed and will be administered by the Parks & Recreation Department; and,

WHEREAS, Co-founder of the Belmont Historical Society Karl Mittelstadt has long demonstrated his dedication to preserving Belmont’s rich history and meets all eligibility for the role of Historian.

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

SECTION 1. Council hereby appoints Karl Mittelstadt as the City’s first Historian, to serve in this role for a 3-year term.

* * *

ADOPTED April 26, 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

Belmont Historian

Responsibilities & Application Process

Role

The City Historian will be an honorary position that is both ceremonial and educational and is given to an individual who has a demonstrated knowledge of Belmont's cultural history from within local and regional perspectives. In this way, the City Historian could play an active role in advancing the City's objective of cultural and historic outreach and provide opportunities to educate the community about the City's history, arts, and culture.

Eligibility Criteria

- 18 years or older
- Ability to serve a 3-year term commencing April 2022
- Belmont resident for at least 5 years
- Demonstrated knowledge of Belmont history (including Native American period)
- Demonstrated commitment to and passion for history
- Embraces the opportunity to engage in community service to make Belmont History accessible and available
- Willingness to serve as ambassador for Belmont and to engage Belmont's citizens in historical relevance at public events and projects

Responsibilities

- Consult with Belmont Historical Society for historical context for signage and park improvement projects or other City projects
- Provide an annual summary of Historian activities to City Council and attend additional Council meetings as necessary to provide historical context for select agenda items
- Participate in the City's centennial celebration planning
- Assist the City with website content development, social media, or other publications containing Belmont history
- Ensure that the conservation of Belmont's history is inclusive, sustainable, and relevant to 21st century
- Promote and coordinate opportunities for lifelong learning
- Support community efforts to create meaningful and relevant cultural experiences

Considerations for Application

- Provide 2-3 paragraphs on why applicant should be Belmont's Historian

- Describe how the applicant would contribute and participate as Belmont's Historian based on the position description and the mission and goals of the program
- Describe applicant's demonstrated accomplishments and appreciation of Belmont regarding its culturally diverse community and how one might incorporate or advance that topic as a historian

Accompanying Documents for Application

- A current resume or summary of professional activities and achievements, including significant awards and training, selected exhibitions, performances, presentations, and/or publications
- An example of written or oral work (speech, lecture, or remarks) on a topic of historical interest to Belmont or other demonstrated knowledge of and commitment to the preservation of Belmont history selection and appointment
- At least one letter of support from a member of the Belmont community

Application Process

- Applications will be reviewed by the Parks & Recreation Director and a representative of the Belmont Historical Society
- A recommendation for appointment will be brought to City Council for approval
- Incumbent may apply for and be appointed to successive term(s)
- City Council may appoint a Historian without application, should there be sufficient reason for doing so



STAFF REPORT

Meeting Date: April 26, 2022
Agency: City of Belmont
Staff Contact: Brigitte Shearer, Parks & Recreation Director, (650) 595-7488, bshearer@belmont.gov
Agenda Title: Introduction of Age-Friendly City Initiative and Establishment of Task Force
Agenda Action: Resolution

Recommendation

Adopt a resolution to accept the Center for Age-Friendly Excellence's assistance in applying for the Age-Friendly Communities certification under the AARP/World Health Organization's Network of Age-Friendly Communities and establishing an Age-Friendly Communities Task Force to assist staff in overseeing the process.

Strategic Focus Area

Quality of Life

Background

The County of San Mateo has arranged for the Center for Age-Friendly Excellence (CAFE) to work with eight cities over the next sixteen months to provide technical assistance with their Age-Friendly Communities (AFC) certification under the AARP/WHO Network of Age-Friendly Communities. The participating cities are Atherton, Belmont, East Palo Alto, Hillsborough, Menlo Park, Millbrae, Portola Valley, and San Bruno.

The Network of Age-Friendly Communities offers opportunities to address the aging population in a positive and inclusive way. The program provides resources to help communities actively assist people in living easily and comfortably in their homes and communities, while encouraging older residents to take an active role and have their voices heard.

The concept of the Global Network of Age-Friendly Cities was developed in 2005 by the World Health Organization (WHO) to help cities consider and implement policies and services to support older adults to live healthy and vibrant lives. According to the WHO, population aging, and urbanization are two global trends shaping the 21st Century. WHO also recognizes that older people often require supportive and enabling living environments to compensate for the physical and social changes associated with aging. Thus, to retain a vibrant and enriching population of older adults, cities must provide the structures and services to support their well-being and productivity. Making cities more age-friendly is a necessary and logical response to promote the well-being and contributions of older urban residents and to keep cities thriving.



The WHO has identified the following eight (8) key domains requiring a conscious effort to create an Age-Friendly Community.

1. Housing
2. Transportation
3. Social Participation
4. Respect and Social Inclusion
5. Civic Participation and Employment
6. Communication and Information
7. Community Support and Health Services
8. Outdoor Spaces and Buildings

To become designated as an "Age-Friendly City" through the WHO, Belmont must demonstrate that it is committed to providing places for older adults to be engaged, as well as providing for social opportunities and services that ensure older adults can thrive and be part of the community.

Analysis

Many cities are experiencing rapid increases to aging populations, particularly the proportion of people aged 65 years and older. According to the U.S. Census Bureau's American Community Survey Program, the population of persons 65 years and older in Belmont was estimated at 14.8% in 2020. The Association of Bay Area Governments (ABAG) also provides forecasting projections of demographic, economic, and land use changes in coming decades, the most recent of which covers the period between 2010 and 2040 and projects substantial increases to the percentage of older adults, as seen below.

Percentage Projected Age Distribution, San Mateo County

Association of Bay Area Governments (ABAG)





In 2018, the San Mateo County Board of Supervisors committed to joining WHO's Age-Friendly Global Network and established the San Mateo County Age-Friendly Initiative. The County also partnered with the Center for Age-Friendly Excellence (CAFE) to help achieve this designation over the coming years. CAFÉ's mission is to advance transformational change to create vibrant, sustainable, supportive, and inclusive communities for all generations.

During the coming months, Belmont will work closely with CAFE, who will provide technical assistance, consultation, applied research access, community organizing synergy, and coordination of the assessment process, while also helping to write the official application to be submitted to WHO for Belmont to receive the Global Age-Friendly Cities Designation.

The process will begin with establishing an age-friendly task force with various stakeholders to oversee the process. This task force will include City Council members (Senior Citizen Advisory Committee Liaisons Stone and Hurt), City staff, and other community leaders and residents. The task force and CAFÉ will then conduct a series of focus groups to assess the baseline "age-friendliness" of the City of Belmont in the key domains listed above. Qualitative data reports from focus group discussions will then be reviewed; identifying indicators so progress can be monitored against an action plan. As CAFE helps in guiding this process, the task force will recommend potential projects and services to be implemented over the next one to two years to address any unmet needs.

These efforts will lead to the completion of the Age-Friendly City application, which includes a letter of intent signed by the City Council. Communities that actively demonstrate a commitment to foster the full participation of older people in community life and that promote healthy and active aging are invited to become members of the Network and receive formal designation as an "Age-Friendly City".

It should be noted that the expected duration of the task force is for the initial five-month planning stage (at the very minimum). Once this planning stage is completed, the task force will continue to meet monthly, or less often as needed, to assist with and guide implementation of inaugural Belmont Age-Friendly Community projects. CAFE will be available for consultation, as needed.

If the City of Belmont applies to AARP to participate in the WHO Global Network of Age-Friendly Cities and Communities, and its application is approved, the City is making a five-year commitment to assess the age friendliness of Belmont and to create a plan to make the City more livable for people of all ages.

This project aligns with the City's commitment to continued improvement in the Diversity, Equity, and Inclusion elements of its programs, services, and facilities.

Alternatives

1. Refer to staff for more information
2. Take no action

Attachments

None

Fiscal Impact



☐ No Fiscal Impact

☒ Funding Source Confirmed:

Initially, no additional funding is required, other than staff time, as the cost of the consultant support is provided by the County of San Mateo. Any future funding support needed from the City will be incorporated through the budget development process.

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT TO ACCEPT THE CENTER FOR AGE-FRIENDLY EXCELLENCE’S ASSISTANCE IN APPLYING FOR THE AGE-FRIENDLY COMMUNITIES CERTIFICATION UNDER THE AARP/WORLD HEALTH ORGANIZATION’S NETWORK OF AGE-FRIENDLY COMMUNITIES AND ESTABLISHING AN AGE-FRIENDLY TASK FORCE TO ASSIST STAFF IN OVERSEEING THE PROCESS.

WHEREAS, The concept of Global Age-Friendly Cities was developed in 2005 by the World Health Organization (WHO) to help cities consider and implement policies and services to support older adults to live healthy and vibrant lives; and,

WHEREAS, The WHO had declared population aging and urbanization as two global trends shaping the 21st Century; and,

WHEREAS, The 2020 U.S. Census reported 14.8% of Belmont’s population was persons 65 years old and over, and the Association of Bay Area Governments has projected substantial increases to the percentage of older adults in San Mateo County for the period between 2010 and 2040; and,

WHEREAS, San Mateo County has arranged for The Center for Age-Friendly Excellence (CAFE) to work with eight cities, including Belmont, during the next sixteen months to provide technical assistance with their Age-Friendly Communities certification under the AARP/WHO Network of Age-Friendly Communities; and,

WHEREAS, A task force will need to be appointed to work with CAFE in the application process, and will consist of stakeholders including Councilmembers, City staff, and other community leaders and residents; and,

WHEREAS, If the City’s application for designation as an Age-Friendly Community is approved, the City will be making a five-year commitment to implement action items, evaluate the impact of age-friendly improvements in Belmont, and create a plan to continually make the City more livable for people of all ages.

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

SECTION 1. City staff are directed to accept the Center for Age-Friendly Excellence’s (CAFE’s) assistance in applying for the Age-Friendly Communities certification under the AARP/World Health Organization Network of Age-Friendly Communities.

SECTION 2. An Age-Friendly Communities Task Force is hereby established to assist staff in overseeing the AFC application process and to advise on the implementation of inaugural projects. The Task Force will consist of City Council members (who are currently serving as Senior Citizen Advisory Committee Liaisons), City staff, and other community leaders and residents.

* * *

ADOPTED April 26, 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: April 26, 2022
Agency: City of Belmont
Staff Contact: Scott Rennie, City Attorney
Agenda Title: Return to Fully Virtual Meeting May
Agenda Action: Resolution

Recommendation

Adopt a resolution finding that as a result of the COVID-19 statewide emergency, (1) meeting in person would present imminent risks to the health or safety of attendees of council and citizen advisory body meetings, and (2) that state and local officials continue to recommend measures to promote social distancing, and (3) 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 made the findings and began holding fully virtual public meetings on September 28, 2021. The Council reconsidered findings at least every 30 days between September 28, 2021 and March 8, 2022 when the Council last considered and made the findings.

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. By mid-March 2022, transmission and hospitalize rates were low and stable and the circumstances appeared appropriate to transition back to in-person meetings. However, since then transmission and case rates have begun to rise and the BA.2 omicron variant has emerged as the dominant variant in the country and state.

On April 13, 2022, California Public Health Officer Dr. Tomás J. Aragón issued a statement noting that the rising transmissions “underscores the need for Californians to remain vigilant and protect themselves and their communities by getting vaccinated and boosted.” At this time, a vaccine has not been approved for children under 5 years.

Also on April 13, 2022, the CDC reported that the 7-day moving average of new cases had increased by 19.1%. 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 that physical distancing along with other risk-reduction measures help reduce the chances of spreading COVID-19. <https://www.cdc.gov/coronavirus>.

As of April 18, 2022, the spread of COVID-19 in the county was increasing and COVID-19 related hospitalization rates and ICU utilization in the county were slowly rising.

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 increasing, and the risk of COVID-19 variants are still unknown. 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 is



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 FINDING THAT AS A RESULT OF THE COVID-19 STATEWIDE EMERGENCY, (1) MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES OF COUNCIL AND CITIZEN ADVISORY BODY MEETINGS, AND (2) THAT STATE AND LOCAL OFFICIALS CONTINUE TO RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING, AND (3) 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 reconsidered those findings at least every 30 days between September 28, 2021 and March 8, 2022; and,

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, by mid-March 2022, transmission and hospitalize rates were low and stable and the circumstances appeared appropriate to transition back to in-person meetings, however, since then transmission and case rates have begun to rise and the BA.2 omicron variant has emerged as the dominant variant in the country and state; and,

WHEREAS, on April 13, 2022, California Public Health Officer Dr. Tomás J. Aragón issued a statement noting that the rising transmissions “underscores the need for Californians to remain vigilant and protect themselves and their communities by getting vaccinated and boosted”; and,

WHEREAS, as of April 18, 2022, a vaccine has not been approved for children under 5 years; and,

WHEREAS, on April 13, 2022, the CDC reported that the 7-day moving average of new cases had increased by 19.1%, and 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 advises that physical distancing along with other risk-reduction measures help reduce the chances of spreading COVID-19; and,

WHEREAS, as of April 18, 2022, the spread of COVID-19 in the county was increasing and COVID-19 related hospitalization rates and ICU utilization in the county were slowly rising; 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 examined the circumstances of the state of emergency and finds that:

(a) The state of emergency directly impacts the ability of the Council, its permanent subcommittees, and the citizen advisor bodies and other subordinate legislative bodies of the city to meet safely in person and that meeting in person would present imminent risks to the health and safety of the attendees.

(b) State and local officials currently recommend measures to promote social distancing.

SECTION 2. The subordinately 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 April 26, 2022 that would prevent a reasonable decisionmaker from making either of the findings in Section 1(a) or (b), 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 April 26, 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: April 26, 2022
Agency: City of Belmont
Staff Contact: Carlos de Melo, Community Development Director, (650) 595-7440, cdemelo@belmont.gov
Agenda Title: Energy Reach/EV Infrastructure Code Amendments
Agenda Action: Ordinance

Recommendation

1. Introduce Energy Reach & EV Infrastructure Code Amendments Ordinance.
2. Consider and provide direction for Code Amendments, preparation of 2nd Ordinance Reading, and conduct of Public Hearing.

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 briefly reviewed the Energy Reach Code concept 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 conclusion of City Council review of the matter at their February 8, 2022 meeting, Council provided direction on code language to be incorporated into an Energy Reach & EV Infrastructure Amendments Ordinance. Staff has prepared a subsequent Ordinance (First Reading) for Council consideration as part of tonight’s agenda item.

Council is requested to review the Model Energy Reach & EV Infrastructure Code Amendments, facilitate discussion, and provide direction to staff in preparation of a 2nd Reading of the Ordinance, and the conducting of a future Public Hearing for the item.

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 solar photovoltaic (PV) system and battery storage standards, and bolstering 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, and a four-story hotel. The single-family homes, multifamily homes, and office building prototypes are directly applicable to current Belmont development. Similar studies examining the cost effectiveness of electrification have been performed by multiple consultants as well as California Energy Commission staff, as referenced later in this report.

The City has seen a dramatic increase in multi-family residential activity within the last two years (over 490 units currently under construction), In addition, over 435 multi-family units (spread over 6 different projects) 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.



Community Engagement

As part of the Council's 10/12/21 update, staff shared the results of a community-wide survey (August through September 2021) regarding perspectives on Reach Code impacts to residents, businesses, and developers. As part of the Council's 2/8/22 update, staff shared Biotech/Life Sciences stakeholders/pending developers feedback.

Common Concerns (Community and Council)

A number of concerns (and requests for additional information) have typically arisen from communities, city councils, and other stakeholders when considering a reach code. Responses to common reach code concerns are listed below:

- Electricity grid costs and reliability: It is true that distribution grid upgrades can sometimes be expensive, but these costs are offset by savings gained through all-electric construction. Public Safety Power Shut-offs are a concern; however, gas appliances and infrastructure do not promote resilience, as most gas appliances also require electricity to ignite. Furthermore, the gas grid takes longer to reactive than the electric grid when natural disasters such as wildfires or earthquakes do occur.
- Technical challenges with installing central heat pump water heaters: This will be alleviated with more contractor trainings and the CPUC funded BUILD and TECH programs. Belmont can consider exemptions for entitled projects to help address this issue.
- Effectiveness of heat pumps: Heat pumps are over 300% efficient in Belmont's climate, compared to 90% for gas or electric resistance alternatives, and are used effectively even in much colder climates as the [Pacific Northwest](#) and [New England](#) regions. The majority of homes built in the U.S. are [already all-electric](#), with heat pumps representing a significant portion of new installations.
- Whether electricity is clean: PCE base service is 100% carbon neutral today and targets 100% renewable "[round the clock](#)" by 2025.

Previous Council Questions/Requests for Additional Information/Exceptions for Consideration

- Outline the availability of electric equipment: Most technologies for all-electric retrofits are currently available. For example, heat pump water heaters are commonly available at Home Depot, and induction appliances are among the highest rated by [Consumer Reports](#).
- Hire credible consultant to analyze a typical 2,000 sf home and run it through several simulation programs under five different scenarios – outlined below: With some exceptions (noted below), this action has been completed twice as part of the Statewide Utility Codes and Standards program adoptions. The size of home used in these studies is 2,400 ft² :
 - See link to [the first study by Frontier](https://peninsulareachcodes.org/wp-content/uploads/2019/09/2019-Res-NC-Reach-Codes.pdf) (<https://peninsulareachcodes.org/wp-content/uploads/2019/09/2019-Res-NC-Reach-Codes.pdf>) using federal minimum efficiency equipment, and,
 - Link to [the second study by E3](https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf) (https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf), the results of which were used in this [Cost Infographic](https://peninsulareachcodes.org/wp-content/uploads/2019/10/Electrification-Cost-Story-Infographic_v8.1.pdf) (https://peninsulareachcodes.org/wp-content/uploads/2019/10/Electrification-Cost-Story-Infographic_v8.1.pdf).



1. All gas - Using real world examples with Belmont temperatures and actual utility prices. Included in both studies noted above.
2. All electric - Except for gas for space or water heating. No gas cooking; no gas clothes dryer. Appliance results are disaggregated in the E3 study noted above.
3. All electric - But, using electric resistance for space heating. Excluded. This analysis may not be necessary as you typically cannot install resistance for space heating in CA unless you are building an extremely efficient envelope.
4. All electric-using heat pumps. Included in both studies.
5. All electric-using solar. Included in the Frontier study.

Provide analysis of all above scenarios in current day-Belmont terms: Analysis performed in Climate Zone 3 using PG&E utility rates. All-electric is cost effective due to the upfront cost savings, and can provide on-bill cost savings if you use these cost savings to install extra solar.

- A proposed Ordinance should also include exceptions. (i.e. pharmaceuticals/medical labs that must use flame; restaurant and hotel banquet kitchens that use certain type of cooking; Commercial buildings where it is infeasible or economically unjustifiable.) *The attached Reach Code Ordinance Amendments allow for these types of exceptions.*
- Council requested feedback to include single family homes (new or substantial remodel) as being subject to Reach Codes. A commonplace definition for a “substantial remodel” trigger centers on replacement of more the 50% of the foundation or the above-sill framing. *Several cities have adopted this approach and staff has included this language as part of the proposed Code Amendments.*
- For the 2022 EV reach codes which will also be included as part of the state code adoption (and implementation on 1/1/23), technical advisory staff is fine tuning the code language and percentages, but they will remain at a 100% access requirement for Multi-Family Residential buildings.
- The Council indicated a desire to potentially establish Level 3 charging in Retail buildings. The City’s technical advisory staff can provide further information on the tradeoffs on this approach.
- The Council also indicated seeking some nuanced Reach Code exceptions and used central water heating as an example of a technical challenge. Below are a few design resources indicating why central water heating is a surmountable challenge:
 - [Building Decarbonization Practice Guide](#) – for practitioners and includes central water heating discussion in section 2.6.2
 - [Ecosizer](#) – a design resource for engineers and energy consultants
 - [Building Electrification Technology Roadmap](#) – covers the technical capabilities of a variety of end-uses
- The Council also indicated they would like to see a ‘neutral’ report on electrification. There are several studies developed for the California Energy Commission staff and their consultants on this topic:
 - [Deep Decarbonization in a High Renewables Future](#) – Identifies electrification as
 - [The Challenge of Retail Gas in California’s Low Carbon Future](#)
 - [Building Decarbonization Assessment \(AB3232\)](#)



Building Appliance Electrification Reach Codes

Staff have worked with PCE/SVCE's consultants to interpret the previous study results and infer what options may or may not be cost-effective for the building types that are prevalent in Belmont but were not analyzed by the team. Peninsula Clean Energy and Silicon Valley Clean Energy have also provided consultant support to assist cities in understanding the cost-effectiveness 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.

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:

- Nonresidential buildings containing kitchens located in a place of public accommodation, may apply for a modification to install *commercial food heat-processing equipment* served by *fuel gas*. 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, Silicon Valley Clean Energy, and the Statewide Program's team



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. Recommended requirements for EV infrastructure 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 Ready
 - 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 Ready
- 30% of the parking spaces Level 2 EV Capable

Non-Residential, Non-Office

- 10% of the parking spaces, Level 2 EV Ready
- 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
- B. Resolution with Climatic Findings

Fiscal Impact

- ☒ No Fiscal Impact
- ☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

- 1) Community survey conducted in August & September 2021 to solicit public feedback regarding Energy Reach Code topics;
- 2) Consideration of Biotech/Life Sciences stakeholder position memos (January/February 2022).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT ADOPTING THE 2019 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 by the City of Belmont 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 2019 California Green Building Standards Code Adopted

The 2019 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 2019 CGBSC shall be maintained on file in the office of the City Clerk.

Sec. 7-97 2019 CGBSC Appendix Chapters Adopted

- (a) The following Appendix Chapters of the 2019 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 2019 CGBSC

The 2019 California Green Building Standards Code is amended as provided in Sections 7-98.202, 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 2019 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 2019 CGBSC Section 202 (Definitions)

Section 202 of the 2019 California Green Building Standards Code is amended by adding or amending the following definitions. Definitions in 2019 CGBSC 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 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 (3) 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 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 shall be installed in accordance with the California Electrical Code, Article 625.

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 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 three (3) feet of the parking space.
- ii. The conduit shall be designed to provide at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall 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 shall 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 shall 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 shall 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 three (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 three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

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 three (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.

SECTION 6. 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 2019 CGBSC Section 4.106 (Site Development)

2019 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 for new construction. New construction shall comply with Sections 4.106.4.1, 4.106.4.2, or 4.106.4.3 to facilitate future installation and use of EV chargers.

Exceptions:

1. Where there is no commercial power supply.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. 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 occupancy R-2 building projects with valid entitlements granted by the City that have not otherwise expired before the effective date of this ordinance shall provide at least ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, with *Level 2 EV Ready* circuits. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.
4. Code official may consider allowing exceptions on a case-by-case basis, if a building permit applicant provides documentation detailing that the increased cost of utility service or on-site transformer capacity would exceed an average of \$4,500 among parking spaces with *Level 2 EV Ready* Spaces and *Level 1 EV Ready* Spaces. If costs are found to exceed this level, the applicant shall provide EV infrastructure up to a level that would not exceed this cost for utility service or on-site transformer capacity.
5. One *DCFC* may be substituted for up to five (5) *EVCS* to meet the requirements Where *ALMS* serve *DCFC* stations, the power demand from the *DCFC* shall be prioritized above Level 1 and Level 2 spaces.

4.106.4.1 New one- and two-family dwellings and town- houses with attached private garages. For each dwelling unit, install a *Level 2 EV Ready Space* and *Level 1 EV Ready Space*.

Exception: For each dwelling unit with only one parking space, install a *Level 2 EV Ready Space*.

4.106.4.1.1 - deleted

4.106.4.2 New multifamily dwellings. The following requirements apply to all new multifamily occupancy R-2 dwellings.

1. New Construction

1.1 *Affordable Housing*

1.1.1 Fifteen percent (15%) of dwelling units with parking spaces shall be provided with at least a *Level 2 EV Ready space* and be *EVCS*. *ALMS* shall be permitted to reduce load when multiple vehicles are charging.

1.1.2 Twenty-five percent (25%) of dwelling units with parking spaces shall be provided with a *Low Power Level 2 EV Ready space*.

1.1.3 Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a *Level 1 EV Ready space*.

1.2. *All Other*

a. Forty percent (40%) of dwelling units with parking spaces shall be provided with at least a *Level 2 EV Ready space* and be *EVCS*. *ALMS* shall be permitted to reduce load when multiple vehicles are charging.

b. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a *Level 1 EV Ready space*.

2. Existing Buildings

2.1 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, ten percent (10%) of the total number of parking spaces added or altered shall be *EVCS*.

2.2 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).

Notes:

1. Installation of *Level 2 EV Ready Spaces* above the minimum number required level may offset the minimum number *Level 1 EV Ready Spaces* required on a 1:1 basis.
2. The requirements apply to multifamily buildings with parking spaces including:
a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
3. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for covered newly constructed multifamily dwellings are provided with *Level 1* or *Level 2 EV Ready Spaces*.

4.106.4.2.1 {text unchanged}

4.106.4.2.1.1 {text unchanged}

4.106.4.2.2 Electric vehicle charging space (EV space) dimensions. The EV 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 EV 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 city's development regulations permit parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.2.2, 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 2019 California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

4.106.4.2.3 – deleted

4.106.4.2.4 – deleted

4.106.4.2.5 – deleted

4.106.4.3 – 4.106.4.3.6 {text unchanged}

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 7. BCC SECTION 7-98.5.106 ADDED

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

2019 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. [N] New construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE(s) is/are installed, it shall be in accordance with the *California Building Code*, the *California Electrical Code* and as follows:

Exceptions:

1. Where there is no commercial power supply.
2. One *DCFC* may be substituted for up to five (5) *EVCS* to meet the requirements. Where *ALMS* serve *DCFC* stations, the power demand from the *DCFC* shall be prioritized above Level 1 and Level 2 spaces.

5.106.5.3.1 Class B Office buildings: Shared Parking Facilities.

1. *New Construction*
 - 1.1 Twenty percent (20%) of parking spaces provided shall be *Level 2 EV Ready* and *EVCS*. *ALMS* shall be permitted to reduce load when multiple vehicles are charging.
 - 1.2 Thirty percent (30%) of parking spaces provided shall be *Level 2 EV Capable*.
2. *Existing Building*. 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 shall be *Level 2 EV Ready* and *EVCS*.

5.106.5.3.2 Other nonresidential buildings – shared parking facilities:

1. *New Construction*
 - 1.1 Ten percent (10%) of parking spaces provided shall be *Level 2 EV Ready* and *EVCS*. *ALMS* shall be permitted to reduce load when multiple vehicles are charging.
 - 1.2 Ten percent (10%) of parking spaces provided shall be *Level 2 EV Capable*.
2. *Existing Building*: 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 shall be *Level 2 EV Ready* and *EVCS*.

5.106.5.3.3 Clean Air Vehicle Parking Designation. EVCS qualify as designated parking as described in Section 5.106.5.2 Designated parking for clean air vehicles.

Notes:

1. The California Department of Transportation adopts and publishes the California Manual on Uniform Traffic Control Devices (California MUTCD) to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives number 13-01. www.dot.ca.gov/hq/traffops/policy/13-01.pdf.
2. See Vehicle Code Section 22511 for EV charging spaces signage in off-street parking facilities and for use of EV charging spaces.
3. The Governor's Office of Planning and Research published a Zero-Emission Vehicle Community Readiness Guidebook which provides helpful information for local governments, residents and businesses. www.opr.ca.gov/docs/ZEV_Guidebook.pdf.
4. Section 11B-812 of the California Building Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1.
5. It is encouraged that EV Ready parking spaces are designated as "EV preferred."

5.106.5.3.4 - deleted

5.106.5.3.5 – deleted

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 8. 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 9. EFFECTIVE DATE.

This Ordinance shall take effect and will be enforced thirty (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

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT MAKING EXPRESS FINDINGS THAT MODIFICATIONS TO THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE BY REFERENCE AS AMENDED WITH LOCAL REACH ENERGY STANDARDS ARE REASONABLY NECESSARY DUE TO LOCAL CONDITIONS

WHEREAS, on April 26, 2022, the City Council introduced Ordinance _____ adopting and amending the 2019 California Green Building Standards Code as amended with Local Reach Energy Standards Codes; and,

WHEREAS, on May_____, 2022, the City Council conducted a public hearing regarding Ordinance _____ adopting and amending the 2019 California Green Building Standards Code as amended with Local Reach Energy Standards Codes; and,

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 authorize the City to modify the building standards contained in the California Green Building Standards Code and other regulations adopted under Health and Safety Code Section 17922 if found by the City to be reasonably necessary because of local climatic, geologic, or topographic conditions; and,

WHEREAS, the City Council has considered the April 26, 2022 and May_____, 2022 staff reports discussing the proposed amendments to building standards in the 2019 California Green Building Standards Code as amended with Local Reach Energy Standards Codes, and the presentations by staff, and has considered the proposed ordinance containing the amendments attached to the report, and has reviewed the proposed findings attached to the report.

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

SECTION 1. Reasonably Necessary Amendments Due to Local Conditions.

(a) The amendments to the 2019 California Green Building Standards Code as amended with Local Reach Energy Standards Codes are found to be reasonably necessary because of local climatic, geological or topographical conditions.

(b) The City Council finds that the conditions listed in Attachment 1 attached hereto are, in fact, local climatic, geological and topographical conditions.

(c) The conditions listed in Attachment 1 make the amendments to the 2019 California Green Building Standards Code as amended with Local Reach Energy Standards described in Attachment 1 and contained in the ordinance referenced above are reasonably necessary for the reasons stated in Attachment 1 and in the April 26, 2022 and May_____, 2022 staff reports.

* * *

ADOPTED _____ 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 Resolution 2022 -
Attachment 1

**Necessary Modifications to 2019 California Green Building Standards Code as amended
with Local Reach Energy Standards Codes Due To Local Conditions**

Introduction

City of Belmont Ordinance 2022-_____ contains amendments, deletions and additions to provisions reproduced in the 2019 California Green Building Standards Code as amended with Local Reach Energy Standards Codes. The modifications to the Green Building Standards codes are reasonably necessary because of the climatic, geologic, and topographic conditions found in the City of Belmont. In accordance with Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5, this document describes the climatic, geologic, and topographic conditions found in the City of Belmont and the specific modifications and the local conditions determined by the City of Belmont to make modifications to the Green Building Standards Codes reasonably necessary.

**Part I:
Local Conditions**

A. Profile of the City Of Belmont

The City of Belmont is located in southern region of the San Mateo County. The City of San Mateo is to the north, Redwood City and Foster City to the east, and San Carlos and unincorporated areas of San Mateo County are to the south. The City encompasses an area of roughly 4.6 square miles, with a resident population of approximately 27,000. The City includes large tracks of open space found in the steep forested ridges and foothills in the western portions of the city. Highway 101 passes through the City near its eastern edge, and Interstate 280 passes by the City near its western edge.

B. Climatic, Geologic, and Topographic Conditions

The climatic, geologic, and topographic conditions found in the City of Belmont necessitate making modifications to the building standards in the 2019 California Green Building Standards Code with Local Reach Energy Standards Codes in order to provide a reasonable degree of fire and life safety in this community. These conditions are discussed in detail below.

1. Climatic Conditions.

The City of Belmont, on average, experiences an annual rainfall between 18 to 25 inches. This rainfall can be expected between October and April of each year and is based on the 100 year weather almanac. However, during the summer and early fall months there is little, if any, measurable precipitation. During this dry period, the temperatures are usually between 70°-90° with light to gusty westerly winds. These drying winds, mixed with the natural vegetation, which is dominant throughout the area, creates a hazardous fuel condition, which further create extensive

grass and brushland fire risk. With residential developments encroaching into these wooded and grass, or brush covered areas, wind and terrain-driven fires could have severe consequences and place lives and properties at risk.

2. Geologic Conditions.

(a) Earthquakes. Seismically, the City sits along the active San Andreas Fault, and is rated as a Seismic Zone 4. The relatively young geological processes that have created the San Francisco bay region are still active today.

(b) Soil Conditions. The City of Belmont lies in the southern end of San Mateo County. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. Bedrock lies beneath the area at depths generally three hundred (300) feet or more. The topography is essentially flat, dropping from an elevation of eight hundred (800) feet to sea level. The slope of the city extends upwards on the western side. Slopes range from (0) degrees to more than (20) degrees on some streets.

3. Topographic Conditions.

(a) Hills. Much of the City is located in hills. The hilly terrain has influenced development to follow the path of least resistance, creating a meandering pattern. The development pattern includes lots of inconsistent size, and development is often set deeply back from the street. The development pattern also does not lend itself to a good systematic street and road layout, which would promote easy traffic flow. It has, in fact, resulted in few major cross-town thoroughfares, which tend to be heavily congested, primarily during commute hours and seasonal periods of the year. "Pass-through" vehicular traffic in the City, such as the areas of the Alameda de Las Pulgas, Ralston Avenue, and El Camino Real, increase commute time traffic for East and West bound vehicular movement to US 101 and Interstate 280. This creates barriers, which increases the response time of fire apparatus and other emergency vehicles. The topography of the City is also burdened by major structures. Employment areas are throughout the City, and the people who work in these complexes have added to the traffic congestion, thereby increasing fire apparatus response times.

(b) Vegetation. The hilly portions of the City contain trees, dense brush vegetation and a heavy growth of natural grasses that contribute to fuel-loading. The surrounding areas suffer several wildland fires each year.

(c) Roads and Streets. The number of vehicle miles driven is steadily increasing despite limited growth. Many older streets are narrow and steep. The impact of additional planned developments and increased traffic flow will continue to create an effect on the delivery of fire protection services.

Part II:

Findings for Specific Modifications to Building Standards

- A. Belmont City Code (BCC) Section 7-98.202 added - Amendment of 2019 California Green Building Standards Codes (CGBSC) Section 202 (Definitions)**
- B. Belmont City Code Section 7-98.4.106 added - Amendment of 2019 California Green Building Standards Codes (CGBSC) Section 4.106 (Site Development – Residential Buildings)**
 - **4.106.4 - Electric vehicle (EV) charging requirements for new construction**
 - **4.106.5 - All-electric building requirements**
 - **4.106.5.1 - New construction and qualifying alteration projects requirements**
- C. Belmont City Code Section 7-98.5.106 added - Amendment of 2019 California Green Building Standards Codes (CGBSC) Section 5.106 (Site Development – Non-Residential Buildings)**
 - **5.106.5.3 - Electric vehicle (EV) charging for new construction**
 - **5.106.13 - All-electric buildings requirements**
 - **5.106.13.1 - New construction and qualifying alteration projects requirements**

These amendments are justified on the basis of a local climatic condition. Failure to address and significantly reduce greenhouse gas (GHG) emissions could result in rises in sea level, including in San Francisco Bay, that could put at risk Belmont residential buildings, non-residential buildings, businesses, public facilities, and Highway 101 (Bayshore Freeway), particularly the mapped Flood Hazard areas of the City. Energy efficiency and the use of renewable energy sources are key components in reducing GHG emissions, and construction of more energy efficient buildings with dedicated renewable energy installations can help the City of Belmont reduce its share of the GHG emissions that contribute to climate change. The burning of fossil fuels used in the generation of electric power and heating of buildings contributes to climate change, which could result in rises in sea level, including in San Francisco Bay, that could put at risk Belmont residential buildings, non-residential buildings, businesses, public facilities, and Highway 101.

Energy efficiency enhances the public health and welfare by promoting the environmental and economic health of the City through the design, construction, maintenance, operation and deconstruction of buildings and sites by incorporating green practices into all development. The provisions in this Chapter are designed to achieve the following goals:

- a) Increase energy efficiency in buildings;
- b) Increase resource conservation;
- c) Provide durable buildings that are efficient and economical to own and operate;
- d) Promote the health and productivity of residents, workers, and visitors to the city;
- e) Recognize and conserve the energy embodied in existing buildings; and,
- f) Reduce disturbance of natural ecosystems.



STAFF REPORT

Meeting Date: April 26, 2022
Agency: City of Belmont
Staff Contact: Grace Castaneda, Finance Director, (650) 595-7436, gcastaneda@belmont.gov
Agenda Title: Refinancing of Sewer Treatment Facility Revenue Bonds, Series 2009A
Agenda Action: Resolution

Recommendation

Adopt a resolution authorizing the execution and delivery of an Installment Purchase Agreement, Reserve Fund Custodian Agreement and Irrevocable Refunding Instructions, and authorizing certain related matters regarding the refinancing of the Belmont Joint Powers Financing Authority Sewer Treatment Facility Revenue Bonds, Series 2009A (“2009A Bonds”), and a separate resolution authorizing the appropriation of Sewer Treatment Facility Fund Revenue to contribute toward the defeasance of the 2009A Bonds.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

This is a companion report to the action being considered by the Belmont Joint Powers Financing Authority (“BJPFA”) related to the proposed refinancing of the outstanding 2009A Bonds to achieve interest savings.

Sewer System

The Sewer System in the City consists of approximately 85 miles of gravity sanitary sewers and force mains and 11 pump stations. The service area of the Sewer System consists of approximately 2,350 acres, serving an estimated population of about 26,700 persons. Sewer treatment is provided for the City through its participation in the Silicon Valley Clean Water (“SVCW”) joint powers authority. Wastewater from the City’s Sewer System is transported by gravity and pressure pipelines to the SVCW’s Shoreway Pump Station, where it is pumped to the SVCW treatment plant in Redwood City for treatment and disposal. The Sewer System has approximately 7,678 connections in the City, and flows are in the 1.8 million gallon per day range, accounting for approximately 13.24% of the flows to the SVCW treatment plant.

In 2008, SVCW initiated its Capital Improvement Program (“CIP”) to replace and rehabilitate the wastewater conveyance and treatment systems, after determining that the majority of its infrastructure were beyond their useful lives and needed replacement. In 2017, SVCW updated its CIP, known as the RESCU program, to include improving the condition of sewer mains, repairing treatment facilities, and upgrading pump stations, and to ensure treatment facilities continue to comply with regulatory requirements and provide quality wastewater and recycled water services. Cost of the program has grown significantly over the years and is currently expected to be over \$950 million, of which 9.45%, or



approximately \$90 million, is allocated to the City.

To help fund for the City's allocated cost, a Sewer Treatment Facility Charge was established in FY 2008-09 and became effective in FY 2011-12. Since then, as cost of the RESCU program has increased significantly, the Sewer Treatment Facility Charge has remained the same. There have been no increases to the charge, due largely to efforts through bond financing.

Outstanding Obligations; Pledge of Sewer Treatment Facility Revenues

In December 2009, BJPFA issued the 2009A Bonds to finance certain improvements to the SVCW sewer treatment facility. The 2009A Bonds are payable from installment payments (the "2009A Installment Payments") made by the City under an Installment Purchase Agreement, dated as of December 1, 2009, by and between the City and BJPFA (the "2009A Installment Purchase Agreement").

In December 2018, BJPFA issued its Sewer Treatment Facility Revenues Bonds, Series 2018 (the "2018 Bonds"), to finance certain improvements to the SVCW sewer treatment facility. The 2018 Bonds are payable from installment payments (the "2018 Installment Payments") made by the City under an Installment Purchase Agreement, dated as of October 1, 2018 (the "2018 Installment Purchase Agreement"), by and between the City and BJPFA.

In addition, the City is obligated under the joint exercise of powers agreement with SVCW to pay a share of SVCW's payments under a Clean Water State Revolving Loan Agreement No. 11-845-550, between SVCW and the State Water Resources Control Board (the "2012 SRF Agreement").

The 2009A Installment Payments, the 2018 Installment Payments, and the City's payment obligations with respect to the 2012 SRF Agreement are secured by "Sewer Treatment Facility Revenues," which are all amounts authorized to be allocated by the City pursuant its Ordinance Adding Section 21.93, Relating to the Sewer Treatment Facility Charge, to Article 4 of Chapter 21 of the Belmont Municipal Code and Adopting a Schedule for the Sewer Treatment Facility Charge, adopted by the City Council on May 12, 2009. The sewer treatment facility charges may only be used to fund the rehabilitation, replacement, and other associated costs (including financing and operating costs) of wastewater treatment plants, pump stations, outfall pipelines, plant influent force main pipelines, and other treatment facilities that serve the City, including the SVCW sewer treatment facilities. The sewer treatment facility charge is separate from the sewer service charge imposed by the City.

Refinancing the 2009A Bonds

The 2009A Bonds are eligible to be redeemed on any date without premium and, in the current interest rate environment, can be refunded to achieve interest rate savings. The proceeds from the refinancing will refund all of the outstanding 2009A Bonds.

Proposed Financing Structure and Related Documents

The financing is structured as an installment payment transaction, which is a common structure for enterprise financings of this type and similar to the outstanding financings, and involves the following documents:

Installment Purchase Agreement. Under this agreement between the City and BJPFA, the City agrees to initially sell the improvements by the 2009A Bonds to BJPFA and immediately repurchases the



improvements from BJPFA. BJPFA pays a purchase price equal to the financing proceeds and the City pays a purchase price in installments (the "2022 Installment Payments") that are functionally equivalent to debt service payments. The Installment Purchase Agreement also includes the following terms:

- The City pledges the Sewer Treatment Facility Revenues as security for its obligation to pay the 2022 Installment Payments. The City will pay the 2022 Installment Payments on a parity basis with the 2018 Installment Payments and the City's payment obligation with respect to the 2012 SRF Agreement.

The City promises to establish Sewer Treatment Facility Charges that will be sufficient for the City to pay the debt service payable from Sewer Treatment Facility Revenues plus an amount required to maintain a Rate Stabilization Fund equal to 25% of Maximum Annual Debt Service on the 2018 Installment Payments, the 2022 Installment Payments, and its payment obligations with respect to the 2012 SRF Agreement.

- The City agrees it will not incur additional indebtedness payable from Sewer Treatment Facility Revenues without complying with certain conditions. These conditions are the same as those established under the 2009A Installment Purchase Agreement and the 2018 Installment Purchase Agreement.

Reserve Fund Custodian Agreement. The parity debt provisions of the 2018 Installment Purchase Agreement require that an amount be deposited into a debt service reserve fund for the 2022 Installment Payments, and that the fund be held by an independent trustee. The Reserve Fund Custodian Agreement is intended to satisfy this requirement.

Assignment Agreement. Under the Assignment Agreement between BJPFA and First Foundation Public Finance ("First Foundation"), BJPFA assigns its right to receive the City's 2022 Installment Payments to First Foundation. In consideration for the right to receive the 2022 Installment Payments, First Foundation will provide the financing needed to refund the 2009A Bonds.

Irrevocable Refunding Instructions. The City and BJPFA will give the Irrevocable Refunding Instructions to the trustee for the 2009A Bonds to direct application of funds to refund the 2009A Bonds.

Recommended Action

Staff recommends that the City work with the BJPFA to refinance the 2009A Bonds and the 2009A Installment Payments in order to:

- Achieve interest rate savings by refinancing at a lower interest rate;
- Lower overall debt service costs by moving principal forward to reduce the term of the obligation; and
- Increase debt service coverage on all on obligations payable from Sewer Treatment Facility Revenues.

Accordingly, staff recommends that the City Council adopt a resolution approving the Installment Purchase Agreement, the Reserve Fund Custodian Agreement, the Irrevocable Refunding Instructions and



BJPFA's assignment of the 2022 Installment Payments to First Foundation.

In addition, the City Council is requested to approve a resolution appropriating additional Sewer Treatment Facility Revenue in the current FY 2021-22 as part of the refunding strategy. The additional appropriation of \$913,100 will be utilized to pay down outstanding debt and contribute to the Rate Stabilization Fund required by the 2018 Installment Purchase Agreement. The cash contribution will:

- Reduce the borrowing amount needed to refund the 2009A Bonds;
- Reduce the overall interest paid toward the refunding obligations;
- Shorten the term of the refunding obligations; and
- Increase the debt service coverage ratio, likely delaying or preventing the need to raise Sewer Treatment Facility Charges in the mid-term.

Analysis

Staff has been working with PFM Financial Advisors LLC ("PFM"), the City's financial advisor, and Jones Hall, the City's bond counsel, to develop the refinancing transaction.

Debt Service Coverage

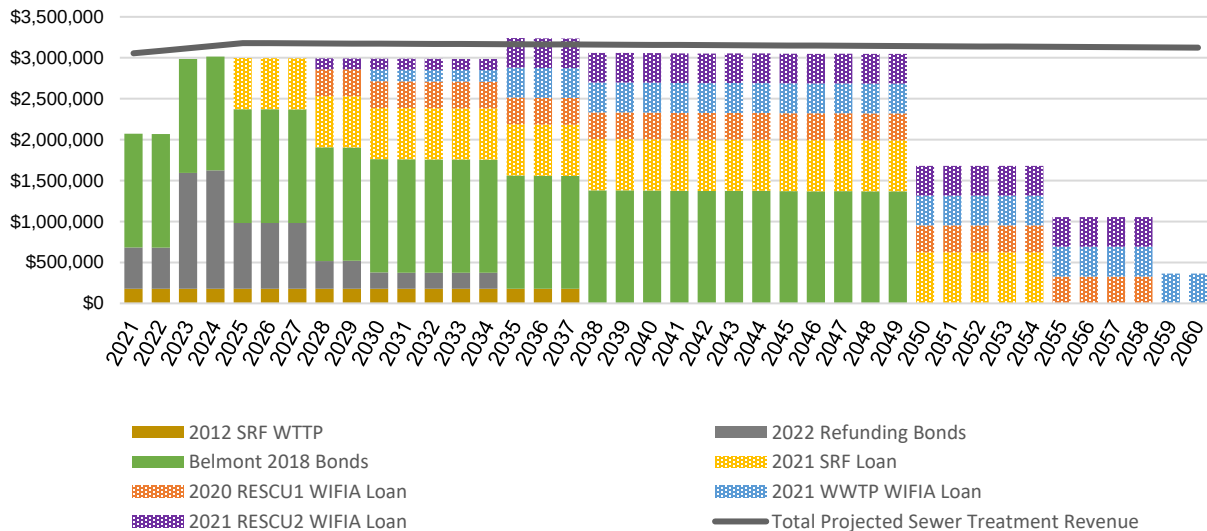
Under current assumptions and assuming the 2009A Bonds remain outstanding, Sewer Treatment Facility Revenues less expenses are projected to be sufficient for the next five fiscal years to pay scheduled debt service.¹ Beginning FY 2027-28, however, the City is scheduled to begin debt service payments for its participation on SVCW's WIFIA loans. By FY 2029-30, the annual projected Sewer Treatment Facility Revenues will no longer be sufficient to cover the projected annual debt service on the City's debt that is payable from the Sewer Treatment Facility Revenues, as shown in the table below:

Even as the cost of the SVCW's RESCU program has risen, the City has prevented increases to the Sewer Treatment Facility Charge, which has remained constant since its inception in FY 2011-12. In order to continue mitigating increases to the facility charge, staff worked with PFM to identify a strategy to maximize savings on current debt service. A refinancing structure was identified for the 2009A Bonds which would provide interest rate savings by refinancing at a lower interest rate, and would lower overall debt service costs by moving the principal forward to reduce the term of the obligation. As a result of this refinancing structure, the Sewer Treatment Facility Revenues are projected to be sufficient to pay debt service through FY 2033-34. Additionally, the City will likely be able to refund its 2018 Bonds when they become callable in FY 2028-29, which will further reduce its debt service obligations in FY 2034-35 through FY 2036-37. The following table shows the refinancing structure that would keep overall debt service costs below projected Sewer Treatment Facility Revenue:

¹ Current assumptions include [1] 1% annual growth in Sewer Treatment Facility Revenue FY 2022 -2025; [2] 2% annual growth in Sewer Treatment Fund Operating Expenses through 2051; [3] No additional CIP debt issuances beyond those currently scheduled.



Sewer Treatment Facilities Charge Pro-Forma Debt Service



Method of Sale

Based on the amount and term of the 2009A Bonds refinancing and based on current market conditions, the recommended method of sale is a private placement. The interest rates for private placements are generally competitive for deals with a par amount of less than \$10 million and with a term of less than 15 years. The financing amount to refund the 2009A Bonds is approximately \$6.5 million, and the term is 12 years.

In a private placement, the debt is sold to one entity, typically a bank. A private placement does not require a preliminary official statement and a credit rating, thus reducing the cost of issuance. PFM developed and sent out a request for proposals (“RFP”) for a private placement to fourteen banks. The City received seven term sheet responses. The table below summarizes the term sheets options where bonds are callable without penalty in years 2028 and 2029.

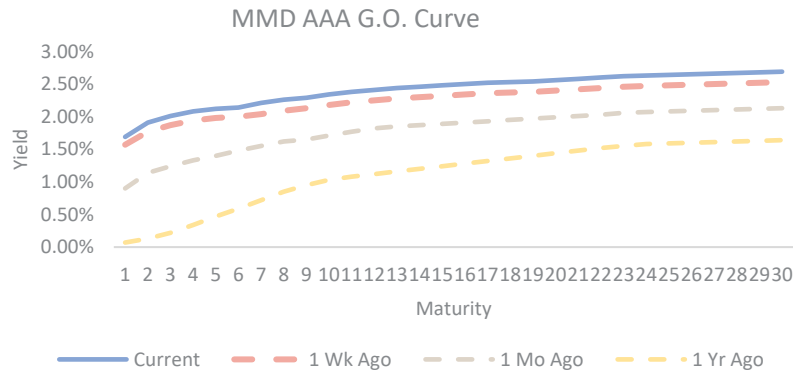
Bank	Wells Fargo	Webster National Bank	Capital One	California Bank Trust (Zions)	JPM Chase	First Foundation	Truist
Interest Rate	2.58%	2.36%	2.76%	2.56%	2.41%	2.15%	2.49%
Call Year	2029	2029	2029	2029	2029	2028	2028

Staff has selected First Foundation, because as the table demonstrates, First Foundation provided the lowest cost of capital at an annual fixed interest rate of 2.15% and accepted the proposed covenants in the RFP. In comparison, the interest rates for the 2009A Bonds currently range from 3.40%-5%.

The interest rates proposed by banks are generally locked for 30-60 days. The table below shows that rates have steadily increased over the past month (as of 4/11). By locking in the rate received in the RFP, the



City has insulated itself from rising interest rates. Staff recommends proceeding with the refinancing while rates are still relatively low and interest savings can be realized.



Financing Terms; Sources and Uses of Funds

Staff is recommending a maximum financing amount of \$6,500,000, which, along with other available funds, including the available Sewer Treatment Facility Revenues to be appropriated for the financing, will be sufficient to cover the costs of issuance and fund the rate stabilization fund and debt service reserve fund.

The following table summarizes the sources and uses of the refinancing.

Sources and Uses of Funds

Belmont Joint Powers Financing Authority - Sewer Treatment Facility Revenue Bonds
Refunding of 2009A Bonds

Sources:

Bond Proceeds:

Par Amount	6,408,000.00
------------	--------------

Other Sources of Funds:

Debt Service Reserve Fund Release	549,494.37
Rate Stabilization Fund	146,747.85
Interest Fund	0.48
Cash Contribution FY 2022	913,100.12

1,609,342.82

8,017,342.82

**Uses:**

Refunding Escrow Deposits:		
	Cash Deposit	6,846,291.68
Other Fund Deposits:		
	Rate Stabilization Fund	404,836.92
	Debt Service Reserve Fund	640,800.00
		1,045,636.92
Delivery Date Expenses:		
	Cost of Issuance	125,000.00
Other Uses of Funds:		
	Additional Proceeds	414.22
		8,017,342.82

The 2009A Bonds have twenty years of obligations remaining through FY 2042 and currently range in interest rates from 3.40%-5%. The refinancing has an annual fixed interest rate of 2.15% and includes a cash contribution from the Sewer Treatment Facility Charge Fund that will reduce the refinance amount and shorten the term to twelve years through FY 2034. As a result of the refinancing plan, overall debt service payments will be reduced by \$3.5 million.

Recommended Action

Staff recommends that the City Council approve the refinancing of the 2009A Bonds in order to:

- Achieve interest rate savings by refinancing at a lower interest rate;
- Lower overall debt service costs by moving principal forward to reduce the term of the obligation; and
- Increase debt service coverage on all on obligations payable from Sewer Treatment Facility Revenues.

In addition, staff recommends approval of \$913,100 cash contribution from the Sewer Treatment Facility Fund as part of the refunding strategy to pay down outstanding debt and contribute to the Rate Stabilization Fund required by the 2018 Installment Purchase Agreement. Overall, the cash contribution will:

- Reduce the borrowing amount needed to refund the 2009A Bonds;
- Reduce the overall interest paid toward the refunding obligations;
- Shorten the term of the refunding obligations; and
- Increase the debt service coverage ratio, likely delaying or preventing the need to raise Sewer Treatment Facility Charges in the mid-term.

Alternatives

1. Refer to staff for more information
2. Take no action



Attachments

- A. Resolution Approving a Refinancing of an Outstanding Installment Payment Obligation Payable from Sewer Treatment Facility Revenues and Related Bonds of the Belmont Joint Powers Financing Authority, Approving an Installment Purchase Agreement and Other Financing Documents, and Authorizing Related Actions
- B. Resolution Appropriating \$913,100 of Available Fund Balance in The Sewer Facility Treatment Fund Toward Refinancing of an Outstanding Installment Payment Obligation Payable from Sewer Treatment Facility Revenues and Related Bonds of the Belmont Joint Powers Financing Authority
- C. Presentation
- D. Installment Purchase Agreement (on file with the City Clerk)
- E. Assignment Agreement (on file with the City Clerk)
- F. Reserve Fund Agreement (on file with the City Clerk)
- G. Irrevocable Refunding Instructions (on file with the City Clerk)

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed:

The appropriation of \$913,100 will come from the Sewer Facility Treatment Fund (507-3-730-8354) that will be utilized as part of the refinancing strategy to achieve overall savings.

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
APPROVING A REFINANCING OF AN OUTSTANDING INSTALLMENT
PAYMENT OBLIGATION PAYABLE FROM SEWER TREATMENT FACILITY
REVENUES AND RELATED BONDS OF THE BELMONT JOINT POWERS
FINANCING AUTHORITY, APPROVING AN INSTALLMENT PURCHASE
AGREEMENT AND OTHER FINANCING DOCUMENTS, AND AUTHORIZING
RELATED ACTIONS**

WHEREAS, the City of Belmont (the “City”) operates a system for the collection, conveyance and treatment of wastewater within the service area of the City (the “Sewer System”); and

WHEREAS, the City, the cities of Redwood City and San Carlos and the West Bay Sanitary District (the “Members”) previously established a joint exercise of powers authority known as Silicon Valley Clean Water pursuant to a Joint Exercise of Powers Agreement dated as of November 13, 1975, as amended (the “Silicon Valley Clean Water Agreement”); and

WHEREAS, under the Silicon Valley Clean Water Agreement, Silicon Valley Clean Water owns and operates a sub-regional wastewater treatment plant and related conveyance facilities that serve the Members; and

WHEREAS, the City provides for wastewater treatment through its participation in Silicon Valley Clean Water; and

WHEREAS, the City previously executed the following agreements:

(a) an Installment Purchase Agreement, dated as of December 1, 2009 (the “2009 Installment Purchase Agreement”), by and between the City and the Belmont Joint Powers Financing Authority (the “Financing Authority”), the payments under which (the “2009 Installment Payments”) are used by the Financing Authority to pay debt service on the Financing Authority’s Sewer Treatment Facility Revenue Bonds, Series 2009A (the “2009 Bonds”) and

(b) an Installment Purchase Agreement, dated as of October 1, 2018, by and between the City and the Financing Authority (the “2018 Installment Purchase Agreement”), the payments under which (the “2018 Installment Payments”) are used by the Financing Authority to pay debt service on the Financing Authority’s Sewer Treatment Facility Revenue Bonds, Series 2018 (the “2018 Bonds”); and

WHEREAS, the City is obligated under the Silicon Valley Clean Water Agreement to pay a share of Silicon Valley Clean Water’s payments under a Clean Water

State Revolving Loan Agreement No. 11-845-550, between Silicon Valley Clean Water and the State Water Resources Control Board (the “2012 SRF Agreement”); and

WHEREAS, the 2009 Installment Payments, the 2018 Installment Payments and the City’s payment obligation with respect to the 2012 SRF Agreement are secured by and payable from Sewer Treatment Facility Revenues (as defined in the 2009 Installment Purchase Agreement); and

WHEREAS, the City executed the 2009 Installment Purchase Agreement and the 2018 Installment Purchase Agreement to finance the rehabilitation, replacement, and other associated costs (including financing and operating costs) of wastewater treatment plants, pump stations, outfall pipelines, plant influent force main pipelines, and other treatment facilities that serve the City, including the facilities owned by Silicon Valley Clean Water; and

WHEREAS, under Section 2.4 of the Indenture, dated as of December 1, 2009, related to the 2009 Bonds (the “2009 Indenture”), by and between the Financing Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the “2009 Trustee”), the 2009 Bonds are subject to optional redemption on any date, without premium, and, under Section 7.01 of the 2009 Installment Purchase Agreement, the 2009 Installment Payments may be prepaid in accordance with the redemption provisions for the 2009 Bonds, and the City wishes to refinance the 2009 Installment Payments and to cause a defeasance and redemption of the 2009 Bonds; and

WHEREAS, to achieve interest savings, the City wishes to refinance the 2009 Installment Payments, and the Financing Authority wishes to assist the City by providing the funds required for such refinancing; and

WHEREAS, to accomplish the proposed refinancing, the City will purchase the project financed by the 2009 Bonds (the “Project”) and make installment payments under an Installment Purchase Agreement (the “Installment Purchase Agreement”) in the form on file with the City Clerk; and

WHEREAS, concurrently with the execution of the Installment Purchase Agreement, the Financing Authority will enter into an Assignment Agreement (the “Assignment Agreement”) by and between the Financing Authority, as assignor, and First Foundation Public Finance (the “Assignee”), as assignee, pursuant to which the Financing Authority will assign to the Assignee substantially all of the Financing Authority’s rights, title and interest under the Installment Purchase Agreement; and

WHEREAS, in connection therewith, it is in the public interest and for the common benefit and municipal purpose that the City authorize and direct execution of the Installment Purchase Agreement and certain other financing documents in connection therewith; and

WHEREAS, pursuant to Government Code Section 5852.1, which became effective on January 1, 2018 by the enactment of Senate Bill 450, certain information relating to the Installment Payments is set forth in Appendix A attached to this Resolution, and such information is hereby disclosed and made public; and

WHEREAS, the documents below specified have been filed with the City, and the members of the City Council, with the aid of its staff, have reviewed said documents;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belmont as follows:

Section 1. Findings. The City Council hereby finds that the information in the recitals is true and correct and that the actions approved by this Resolution are in the best interests of the City.

Section 2. Installment Purchase Agreement. The City Council hereby approves the Installment Purchase Agreement relating to the refinancing of the Project, between the City and the Financing Authority, in the form thereof on file with the City Clerk together with any changes therein or additions thereto deemed advisable by the City Manager or the Finance Director, as designee of the City Manager (each, an “Authorized Officer”), and the execution thereof by an Authorized Officer shall be conclusive evidence of the approval of any such changes or additions; provided that the purchase price to be funded by the Assignee shall not exceed \$6,500,000. An Authorized Officer is hereby authorized and directed for and in the name and on behalf of the City to execute, and the City Clerk is hereby authorized and directed to attest, the final form of the Installment Purchase Agreement.

Section 3. Assignment by Financing Authority. The City Council hereby approves the assignment by the Financing Authority of its rights under the Installment Purchase Agreement, including the right to receive the Installment Payments, to the Assignee. Such assignment shall be made pursuant to an Assignment Agreement between the Financing Authority and the Assignee in substantially the form on file with the City Clerk, which the City Council hereby approves.

Section 4. Reserve Fund Custody Agreement. The City Council hereby approves a Reserve Fund Custody Agreement, between the City and a national banking association selected by an Authorized Officer, in the form thereof on file with the City Clerk together with any changes therein or additions thereto deemed advisable by and Authorized Officer, and the execution thereof by an Authorized Officer shall be conclusive evidence of the approval of any such changes or additions. An Authorized Officer is hereby authorized and directed for and in the name and on behalf of the City to execute, and the City Clerk is hereby authorized and directed to attest, the final form of the Reserve Fund Custody Agreement.

Section 5. Irrevocable Refunding Instructions. The City Council hereby approves Irrevocable Refunding Instructions, to be given by the City and/or the

Financing Authority to the 2009 Trustee in the form thereof on file with the City Clerk together with any changes therein or additions thereto deemed advisable by and Authorized Officer, and the execution thereof by an Authorized Officer shall be conclusive evidence of the approval of any such changes or additions. An Authorized Officer is hereby authorized and directed for and in the name and on behalf of the City to execute, and the City Clerk is hereby authorized and directed to attest, the final form of the Irrevocable Refunding Instructions.

Section 6. Official Actions. The Mayor, the City Manager, the Finance Director, as designee of the City Manager, the City Clerk and all other officers of the City are each authorized and directed in the name and on behalf of the City to make any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they or any of them deem necessary or appropriate in order to consummate any of the transactions contemplated by the agreements and documents approved under this Resolution. Whenever in this Resolution any officer of the City is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer is absent or unavailable.

Section 7. Engagement of Professional Services. In connection with the Installment Purchase Agreement, the City Council hereby approves the engagement of bond counsel services with the firm of Jones Hall, A Professional Law Corporation and municipal advisor services with the firm of PFM Financial Advisors LLC. The Finance Director, as designee of the City Manager, or the City Attorney is hereby authorized and directed to execute an agreement with each of such firms.

Section 8. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 9. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

* * *

Adopted ____, 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

APPENDIX A

Government Code Section 5852.1 Disclosure

The following information consists of estimates that have been provided by the City's municipal advisor which has been represented by such party to have been provided in good faith:

- (A) True Interest Cost of the Installment Payments: 2.15%
- (B) Finance Charge of the Installment Payments (Sum of all fees/charges paid to third parties): \$125,414.22
- (C) Net Proceeds to be Received (net of finance charges, reserves and capitalized interest, if any, including \$640,800.00 of reserves expected to be funded with financing proceeds): \$5,641,785.78
- (D) Total Payment Amount Through Maturity: \$6,864,522.40

The foregoing estimates constitute good faith estimates only. The principal component of the Installment Payments, the true interest cost of the Installment Payments, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the closing being different than the date assumed for purposes of such estimates, (b) the actual principal component of the Installment Payments being different from the estimated amount used for purposes of such estimates, (c) the actual interest rate applicable to the Installment Payments being different than that estimated for purposes of such estimates, (d) other market conditions, or (e) alterations in the City's financing plan, or a combination of such factors. The actual closing date and the actual principal component of the Installment Payments will be determined by the City based on the timing of the need for proceeds of the financing and other factors. The actual interest rates applicable to the Installment Payments will depend on market interest rates on the closing date. The actual amortization of the principal component of the Installment Payments will also depend, in part, on the interest rate applicable to the Installment Payments. Market interest rates are affected by economic and other factors beyond the control of the City.

RESOLUTION NO. 2022 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROPRIATING \$913,100 OF AVAILABLE FUND BALANCE IN THE SEWER FACILITY TREATMENT FUND TOWARD REFINANCING OF AN OUTSTANDING INSTALLMENT PAYMENT OBLIGATION PAYABLE FROM SEWER TREATMENT FACILITY REVENUES AND RELATED BONDS OF THE BELMONT JOINT POWERS FINANCING AUTHORITY

WHEREAS, the City of Belmont (the “City”) previously executed the following agreements:

(a) an Installment Purchase Agreement, dated as of December 1, 2009 (the “2009 Installment Purchase Agreement”), by and between the City and the Belmont Joint Powers Financing Authority (the “Financing Authority”), the payments under which (the “2009 Installment Payments”) are used by the Financing Authority to pay debt service on the Financing Authority’s Sewer Treatment Facility Revenue Bonds, Series 2009A (the “2009 Bonds”) and

(b) an Installment Purchase Agreement, dated as of October 1, 2018, by and between the City and the Financing Authority (the “2018 Installment Purchase Agreement”), the payments under which (the “2018 Installment Payments”) are used by the Financing Authority to pay debt service on the Financing Authority’s Sewer Treatment Facility Revenue Bonds, Series 2018 (the “2018 Bonds”); and

WHEREAS, under Section 2.4 of the Indenture, dated as of December 1, 2009, related to the 2009 Bonds (the “2009 Indenture”), by and between the Financing Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the “2009 Trustee”), the 2009 Bonds are subject to optional redemption on any date, without premium, and, under Section 7.01 of the 2009 Installment Purchase Agreement, the 2009 Installment Payments may be prepaid in accordance with the redemption provisions for the 2009 Bonds, and the City wishes to refinance the 2009 Installment Payments and to cause a defeasance and redemption of the 2009 Bonds; and,

WHEREAS, the City Council of the City of Belmont approved the Installment Purchase Agreement relating to the refinancing of the project financed by the 2009 Bonds, between the City and the Financing Authority; and,

WHEREAS, to accomplish the refinancing, an additional contribution of \$913,100 is required from available fund balance in the Sewer Treatment Facility Fund to contribute to the Rate Stabilization Fund required by the 2018 Installment Purchase Agreement, reduce the borrowing amount needed to refund the 2009 Bonds, reduce the overall interest paid toward the refunding obligations, shorten the term of the refunding obligations, and increase the debt service coverage ratio, likely delaying or preventing the need to raise Sewer Treatment Facility Charges in the mid-term.

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

SECTION 1. Appropriates \$913,100 of available fund balance from the Sewer Treatment Facility Fund (507-3-730-8354).

* * *

ADOPTED April 26, 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

2022 Refunding

April 26, 2022

PFM Financial Advisors LLC

44 Montgomery St.
San Francisco, CA 94104

415.982.5544
pfm.com



Resolution Approval Items

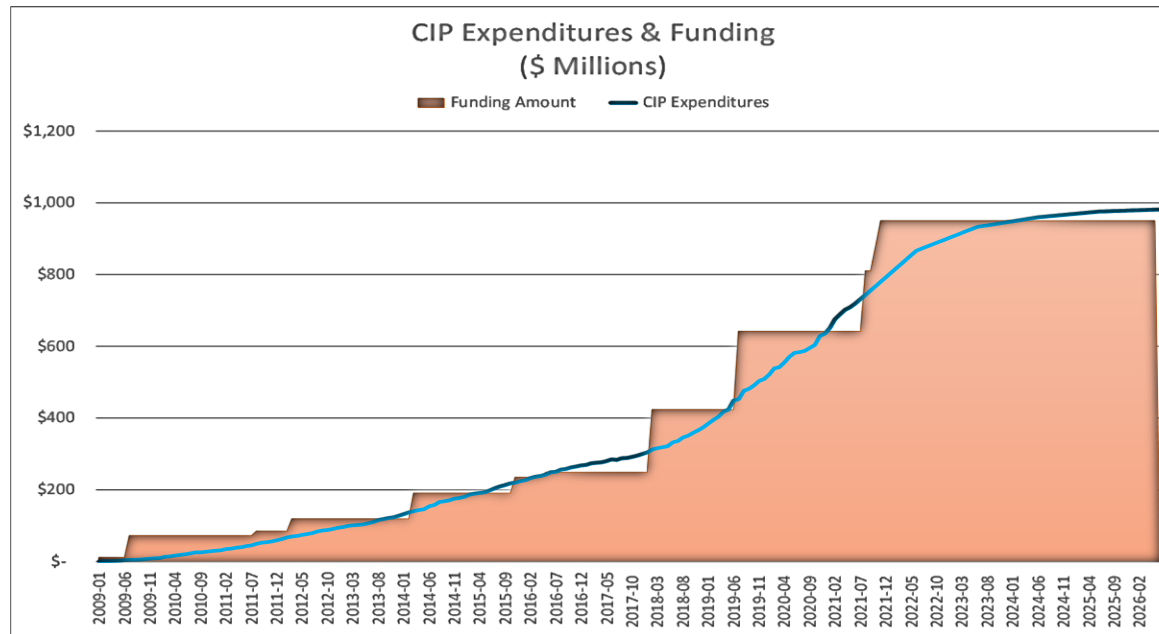
■ Execution and delivery of the:

- Installment Purchase Agreement between the City and the Belmont Joint Powers Financing Authority (BJPFA)
- Reserve Fund Custodian Agreement between the City and the trustee Irrevocable Refunding Instructions
- Assignment Agreement (Approval only by BJPFA) between BJPFA and First Foundation Public Finance



SCVW's Capital Improvement Plan

- SVCW's Capital Improvement Plan (CIP) began 2008 to replace and rehabilitate wastewater conveyance and treatment systems
- Total Investment into the CIP will near \$1 billion
- CIP funding requirements for the next five years have substantially been secured



Source: SVCW presentation to City of Belmont 7/27/2021



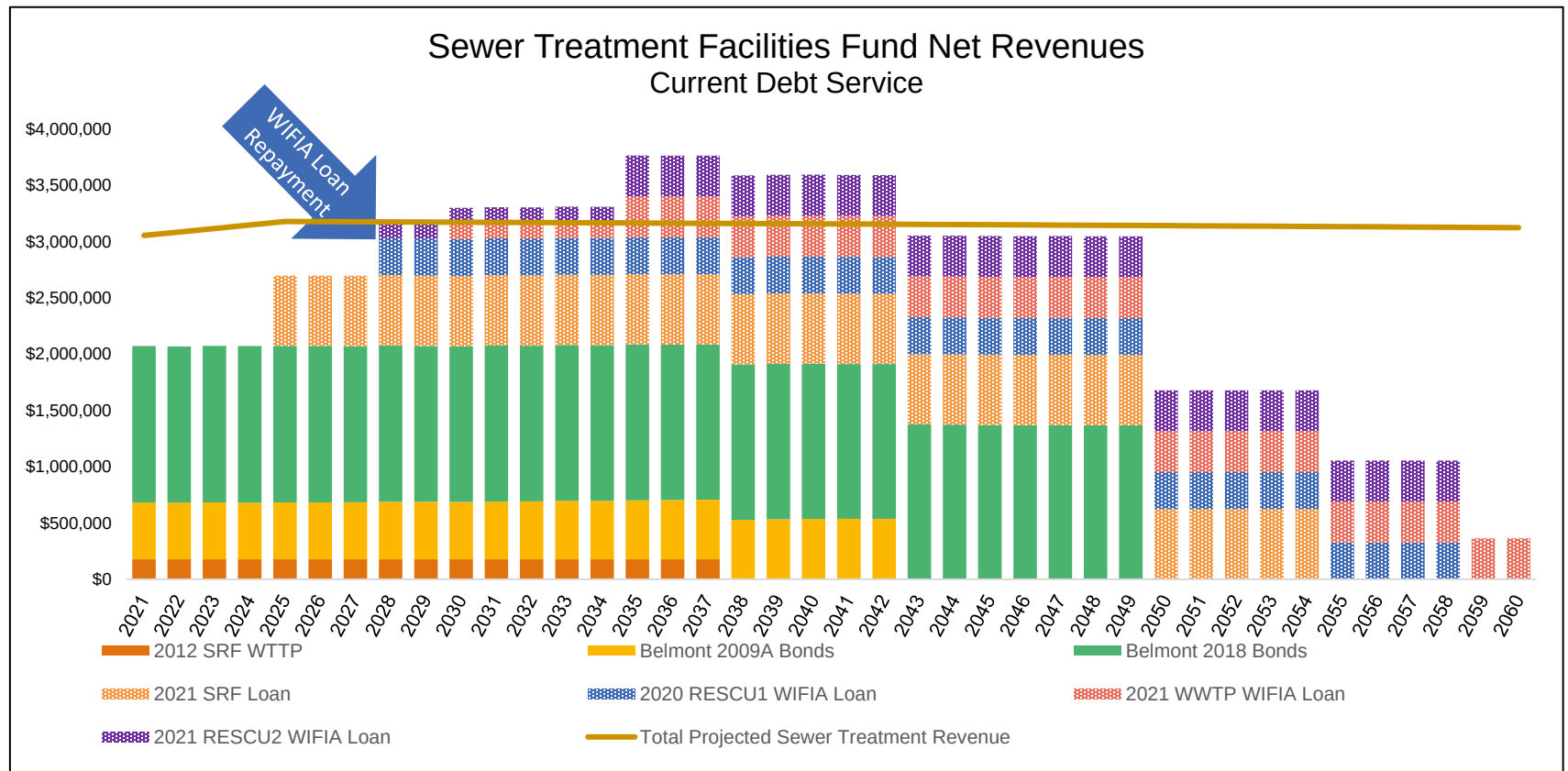
Belmont Strategy

- ◆ Belmont has used a hybrid strategy to fund its portion of SVCW's CIP
- ◆ In FY2012, Belmont implemented a sewer treatment facility charge
 - The charge has not been increased since it was established
- ◆ In lieu of participating in SVCW's debt issuances to fund projects, the City has opted at times to use available reserves or issue its own bonds
 - 2009: Sewer Treatment Revenue Bonds
 - 2018: Sewer Treatment Revenue Bonds



Sewer Treatment Facility Debt Service

- The City's Sewer treatment debt service will increase by over \$1 million between fiscal years 2021 and 2028





Debt Service Coverage

- Under current assumptions, sewer treatment facility revenues are projected to be sufficient for at least the next five fiscal years*
- In FY 2027-28, net sewer treatment facility revenues are conservatively projected to be less than the projected annual debt service on the City's sewer treatment facility debt
- City staff and its financial advisor identified opportunities in the City's debt profile to lower debt service payments:
 - Refund outstanding 2009A debt
 - Contribute available reserves to the defeasement on the 2009A bonds

*Current assumptions include [1] 1% annual growth in Sewer Treatment Fund Operating Revenues through 2025; [2] 1% annual growth in Sewer Treatment Fund Operating Expenses through 2051; [3] No additional CIP debt issuances beyond those currently scheduled.



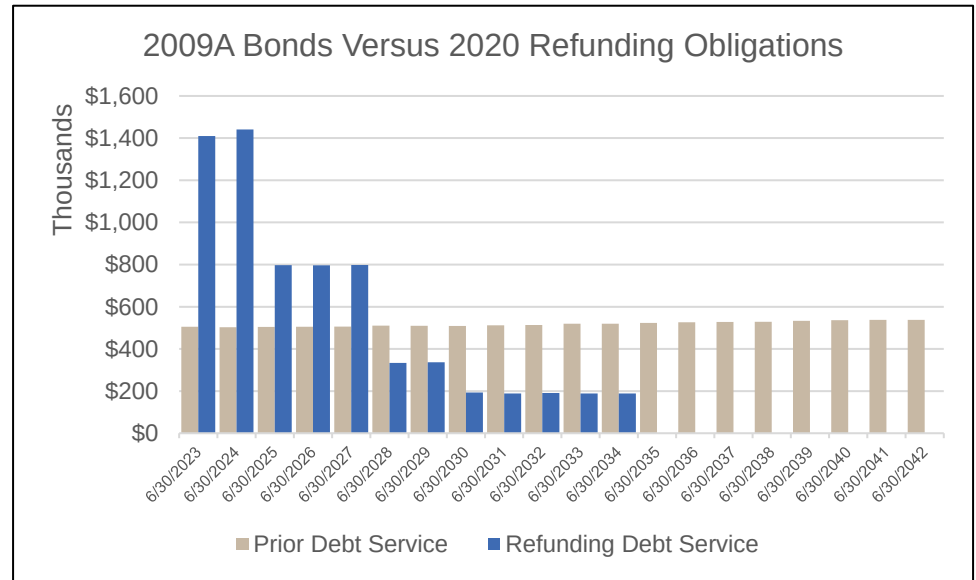
Refunding Structuring: Back Loaded Savings

■ The following graph shows the lack loaded savings structure of the refunding obligations

○ The analysis assumes the following

- Refund 100% of the outstanding bonds
- Interest rate of 2.15%
- Includes cash contribution from the Sewer Treatment Fund
- Includes cost of issuance and underwriter's spread

Structure	Back Loaded Savings Debt Service
Par Amount	\$6,408,000
Interest rate	2.15%
Gross Cashflow Savings	\$3.5 million
NPV Savings	\$2.9 million PV/ \$2.3 Million (NPV)





2009A Refunding

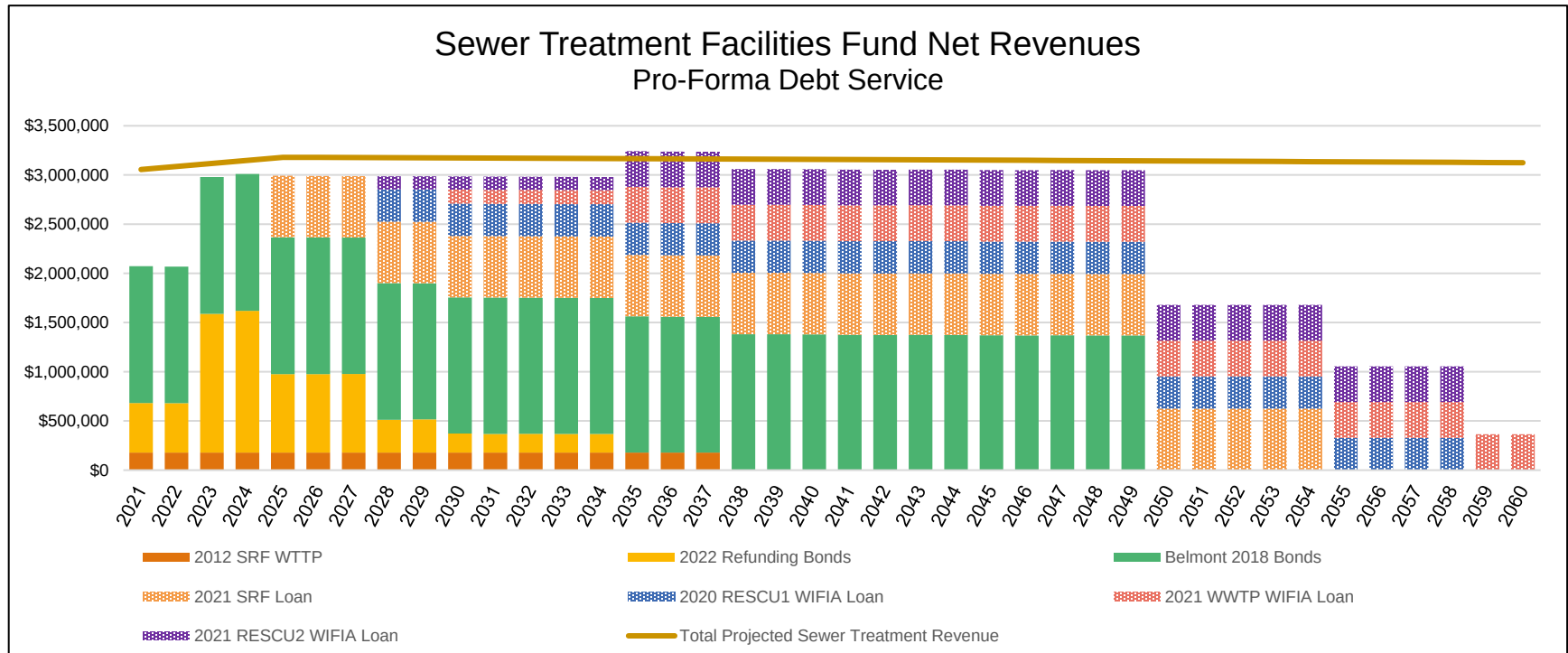
- The strategy for the 2009A bonds included:
 - Moving principal forward
 - Shortening the term
 - Making a cash Contribution
- The cash contribution strategy is key to reducing debt service below projected revenues in years where projected coverage levels fall below 1x
- The table below compares the interest rates, annual debt service, and savings between the 2009A Bonds and the refunding obligations

Structure	Current Bonds	Refunding Bonds
Par Amount	\$6,750,000	\$6,408,000
Interest rate	3.40% to 5%	2.15%
Maturity	FY2042	FY2034
Total Debt Service	\$10,371,673	\$6,864,522



Pro-forma Sewer Treatment Facility Debt Service

- With the refunding, sewer treatment facility revenues are projected to be sufficient through 2034





Economic Benefits of the Refunding

The Refunding reduces overall debt service

- Savings occur as a result of:
 - current tax-exempt rates being below the borrowing rate of the 2009A Bonds
 - Shortening the term of the outstanding debt
 - Making a cash contribution
- The Refunding will save Belmont approximately **\$3.5 million** in debt service payments

Postpone/eliminate the need to raise sewer treatment facility charges

- The City will likely be able to keep its sewer treatment facility charges at their current levels through at least 2034
- City staff and its financial advisor will monitor opportunities in the City's debt profile to lower debt service payments,



Recommendation

- ◆ Adopt a resolution authorizing the execution and delivery of an Installment Purchase Agreement, Reserve Fund Custodian Agreement and Irrevocable Refunding Instructions, and authorizing certain related matters regarding the refinancing of the Belmont Joint Powers Financing Authority Sewer Treatment Facility Revenue Bonds, Series 2009A (“2009A Bonds”), and a separate resolution authorizing the appropriation of Sewer Treatment Facility Fund Revenue to contribute toward the defeasance of the 2009A Bonds.

Thank You





STAFF REPORT

Meeting Date: April 26, 2022
Agency: City of Belmont
Staff Contact: Ken Stenquist, Chief of Police (650) 595-7400
Agenda Title: Military Equipment Policy
Agenda Action: Discussion & Direction

Recommendation

Review Belmont Police Department – DRAFT Military Equipment Policy 710 and provide direction.

Strategic Focus Area

Public Safety

Background

Federal law authorizes the Department of Defense to transfer surplus military equipment to federal or state agencies for use in law enforcement activities at no cost to the agency. Over the years, the use of military equipment in a law enforcement setting has been vastly debated in how it adversely affects public safety.

On September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law. The passing of AB 481 created California Government Code Sections 7070, 7071, and 7072. This requires law enforcement agencies to disclose any “military equipment” it currently possesses and sets the framework for an approval process for future purchases of “military equipment.” Government Code §7071(b) requires law enforcement to submit a Military Equipment Use Policy to the city council for approval by ordinance.

The “military equipment” does need to have been acquired from the Department of Defense to be considered “military equipment.” Government Code §7070 provides a list of equipment types that are “military equipment” for purposes of the use policy. The draft Belmont Police Department – Military Equipment Use Policy 710 includes information for any such equipment types that are possessed by the department, or reasonably likely to be deployed in the City of Belmont by its law enforcement partners.

While the Police Department does not possess any tactical equipment that it has obtained from the military, it does possess some types of equipment that are listed in Government Code Section 7070. In addition, the Police Department participates in a regional S.W.A.T. team in conjunction with the San Mateo County Sheriff’s Office, which possesses and utilizes additional types of equipment.

Analysis

A military equipment policy must include the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.



3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

Under Government Code §7070(c), "Military Equipment" consists of the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two- and one-half ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATV's) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Section 30510 and 30515 of the Penal Code, except for standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm necessary that is designated to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas" and "pepper balls," excluding standard, service issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD)\



14. The following projectile launch platforms and their associated munitions 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or state agency to require additional oversight.
16. Notwithstanding paragraphs (1) thorough (15), “Military Equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

The Police Department must submit an annual military equipment report to the council and make that report publicly available in its internet website under Government Code Section 7072. The annual military equipment report must include the following information of the immediately preceding calendar year for each type of military equipment:

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of how any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.
6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The proposed policy includes detailed information for each type of military equipment listed, as required by California Government Code Section 7070. This information includes the equipment’s capabilities, its purpose/authorized uses, the legal/procedural rules governing its use, and the training required to Staff prior to its use.

The council may approve the proposed military equipment use policy only if it determines all of the following:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.
3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

The draft military use policy must be posted to the Department’s internet website for 30 days before the council holds a public hearing and considers adopt of an ordinance approving the policy. Based on council’s direction, staff will post the policy and schedule a public hearing accordingly.



Alternatives

1. Take no action
2. Refer to Staff with Direction

Attachments

- A. Belmont Police Department Military Equipment Use Policy 710 (DRAFT)

Fiscal Impact

- ☒ No Fiscal Impact
☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

Military Equipment

710.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

710.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Military Equipment

710.2 POLICY

It is the policy of the Belmont Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

710.3 PHILOSOPHY

The acquisition of military equipment and its deployment in our communities may impact the safety and welfare of our community. The community has a right to know about any funding, acquisition or use of military equipment by local government officials, as well as a right to participate in any decision of the government agency to fund, acquire or use such equipment. Decisions regarding whether and how military equipment is funded, acquired or used should give strong consideration to the welfare, safety, civil rights and civil liberties of our community and should be based on meaningful public input.

The Belmont Police Department recognizes the purpose and intent of the legislation governing the funding, acquisition and use of military equipment in our community. As an agency which frequently collaborates with surrounding jurisdictions for both routine and emergency assistance, it is in the interest of transparency and accountability to provide as much information as possible about the equipment in use by those jurisdictions. While the Belmont Police Department does not possess or train in the use of most of the specialized equipment possessed by some other agencies, resources from surrounding agencies may be called upon to assist in various critical incidents in which its use would help ensure a safe resolution.

710.4 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Belmont Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

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- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

710.5 MILITARY EQUIPMENT INVENTORY

The following attached document constitutes a list of qualifying equipment for the Department:

[See attachment: Military Equipment List 2022 - DRAFT final.pdf](#) ~~{Insert attachment here}~~

710.6 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

710.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

The Belmont Police Department frequently collaborates with surrounding jurisdictions for both routine and emergency assistance. In the interest of transparency and accountability the Belmont Police Department has opted to provide as much information as possible about the equipment in use by neighboring jurisdictions in the event the use of equipment which is required by this policy to be reported is necessary within this jurisdiction. While the Belmont Police Department does not possess or train in the use of most of the specialized equipment possessed by other jurisdictions,

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their resources may be called upon to assist in critical incidents and emergencies in which its use would help ensure a safe resolution.

710.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the Belmont Police Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
- (g) Within 30 days of submitting and publicly releasing an annual military equipment report, the Belmont Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the Belmont Police Department funding, acquisition, or use of military equipment.

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

710.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Attachments

Military Equipment List 2022 - DRAFT final.pdf



2022 Belmont Police Department Military Equipment Use Policy

The Belmont Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use.

Nonetheless, California Government Code §7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing body for approval.

California Government Code §7070 provides a list of equipment types that are considered to be “military equipment” for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the Belmont Police Department, or reasonably likely to be deployed in Belmont by other law enforcement partners.

California Government Code §7070(d) describes a Military Equipment Use Policy as a publicly released, written document that includes, at a minimum, all of the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

California Government Code § 7070(c) defines Military Equipment as any of the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

Pursuant to California Government Code §7070(d)(6), and in accordance with California Government Code §7072, the Belmont Police Department will submit to the Belmont City Council an Annual Military Equipment Report and will make that report publicly available on its internet website. The Annual Military Equipment Report will include the following information for the immediately preceding calendar year for each type of military equipment:

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.
6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Belmont City Council will use the Annual Military Equipment Report as a mechanism to ensure the Belmont Police Department's compliance with this Military Equipment Use Policy, and to help it

determine whether to approve, revise, or revoke components of the Military Equipment Use Policy for the subsequent year.

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

1. Via email to: police@belmont.gov
2. Via phone call to: 650-595-7400
3. Via mail sent to: Belmont Police Department
Attn: Military Equipment Use Coordinator
1 Twin Pines Lane
Belmont, CA 94002

The Belmont Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

The remainder of this document is divided into two sections with an attachment. Section One lists qualifying equipment that is owned and/or utilized by the Belmont Police Department. Section Two lists qualifying equipment that is not owned or regularly utilized by the Belmont Police Department, but which is known to be owned and/or utilized by law enforcement units with which the Belmont Police Department collaborates and/or participates for law enforcement purposes. It should be noted, our neighboring jurisdiction of San Mateo is part of the North Central Regional SWAT Team which owns or utilizes much of the equipment in section two.

The attachment is the list of qualifying equipment owned and operated by the San Mateo County Sheriff's Department. The Belmont Police Department works closely with the Sheriff's Office as the contract law enforcement agency for our neighboring jurisdiction of San Carlos. The Belmont Police Department has also been a part of the Sheriff's Office SWAT team since the early 1990s to provide training and resources for addressing critical incidents and high risk operations.

Section One: Qualifying Equipment Owned/Utilized by the Belmont Police Department

Equipment Type: Command and Control Vehicles - CA Gov't Code §7070(c)(5)	
Quantity Owned/Sought: 1 – 1997 Ford E350 Mobile Command Vehicle	Lifespan: Approximately 20 years
Equipment Capabilities: Provides space for officers, dispatchers and supervisors to manage police incidents and investigations.	
Manufacturer Product Description: Unavailable. The vehicle is a 1997 motorhome/ “toy hauler” which has a converted work area in the front and rear of the vehicle. The vehicle is equipped with police and fire radios as well as communication tools to allow remote computer connection to department resources for use in the field. The vehicle is also equipped with an awning and equipment to allow for incident management outside of the vehicle.	
Purpose/Authorized Uses: To provide a location where dispatchers and/or supervisors can monitor and manage police incidents. Additionally, the vehicle provides communications capabilities, shelter and facilities for extended incidents.	
Fiscal Impacts: This vehicle was purchased used in 2001 is not budgeted for replacement therefor costs are minimal. Maintenance is included in the fleet services budget.	
Legal/Procedural Rules Governing Use: Local, state and federal law regarding use of communication equipment and access to law enforcement information.	
Training Required: Internal department training and familiarization with all equipment and setup.	
Other Notes: The vehicle is used to support field incidents both within the City of Belmont and as part of the department's commitment to the San Mateo County Sheriff's Office SWAT and CNU Teams.	

Equipment Type: Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 29 - AR-15 rifles owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Colt AR-15 platform is a semiautomatic rifle capable of firing .223 caliber ammunition.	
Manufacturer Product Description: This Semi-Automatic Colt Rifle is a throwback to the full size AR-15® which gave birth to the Modern Sporting Rifle. The AR15A4 is defined by its 20" 1:7 Twist Government Profile Chrome Lined Barrel and A2 Fixed Buttstock. The rifle is topped with a Picatinny Flat Top Upper Receiver with Detachable Carry Handle	
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to: 1. Situations where the officer reasonably anticipates an armed encounter. 2. When an officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor.	
Fiscal Impacts: The original rifles owned by Belmont PD were purchased over 30 years ago. Recent purchases to replace 5 rifles was \$1100 per rifle in 2019. The ongoing costs for ammunition varies dependent on availability and market conditions. All maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete initial classroom, practical and range training with a certified department instructor. All officers must meet all department firearms training and qualifications as required by law and policy.	
Other Notes: Two of the rifles have been modified for training and do not fire live ammunition. Two of the rifles are short-barreled rifles (SBR) for use by motor officers. These rifles are standard issue service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.	

Equipment Type: Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 3 - Colt M4 rifles owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Colt M-4 rifle is capable of firing 5.56mm ammunition	
Manufacturer Product Description: Throughout the world today, the Colt M4's reliability, performance, and accuracy provide joint coalition forces with the confidence required to accomplish any mission. Designed specifically for lightweight mobility, speed of target acquisition, and potent firepower capability - the M4 delivers. The M4 can be comfortably carried, yet be instantly available to provide the level of firepower, dependability and accuracy of a 5.56mm rifle. Proven in military combat operations all over the world, it is in a class by itself as a first-rate combat weapon system. The Colt M4 Carbine serves as the United States Armed Forces' weapon of choice and the weapon of the 21st century warfighter. The Colt M4 is the ONLY 5.56mm carbine in the world today that is manufactured to meet or exceed the stringent performance specifications (MILSPEC) required for acceptance and use by the U.S. Armed Forces.	
Purpose/Authorized Uses: This rifle is authorized for use by a SWAT Operator only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. While the rifle is capable of firing in three round bursts, that feature is neither trained or used. Examples of some general guidelines for deploying the rifle may include but are not limited to: 1. Situations where the officer reasonably anticipates an armed encounter. 2. When the officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor.	
Fiscal Impacts: These rifles were purchased by the Belmont Police Department over two decades ago. The ongoing costs for ammunition will vary dependent on availability and market conditions. All maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and Firearms.	
Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT operators assigned this rifle must successfully complete SWAT training and qualification standards as required by law and policy.	
Other Notes: While the rifle is capable of firing in full auto round bursts, that feature is infrequently trained on or used.	

Equipment Type: Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 3 – Colt 9mm SMG owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Colt 9mm SMG rifle is capable of firing 9mm NATO ammunition	
Manufacturer Product Description: The Colt 9mm Submachine Gun (SMG) is exceptionally well suited for military, paramilitary, and Law Enforcement organizations requiring a lightweight, compact, highly concealable, select fire weapon system for close confrontations. The Colt SMG is constructed with a modular rail system that allows the easy mounting of ancillary devices, fires from a closed bolt, is equipped with a collapsible buttstock, and is easily field stripped without the need of any special tools. The straight-line construction, coupled with the low recoil of 9mm ammunition, provides highly accurate fire with less muzzle climb, especially in full automatic fire. Less recoil also facilitates ease of training and improves accuracy. Finally, operation and training for the Colt 9mm SMG is similar to that for the Colt M16A2/A4 Rifle, Colt M4 Carbine or Colt Commando Carbine, simplifying user training substantially.	
Purpose/Authorized Uses: This rifle is authorized for use by trained personnel only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include but are not limited to: 1. Situations where the officer reasonably anticipates an armed encounter. 2. When the officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor.	
Fiscal Impacts: These rifles were purchased by the Belmont Police Department over two decades ago. The ongoing costs for ammunition will vary dependent on availability and market conditions. All maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete initial classroom, practical and range training with a certified department instructor. All officers must meet all department firearms training and qualifications as required by law and policy.	
Other Notes: These rifles are not currently issued to staff and are primarily used for training purposes.	

Equipment Type: Specialized Rifle and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 1 – Remington 700 Bolt Action Rifle	Lifespan: Approximately 20 years
Equipment Capabilities: The Remington Model 700 Bolt Action Rifle is capable of firing .308 caliber ammunition	
Manufacturer Product Description: The Remington Model 700 BDL might be the single most recognized configuration we have ever made. It is a rifle with no equal, and a superior performer in every way. Its accuracy and dependability have become the standard by which all other centerfire rifles are measured and continually fall short. Its strong, smooth action, consistent accuracy, classic beauty and unequalled value have made The Model 700 BDL the hunter's favorite for 40 years. The high-gloss American walnut stock is enhanced by a distinctive black fore-end cap, Monte Carlo comb with raised cheekpiece, and generous cut checkering. Metalwork has our rich, deep bluing for beauty and protection. Features include a hinged magazine floorplate, sling swivel studs, hooded ramp front sight and adjustable rear sight.	
Purpose/Authorized Uses: This rifle is authorized for use by trained personnel only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include but are not limited to: 1. Situations where the officer reasonably anticipates an armed encounter. 2. When the officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor.	
Fiscal Impacts: This rifle was purchased by the Belmont Police Department over three decades ago. The ongoing costs for ammunition will vary dependent on availability and market conditions. All maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete initial classroom, practical and range training with a certified department instructor. All officers must meet all department firearms training and qualifications as required by law and policy.	
Other Notes: None.	

Equipment Type: “Flashbangs” - CA Gov’t Code §7070(c)(12)	
Quantity Owned/Sought: 38 – Defense Technology 8901SC Distraction Device	Lifespan: Approximately 5 years
Equipment Capabilities: ATF controlled Class C explosive device which emits a bright light and thunderous noise to distract potentially dangerous individuals.	
Manufacturer Product Description: The Distraction Device® Reload utilizes a standard military-style M201A1 type fuze and produces 175 dB of sound output at 5 feet and 6-8 million candelas for 10 milliseconds. The reload is available with and without a safety clip.	
Purpose/Authorized Uses: The distraction device is intended for use only by tactical units during dynamic entries to enhance officer safety and reduce the risk of hostile engagement.	
Fiscal Impacts: The initial cost of this equipment was approximately \$40 per device. Ongoing costs associated with the devices during training and operations is approximately \$120 per year.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and SWAT and firearms.	
Training Required: Operators who may deploy the device must receive training from a POST certified trainer on the use, deployment and storage of diversionary devices.	
Other Notes: These devices are only approved to be used by trained SWAT personnel and must have supervisory approval prior to deployment.	

Equipment Type: “Tear Gas” Munitions - CA Gov’t Code §7070(c)(12)	
Quantity Owned/Sought: 2 – Defense Technology Han-ball grenade CS	Lifespan: Approximately 5 years
Equipment Capabilities: Primarily a crowd control device dispersing CS gas.	
Manufacturer Product Description: The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 in. tall, including the fuze head, and 3.1 in. diameter. This launchable grenade holds approximately 1.6 oz. of active agent which is expelled through three ports around the equator of the ball. Due the intense heat generated by this grenade, it should not be used inside a building or near flammable material.	
Purpose/Authorized Uses: The device is intended for crowd control purposes, using CS gas to disperse persons.	
Fiscal Impacts: The initial cost of this is unknown as they date back to the early to late 1990s. There is no intention of purchasing more of these devices.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and SWAT and firearms.	
Training Required: Operators who may deploy the device must receive training from a POST certified trainer on the use, deployment and storage of diversionary devices.	
Other Notes: No department personnel are trained or authorized to utilize these devices.	

Equipment Type: Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned/Sought: 1 – Smith & Wesson 37mm Gas Launcher 2 – Defense Technology Stinger 37mm, .32cal rubber ball round 2 – Defense Technology Ferret Liquid Barricade round 2 – Defense Technology Bean Bag round	Lifespan: Approximately 20 years
Equipment Capabilities: The 37mm Less Lethal Launcher is capable of firing 37mm Kinetic Energy or Chemical Agent Munitions.	
Manufacturer Product Description: The Smith & Wesson company began production of a new model of 37mm tear gas launcher using the N frame revolver clockwork, coupled with a simple break action barrel. The system was available as a stocked carbine (14-inch barrel). This is probably the finest quality tear gas or flare gun ever made, as the clockwork from the revolvers gives it a great single action and double action trigger pull compared to the typical utilitarian flare gun. A variety of projectiles were made. Production appears to have ceased in 1984, when the Bangor Punta conglomerate was bought out, and Smith & Wesson sold off from it shortly thereafter. The Stinger® 37 mm 32-Caliber Round has an 8 in. long casing and contains approximately 225 32-Caliber rubber balls. It utilizes black powder as the propellant. The round is most widely used as a crowd management tool by Law Enforcement and Corrections. It is generally deployed in low trajectories or skip fired in the general direction of the intended targets. It is suitable for administering a means of pain compliance over close to medium distances and for routing crowds that are mildly resistive. The 37 mm Ferret® Inert Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. These munitions are 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards. The 37 mm Bean Bag Round is a 37 mm 4.8 in. casing contains of one silica sand filled bag and utilizes black powder as the propellant. It is widely used as a crowd management tool when there is a need to target individual instigators. It has also been successfully used as a dynamic, high-energy single subject round for incapacitation or distraction. It is most suitable in moderately close to medium ranges and serves well in correctional facilities where engagements distances are limited.	
Purpose/Authorized Uses: The 37mm Less Lethal gas launcher and Kinetic Energy Munitions are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment is unknown as its age predates our records. While the department has a very small inventory of munitions, we do not train or deploy the system and will not be seeking additional munitions.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and Crowd Control.	
Training Required: Officers must complete a POST certified course as well as regular training and qualifications as required by law and policy.	
Other Notes: Only Less Lethal Munitions Instructors are authorized to use this system.	

Equipment Type: Specialty Impact Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned/Sought: 6 – Defense Technology Stinger Rubber Ball with safety clip	Lifespan: Approximately 5 years
Equipment Capabilities: Uses light, sound and kinetic energy projectiles for crowd control	
Manufacturer Product Description: The Stinger® Rubber Ball Grenade is a maximum effect device that delivers three stimuli for psychological and physiological effects: rubber pellets, light, and sound. The Stinger® Rubber Ball Grenade is most widely used as a crowd management tool by Law Enforcement and Corrections. The Stinger® Rubber Ball Grenade has an initial 1.5 second delay that initiates fuze assembly separation, followed by another .5 second delay before the blast which is sufficient to project the rubber balls in a 50-foot radius.	
Purpose/Authorized Uses: The device is intended for use as a crowd control tool.	
Fiscal Impacts: The initial cost of this is unknown as they date back to the early to late 1990s. There is no intention of purchasing more of these devices.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and SWAT and firearms.	
Training Required: Operators who may deploy the device must receive training from a POST certified trainer on the use, deployment and storage of diversionary devices.	
Other Notes: Only Less Lethal Munitions Instructors are authorized to use this system.	

Equipment Type: Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned/Sought: 14 – Remington 870 Less Lethal Shotgun	Lifespan: Approximately 20 years
Equipment Capabilities: Remington Model 870 12 gauge shotgun modified with high visibility stocks and fore ends, designated to fire less lethal kinetic energy projectiles. The projectile in use by the Belmont Police Department is the Defense Technology Drag Stabilized 12 Gauge Bean Bag round.	
Manufacturer Product Description: The Remington Model 870 is a U.S. made pump-action shotgun. It is widely used by law enforcement as a defensive weapon and by the public for target shooting, hunting and self-defense. The Model 870 features a bottom-loading, side ejecting receiver, tubular magazine under the barrel, dual action bars, internal hammer and a bolt which locks into and extension in the barrel. A pump action is a repeating firearm action that is operated manually by moving a sliding handguard on the gun's fore stock. When shooting, the siding fore end is pulled reward to eject any expended cartridge and to cock the hammer/striker and then pushed forward to load a new cartridge into the chamber. This action is required for each cartridge to be fired. The Model 870 is capable of firing any 12-gauge cartridge; however, the Belmont Police Department maintains 14 Model 870 Shotguns exclusively to fire a Less Lethal Drag Stabilized Bean Bag round. Each of these shotguns has been modified with a high visibility bright orange stock and fore end to signify its use as a less lethal platform. The Defense Technology® Drag Stabilized™ 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the Law Enforcement Communities' number one choice for specialty impact munitions. This round has a velocity of 270 fps with a maximum effective range of 75 feet.	
Purpose/Authorized Uses: The Model 870 Less Lethal Shotgun are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment was approximately \$350 per shotgun when originally purchased in the 1990's. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Belmont Police Department Policies on Use of Force and Crowd Control.	
Training Required: Officers must complete a department certified course by our defensive tactics and range staff as well as regular training and qualifications as required by law and policy.	
Other Notes: Of these shotguns, one has been stripped for parts and one is broken but will be used for parts.	

Section Two: Qualifying Equipment known to be owned and/or utilized by law enforcement units with which the Belmont Police Department collaborates and/or participates for law enforcement purposes.

The following equipment is not owned or maintained by the Belmont Police Department. However, in the interest of transparency and accountability, we are providing as much information on the equipment and tools utilized by our surrounding law enforcement partners in San Mateo County. It is worth noting all of the information listed below is primarily intended for use by SWAT Teams for use during high-risk critical incidents and the most serious emergencies law enforcement may encounter, whether in the City of Belmont or not.

San Mateo County Sheriff's Office SWAT Team and Crisis Negotiations Unit (CNU) is a regional team which includes participation by the Belmont and East Palo Alto Police Departments. The North County Regional SWAT Team (NCR SWAT) includes participation by and equipment from the San Mateo, Foster City, Burlingame, Hillsborough, San Bruno, South San Francisco and Brisbane Police Departments.

Equipment Type: Unmanned, remotely piloted, powered ground vehicles - CA Gov't Code §7070(c)(1)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Approximately 15 years
Equipment Capabilities: Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: To enhance the safety of potentially dangerous situations by providing first responders with the ability to capture video and still images of hazardous areas prior to, or in lieu of, sending in personnel.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: The use of unmanned, remotely piloted, powered ground vehicles potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to pilot these vehicles.	
Other Notes: This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Belmont Police Department does not own or operate this equipment, it could be used in Belmont by NCR SWAT if they are deployed to an incident within city limits.	

Equipment Type: Mine Resistant Ambush Protected Vehicles (MRAP) - CA Gov't Code §7070(c)(2)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown
Equipment Capabilities: Capable of transporting personnel and equipment while providing them with armored protection from gunfire.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: To move personnel and/or resources in support of tactical operations in which there is reason to expect potential armed resistance requiring protection.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: The MRAP can be deployed any time tactical operators determine that there is a need to move personnel and/or resources into areas in which they have reason to expect potential armed resistance requiring its protection.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to drive MRAP vehicles.	
Other Notes: This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Belmont Police Department does not own or operate this equipment, it could be used in Belmont by NCR SWAT if they are deployed to an incident within city limits.	

Equipment Type: Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: Capable of breaching doors, gates, and other points of entry.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: Breaching doors, gates, and other points of entry.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Breaching vehicles can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to drive breaching vehicles.	
Other Notes: This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Belmont Police Department does not own or operate this equipment, it could be used in Belmont by NCR SWAT if they are deployed to an incident within city limits.	

Equipment Type: Battering rams, slugs, and breaching apparatus that are explosive in nature - CA Gov't Code §7070(c)(7)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: Capable of breaching doors, gates, windows, and other points of entry.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: Breaching doors, gates, windows, and other points of entry.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use explosive breaching apparatus.	
Other Notes: This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Belmont Police Department does not own or operate this equipment, it could be used in Belmont by NCR SWAT if they are deployed to an incident within city limits.	

Equipment Type: Flashbang grenades, explosive breaching tools, tear gas and pepper balls - CA Gov't Code §7070(c)(12)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: Capable of breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemical.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemicals.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances. Tear gas and pepper balls can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
Other Notes: This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Belmont Police Department does not own or operate this equipment, it could be used in Belmont by NCR SWAT if they are deployed to an incident within city limits.	

Equipment Type: Long Range Acoustic Device (LRAD) - CA Gov't Code §7070(c)(13)	
Quantity Owned/Sought: None (outside owned).	Lifespan: Unknown.
Equipment Capabilities: LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
Manufacturer Product Description: LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
Purpose/Authorized Uses: Can be used to disperse unlawful crowds and/or to disrupt the activities of person(s) who represent an immediate threat to others.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: LRADs can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
Other Notes: This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Belmont Police Department does not own or operate this equipment, it could be used in Belmont by NCR SWAT if they are deployed to an incident within city limits.	

Definitive Section:	CA Gov't Code §7070(c)(1)	
Equipment Type:	<i>Unmanned, remotely piloted, powered ground vehicles</i>	
Common Name:	Bomb Squad Robot	
Quantity Owned/Sought:	3 owned	Lifespan: 15-20 years
Equipment Capabilities: Bomb Squad Robots are capable of being remotely navigated to provide scene information and intelligence in the form of audio/video/data transmitted to operators. Robots are capable of remotely manipulating and examining items. Robots are also capable of remotely deploying disrupting tools.		
Manufacturer Product Description: Remotec Andros F5 – A robotic tracked vehicle, equipped with cameras and microphone. The robot is equipped with an arm capable of manipulating objects. The robot can be configured to carry remote disrupting tools. Qinetic Talon – A robotic tracked vehicle, equipped with chemical, biological, radiological sensors, cameras and microphones. The robot is equipped with an arm capable of manipulating objects. The robot can be configured to carry remote disrupting tools. Qinetic Bobcat – A robotic tracked vehicle, equipped with cameras and microphone. The robot can be equipped with a standard bucket, gripper claw or fork-lift attachment. The robot can be configured to carry remote disrupting tools.		
Purpose/Authorized Uses: To enhance the safety of potentially dangerous situations by providing first responders with the ability to remotely examine suspicious / dangerous items and manipulate or disrupt them prior to, or in lieu of, sending in personnel.		
Fiscal Impacts: The initial cost of the equipment, licensing, software and training was approximately \$750,000. Ongoing cost associated with operations and maintenance is estimated to be approximately \$10,000 a year.		
Legal/Procedural Rules Governing Use: The use of unmanned, remotely piloted, powered ground vehicles potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). San Mateo County Sheriff's Office Policies including: Lexipol 800 – Property and Evidence Lexipol 407 – Response to Bomb Calls		
Training Required: Operators of these robots are all currently certified Hazardous Device Technicians. As such Operators regularly train monthly in the use of the robots.		
Other Notes: None		

Definitive Section:	CA Gov't Code §7070(c)(1)	
Equipment Type:	<i>Unmanned, remotely piloted, powered aerial or ground vehicles</i>	
Common Name:	Unmanned Aircraft Systems (UAS/Drones)	
Quantity Owned/Sought:	11 owned	Lifespan: Approximately 5 years
Equipment Capabilities: Remotely piloted aerial vehicles capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR) and optical zoom lenses.		
Manufacturer Product Description: Matrice 300 RTK: The DJI Matrice 300 RTK is a powerful, industrial-grade flight platform with world-class agility and speed, two barometers, and redundant IMUs for maximum reliability, and new smart flight features that make capturing complex shots easy. The aircraft's visual sensors enable enhanced hovering precision even when flying indoors or in environments where GNSS is unavailable. The drone's new airframe design gives it an IP45 Ingress Protection Rating, in accordance with the global IEC 60529 standard. The M300 RTK's mechanical design, along with quick release landing gears and mounted folding arms, makes it easy to transport, store, and prepare for flight. 15km Max Transmission, 55 minutes of flight time, six directional sensing and positioning sensors, hot-swappable battery, -20°C to 50°C operating temperature, with a Zenmuse H20 series camera (200x zoom, 640p thermal camera). Mavic II Enterprise Dual/Advanced: The DJI Mavic II Enterprise series features omnidirectional Vision Systems and Infrared Sensing Systems and comes with a fully stabilized 3-axis gimbal camera with an equivalent 24-48 mm 2x optical enterprise lens capable of shooting 4k videos and 12 megapixel photos that support up to 6x FHD zoom. DJI signature technologies such as Obstacle Sensing and the Advanced Pilot Assistance System, help you capture complex shots effortlessly. Additional features like the built in AirSense make you aware of your surrounding airspace, and password protection helps you maintain secure access to your aircraft and protect your data. The Mavic II Enterprise also has attachable modular accessories like the M2E spotlight, M2E Beacon, and M2E Speaker that are purpose built for various applications. The Mavic II Enterprise boasts a maximum flight speed of 44.7 mph and a maximum flight time of 31 minutes. Both the Dual and Advanced variants are equipped with thermal cameras, which enable first responders to see thermal gradient on the screen. The Advanced version is equipped with a high-resolution thermal camera (640p), and the Dual is equipped with a low resolution thermal camera (160p).		
Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: Search and rescue missions, investigative scenes for video/photograph documentation, Hazardous Materials (hazmat) response, public safety and life preservation missions (i.e., barricaded suspects, hostage situations, active shooters, high-risk tactical operations), disaster response (i.e., flood, earthquake, fire), suspected explosive devices, pursuant to a warrant (search or arrest), special events, outside public agency assists and mutual aid support when the underlying mission meets the uses outlined in agency policy, training flights as required to meet FAA and Sheriff's Office certification standards, searching for wanted suspects, and demonstrations to the public (i.e. flight demonstrations to the public).		

Fiscal Impacts: The initial costs of equipment, licensing, software and training was approximately \$70,000 which was funded with Equitable Sharing Asset Forfeiture Funds. Ongoing cost associated with UAS operation and maintenance is estimated to be approximately \$15,000 per year.

Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) Part 107 regulations. All flights conducted in public (other than training and demonstrations) will be reported to the FAA monthly per the requirements of the agency COAs on file. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

UAS recordings of the following should be retained for a minimum of two years (Penal Code 832.18):

- Incidents involving use of force by a deputy
- Officer-involved shootings
- Incidents that lead to the detention or arrest of an individual
- Recordings relevant to a formal or informal complaint against a deputy of the San Mateo County Sheriff's Office

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18). All other recordings should be retained for a period consistent with the requirements of the agency's records retention schedule.

All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity for this office, regardless of ownership of the device it was made on, shall remain the property of the Sheriff's Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

San Mateo County Sheriff's Office Policies including:
Lexipol 347 – Unmanned Aerial System (UAS) Operations

Training Required: Prior to piloting any UAS/Drone staff members shall acquire an FAA Remote Pilot Certificate under the FAA's Small UAS Rule (Part 107). Before a member can be authorized to conduct flight operations as a UAS operator, they must complete at least eight hours of flight training with UAS instructors to show proficiency of the flight training exercise and the airframe. This must be accomplished to show their ability and knowledge of the UAS. To maintain a level of proficiency with the UAS, operators shall be required to attend regular training. Training will be coordinated through the Program Coordinator. All members in the assignment shall maintain proficiency in their piloting skills. Members who do not have any documented training or flight time within a span of six months will need to demonstrate proficiency before being a pilot during a deployment or exercise.

All members will have a training file on record that detail their training history. All deployments or exercises will be documented and count towards a member's training.

Other Notes: None.

Definitive Section:	CA Gov't Code §7070(c)(3)	
Equipment Type:	<i>Wheeled vehicles that have a breaching apparatus attached</i>	
Common Name:	Lenco Bearcat	
Quantity Owned/Sought:	1 owned	Lifespan: 20+ years.
Equipment Capabilities: To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.		
Manufacturer Product Description: The ARV is designed to provide ballistic protection during tactical events (designed to withstand multiple bullet strikes from small arms fire as well as low level explosions). Equipped with nuclear/radiological detection devices, self-contained breathing apparatus, explosive gas detection devices, and thermal imaging camera. Equipped with emergency lights/siren and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations, and the deployment of officers and chemical agents. The ARV is currently deployed at large events in San Mateo County including parades, and festivals. The ARV is a regional mutual-aid asset that has been requested and deployed to allied agencies in San Mateo County. The ARV responded to high profile events and incidents where local officers were injured/killed in the line of duty.		
Purpose/Authorized Uses: The use of armored vehicle shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training. The driver of the vehicle shall have a valid California driver license.		
Fiscal Impacts: Initial cost: \$300,000.00 Annual maintenance cost of approximately \$2,500.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. San Mateo County Sheriff's Office Policies including: SMC Sheriff's Office SWAT/CNU Procedures Section : 2-08 (Armored Vehicle (Bear Cat) Operations).		
Training Required: Selected operators will attend a 24 hour POST certified course. SWAT Team members that have attended the POST certified course will instruct SWAT Team member on the operating procedures, mounting and dismounting techniques, firearms deployment procedures, vehicle road operations and ensuring the vehicle is properly serviced and maintained.		
Other Notes: None.		

Definitive Section:	CA Gov't Code §7070(c)(5)
Equipment Type:	<i>Command and control vehicles</i>
Common Name:	Mobile Command Vehicle (MCV)
Quantity Owned/Sought: 1 owned	Lifespan: 20 years.
Equipment Capabilities: The MCV serves as a field command post and communications hub during different types of incidents. These include emergencies or natural disasters, community events and trainings where operations are in the field away from the office and normal communications capabilities may be impacted.	
Manufacturer Product Description: The MCV serves as a field command post providing an incident with a dispatch center, satellite & cellular based internet, a wireless hotspot, a high-definition video downlink platform, voice over ip (VOIP) phone lines and office space. The MCV is designed to share its resources with additional vehicles and be used as a communications hub for a Mobile Emergency Operations Center.	
Purpose/Authorized Uses: The use of the Mobile Command Vehicle shall be authorized by the Emergency Services Bureau Sergeant, Emergency Services Bureau Lieutenant, or Homeland Security Captain. Due to the size and complexity of the vehicle, the vehicle is deployed with a Driver & Operator. Both personnel must be familiar with the vehicle and their training must be current.	
Fiscal Impacts: Initial cost: \$875,000 Annual maintenance & service costs of approximately \$12,500.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing the operation of the vehicle on the roadways, drivers licensing requirements and official use guidelines must be followed. The vehicle must be operated in accordance with the County of San Mateo Driving Policy & Safe Driver Program.	
Training Required: The driver must have a California Commercial Class B Driver's License with Air Brake Endorsement and be familiar with the mechanical operation of the vehicle. The operator must complete a yearly OSHA safety training and vehicle familiarization course. Topics covered in these trainings include pneumatic mast and satellite dish safety, vehicle setup procedures, equipment setup configurations and troubleshooting common issues.	
Other Notes: None.	

Definitive Section:	CA Gov't Code §7070(c)(8)	
Equipment Type:	<i>Firearms of .50 caliber or greater</i>	
Common Name:	<i>.50 caliber Rifle</i>	
Quantity Owned/Sought:	4 owned	Lifespan: Indeterminate.
Equipment Capabilities: The Barrett .50 caliber semi-automatic rifle is capable of firing a .50 caliber bullet.		
Manufacturer Product Description: Barret – various models and configurations – all semi-automatic – all chambered in .50cal 1. Hard case storage. 2. Affixed folding sights. 3. Various type and range of magnification scopes. 4. 5 round detachable magazines.		
Purpose/Authorized Uses: These rifles are authorized for use by Sniper-trained members of the San Mateo County Sheriff's Office SWAT Team. They are for deployment in circumstances where the personnel can articulate a reasonable expectation that the rifle may be needed. Examples for situations that may require the deployment of these rifles include but are not limited to:		
1. Situations where the personnel reasonably anticipate an armed encounter. 2. Situations where a suspect may need to be engaged at extended distances with accurate fire. 3. Situations where a vehicle may need to be disabled, to include from an extended distance. 4. Situations where personnel reasonably expect the need to exceed a suspect's firepower. 5. Situations where the suspect is wearing body armor. 6. Situations where the suspect is in an armored vehicle. 7. Situations where the suspect has taken a hostage(s). 8. Situations where a barricade, armor or similar barrier needs to be penetrated. 9. When authorized or requested by a supervisor.		
Fiscal Impacts: The equipment and ammunition were seized over the course of several investigations. The ongoing cost after all ammunition is expended would be the cost of ammunition. Cleaning and maintenance are conducted by the Sniper Team.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing law enforcement use of force. Various San Mateo County Sheriff's Office Policies on the Use of Force and Firearms. San Mateo County Sheriff's Office Policies including: Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms		
Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy. Snipers currently hold training once a month for 6 hours.		
Other Notes: None.		

Definitive Section:	CA Gov't Code §7070(c)(8)		
Equipment Type:	<i>Firearms of .50 caliber or greater</i>		
Common Name:	<i>.50 caliber Ammunition</i>		
Quantity Owned/Sought:	1450 owned	Lifespan:	Indeterminate.
Equipment Capabilities: .50 caliber bullets/projective capable of being fired from associated SWAT .50 cal Barret rifles.			
Manufacturer Product Description: TTI Armory brand ammunition, full metal jacket .50 caliber.			
Purpose/Authorized Uses: The ammunition is for SWAT Sniper Team Barrett .50 cal rifles that are authorized for use by Sniper-trained members of the San Mateo County Sheriff's Office SWAT Team. The rifles are for deployment in circumstances where the personnel can articulate a reasonable expectation that the rifle may be needed. The above listed TTI ammunition could be used in the associated Barret rifles for the following situations. Examples of situations that may require the deployment of these rifles and associated ammunition include but are not limited to: 1. Situations where the personnel reasonably anticipate an armed encounter. 2. Situations where a suspect may need to be engaged at extended distances with accurate fire. 3. Situations where a vehicle may need to be disabled, to include from an extended distance. 4. Situations where personnel reasonably expect the need to exceed a suspect's firepower. 5. Situations where the suspect is wearing body armor. 6. Situations where the suspect is in an armored vehicle. 7. Situations where the suspect has taken a hostage(s). 8. Situations where a barricade, armor or similar barrier needs to be penetrated. 9. When authorized or requested by a supervisor.			
Fiscal Impacts: The ammunition was seized over the course of several investigations. The ongoing cost after all ammunition is expended would be the cost of ammunition.			
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing law enforcement use of force. Various San Mateo County Sheriff's Office Policies on the Use of Force and Firearms. San Mateo County Sheriff's Office Policies including: Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms			
Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy. Snipers currently hold training once a month for 6 hours.			
Other Notes: None.			

Definitive Section:	CA Gov't Code §7070(c)(10)	
Equipment Type:	<i>Projectile launch platforms</i>	
Common Name:	Pepperball Launcher	
Quantity Owned/Sought:	10 owned	Lifespan: Indeterminate.
Equipment Capabilities: .68 caliber pepper ball round, which essentially projects a plastic round containing non-lethal pepper (PAVA) in a powder form.		
Manufacturer Product Description: The Pepperball VKS Launcher a non-lethal weapon. Kinetic impact is adjustable to between 10-28 Joules, and with VXR projectiles, has effective accurate distance up to 150 feet.		
Purpose/Authorized Uses: The San Mateo County Sheriff's Office permits the use of less lethal munitions to assist with the de-escalation of potentially violent confrontations. Only personnel who have successfully completed training approved by the Range Master in the proper use and deployment of less lethal impact projectiles/Pepperball shall be authorized to use them during actual operations ¹⁰		
Fiscal Impacts: The initial cost of this equipment was approximately \$8500. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. San Mateo County Sheriff's Office Policies including: SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11d (Use of Less Lethal Munitions) Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms Lexipol Policy 426 – First Amendment Assemblies		
Training Required: Certified instructors shall complete a POST certified Less Lethal Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of Pepperball less lethal round.		
Other Notes: None.		

Definitive Section:	CA Gov't Code §7070(c)(12)		
Equipment Type:	<i>Tear Gas</i>		
Common Name:	37mm Tear Gas Munitions		
Quantity Owned/Sought:	4 owned	Lifespan:	Indefinite
Equipment Capabilities: The 37mm Launcher is capable of firing 37mm Liquid Ferret CS Gas round.			
Manufacturer Product Description: Federal M201-Z Gas Riot Gun (37x122mm): The Federal M201-Z is an upgrade to the Federal L-5 grenade launcher. It's a simple, single-shot, break-open smoothbore launcher intended to fire non-lethal tear gas grenades. Defense Technology 37mm Single Shot Launcher: Manufactured exclusively for Defense Technology, this is a launcher that features a fixed rear stock and an Integrated Front Grip (IFG). The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. It will fire standard 37mm less lethal ammunition,			
Purpose/Authorized Uses: The 37mm Launchers and Tear Gas Munitions are intended to deliver tear gas through windows, doors, etc. when necessary as a less lethal option to a resistive subject.			
Fiscal Impacts: The initial cost of this equipment was approximately \$3,00. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.			
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. San Mateo County Sheriff's Office Policies including: SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11c (Use of Chemical Agents) and 2-11d (Use of Less Lethal Munitions) Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms			
Training Required: Team certified instructors shall complete a POST certified Chemical Agent or Less Lethal Instructor Course.			
Other Notes: None.			

Definitive Section:	CA Gov't Code §7070(c)(12)
Equipment Type:	<i>Flashbang and explosive breaching tools</i>
Common Name:	<i>Diversiónary Flashbang Devices</i>
Quantity Owned/Sought: 42 owned	Lifespan: Approximately 5 yrs.
Equipment Capabilities: ATF-controlled Class-C explosive device that emits a bright light and thunderous noise to distract potentially dangerous individuals.	
Manufacturer Product Description: The CTS 7290 is the standard for diversionary flash-bang devices. The 7290 produces an 175db and 6-8 million candela of light output. The patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.	
Purpose/Authorized Uses: Flashbangs are used by special tactical units during hostage rescue and high-risk warrants.	
Fiscal Impacts: The initial costs of equipment is approximately \$40 per device which was purchased through the SMSO SWAT Budget. Ongoing cost associated with the CTS diversionary devices during operation and training is estimated to be approximately \$2000 per year.	
Legal/Procedural Rules Governing Use: San Mateo County Sheriff's Office Policies including: SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11B (Use of Diversionary Devices) Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms	
Training Required: Team certified instructors shall complete a POST certified diversionary device instructor course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of diversionary devices.	
Other Notes: None.	

Definitive Section:	CA Gov't Code §7070(c)(12)	
Equipment Type:	<i>Tear gas</i>	
Common Name:	<i>Tear Gas</i>	
Quantity Owned/Sought:	90 owned	Lifespan: Approximately 5 yrs.
Equipment Capabilities: All three CS gas types can be deployed by ARV gas spike, burn box/tomahawk, 37mm launcher, or hand thrown.		
Manufacturer Product Description: CTS CS Gas - 5230B – Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. CTS CS Gas - 5230 – Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched. Discharge duration can reach up to 40 seconds. CTS CS Gas - 8230 – The smallest diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and it should not be deployed on rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched. Defense Tech CS liquid - The Ferret® 37 mm CS Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. The munitions is 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.		
Purpose/Authorized Uses: Chemical agents may be deployed to incapacitate dangerous or hostile subjects, unruly persons, or to overcome resistance to lawful law enforcement actions. SWAT may tactically deploy chemical agents to induce suspect(s) movement or deny or restrict movement and access to areas		
Fiscal Impacts: The initial costs of equipment is approximately \$40 per device which was purchased through the SMSO SWAT Budget. Ongoing cost associated with the CTS CS Gas devices and Def Tech CS Liquid Ferret rounds during operation and training is estimated to be approximately \$3600 per year.		
Legal/Procedural Rules Governing Use: San Mateo County Sheriff's Office Policies including: - SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11c (Use of Chemical Agents)Lexipol - Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques - Lexipol Policy 306 – Firearms - Lexipol Policy 426 – First Amendment Assemblies		
Training Required: Team certified instructors shall complete a POST certified Chemical Agent Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of the chemical agents.		
Other Notes: None.		

Definitive Section:	CA Gov't Code §7070(c)(14)	
Equipment Type:	<i>Launch platforms and their associated munitions</i>	
Common Name:	Bean Bag launcher	
Quantity Owned/Sought:	2 owned	Lifespan: Indefinite.
Equipment Capabilities: 12 Gauge 870 Remington Less Lethal Shot Gun is capable of firing 12 Gauge Drag Stabilized Bean Bag munitions.		
Manufacturer Product Description: Remington Model 870 Shot Gun: The Remington Model 870 is a U.S. made pump-action shotgun. It is widely used by law enforcement as a defensive weapon and by the public for target shooting, hunting and self-defense. The Model 870 features a bottom-loading, side ejecting receiver, tubular magazine under the barrel, dual action bars, internal hammer, and a bolt which locks into and extension in the barrel. A pump action is a repeating firearm action that is operated manually by moving a sliding handguard on the gun's fore stock. When shooting, the sliding forend is pulled reward to eject any expended cartridge and to cock the hammer/striker, and then pushed forward to load a new cartridge into the chamber. This action is required for each cartridge to be fired. The Model 870 is capable of firing any 12-gauge shotgun cartridge; however, the San Mateo County SWAT Team uses this platform exclusively to fire a Less Lethal Drag Stabilize Bean Bag rounds. The shotgun had been visibly marked with bright orange furniture to commonly signify it has been converted from a lethal platform to a Non-Lethal platform.		
Purpose/Authorized Uses: The Remington 870 Shot Gun and its Drag Stabilized Bean Bag Munitions are intended for use as a less lethal use of force option. The SWAT Team permits the use of less lethal platforms to assist with the de-escalation of potentially violent confrontations. Only personnel who have successfully completed training approved by the SWAT Commander in the proper use and deployment of less lethal impact weapons shall be authorized to use them during actual operations.		
Fiscal Impacts: The initial cost of this equipment was approximately \$1000. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. San Mateo County Sheriff's Office Policies including: - SMC Sheriff's Office SWAT/CNU Procedures Section: 2-11d (Use of Less Lethal Munitions) - Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques - Lexipol Policy 306 – Firearms - Lexipol Policy 426 – First Amendment Assemblies.		
Training Required: Team certified instructors shall complete a POST certified Less Lethal Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of the Remington 870 Shot Gun and its munitions.		
Other Notes: None.		

Definitive Section:	CA Gov't Code §7070(c)(14)	
Equipment Type:	<i>Launch platforms and associated munitions</i>	
Common Name:	Bean Bag munition	
Quantity Owned/Sought:	30 owned	Lifespan: One use each.
Equipment Capabilities: 12 Gauge Drag Stabilized Bean Bag Round. Velocity of 270 FPS with a maximum effective range of 75 feet.		
Manufacturer Product Description: Defense Technology Model 3027: Drag Stabilized 12 Gauge Bean Bag Round is a translucent 12 Gauge shell loaded with a 40-Gram tear shaped bag made from cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant.		
Purpose/Authorized Uses: The SWAT Team permits the use of less lethal munitions to assist with the de-escalation of potentially violent confrontations. Only personnel who have successfully completed training approved by the SWAT Commander in the proper use and deployment of less lethal impact projectiles shall be authorized to use them during actual operations.		
Fiscal Impacts: The initial cost of this equipment was approximately \$5 per round totaling \$600 for the current inventory. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. San Mateo County Sheriff's Office Policies including: SMC Sheriff's Office SWAT/CNU Procedures Section: 2-11d (Use of Less Lethal Munitions) Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms Lexipol Policy 426 – First Amendment Assemblies		
Training Required: Team certified instructors shall complete a POST certified Less Lethal Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of the 12 Gauge Drag Stabilized Bean Bag round.		
Other Notes: None.		

Definitive Section:	CA Gov't Code §7070(c)(14)
Equipment Type:	<i>Projectile launch platforms</i>
Common Name:	<i>40mm Less Lethal Launchers</i>
Quantity Owned/Sought: 114 owned	Lifespan: Indefinite
Equipment Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially soft rubber sponge projectiles.	
Manufacturer Product Description: Penn Arms 40MM launcher are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum and DuPont super tough glass filled nylon. These launchers are light weight, versatile and used worldwide by police and corrections officers. The 40MM launcher family of products is available in single-shot, spring-advance multi, and pump-advance multi-versions.	
Purpose/Authorized Uses: The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment was approximately \$79,621.40. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. San Mateo County Sheriff's Office Policies including: SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11c (Use of Chemical Agents) and 2-11d (Use of Less Lethal Munitions) Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms Lexipol Policy 426 – First Amendment Assemblies	
Training Required: Certified instructors shall complete a POST certified Chemical Agent or Less Lethal Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of the 40mm launchers.	
Other Notes: None.	

Definitive Section:	CA Gov't Code §7070(c)(14)	
Equipment Type:	<i>Projectile launch platforms</i>	
Common Name:	<i>40mm Less Lethal Munitions</i>	
Quantity Owned/Sought:	340 owned	Lifespan: One use each.
Equipment Capabilities: 40mm Kinetic Energy Munitions, which are essentially rubber projectiles.		
Manufacturer Product Description: The CTS The Model 4557 Sponge Baton is a spin-stabilized projectile delivering blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts		
Purpose/Authorized Uses: The San Mateo County Sheriff's Office permits the use of less lethal munitions to assist with the de-escalation of potentially violent confrontations. Only personnel who have successfully completed training approved by the Range Master in the proper use and deployment of less lethal impact projectiles shall be authorized to use them during actual operations.		
Fiscal Impacts: The initial cost of this equipment was approximately \$20 per round totaling \$6,800 for the current inventory. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. San Mateo County Sheriff's Office Policies including: SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11d (Use of Less Lethal Munitions) Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms Lexipol Policy 426 – First Amendment Assemblies		
Training Required: Certified instructors shall complete a POST certified Less Lethal Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of the 40mm less lethal round.		
Other Notes: None.		

Definitive Section:	CA Gov't Code §7070(c)(14)		
Equipment Type:	<i>Projectile launch platforms</i>		
Common Name:	<i>CTS Stingball Grenades</i>		
Quantity Owned/Sought:	41 owned	Lifespan:	One use each.
Equipment Capabilities: Multi-effect grenades with a loud blast, bright flash and dispersion of stinging .31 caliber pellets. Can also be configured to dispense an instantaneous cloud of irritant powder.			
Manufacturer Product Description: CSI manufactures a variety of CTS less lethal products which are under pressure, pyrotechnic, incendiary, emit projectiles, generate smoke, or are explosive in nature. When used in accordance with CTS training guidelines and the individual agency's policy, they are intended to cause varying degrees of pain and injury, which are temporary. These products are restricted to law enforcement, corrections, and military personnel and are used to gain compliance, disperse crowds, restore order, or temporarily incapacitate dangerous persons.			
Purpose/Authorized Uses: The San Mateo County Sheriff's Office permits the use of less lethal munitions to assist with the de-escalation of potentially violent confrontations. Only personnel who have successfully completed training approved by the Range Master in the proper use and deployment of the CTS Stingball grenades shall be authorized to use them during actual operations.			
Fiscal Impacts: The initial cost of this equipment was approximately \$42.01 per round totaling \$1,722 for the current inventory. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.			
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. San Mateo County Sheriff's Office Policies including: SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11d (Use of Less Lethal Munitions) Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques			
Training Required: Certified instructors shall complete a POST certified Less Lethal Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of Stingball grenades.			
Other Notes: None.			

CITY OF BELMONT

Military Equipment AB 481



Overview



- Current Law – the Federal Surplus Property Acquisition Law of 1945. This authorized a local agency to acquire surplus military equipment
- AB 481 became law on Jan 1st, 2022
- Legislative goal was to provide safeguards for the public around the use of military equipment within the community
- Intent is to provide a public forum to discuss the acquisition of military equipment

Do We Have Military Equipment??



- Per AB 481 “Military Equipment”
- The police department has equipment which falls under the definition presented in AB 481.
- The title of the original bill can be a misleading.
- The police department does not possess nor has requested equipment through the Federal Surplus Property Acquisition Law of 1945.

Process



- Police Department creates a “Military Equipment” use policy.
- May 1st, 2022, the Governing Body must start the approval process.
- Gov. Section 7071 Requires Governing Body to adopt ordinance at a regular meeting.
- Governing Body Annual Review

Annual Reporting



- Summary of how military equipment was used.
- Summary of complaints or concerns received regarding military equipment.
- Results of internal audits, information about violations of military equipment use policy, and actions taken in response.
- Total annual cost for each type of military equipment
- If the police department intends to acquire additional military equipment in the next year, quantity sought for each type.
- Within 30 days of submitting report, the police department shall hold a community engagement meeting to discuss report and answers questions. Report will also be published on the police department website for public review.

Questions??

