



**CITY COUNCIL AGENDA
REGULAR MEETING
CITY OF HALF MOON BAY**

TUESDAY, NOVEMBER 1, 2022

REMOTE PARTICIPATION (SEE NEXT PAGE)

**Debbie Ruddock, Mayor
Deborah Penrose, Vice Mayor
Robert Brownstone, Councilmember
Joaquin Jimenez, Councilmember
Harvey Rarback, Councilmember**

7:00 PM

This agenda contains a brief description of each item to be considered. Those wishing to address the City Council on any matter not listed on the Agenda, but within the jurisdiction of the City Council to resolve, may come forward to the podium during the Public Forum portion of the Agenda and will have a maximum of three minutes to discuss their item. Those wishing to speak on a Public Hearing matter will be called forward at the appropriate time during the Public Hearing consideration.

Please Note: Anyone wishing to present materials to the City Council, please submit seven copies to the City Clerk.

Copies of written documentation relating to each item of business on the Agenda are on file in the Office of the City Clerk at City Hall and the Half Moon Bay Library where they are available for public inspection. If requested, the agenda shall be available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132.) Information may be obtained by calling 650-726-8271.

In compliance with the Americans with Disabilities Act, special assistance for participation in this meeting can be obtained by contacting the City Clerk's Office at 650-726-8271. A 48-hour notification will enable the City to make reasonable accommodations to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

<http://hmbcity.com/>

SPECIAL REMOTE PARTICIPATION PROTOCOLS

This meeting will be held entirely by teleconference. All Councilmembers and staff will only participate via the Zoom platform using the process described below. The meeting is being conducted pursuant to recent amendments to the teleconference rules required by the Ralph M. Brown Act allowing teleconferencing during a proclaimed state of emergency when local officials have recommended social distancing (AB 361). The purpose of AB 361 is to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

*This meeting will be conducted via Zoom Webinar and live Spanish interpretation will be available within the Zoom platform. Members of the public are welcome to login into the webinar as Attendees. During any public comment portions, attendees may use the "raise your hand" feature and will be called upon and unmuted when it is their turn to speak. The meeting will also be streamed on Channel 27, on pacificcoast.tv, and on Facebook at www.facebook.com/cityofhalfmoonbay. Please click to join the webinar: <https://us06web.zoom.us/j/99588947925> or join by phone at 669-900-9128, using Webinar ID 995-8894-7925. If joining by phone, use *9 to raise your hand, *6 to mute and unmute.*

CALL TO ORDER / ROLL CALL

APPROVAL OF AGENDA

PUBLIC FORUM

PROCLAMATIONS AND PRESENTATIONS

NATIVE AMERICAN HERITAGE MONTH PROCLAMATION

VETERANS DAY PROCLAMATION

MAYOR'S ANNOUNCEMENTS OF COMMUNITY ACTIVITIES AND COMMUNITY SERVICE

REPORT OUT FROM RECENT CLOSED SESSION MEETINGS

CITY MANAGER UPDATES TO COUNCIL

INTRODUCTION OF NEW STAFF

1. CONSENT CALENDAR

1.A WAIVE READING OF RESOLUTIONS AND ORDINANCES

1.B APPROVE CITY'S RESPONSE TO THE AUGUST 9, 2022 GRAND JURY REPORT ENTITLED A DELICATE BALANCE BETWEEN KNOWLEDGE AND POWER: GOVERNMENT TRANSPARENCY AND THE PUBLIC'S RIGHT TO KNOW"

Staff Recommendation: By motion, authorize the Mayor to sign and submit a letter of response to the August 9, 2022 Grand Jury Report titled "A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know."

STAFF REPORT

[ATTACHMENT 1](#)

[ATTACHMENT 2](#)

1.C QUARTERLY FINANCIAL REPORT FOR THE FIRST QUARTER OF FISCAL YEAR 2022-23

Staff Recommendation: Accept the Quarterly Financial Report for the 1st Quarter of Fiscal Year 2022-23.

[STAFF REPORT](#)

[ATTACHMENT 1](#)

1.D TREASURER’S REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2022

Staff Recommendation: By motion, accept the Treasurer’s Report for the quarter ending September 30, 2022.

[STAFF REPORT](#)

[ATTACHMENT 1](#)

1.E FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SWCA, INC. FOR HALF MOON BAY CORPORATION YARD IMPROVEMENTS PROJECT (CIP NO. 9023)

Staff Recommendation: Adopt a resolution authorizing the City Manager to execute a First Amendment to the Professional services agreement with SWCA, Inc.in the amount of \$30,609 for biological and environmental services for the Corporation Yard Improvements Project (CIP No. 9023).

[STAFF REPORT](#)

[RESOLUTION](#)

[ATTACHMENT 1](#)

2. ORDINANCES AND PUBLIC HEARINGS

3. RESOLUTIONS AND STAFF REPORTS

3.A CLIMATE ACTION AND ADAPTATION PLAN, BUILDING ELECTRIFICATION AND EV/PV REACH CODE UPDATE

Staff Recommendation: Receive an update on the progress and schedule for the Climate Action and Adaptation Plan (CAAP), Building Electrification Ordinance, and EV/PV Reach Code.

[STAFF REPORT](#)

3.B STUDY SESSION – POPLAR BEACH OFF-LEASH PILOT PROJECT (JIMENEZ)

Staff Recommendation: Conduct a study session and consider whether to direct staff to initiate work on developing a pilot project allowing dogs off-leash on a portion of Poplar Beach.

[STAFF REPORT](#)

[ATTACHMENT 1](#)

[ATTACHMENT 2](#)

COMMISSION / COMMITTEE UPDATES

CITY COUNCIL REPORTS

FUTURE ITEMS

ADJOURNMENT

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **November 1, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Jessica Blair, Communications Director / City Clerk

TITLE: **APPROVE CITY'S RESPONSE TO THE AUGUST 9, 2022 GRAND JURY REPORT ENTITLED "A DELICATE BALANCE BETWEEN KNOWLEDGE AND POWER: GOVERNMENT TRANSPARENCY AND THE PUBLIC'S RIGHT TO KNOW"**

RECOMMENDATION:

By motion, authorize the Mayor to sign and submit a letter of response to the August 9, 2022 Grand Jury Report titled "A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know."

FISCAL IMPACT:

There is no fiscal impact associated with responding to the Grand Jury Report.

STRATEGIC ELEMENT:

This action supports the Inclusive Governance Elements of the Strategic Plan.

BACKGROUND:

The Grand Jury issued a report on August 9, 2022 on findings and recommendations on the California Public Records Act, which requires inspection or disclosure of governmental records availability to the public upon request. The San Mateo County Grand Jury report is included as Attachment 1.

In the report, Half Moon Bay is mentioned as being a good example of efficient and transparent Public Records Act (PRA) processes.

DISCUSSION:

As required by the San Mateo County Civil Grand Jury, for each Grand Jury finding, the City of Half Moon Bay must indicate one of the following:

1. The respondent agrees with the finding; or
2. The respondent disagrees wholly or partially with the finding, specifying the portion of the finding that is disputed and including an explanation of the reasons therefore.

For each Grand Jury recommendation, the City of Half Moon Bay must indicate one of the following actions:

1. The recommendation has been implemented, with a summary of the implemented action;
2. The recommendation has not yet been implemented, but will be implemented in the future, with an estimated date for implementation;
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and an estimated date (no later than six months from the publication date of the report) for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable; or
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefor.

The purpose of the report, or the “Issue” as summarized in the report is as follows:

The California Public Records Act requires that inspection or disclosure of governmental records be available to the public upon request. How do the cities in San Mateo County meet the requirements of this Act?

ATTACHMENT:

1. San Mateo County Grand Jury Report “A Delicate Balance between Knowledge and Power: Government Transparency and the Public’s Right to Know”
2. Response Letter to San Mateo Grand Jury



Superior Court of California, County of San Mateo
Hall of Justice and Records
400 County Center
Redwood City, CA 94063-1655

NEAL TANIGUCHI
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 261-5066
www.sanmateocourt.org

August 9, 2022

City Council
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

Re: Grand Jury Report "A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know"

Dear Councilmembers:

The 2021-2022 San Mateo County Civil Grand Jury filed the above-titled report on August 9, 2022, which contains findings and recommendations pertaining to your agency. Your agency must respond, within 90 days, to the Hon. Amarra A. Lee. Your agency's response is due no later than November 9, 2022.

There are several requirements for **the content of** your response. The response should indicate that it was approved by your governing body at a public meeting. In addition, please be aware that your agency is expected to adhere to the wording, as instructed below, when responding to the findings and recommendations of the Grand Jury report.

For each Grand Jury finding, your agency **must indicate** one of the following:

1. The respondent **agrees** with the finding; or
2. The respondent **disagrees wholly or partially with the finding**, specifying the portion of the finding that is disputed and including an explanation of the reasons therefor.

For each Grand Jury recommendation, your agency **must indicate** one of the following actions:

1. The recommendation **has been implemented**, with a summary of the implemented action;
2. The recommendation **has not yet been implemented**, but will be implemented in the future, with an **estimated date** for implementation;
3. The recommendation **requires further analysis**, with an explanation and the scope and parameters of an analysis or study, and an estimated date (**no later than six months from the publication date of the report**) for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable; or
4. The **recommendation will not be implemented** because it is not warranted or reasonable, with an explanation therefor.

Kindly submit your responses in ALL the following formats.

1. Responses to be placed on file with the Clerk of the Court by the Court Executive Office:

- **Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address, and mail to:**

**Hon. Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Civil Grand Jury Coordinator
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655.**

2. Responses to be placed at the Grand Jury website:

- **Scan response and send by e-mail to: grandjury@sanmateocourt.org. (Insert agency name at the top of your response if it is not indicated.)**

3. Responses to be placed with the clerk of your agency:

- **File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.**

The 2021-22 Grand Jury foreperson is available to clarify the recommendations of the Grand Jury report until August 15, 2022. To reach the foreperson, please contact Jenarda Dubois, Civil Grand Jury Coordinator, at (650) 261-5066.

If you have any questions regarding these procedures, please do not hesitate to contact David Silberman, Chief Deputy County Counsel, at (650) 363-4749.

Very truly yours,



Neal Taniguchi
Court Executive Officer

Enclosure

cc: Hon. Amarra A. Lee
David Silberman



A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know

Release Date: August 9, 2022

ISSUE

The California Public Records Act requires that inspection or disclosure of governmental records be available to the public upon request. How do the cities in San Mateo County meet the requirements of this Act?

SUMMARY

The California Public Records Act (PRA) is an essential tool for the public to find out what their government agencies are doing. It's one of the freedom of information laws enacted in every state in the Union to ensure that the public can witness the actions of their governments. The PRA's purpose is to promote government transparency in California.

Fifteen years ago, the 2006-2007 San Mateo County Civil Grand Jury's report, "Electronic Communication Among City Officials: A Valuable Tool in Need of Careful Guidance," addressed the rise in local governments' use of electronic forms of communication between elected and appointed officials.¹ As it observed, these valuable and efficient tools can quickly disseminate information, and they can constitute public documents subject to public disclosure. Reviewing that Grand Jury's report alerted the 2021-2022 San Mateo County Civil Grand Jury to the potential that cities may be facing increased complexity and potential burdens in the processing of requests for public records.

The Grand Jury sought to understand how San Mateo County's 20 cities respond to PRA requests, including:

- Cities' policies and procedures for handling requests;
- The types of records requests they receive;
- The training of key employees, elected officials, and appointed officials about PRA-related matters; and
- How legal changes may impact cities with regard to fulfilling PRA requests.

While the PRA does not require cities to adopt a formal policy, the Grand Jury sought to identify the cities that have written policy or procedure documents and the methods cities use to process the public's requests. It also wanted to learn how key staff keep up to date with changes in PRA law. Failing to comply with these laws can subject a city to litigation and, more importantly, lead to erosion of the public's trust.

¹ 2006-2007 San Mateo County Civil Grand Jury, Electronic Communication Among City Officials: A Valuable Tool in Need of Careful Guidance
https://sanmateocourt.org/documents/grand_jury/2006/ElectronicCommunicationfinal.pdf, retrieved June 9, 2022.

The Grand Jury recommends that city councils of the subject cities should:

1. Consider directing staff to create a written PRA procedures document for circulation to all relevant staff.
2. Consider directing staff to perform a cost/benefit analysis regarding the purchase of commercially available public records request software.
3. Consider directing staff to place information about how to access public records on the home page of their official website.
4. Consider directing staff to create a submittable online PRA request form.
5. Consider directing staff to review and consider adopting a records management practice analogous to the City of San Mateo's "Records Cleanup Day."

BACKGROUND

Two centuries ago, James Madison wrote these words:

"A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."²

He further asserted, "Knowledge [is] the only Guardian of true liberty."³

John Moss, a California member of the U.S. House of Representatives, used Madison's quote to generate support for a bill he was introducing in Congress. In 1967, after a 12-year struggle, he was finally successful in passing the Federal Freedom of Information Act (FOIA). It served as the model for California's similar Public Records Act enacted one year later.

The California Public Records Act was signed into law by Governor Ronald Reagan in 1968 and acknowledges one simple concept – that secrecy is contrary to a democratic system of "government of the people, by the people, and for the people". Specifically, the PRA declares that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state".⁴

² Letter from James Madison to W.T. Barry (August 4, 1822), in *The Writings of James Madison* (Gaillard Hunt ed.).

³ Letter from James Madison to George Thomson (June 30, 1825) (on file with *The James Madison Papers* at The Library of Congress).

⁴ California Government Code, Section 6250 (2021).

Every state has some form of freedom of information law that governs public access to state and local government documents.⁵ In addition, every state has some form of a “Sunshine Law” or “Open Meetings” law that requires public access to meetings of public legislative bodies. California’s Ralph M. Brown Act is such a Sunshine Law.⁶ Passed in 1953, it guarantees the public’s right to attend and participate in meetings of local legislative bodies. The PRA and the Brown Act are California’s primary laws intended to promote government transparency.

What are Public Records?

The PRA defines the term “public records” as any “writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by a state or local agency regardless of physical form or characteristics.”⁷ Thus, a “writing” is not simply a hand-written or printed document; writings include an ever-broadening range of communications including audio and video recordings, emails, photos, drawings, computer data, and more.⁸

The agencies that hold these public records, and are subject to the PRA, include every county, city, town, school district, special district, police and fire department, commission, and board in California.⁹ Certain private entities that carry out public functions using funding from a local agency may also be subject to the PRA. The PRA applies to nearly every public agency one can imagine except for the Legislature and the courts.¹⁰

A public record refers to information that has been recorded or maintained by a public agency. Typical examples of records that the public might request include:

- Property records,
- Building permits,
- Business registrations
- Employee compensation information
- Financial documents
- Code enforcement records
- Public works documents, and
- Police records.

Merely addressing a question to a local agency official or employee is not sufficient to constitute a public records request under the PRA. “What time do the lights go off at the neighborhood park?” Or “Why are there so many potholes on my street?” are not public records requests. However, a request to see the contract for the vendor who installed the lights or paved the street would be a public records request.

⁵ FOIA Advocates, State Public Records Laws. <http://www.foiadvocates.com/records.html> Retrieved May 11, 2022

⁶ CA Govt Code § 54950 et seq.

⁷ CA Govt Code § 6252(e).

⁸ CA Govt Code § 6252(g).

⁹ CA Govt Code § 6252(f). Excluded from the definition of state agency are those agencies provided for in article IV (except section 20(k)) and article VI of the Cal. Constitution.

¹⁰ The Legislature has its own sunshine law, Gov. Code, § 1070. Most court records are disclosable under a number of legal decisions and the First Amendment of the U.S. Constitution.

The Form of PRA Request

The PRA ensures that all persons must receive equal access to public records. “Persons” can be corporations, partnerships, homeowners’ associations, and the media.¹¹ Simply put, every person has the right to inspect public records, and no one type of person has a greater right of access to public records than any other person.¹²

Because the intent of the law is to enable easy access to public records, it is expansive in the available ways requests may be made. The request can be made in writing or orally, by physical or electronic means, remotely or in person. Persons making a PRA request are not required to explain the reason for the request.¹³

Public records are to be open for inspection during office hours at the local agency. To preserve the orderly function of their offices, agencies may establish reasonable policies for the inspection and copying of records. If the request asks for copies of documents, the agency is required to respond within ten days to determine whether they have disclosable records in their possession and to notify the person making the request of that determination. The agency must then make the records “promptly” available.¹⁴

An agency may extend the normal ten-day requirement for responding whether it has any disclosable documents for up to 14 additional days under certain circumstances.¹⁵ For example, if the agency needs to search through and collect a voluminous number of records or to consult with another agency with an interest in the requested records, such an extension is available.

The agency is required to assist the requester who is having difficulty making a focused and effective PRA request.¹⁶ And while the request may be burdensome, that burden alone is not sufficient to justify noncompliance. However, the agency is also not required to perform a “needle in a haystack” search for records.¹⁷ Additionally, a PRA request only applies to records that exist at the time of the request, not for records to be created in the future.

Widespread Use of Electronic Communications

The public’s business increasingly relies on electronic communications. Email, social media postings, video and audio recordings, and the use of personal devices have created enormous volumes of public records for cities. In a case with broad consequences related to PRA requests, *City of San Jose v. Superior Court of Santa Clara County* (2017), the California Supreme Court

¹¹ CA Govt Code § 6252(c); *Connell v. Superior Court (Intersource, Inc.)* (1997) 56 Cal.App.4th 601.

¹² CA Govt Code § 6252.5; *Los Angeles Unified School Dist. v. Superior Court* (2007) 151 Cal.App.4th 759; *Dixon v. Superior Court* (2009) 170 Cal.App.4th 1271, 1279.

¹³ CA Govt Code § 6250; California. Constitution, Article. I, Section 3.

¹⁴ CA Govt Code § 6253(c).

¹⁵ CA Govt Code § 6253(c)(1-4).

¹⁶ CA Govt Code § 6253.1.

¹⁷ *Cal. First Amend Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159, 166.

ruled that communications carried out using a personal account or device were disclosable if the communication was related to the conduct of public business.¹⁸

For example, such a PRA request might be for all communications between city officials and a vendor that was granted a city-awarded contract. The search for responsive records could include reviewing all the emails, voice mails, and texts between the parties for relevant material, including on officials' personal devices. This can be problematic since this communication, especially if voluminous, could require attorneys to determine what might be non-disclosable for reasons of privacy or privilege. In *Getz v County of El Dorado* (2021), a California appeals court ruled that El Dorado County's unsubstantiated claim that a PRA request was overly broad and burdensome was not a valid reason for denial of records. The court explained that establishing that a request is overly burdensome requires more than the vague prospect of having to review lots of records. The County was ultimately compelled to produce over 40,000 email records.¹⁹

Law Enforcement Records

In recent years the most publicized form of an electronic record has been police body-cam footage. Landmark legislation has broadened PRA access to law enforcement records, including a limited subset of these audio and video recordings. On January 1, 2019, SB 1421 became law. Called the Peace Officers: Release of Records bill, it requires law enforcement agencies to make records (including body-cam footage) related to certain serious officer use of force incidents, sexual assault, and acts of dishonesty available under the PRA.²⁰ Police unions have filed multiple challenges to the law asserting concerns about officers' privacy, retroactivity of the law, and the cost of producing records.²¹ These challenges have been consistently denied by courts.²² And in January 2022, SB 16, became effective. This new law now requires additional police disciplinary records, involving allegations of discrimination, unlawful arrest, and cover-ups of excessive force by fellow officers, to be made available under the PRA.²³

¹⁸ Latham & Watkins, Client Alert Commentary, <https://www.lw.com/thoughtLeadership/california-supreme-court-government-communications-on-private-accounts-are-public>, retrieved May 11, 2022.

¹⁹ *Getz v. The Superior Court*, 72 Cal.App.5th 637, 287 Cal. Rptr. 3d 722 (Cal. Ct. App. 2021) <https://law.justia.com/cases/california/court-of-appeal/2021/c091337.html>, retrieved June 1, 2022.

²⁰ CA Penal Code § 832.7 and § 832.8.

²¹ Voice of San Diego, A Brief History of Police Challenges. <https://voiceofsandiego.org/2019/06/10/brief-history-of-police-challenges-and-losses-sb-1421/>, retrieved March 18, 2022.

²² JD Supra, Another SB1421 Decision Against Law Enforcement. <https://www.jdsupra.com/legalnews/another-sb-1421-decision-against-law-45114/>, retrieved March 18, 2022.

²³ BBK Attorneys at Law, SB 16 Compliance Expanded Public Access. <https://www.bbklaw.com/News-Events/Insights/2021/Legal-Alerts/12/SB-16-Compliance-Expanded-Public-Access-to-Law-Enf>, retrieved March 18, 2022.

Methods of Handling Requests

The PRA does not mandate any specific method for agency handling of records requests. Some local agencies simply monitor the process manually using an internally created document. Many other agencies now use commercially available software that links to information on their public websites. Often marketed to city clerks through professional organizations, such as the City Clerks Association of California, these software applications offer solutions to manage large portions of the PRA request process.

These applications can:

- Manage intake of requests through a public portal;
- Provide an automated response of receipt to the person making a request;
- Alert agency staff to deadlines;
- Promote coordination across departments;
- Gather records and track their production to person making a request;
- Provide tools to redact information; and
- Display and store responsive records.

The software enables anyone making a PRA request to see the status of their request through a portal. It also enables cities to make both the request and the records responsive to the request visible to the public.

Fees

An agency may charge a fee for costs of complying with the PRA, but only for the direct costs of making copies of responsive records – typically a nominal fee per page of paper copies. Since today most records are produced and delivered to the requester electronically, many responsive records are cost-free to the requesting party.

In *National Lawyers Guild v. City of Hayward* (2019), the California Supreme Court held that an effort by the city to charge \$3,000 for labor related to redacting requested bodycam footage was not permissible as a “data extraction” cost.²⁴ With this decision, the Court reaffirmed that local agencies may not charge for ancillary costs such as the labor required to retrieve documents or the inspection and handling of files.²⁵

Voter-approved Propositions Affecting the PRA

In 2004, voters overwhelmingly passed Proposition 59, the “Public Records, Open Meetings Legislative Constitutional Amendment.” It essentially adds a “sunshine” amendment to the Declaration of Rights section of the California Constitution (similar to the U.S. Constitution’s

²⁴ Reporters Committee, *National Lawyers Guild v City of Hayward*. <https://www.rcfp.org/briefs-comments/national-lawyers-guild-v-hayward-california-supreme-court>, retrieved June 14, 2022.

²⁵ BBK Attorneys at Law, California Public Records Act Update. <https://www.bbklaw.com/news-events/insights/2021/legal-alerts/01/california-public-records-act-update>, retrieved March 16, 2022.

Bill of Rights) stating, “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”²⁶

Proposition 42, the “Public Records. Open Meetings. State Reimbursement to Local Agencies. Legislative Constitutional Amendment” was approved by voters in 2014. It was the result of a dispute over a controversial bill that would stop local governments from being required to follow key provisions of the PRA. The State legislature had considered the bill to be a budget move, since at that time it was required to reimburse local governments for complying with some aspects of records requests. The backlash over the signing of this bill caused the legislature to rescind it and put the matter before the voters as a constitutional amendment. When it passed, by a 62% yes vote, it required local governments to comply with the PRA without being reimbursed by the State for the cost of public access to records.”²⁷ The full financial burden of compliance with the PRA now falls entirely on local governments.

Exemptions

While the PRA states that “the people” have the right to know what their government is doing, clearly circumstances arise where a balance must be achieved between the public interest and individual privacy rights. The PRA contains at least 76 express exemptions, for matters as diverse as library circulation records, copyright protected building plans, and medical and personnel records.²⁸ In some instances a public document may not be considered exempt but may contain private information such as social security numbers and home addresses. Those specific portions will be redacted before release to the public.

Government Code section 6254 specifies a large number of exemptions under the PRA. Several of the more notable exemptions are listed below:

- **Records Not in Existence**

The agency is under no obligation to create records where none exist; agencies are not required to provide records that may be produced in the future relevant to the original request.

- **Disclosure of records exempted by Federal or other State law**

Records shielded from disclosure by existing state or federal law, such as individual health records, are not accessible using the PRA.

- **Public Interest Test and Deliberative Process Privilege**

Agencies may withhold certain records if they can demonstrate that the public interest served by not disclosing the record clearly outweighs the public interest served by its disclosure.

²⁶ Cal. Const., Art I, § 3, subd. (b)(1)

²⁷ Cal. Const., Art. I, § 3, subd. (b)(7)

²⁸ CA Govt Code § 6254

- **Preliminary Drafts**

Preliminary drafts, notes, or memos not normally preserved in the course of business are exempt.

- **Attorney Client Communications**

Confidential communications between lawyers and clients, and attorney work product, are exempt from disclosure.

- **Pending Litigation**

Records pertaining to pending litigation or claims to which a public agency is a party until the litigation or claim has been finally adjudicated or otherwise settled.

- **Personal Information**

This exemption is intended to protect the confidentiality of personnel, medical or other similar files which would constitute an unwarranted invasion of personal privacy.

- **Trade Secrets**

Businesses engaged in public contracts are not required to disclose their trade secrets in response to a PRA request.

Recourse When Responsive Documents Are Not Produced

If a local agency has unlawfully refused to disclose a public record, a person may ask a judge to enforce their rights under the PRA. This enforcement is primarily through a special, expedited civil judicial process.²⁹ The PRA provides specific relief in the form of court costs and attorneys' fees when an agency unlawfully denies access or copies of public records.

Conversely, a local agency cannot bring an action for relief to determine its obligation to disclose records.³⁰ That would require the person requesting documents to defend a civil action and discourage them from requesting records in the first place. It would frustrate the central purpose of the act and the constitutional amendments specifically designed to provide access to information.

The PRA is an indispensable tool for the responsible exercise of democracy in California. Government transparency, accountability and effectiveness depend on how our local agencies handle the information they create and are entrusted with maintaining. A changing legal framework, the ubiquity of electronic records, new communications technologies and the treatment of their related records, and the public's demonstrated desire for "open government" present significant challenges to the efficient handling of PRA requests for the cities in our county.

²⁹ CA Govt Code § 6258 and 6259.

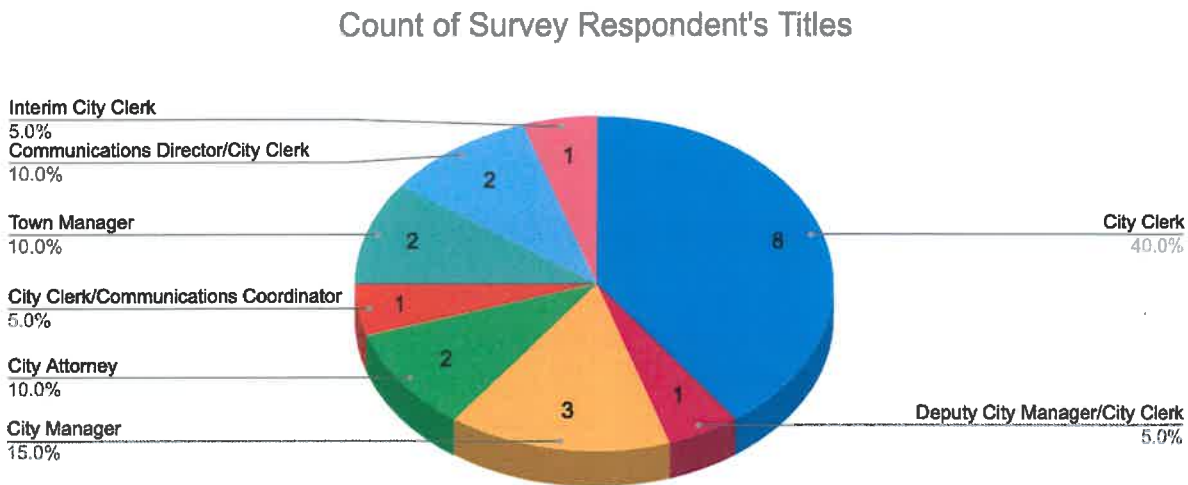
³⁰ *Filarsky v. Superior Court* (2002) 28 Cal.4th 419, 426.

DISCUSSION

As stated above, the PRA applies to all of the public agencies in San Mateo County. To narrow the focus of our investigation, the Grand Jury opted to concentrate on the 20 cities, including their police and other departments, and the committees and commissions formed by those cities.

Survey Respondents

The Grand Jury began by sending a survey to the 20 city managers in the County (a copy of the survey appears in Appendix A). It asked six questions related to the processing of public records requests, policies and procedures used, and the PRA training of staff and officials. In most cases (13 of 20) the responses came from city clerks who are responsible for maintaining a city's public records. Some of the clerks perform multiple roles for their cities, reflected in some cases (15%) by an additional job title. The following graphic illustrates the various job titles of survey respondents.



In two cities, the city clerk position is determined by public election; in the remainder of the cities, clerks are appointed by the city manager. Our investigation found that the city clerk is typically the official primarily responsible for the acknowledging receipt of a PRA request, tracking it through the city's internal processes, and delivering correspondence and responsive records to the person submitting the request.³¹

The Grand Jury conducted follow-up interviews with representatives of all 20 cities, confirming their survey responses and gathering additional information. We asked the cities to provide written documentation of their PRA policies and procedures, if any exist. Fourteen cities replied that they had existing policies or procedures and supplied them to the Grand Jury. We also conducted in-depth interviews with five selected cities.³² These cities were chosen to give us a cross section sample based on city population, method of tracking, and volume of requests. The

³¹ In one city, the city attorney assumed most of this role, but even there the city clerk was involved in the process.

³² Belmont, Daly City, San Bruno, San Mateo, and South San Francisco

Grand Jury notes that respondents from all 20 cities were entirely cooperative and knowledgeable about their city's PRA request procedures.

Documentation of PRA Policies and Procedures

The PRA does not require local agencies to create policies or documentation of how they receive, route, track, and fulfill records requests. When the Grand Jury asked respondents and interviewees to provide documentation describing how they handled PRA requests, we learned that six cities had no such documentation.³³ In some cases, the documentation received from the remaining 14 cities was simply a description of the PRA's requirements (perhaps supplied to staff for training for information). The Grand Jury also received documents such as the city's internal procedures, as well as some that were formal policies signed and dated by the city manager. In interviews, all respondents could describe their processes.

The documentation received and reviewed by the Grand Jury varied widely. Atherton's document is a colorful presentation defining the PRA and describing what is and isn't a public record.

Public Records Requests

Town of Atherton Records Coordinators

What is the California Public Records Act?

The Public Records Act assures the public's right to access information concerning *the People's Business*. Adopted in 1968, the CPRA's legislative findings declare that access to information about the conduct of the public's business is a *fundamental and necessary right* of every person in the state. The findings also assert that the Legislature is mindful of the right of individual's privacy, and for the past 40+ years, courts have balanced those competing interests within the CPRA.

³³ Grand Jury survey (December 2021) Belmont, Daly City, Half Moon Bay, Hillsborough, Menlo Park, and Woodside.

It generally outlines city staff's role in responding to a request. In contrast, Redwood City's document is an administrative policy detailing the purpose and scope of how they respond to PRA requests. It notes specific types of records such as political reform act records and requests for electronic communications. It also specifies that the document will be reviewed every two years. Copies of the PRA documentation provided by Atherton and Redwood City can be found in Appendix B.

The Grand Jury noted that some cities relied on an individual staff member (city clerk or city attorney) to respond to records requests. In the event of illness, vacation, resignation or other interruption of service, no documentation exists to guide replacement personnel.

Written PRA policies or procedures provided to the Grand Jury typically covered subjects such as:

- The purpose of the PRA;
- Resources for PRA training;
- The steps in processing a request; and
- Specific staff responsibilities.

Website Portals

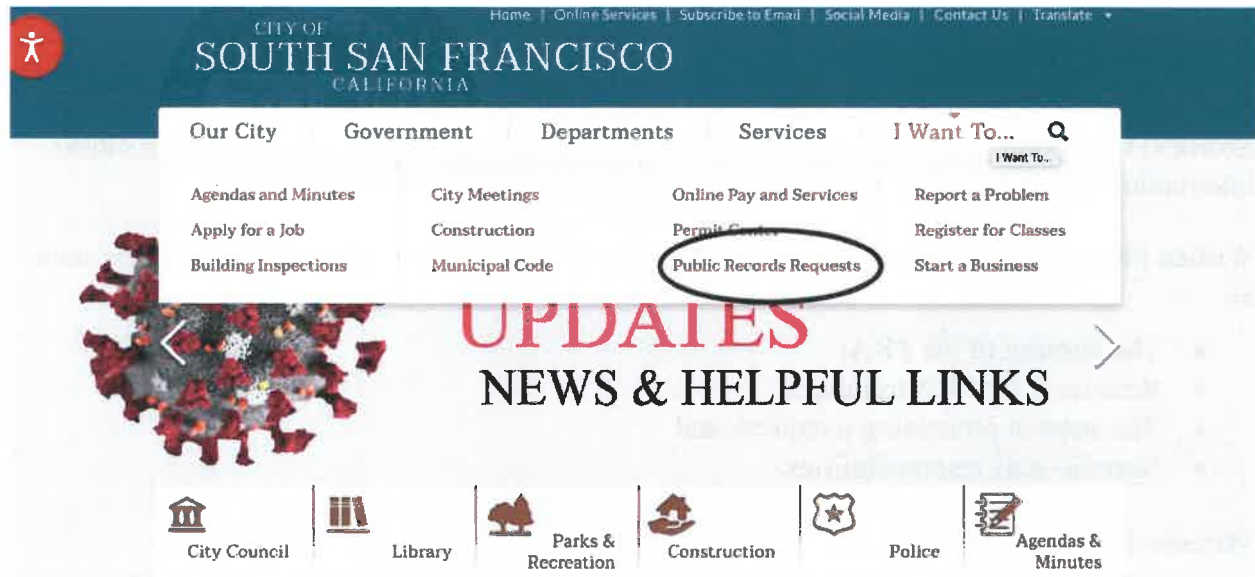
The Grand Jury found that while cities do receive PRA requests in various ways - submitted in-person at city offices, by telephone, and postal mail - they are most frequently submitted via email. We found that 16 of the 20 city websites included a portal containing a submittable form for the filing of a PRA request and four cities had no such form.³⁴

Every city website somewhere provides instructions on how to make a PRA request. Some have links to those instructions on the home page, but most require steps to navigate to it. In some cases, the Grand Jury found broken links indicating inconsistencies in the level of maintenance of the PRA related pages. Some city websites simply instruct the public to send a public records request to the city clerk and provide contact information including an email address, a phone number, or a physical address at which to file.

³⁴ Belmont, Brisbane, Hillsborough, and Portola Valley.

Example of Easy and Accessible PRA-Information on a City Website

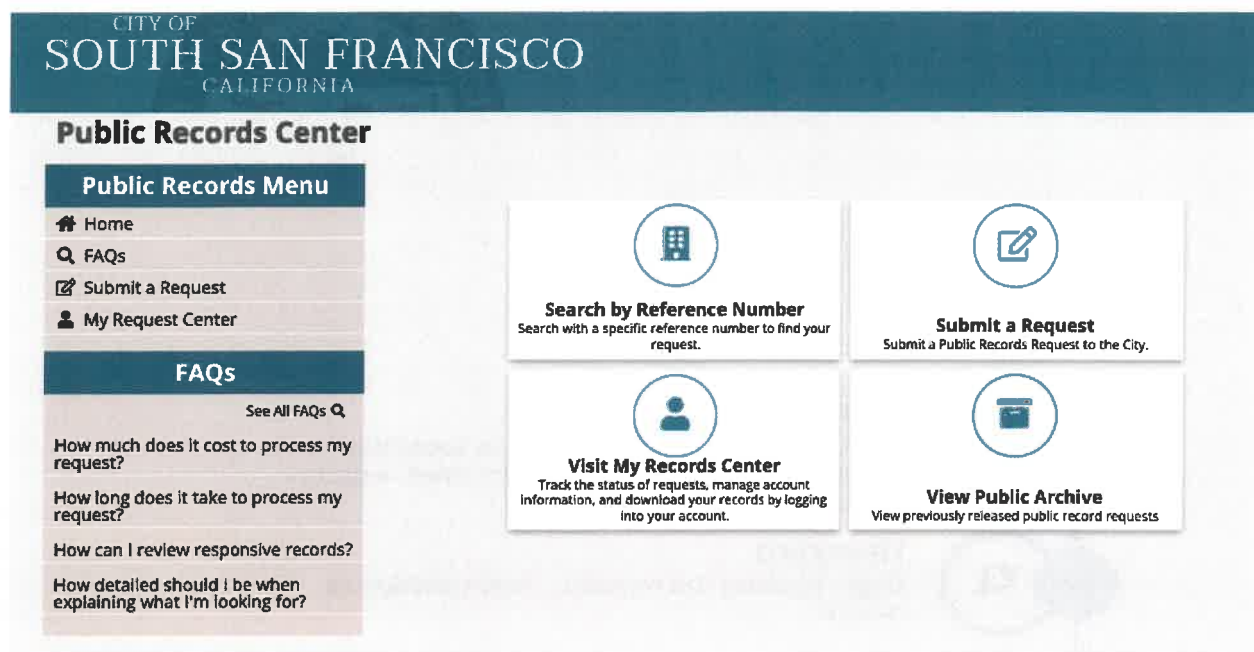
The website for the City of South San Francisco provides easily accessible information regarding PRA requests. The home page includes a “Public Records Request” link.



Clicking on the link brings up a page full of useful titles including how to make a request, the city’s PRA policy, who can make a request, and tips to expedite requests.



Clicking on “Public Records Request” takes the user to a third-party public records web application where they can search by request reference number, track the status of a previous request, view a public archive, and submit a new request.



Tracking a Public Records Request

Since the PRA mandates specific deadlines for public agencies to respond to a public records request, the ability to track submissions is vital in order to ensure legal compliance.³⁵ All cities informed the Grand Jury that they track PRA requests, utilizing a variety of methods to do so. Regardless of the specific method used by a city, the workflow is generally as follows.

PRA Workflow



³⁵ CA Govt Code § 6253(c).

Ten cities, which were generally smaller and field fewer requests, reported that they track PRA requests manually using an Excel spreadsheet or similar internal document.³⁶ These documents require manual data entry and maintenance by staff. For example, see San Bruno's spreadsheet at Appendix C. While these cities indicated general satisfaction with their current methods of tracking, one city was actively seeking proposals from commercial software vendors and others were considering doing so. Appendix D shows such a vendor's proposal.

The ten other cities, including most of the larger ones, use third-party software that automates the handling of PRA requests.³⁷ These cities use one of two software applications.³⁸ In interviews, staff generally expressed satisfaction with both products, citing their effectiveness and efficiency. Pricing of these applications will vary based on the configuration and storage options selected. One city indicated a desire to purchase software but cited the city's budget constraints. Another city noted that the cost was prohibitive for a city of their size and volume of requests.

Volume of Requests

Thirteen cities reported receiving more than 100 PRA requests in the past year. Two cities reported receiving fewer than 50 requests, while one city indicated that it received more than 1,600 requests for records. Another city noted a 500% increase from the previous year. All cities reported significant increases in the volume of requests received since the outset of the Covid pandemic.

Subjects of Requested Records

All 20 cities reported that the majority of the PRA requests they received were for routine records such as property-related documents, police records, public works documents, and business registrations. For example, in San Mateo, the City Clerk's office recorded 1,695 PRA requests in the fiscal year ended June 30, 2021. The largest percentage (46%) were directed to the Community Development Department and typically asked for property records of some kind, including planning applications, building permits, blueprints, inspections, and code violations. Requests for police records (35%) were the next most frequently requested type of record. The clerk's office noted that the police department directly receives substantially more requests than come to the clerk through their PRA request software.

Time-Consuming Requests

The Grand Jury learned that a relatively small number of records requests are disproportionately time-consuming to fulfill. In particular, requests for communications records may fall into this category. The request may require a broad search of all relevant communications created and

³⁶ Atherton, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Hillsborough, Portola Valley, San Bruno, and Woodside as of May 16, 2022.

³⁷ Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Carlos, San Mateo, and South San Francisco as of May 16, 2022.

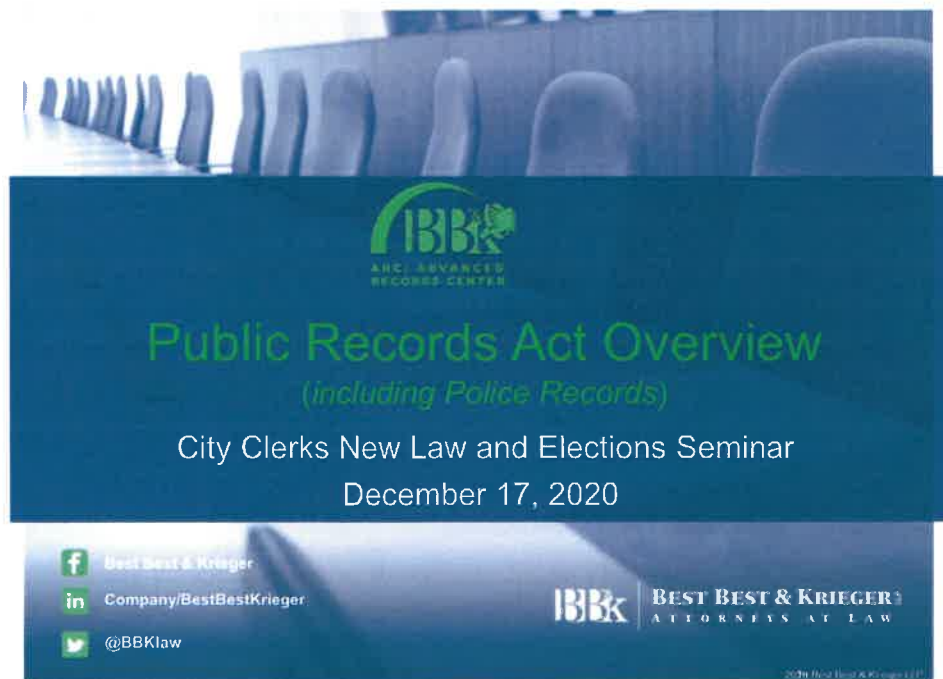
³⁸ GovQA, If You Have a Public Records Problem. <https://www.govqa.com/solutions/public-records-software/> Retrieved May 16, 2022, and NextRequest, The All-In-One Open Records Request Platform. <https://www.nextrequest.com/>, retrieved May 16, 2022.

stored on electronic devices, including employees' cell phones and laptops. Recently, Portola Valley received what was characterized as a "massive" PRA request for "all town communications regarding the housing element since July 1, 2021, including communications among elected officials, staff, consultants or members of the committee, like emails and text messages, including on personal devices."³⁹ The request was the result of a potential change to the town's zoning laws to allow for more dense housing in one residential neighborhood.

Several cities reported to the Grand Jury that on rare occasions a disgruntled citizen or ex-employee has intentionally crafted a detailed records request intending to be time-consuming and annoying for the city. One respondent reported that the search and review of electronics communications in response to one request took months to complete, due to the number of responsive records and the broad search of multiple devices.

Training

State law does not mandate training for those implementing its provisions. City clerks often attend training through annual City Clerks Association of California conferences and other professional associations.



³⁹ Angela Swartz, "'Massive' public records request escalates battle over Portola Valley's housing element," *Almanac*, March 21, 2022. <https://www.almanacnews.com/news/2022/03/21/massive-public-records-request-escalates-battle-over-portola-valleys-housing-element>, retrieved June 9, 2022.

Half of the cities interviewed by the Grand Jury mandate formal PRA training for their key employees. Others offer training but do not mandate it, while some cities have no formal arrangements for PRA training at all.⁴⁰ Training, if offered, is conducted by the city attorney. In our investigation, respondents agreed that formal training for key city employees would make the handling of records requests more efficient and consistent.

Twelve cities informed the Grand Jury that they provide PRA training for their appointed and elected officials. This training is also typically provided by the city attorney, sometimes with the assistance of the city clerk. Eight cities reported that they do not offer specific PRA training to such officials, but some noted that their training in Brown Act compliance includes PRA training content.⁴¹

While the PRA does not include criminal penalties for noncompliance with its provisions, civil actions, as described earlier, may be filed and cities can be liable for court costs and attorneys' fees.

Increasing Efficiency in Records Request Processing

Some cities have demonstrated how commonly requested records can be made available to the public without formal PRA requests.

Making public records available online is a convenient and efficient mechanism for both the requester and the municipality. Cities generally do this for many common records, such as meeting agendas for public meetings (which are legally required to be posted publicly).⁴² At the time of this investigation, some cities, such as San Carlos, also posted many records online.

⁴⁰ Burlingame, Portola Valley, and Woodside.

⁴¹BBK, Attorneys at Law, Summary of the Major Provisions and Requirements of the Ralph M. Brown Act. <https://www.bbklaw.com/bbk/media/library/pdf/major-provisions-and-requirements-of-the-brown-act.pdf>, retrieved June 9, 2022.

⁴² CA Govt Code § 54954.2.

Using the search term “public records” on the San Carlos city website brings up “Records Available Online for Your Easy Access,” which connects to records such as budgets, building permits, and public works documents.

Submit a Public Records Request

If you are unable to locate the records you want online, please submit a Public Records Request via our NextRequest portal:



Our goal is to provide you with timely access to the City’s public records. All requests for documents will be reviewed and responded to within ten (10) days, in compliance with the California Public Records Act. Fees are charged according to our fee schedule, however, there is no charge to review records in person at City Hall.

- [Master fee schedule](#)

Records Available Online for Your Easy Access

- [Accounts payable cash disbursements journal](#)
- [Active business registrations](#)
- [Budgets](#)
- [Building Permits](#)
- [City Council and Commission agendas, minutes and videos](#)
- [City Municipal Code](#)
- [Citywide Reports](#)
- [Financial Reports and Documents](#)
- [Ordinances and Resolutions](#)
- [Various Public Works Documents, including documents pertaining to sewers, streets, traffic, etc.](#)

The Half Moon Bay website offered a “Document Center” containing more than 2,000 city documents going back a decade.

Show all descriptions

- ADA / 504 Grievance Forms - BID/RFP Center - City Clerk - Cannabis Ballot Measures Manufacturing - Mature Cultivation - Rebuttals - Retail - Starts - Tax - City Council Committee Agend - City Council Photos 2020 - Commissions/Committee Forr - Council Actions - districting - Future Leaders - Smoking Ordinances - City Manager - City Projects - Communications - Community Development - COVID Testing - Emergency Preparedness - Engineering - Finance - Homeless - Human Resources - Newsletters - Parklet Program - Public Works - Recreation - Sheriffs - Sidewalk R&R	
1	
Displaying items 1 - 5 of 5	
Display Name	Size (KB)
1A_ManufacturingAdvisory	120
Manufacturing_WEB-argument against mfg	100
Manufacturing_WEB-argument for mfg	135
Rebuttal to Argument Against Measure MM_mfg.WEB	148
Rebuttal to Argument in Favor of Measure MM_mfg.WEB	148

Several cities noted that they often receive requests for the same records repeatedly. For example, this can occur when a sought-after property is offered for sale and brokers, architects, attorneys, and potential buyers are doing their due diligence. Cities using commercially provided software applications, or that post public records as do San Carlos and Half Moon Bay, can reduce the number of such duplicative PRA requests.

Records Management

Proper records management policies and practices facilitate effective compliance with the PRA. Having better control of these records makes their timely and appropriate production more accurate and efficient. All cities in the County reported having records retention schedules that determine what documents must be retained and for how long. For example, in South San Francisco, leases for city owned properties must be kept in hard copy for the current year plus two-years. Board and commission resolutions must be kept permanently (a copy of the records retention schedule for South San Francisco is at Appendix E).

The City of San Mateo reported a unique method for encouraging city staff in one element of the effective management of public records. There, the city clerk held a “Records Clean Up Day” (related materials are contained in Appendix F). During this event employees are tasked with:

- Reducing the number of duplicate records;
- Preparing records for off-site storage;
- Imaging and indexing electronic records; and
- Identifying electronic records eligible for destruction.

The retention life cycle of various records determined how different categories of documents are handled. The program was designed to create an enjoyable environment around these tedious tasks by employing a food truck, encouraging casual dress, creating contests with prizes, and printing T-shirts commemorating the day. The program included an on-site shred truck, and the city attorney was available for consultation.



In an email to the Grand Jury, a city staffer wrote, “In addition to elevating the employee understanding that these public records are an asset of the city (just like the vac truck, fleet, and streets) ...we have a duty to manage and maintain them well; reinforce the policy and procedures we have adopted; and let’s face it, maintaining records can become back burner in the flurry of day-to-day needs and requests. Setting aside time to honor the need, accomplish an objective and then celebrate it – keeps it more in the forefront of the mind and honors the importance of the public’s records.”⁴³

⁴³ Grand Jury correspondence April 26, 2022.

Law Enforcement Records

Some cities reported receiving significant numbers of requests for police records. All such requests were forwarded directly to city police departments or the County Sheriff's Office (for those cities contracting for police services).⁴⁴ Law enforcement agencies typically employ a records manager tasked with responding to public records requests. In some cities the disposition of these requests was reported back to the city clerk for inclusion in their tracking systems; in others, the city clerk had no knowledge of the status of a police records request. The Grand Jury did not investigate how these requests for law enforcement records were handled in compliance with the PRA. It is of note that most law enforcement records are exempted from the Public Records Act pursuant to Government Code Section 6254(f).

FINDINGS

- F1. The city has no written documentation of its PRA policy and internal procedures, making it more likely that requests could be handled inconsistently.
- F2. The city uses a commercially available software application that includes a web portal enabling the public to easily request records and track their disposition.
- F3. Information about how to access public records requires multiple clicks to find on the city's website, which hinders the public's access to public records.
- F4. The City of San Mateo implements a Records Cleanup Day with the purpose of increasing employee understanding of the need to effectively maintain public records, thereby improving PRA request responsiveness.
- F5. The city has no PRA request form online, making public access to public records less efficient.

RECOMMENDATIONS

- R1. The city council should direct city staff to consider and report back by June 30, 2023, on the creation of a written PRA policy or procedures document for circulation to all relevant staff.
- R2. The city council should direct city staff to consider performing a cost/benefit analysis and report back by September 1, 2023, on the purchase of commercially available public records request software.
- R3. By June 30, 2023, the city council should consider directing city staff to place information about how to access public records on the home page of the city's official website.
- R4. By June 30, 2023, the city council should direct city staff to review and consider adopting a records management practice analogous to the City of San Mateo's "Records Cleanup Day."
- R5. By June 30, 2023, the city council should direct city staff to create, on the city clerk's page of its website, a submittable PRA request form.

⁴⁴ Contracting cities are Half Moon Bay, Millbrae, San Carlos, Woodside, and Portola Valley.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the selected city and town councils as follows (x):

City	F1	F2	F3	F4	F5	R1	R2	R3	R4	R5
Atherton			x		x		x	x	x	
Belmont	x		x		x	x	x	x	x	x
Brisbane			x		x		x	x	x	x
Burlingame							x		x	
Colma							x		x	
Daly City	x	x				x			x	
East Palo Alto							x		x	
Foster City		x							x	
Half Moon Bay	x	x				x		x	x	
Hillsborough	x		x		x	x	x		x	x
Menlo Park	x	x				x		x	x	
Millbrae		x							x	
Pacifica		x							x	
Portola Valley			x		x		x	x	x	x
Redwood City		x						x	x	
San Bruno			x		x		x	x	x	
San Carlos		x							x	
San Mateo		x		x						
South San Francisco		x							x	
Woodside	x				x	x	x		x	

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

RESPONSE REQUIREMENTS

California Penal Code Section 933.05, provides (emphasis added):

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following:
 - (1) The respondent **agrees** with the finding.
 - (2) The respondent **disagrees** wholly or partially with the finding; in which case the response shall **specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.**
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, **with a summary regarding the implemented action.**
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, **with a timeframe for implementation.**
 - (3) The recommendation requires further analysis, **with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.**
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, **with an explanation therefor.**

METHODOLOGY

Through examination of surveys, interviews, the documentation provided by the cities, a demonstration of third-party software, and a site visit, the Grand Jury studied how cities respond to public records requests, and how they keep up with changes in the law.

Survey

- The Grand Jury developed an online survey consisting of six questions and a request for copies of their PRA policies and procedures.
- The survey was sent to all 20 city managers in the County and various respondents completed the survey.
- We then followed up with a brief phone interview to confirm the responses received from those completing the survey, and to request written policy and procedures documents and records retention policies.

Documents

The Grand Jury reviewed:

- Policy and procedure documents from all cities that indicated having them.
- Records retention policies from several cities.
- Proposals and contracts for third-party software received from various vendors
- Marketing material of third-party software vendors
- Research on best practices in records management

Site Tour

- GJ conducted a site visit to the San Bruno City Attorney's office.
- San Mateo conducted a virtual demonstration of their third-party software.

Interviews

- The Grand Jury conducted further interviews with city attorneys, city clerks and city managers based on those with written policies or procedures documents, training of key employees and elected and appointed officials (advisory bodies), number of public records requests received per year, and those with an elected city clerk.

Web Sites

- The official websites of the 20 cities in the County were reviewed to assess the ease in locating information relating to public records, the methods of submission of a public records request, as well as users' direct access to commonly requested public records.

BIBLIOGRAPHY

- League of California Cities (Revised April 2017). The People's Business: A Guide to the California Records Act. Sacramento, CA.
- League of California Cities. "Open and Public V: A Guide to the Ralph M. Brown Act." Accessed May 24, 2022. https://www.calcities.org/docs/default-source/city-attorneys/open-public-v-revised-2016.pdf?sfvrsn=995414c9_3.
- Best Best & Krieger. "The Engineering of Public Records Processing." December 2021 Accessed May 24, 2022. <https://www.calcities.org/docs/default-source/city-clerks-new-law-and-elections-seminar---session-materials/the-engineering-of-public-records-processing.pdf>.
- Californians Aware (2004). Top 10 Points to Remember about Exemptions from the California Public Records Act. Carmichael, CA.
- GovQA. "Best Practices for Fulfilling Public Records Requests." Accessed May 11, 2022. www.GovQA.com-best-practices-fulfilling-public-records-requests.

- NextRequest. “Current Issues Affecting Public Records Request Management.” <https://www.nextrequest.com/blog/current-issues-affecting-public-records-request-management>, accessed May 11, 2022.
- Stephan A. Barber. “The California Public Records Act: The Public’s Right of Access to governmental Information.” 7 Pac.L.J. (1976). Accessed May 24, 2022. <https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?article=2423&context=mlr>
- California Government Code – GOV Title 1, Division 7, Chapter 3.5, Sections 6250 - 6276.50 Inspection of Public Records.
- Ballotpedia. “Transparency Checklist”. https://ballotpedia.org/Transparency_checklist. Accessed June 7, 2022

LIST OF APPENDICES

Appendix A – The Grand Jury Survey Results

Appendix B – PRA Policies and Procedures: Atherton and Redwood City

Appendix C – San Bruno PRA Request Log

Appendix D – GovQA Proposal for Services

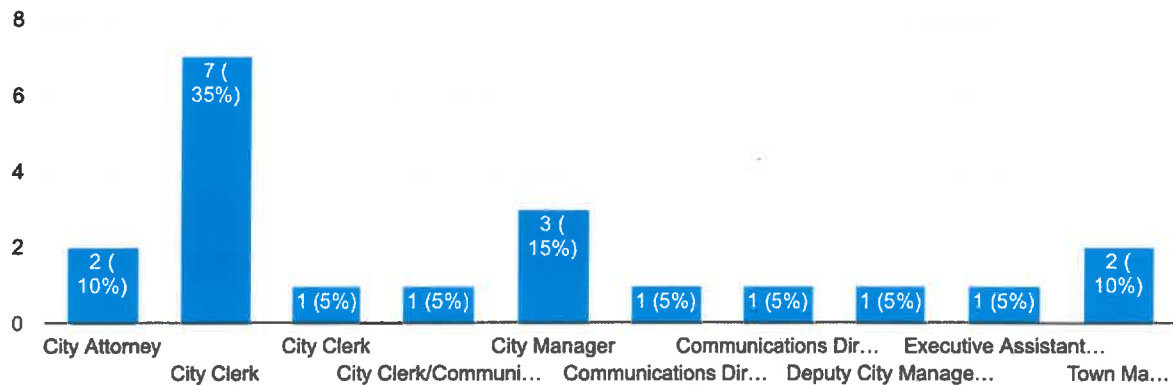
Appendix E – South San Francisco Retention Schedule

Appendix F – City of San Mateo’s Clean-Up Day Staff Plan and Flyer

APPENDIX A The Grand Jury Survey Results

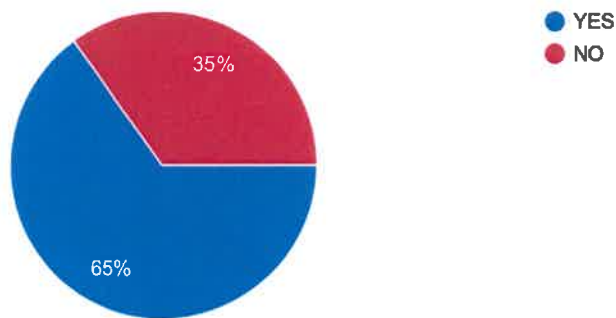
What is your job title?

20 responses

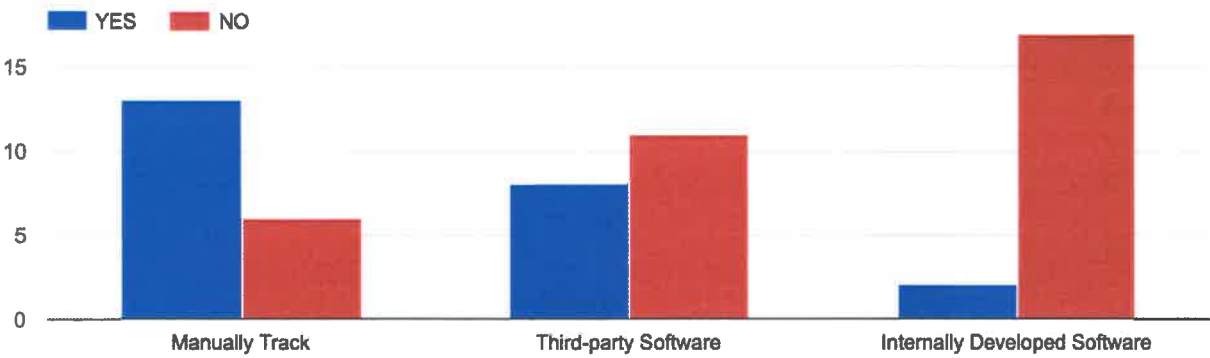


2. Have you established internal written procedures, or policies, for handling Public Records Act requests? If YES, please provide documentation to: rweiss@smcivilgrandjury.org.

20 responses

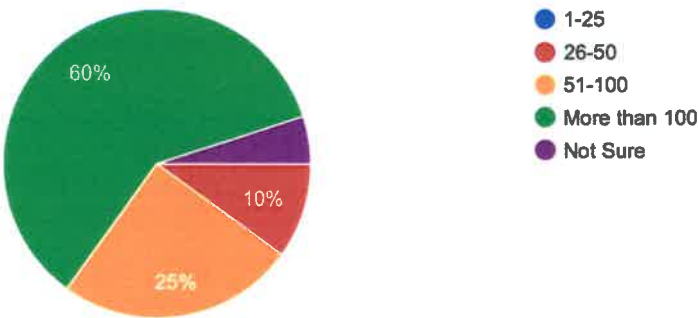


3. Please indicate if you use any of the following to track the status of each Public Records Act request.



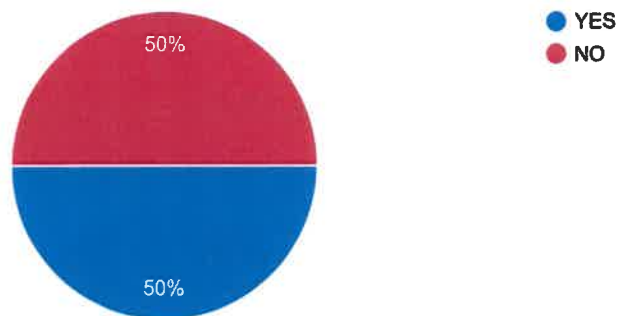
4. How many requests do you receive per year?

20 responses

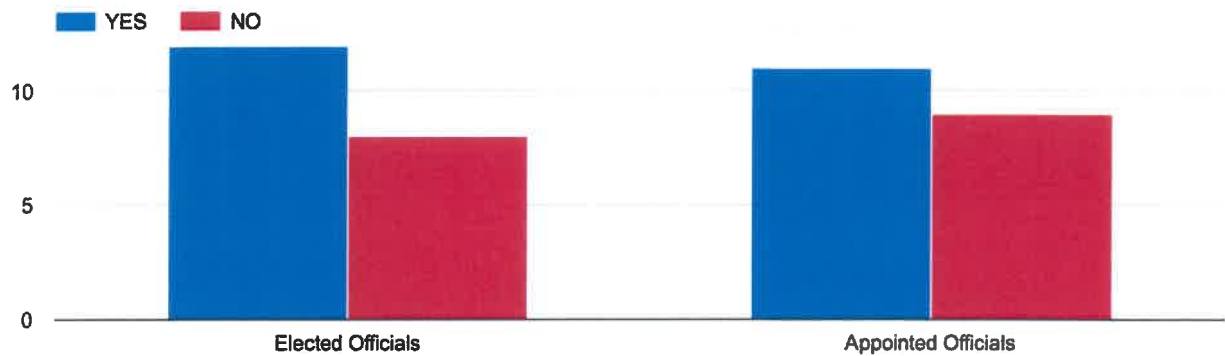


5. Does your city mandate formal Public Records Act training for key employees?

20 responses



6. Does your city offer Public Records Act training for elected and appointed officials (i.e. advisory boards, commissions, committees)?



7. Have you adopted a written document retention policy?

20 responses



APPENDIX B

PRA Policies and Procedures: Atherton and Redwood City

Atherton: https://www.sanmateocourt.org/documents/grand_jury/2021/Appendix B - PRA PAP Atherton.pdf

Redwood City: https://www.sanmateocourt.org/documents/grand_jury/2021/Appendix B - PRA PAP Redwood City.pdf

APPENDIX C
San Bruno PRA Request Log
(sample page with requester names removed)

#	PRA	Subpoena	Date of request	Date Received	Requester Name	Description of Records	Dept(s)	Response Due Date	Acknowledgment Letter Out	Records Provided
1	X		07/01/21	07/01/21		June 2021 Building permits	CD	07/12/21	Emailed rsos on 07/08/21	07/08/21
2	X		07/01/21	07/01/21		Docs re CPUC approval of purchase of streetlights from	PW	07/12/21	Emailed rsos on 07/08/21	7/8/2021
3	X		07/07/21	07/07/21		Records involving code enforcement, utility shut offs, and fire damaged properties	CD/CE/FD/ Finance	07/19/21 08/18/21	req 30 day ext - now due 08/18/21. Emailed rsos on 08/18/21	08/18/21
4	X		07/08/21	07/08/21		June 2021 Business licenses	Finance	07/19/21	Emailed report on 07/19/21	07/19/21
6	X		07/13/21	7/13/2021		June 2021 Building permits	CD	07/23/21	Emailed rsos on 07/13/21	7/13/2021
6	X		07/13/21	07/13/21		Records involving code enforcement, utility shut offs, and fire damaged properties	CD/CE/FD/ Finance	7/23/2021 08/23/21	07/23/21 req 30 day ext - now due 08/23/21. Emailed rsos on 08/18/21.	08/18/21
7		X				Subpoena for records involving 692 Green Ave	CE/CD/ PW	07/19/21	Emailed rds on 07/23/21	07/23/21
8	X		07/14/21	07/15/21		Oldest current standing houses in SB	CD??	07/26/21	Emailed rsos on 07/23/21	X
9	X		07/15/21	07/16/21		Private tows from 04/01/21 thru 06/30/21	PD	07/26/21	Emailed report on 07/26/21	07/26/21
10	X		07/17/21	07/19/21		Electronic copy of all payment transactions for fiscal year 2020	Finance	07/29/21	Emailed link to agenda packets on 07/29/21	7/29/2021
11	X		07/20/21	07/20/21		2020 Pension Benefit/Payout Report	Finance	07/30/21	Request was meant for City of Concord - withdrawn on 07/31/21	Withdrawn
12	X		07/19/21	07/20/21		Uncashed checks	Finance	07/30/21	Emailed link to website on 07/29/21	7/29/2021
13	X		07/22/21	07/22/21		Building & FD rds for 787 E SB Ave	CD/FD	08/02/21	Emailed rds on 08/02/21	8/2/2021
14	X		07/09/21	07/09/21		Firearm & Ammunition arrests & related demographic	PD	7/19/2021 08/18/21	req 30 day ext - now due 08/18/21. Emailed rsos on 08/18/21	8/18/2021

APPENDIX D

GovQA Proposal for Services



Order Form

PRICING SUMMARY

The pricing and terms within this Proposal are specific to the products and volumes contained within this Proposal.

One-Time Fees			
Solution	Billing Frequency	Quantity/Unit	One-Time Fee
FOIA Platform Onboarding	Up Front	1 Each	\$0.00
Online Training – Administrator	Up Front	1 Each	\$0.00
Online Training – Users	Up Front	1 Each	\$0.00
SUBTOTAL:			\$0.00
New Subscription Fees			
Solution	Billing Frequency	Quantity/Unit	Annual Fee
Essentials Package 3	Annual	1 Each	\$10,500.00
PST Email Extractor	Annual	1 Each	\$1,500.00
Payments Module	Annual	1 Each	\$0.00
Hosted Data Storage (TB)	Annual	1 Each	\$0.00
Invoicing Module	Annual	1 Each	\$0.00
FOIA Module for Enterprise Sales	Annual	1 Each	\$0.00
Redaction License (per named user)	Annual	3 Each	\$0.00
ADFS/Single Sign-on Module	Annual	1 Each	\$0.00
Advanced Email Tracking	Annual	1 Each	\$0.00
SUBTOTAL:			\$12,000.00

GRANICUS
FUTURE YEAR PRICING

Solution(s)	Period of Performance	
	Year 2	Year 3
Essentials Package 3	\$11,235.00	\$12,021.45
PST Email Extractor	\$1,605.00	\$1,717.35
Payments Module	\$0.00	\$0.00
Hosted Data Storage (TB)	\$0.00	\$0.00
Invoicing Module	\$0.00	\$0.00
FOIA Module for Enterprise Sales	\$0.00	\$0.00
Redaction License (per named user)	\$0.00	\$0.00
ADFS/Single Sign-on Module	\$0.00	\$0.00
Advanced Email Tracking	\$0.00	\$0.00
SUBTOTAL:	\$12,840.00	\$13,738.80

APPENDIX E
South San Francisco Records Retention Schedule 2016

https://www.sanmateocourt.org/documents/grand_jury/2021/Appendix E - SSF Retention Schedule 2016.pdf

APPENDIX F
City of San Mateo's Clean-Up Day Staff Plan and Flyer

San Mateo Records Clean-Up Day Staff Plan

Department/Location/Division: _____

Your Name: _____

Date of Clean-Up: May 05, 2022 Cinco De Mayo

This Form Due To Your Dept. Record Coordinator 4/28/22

Goal(s) for clean-up day (select all that apply)

- | | |
|--|---|
| ☐ Prepare paper records for destruction | ☐ Email clean-up (delete unnecessary emails. Move attachments that are records to the correct records repository e.g., One Drive, SharePoint, Laserfiche) |
| ☐ Dispose of duplicate records | ☐ Identify electronic records that are eligible for destruction |
| ☐ Prepare records for off-site storage | ☐ Focus on imaging, indexing electronic records |
| ☐ Sort through off-site storage records | ☐ Ensure website content is accurate and up-to-date (Remove old/outdated documents and/ or pages from website) |
| ☐ File paper files | ☐ Other: _____ |
| ☐ Develop file inventory | |

Key Activities and Strategies: What will you do to accomplish these goals? Be as specific as possible.

Welcome Back San Mateo

ANNUAL CINCO DE MAYO

RECORDS CLEAN-UP DAY PICNIC

**Let's Celebrate being together in person again
with a picnic of specialty tacos in our backyard with your colleagues!**

How to join the fun (and yes, records clean-up is fun!)

1. Ask your Department's Records Coordinator for a records clean-up commitment form.
2. Choose from a list of clean-up activities or create your own
3. Sign the form and provide it to your Records Coordinator by **April 28, 2022** - this is your RSVP for the luncheon. Sorry: No form - no tacos.
4. On or before 5/5/22 clean-up, purge, & organize those records!

Questions? Talk to your Records Coordinator
or Alesha Boyd in the City Clerk's Office

Join us here!



**Join us for Tacos in City Hall Backyard
11:00 am - 12:30 pm**

*Courtesy of the Clerks for anyone who committed to
Records Clean-up*

- Salad
- Tacos - Grilled Chicken, Steak, Carnitas
- Veggie Spanish Rice and Veggie Beans
- Grilled Veggies
- Guacamole, sour cream and cheese fixins
- Corn tortillas
- Chips and Salsa
- Churros for dessert! Yum!



November 1, 2022

Honorable Amarra A. Lee
Judge of the Superior Court
C/O Jenarda Dubois
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

Subject: August 9, 2022 Grand Jury Report: “A Delicate Balance between Knowledge and Power: Government Transparency and the Public’s Right to Know.”

Dear Honorable Judge Lee:

The City Council of the City of Half Moon Bay, at its November 1, 2022 meeting, reviewed and approved the following responses to the San Mateo County Civil Grand Jury 2021-2022 Report entitled “A Delicate Balance between Knowledge and Power: Government Transparency and the Public’s Right to Know.”

Findings

The report includes five (5) findings with the City’s response to each summarized below.

F1: Implemented. The City already has a written PRA procedure document that is circulated to all relevant staff.

F2: Implemented. City staff has already performed a cost/benefit analysis regarding the purchase of a commercial public records request software and has implemented such a software.

F3: Implemented. The City has implemented a button on its home page where the public can access public records.

F4: Implemented. The City has implemented a submittable online PRA request form.

F5: Has not yet been implemented. While the City does have a practice of proper records retention, it has not implemented a practice similar to “Records Cleanup Day.” The City Clerk’s office will evaluate the feasibility of such a practice next year.



Recommendations

The report includes five (5) Recommendations with the City's response to each summarized below.

R1 through R4: The City of Half Moon Bay has implemented the findings the Grand Jury recommends.

R5: The City of Half Moon Bay has a routine schedule for proper records retention but has not implemented the recommendation proposed by the Grand Jury. The City will evaluate the feasibility of this recommendation by July 1, 2023.

Thank you for your consideration of the foregoing.

Sincerely,

Debbie Ruddock
Mayor

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **November 1, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Lisa Lopez, Administrative Services Director
Kenneth Stiles, Finance Manager

TITLE: **QUARTERLY FINANCIAL REPORT FOR THE FIRST QUARTER OF FISCAL YEAR 2022-2023**

RECOMMENDATION:

Accept the Quarterly Financial Report for the 1st Quarter of Fiscal Year 2022-23.

FISCAL IMPACT:

There is no fiscal impact with the acceptance of this report.

STRATEGIC ELEMENT:

This recommendation supports the Fiscal Sustainability and Inclusive Governance Elements of the Strategic Plan.

BACKGROUND:

One of the City Council strategic priorities includes planning for and implementing long-term financial stability. A key component of this goal includes preparing a quarterly financial report that would provide readers with an executive summary of the City's current financial conditions as it relates to the annual operating budget to ensure accountability and transparency in managing public funds.

DISCUSSION:

As of September 30, 2022, the General Fund revenues totaled \$3.4 million or 16% of the approved budget. General Fund expenditures total \$3.6 million or 16% of budget. As stated in the attached report, revenues and expenditures are performing as anticipated. With the information available, staff holds no great concern for financial stability for the current fiscal year; however, will continue to monitor any changes that may impact the City.

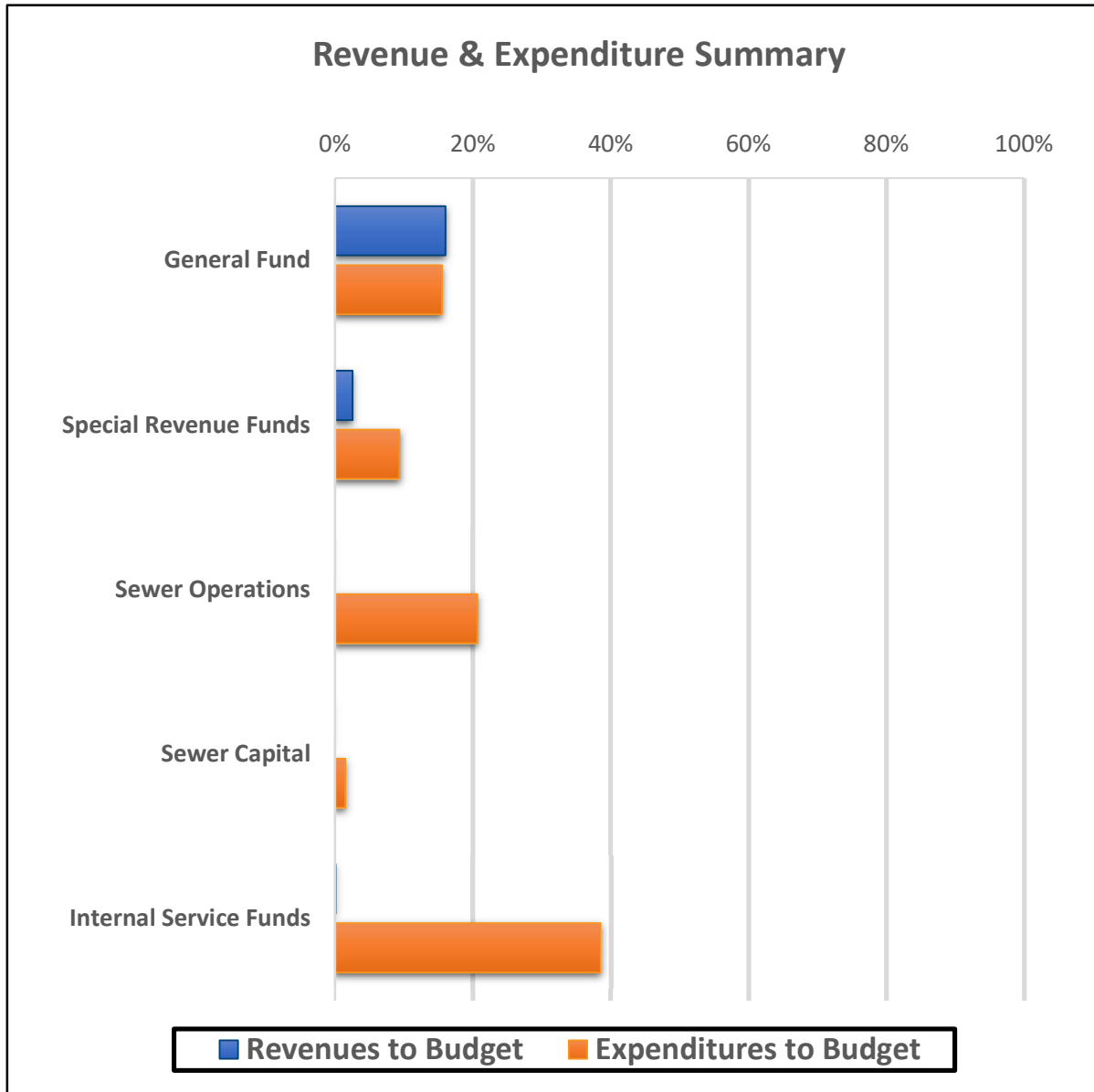
ATTACHMENT:

First Quarter Financial Report as of September 30, 2022

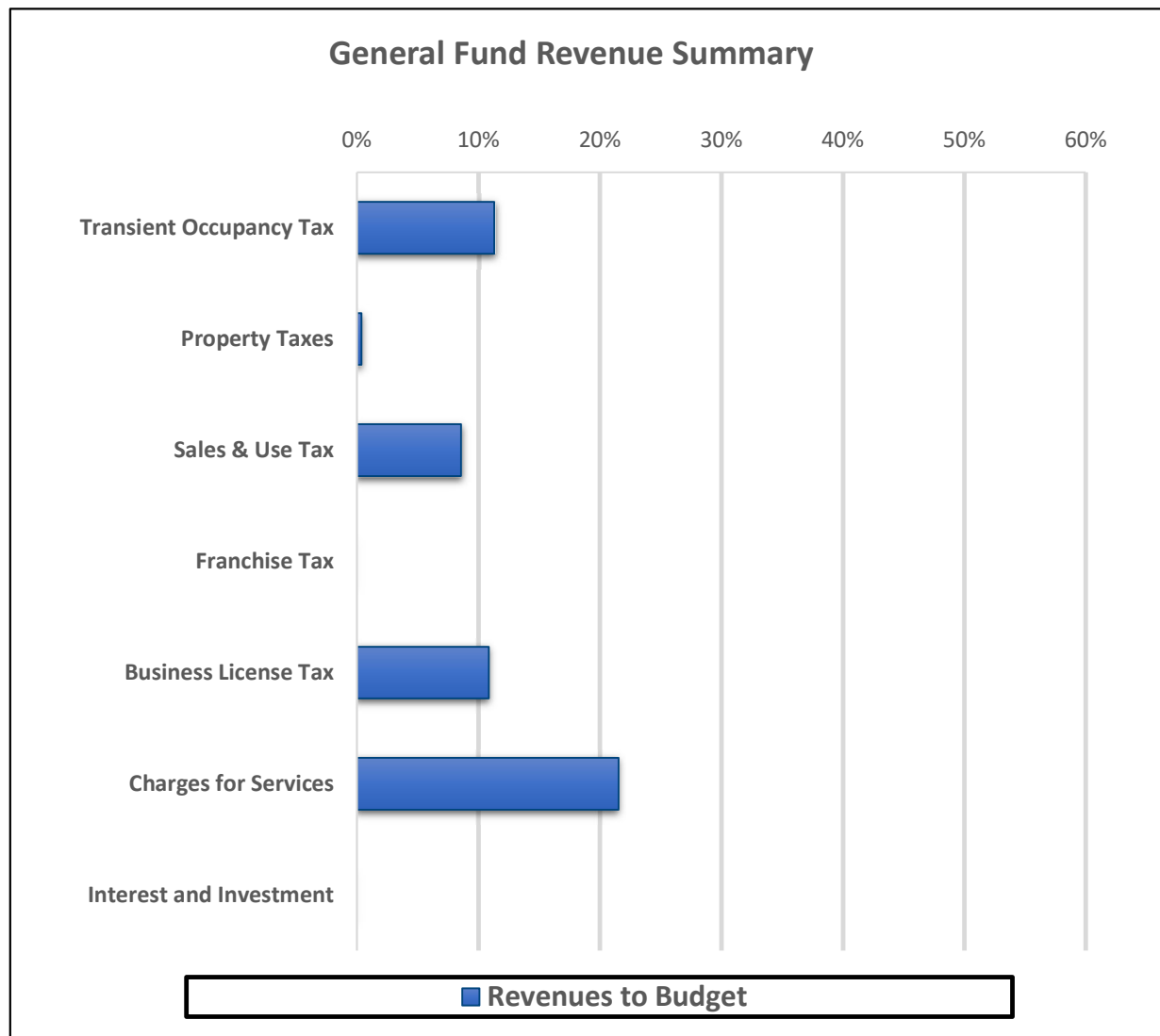
CITY OF HALF MOON BAY
Quarterly Financial Report
September 30, 2022 – 25% of Year Complete



Prepared By:
Administrative Services Department

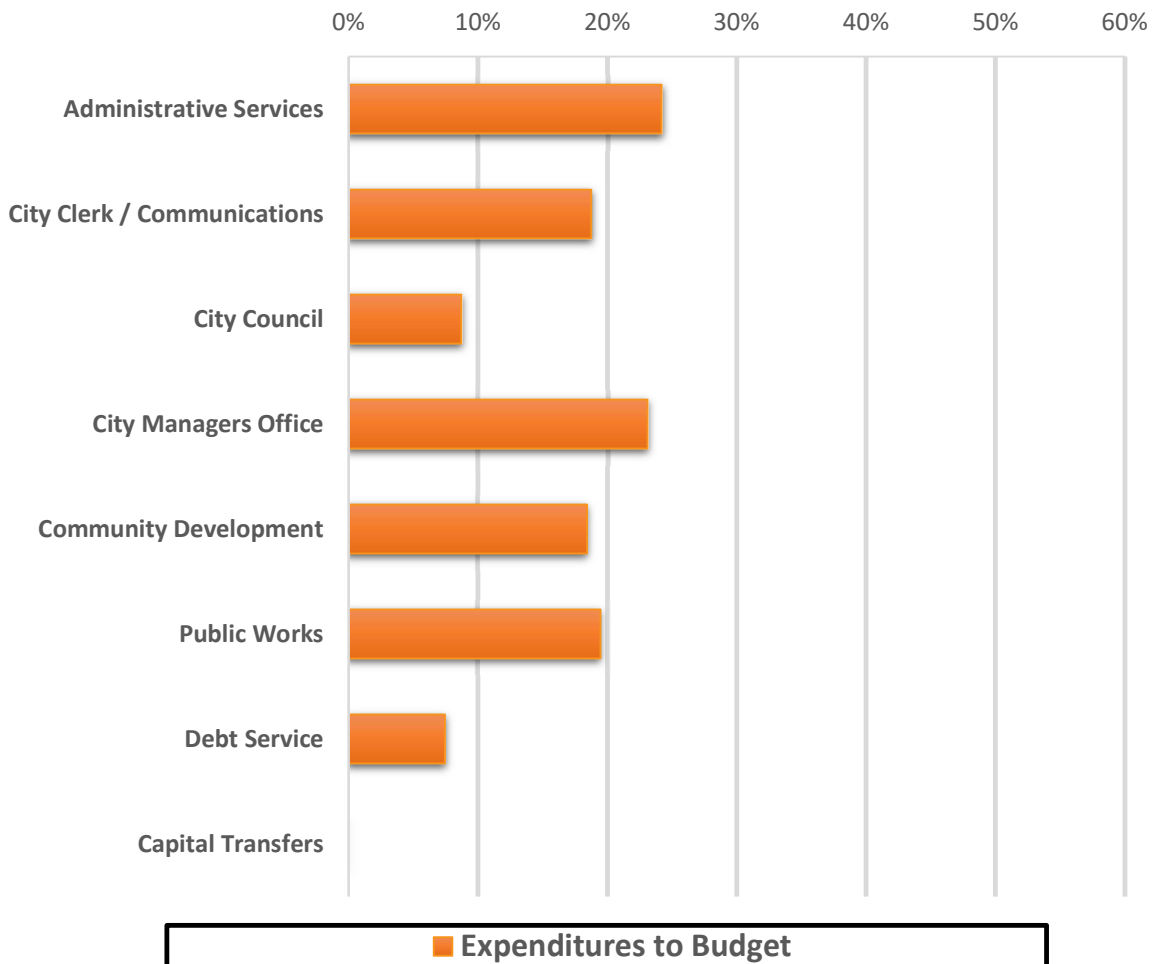


Funds	Revenues		Expenditures	
	Actual	% of Budget	Actual	% of Budget
General Fund	3,413,946	16%	3,643,642	15.5%
Special Revenue Funds	293,650	3%	1,598,037	9.3%
Sewer Operations	-	0%	1,485,343	20.6%
Sewer Capital	-	0%	56,394	1.5%
Internal Service Funds	1,212	0%	596,035	38.5%
Pension Stabilization Fund	-	0%	1,152,095	100.0%
TOTAL FOR ALL FUNDS	3,708,808	9%	8,531,546	15.7%



Department	Budget	Actual	% of Budget	Prior Year Actual	Prior Year % of Actuals
Transient Occupancy Tax	8,752,000	989,267	11%	\$ 1,244,251	13%
Property Taxes	3,436,620	12,489	0%	\$ 39,254	1%
Sales & Use Tax	3,058,600	261,896	9%	\$ 250,382	8%
Franchise Tax	836,800	-	0%	\$ -	0%
Business License Tax	301,000	32,675	11%	\$ 24,024	8%
Charges for Services	1,769,370	380,758	22%	\$ 523,376	24%
Interest and Investment	88,071	-	0%	\$ -	0%
Other Revenues	2,530,381	1,736,860	69%	\$ 1,549,974	59%
Transfers in	524,180	-	0%	\$ -	0%
TOTAL	21,297,021	3,413,946	16%	3,631,261	15%

General Fund Expenditure Summary



Department	Budget	Actual	% of Budget	Prior Year Actual	Prior Year % of Actuals
Administrative Services	1,316,046	318,272	24%	\$ 246,807	23%
City Clerk / Communications	1,058,340	198,403	19%	\$ 196,144	25%
City Council	232,538	20,234	9%	\$ 25,089	15%
City Managers Office	8,637,739	1,995,287	23%	\$ 790,595	11%
Community Development	1,998,671	368,288	18%	\$ 313,201	21%
Public Works	3,547,745	690,689	19%	\$ 639,234	22%
Debt Service	704,410	52,468	7%	\$ 63,904	5%
Non-Departmental	-	-		\$ -	0%
Operating Transfers	1,954,936	-	0%	\$ -	0%
Capital Transfers	4,015,419	-	0%	\$ -	0%
TOTAL	23,465,844	3,643,642	15.5%	2,274,974	11%

GENERAL FUND ANALYSIS:

The General Fund is the primary operating fund of the City and is used to account for most operating activities. Table 1 below provides year-to-date through the first quarter comparable data for the current fiscal year and the prior year.

Table 1: First Quarter Budget to Actual Comparison						
	<u>FY 2022-23</u>				<u>FY 2021-22</u>	
	Revised Budget	Actuals as of 09/30/2022	% of Budget	Final Actuals	Actuals as of 09/30/2021	% of Actuals
Revenues						
Transient Occupancy Tax	8,752,000	989,267	11%	9,442,518	1,244,251	13%
Property Taxes	3,436,620	12,489	0%	4,598,752	39,254	1%
Sales & Use Tax	3,058,600	261,896	9%	3,208,517	250,382	8%
Franchise Tax	836,800	-	0%	1,028,719	-	0%
Business License Tax	301,000	32,675	11%	312,608	24,024	8%
Charges for Services	1,769,370	380,758	22%	2,160,017	523,376	24%
Interest and Investment	88,071	-	0%	(284,664)	-	0%
Other Revenues	2,530,381	1,736,860	69%	2,645,612	1,549,974	59%
Transfers in	524,180	-	0%	1,422,140	-	0%
Total Revenues	21,297,021	3,413,946	16%	24,534,220	3,631,261	15%
Expenditures						
Administrative Services	1,316,046	318,272	24%	1,077,314	246,807	23%
City Clerk / Communications	1,058,340	198,403	19%	795,855	196,144	25%
City Council	232,538	20,234	9%	162,955	25,089	15%
City Managers Office	8,637,739	1,995,287	23%	7,065,465	790,595	11%
Community Development	1,998,671	368,288	18%	1,496,081	313,201	21%
Public Works	3,547,745	690,689	19%	2,911,647	639,234	22%
Debt Service	704,410	52,468	7%	1,260,001	63,904	5%
Non Departmental	-	-	-	-	-	-
Operating Transfers	1,954,936	-	0%	1,871,542	-	0%
Capital Transfers	4,015,419	-	0%	3,447,577	-	0%
Total Expenditures	23,465,844	3,643,642	16%	20,088,437	2,274,974	11%

Through the first quarter, the city received \$3.4 million of revenues for the fiscal year. Revenues have decreased from the prior years. While last year revenues were 15%, current fiscal year revenues are 16% of budget.

Expenditures through the first quarter total \$3.6 million. Expenditures through the quarter has increased when compared to the same quarter in the prior year. This is primarily due to the payment for patrol services supplied by the County remitted earlier this fiscal year. Expenditures are tracking at 16% of budget.

Revenues

Table 2 below shows a year-to-date summary of actual revenues through the first quarter for fiscal years 2022-23 and 2021-22.

Table 2: First Quarter Revenues						
	<u>FY 2022-23</u>			<u>FY 2021-22</u>		
	Revised Budget	Actuals as of 09/30/2022	% of Budget	Actuals as of 09/30/2021	% of Actuals	
Revenues						
Transient Occupancy Tax	8,752,000	989,267	11%	1,244,251	13%	
Property Taxes	3,436,620	12,489	0%	39,254	1%	
Sales & Use Tax	3,058,600	261,896	9%	250,382	8%	
Franchise Tax	836,800	-	0%	-	0%	
Business License Tax	301,000	32,675	11%	24,024	8%	
Charges for Services	1,769,370	380,758	22%	523,376	24%	
Interest and Investment	88,071	-	0%	-	0%	
Other Revenues	2,530,381	1,736,860	69%	1,549,974	59%	
Transfers in	524,180	-	0%	-	0%	
Total Revenues	21,297,021	3,413,946	16%	3,631,261	15%	

- **Transient Occupancy Tax:** The City has received \$989 thousand through the first quarter. This is a decrease of \$254 thousand from the prior year. This revenue stream is at 11% of budget compared to the prior year's 13%, signaling a potential underperformance. The City will continue monitoring this revenue stream and adjust as necessary after the second quarter.
- **Property Taxes:** Most property tax funds are received in December and April. \$12 thousand in revenues have been received thus far. Property taxes are at 0% of budget as compared to the prior year's 1%.
- **Sales & Use Taxes:** The City received \$261 thousand of sales taxes. This is a minimal increase of \$11K from the prior year. This category is tracking as anticipated.
- **All other revenues:** The City received \$1.7 million in other revenues. This category generally includes miscellaneous, non-material, or one-time funds. The increase in this category is mostly due to the earlier receipt of a public safety pension reimbursement from the County and additional grants funds for the CARES program. This category is tracking as anticipated.

Expenditures

Table 3 below shows a summary of first quarter budget-to-actual revenues for fiscal years 2022-23 and 2021-22.

Table 3: First Quarter Expenditures						
	FY 2022-23				FY 2021-22	
	Revised Budget	Actuals as of 09/30/2022	% of Budget	Final Actuals	Actuals as of 09/30/2021	% of Budget
Expenditures						
Administrative Services	1,316,046	318,272	24%	1,077,314	246,807	23%
City Clerk / Communications	1,058,340	198,403	19%	795,855	196,144	25%
City Council	232,538	20,234	9%	162,955	25,089	15%
City Managers Office	8,637,739	1,995,287	23%	7,065,465	790,595	11%
Community Development	1,998,671	368,288	18%	1,496,081	313,201	21%
Public Works	3,547,745	690,689	19%	2,911,647	639,234	22%
Debt Service	704,410	52,468	7%	1,260,001	63,904	5%
Non-Departmental	-	-		-	-	
Operating Transfers	1,954,936	-	0%	1,871,542	-	0%
Capital Transfers	4,015,419	-	0%	3,447,577	-	0%
Total Expenditures	23,465,844	3,643,642	16%	20,088,437	2,274,974	11%

General fund expenditures through the first quarter total \$3.6 million or 16% of budget. The increase of expenditures from the prior year are primarily from the City remitting the \$1 million payment for Sheriff patrol services. In prior years, this payment was generally made in the second quarter. Considering the above, operating expenditures are tracking as anticipated.

Budget Adjustments

Table 4 below shows a summary of council actions with potential budgetary effects during the first quarter not reflected in the numbers above.

Table 4: Budget Adjustments			
Item	Major Funding Source	Total Fiscal Impact	GF Impact
<i>No Budgetary Adjustments During the First Quarter</i>			
	Total	\$ -	\$ -

Conclusion

Table 5 below shows an updated summary of general fund balances for the current fiscal year.

Table 6: General Fund Balance Summary	
	FY2022-23 Adopted Budget
Beginning Fund Balance	15,585,153
Revenues	21,297,021
Expenditures	(23,465,844)
<i>Budget Adjustments</i>	-
Net Change to Fund Balance	(2,168,823)
Ending Fund Balance	13,416,330
General Fund Reserve	(5,835,127)
Economic Uncertainty	(3,890,085)
Unassigned	3,691,118

Considering revenues and expenditures are generally performing as anticipated, there is no great concern of fiscal instability for the current fiscal year with the information available. The unassigned funds on June 30, 2023, is estimated to be \$3.6 million. These funds may formally become assigned for use during the mid-year review or the next fiscal year.

Additionally, with the strong fully funded reserves, the City is content regarding the financial stability; however, we will continue to monitor any changes that may impact the City.

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **November 1, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Lisa Lopez, Administrative Services Director
Kenneth Stiles, Finance Manager

TITLE: **TREASURER'S REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2022**

RECOMMENDATION:

By motion, accept the Treasurer's Report for the quarter ending September 30, 2022.

FISCAL IMPACT:

There is no fiscal impact with the acceptance of this report.

STRATEGIC ELEMENT:

This recommendation supports the Fiscal Sustainability and Inclusive Governance Elements of the Strategic Plan.

BACKGROUND:

In accordance with Government Code Section 53600 et seq., the City's Treasurer is to provide the City Council with a report on investments on a quarterly basis. As shown in the Treasurer's Report (Attachment 1), the City's investments are in external investment pools listed at cost, as well as its fair value, not amortized cost, in compliance with Governmental Accounting Standard. The City's investment practices strictly follow Government Code Section 53600 et seq., the City's investment policy, and a prudent person's rule.

DISCUSSION:

The City's cash and investment portfolio, at fair market value, as of September 30, 2022, is \$47.1 million of which \$36.3 million is placed with the San Mateo County Treasurer's Investment Pool and \$7.6 million is placed with the State Controller's Local Agency Investment Fund (LAIF), and \$3.2 million in operating accounts with Wells Fargo Bank. The average weighted yield for the City's cash and investments are 1.23 % for the quarter.

ATTACHMENT:

Treasurer's Report for the quarter ending September 30, 2022

**City of Half Moon Bay
Treasurer's Report
September 30, 2022**

1. Cash and investments were comprised of the following instruments as of September 30, 2022, shown with the carrying amount, fair value, and corresponding yields on investment and interest earnings:

	City Treasury	Fiscal Agents	Carrying Amount	Fair Value	Quarterly Yield	Quarterly Interest Earnings	FYTD Interest Earnings
<u>Petty Cash</u>	832	-	832	832		-	-
<u>Wells Fargo Bank:</u>							
Checking	2,869,259	-	2,869,259	2,869,259		-	-
Payroll	299,382	-	299,382	299,382		-	-
<u>California State Treasurer:</u>							
LAIF - General Fund	7,779,920	-	7,779,920	7,630,241	1.29%	-	-
<u>San Mateo County Treasurer</u>							
SMCO Pool - General Fund	37,547,528	-	37,547,528	36,376,045	1.32%	-	-
TOTAL CASH AND INVESTMENTS	48,496,921	-	48,496,921	47,175,760		-	-

*Fair Value (GASB 31) includes investment returns which are not yet realized and at amortized costs. Information is obtained from individual institutions' portfolio statements.

2. **Investment maturities:**

The City limits market risk by limiting the types and maturities of its investments and by not borrowing against those investments.

Investment maturities may not exceed five years with the exception of investments as specified in bond debt covenants. Investment yield is ranked after safety and liquidity in making investment decisions.

Investments at September 30, 2022 mature as follows:

	City Treasury	Fiscal Agents	Total
Available immediately	48,496,921	-	48,496,921
Maturities less than one year	-	-	-
Maturities of one to five years	-	-	-
Greater than five years	-	-	-
Total	48,496,921	-	48,496,921

3. **Investments Sectors, as a percentage of total portfolio and also with investment performance comparisons:**

Investment sectors as a % of total portfolio		Investment performance comparisons			
		Date	Total	Yield	Interest
Demand Deposits and Money					
Market	6.54%	9/30/2020	49,213,428	1.26%	268,048
Local Agency Investment Fund	16.04%	9/30/2021	46,415,799	0.75%	-
San Mateo Co. Investment Pool	77.42%	9/30/2022	47,175,760	1.23%	-
Fiscal Agent	0				
	100.00%				

I certify that this reports all Government Agency pooled investments and is in conformity with the investment policy of the City of Half Moon Bay as stated in resolution number C-2019-107 dated December 17th, 2019. A copy of this Resolution is available at the office of the City Clerk and on the cities website <http://www.hmbcity.com>. The Investment Program provides sufficient cash flow liquidity to meet the estimated expenditures of the next six months, as required by Code Section 53646.

Kenneth Stiles

Finance Manager

10/25/2022

Date

Lisa Lopez

Administrative Services Director

10/25/2022

Date

**CITY OF HALF MOON BAY
CASH AND INVESTMENTS REPORT
FOR QUARTER ENDING 09/30/2022**

GENERAL FUND **16,514,527.69**

RESTRICTED FUNDS

STORM DRAIN OPERATING FUND	353,584.23
TRAFFIC MITIGATION FUND	4,264,306.71
LIBRARY	16,195.26
MAIN STREET BRIDGE	488,982.32
GAS TAX	1,278,060.55
STREET AND ROAD FUND	3,004,481.50
MEASURE A FUND	1,304,189.37
PARK FACILITY DEVELOPMENT	2,549,631.06
AFFORDABLE HOUSING	2,177,601.44
PUBLIC FACILITIES	1,439,593.03
POLICE SPECIAL REVENUE	786,822.42
JOB-BOND PROCEED FD	0.96
MEASURE W FUND	492,889.83
LOT ACQUISITION/DEVELOPMENT	1,796,264.05
CZI GRANTS	400,000.00
JOB - DEBT SERVICE FD	6,304.44
GEN FD CAPITAL PROJECTS	1,397,067.05
DRAINAGE FUND	981,666.58
LIBRARY CAPITAL	443,664.46
GENERAL LONG TERM DEBT	-
SEWER FUNDS	4,629,767.80
VEHICLE REPLACEMENT	197,318.74
FURN/FIXT & EQUIP FUND	483,120.36
RISK MANAGEMENT	3,173,759.96
RETIREMENT STABILIZATION	317,121.58

TOTAL, RESTRICTED FUNDS **31,982,393.70**

GENERAL LEDGER (BOOK) TOTAL

48,496,921.39

BANK BALANCES ON 09/30/2022

WELLS FARGO GENERAL CHECKING	3,385,713
WELLS FARGO PAYROLL CHECKING	152,927
LOCAL AGENCY INVESTMENT FUND (LAIF)	7,779,920
SAN MATEO COUNTY INVESTMENT POOL	37,547,528

Add: PETTY CASH ACCOUNTS	832.44
RECONCILING ITEMS	145,457.76
Less: OUTSTANDING CHECKS	(520,416.95)
Plus: DEPOSITS IN TRANSIT	4,960.31
Plus: VOID CHECKS	-

BANK RECONCILIATION TOTAL

48,496,921.39

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **November 1, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Maz Bozorginia, Interim Public Works Director/City Engineer
Todd Seeley, Public Works Superintendent

TITLE: **FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SWCA, INC. FOR HALF MOON BAY CORPORATION YARD IMPROVEMENTS PROJECT (CIP NO. 9023)**

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute a First Amendment to the Professional services agreement with SWCA, Inc. in the amount of \$30,609 for biological and environmental services for the Corporation Yard Improvements Project (CIP No. 9023).

FISCAL IMPACT:

The consultant services costs are included in the Capital Improvement Program as part of the project contingency and allocated in the FY 2022-23 Capital Budget.

STRATEGIC ELEMENT:

This action supports the Infrastructure and Environment and Public Safety Elements of the Strategic Plan.

BACKGROUND:

The Half Moon Bay Public Works Corporation Yard is located at 880 Stone Pine Road. Over the last decade this site was either operated under a license agreement or lease with Peninsula Open Space Trust (POST). Currently, Public Works staff are using a portion of the site including the former ranch house as administrative offices and open areas (and a series of storage containers) to store equipment and supplies for City utility, facility and other capital maintenance.

On Friday, January 15, 2021, the City of Half Moon Bay closed escrow on the purchase of a 21-acre property at 880 Stone Pine Road. Fronting on Highway 92 near the eastern Half Moon Bay limits, the property has been leased by the City since 2009, with most of it used as the City's

corporation yard facility. The purchase price was \$2.18 million and was acquired from the Peninsula Open Space Trust (POST).

The Corporation Yard is a critical facility for Half Moon Bay and the greater Coastsides area. The City is obligated to maintain its streets, parks, facilities, and utilities. A permanent facility is necessary on the site for maintenance staff, vehicles, equipment, and materials. This property has provided an important infrastructure for our maintenance staff to keep Half Moon Bay clean, safe, and functioning. In addition to maintenance, the property will also be used for emergency preparedness and operations.

On June 7, 2022, the City Council authorized the City Manager to execute a Professional services agreement with SWCA, Inc. to provide environmental, biological, and cultural monitoring for the construction phase of the Corporation Yard Improvement Project. The amount of monitoring included in the original contract were based on pre-construction estimates.

DISCUSSION:

Staff is requesting approval of an amendment to the Professional services agreement with SWCA Environmental Consultants (SWCA). SWCA was initially contracted for 15 days of cultural monitoring during ground-disturbing activities. Supply chain and materials availability have forced the prime contractor (HMB Grading and Paving, Inc.) to alter their construction approach, and as a result a significant increase in the number of days in which ground-disturbing activities occur is necessary.

Staff is confident that the addition of these monitoring days will allow SWCA enough time to properly observe all the ground-disturbing activities related to the project, while keeping the City compliant with all applicable laws and regulations related to disturbing ground in known culturally sensitive areas.

ATTACHMENTS:

1. Resolution
2. Scope of Services/Proposal

RESOLUTION NO. C-2022-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL
SERVICES AGREEMENT WITH SWCA, INC IN THE AMOUNT OF \$30,609 FOR ENVIRONMENTAL,
BIOLOGICAL AND CULTURAL MONITORING DURING THE CONSTRUCTION PHASE OF THE
CORPORATION YARD IMPROVEMENTS PROJECT (CIP PROJECT NO. 9023)**

WHEREAS, On March 3, 2020, the City Council authorized the City Manager to execute a Purchase and Sale Agreement to acquire 880 Stone Pine Road with the intention of continued use for a Corporation Yard; and

WHEREAS, the City entered into a Professional Services Agreement with SWCA, Inc. on June 7, 2022 to begin environmental, biological and cultural monitoring during the construction phase of the Half Moon Bay Corporation Yard Improvements Project; and

WHEREAS, the City needs to amend the contract with SWCA, Inc. to increase the number of cultural monitoring days during the construction phase of the Corporation Yard Improvements Project in order to remain compliant with applicable laws and regulations involving construction in known culturally sensitive areas.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Half Moon Bay hereby authorizes the City Manager to execute Amendment No. 1 to the Professional services agreement with SWCA, Inc. for environmental, biological and cultural support during the construction phase of the Corporation Yard Improvements Project in the amount of \$30,609.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 1st day of November 2022 by the City Council of Half Moon Bay by the following vote:

Ayes, Councilmembers: _____

Noes, Councilmembers: _____

Absent, Councilmembers: _____

Abstain, Councilmembers: _____

ATTEST:

APPROVED:

Jessica Blair, City Clerk

Debbie Ruddock, Mayor



ENVIRONMENTAL CONSULTANTS

Sound Science. Creative Solutions.®

Half Moon Bay Office
60 Stone Pine Road, Suite 100
Half Moon Bay, California 94019
Tel 650.440.4160 Fax 650.440.4165

October 10, 2022

Todd Seeley
Public Works Superintendent
501 Main Street
Half Moon Bay, CA, 94019

Re: Change Order No. 1 Scope of Work and Cost Estimate to Provide Additional Cultural Resources Monitoring for the City of Half Moon Bay Corporation Yard Upgrades Project / Project Number 73718

Dear Mr. Seeley:

In accordance with your request, SWCA Environmental Consultants (SWCA) is pleased to submit a change order scope of work and cost estimate to continue providing cultural resources monitoring for the City of Half Moon Bay (City) Corporation Yard Upgrades Project (project). The following letter proposal details our proposed scope of work and cost estimate.

SCOPE OF WORK

PHASE 1. PROJECT MANAGEMENT AND COORDINATION

SWCA Biologist and Project Manager Jessica Henderson-McBean will continue to serve as the primary point of contact for the City and as project manager for this effort. Ms. Henderson-McBean will continue to coordinate directly with the City and contractor staff as required to ensure compliance during the project. Additionally, due to the increased need for cultural resources monitoring, SWCA Cultural Team Lead, Christina Alonso, will serve as the assistant project manager (APM) to coordinate archaeological staffing and reporting throughout the remainder of the project.

PHASE 1 ASSUMPTIONS

- SWCA assumed up to 16 hours to provide project management and coordination under our original contract. Due to project schedule changes, and the need for additional monitoring and coordination, SWCA assumes that an additional 25 hours of project management and coordination will be required for the remainder of the project.

PHASE 3. CULTURAL SERVICES

TASK 3. CULTURAL RESOURCES MONITORING

In accordance with MM-CUL-2, SWCA will provide one archaeological monitor during ground disturbing activities, as specified in the Cultural Resources Monitoring Plan (CRMP). The archeological monitor will provide a daily monitoring report (DMR) using SWCA's standard DMR form. DMR forms will include the

results of any monitoring conducted for each day.

Task 3 Assumptions:

- SWCA assumed one archeologist for up to fifteen (15), 9-hour days inclusive of travel and reporting would be required for monitoring of ground disturbing activities under our original contract. Due to project schedule changes, SWCA assumes up to an additional twenty (20), 9-hour days of cultural resources monitoring, inclusive of travel and daily reporting, will be required. As a result, up to 180 have been included for the 20 days of cultural resources monitoring.

TASK 4. CULTURAL RESOURCES REPORTING

SWCA will prepare a results report that summarizes the results of monitoring completed. The report will summarize the methods and results of the monitoring and provide background information relevant to the environmental and regulatory settings. For purposes of the scope and estimated cost, SWCA proposes to submit an initial draft of the report.

Task 4 Assumptions:

- SWCA assumes that no more than one (1) round of revisions will be required to address one (1) round of non-substantive consolidated comments.
- Up to 43 hours have been included for Task 4.
- All reports will be submitted electronically.
- SWCA assumes that no intact resources will be identified during monitoring. If archaeological resources are encountered, additional work such as data recovery or test excavations, may be required, and an additional scope and cost/authorization request will be submitted prior to providing these additional services.

COST ESTIMATE

Based on thoughtful consideration of the project requirements and a thorough estimate of the attendant labor and direct costs, SWCA proposes an additional **time-and-materials budget not to exceed \$30,609**, bringing the total contract value to \$85,334. Please see Table 1 Cost Estimate for a breakdown of costs by task.

To accommodate project changes and scheduling, it is assumed that SWCA will be able to utilize the overall project funding and will not be held to task limits so long as the overall budget is not exceeded. SWCA will submit a budget summary with each invoice to provide visibility and track monthly spending.

SWCA prides itself on providing consulting services of the highest quality and efficiency, and we look forward to continuing working with you on this project. Should you have any questions or desire additional information or materials, please contact me at your convenience.

Sincerely,



Jessie Henderson-McBean
Project Manager/Biologist

COST ESTIMATE

Table 1. Cost Estimate

PHASE/TASK	ORIGINAL CONTRACT VALUE	CHANGE ORDER NO. 1	NTE TOTAL
Phase 1. Project Management and Coordination	\$2,375	\$4,725	\$7,100
Phase 2. Biological Services			
Task 1. Pre-Construction Survey	\$1,857		\$1,857
Task 2. Worker Environmental Awareness Training	\$752		\$752
Task 3. Biological Monitoring	\$32,920		\$32,920
Phase 3. Cultural Services			
Task 1. Cultural Resources Monitoring Plan	\$1,745	\$19,843	\$1,745
Task 2. Cultural Resources Training	\$1,072		\$1,072
Task 3. Cultural Resources Monitoring	\$14,004		\$33,847
Task 4. Cultural Resources Reporting			\$6,041
PROJECT TOTAL	\$54,725	\$30,609	\$85,334

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **November 1, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Maz Bozorginia, Interim Public Works Director/City Engineer
Veronika Vostinak, Public Works Program Manager

TITLE: **CLIMATE ACTION AND ADAPTATION PLAN, BUILDING ELECTRIFICATION AND
EV/PV REACH CODE UPDATE**

RECOMMENDATION:

Receive an update on the progress and schedule for the Climate Action and Adaptation Plan (CAAP), Building Electrification Ordinance, and EV/PV Reach Code.

FISCAL IMPACT:

There is no fiscal impact associated with this report. \$87,000 has been budgeted in the general fund for technical assistance and outreach necessary to complete the first section of the Climate Action and Adaptation Plan (CAAP) focused on climate action. \$150,000 has been budgeted in the Capital Improvement Fund to fund technical assistance to complete the climate adaptation element of the CAAP.

STRATEGIC ELEMENT:

This action supports the *Infrastructure and Environment* and *Healthy Communities and Public Safety* Elements of the Strategic Plan.

BACKGROUND:

California continues to lead the fight against climate change at both the state, county, and local levels. The State passed the following legislature establishing ambitious statewide greenhouse gas (GHG) reduction goals.

- Assembly Bill 32 (AB 32, 2006) - established the goal of reducing GHG emissions to 1990 levels by 2020
- Senate Bill 32 (SB 32, 2016) - established the goal of reducing GHG emissions 40% below 1990 levels by 2030

- Assembly Bill 1279 (AB 1279, 2022) - established the goal of achieving carbon neutrality by 2045 at the latest and maintaining net negative net emissions from that point forward

The City Council has identified sustainability as one of the top five priorities since FY 2019-20. In response to this commitment, the City Council adopted the City's first Sustainability Implementation Plan (SIP) in November 2019 to prioritize staff projects for FY 2019-20 and 2020-21. In September 2020, the City Council adopted an updated SIP prioritizing sustainability-related projects and programs through FY23-24.

Between October 2019 and January 2020, staff completed the Climate Action and Adaptation Plan (CAAP) Outreach Pilot Project, which was funded by a \$60,000 grant from the San Mateo County Office of Sustainability (OOS) as part of the SB-1 Caltrans Adaptation Planning Grant. Staff worked with local community-based organizations (CBOs), to conduct 15+ climate change outreach events to youth, senior and Latinx populations. Events included focus groups, movie screenings, mural paintings, climate change presentations and workshops, a virtual reality experience, and facilitated discussions. The data gathered from these events were then presented to the City Council on January 21, 2020.

Drafting the City's first CAAP was identified as a priority in the Sustainability Implementation Plan for FY 2020-21. Following the City Council meeting, staff issued a request for proposals (RFP) on January 28, 2020 for a CAAP-writing consultant. Four (4) proposals were received, and staff conducted interviews with the top two firms on March 3, 2020. Due to economic hardships related to the COVID-19 pandemic, staff decided to postpone executing the contract with the top consultant and pursued alternative options to develop the CAAP without depending solely on a consultant. Due to limited staff time and City Council direction to focus on building electrification and reach codes for FY20-21 and FY21-22, staff focused on outreach, development, and adoption of the Building Electrification Ordinance and the Electric Vehicle (EV) and Photovoltaic System (PV) Reach Code.

The City Council conducted a community study session on building decarbonization policy opportunities on February 2, 2021. Following community input, the City Council directed staff to prepare a draft ordinance that addressed the following policy areas:

1. No new Fuel Gas hookups; all new construction (residential and commercial) must be built all-electric
2. Any appliance that is replaced within an existing building must be replaced with an electric alternative
3. All Fuel Gas lines must be capped and/or decommissioned by January 1, 2045
4. Expand EV charging and PV system and battery installation requirements for new buildings

After a robust public outreach period, including one on one meetings with stakeholders, online surveys, public workshops, and multiple study sessions, the City Council adopted an EV/PV Reach Code on December 21, 2021 and the Building Electrification Ordinance on February 15, 2022.

The EV/PV Reach Code includes requirements to pre-wire for energy storage in new residential buildings, expanded PV requirements on new non-residential and hotel/motel buildings, and Peninsula Clean Energy (PCE)'s recommendations for expanded residential EV charging requirements. EV/PV Reach code was approved by the California Energy Commission on July 13, 2022.

The Building Electrification Ordinance focuses on all-electric new construction and capping and/or decommissioning any Fuel Gas connections to buildings no later than January 1, 2045. Any requirements focused on the replacement of Fuel Gas appliances with electric alternatives were removed from the final ordinance.

DISCUSSION:

Climate Action and Adaptation Plan

Due to available resources and limited budget, staff has been working to develop the first draft of the CAAP to focus mainly on climate action, or mitigation measures focused on GHG emission reduction. Staff has been leveraging the resources available through the City's participation in the Regional Integrated Climate Action Planning Suite (RICAPS), including technical assistance from consultants (DNV and Rincon) to update the City's community greenhouse gas emission inventory and identify impactful GHG mitigation measures. The new GHG emission inventory will include emissions associated with methane leakage, updated offroad emissions based on new State guidance, and a change in methodology in calculating transportation related emissions. The new GHG emission inventory utilizes the origin-destination vehicle miles travelled (VMT) protocol. Staff believes these changes will provide a more accurate representation of the community's GHG emissions.

Once the new inventory was complete and previous inventories were updated to reflect these changes, City staff and Rincon began work to estimate GHG emissions through 2045, identify feasible GHG emission targets for 2030 and 2045, and refine GHG mitigation measures to include in the draft CAAP. The first draft is expected to be available for public review by mid-December.

Staff will be hosting a community workshop on November 3, 2022 from 6pm – 7pm at the Half Moon Bay Library Community Room to discuss the updated 2019 GHG inventory and provide a preview of climate action mitigation measures from the draft CAAP for feedback.

Simultaneously, staff has been working with the San Mateo County Resource Conservation District (RCD) to identify potential for carbon sequestration on agricultural and natural lands to support the development of the City's CAAP. The carbon sequestration and adaptation chapters of the CAAP will follow once the draft focused on climate action mitigation is published for public review.

Building Electrification Ordinance

The City's Building Electrification Ordinance became effective on March 17, 2022. The Ordinance requires an annual review by the City Council. Staff is providing this report in advance of the year anniversary due to the availability of new data and changes in State law which now provide clear statutory decarbonization dates.

The current Ordinance provides some flexibility for new construction projects receiving their building permits in 2022 to proceed with the construction of a building with Fuel Gas appliances so long as the applicant Electrically Pre-Wires for future electric appliances. As such, 11 building permits for new residences have been issued since the Ordinance effective date. Two were designed as all-electric and nine were designed to include Fuel Gas appliances and pre-wiring for future electric appliances. No building permits were issued for new commercial or mixed-use buildings as of October 24, 2022.

When the City Council adopted the Building Electrification Ordinance, Half Moon Bay was one of the first cities to draft an Ordinance that included provisions that required retrofit of electric appliances at the time of replacement, during renovations, and/or requirements that Fuel Gas lines be capped/decommissioned by a date certain (end of flow date). Since the Council's consideration, San Jose, San Mateo, Portola Valley, Menlo Park, Palo Alto, and other municipalities throughout the region have seriously considered steps towards electrification of existing buildings with some cities considering adding an end of flow date to their building decarbonization strategy.

Additionally, since adoption, more incentives have become available to aid individual building owners in transitioning to all-electric. Notably, the State of California budgeted \$50 Million for FY22-23 to expand TECH incentive benefits to subsidize electric appliance replacements and on the national level the Inflation Reduction Act of 2022 (IRA), passed on August 16, 2022, includes over \$369 billion for "energy security and climate change," including dedicated funding to help building owners and disadvantaged communities transition to all-electric buildings. For example, \$4.5 billion will be available for direct rebates for low- and moderate-income households to install electric heat pumps, heat pump water heaters, electric stoves, electric dryers, panel upgrades, electric wiring and insulation. The IRA also includes \$4.5 billion in efficiency and electrification rebates, tax deductions for electric upgrades to both residential and commercial buildings, and more. Some of these incentive programs are available now where others are expected to begin in 2023.

EV/PV Reach Code

Since the EV/PV Reach Code included energy efficiency measures, the Ordinance required California Energy Commission (CEC) approval to become effective. The CEC considered and approved the Ordinance on July 13, 2022. Since the Ordinance has become effective, three residential projects have been issued building permits. Each of the three projects are required to pre-wire for an energy storage and install one Level 2 EV Ready circuit and one Level 1 EV Ready circuit.

The EV/PV Reach Code was adopted as a local amendment to the 2019 Building Code. Any local changes to the tri-annual building code must be re-adopted with each code cycle to remain effective. The next code cycle (2022) is expected to be considered by the City Council prior to the mandated February 2023 deadline. The 2022 Building Code update presented to City Council will include the new recommendations from PCE regarding expanded EV charging requirements. The 2022 Building Code will have more stringent requirements regarding PV and battery storage than the EV/PV Reach Code so no recommended amendments related to PV or battery storage will be included in the update.

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **November 1, 2022**

TO: Honorable City Council

VIA: Matthew Chidester, City Manager

FROM: John Doughty, Interim Assistant City Manager

TITLE: **STUDY SESSION – POPLAR BEACH OFF-LEASH PILOT PROJECT (JIMENEZ)**

RECOMMENDATION:

Conduct a study session and consider whether to direct staff to initiate work on developing a pilot project allowing dogs off-leash on a portion of Poplar Beach.

FISCAL IMPACT:

The operating budget of the City Manager's Office and City Attorney's Office is sufficient to cover the cost of research and program preparation. Additional resources including signage will be necessary to implement. These costs are anticipated to be less than \$10,000.

STRATEGIC ELEMENT:

This recommendation supports the Healthy Communities and Public Safety Element of the Strategic Plan.

BACKGROUND:

Earlier this year, the City Council agreed to the placement of an item on a future agenda regarding potential establishment of an area at Poplar Beach for dogs to go off-leash. The request was initiated by Council Member Jimenez and supported by the other City Council members. Over the years, residents have informally requested the City consider allowing dogs to go off-leash on Poplar Beach. There has also been a growing interest among equestrian enthusiasts to designate a specific area for off-leash activities in hopes of limiting dog/horse interactions.

The Half Moon Bay Municipal Code requires, as a condition of being allowed on a public street, sidewalk, park, school ground or any public property or upon unenclosed premises within the City to be under the control of the owner by being saddled, harnessed, haltered or leashed by a substantial chain, lead rope or leash, six foot maximum, which shall be held by some competent person capable of controlling such animal. (Section 8.40.040 A.)

In 2020, the City Council adopted an ordinance revising various chapters of the Half Moon Bay Municipal Code related to permissible activities in City parks and beaches. The Municipal Code acknowledges the existing dog park at Smith Field. (Section 9.13.020A.) As part of that action, the City Council revised Chapter 8, Section 8.04.040, subsection F. allowing the City Council to, by resolution, designate additional off-leash areas in parks and on beaches. Enclosed dog park areas within City parks are exempt from leash requirements given they are fully enclosed/controlled areas.

On May 3rd, as part of the annual Beach Action Plan Update, the City Council was asked to consider establishing an off-leash dog area at Poplar Beach. The City Council did not choose to proceed at that time citing a lack of specific details, concerns regarding dog/horse interface and general logistical concerns including enforcement. The May 3rd discussion lacked substantive detail and had not been vetted with the community in advance.

Subsequently, the City Manager discussed concerns regarding horse/dog interactions and means to limit those conflicts with the owner of Sea Horse Ranch (operator of a local horseback riding stable which utilizes Poplar Beach for commercial horseback riding activities). The owner has previously shared her concerns about dog/horse interactions, especially those dogs allowed off-leash at Poplar Beach. Based upon recent discussions with the Sea Horse Ranch owner and other equestrian related beach users, we believe the activities can co-exist and even benefit from designating an off-leash dog area. Limiting the area for leashed dogs would also be viewed as a positive for equestrian users as well.

In 2021, the City partnered with beach volleyball clubs and enthusiasts to create three regulation courts at the north end of Poplar Beach (generally located between the extension of Kelly Avenue and the “Slot Access”). The City approved the courts in 2022 and envisions the activity becoming a permanent seasonal activity at Poplar Beach.

DISCUSSION:

The purpose of this workshop is to accept input from the community and City Council on whether to modify how and where dogs are permitted on Poplar Beach. Many visitors choose to allow their dogs to go “off-leash” on Poplar Beach. As noted above, dogs are required by Municipal Code to be on-leash (and controlled at all times) on Poplar Beach. Unfortunately, there have been incidents involving dogs (on-and off-leash) and horses. These incidents have fortunately not resulted in significant injuries to the persons or animals, but they could have. In addition, not all beach visitors wish to share their experience with horses and/or dogs. While enforcement is an obvious response, the City lacks the resources to actively enforce leash laws on Poplar Beach particularly given the beach is open 24 hours per day, 365 days a year. Further, enforcement does not address the visitor experience policy question.

Some in the community have suggested the creation of an off-leash dog area at Poplar Beach to: 1) legalize the activity; and 2) limit conflicts between off-leash dogs, other visitors and horses. In advance of this item, staff has taken the opportunity to look more closely at Poplar

Beach. One of the other policy questions for the community and City Council to answer is whether to limit on-leash activity at Poplar Beach. The other part of this equation relates to equestrian use of Poplar Beach. Any policy formulation will have to include some limits on where and possibly when equestrian activity occurs on Poplar Beach.

While all community input is critical to the formulation of any policy, staff is particularly interested in receiving initial input on two significant policy questions: 1) the concept of creating an off-leash area; and 2) if yes, whether on-leash dog activities should be limited to certain areas of Poplar Beach. Again, dog/horse conflicts have occurred with both on-and off-leash dogs. There would be no limits on visitor, pedestrian or ocean access within designated areas. It would simply allow beach users to choose how they wish to enjoy Poplar Beach.

For purposes of initiating community discussion, staff has provided two potential options which provide dogs and their owners vertical access to the beach and which would limit dog interactions with equestrians; and segregate the off-leash activities from other beach users. Staff would recommend that any designated areas extend from the base of bluff to the surf zone (Mean High Tide Line). Staff will be prepared to walk the community through the two options as part of the workshop. These by no means represent the only options available.

Despite the provision in the Municipal Code, there remains some question as to the extent of permitting required and who would retain final review/approval authority. If directed to proceed with an off-leash option, staff will conduct the necessary research and consult with district staff of the Coastal Commission.

Conclusion

Designating a portion of Poplar Beach as an off-leash area would legalize what is current practice by many beach users while allowing beach visitors and equestrians to enjoy their time at Poplar Beach absent off-leash dogs (and potentially on-leash dogs).

ATTACHMENTS:

- 1) Chapter 8.04 Half Moon Bay Municipal Code
- 2) Conceptual Options

Chapter 8.04

Animal Control

8.04.040 Prohibited conduct

No owner or guardian of any animal shall cause or permit it to do any of the following:

A. To be in any public street, sidewalk, park, school ground, or any public property, or upon unenclosed premises in the city unless the animal is properly licensed, if such licensing is required by the city, and under the control of the owner by being saddled, harnessed, haltered or leashed by a substantial chain, lead rope or leash, six foot maximum, which shall be held by some competent person capable of controlling such animal.

B. To trespass upon any private property without the consent of the owner thereof, and to knowingly permit the animal to remain upon the property or to habitually continue to trespass thereon.

C. To suffer or permit such animal to habitually bark or meow or act in such a manner as to continuously disturb the peace of any citizen or to be a public nuisance.

D. To be without proper and adequate food, water, shelter, care, and attention as described in Section 597(f) of the Penal Code.

E. Subsection A of this section shall not be applicable to cats.

F. Notwithstanding any contrary provision contained in this title, dogs are not required to be leashed while located in an off-leash dog area that has been designated by the City Council. The city shall post appropriate signs and notices designating off-leash dog areas and indicating the rules and regulations applicable to such designated off-leash dog areas. Failure to comply with the posted rules and regulations shall constitute a violation of this section.

G. To walk more than three dogs at any one time or walk dogs for a fee in any public place without an annual permit from the city. The City Manager or designee shall establish the requirements and conditions for the dog walking permit program. Any dog walker failing to possess a dog walking permit shall be in violation of this section and shall be punishable.

ATTACHMENT 2

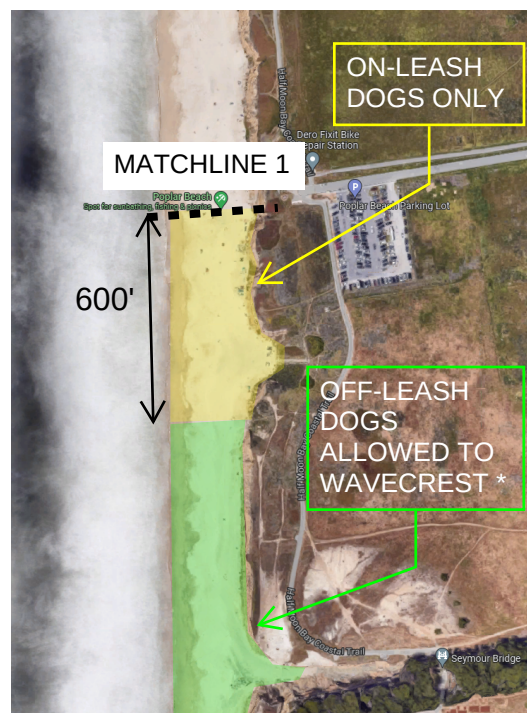
KELLY TO POPLAR
(Option 1)



KELLY TO POPLAR
(Option 2)



POPLAR TO WAVECREST



* NOTE: ON LEASH
DOGS ALLOWED IN
OFF LEASH AREA