AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE DISTRICT
February 17, 2010
5:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

Special Meeting

5:00 P.M. **ROLL CALL** **Lewis, Dobbie, Marsala, McKeithen, Carlson**

5:02 P.M. **PUBLIC COMMENTS**

5:15 P.M. **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):

John P. Johns v. the Town of Atherton, San Mateo County Superior Court Case No. CIV 479972

B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Subsection (b) of Government Code Section 54956.9): One (1) potential case:

Jonathan B. Buckheit v. Tony Dennis, Dean DeVlugt, The Town of Atherton, The County of San Mateo, and Does 1-500, inclusive - U.S. District Court for the Northern District of California, San Francisco Division, Case No. CV 09-5000

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Subsection (B) of Government Code Section 54956.9): One potential case:

California Tort Claim by Silvester M. Rabic, as Domestic Trustee on Behalf of the J.B.B Trust

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):

Atherton et al v. High-Speed Rail Authority Case No. 34-2008-80000022

Date posted: 021210

E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Subsection (B) of Government Code Section 54956.9): Unknown number of potential case:

Road Impact Fees

RECONVENE TO OPEN SESSION

Report of action taken.

6:55 P.M. ADJOURN

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)

Date posted: 021210

AGENDA
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
FEBRUARY 17, 2010
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

PLEASE NOTE:

Times listed on the Agenda are an approximation and not a time certain. The Council may take up items out of order. Please arrive well in advance of the time listed for any item in which you are interested.

7:00 P.M. **PLEDGE OF ALLEGIANCE**

7:02 P.M. **1.** **ROLL CALL** **Lewis, Dobbie, Marsala, McKeithen, J.Carlson**

7:03 P.M. **2.** **PUBLIC HEARING**

ADOPT RESOLUTIONS 10-06 AND 10-07 APPROVING AN AMENDED MASTER FEE SCHEDULE FOR MISCELLANOUS TOWN FEES
Report: City Manager Jerry Gruber
Recommendation: Adopt Resolution 10-06 amending the master fee schedule (excluding building department fees) to reduce certain fees and Adopt Resolution 10-07 amending the master fee schedule to reduce building department fees

7:20 P.M. **3.** **PRESENTATIONS**

PROCLAMATION TO AMERICAN RED CROSS BAY AREA CHAPTER AND THE SAN MATEO COUNTY AMERICAN RED CROSS LEADERSHIP COUNCIL TO RECOGNIZE MARCH AS RED CROSS MONTH

LEAGUE OF CALIFORNIA CITIES PRESENTATION AND INTRODUCTION – Foster City Vice Mayor Linda Koelling

7:40 P.M. **4.** **PUBLIC COMMENTS** *(This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the Agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the Council from acting on items not listed on the Agenda except by special action of the City Council under specified circumstances. Speakers' time is limited to three minutes.)*

Dated and Posted 021210

7:50 P.M. **5.** **REPORT OUT OF CLOSED SESSION**

7:55 P.M. **6.** **CITY MANAGER'S REPORT**

8:00 P.M. **7.** **COMMUNITY ORGANIZATION ROUNDTABLE REPORT (Directed by Resolution No. 99-6)**

LIBRARY NEEDS ASSESSMENT – Presentation given by Atherton Library Branch Manager Carine Risley

8:30 P.M. **CONSENT CALENDAR (Items 8-18)**

*****Approval of Consent needs a Roll Call Vote*****

(Consent Calendar items are routine in nature and are generally considered in one motion and adopted by a single vote of the City Council. If discussion regarding a Consent Calendar item is desired, the member(s) of the City Council, public, and/or staff wishing to pull the item should so indicate at the time the Mayor calls for consideration of the Consent Calendar.)

8. APPROVAL OF JANUARY 11 STRATEGIC WORKSHOP MINUTES, JANUARY 12 STUDY SESSION MINUTES, JANUARY 21 REGULAR MEETING MINUTES AND FEBRUARY 1 STUDY SESSION MINUTES.
Recommendation: Approve January 11, 2010, January 12, 2010, January 21, 2010, and February 1, 2010 City Council Meeting Minutes

9. APPROVAL OF BILLS AND CLAIMS FOR DECEMBER 2009 IN THE AMOUNT OF $923,411
Recommendation: Approve Bills and Claims in the amount of $923,411

10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE MONTH ENDED JANUARY 31, 2010
Recommendation: Accept Monthly Financial Report

11. TREASURER'S REPORT FOR THE SECOND QUARTER ENDED DECEMBER 31, 2009
Report: Finance Director Louise Ho
Recommendation: Accept the Treasurer's Report for the Second Quarter Ended December 31, 2009

12. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE GARDEN ROOM RENOVATION PROJECT NUMBER 09-025
Report: Public Works Director Duncan Jones
Recommendation: Approve the plans and specifications and authorize advertisement for bids for the Garden Room Renovation Project, Project No. 09-025

13. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR TRAFFIC ENGINEERING SERVICES FOR THE VALPARAISO CROSSWALK AT HOOVER OR VICTORIA TRAFFIC STUDY, IN AN AMOUNT NOT TO EXCEED $20,600 PLUS A TEN PERCENT CONTINGENCY, FOR A TOTAL AUTHORIZATION OF $22,660

Report: Public Works Director Duncan Jones

Recommendation: Accept the proposal and authorize the City Manager to sign a Professional Services Agreement with Kimley-Horn and Associates, Inc to provide traffic engineering services for the Valparaiso Crosswalk at Hoover or Victoria Traffic Study in an amount not exceed $20,600, plus a 10% contingency of $2,060, for a total authorization of $22,660

14. DEBELL DRIVE TRAFFIC STUDY

Report: Public Works Director Duncan Jones

Recommendation: Direct staff to proceed with the DeBell Drive Traffic Study under the Town's Traffic Program procedures.

15. CONSIDER CONSENT TO ASSIGNMENT OF FRANCHISE COLLECTION AGREEMENT FOR ALLIED WASTE INDUSTRIES, INC. MERGER WITH REPUBLIC SERVICES, INC.

Report: City Manager Jerry Gruber

Recommendation: Approve Resolution 10-08 approving the consent to assignment of the Franchise Collection Agreement with Allied Waste Industries Inc. (Allied) to Republic Services, Inc. (Republic) pursuant to their merger

16. ADOPTION OF A RESOLUTION RESCINDING THE BUSINESS LICENSE PROCESSING FEE ADOPTED BY RESOLUTION 09-04

Report: Finance Director Louise Ho

Recommendation: Approve Resolution 10-09 rescinding the business license processing fee adopted by Resolution 09-04

17. APPROVAL OF THE THIRD AMENDMENT TO THE PROFESSIONAL /CONSULTING SERVICES AGREEMENT WITH NBS CONCERNING THE TOWN OF ATHERTON'S COMPREHENSIVE FEE STUDY

Report: Finance Director Louise Ho

Recommendation: Approve the third amendment to the professional consulting services agreement with NBS concerning the Town of Atherton's comprehensive fee study; and authorize City Manager to execute in an amount not to exceed $9,300

18. SECOND READING AND ADOPTION OF AN <u>ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADDING</u>

CHAPTER 1.21 TO THE ATHERTON MUNICIPAL CODE ESTABLISHING ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE ATHERTON MUNICIPAL CODE, RELATED STATE CODES AND CONDITIONS ON ENTITLEMENTS
Report: City Manager Jerry Gruber
Recommendation: Waive further reading, and adopt Ordinance Adding Chapter 1.21 to the Atherton Municipal Code Establishing Administrative Citations for Violations of the Atherton Municipal Code, Related State Codes and Conditions of Entitlements
(Needs Roll Call Vote and Ordinance to be read by Title)

8:45 P.M. PUBLIC HEARINGS (19)

19. ADOPTION OF RESOLUTIONS JOINING THE CALIFORNIAFIRST PROGRAM; AUTHORIZING THE COUNTY OF SACRAMENTO TO APPLY FOR GRANT FUNDS ON THE TOWN'S BEHALF; AUTHORIZING THE ASSOCIATION OF BAY AREA GOVERNMENTS TO ACCEPT A GRANT AWARD ON ITS BEHALF AND TO ENTER INTO ALL NECESSARY AGREEMENTS TO CARRY OUT QUALIFIED PROJECTS
Report: Town Arborist Kathy Hughes-Anderson
Recommendation: Staff recommends that the City Council conduct a public hearing and adopt Resolution 10-10 to become a participating member agency of the CaliforniaFIRST program, Resolution 10-11 to authorize the County of Sacramento to apply for grant funds on behalf of the Town, and Resolution 10-12 to authorize the Association of Bay Area Governments (ABAG) to accept a grant award on its behalf and to enter into all necessary contracts and agreements to carry out qualified projects, recognizing the County of San Mateo as the lead local implementer for all of the local governments in San Mateo County.

REGULAR AGENDA (Items 20-27)

8:55 P.M. 20. ADOPT RESOLUTION 10-13 TO SUPERSEDE RESOLUTION 09-09 AND TO EXPAND FINANCE COMMITTEE
Report: City Manager Jerry Gruber
Recommendation: To Be Determined

9:05 P.M. 21. ROAD IMPACT FEE REFUND UPDATE
Report: City Manager Jerry Gruber
Recommendation: To Be Determined

9:20 P.M. 22. DRAINAGE CRITERIA UPDATE REVISITED
Report: Public Works Director Duncan Jones
Recommendation: Receive this information and give direction to staff for future actions to update the Drainage Criteria, to modify the maintenance agreement and to modify the Grading, Erosion and Sediment Control Ordinance (Municipal Code Section 8.54).

9:40 P.M. **23.** **ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR BUDGET ADJUSTMENTS FOR FY 2009-10**
Report: Finance Director Louise Ho
Recommendation: Adopt Resolution 10-12 Approving the Mid-Year Budget Adjustments for FY 2009-10 **(Needs 4/5 Vote for Approval)**

9:45 P.M. **24.** **STATUS REPORT OF TOWN COMMITTEE AND COMMISSION VACANCIES DUE TO EXPIRE ON APRIL 30, 2010 AND REQUEST TO SCHEDULE A SPECIAL CITY COUNCIL MEETING TO INTERVIEW APPLICANTS**
Report: Deputy City Clerk Theresa DellaSanta
Recommendation: Schedule a Special City Council meeting sometime between Monday, March 22, 2010 and Friday, April 16, 2010 to interview applicants for the Arts, Atherton Rail, Audit, Environmental Programs and General Plan Committees

9:55 P.M. **25.** **TOWN CENTER TASK FORCE COMMITTEE UPDATE**
Report: City Manager Jerry Gruber
Recommendation: No Action

10:05 P.M. **26.** **RECONSTITUTE CITY COUNCIL AD-HOC COUNCIL COMMUNICATIONS SUBCOMMITTEE TO TOWN COMMUNICATIONS COMMITTEE AND EXPAND MEMBERSHIPS**
Recommendation: To Be Determined

10:10 P.M. **27.** **AMEND SECTION 5.1 OF THE COUNCIL RULES OF PROCEDURES TO MOVE FUTURE AGENDA ITEMS TO BEGINNING OF THE AGENDA**
Recommendation: To Be Determined

10:15 P.M. **28.** **COUNCIL REPORTS**

10:20 P.M. **29.** **FUTURE AGENDA ITEMS**

10:25 P.M. **30.** **PUBLIC COMMENTS**

10:30 P.M. **31.** **ADJOURN**

PLEASE NOTE THE FOLLOWING INFORMATION:

If you challenge a Town zoning, planning, or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any Town administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a

shorter time period.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection by 5:00 p.m. the Friday before each regularly scheduled City Council meeting at the Atherton Library, 2 Dinklespiel, Station Lane, and the Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027. Additionally, agendas and staff reports may be accessed on the town website at: www.ci.atherton.ca.us

In compliance with SB 343, materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the Town Administrative Offices, 91 Ashfield Road, during normal business hours.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)

Dated and Posted 021210

ITEM NO. 2

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **JEROME D. GRUBER, CITY MANAGER**

DATE: **FOR THE REGULAR MEETING OF FEBRUARY 17, 2010**

SUBJECT: **ADOPT RESOLUTIONS 10-06 AND 10-07 APPROVING AN AMENDED MASTER FEE SCHEDULE FOR MISCELLANEOUS TOWN FEES**

RECOMMENDATION:

Council to Adopt Resolution 10-06 amending the master fee schedule (excluding building department fees) to reduce certain fees and Adopt Resolution 10-07 amending the master fee schedule to reduce building department fees

BACKGROUND:

The master fee schedule has been substantively modified across-the-board, applying informal direction received from Council at its February 1 study session on overhead cost allocations. In addition, significant restructuring and secondary analysis has been performed on the Public Works schedule. Officially, there are no "new" fees anywhere in the master fee schedule. There are new subcategories within existing fee categories, such as minor encroachments, grading and drainage classifications, and conditional use permits. In all of the new subcategories, the structure of the existing categorical fee structure has been altered to provide for different classifications. In all of these cases, the applicant would have been subject to an existing fee; the Town is simply changing the structure and amount of the fee that would apply.

The amendments in question all involve reductions to fees adopted on November 18, 2009, or in the case of building department fees, January 20, 2010. All the fees take effect 60 days after adoption; the fees approved in November went into effect on January 17, 2010. The Building Department fees will take effect on March 21, 2010. By adopting revisions at its February meeting, the City Council can give enough advance

notice to the Building Division so that they can avoid a window of time in which the higher fees would be charged.

Fee reductions can take effect immediately. The new amended fees (for everything except Building Department fees) would take effect immediately following Council approval. The amended Building Department fees would take effect on March 21, 2010. All of this is reflected in the attached resolutions.

Council will need to decide whether they want to refund the fees paid from January 17, 2010 to present. Alternative language has been added in brackets under Section 7 of resolutions 10-06 and 10-07 if Council chooses to do so.

Attachments: NBS Cover letter outlining changes
Master Fee Schedule
Resolution 10-06
Resolution 10-07

MEMORANDUM

To: Louise Ho, Finance Director
Town of Atherton

From: Jeanette Hahn, Director
NBS

Date: February 10, 2010

Re: Revised Master Fee Schedule for City Council Consideration

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INTRODUCTION

The purpose of this memorandum is to summarize the changes reflected in the revised Master Fee Schedule for the Town of Atherton submitted by NBS to and posted by the Town on February 5, 2010.

The following exhibits are attached to this memo:

- Attachment A – The "final version" of the revised Master Fee Schedule, which lists the proposed fees for consideration by the City Council on February 17, 2010.

- Attachment B – The "working version" of the Master Fee Schedule, which lists supplemental information along with the proposed fees, including: the full cost of service for each fee category, the fee amount – if any – that was imposed by the Town prior to adoption of new fees in November 2009/January 2010, and the newly proposed fee amount derived after substantive revisions have been made based on both community feedback and recent City Council policy direction.

TIMELINE OF RECENT FEE ACTIONS

NBS presents the following recap of recent actions related to the development and revision of the Town's Master Fee Schedule:

- February to September 2009 – Development of the cost of service analysis, revision of findings based on Town staff/management and City Council review, and generation of a Master Fee Schedule.

- April 7, 2009 – City Council session to review overhead cost allocation and initial fee-related cost of service concepts.

- June 1, 2009 – City Council session to review preliminary cost of service findings.

- June 25, 2009 – City Council session to review revised cost of service findings and to formulate any specific cost recovery objectives from user/regulatory fees.

- July 28, 2009 – City Council session to review the final draft Master Fee Schedule.

- September 16, 2009 – City Council regular meeting and public hearing to consider for approval the final Master Fee Schedule. City Council directed that a public meeting be held to solicit additional community input on fees. No action was taken on the Master Fee Schedule.

- November 5, 2009 – Public meeting to receive community feedback on the proposed Master Fee Schedule.

- November 18, 2009 – City Council regular meeting and public hearing to consider for approval the final Master Fee Schedule. All fees, except those imposed by the Building Department were adopted.

- December 16, 2009 – City Council session to review the findings of a historical reconciliation of Building Department costs of service and fee collections.

- January 20, 2010 – City Council regular meeting and public hearing to consider for approval the Building Department component of the Master Fee Schedule. Council adopted all fees/valuations found by the NBS analysis to require a decrease; all other Building Department fees were left unchanged.

- February 1, 2010 – City Council session to discuss alternative overhead cost allocation policies and implications to both fees and the Town's use of reserves and/or General Fund resources for Town-wide overhead activities. City Council provided policy direction which materially altered the overhead cost allocation and triggered changes to the underlying cost of service basis for the recently adopted Master Fee Schedule.

- February 17, 2010 – City Council regular meeting and public hearing to consider for approval a revised Master Fee Schedule.

REVISED COST OF SERVICE JUSTIFICATION OF USER/REGULATORY FEES

The attached revised Master Fee Schedule was generated based on two recent developments:

1. City Council review and discussion of the implications of overhead cost allocation in the underlying cost of service basis for user/regulatory fees.

2. Consideration of public input received since November that materially affects certain fee categories within the Public Works Department; and reanalysis of operations and procedures within the Department that would also influence fee outcomes.

Impacts from Changes Overhead Cost Allocation

At its special session on February 1, 2010, the City Council provided informal policy direction on Town-wide overhead costs, most substantively on items the consensus of Councilmembers deems should be funded entirely by the general resources of the Town and not wholly or partially through fees for user/regulatory activities.

In the original overhead cost allocation plan, a total of $2.4 million in Town-wide indirect/support services costs were identified, covering allocable functions from agency governance to administration and financial management to facilities maintenance. In its February 1st session, the consensus of Councilmembers directed that the following policy decisions should lower that total allocable amount as follows:

- All City Council expenditures should be covered by the General Fund and excluded from the overhead analysis.

- A substantial portion of Administration Department expenditures should be covered by the General Fund and excluded from the overhead analysis, following estimates of departmental staff time spent either supporting the City Council or addressing larger community or regional issues. (Half of the City Manager's time, 20% of the Deputy City Manager's time, 85% of the City Clerk's time, and 100% of the Administrative Assistant's time have been excluded, as well as proportionate non-labor costs.)

- Expenses related to litigation support from the City Attorney's Department should be covered by the General Fund and excluded from the overhead analysis.

These changes result in an overall decrease in the allocable Town-wide indirect/support services costs processed by the overhead cost allocation plan: from $2.4 million to $1.7 million.

Many of these remaining costs will still be funded by the Town's General Fund; however, by remaining in the plan and considered allocable, they influence the cost of service justification for user/regulatory fees listed in the Master Fee Schedule. Therefore, given the substantive decrease in overall allocable expenditures, the cost of service basis for fees has materially decreased as well, necessitating submission of a revised Master Fee Schedule, particularly for areas where full cost recovery was targeted in the adopted fee amount.

Impacts from Additional Analysis on Public Works Fees

Throughout November, December, and January, the Town has received additional community input on several Public Works Department fees, particularly related to encroachments for driveways and utility-related activity. The City Council has directed staff and consultants to thoroughly review the analytical justification for fees and consider changes to the fee structure that would address issues raised in public comments. Thus, two efforts have been made in this revision process.

First, Town staff and consultants have returned to underlying data and assumptions used to generate costs of service. This involved understanding both the annual time devoted to permit-related activities, as well as the average and range of time spent on individual applications, plan checks, and inspections within each fee category. In this reanalysis, NBS has substantively changed its understanding of and assumptions regarding the organization of the Public Works Department and the annual time devoted to permit-related activities. This single change has substantively dropped the fully-burdened hourly rate applicable from Public Works Engineering staff, as reflected in the revised Master Fee Schedule. (The fully-burdened hourly rate is a key driver in the calculated of the costs of service for each fee category.)

Secondly, staff and consultants have reviewed the structure of fees and introduced new classifications within the encroachment fee to address minor activities, allowing more flexibility in the fee schedule to further tailor fees to specific project characteristics and requirements. This same analysis of project classifications also has influenced an expansion of the structure for grading/drainage permits. Both structural changes are evident in the revised Master Fee Schedule.

REVISED MASTER FEE SCHEDULE

The analytical revisions summarized briefly above have represented a significant overhaul to the cost of service analyses and the Master Fee Schedule itself. To review the changes in fees, one must examine the Master Fee Schedule line by line as nearly every fee amount has been altered – decreased, in fact. To aid this detailed review, NBS has prepared a Working Version of the Master Fee Schedule, included as Attachment B to this memo. Moving across the columns of Attachment B from left to right, the reader will see:

- The name and/or description of the fee or fee category and its subcomponents.

- The calculated fee amount assuming 100% recovery of the cost of service identified through the various analyses performed by NBS. (As put shortly before, this represents the maximum amount the Town may recover in a user/regulatory fee for the item in question.)

- In the Building and Planning Departments only, the calculated fee amount assuming a lesser cost recovery amount, per City Council policy. That policy directed that while justifiable from a fee-setting standpoint, indirect costs attributable to customer service in those two departments will be funded by the General Fund and excluded entirely from fees.

- The fee prior to recent adopted revisions (January 20, 2010 for the Building Department and November 18, 2009 for all other departments).

- The fee adopted on either November 18, 2009 or January 20, 2010.

- The fee proposed for City Council consideration on February 17, 2010, based on the analytical and policy changes summarized in this memo.

NBS would like to reiterate that with respect to Building Department fees, nearly all fees remain unchanged throughout this entire process. (Refer to reports provided to the City Council in December 2009 and January 2010.) Building fees in effect prior to recent City Council action to modify fees remain in effect with the following exceptions, all of which represent *decreases* to fee amounts applicants would have paid: plan review for projects valued at $500,001 or greater; the permitted value of construction for residential remodels and non-habitable construction; additional heritage tree removals/staff level; and excavation permits. Under this latest analytical revision, these fees will be decreased further. All other Building Department fees stand as before.

NBS will be available at the upcoming February 17, 2010 City Council meeting to discuss and respond to questions regarding the revised Master Fee Schedule. For additional information prior to that event, please do not hesitate to contact us at 800.676.7516.

ATTACHMENT A

Town of Atherton Master Fee Schedule (Final Version, Proposed)

TOWN OF ATHERTON

FINAL VERSION OF THE MASTER FEE SCHEDULE

Note: This Fee Schedule does not include all fees that may by imposed by the Town of Atherton

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TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Administrative Fees

Service	Fee
ADMINISTRATIVE FEES	
Photocopying and/or Printing	$0.10 Per Page
Digital Transmission of Files	$0
Returned Checks (Non-Sufficient Funds)	$35 Per Check
Stop-payment Check & Lost Check Replacement	$35 Per Check
Tape Duplication - Per Tape	$61
Notarize - Per Signature	$10
Certified Copies - Per Copy	$30
Special Event Application Review	$202
Copy of Municipal Code	Free Via Website or See Photocopying and Printing Charge
Copy of General Plan	Free Via Website or See Photocopying and Printing Charge
Copy of Zoning Ordinance	Free Via Website or See Photocopying and Printing Charge
Copy of Budget	Free Via Website or See Photocopying and Printing Charge
Copy of Subdivision Ordinance	Free Via Website or See Photocopying and Printing Charge
List of All Businesses in Atherton	Free Via Website or $64
Install and Remove Banner:	
Town Related Banner	$0
All Other Banners	$361
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:	
Administration Department Staff:	$121 Per Hour
Finance Department Staff:	$153 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

BUILDING FEES

Building Permit Fees

Total Valuation	Building Permit Fee	Plan Review Fee
$1.00 to $500	$23.50	65% of Building Permit Fee
$501 to $2,000	$23.50 for the first $500, plus $3.05 for each add'l $100, or fraction thereof, to and including $2,000	65% of Building Permit Fee
$2,001 to $25,000	$69.25 for the first $2,000, plus $14.00 for each add'l $1,000, or fraction thereof, to and including $25,000	65% of Building Permit Fee
$25,001 to $50,000	$391.25 for the first $25,000, plus $10.10 for each add'l $1,000, or fraction thereof, to and including $50,000	65% of Building Permit Fee
$50,001 to $100,000	$643.75 for the first $50,000, plus $7.00 for each add'l $1,000, or fraction thereof, to and including $100,000	65% of Building Permit Fee
$100,001 to $500,000	$993.75 for the first $100,000, plus $5.60 for each add'l $1,000, or fraction thereof, to and including $500,000	65% of Building Permit Fee
$500,001 to $1,000,000	$3,233.75 for the first $500,000, plus $4.75 for each add'l $1,000, or fraction thereof, to and including $1,000,000	45% of Building Permit Fee
$1,000,001 and up	$5,608.75 for the first $1,000,000, plus $3.65 for each add'l $1,000, or fraction thereof	45% of Building Permit Fee

Permitted Value of Construction

New Habitable Construction	$350 Per Square Foot
Remodeled Habitable Construction	$300 Per Square Foot
New or Remodeled Non-Habitable Construction	$200 Per Square Foot

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Fee
BUILDING FEES	
Other Building Fees	
Plumbing, Mechanical, Electrical Permit	$100
Demolition Permit Fee	$200
Landscape Screening Permit Fee	$250
Water Well Permit Fee	$500
Solar Panels Permit Fee	$250
Heritage Tree Removal - Staff Level (First Tree)	$100
Heritage Tree Removal - Staff Level (Each Additional Tree)	$38
Excavation Permit	$457
Revision Fee	$54 per hour
Address Change	$250
Permit Search	$20 Plus Photocopying and/or Printing Posts
Reactivation of an Expired Permit	Up to One-Half the Amount Required for a New Permit for Such Work
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates
Second Utility Deposit (Ordinance 15.04.040)	$5,000
Landscape Screening Deposit (Ordinance 17.50.060)	$5,000
Temporary Occupancy Deposit:	
Deposit	$5,000
Administrative Fee	$152
Excavation Road Deposit (Ordinance 15.04.045)	$5,000
Recycling Deposit For issuance of any construction permit with a project cost estimated above $50,000 or will generate more than ten tons of construction or demolition debris.	$1,000 Minimum and $500 Minimum for Re-Roof Permits

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Fee
BUILDING FEES	
SMIP Fee	
SMIP - Residential (California Department of Conservation Mandated Fee)	Valuation Amount X 0.0001
SMIP - Commercial (California Department of Conservation Mandated Fee)	Valuation Amount X 0.00021
Building Standards Administration Special Revolving Fund (Senate Bill No. 1473 State Mandated)	
Permit Valuation	
$1-25,000	$1
$25,001-50,000	$2
$50,001-75,000	$3
$75,001-100,000	$4
Every $25,000 or fraction thereof above $100,000	Add $1

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Planning Fees

Service	Fee
PLANNING FEES	
Conditional Use Permit/Special Structure Permit	Billed Per Hour with $1,919 Minimum, Plus $2,000 Initial Deposit
Variance	Billed Per Hour with $2,242 Minimum, Plus $2,000 Initial Deposit
Heritage Tree Removal Permit	Billed Per Hour with $2,224 Minimum, Plus $2,000 Initial Deposit
Exception Review	Billed Per Hour with $1,919 Minimum, Plus $2,000 Initial Deposit
Excessive Height	Billed Per Hour with $1,919 Minimum, Plus $2,000 Initial Deposit
Lot Line Redesignation	Billed Per Hour with $2,242 Minimum, Plus $2,000 Initial Deposit
Lot Line Adjustment	Billed Per Hour with $1,596 Minimum, Plus $2,500 Initial Deposit
Tentative Parcel Map	Billed Per Hour with $2,242 Minimum, Plus $2,500 Initial Deposit
Final Parcel Map	Billed Per Hour with $1,273 Minimum, Plus $2,500 Initial Deposit
Appeal	$750
School Master Plan	$750
Initial Review/Negative Declaration	Billed Per Hour with $3,534 Minimum, Plus $2,000 Initial Deposit
Zoning Ordinance Amendment	Billed Per Hour with $3,534 Minimum, Plus $2,500 Initial Deposit
General Plan Amendment	Billed Per Hour with $3,534 Minimum, Plus $2,500 Initial Deposit
Zoning Review for Home Occupation Business	$81
Pre-Application Review	Billed Hourly; Reference Hourly Rates

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Planning Fees

Service	Fee
PLANNING FEES	
Street Easement Vacation	Billed Hourly; Reference Hourly Rates
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates
Initial Review (2 reviews for fee amount; additional reviews billed hourly):	
a. Fence	$157
b. Accessory Structures (includes pools)	$314
c. Accessory Buildings	$637
d. Additions	$798
e. New Construction	$1,282
Revisions to Previously Approved Plans	Billed Hourly; Reference Hourly Rates

Many of the above-listed fees are applied on an hourly basis and are structured to recover the full cost of service for each activity type. The Town will apply the following hourly rates against recorded time to determine the fee amount owed by each applicant. Hourly rates from other departments outside the Planning Department, including the City Attorney's Office, may also apply if staff from those other departments perform work on a specific application. Additionally, the Town will pass-through to the applicant any discrete costs incurred from the use of external service providers if required to process the specific application.

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

Town Planner:	$225 Per Hour
Deputy Town Planner:	$177 Per Hour
Senior Planner:	$168 Per Hour
Assistant Planner:	$135 Per Hour
Administrative Staff:	$119 Per Hour
Composite Rate for Fee Setting:	$161 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Fee
PARKS PROGRAM FEES	
Weddings/Receptions or Social Functions	
One Building Rental	
1 - 100 Guests	$2,000
101 - 200 Guests	$2,250
Additional Hour	$100 Per Hour
Additional Attendant	$50 Per Hour
Two Building Rental	
1 - 100 Guests	$4,000
101 - 200 Guests	$4,500
Additional Hour	$100 Per Hour
Additional Attendant	$50 Per Hour
Deposit	
Security Deposit:	$1,000
Amount refundable if cancelled more than nine months in advance	$750
Amount refundable if cancelled seven to nine months in advance	$500
Amount refundable if cancelled six months or less in advance	$0

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Fee
PARKS PROGRAM FEES	
Meetings	
The Main House	
Half Day (Mon. - Fri.) (Four hours)	$300
Full Day/Evening (Mon. - Fri.)	$400; Plus $50 Per Hour After 5:00 p.m.
Additional Hour	$50 Per Hour
Carriage House	
Weekday, Half Day (Mon. - Fri.) (Four hours)	$200
Weekday, Full Day (Mon. - Fri.) (8:00 am - 5:00 pm)	$250
Weekend, Full Day (Sat. - Sun.) (9:00 am - 4:00 pm)	$250; Plus $25 Per Hour
Weekend Evening (Fri. - Sun.) (5:00 pm - 11:00 pm)	$500
Additional Hour or Additional Attendant	$25 Per Hour
Jennings Pavilion	
1 - 100 Guests	
Half Day (Mon. - Fri.) (Four hours)	$400
Full Day/Evening (Mon. - Fri.)	$500; Plus $50 Per Hour After 5:00 p.m.
Additional Hour or Additional Attendant	$50 Per Hour
101 - 200 Guests	
Half Day (Mon. - Fri.)	$500
Full Day/Evening (Mon. - Fri.)	$600; Plus $100 Per Hour After 5:00 p.m.
Additional Hour or Additional Attendant	$100 Per Hour
Town Related Organizations	40% Discount for Main House Meeting Rentals; 20% Discount for Carriage House and Jennings Pavilion Meeting Rentals
Security Deposit (1)	$250
Other	
Day Use Permit (Exclusive Use of Picnic Facilities)	$100 Per Day
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Fee
PARKS PROGRAM FEES	
For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:	
Program Director, for services related to facility use:	$253 Per Hour
Facility Maintenance Staff, for services related to facility use:	$237 Per Hour
Facility Attendant, for services related to facility use:	$110 Per Hour

(1) Security deposit not required for Town Related Organizations.

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Encroachment Permits	
Class A - One Inspection Required:	
Driveway Connection to Street:	
i. Application	$199
ii. Plan Check	$133
iii. Inspection	$133
Total	**$465**
iv. Additional Plan Check	$133
v. Additional Inspection	$133
Class B - Two Inspections Required:	
Driveway Connection to Street:	
i. Application	$199
ii. Plan Check	$199
iii. Inspection	$266
Total	**$665**
iv. Additional Plan Check	$199
v. Additional Inspection	$133
Class C - Three or More Inspections Required:	
Driveway Connection to Street - Asphalt/Pavers:	
Without Driveway Culvert (up to 3 inspections)	
i. Application	$199
ii. Plan Check	$266
iii. Inspection	$399
Total	**$864**
iv. Additional Plan Check	$266
v. Additional Inspection	$133
With Driveway Culvert (up to 4 inspections)	
i. Application	$199
ii. Plan Check	$332
iii. Inspection	$532
Total	**$1,064**
iv. Additional Plan Check	$332
v. Additional Inspection	$133

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Driveway Connection to Street - Concrete:	
Without Driveway Culvert (up to 4 inspections)	
i. Application	$199
ii. Plan Check	$332
iii. Inspection	$532
Total	**$1,064**
iv. Additional Plan Check	$332
v. Additional Inspection	$133
With Driveway Culvert (up to 5 inspections)	
i. Application	$199
ii. Plan Check	$332
iii. Inspection	$665
Total	**$1,197**
iv. Additional Plan Check	$332
v. Additional Inspection	$133
Right-of-Way Landscaping, Fence, Etc. - Minor Construction (up to 2 inspections)	
i. Application	$133
ii. Plan Check	$66
iii. Inspection	$133
Total	**$332**
iv. Additional Plan Check	$66
v. Additional Inspection	$133
Right-of-Way Landscaping, Fence, Etc. - Standard (up to 2 inspections)	
i. Application	$199
ii. Plan Check	$133
iii. Inspection	$266
Total	**$598**
iv. Additional Plan Check	$133
v. Additional Inspection	$133

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Connection to Storm Drain or Atherton Channel:	
a. In Pavement	
i. Application (Per Application)	$199
ii. Plan Check (Per Application)	$399
iii. Inspection (Per Trench or Pit)	$798
Total	**$1,396**
iv. Additional Plan Check	$399
v. Additional Inspection	$133
b. Outside Pavement	
i. Application (Per Application)	$199
ii. Plan Check (Per Application)	$399
iii. Inspection (Per Trench or Pit)	$465
Total	**$1,063**
iv. Additional Plan Check	$399
v. Additional Inspection	$133
Utility - Minor (One Inspection Required):	
i. Application (Per Application)	$199
ii. Plan Check (Per Application)	$133
iii. Inspection	$133
Total	**$465**
iv. Additional Plan Check	$133
v. Additional Inspection	$133

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Utility Connect/Disconnect:	
a. In Pavement	
i. Application (Per Application)	$199
ii. Plan Check (Per Application)	$266
iii. Inspection (Per Trench or Pit)	$598
Total	**$1,063**
iv. Additional Plan Check	$266
v. Additional Inspection	$133
b. Outside Pavement	
i. Application (Per Application)	$199
ii. Plan Check (Per Application)	$266
iii. Inspection (Per Trench or Pit)	$399
Total	**$864**
iv. Additional Plan Check	$266
v. Additional Inspection	$133
Utility Main:	
a. In Pavement	
i. Application (Per Application)	$199
ii. Plan Check (Per Application)	$665
iii. Inspection (Per Trench or Pit)	Trench - Greater of $598 or $11 per linear foot; Pit - $598
Total	**varies**
iv. Additional Plan Check	$665
v. Additional Inspection	$133
b. Outside Pavement	
i. Application (Per Application)	$199
ii. Plan Check (Per Application)	$665
iii. Inspection (Per Trench or Pit)	Trench - Greater of $399 or $7 per linear foot; Pit - $399
Total	**varies**
iv. Additional Plan Check	$665
v. Additional Inspection	$133
Telecommunication Installation Permit:	
i. Without Trenching	$66
ii. With Trenching	See Utility Main Fee

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Property Improvement Permits and Reviews	
Grading and Drainage:	
a. Without Detention System	Billed Per Hour for Staff Time or Consultant Cost Plus Overhead, with $1,330 Minimum, Plus $500 Initial Deposit
b. With Detention System	Billed Per Hour for Staff Time or Consultant Cost Plus Overhead, with $1,995 Minimum, Plus $1,000 Initial Deposit
c. With Multiple Detention Systems	Billed Per Hour for Staff Time or Consultant Cost Plus Overhead, with $2,394 Minimum, Plus $1,500 Initial Deposit
Detention System Annual Report Filing	$80
Detention System Annual Report - Submittals Out of Compliance	$199
Other	
Stop Work Order (Penalty)	50% of Permit
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates

At the discretion of the Public Works Director, additional fees may apply for projects requiring in excess of 15 hours and additional deposits may be collected for larger or more complex projects.

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

Public Works/Engineering Staff:	$133 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Police Fees

Service	Fee
POLICE FEES	
Copy of Police Report:	
Without Photos or Tape Copies	$18
With Photos or Tape Copies	$106 Per Hour
Vehicle Releases	$53
Alarm Registration	$25
Alarm Alert Signs	$30
Garage Sale/Estate Sale Permits	$18
Fingerprints	$53
Solicitor Permit (Valid for six months; business license required)	$44
After Hours Emergency Construction Permits	$141
Special Service Request:	
Administrative Fee	$18
On-Site Personnel Fee	Fully Burdened Hourly Rate x 1.5; 2 Hour Minimum
Clearance Letter	$18
Microfilmed Reports	$106 Per Hour
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:	
Records/Communications Staff:	$106 Per Hour
Patrol/Investigations Staff:	$141 Per Hour

ATTACHMENT B

Town of Atherton Master Fee Schedule (Working Version, Proposed)

TOWN OF ATHERTON

WORKING VERSION OF THE MASTER FEE SCHEDULE

Note: This Fee Schedule does not include all fees that may by imposed by the Town of Atherton

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TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Administrative Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
ADMINISTRATIVE FEES				
Photocopying and/or Printing	$10 Minimum	$0.10 Per Page	$0.10 Per Page	$0.10 Per Page
Digital Transmission of Files	$30	$0	$0	$0
Returned Checks (Non-Sufficient Funds)	$115 Plus Bank Fees	$20	$35 Per Check	$35 Per Check
Stop-payment Check & Lost Check Replacement	$115 Plus Bank Fees	$0	$35 Per Check	$35 Per Check
Tape Duplication - Per Tape	$61	$10	$64	$61
Notarize - Per Signature	$30	$10	$10	$10
Certified Copies - Per Copy	$30	$1	$32	$30
Special Event Application Review	$202	$75	$218	$202
Copy of Municipal Code	Free Via Website or See Photocopying and Printing Charge	$100	Free Via Website or See Photocopying and Printing Charge	Free Via Website or See Photocopying and Printing Charge
Copy of General Plan	Free Via Website or See Photocopying and Printing Charge	$40	Free Via Website or See Photocopying and Printing Charge	Free Via Website or See Photocopying and Printing Charge
Copy of Zoning Ordinance	Free Via Website or See Photocopying and Printing Charge	$15	Free Via Website or See Photocopying and Printing Charge	Free Via Website or See Photocopying and Printing Charge
Copy of Budget	Free Via Website or See Photocopying and Printing Charge	$15	Free Via Website or See Photocopying and Printing Charge	Free Via Website or See Photocopying and Printing Charge
Copy of Subdivision Ordinance	Free Via Website or See Photocopying and Printing Charge	$5	Free Via Website or See Photocopying and Printing Charge	Free Via Website or See Photocopying and Printing Charge
List of All Businesses in Atherton	Free Via Website or $64	$0	Free Via Website or $69	Free Via Website or $64
Install and Remove Banner:				
Town Related Banner	$361	$0	$0	$0
All Other Banners	$361	$0	$387	$361
Code Enforcement - Administrative (Penalty)	See Hourly Rates	$0	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:		
Administration Department Staff:	$129 Per Hour	$121 Per Hour
Finance Department Staff:	$166 Per Hour	$153 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Calculated Fee Amount Assuming Targeted Recovery of 79% of Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted January 20, 2010	Proposed Fee for Council Consideration February 17, 2010
BUILDING FEES					
Building Permit Fees					
$1.00 to $500					
Permit	$193	$152	$23.50	$23.50	$23.50
Plan Review	$397	$314 OR 206% of Building Permit Fee	$15.28	65% of Building Permit Fee	65% of Building Permit Fee
$501 to $2,000					
Permit	$193 for the first $500, plus $18.00 for each add'l $100, or fraction thereof, to and including $2,000	$152 for the first $500, plus $14.27 for each add'l $100, or fraction thereof, to and including $2,000	$23.50 for the first $500, plus $3.05 for each add'l $100, or fraction thereof, to and including $2,000	$23.50 for the first $500, plus $3.05 for each add'l $100, or fraction thereof, to and including $2,000	$23.50 for the first $500, plus $3.05 for each add'l $100, or fraction thereof, to and including $2,000
Plan Review	$403 for the first $500, plus $6.00 for each add'l $100, or fraction thereof, to and including $2,000	$319 for the first $500, plus $4.73 for each add'l $100, or fraction thereof, to and including $2,000 OR 158% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee
$2,001 to $25,000					
Permit	$463 for the first $2,000, plus $19.13 for each add'l $1,000, or fraction thereof, to and including $25,000	$366 for the first $2,000, plus $15.13 for each add'l $1,000, or fraction thereof, to and including $25,000	$69.25 for the first $2,000, plus $14 for each add'l $1,000, or fraction thereof, to and including $25,000	$69.25 for the first $2,000, plus $14.00 for each add'l $1,000, or fraction thereof, to and including $25,000	$69.25 for the first $2,000, plus $14.00 for each add'l $1,000, or fraction thereof, to and including $25,000
Plan Review	$493 for the first $2,000, plus $5.78 for each add'l $1,000, or fraction thereof, to and including $25,000	$390 for the first $2,000, plus $4.57 for each add'l $1,000, or fraction thereof, to and including $25,000 OR 88% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee
$25,001 to $50,000					
Permit	$903 for the first $25,000, plus $17.08 for each add'l $1,000, or fraction thereof, to and including $50,000	$714 for the first $25,000, plus $13.48 for each add'l $1,000, or fraction thereof, to and including $50,000	$391.25 for the first $25,000, plus $10.10 for each add'l $1,000, or fraction thereof, to and including $50,000	$391.25 for the first $25,000, plus $10.10 for each add'l $1,000, or fraction thereof, to and including $50,000	$391.25 for the first $25,000, plus $10.10 for each add'l $1,000, or fraction thereof, to and including $50,000
Plan Review	$626 for the first $25,000, plus $8.64 for each add'l $1,000, or fraction thereof, to and including $50,000	$495 for the first $25,000, plus $6.84 for each add'l $1,000, or fraction thereof, to and including $50,000 OR 66% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Calculated Fee Amount Assuming Targeted Recovery of 79% of Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted January 20, 2010	Proposed Fee for Council Consideration February 17, 2010
BUILDING FEES					
$50,001 to $100,000					
Permit	$1,330 for the first $50,000, plus $38.14 for each add'l $1,000, or fraction thereof, to and including $100,000	$1,051 for the first $50,000, plus $30.16 for each add'l $1,000, or fraction thereof, to and including $100,000	$643.75 for the first $50,000, plus $7 for each add'l $1,000, or fraction thereof, to and including $100,000	$643.75 for the first $50,000, plus $7.00 for each add'l $1,000, or fraction thereof, to and including $100,000	$643.75 for the first $50,000, plus $7.00 for each add'l $1,000, or fraction thereof, to and including $100,000
Plan Review	$842 for the first $50,000, plus $12.28 for each add'l $1,000, or fraction thereof, to and including $100,000	$666 for the first $50,000, plus $9.70 for each add'l $1,000, or fraction thereof, to and including $100,000 OR 54% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee
$100,001 to $500,000					
Permit	$3,237 for the first $100,000, plus $3.52 for each add'l $1,000, or fraction thereof, to and including $500,000	$2,559 for the first $100,000, plus $2.79 for each add'l $1,000, or fraction thereof, to and including $500,000	$993.75 for the first $100,000, plus $5.60 for each add'l $1,000, or fraction thereof, to and including $500,000	$993.75 for the first $100,000, plus $5.60 for each add'l $1,000, or fraction thereof, to and including $500,000	$993.75 for the first $100,000, plus $5.60 for each add'l $1,000, or fraction thereof, to and including $500,000
Plan Review	$1,456 for the first $100,000, plus $1.44 for each add'l $1,000, or fraction thereof, to and including $500,000	$1,151 for the first $100,000, plus $1.14 for each add'l $1,000, or fraction thereof, to and including $500,000 OR 45% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee
$500,001 to $1,000,000					
Permit	$4,644 for the first $500,000, plus $4.48 for each add'l $1,000, or fraction thereof, to and including $1,000,000	$3,673 for the first $500,000, plus $3.54 for each add'l $1,000, or fraction thereof, to and including $1,000,000	$3,233.75 for the first $500,000, plus $4.75 for each add'l $1,000, or fraction thereof, to and including $1,000,000	$3,233.75 for the first $500,000, plus $4.75 for each add'l $1,000, or fraction thereof, to and including $1,000,000	$3,233.75 for the first $500,000, plus $4.75 for each add'l $1,000, or fraction thereof, to and including $1,000,000
Plan Review	$2,033 for the first $500,000, plus $2.40 for each add'l $1,000, or fraction thereof, to and including $1,000,000	$1,608 for the first $500,000, plus $1.90 for each add'l $1,000, or fraction thereof, to and including $1,000,000 OR 46% of Building Permit Fee	65% of Building Permit Fee	45% of Building Permit Fee	45% of Building Permit Fee
$1,000,001 and up					
Permit	$6,882 for the first $1,000,000, plus $4.48 for each add'l $1,000, or fraction thereof	$5,442 for the first $1,000,000, plus $3.54 for each add'l $1,000, or fraction thereof	$5,608.75 for the first $1,000,000, plus $3.65 for each add'l $1,000, or fraction thereof	$5,608.75 for the first $1,000,000, plus $3.65 for each add'l $1,000, or fraction thereof	$5,608.75 for the first $1,000,000, plus $3.65 for each add'l $1,000, or fraction thereof
Plan Review	$3,233 for the first $1,000,000, plus $2.40 for each add'l $1,000, or fraction thereof	$2,556 for the first $1,000,000, plus $1.90 for each add'l $1,000, or fraction thereof OR 47% of Building Permit Fee	65% of Building Permit Fee	45% of Building Permit Fee	45% of Building Permit Fee

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Calculated Fee Amount Assuming Targeted Recovery of 79% of Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted January 20, 2010	Proposed Fee for Council Consideration February 17, 2010
BUILDING FEES					
Permitted Value of Construction					
New Habitable Construction	n/a	n/a	$350 Per Square Foot	$350 Per Square Foot	$350 Per Square Foot
Remodeled Habitable Construction	n/a	n/a	$350 Per Square Foot	$300 Per Square Foot	$300 Per Square Foot
New or Remodeled Non-Habitable Construction	n/a	n/a	$250 Per Square Foot	$200 Per Square Foot	$200 Per Square Foot
Other Building Fees					
Plumbing, Mechanical, Electrical Permit	$385	$304	$100	$100	$100
Demolition Permit Fee	$650	$514	$200	$200	$200
Landscape Screening Permit Fee	$337	$266	$250	$250	$250
Water Well Permit Fee	$698	$552	$500	$500	$500
Solar Panels Permit Fee	$674	$533	$250	$250	$250
Heritage Tree Removal - Staff Level (First Tree)	$193	$152	$100	$100	$100
Heritage Tree Removal - Staff Level (Each Additional Tree)	$48	$38	$50	$41	$38
Excavation Permit	$578	$457	$1,000	$496	$457
Revision Fee	$193 per hour	$152 per hour	$54 Per Hour	$54 Per Hour	$54 Per Hour
Address Change	$193 per hour or consultant costs	$152 per hour or consultant costs	$250	$250	$250
Permit Search	$32 Plus Photocopying and/or Printing Posts	$25 Plus Photocopying and/or Printing Posts	$20 Plus Photocopying and/or Printing Posts	$20 Plus Photocopying and/or Printing Posts	$20 Plus Photocopying and/or Printing Posts
Reactivation of an Expired Permit	n/a	n/a	$0	Up to One-Half the Amount Required for a New Permit for Such Work	Up to One-Half the Amount Required for a New Permit for Such Work
Code Enforcement - Administrative (Penalty)	See Hourly Rates	See Hourly Rates	$0	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates
Second Utility Deposit (Ordinance 15.04.040)	n/a	n/a	$5,000	$5,000	$5,000
Landscape Screening Deposit (Ordinance 17.50.060)	n/a	n/a	$5,000	$5,000	$5,000
Temporary Occupancy					
Deposit	n/a	n/a	$5,000	$5,000	$5,000
Administrative Fee	$193	$152	$0	$165	$152

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Calculated Fee Amount Assuming Targeted Recovery of 79% of Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted January 20, 2010	Proposed Fee for Council Consideration February 17, 2010
BUILDING FEES					
Excavation Road Deposit (Ordinance 15.04.045)	n/a	n/a	$5,000	$5,000	$5,000
Recycling Deposit	n/a	n/a	$1,000 Minimum and $500 Minimum for Re-Roof Permits	$1,000 Minimum and $500 Minimum for Re-Roof Permits	$1,000 Minimum and $500 Minimum for Re-Roof Permits
SMIP Fee					
SMIP - Residential (California Department of Conservation Mandated Fee)	n/a	n/a	Valuation Amount X 0.0001	Valuation Amount X 0.0001	Valuation Amount X 0.0001
SMIP - Commercial (California Department of Conservation Mandated Fee)	n/a	n/a	Valuation Amount X 0.00021	Valuation Amount X 0.00021	Valuation Amount X 0.00021
Building Standards Administration Special Revolving Fund (Senate Bill No. 1473 State Mandated)					
Permit Valuation					
$1-25,000	n/a	n/a	$1	$1	$1
$25,001-50,000	n/a	n/a	$2	$2	$2
$50,001-75,000	n/a	n/a	$3	$3	$3
$75,001-100,000	n/a	n/a	$4	$4	$4
Every $25,000 or fraction thereof above $100,000	n/a	n/a	Add $1	Add $1	Add $1

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Planning Fees

Service	Minimum Calculated Fee Amount Assuming Recovery of 100% of Cost of Service	Minimum Calculated Fee Amount Assuming Targeted Recovery of 74% of Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PLANNING FEES					
Conditional Use Permit/Special Structure Permit	$2,474	$1,919	Billed Per Hour with $1,500 Minimum Plus $2,000 Deposit	Billed Per Hour with $1,963 Minimum, Plus $2,000 Initial Deposit	Billed Per Hour with $1,919 Minimum, Plus $2,000 Initial Deposit
Variance	$2,908	$2,242	Billed Per Hour with $1,500 Minimum Plus $2,000 Deposit	Billed Per Hour with $2,289 Minimum, Plus $2,000 Initial Deposit	Billed Per Hour with $2,242 Minimum, Plus $2,000 Initial Deposit
Heritage Tree Removal Permit	$2,779	$2,224	Billed Per Hour with $1,500 Minimum Plus $2,000 Deposit	Billed Per Hour with $2,293 Minimum, Plus $2,000 Initial Deposit	Billed Per Hour with $2,224 Minimum, Plus $2,000 Initial Deposit
Exception Review	$2,474	$1,919	Billed Per Hour with $1,500 Minimum Plus $1,000 Deposit	Billed Per Hour with $1,963 Minimum, Plus $2,000 Initial Deposit	Billed Per Hour with $1,919 Minimum, Plus $2,000 Initial Deposit
Excessive Height	$2,474	$1,919	Billed Per Hour with $1,500 Minimum Plus $2,000 Deposit	Billed Per Hour with $1,963 Minimum, Plus $2,000 Initial Deposit	Billed Per Hour with $1,919 Minimum, Plus $2,000 Initial Deposit
Lot Line Redesignation	$2,908	$2,242	Billed Per Hour with $1,500 Minimum Plus $1,000 Deposit	Billed Per Hour with $2,289 Minimum, Plus $2,000 Initial Deposit	Billed Per Hour with $2,242 Minimum, Plus $2,000 Initial Deposit
Lot Line Adjustment	$2,040 Plus Additional Consultant Costs	$1,596	Billed Per Hour with $2,500 Minimum Plus $1,000 Deposit	Billed Per Hour with $1,636 Minimum, Plus $2,500 Initial Deposit	Billed Per Hour with $1,596 Minimum, Plus $2,500 Initial Deposit
Tentative Parcel Map	$2,908 Plus Additional Consultant Costs	$2,242	Billed Per Hour with $5,000 Minimum Plus $2,500 Deposit	Billed Per Hour with $2,289 Minimum, Plus $2,500 Initial Deposit	Billed Per Hour with $2,242 Minimum, Plus $2,500 Initial Deposit
Final Parcel Map	$1,606 Plus Additional Consultant Costs	$1,273	Billed Per Hour with $5,000 Minimum Plus $2,500 Deposit	Billed Per Hour with $1,310 Minimum, Plus $2,500 Initial Deposit	Billed Per Hour with $1,273 Minimum, Plus $2,500 Initial Deposit
Appeal	$2,040	$1,596	$750	$750	$750
School Master Plan	$1,606	$1,273	$750	$750	$750
Initial Review/Negative Declaration	$4,644	$3,534	Billed Per Hour with $2,500 Minimum Plus $1,000 Deposit	Billed Per Hour with $3,595 Minimum, Plus $2,000 Initial Deposit	Billed Per Hour with $3,534 Minimum, Plus $2,000 Initial Deposit
Zoning Ordinance Amendment	$4,644	$3,534	Billed Per Hour with $5,000 Minimum Plus $2,500 Deposit	Billed Per Hour with $3,595 Minimum, Plus $2,500 Initial Deposit	Billed Per Hour with $3,534 Minimum, Plus $2,500 Initial Deposit
General Plan Amendment	$4,644	$3,534	Billed Per Hour with $5,000 Minimum Plus $2,500 Deposit	Billed Per Hour with $3,595 Minimum, Plus $2,500 Initial Deposit	Billed Per Hour with $3,534 Minimum, Plus $2,500 Initial Deposit
Zoning Review for Home Occupation Business	$108	$81	$100	$82	$81
Pre-Application Review	See Hourly Rates	See Hourly Rates	$0	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Planning Fees

Service	Minimum Calculated Fee Amount Assuming Recovery of 100% of Cost of Service	Minimum Calculated Fee Amount Assuming Targeted Recovery of 74% of Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PLANNING FEES					
Street Easement Vacation	See Hourly Rates	See Hourly Rates	$1,000	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates
Code Enforcement - Administrative (Penalty)	See Hourly Rates	See Hourly Rates	$0	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates
Initial Review (2 reviews for fee amount; additional reviews billed hourly):					
a. Fence	$185	$157	$0	$164	$157
b. Accessory Structures (includes pools)	$369	$314	$0	$328	$314
c. Accessory Buildings	$803	$637	$0	$655	$637
d. Additions	$1,020	$798	$0	$818	$798
e. New Construction	$1,671	$1,282	$0	$1,308	$1,282
Revisions to Previously Approved Plans	See Hourly Rates	See Hourly Rates	$0	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates

Many of the above-listed fees are applied on an hourly basis and are structured to recover the full cost of service for each activity type. The Town will apply the following hourly rates against recorded time to determine the fee amount owed by each applicant. Hourly rates from other departments outside the Planning Department, including the City Attorney's Office, may also apply if staff from those other departments perform work on a specific application. Additionally, the Town will pass-through to the applicant any discrete costs incurred from the use of external service providers if required to process the specific application.

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

Town Planner:	$280 Per Hour	$225 Per Hour	n/a	$226 Per Hour	$225 Per Hour
Deputy Town Planner:	$232 Per Hour	$177 Per Hour	n/a	$178 Per Hour	$177 Per Hour
Senior Planner:	$223 Per Hour	$168 Per Hour	n/a	$169 Per Hour	$168 Per Hour
Assistant Planner:	$190 Per Hour	$135 Per Hour	n/a	$136 Per Hour	$135 Per Hour
Administrative Staff:	$174 Per Hour	$119 Per Hour	n/a	$120 Per Hour	$119 Per Hour
Composite Rate for Fee Setting:	$217 Per Hour	$161 Per Hour	n/a	$163 Per Hour	$161 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PARKS PROGRAM FEES				
Weddings/Receptions or Social Functions				
One Building Rental				
1 - 100 Guests	$2,881	$1,500 Resident, $1,750 Non-Resident	$2,000	$2,000
101 - 200 Guests	$3,574	$1,750 Resident, $2,000 Non-Resident	$2,250	$2,250
Additional Hour	$110 Per Hour	$100 Per Hour	$100 Per Hour	$100 Per Hour
Additional Attendant	$110 Per Hour	$25 Per Hour	$50 Per Hour	$50 Per Hour
Two Building Rental				
1 - 100 Guests	$3,118	$3,000 Resident, $3,500 Non-Resident	$4,000	$4,000
101 - 200 Guests	$4,048	$3,500 Resident, $4,000 Non-Resident	$4,500	$4,500
Additional Hour	$110 Per Hour	$100 Per Hour	$100 Per Hour	$100 Per Hour
Additional Attendant	$110 Per Hour	$25 Per Hour	$50 Per Hour	$50 Per Hour
Deposit				
Security Deposit:	n/a	$1,000	$1,000	$1,000
Amount refundable if cancelled more than nine months in advance	n/a	$750	$750	$750
Amount refundable if cancelled seven to nine months in advance	n/a	$500	$500	$500
Amount refundable if cancelled six months or less in advance	n/a	$0	$0	$0

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PARKS PROGRAM FEES				
Meetings				
The Main House				
Half Day (Mon. - Fri.) (Four hours)	$2,291	$200	$300	$300
Full Day/Evening (Mon. - Fri.)	$2,291	$300; Plus $25 Per Hour After 5:00 p.m.	$400; Plus $50 Per Hour After 5:00 p.m.	$400; Plus $50 Per Hour After 5:00 p.m.
Additional Hour	$110 Per Hour	$25 Per Hour	$50 Per Hour	$50 Per Hour
Carriage House				
Weekday, Half Day (Mon. - Fri.) (Four hours)	$2,291	$200	$200	$200
Weekday, Full Day (Mon. - Fri.) (8:00 am - 5:00 pm)	$2,291	$250	$250	$250
Weekend, Full Day (Sat. - Sun.) (9:00 am - 4:00 pm)	$2,291	$250; Plus $25 Per Hour	$250; Plus $25 Per Hour	$250; Plus $25 Per Hour
Weekend Evening (Fri. - Sun.) (5:00 pm - 11:00 pm)	$2,291	$250; Plus $25 Per Hour	$500	$500
Additional Hour or Additional Attendant	$110 Per Hour	$25 Per Hour	$25 Per Hour	$25 Per Hour
Jennings Pavilion				
1 - 100 Guests				
Half Day (Mon. - Fri.) (Four hours)	$2,333	$300	$400	$400
Full Day/Evening (Mon. - Fri.)	$2,333	$400; Plus $25 Per Hour After 5:00 p.m.	$500; Plus $50 Per Hour After 5:00 p.m.	$500; Plus $50 Per Hour After 5:00 p.m.
Additional Hour or Additional Attendant	$110 Per Hour	$25 Per Hour	$50 Per Hour	$50 Per Hour
101 - 200 Guests				
Half Day (Mon. - Fri.)	$3,263	$400	$500	$500
Full Day/Evening (Mon. - Fri.)	$3,263	$500; Plus $50 Per Hour After 5:00 p.m.	$600; Plus $100 Per Hour After 5:00 p.m.	$600; Plus $100 Per Hour After 5:00 p.m.
Additional Hour or Additional Attendant	$110 Per Hour	$50 Per Hour	$100 Per Hour	$100 Per Hour
Town Related Organizations	See Meeting Costs of Service Above	$25 Per Hour	40% Discount for Main House Meeting Rentals; 20% Discount for Carriage House and Jennings Pavilion Meeting Rentals	40% Discount for Main House Meeting Rentals; 20% Discount for Carriage House and Jennings Pavilion Meeting Rentals
Security Deposit (1)	n/a	$250	$250	$250
Other				
Day Use Permit (Exclusive Use of Picnic Facilities)	$110 Per Hour	$25 Per Day	$100 Per Day	$100 Per Day
Code Enforcement - Administrative (Penalty)	See Hourly Rates	$0	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PARKS PROGRAM FEES				
For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:				
Program Director, for services related to facility use:			$272 Per Hour	$253 Per Hour
Facility Maintenance Staff, for services related to facility use:			$256 Per Hour	$237 Per Hour
Facility Attendant, for services related to facility use:			$122 Per Hour	$110 Per Hour

(1) Security deposit not required for Town Related Organizations.

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PUBLIC WORKS FEES				
Encroachment Permits				
Class A - One Inspection Required:				
Driveway Connection to Street:				
i. Application	$199	See Total Below		$199
ii. Plan Check	$133	See Total Below		$133
iii. Inspection	$133	See Total Below		$133
Total	**$465**	**$550**	**$1,299 - $1,798**	**$465**
iv. Additional Plan Check	$133	$0		$133
v. Additional Inspection	$133	$0		$133
Class B - Two Inspections Required:				
Driveway Connection to Street:				
i. Application	$199	See Total Below		$199
ii. Plan Check	$199	See Total Below		$199
iii. Inspection	$266	See Total Below		$266
Total	**$665**	**$550**	**$1,299 - $1,798**	**$665**
iv. Additional Plan Check	$199	$0		$199
v. Additional Inspection	$133	$0		$133
Class C - Three or More Inspections Required:				
Driveway Connection to Street - Asphalt/Pavers:				
Without Driveway Culvert (up to 3 inspections)				
i. Application	$199	See Total Below	$300	$199
ii. Plan Check	$266	See Total Below	$400	$266
iii. Inspection	$399	See Total Below	$599	$399
Total	**$864**	**$550**	**$1,299**	**$864**
iv. Additional Plan Check	$266	$0	$400	$266
v. Additional Inspection	$133	$0	$200	$133
With Driveway Culvert (up to 4 inspections)				
i. Application	$199	See Total Below	$300	$199
ii. Plan Check	$332	See Total Below	$499	$332
iii. Inspection	$532	See Total Below	$799	$532
Total	**$1,064**	**$750**	**$1,598**	**$1,064**
iv. Additional Plan Check	$332	$0	$499	$332
v. Additional Inspection	$133	$0	$200	$133

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PUBLIC WORKS FEES				
Driveway Connection to Street - Concrete:				
Without Driveway Culvert (up to 4 inspections)				
i. Application	$199	See Total Below	$300	$199
ii. Plan Check	$332	See Total Below	$499	$332
iii. Inspection	$532	See Total Below	$799	$532
Total	**$1,064**	**$550**	**$1,598**	**$1,064**
iv. Additional Plan Check	$332	$0	$499	$332
v. Additional Inspection	$133	$0	$200	$133
With Driveway Culvert (up to 5 inspections)				
i. Application	$199	See Total Below	$300	$199
ii. Plan Check	$332	See Total Below	$499	$332
iii. Inspection	$665	See Total Below	$999	$665
Total	**$1,197**	**$750**	**$1,798**	**$1,197**
iv. Additional Plan Check	$332	$0	$499	$332
v. Additional Inspection	$133	$0	$200	$133
Right-of-Way Landscaping, Fence, Etc. - Minor Construction (up to 2 inspections)				
i. Application	$133	See Total Below	$200	$133
ii. Plan Check	$66	See Total Below	$100	$66
iii. Inspection	$133	See Total Below	$200	$133
Total	**$332**	**$550**	**$500**	**$332**
iv. Additional Plan Check	$66	$0	$100	$66
v. Additional Inspection	$133	$0	$200	$133
Right-of-Way Landscaping, Fence, Etc. - Standard (up to 2 inspections)				
i. Application	$199	See Total Below	$300	$199
ii. Plan Check	$133	See Total Below	$200	$133
iii. Inspection	$266	See Total Below	$400	$266
Total	**$598**	**$550**	**$900**	**$598**
iv. Additional Plan Check	$133	$0	$200	$133
v. Additional Inspection	$133	$0	$200	$133

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PUBLIC WORKS FEES				
Connection to Storm Drain or Atherton Channel:				
a. In Pavement				
i. Application (Per Application)	$199	See Total Below	$300	$199
ii. Plan Check (Per Application)	$399	See Total Below	$599	$399
iii. Inspection (Per Trench or Pit)	$798	See Total Below	$48 (Per LF, Trench) $1,199 (Per Pit)	$798
Total	**$1,396**	**$550 Plus Utility Lateral Fee Where in the Street**	**Varies**	**$1,396**
iv. Additional Plan Check	$399	$0	$599	$399
v. Additional Inspection	$133	$0	$10 (Per LF, Trench) $240 (Per Pit)	$133
b. Outside Pavement				
i. Application (Per Application)	$199	See Total Below	$300	$199
ii. Plan Check (Per Application)	$399	See Total Below	$599	$399
iii. Inspection (Per Trench or Pit)	$465	See Total Below	$28 (Per LF, Trench) $699 (Per Pit)	$465
Total	**$1,063**	**$550 Plus Utility Lateral Fee Where in the Street**	**Varies**	**$1,063**
iv. Additional Plan Check	$399	$0	$599	$399
v. Additional Inspection	$133	$0	$7 (Per LF, Trench) $175 (Per Pit)	$133

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PUBLIC WORKS FEES				
Utility - Minor (one inspection required):				
i. Application (Per Application)	$199	See Total Below	See Utility Connect/Disconnect	$199
ii. Plan Check (Per Application)	$133	See Total Below	See Utility Connect/Disconnect	$133
iii. Inspection	$133	See Total Below	See Utility Connect/Disconnect	$133
Total	**$465**	**Trench = $10 Per LF; Bored Pit In = $550; Bored Pit Out = $300**	See Utility Connect/Disconnect	**$465**
iv. Additional Plan Check	$133	$0	See Utility Connect/Disconnect	$133
v. Additional Inspection	$133	$0	See Utility Connect/Disconnect	$133
Utility Connect/Disconnect:				
a. In Pavement				
i. Application (Per Application)	$199	See Total Below	$300	$199
ii. Plan Check (Per Application)	$266	See Total Below	$400	$266
iii. Inspection (Per Trench or Pit)	$598	See Total Below	$36 (Per LF, Trench) $899 (Per Pit)	$598
Total	**$1,063**	**Trench = $10 Per LF; Bored Pit In = $550; Bored Pit Out = $300**	**varies**	**$1,063**
iv. Additional Plan Check	$266	$0	$400	$266
v. Additional Inspection	$133	$0	$5 (Per LF, Trench) $128 (Per Pit)	$133
b. Outside Pavement				
i. Application (Per Application)	$199	See Total Below	$300	$199
ii. Plan Check (Per Application)	$266	See Total Below	$400	$266
iii. Inspection (Per Trench or Pit)	$399	See Total Below	$24 (Per LF, Trench) $499 (Per Pit)	$399
Total	**$864**	**Trench = $10 Per LF; Bored Pit In = $550; Bored Pit Out = $300**	**varies**	**$864**
iv. Additional Plan Check	$266	$0	$400	$266
v. Additional Inspection	$133	$0	$4 (Per LF, Trench) $83 (Per Pit)	$133

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PUBLIC WORKS FEES				
Utility Main:				
a. In Pavement				
i. Application (Per Application)	$199	See Total Below	$300	$199
ii. Plan Check (Per Application)	$665	See Total Below	$999	$665
iii. Inspection				
a. Trench	Greater of $598 or $11 per linear foot	See Total Below	$40 per linear foot	Greater of $598 or $11 per linear foot
b. Pit	$598	See Total Below	$999	$598
Total	**$864 plus per trench cost of greater of $598 or $11 per linear foot and per pit cost of $598**	**3% of Value, Plus $10 Per LF for Trench and $1,000 Per Pit**	**varies**	**$864 plus per trench cost of greater of $598 or $11 per linear foot and per pit cost of $598**
iv. Additional Plan Check	$665	$0	$999	$665
v. Additional Inspection (Per Trench or Pit)	$133	$0	$6 (Per LF, Trench) $143 (Per Pit)	$133
b. Outside Pavement				
i. Application (Per Application)	$199	See Total Below	$300	$199
ii. Plan Check (Per Application)	$665	See Total Below	$999	$665
iii. Inspection				
a. Trench	Greater of $399 or $7 per linear foot	See Total Below	$27 per linear foot	Greater of $399 or $7 per linear foot
b. Pit	$399	See Total Below	$599	$399
Total	**$864 plus per trench cost of greater of $399 or $7 per linear foot and per pit cost of $399**	**3% of Value, Plus $10 Per LF for Trench and $1,000 Per Pit**	**varies**	**$864 plus per trench cost of greater of $399 or $7 per linear foot and per pit cost of $399**
iv. Additional Plan Check	$665	$0	$999	$665
v. Additional Inspection (Per Trench or Pit)	$133	$0	$4 (Per LF, Trench) $100 (Per Pit)	$133
Telecommunication Installation Permit:				
i. Without Trenching	$66	$550	$100	$66
ii. With Trenching	See Utility Connect Fee	See Utility Connect Fee	See Utility Connect Fee	See Utility Main Fee

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
PUBLIC WORKS FEES				
Property Improvement Permits and Reviews				
Grading and Drainage:				
a. Without Detention System	$1,330	$2,000	Billed Per Hour with $1,998 Minimum, Plus $500 Initial Deposit or Consultant Cost Plus Overhead	Billed Per Hour with $1,330 Minimum, Plus $500 Initial Deposit or Consultant Cost Plus Overhead
b. With Detention System	$1,995	$2,000	Billed Per Hour with $2,997 Minimum, Plus $1,000 Initial Deposit or Consultant Cost Plus Overhead	Billed Per Hour with $1,995 Minimum, Plus $1,000 Initial Deposit or Consultant Cost Plus Overhead
c. With Multiple Detention Systems	$2,394	$2,000	Billed Per Hour with $2,997 Minimum, Plus $2,000 Initial Deposit or Consultant Cost Plus Overhead	Billed Per Hour with $2,394 Minimum, Plus $1,500 Initial Deposit or Consultant Cost Plus Overhead
Detention System Annual Report Filing	$80	$0	$120	$80
Detention System Annual Report - Submittals Out of Compliance	$199	$0	$300	$199
Other				
Stop Work Order (Penalty)	n/a	50% of Permit	50% of Permit	50% of Permit
Code Enforcement - Administrative (Penalty)	See Hourly Rates	$0	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates

At the discretion of the Public Works Director, additional fees may apply for projects requiring in excess of 15 hours and additional deposits may be collected for larger or more complex projects.		
For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:		
Public Works/Engineering Staff:	$200 Per Hour	$133 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Police Fees

Service	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Fee Prior to New Schedule Adopted November 18, 2009	Current Fee / Adopted November 18, 2009	Proposed Fee for Council Consideration February 17, 2010
POLICE FEES				
Copy of Police Report:				
Without Photos or Tape Copies	$18	$20	$20	$18
With Photos or Tape Copies	$106 Per Hour	$20	$119 Per Hour	$106 Per Hour
Vehicle Releases	$53	$40	$60	$53
Alarm Registration	$53	$25	$25	$25
Alarm Alert Signs	$53	$30	$30	$30
Garage Sale/Estate Sale Permits	$18	$25	$20	$18
Fingerprints	$53	$15	$58	$53
Solicitor Permit (Valid for six months; business license required)	$44	$25	$50	$44
After Hours Emergency Construction Permits	$141	$350	$150	$141
Special Service Request:			$0	
Administrative Fee	$18	$50	$20	$18
On-Site Personnel Fee	Fully Burdened Hourly Rate x 1.5	Hourly Rate x 1.5; 2 Hour Minimum	Fully Burdened Hourly Rate x 1.5; 2 Hour Minimum	Fully Burdened Hourly Rate x 1.5; 2 Hour Minimum
Clearance Letter	$18	$0	$20	$18
Microfilmed Reports	$106 Per Hour	$0	$119 Per Hour	$106 Per Hour
Code Enforcement - Administrative (Penalty)	See Hourly Rates	$0	Billed Hourly; Reference Hourly Rates	Billed Hourly; Reference Hourly Rates

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:		
Records/Communications Staff:	$119 Per Hour	$106 Per Hour
Patrol/Investigations Staff:	$154 Per Hour	$141 Per Hour

RESOLUTION NO. 10-06

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING THE MASTER FEE SCHEDULE (EXCLUDING BUILDING DEPARTMENT FEES) TO REDUCE CERTAIN FEES

WHEREAS, following all lawful proceedings for adopting a master fee schedule, the City Council, at its regular meeting on November 18, 2009, adopted Resolution 09-32 approving a Master Fee schedule for miscellaneous Town fees (except building department fees) that went into effect on January 17, 2010.

WHEREAS, the City Council has since then studied the fees adopted on November 18, 2009 and determined that they should be reduced as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings.

The City Council declares that the above recitations are true and correct.

Section 2. Amount of Fee.

The City Council hereby approves and adopts the Master Fee Schedule as set forth in Exhibit A to this Resolution, attached hereto and incorporated by this reference.

Building department fees are not affected by the resolution.

Section 3. Effect on Previously-Approved Fees

This amendment neither imposes new fees nor increases existing fees, but rather reduces the lawfully-adopted and previously-approved fees that were authorized by the City Council on November 18, 2009.

Section 4. Waiver of Fee.

The City Council is hereby authorized to waive any of the fees outlined in Exhibit A. If such a waiver occurs, the City Manager or his/her designee will ensure that any fee category for which a waiver was granted does not exceed the estimated reasonable cost of providing the service.

Section 5. Environmental Clearance.

The adoption of the Master Fee Schedule is not subject to the California Environmental Quality Act (CEQA) in that the establishment of such a funding mechanism is not a "project." Specifically, in accordance with CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms that do not involve any commitment to any specific project that may cause a significant effect on the environment is not deemed to be a "project" under CEQA.

Section 6. Severability.

If any action, subsection, sentence, clause or phrase of this Resolution or the fees levied by this Resolution shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or the fees levied by this Resolution that can be given effect without the invalid provisions.

Section 7. Effective date.

The fees identified in Exhibit A shall take effect immediately following the adoption of this Resolution by the Town Council *[alt: The fees identified in Exhibit A will become effective retroactively to January 17, 2010 immediately following the adoption of this Resolution by the Town Council.]*

* * * * * * * * * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 17th day of February 2010, by the following vote:

AYES: *Council Members:*
NOES: *Council Members:*
ABSENT: *Council Members:*
ABSTAIN: *Council Members:*

_____
Jerry Carlson, MAYOR
TOWN OF ATHERTON

ATTEST:

Resolution 10_____
Approved _____2010

_____

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

_____

Wynne Furth, City Attorney

Exhibit A

Amended Master Fee Schedule

[To Be Inserted]

RESOLUTION NO. 10-07

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING ITS MASTER FEE SCHEDULE TO REDUCE BUILDING DEPARTMENT FEES

WHEREAS, following all lawful proceedings for adopting a master fee schedule, the City Council, at its regular meeting on January 20, 2010, adopted Resolution 10-03 approving a Master Fee Schedule for building department fees, which are scheduled to go into effect on March 21, 2010.

WHEREAS, the City Council has since then studied the building department fees adopted on January 20, 2010 and determined that they should not go into effect in the approved amounts and should instead be reduced as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings.

The City Council declares that the above recitations are true and correct.

Section 2. Amount of Fee.

The City Council hereby amends the building department fee portion of the Master Fee Schedule as set forth in Exhibit A to this Resolution, attached hereto and incorporated by this reference.

Section 3. Effect on Previously-Approved Fees

This amendment neither imposes new fees nor increases existing fees, but rather reduces the lawfully-adopted and previously-approved building department fees that were authorized by the City Council on January 20, 2010.

Section 4. Waiver of Fee.

The City Council is hereby authorized to waive any of the fees outlined in Exhibit A. If such a waiver occurs, the City Manager or his/her designee will ensure that any fee category for which a waiver was granted does not exceed the estimated reasonable cost of providing the service.

Section 5. Environmental Clearance.

The adoption of the Master Fee Schedule is not subject to the California Environmental Quality Act (CEQA) in that the establishment of such a funding mechanism is not a "project." Specifically, in accordance with CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms that do not involve any commitment to any

specific project that may cause a significant effect on the environment is not deemed to be a "project" under CEQA.

Section 6. Severability.

If any action, subsection, sentence, clause or phrase of this Resolution or the fees levied by this Resolution shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or the fees levied by this Resolution that can be given effect without the invalid provisions.

Section 7. Effective date.

The fees identified in Exhibit A shall take effect on March 21, 2010.

* * * * * * * * * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 17th day of February, 2010 by the following vote:

AYES: *Council Members:*

NOES: *Council Members:*

ABSENT: *Council Members:*

ABSTAIN: *Council Members:*

_____

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

ATTEST:

_____

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

_____

Wynne Furth, City Attorney

Resolution 10___
Approved _____2010

Exhibit A

Building Department Fees Portion of the Master Fee Schedule

[To Be Inserted]

PROCLAMATION

DECLARING MARCH 2009
AS
AMERICAN RED CROSS MONTH

WHEREAS, the American Red Cross Bay Area was founded in 1898; and

WHEREAS, the Red Cross, a leading voluntary agency, chartered and authorized by Congress to act in times of need, providing compassionate assistance to people afflicted by personal, local or national disasters; and

WHEREAS, the American Red Cross Bay Area helped 1900 people with temporary housing, clothing, food and mental health counseling during 360 local disasters last year alone; and

WHEREAS, Red Cross Volunteers responded to approximately 360 local emergencies this year, providing food, clothing, shelter and mental health support; and

WHEREAS, people have counted on the Red Cross for the information and skills they need to be safe at home, at work, at school and at play. Last year, the American Red Cross Bay Area trained over 157,000 people in lifesaving CPR, First Aid, and water safety

WHEREAS, through Prepare Bay Area initiative and Community Preparedness programs, over 407,000 individuals received training.

WHEREAS, Red Cross staff deploy with the U.S. military to provide emergency communications, counseling, financial assistance and a caring presence to 3,900 local military families; and

WHEREAS, Red Cross Blood Services support 31 Bay Area hospitals, providing them with more than 134,000 units of red cells, platelets and plasma to patients in need.

NOW, THEREFORE, BE IT RESOLVED that the Town of Atherton City Council hereby proclaims March 2010 as **American Red Cross Month** in Atherton, California and encourages all residents to be cognizant of the compassion, courage, character, civic duty that is inherent in the Red Cross mission to prevent and relieve human suffering.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Atherton to be affixed this 17th day of March, 2010.

_____

Kathy McKeithen, MAYOR
Town of Atherton

ITEM NO. 6

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **JEROME D. GRUBER, CITY MANAGER**

DATE: **FOR THE REGULAR MEETING OF FEBRUARY 17, 2010**

SUBJECT: **CITY MANAGER WRITTEN REPORT**

FOLLOW UP FROM JANUARY 21 COUNCIL MEETING:

Jonathan Buckheit, Atherton resident, requested that City Manager Gruber and Police Chief Guerra forward the issue of Police Department tampering to the Federal Bureau of Investigations or the State Attorney General. Mr. Buckheit's request has been acknowledged by the Towns City Attorney, City Manager and Police Chief.

Colleen Anderson, Atherton resident, requested that City Manager Gruber speak with her in regards to her concerns in Town. City Manager Gruber conducted a phone conference with Ms. Anderson to discuss her concerns.

City Manager Gruber spent the morning of February 11th at Atherton resident Kimberly Sweidy's home to address her drainage and building concerns.

EFFORTS TO IMPROVE COMMUNICATIONS:

Police Chief Guerra and I will plan to hold periodic interactive community meeting where we will provide information about City and Police services. This will be a question and answer format and will give the community an opportunity to meet the Chief Guerra and I. The first meeting has been scheduled for Monday, February 22nd at 6:30 p.m. at the Pavilion in the Park. A notice was mailed to all Town residents last week.

As City Manager I would like to assure our residents that I will do my very best to continue to improve communication with our residence. Most recently concerns have surfaced regarding the Atherton Police Department. Atherton's Police Department has

played a valuable role since the Towns inception in 1923 in providing a professional organization that offers it residents a safe and secure environment in which to live. I will continue to work closely with Police Chief Mike Guerra on reaching out to the Community. Chief Guerra has posted the daily Police logs on the Towns web site. Recently there have been requests for a Police Oversight Committee and or Police Auditors. The Police Chief and I are in the process of gathering and providing information to the City Council regarding Police Oversight Committees and Police Auditors. The Police Chief and I plan on implementing fixed offices hours throughout the month to provide an opportunity for residents to come and sit down with both of us and share their concerns. The Police Chief and I will also meet with neighborhood and civic groups upon throughout the community both during the day and evening in an effort to provide them with timely information. The Police Chief and I also met with Almanac writer Andrea Gemmet on February 11, 2010. As City Manager I will continue to be visible, accessible and available to our residents.

ADMINISTRATION DEPARTMENT:

2010 CENSUS

During the months of January and February the Town hosted testing for Census workers on four occasions in the Council Chambers.

ART COMMITTEE

The Atherton Art Committee has met a milestone in the remodel of the Main House Garden Room into an Art Gallery. November 2007 the Council assigned the Garden Room to the Art Committee. More than two years of effort by the Committee Members to design a space entirely dedicated to the Arts has resulted in Plans and Specifications being presented to the Council for permission to solicit public bids for the remodel project.

PARK & RECREATION COMMISSION

The Park & Recreation Commission formalized their support to have all vendors and instructors at the Park enter into individual contracts with the Town. In the past, only the Tennis Pro and sport clubs have entered into contracts. All instructors will be contacted by telephone to explain the process and will have until April 1, 2010 to fully execute a contract with the Town. No contracts will have more than a five year term but may have as little as a one year term depending upon the service, type of class instruction, and revenue generation.

FINANCE DEPARTMENT PROJECTS AND UPDATES:

In January, Finance Department made significant progress in Springbrook, Wells Fargo, and CRW implementation. Staff re-designated a new Chart of Accounts for the Town in addition to conversing payroll and accounts payable data. The new chart will improve

accuracy in record keeping and better management reporting. Springbrook trainer will be on site on the week of February 8, 2010 to train Town staff on various modules.

Staff also worked on implementing the new banking services to go-live together with Springbrook. The implementation process was very extensive and involved many meetings. The new banking structure will enable the Town to do desktop deposits and positive pay for checks issued.

With the completion of mid-year budget adjustment for FY 2009-10, Finance will be kicking off FY 2010-11 budget preparations and will be seeking community and City Council input on the budget priorities.

For FY 2009-10 audit, Maze & Associates will be conducting the interim audit on the week of April 26, 2010 and returning on September 20, 2010 to complete the final audit.

PUBLIC WORKS PROJECT UPDATES:

- Safe Routes To School (SR2S) Las Lomitas – Phase 1 complete, Phase 2 designed and received three bids, with the low at $12,355. Project will proceed by purchase order.
- Safe Routes to School (SR2S) Encinal – preparing a joint application for ARRA (Economic Stimulus) Phase 2 funds for the projects developed during the SR2S study. Also will be looking at the new SR2S (MTC) program for possible funding.
- Park Pedestrian Bridge Gates – gate locking hardware is installed and the bridge project is complete. The conceptual landscaping design was reviewed with the steering group. Final plans will be approvable in time for Arbor Day volunteer tree planting and a dedication ceremony.
- Upper Atherton Channel – design is complete, including geotechnical borings at the Gupta bank. Permit application has been submitted. Target permit approval this spring with late summer construction (after the red-legged frog breeding season).
- Tennis Court Fence – the work will begin on February 16 when the tennis pro is taking a vacation.
- Encinal Traffic Signal – design contract underway, received survey information from school district, supplemental survey and field review meeting in process. Construction will be during summer school break.
- Fletcher/Ridgeview Drainage and Reconstruction – Design modification underway to accommodate utility conflict at detention structure outlet. Utility meeting held.

- Street Reconstruction 7 – includes Park Lane, Polhemus Avenue and the right turn lane from Alejandra to El Camino Real. Survey is underway. Construction slated to begin this spring. Utility meeting held 1/19/10.
- Park Irrigation project –project underway based on modified layout. Well location revised to avoid driving heavy well rig on unpaved areas, and to coordinate with trash structure as shown on master plan.
- Hoover/Valparaiso Crosswalk –Reduced fee with revised scope based on Transportation Committee recommendation on Council agenda. Awarded HSIP grant for project construction.
- Holbrook sign – met with County to discuss constraints (major concern that rerouted traffic would cause worse problem elsewhere, i.e., Spring Street) and explore alternatives (considering narrowing Marsh Road before Fair Oaks Avenue. Adding "Neighborhood Street" signs), as well as partial solutions Town has already tried or evaluated (extend right turn lane, revise signal timing, etc.). County will evaluate proposals.
- Park parking study – discussed alternative concepts for parking and circulation in the park with the Park and Recreation Commission. Adjusting concept plans per their direction for Council approval. Will estimate cost and plan to include in next budget cycle.
- Park storage – preparing concept design for storage area at Main House, to be compared to concept for storage at Pavilion.
- El Camino Real medians – weeds have been sprayed and will be removed as crew time permits.

POLICE DEPARTMENT:

During the week of (Jan 28 – Feb 4), there have been five daytime residential burglaries in Atherton. They have occurred throughout the Town and not in one specific neighborhood. One of the burglaries was interrupted by the homeowner; the other four resulted in theft. The suspect(s) appear to be targeting older, understated homes, and have been committing these crimes during the day. They are specifically targeting jewelry and silver. As has been our practice with crime patterns, we sent out a Rapid Notify message to residents in Atherton on Wednesday night along with posting the message on our media bulletin internet site.

BUILDING DEPARTMENT:

Effective February 15, 2010, the Building Permit Submittal Process for the Town of Atherton will change as follows:

Submittals that require Planning Department review will be required to be submitted to the Planning Department first, prior to Building Permit submittal. There will be a

separate Planning Fee collected at this time. (Structural plan sheets do not need to be submitted at this time.)

After the Planning Department has approved the design, three complete plan sets (including structural plan sheets, supporting calculations, and reports) may be submitted to the Building Department for review. The Building Plan Review Fee will be collected at this time.

After the Building Department has approved the submittal, the Permit Fee and any other remaining fees must be paid prior to Building Permit issuance.

Below is a summary of Building Department activity for the month of January 2010.

- 315 inspections completed
- 52 Applications for Building Permits
- 41 Building Permits issued

PLANNING DEPARTMENT:

Special Events Ordinance:
The Planning Commission recommends the City Council consider an amendment to the Special Event Guidelines to extend the weekday field use hours to sunset. This item will be scheduled for consideration at the March 17, 2010 City Council meeting.

Green Building:
The General Plan Committee established a subcommittee to work with Staff and the Environmental Programs Committee's Thinking Green Think Tank to develop an Atherton specific Green Building Ordinance. The draft Ordinance will be discussed at the May 5, 2010 General Plan Committee meeting

Outdoor Water Usage Ordinance:
The General Plan Committee recommended Staff draft and Atherton specific Ordinance that meets the new State requirements in a way that is not overly burdensome on applicants.

Multiple Electric Meters:
The General Plan Committee did not wish to study this issue further.

FUTURE MEETINGS:

- **Closed Session on Thursday, February 18 at 2:00 p.m. – City Manager and City Attorney Evaluations**

- **Interactive Community Meeting, Monday, February 22 at 6:30 p.m. – City Manager and Police Chief will host**

- **Interactive Community Meeting, Monday, March 1 at 6:00 p.m. – Town Revenue Opportunities**

SAN MATEO COUNTY LIBRARY
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To: Honorable Mayor and Members of the Atherton City Council
Jerome Gruber, Atherton City Manager

From: Anne-Marie Despain, Director of Library Services

Date: February 17, 2010

Subject: Atherton Library Needs Assessment

Background

The Town of Atherton is a participating member in the San Mateo County Library Joint Powers Authority (Library JPA). Formed in 1999, the Library JPA is a library service organization comprised of and serving the cities of Atherton, Belmont, Brisbane, East Palo Alto, Foster City, Half Moon Bay, Millbrae, Pacifica, Portola Valley, San Carlos, Woodside, and unincorporated San Mateo County. The Library JPA is governed by a Board consisting of representatives from each member entity. Library services and operations are provided by San Mateo County Library staff. Facilities are owned and maintained by each member entity.

Based on expressed interest in the improvement of the Atherton Library and recent completion by the Town of a Structural Facility Evaluation, the Library identified completion of a Library Needs Assessment as a project for FY 2009-10. A Library Needs Assessment has two primary goals. The first is to describe how the building enables or limits the provision and enjoyment of the library's collections and services. The second is to describe the minimum space required to provide for the library's collections and services at present and into the future. When considering new or improved library spaces, a Library Needs Assessment is an essential part of the planning process.

Atherton Library Needs Assessment

A Library Needs Assessment involves a thorough service analysis and facility evaluation resulting in the identification of service objectives and corresponding space needs. This process typically takes several months and begins with selecting a consultant to facilitate the gathering of data through a combination of quantitative and qualitative methods, such as surveys, questionnaires, interviews, focus groups, and onsite observations. Service needs are identified and then translated into space requirements for areas such as collections, user seating, meeting and study rooms, and computer resources. The assessment also involves determining the shortcomings of a library as related to current space limitations and building deficiencies. Once this data has been gathered, it is analyzed and a Library Needs Assessment Report is prepared.

In September 2009, San Mateo County Library selected Anderson Brule Architects (ABA) to complete the Atherton Library Needs Assessment. ABA provides a full range of planning, architecture and interior design services, and has extensive experience working with library facilities.

The subsequent report provides a description of the library's service program and comparative data, followed by an evaluation of the library's facility and its services and collections as they are affected by the building. The report also concludes with a building program detailing space needs and recommendations for the size of a library building needed to serve the community into the future.

Findings of the Atherton Library Needs Assessment

Facilities can support or inhibit the ability to meet the operational needs of a library. The Library Needs Assessment findings suggest that the existing facility presents significant barriers to the effective delivery of library services including:

- Inability to house an adequate collection for a community of its size
- A need to increase the number and types of seating available
- A need to increase the number of public computers available
- A need to provide areas for library related programs and events
- A need to create spaces or zones for various uses, such as quiet study areas, browsing areas, and spaces dedicated for children and teens

The report recommends that in order to effectively meet identified service needs, the facility would require an increase from the current 4,790 square feet to approximately 11,100 square feet.

Recommended Next Steps

Based on the findings of the Library Needs Assessment, we recommend that the Town partner with San Mateo County Library, Friends of the Atherton Library and other key stakeholders to create a work group tasked with reviewing this report and two others associated with the Atherton Library facility (ASCA 31-03 Structural Evaluation Report 2/11/09 and FEMA 356 Life Safety Building Performance Evaluation and Probable Maximum Loss (PML) Analysis 9/24/09). This work group would identify and examine options in order to make a recommendation for creating a facility that meets current and future needs.

The San Mateo County Library wishes to thank the Town of Atherton for its enthusiastic support and interest in the improvement of the Atherton Library.

Attachment

Atherton Library Needs Assessment, February 5, 2010

SAN MATEO COUNTY LIBRARY
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Jerome Gruber, Atherton City Manager

From: Anne-Marie Despain, Director of Library Services

Date: February 17, 2010

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The report recommends that in order to effectively meet identified service needs, the facility would require an increase from the current 4,790 square feet to approximately 11,100 square feet.

Recommended Next Steps

Based on the findings of the Library Needs Assessment, we recommend that the Town partner with San Mateo County Library, Friends of the Atherton Library and other key stakeholders to create a work group tasked with reviewing this report and two others associated with the Atherton Library facility (ASCA 31-03 Structural Evaluation Report 2/11/09 and FEMA 356 Life Safety Building Performance Evaluation and Probable Maximum Loss (PML) Analysis 9/24/09). This work group would identify and examine options in order to make a recommendation for creating a facility that meets current and future needs.

The San Mateo County Library wishes to thank the Town of Atherton for its enthusiastic support and interest in the improvement of the Atherton Library.

Attachment

Atherton Library Needs Assessment, February 5, 2010

Atherton Library Needs Assessment

February 10, 2010

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Executive Summary

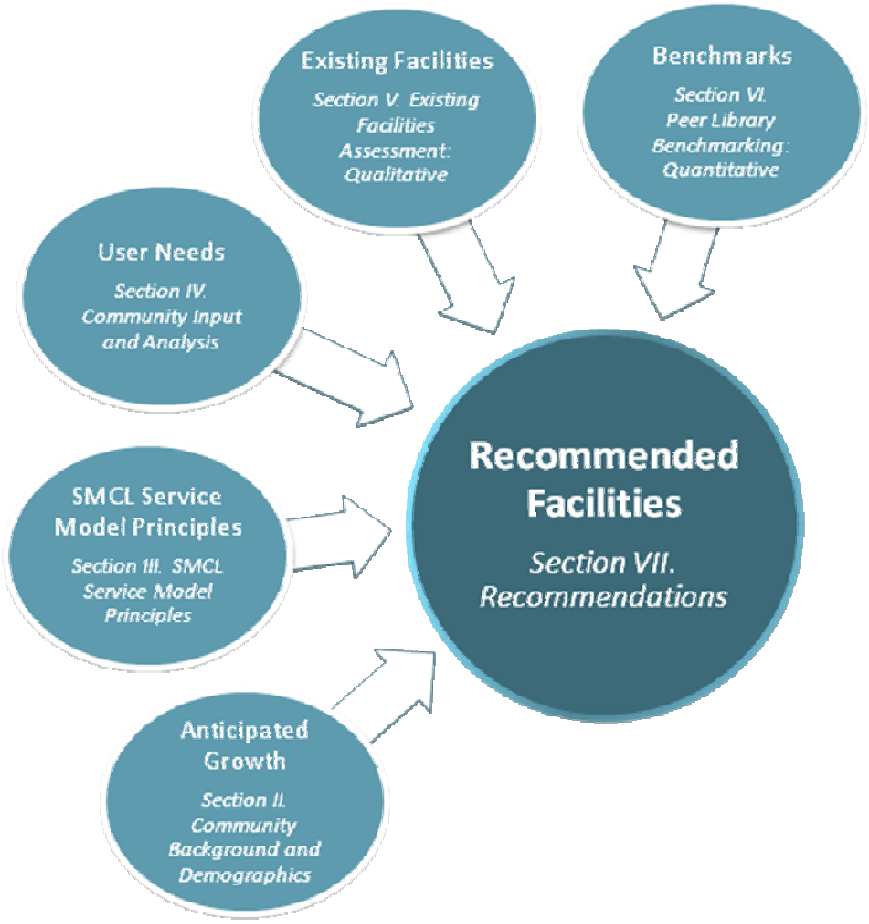
Introduction

The San Mateo County Library (SMCL) has completed a Needs Assessment at the Atherton Library with two primary goals.

- Describe how the building enables or limits the provision and enjoyment of the library's collections and services.
- Describe the minimum space required to provide for the library's collections and services, both currently and in the future.

This Library Needs Assessment has considered numerous sources of information and influences, as they pertain to the delivery of library services at the Atherton Library:

- Anticipated Growth
- SMCL Service Model Principles
- User Needs
- Benchmarking
- Existing Facilities (review from a service delivery perspective)



Executive Summary

Community Background

The Town of Atherton, California, is a residential community with a predominantly uniform demographic profile. The size of its population is relatively steady, but is influenced by the surrounding communities. The service population includes the Town of Atherton and surrounding unincorporated areas of San Mateo County, including Menlo Oaks, Sequoia Tract, Weekend Acres, and West Menlo. (See map on page 12.)

San Mateo County Library Service Model Principles

The San Mateo County Library Vision, developed prior to this Needs Assessment, is driven by these primary principles:

- A welcoming environment which offers a variety of settings and options
- Defined spaces that excite and inspire
- Intuitive systems and layout
- Maximization of self-service and operational efficiencies
- Customer driven service

To address those goals, several spaces are now being included in the San Mateo County Library facilities:

- Marketplace – vibrant entry area with materials displayed
- Kids & Family Place – welcoming, comfortable space for families and children to celebrate books and reading
- Teen Zone – uniquely teen space that supports their educational needs, group study, computer access, and recreational reading
- Community Living Room – comfortable, relaxed, and quiet atmosphere for reading
- Gathering Space – environment for people to gather and relax with one another
- Computer and Homework Centers – provides community access to tools and supports lifelong learning

Community Input and Analysis

Multiple methods of outreach were employed to gain community insight and priorities. These include a survey, a focus group, and key informant interviews.

The Atherton Library is greatly appreciated by the community. Its small and intimate nature makes it distinct from other local libraries. Staff service is also seen as excellent. Overall satisfaction with the services and programs available is high. However, there are consistent concerns with acoustics for different types of activities. Additional requests include: improving the civic presence and entry of the library; adding space for gathering, technology, and seating; and increasing the materials collection on hand.

Existing Facilities Assessment: Qualitative

Research was conducted and compiled on existing services and facilities documentation. The current Atherton Library facilities are located in a remodeled residence. Despite various renovations, issues with

Executive Summary

accessibility still exist. The open floor plan creates acoustical issues for different types of use, especially when activities are taking place concurrently. The entry lobby and main market space are undersized and overcrowded. In addition, staff space is laid out inefficiently.

Peer Library Benchmarking: Quantitative

The facilities are deficient in several key library metrics, compared to the recommended target metrics and other benchmarked peer libraries. There are inadequate amounts of collection, seating, computer stations, and room for programs.

Recommendations

This Library Needs Assessment has considered numerous sources of information and influences, as they pertain to the delivery of library services at the Atherton Library:

- Anticipated Growth
- SMCL Service Model Principles
- User Needs
- Benchmarks
- Existing Facilities (from a service delivery perspective)

Collections

- Total items to increase from ~33,097 to ~51,797;
- Increase space provided from approximately 1,220 square feet to approximately ~4,200 square feet.

Seating

- Total reader seating to increase from 28 to 68;
- Increase space provided from approximately 775 square feet to approximately ~1,541 square feet.

Technology

- Increase technology seating from 6 to 17;
- Provide power with seating for individual laptop use;
- Increase space provided from approximately 150 square feet to approximately ~513 square feet.

Entry

- Provide space for welcoming entry;
- Create appropriate space for Community Information;
- Relocate exterior bookdrop to enclosed space, with a preference for access directly into staff work space;
- Create easy access to accessible restrooms.

Library Program Room

- Add a Program Room to accommodate up to 50 people.

Executive Summary

Quiet Zone
- Provide a quiet zone for up to 8 people.

Friends of the Atherton Library
- Provide approximately 50 square feet of space for collection and sales.

Children's Programming
- The typical programming will be accommodated in other growth recommendations;
- For larger and special events, allow for overflow and use of the library program room by the children's area.

Marketplace
- Improve sense of entry and path of arrival to the Marketplace;
- This is accommodated within the overall area increase recommendations.

Community Living Room
- Provide comfortable seating and a quiet place for reading;
- This space is included in recommendations for growth in seating.

Gathering Space
- Allow and encourage gathering with an emphasis on social interaction and discussion.

Teen Space
- Provide space for the teen collection as well as adjacent seating;
- This space is included in recommendations for growth in collections and seating;
- If a separate teen room is preferred, additional space of up to 400 SF will be required.

Staff Spaces and Functionality
- Reconfigure and provide approximately 950 – 1,000 square feet for staff functions;
- Provide spaces that are on one level and adjacent to one another.

Accessibility
- Space for these required accessibility improvements is accommodated within the overall recommendations.

Total Square Feet of Building
- Provide for approximately 11,100 square feet minimum, compared to the existing 4,790 square feet.

I. Introduction

Context and Purpose

The San Mateo County Library (SMCL) has completed a Needs Assessment for the Atherton Library. The Needs Assessment had two primary goals. The first goal was to describe how the building enables or limits the provision and enjoyment of the library's collections and services. The second was to describe the minimum space required to provide for the library's collections and services both currently and in the future.

Approach and Methodology

Steps taken to ensure the creation of a full picture of the community's current and future service needs within this report included:

- Outreach to the community to assess their needs, expectations, and perception of the Library and its role in the community - now and in the future;
- Analysis of the community's characteristics to include current and future elements of the community to be served by the Library;
- Analysis of current and projected demographic data to align services, collections and programs to the service population;
- Assessment of current collections, programs and services;
- Observation of service limitations of the existing facility;
- Preliminary analysis of space needs to understand current space utilization and accommodate anticipated future services, collections and programs.

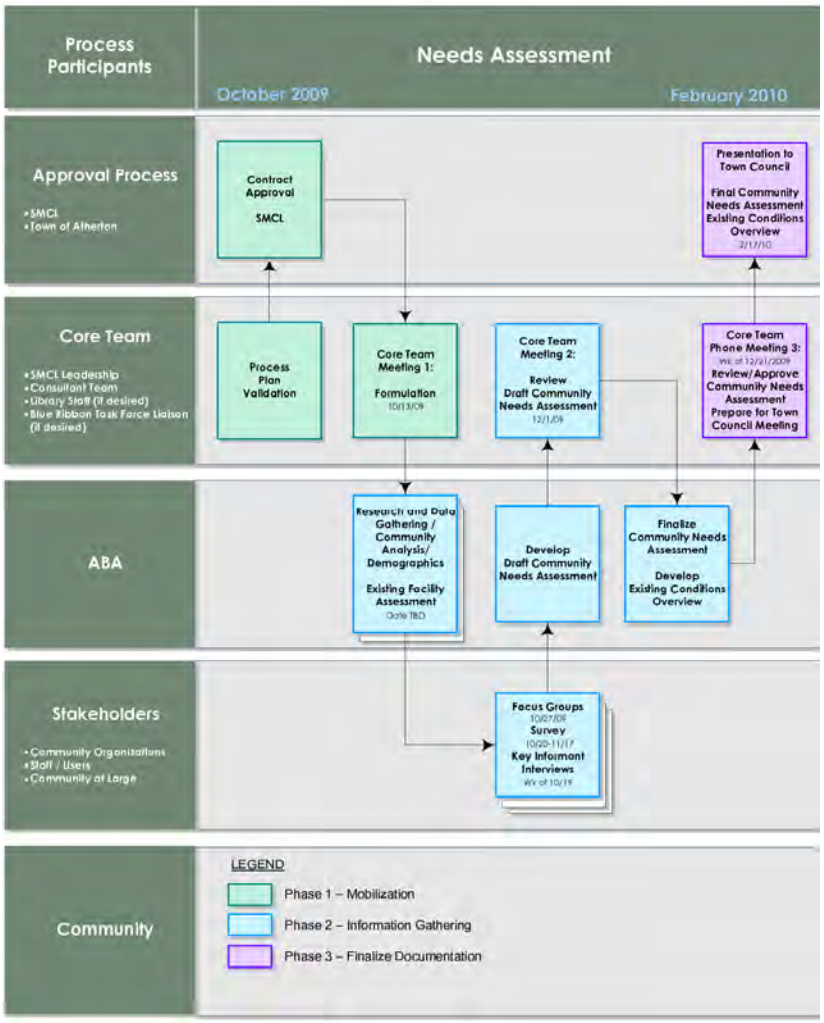
I. Introduction

Process and Participants

Process Map

The Needs Assessment for the Atherton Library began by designing and approving a process specifically tailored to the project needs. The following process map illustrates the path and key steps to the final report. Regular meetings and communication with the Core Team allowed for check-in, review, input, and redirection as the project progressed. These meetings supported several parallel efforts to gather information on other facilities for a benchmark comparison.

Finally, the information was gathered, synthesized, and analyzed to provide insight and future direction for the San Mateo County Library and a resource for the Town of Atherton.



I. Introduction

Process Participants
A truly collaborative process yields the most comprehensive solutions, which address the aggregate needs, issues, vision, and concerns of all stakeholders. The community participated through 3 methods of outreach – an online survey, a focus group, and key informant interviews. To facilitate this collaborative process, a Core Team comprised of SMCL staff was established to provide leadership and direction to the process.

The Core Team was committed to:

- Review and validate the proposed process and align it to community vision, goals and parameters
- Assist in identifying the process participants, to include stakeholders and staff, as well as library users, non-users, and the community at large
- Review the outreach plan, which identifies the most appropriate time within the process to seek input and feedback in defining the problem
- Provide ongoing leadership, direction, and course correction as necessary to ensure that the integrity of the process is protected, and that the process will support achievement of goals and objectives
- Review the draft document content and provide constructive feedback for improving the report

Core Team Members included:

- Pam Deal, SMCL
- Greg Bodin, SMCL
- Carine Risley, SMCL
- Rachel McDonnell, SMCL
- Pamela Anderson-Brulé, Anderson Brulé Architects
- Brad Cox, Anderson Brulé Architects
- Katherine Masleid, Anderson Brulé Architects

The Friends of the Atherton Library (FOAL) were also enlisted to help with the Needs Assessment process through:

- Outreach assistance
- Identification of possible outreach participants
- Input as general participants

There were 148 Survey Respondents. Volunteered personal information indicates that of the respondents:

- 47% were residents of Atherton, of whom 75% have lived in Atherton for 10 years or more
- 87% of respondents do not work in Atherton
- 58% of the respondents were between 45 and 64

I. Introduction

- 76% were female
- 84% of the respondents use the library regularly (weekly, monthly)
- 28% of the respondents are Friends of the Atherton Library

The Focus Group invitees were selected to represent a cross section of the demographic makeup of the service population and included 3 Atherton residents and 2 residents of adjacent unincorporated county areas.

Focus Group participants included:

- Karen Bliss
- Lucille Hagstrum
- Denise Kupperman
- Andy Miller
- Bob Sanderson

The Key Informant interviewees were selected for the depth of their involvement and history with the Atherton community. This relationship allows them to give a deeper level of insight into the needs of the library and the community through personal experience.

Key Informant interviewees:

- Earl Douglas
- Julie Quinlan
- Joan Sanders

Survey

A survey was conducted online from October 20 through November 17, 2009. It was publicized with links from the main SMCL website and the Town of Atherton's website. In addition, it was publicized with flyers and by word of mouth. A total of 148 library Needs Assessment Surveys were completed. Over 47% of the Surveys received were submitted by residents of Atherton.

This was not a statistically scientific survey, but rather sought volunteered input. Participants were a small sample of the population, who volunteered and were not preselected randomly. A summary of Survey responses, as well as the full text of any additional comments provided, is presented in the Appendix.

Focus Group

The Focus Group participants were selected to be representative of the demographic profile of the Atherton community and to include both library users and non-users. Participants were asked to represent their own opinions and the opinion of others with similar demographic profiles. Each session explored the following topics with an emphasis on

I. Introduction

gathering service needs and priorities for the library in an open dialogue setting:

- Participant Backgrounds
  - Whom do you feel you represent in the community?
  - Do you use library services? If so, which ones, how often and for what purpose?
  - What are your goals and expectations of this meeting and process?
- Library Service Needs – Current and Future Needs
  - What do you appreciate about the library services you receive? What is working well?
  - What community needs are not being met? Why do you believe they are not being met?
- Service Priorities
  - What do you believe will be the three most critical issues for the Town in the next 10 years? Why?
  - What might be the library's role in addressing these issues?
  - What do you believe are the three most critical services to deliver at the library? Which of these need the most improvement?
  - What would you like to be able to do or have access to at the library but currently cannot?
  - How do you think the library should change? Stay the same?
  - Describe your ideal visit to the library in 10 years. What is the experience? What are you doing?

Key Informant Interviews

Three Key Informant one-on-one interviews were conducted. The interviewees were individuals selected for their strong level of involvement with the community. They were asked the following questions in interviews:

- Whom do you feel you represent in the community?
- What do you believe to be the three most critical issues for the Town of Atherton today and in the future?
- What do you see as the library's role in addressing those issues?
- Library Services – Current and Future Needs
  - Do you use library services? If so, which ones, how often and for what purpose?
  - What do you appreciate about the services you receive? What is working well?
  - What would you like to be able to do or have access to at the library, but currently cannot?
  - How do you think the library should change? Stay the same?
  - How do you see individuals accessing library services in

I. Introduction

the future – and what issues do you believe might arise?
- Describe your ideal visit to the library in 10 years. What is the experience? What are you doing?

Data Gathering
Documents relating to both the community and library were obtained from the SMCL staff. Demographic and planning information was obtained from national, state, and local sources. The outreach information gathered, in conjunction with research into current library best practices and standards, has been reviewed, analyzed, and incorporated into this report. All recommendations in this report respond directly to documented needs as expressed by community members and through research and analysis.

Please refer to the Appendix for memoranda associated with community outreach, as well as all reference and resource information used to develop this report.

II. Community Background and Demographics

Community Service Area

The Atherton Library serves the Town of Atherton as well as nearby, unincorporated areas of San Mateo County. This service area delineates the community for this needs assessment.

In addressing the service population needs for the Library, Atherton residents, as well as non-Atherton residents, who make up more than half of those served by the Atherton Library, were considered. Demographic research has been gathered and analyzed for both these areas. In addition, anecdotal research from the Focus Group and Key Informant interviews has also been included in the demographic profile information.

History of Atherton Library Services

Town of Atherton

In 1866, there was a flag stop on the San Francisco-San Jose Railroad line for the convenience of the owners of the large estates who lived north of Menlo Park. These estates developed into the Town of Atherton, incorporated on September 12, 1923. The early residents wanted a town that would be divided into large parcels and would not contain businesses.

Today, within Atherton, is Holbrook-Palmer Park, a 22-acre, open, tree-covered park, which offers recreational programs and provides facilities for public and private functions. There are also eleven schools within Atherton's boundaries, both private and public.

The beginning statement of the Town's General Plan says "the Town of Atherton desires, insofar as possible, to preserve its character as a scenic, rural, thickly-wooded, residential area with abundant open space and with streets designed primarily as scenic routes rather than for speed of travel."

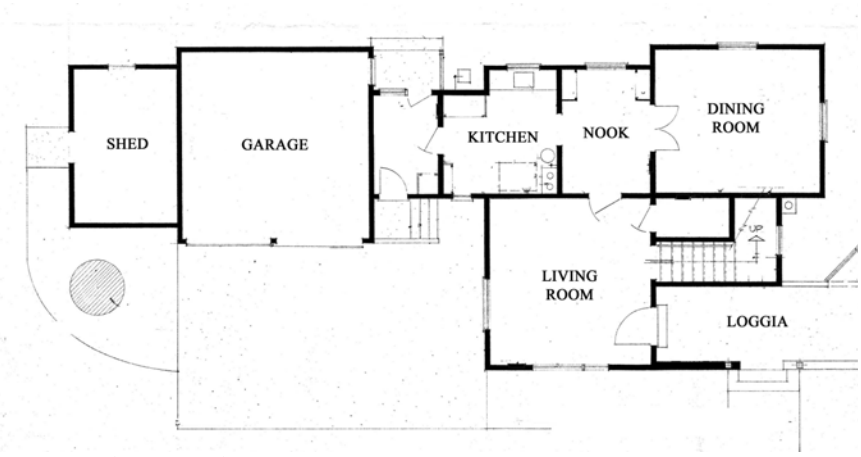
The Town is neighbored by Menlo Park, Redwood City, Woodside, and unincorporated San Mateo County. There are 49 miles of roads in Atherton and approximately 2,502 households, with no industry or business establishment within the town limits.

Source: "Town Information" and "Atherton History" on the town's website, www.ci.atherton.ca.us.

II. Community Background and Demographics

Library Services
The San Mateo County Library began providing library service to the Atherton community in 1931 in what is now Town Hall. In 1999, the San Mateo County Library Joint Powers Authority (JPA) was established. The formation of the JPA shifted governance from the County Board of Supervisors to the JPA Governing Board, which consists of representatives from each member entity. Library service and operations are provided by the San Mateo County Library and facilities are owned and maintained by each member entity.

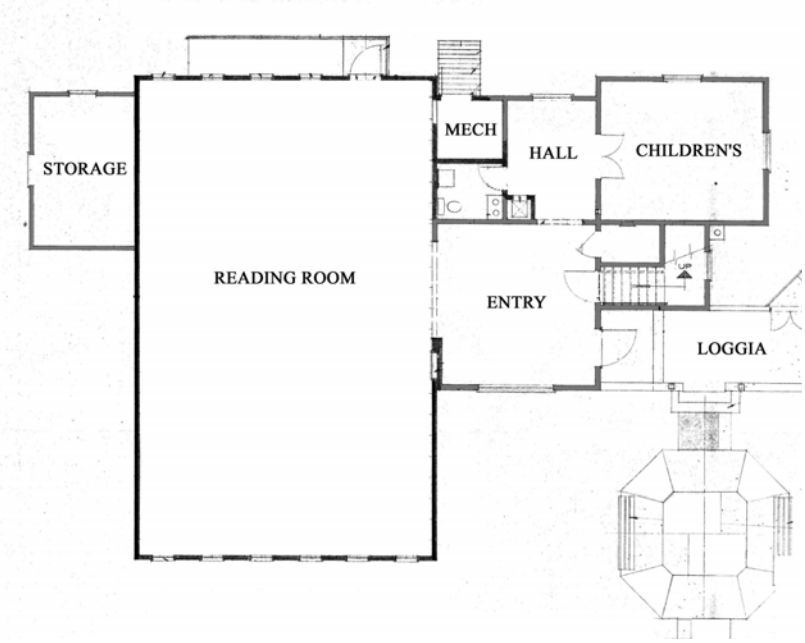
Library Building History
1929 – Library building constructed as a residence



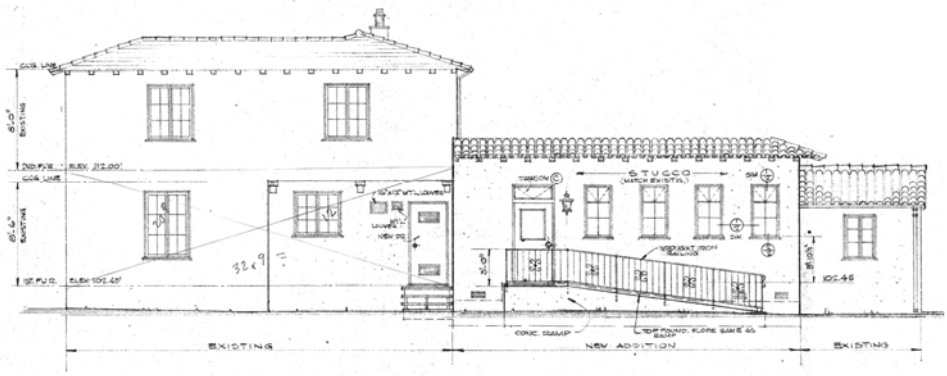
Former Residence, - First Floor Plan

II. Community Background and Demographics

1967 – Converted home to library – Constructed entry, children's area and reading area. A large main entrance was located on northern quadrant of the building and was easily identified as the front door of the library. A separate children's room created acoustical separation from the main reading room. The renovation also added a ramp to the back of the reading room to connect it to the exterior garden.



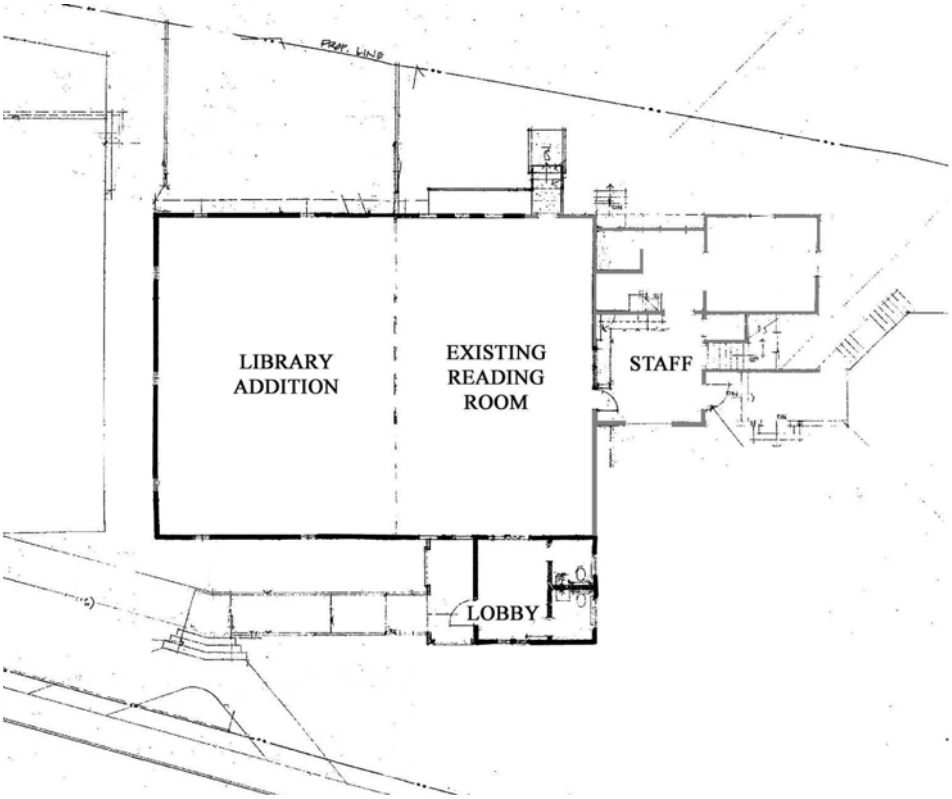
Original Library Renovation – First Floor



Original Library Renovation – South Elevation and Back Entry

II. Community Background and Demographics

1981 – Expansion – Expanded existing library, added a lobby, restrooms, and ramp at new primary entrance, facing south. The lobby and children's room were converted into staff area.



Library Expansion – First Floor Plan

2000 – Interior renovation completed including changes to shelving, flooring, lighting, service desk, workroom area, and reupholstering of furniture.

II. Community Background and Demographics

Research Sources

Since the Atherton Library service area comprises both the Town of Atherton as well as nearby, unincorporated areas of San Mateo County, demographic research was also gathered for both areas. It was collected and analyzed by dividing the service area into two sections – the Town of Atherton and the unincorporated portion of the service area.

As of 2008, the U.S. Census Bureau began providing annual American Community Survey data for cities and towns less than 60,000 in population. The Bureau plans to make this information available for all communities in 2011. However, data from 2005-2007 is available to illustrate how this community has changed from 2000. This report also looks to Environmental Systems Research Institute,(ESRI) which is a data development company that uses the traditional statistical methodology of cluster analysis, combined with data mining techniques to provide updated and projected demographics, segmentation of U.S. neighborhoods by characteristics into distinct markets, and the diversity index, that are all now industry benchmarks. This information may not completely align to current statistics used by the San Mateo County and the State of California; however, it provides supplementary profile information for this community. The Association of Bay Area Governments (ABAG) Census documents concur with ESRI reports.

Tapestry Segmentation is ESRI's market segmentation system, which classifies U.S. neighborhoods into 65 segments based on their socioeconomic and demographic composition. Segments are divided into 12 Life Mode Summary Groups that reflect lifestyle/lifestage, and into 11 Urbanization Summary Groups, which show levels of affluence and population density. Segmentation systems operate on the theory that like seeks like and explain community diversity, describe lifestyles and lifestages, and incorporate a wide range of data such as demographic, business, and market potential data.

Demographic Analysis

Atherton

Atherton has a 2009 population of 7,234 and is projected to increase to 7,304 by 2014, averaging an annual rate of 0.19%. The majority of the population is white (85.4%), although a significant minority are Asian or Pacific Islander (10.2%). Approximately 14% of the community is foreign born. The median age is 45.5 years.

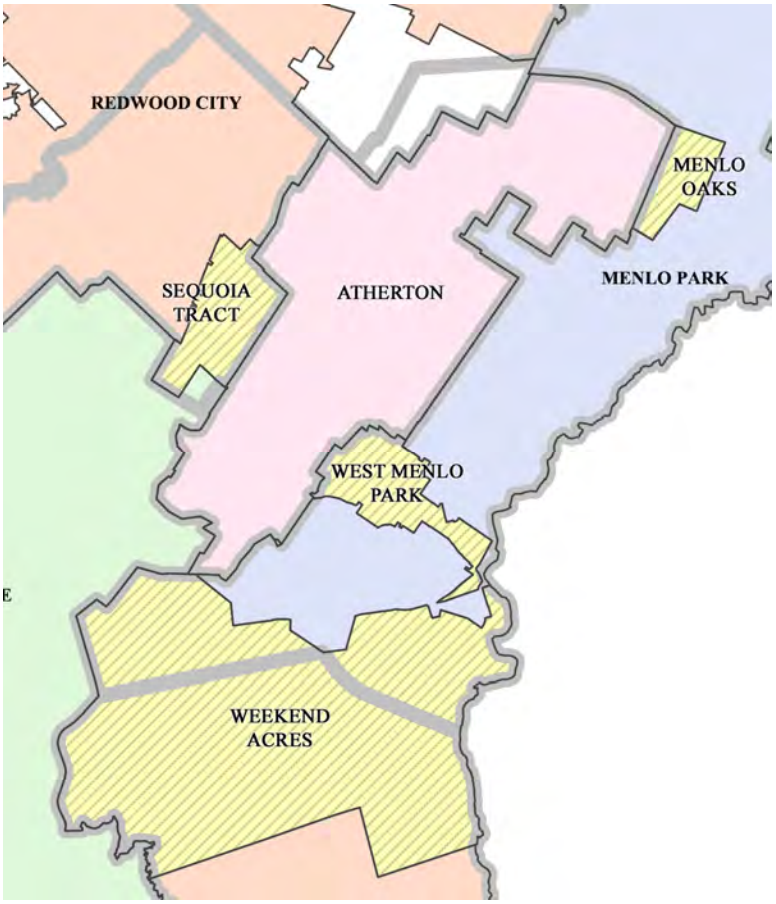
This is a well-educated community, with almost 76.2% holding a Bachelor's degree or higher, well above the United States percentage of 27%. Atherton is also a wealthy community with an average income of $294,000 per year.

II. Community Background and Demographics

Unincorporated Areas
The unincorporated areas near Atherton, and included in the Atherton library service area are Menlo Oaks, West Menlo, Sequoia Tract, and Weekend Acres. They are shown in the following figure hatched and in yellow. The population for these areas totaled 13,626 in the 2000 Census.

The majority of the population is white (87.0%), although a significant minority are Asian (7.0%). Approximately 16.9% of the community is foreign born. The median age is 41years.

This is a well-educated community, with almost 65.9% holding a Bachelor's degree or higher. The surrounding unincorporated areas' average yearly household income is $154,700, which is 53% of Atherton's.



Atherton, surrounding municipalities, and unincorporated areas of San Mateo County

II. Community Background and Demographics

Socio-economic Profile
Demographically, Atherton is a very uniform community, as shown by the low number of segment types identified in it by ESRI. This points to a community with predominantly similar socioeconomic lifestyles . Municipalities commonly have five or more segment types. Larger cities can have well over ten segment types.

An overwhelming majority of Atherton residents (99.5%) fall into ESRI Segment 01, titled "Top Rung." This demographic profile is uniformly mature, married, highly educated, and wealthy. Nearly one-third of this demographic are in their peak earning years of 45-64. Most are married couples, half of which have children. Small collections of this demographic are located in major cities across the nation, primarily on the East and West coasts. Many own at least one single family home and travel is a major part of their lives.

A very small segment of Atherton's residents (0.5%) fall into a second demographic profile, ESRI Segment 08, titled "Laptops and Lattes." This demographic group is more typically single and most of the population is white, but Asian populations comprise 11 percent of the total (more than two and one-half times the national level). This profile enjoys metropolitan amenities and is more likely to rent for reasons of lifestyle and locale.

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III. SMCL Service Model Principles

Service Model Principles

The San Mateo County Library provides library services to member cities and unincorporated county areas throughout San Mateo County. They provide consistent, high quality library services that are founded in their Vision, which is driven by these primary principles:

- A welcoming environment which offers a variety of settings and options
- Defined spaces that excite and inspire
- Intuitive systems and layout
- Maximize self-service and operational efficiencies
- Customer driven service

These principles provide a framework for the library services provided at each site within the SMCL system. Every library has a consistent set of services available. To some extent, these services are tailored to the specific needs of the individual library's service area community. For example, each of the libraries will need to provide specific children's library services, but the extent and manner in which they are provided will relate more directly to the demographics of a specific service population and its projected growth of that age group as well as available space and configuration to deliver children's services.

The following sections present strategies and space concepts the SMCL uses to achieve these principles.

Self Reliant Service

Key Points of Self Reliant Service

- Flexible service desks allow staff to teach and assist at points of need
- Use of automation and smart design to create a highly efficient operation
- Harnessing of customer power to maximize their time and minimize wait

III. SMCL Service Model Principles

Library Spaces

Marketplace

- Exciting vibrant space near the entrance
- Bookstore look and feel that brings people together
- Attractive shelving and displays that encourage browsing and increase circulation
- New, high interest material and multimedia displayed

Kids & Family Place

- A welcoming, comfortable space for families to spend time together and connect with other families
- Employs design elements that delight children, use color and whimsy to encourage the imagination
- Celebrates books and reading with a special space for storytelling

III. SMCL Service Model Principles

Teen Zone

- Supports the needs of teens who use the library independently
- Accommodates group study and computer access
- Comfortable lounge furniture as well as study tables
- Collections for homework support, recreational reading, and multimedia

Community Living Room

- A place for the reader
- Features ample, comfortable seating
- Relaxed atmosphere and quiet reading space
- Magazines and newspapers are located in this area

III. SMCL Service Model Principles

Gathering Space

- Provides an environment where people can socially interact and converse

Computer and Homework Centers

- Support Library vision to support lifelong learning
- Provide access to tools and expertise not available in all homes

IV. Community Input and Analysis

Community Input through Outreach

The community outreach included a focus group, key informant interviews, and a online survey. Input from the community through these outreach efforts is summarized and analyzed below. Generally, the different forms of input aligned with each other, but where exceptions occurred, they have been specifically identified.

The Value of the Library to the Community

Library Use

Current Library use was studied to understand what library users actively value. 95% of Survey participants have used the Atherton Library, whether or not they are regular users. At least 68% of library users surveyed also visit other local libraries in addition to the Atherton Library. The Focus Group and Key Informants also used multiple libraries. After the Atherton Library, Menlo Park City Library was the most often mentioned, followed distantly by Redwood City Library. The most popular time for those surveyed to visit the library is weekday afternoons (37.6%), followed by weekday mornings (22.9%), weekend afternoons (17.2%), and weekday evenings (15.3%). A majority (81.5% for collections) of the customers utilize library services on a weekly or monthly basis.

Library users primarily use the library to borrow materials, most popularly adult fiction, adult nonfiction, and DVDs. After that, the audio materials, children books, best sellers, and magazines are also popular. However, in the Survey, the non-children's programs were identified more rarely, if at all. These services were identified in the Survey between 72.2% and 81.8% as never used for teen programs, senior programs, adult classes, and after school and educational programs. Focus Group users appreciated non-children's programming and indicated some, but infrequent, personal attendance.

Library Access

70% of those surveyed primarily access the library through their website and then second most commonly go to the library itself to find materials. Of those surveyed, 96% visit the library website. Focus Group, Key Informant interviewees, and staff input all reported that the public computer stations are well used and appreciated.

Online access, holds, and inter-branch borrowing services were often mentioned as well used and appreciated. Some comments suggest that these services are used more often because of the library's relatively small size. 77% of surveyed users arrive at the Atherton Library by car, although some do walk (15.9%) or bicycle (5.1%).

Satisfaction with Services

Overall, users are very satisfied with library services. However again, the non-children's programming is less known and there was limited input on

IV. Community Input and Analysis

levels of satisfaction from the Survey. The Focus Group was satisfied with the quality and variety of programs available, but wished they had better notice of events. 38.7% of Survey respondents most wanted to see collections and resources improved, followed by 27.5% for the hours open. (Hours open could include the number or schedule of hours.)

The library is a highly valued, cultural component of the community. Some users worried that it might be under-appreciated by the general population of Atherton. The library is valued as a place to access information and entertainment for everyone.

The adult programs are not as widely attended as children's programs, but still appreciated.

Children's Services
Many of the Focus Group and the Key Informant interviewees see the library's role to be critical in engaging children in the world of reading. Atherton Library has a variety of children's programs. Based on all input, they are well-attended and well-liked.

Library Experience
There is a strong appreciation for the small, cozy, and intimate space offered at the Atherton Library. Many users commented that they wanted to maintain this atmosphere and strongly want to avoid creating a "mega -library." Many users specifically mentioned appreciating the opportunity to interact with other community members and library staff on their visits. The library staff was mentioned several times for their exceptional service and friendly demeanor.

Priorities and Values
Survey respondents considered many of the suggested items important and valued for the future elements of Atherton Library. The items most valued (marked as *important* or *very important*) included:

- Convenience (98.5%)
- Kids Area (96.2%)
- Information Technology (94.1%)
- Access to Collections (94.0%)
- Information Help (94.1%)
- Welcoming (93.4%)
- Access to things one can't afford individually (92.6%)

Elements Survey participants would most like to see in the Atherton Library (marked as *valuable* or *highest value*) were:

- Children's Area (94.6%)
- Comfortable Seating (88.0%)
- Browsing / Display Areas (83.6%)

IV. Community Input and Analysis

- Quiet Study Area (80.7%)
- Internet Stations (72.6%)

A café or food and beverage area was the only item suggested that did not receive priority with 77.7% marking it as not important.

All types of collection material were rated as valuable. The ones showing the most exceptional value (marked as *valuable* or *highest value*)were:

- Children's Books (100%)
- Adult Non-Fiction (97.8%)
- Reference Material and Resources (96.2%)
- New Books and Bestsellers (92.0%)

Similarly, most library services suggested were also considered valuable. The only services of possible lower value, based on Survey responses, were study rooms for small groups and foreign language materials. However, Focus Group attendees specified a desire for more foreign language materials. The highest valued services (marked as *valuable* or *highest value*) were:

- Children's Storytime and Programs (93.8%)
- Information Help (93.0%)
- Lifelong Learning (86.3%)
- Summer Reading Programs (83.5%)
- Public Computer Access (81.1%)

Library Non-users

No strong or consistent reasons came forward in the Survey for not using the library. However, the most common reason for not using particular library services was not being aware of the service.

Demographic Anecdotes

In addition to the U.S. Census and ESRI studies of Atherton and the surrounding unincorporated community included in the Atherton library service area, demographic information was gathered anecdotally through the Focus Group, interviews, and staff observations.

The service area community is made up of self-shaped learners, who are in a state of constant inquiry. This community has a high level of adult and leisure reading. The number of children and demand on local schools is increasing. In addition, adults in the community, because of modern practices, including telecommuting, are looking for a third place, a place to be besides work or home, a place for community engagement.

IV. Community Input and Analysis

Looking to the Future – Opportunities for Improvement

Although Atherton is generally satisfied with the library services available, there were several areas where improvement is desired.

Entry and Civic Presence
There were several requests to improve access and entry to the building. Concerns over the library's location and connection to the community were also expressed, as well as hope that any future changes might increase the library's civic presence through design, signage, and/or location.

Separate Uses, Separate Spaces
Many users brought up concerns of the scheduled programs and activities taking over the library space and interfering with any concurrent activities (computer use, quiet reading, etc.). Concern was specifically expressed over lacking a fully developed and dedicated children's area, a dedicated area for teens, and a dedicated space for quiet reading.

However, there was some debate among participants over how much use a teen area would find. The Focus Group included participants who felt strongly that a teen area was needed and would be used, while other participants felt the opposite. The Survey also reported mixed results for a teen space with 66.9% thinking it was important or very important to have a teen area, while another 33% felt it was not important or did not know if it was important. Related to each of these uses, there were several requests to improve acoustics in the building.

Gathering Space
The predominantly residential make-up of Atherton leaves few spaces for public gatherings. The library, in partnership with the park, could provide a place and a neutral ground for larger public and civic events. The library is also seen as a place for informal smaller gatherings and interactions, the heart of a residential community.

Technology
There were some concerns by users over the role of technology in the future. Many appreciated technology being available but several users still did not want technology to take over or dominate the library experience. Almost every Focus Group member and Key Informant Interviewee acknowledged public computer stations as being a critical resource for the community at large.

Aesthetics
Most participants who commented, appreciated the aesthetics, scale and architectural vocabulary of the existing facilities, but there were

IV. Community Input and Analysis

widely varying viewpoints on what should happen to the existing structure to accommodate future services. Opinions varied from wanting to preserve the architectural heritage of the building to proposing starting from scratch and building a new facility.

Measured Expansion
There were consistent Focus Group and Key Informant comments that stated a need for additional seating, collections, and program space. They also consistently noted that there was not a need for a large "mega-library," and warned of losing the current small-town library feel associated with a more intimate space. They believed expansion, renovation, or new construction should focus on maintaining the intimate and small-town nature of the building.

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V. Existing Facility Service Assessment: Qualitative

Existing Services

The Atherton Library's existing services consist of the materials collection available for public use and various programs that take place in the library facilities. An outline of these services is listed below.

Materials Collection

- Adult New Print
- Adult Paperbacks
- Adult Periodicals
- Adult Print
- Young Adult Fiction
- Young Adult Paperbacks
- Young Adult Nonfiction
- Young Adult Graphic Novels
- Juvenile Paperbacks
- Juvenile Periodicals
- Juvenile Print
- Juvenile Series
- Reference Materials
- Adult Audio Books
- Adult CDs
- Adult DVDs
- Adult Playaway
- Young Adult Audio Books
- Young Adult MP3 Players
- Juvenile Audio Books
- Juvenile CD-Roms
- Juvenile CDs
- Juvenile DVDs
- Juvenile Playaway

Children's Programs

- Toddler Storytime
- Preschool Storytime
- Musical Storytime
- Craft Activities
- Puppet Shows
- Reading Development Program (Paws for Tales)

Family Programs

- Movie Night
- Adult Programs
- Guest Speakers
- Educational Sessions

V. Existing Facility Service Assessment: Qualitative

Friends of Library Events
- Ice Cream Socials
- Open Houses

Access to Larger Collections
- Inter-branch Borrowing
- Interlibrary Loan
- Holds

Operating Hours

The Atherton Library is currently open to the public 57 hours per week with the following hours:

Monday – Wednesday	10 AM – 8 PM
Thursday – Friday	10 AM – 6 PM
Saturday	10 AM – 5 PM
Sunday	1 PM – 5 PM

Staffing

Staffing levels have been relatively stable over the past ten years at the Atherton Library. The following is the current staffing breakdown at Atherton Library:

Branch Manager	.5 FTE
Circulation Supervisor	.375 FTE
Senior Library Assistant	1.00 FTE
Library Assistant II	.5 FTE
Library Assistant II	.75 FTE
Librarian II	.5 FTE
Librarian II	.5 FTE
Aides (Extra Help)	.5 FTE

(FTE – Full-time Equivalent)

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V. Existing Facility Service Assessment: Qualitative

Existing Facilities – Qualitative Analysis

Introduction

Through the course of this Needs Assessment study, ABA visited the Atherton Library on three occasions, each at different times throughout the day. The purpose of these visits was to observe how the library functions on a typical day, and to compare those observations with the SMCL Service Principles. In addition, our comments and observations are made through our own background and experience with library design, library service trends, and current best practices within California libraries. This qualitative assessment represents ABA's professional judgment as to the existing physical facility strengths and limitations of the building, in terms of library service provision.

This assessment is limited to a facility review of library services elements only, and does not contain assessment of more traditional architectural and building elements of the facility including, but not limited to structure, architecture, landscape, electrical, mechanical, plumbing, energy use, etc.

The Town did engage in a seismic study of the building and published results of that study in two reports for the Atherton Library at 2 Dinkelspiel Station Lane, Atherton California.

- ASCA 31-03 Structural Evaluation Report - 2/11/09
- FEMA 356 Life Safety Building Performance Evaluation & PML Analysis – 9/24/09

The observations are structured to align with the SMCL Service Principles:

- Welcoming Environment
- Intuitive Systems and Layout
- Operational Efficiency
- Space that Excites and Inspires
- Customer Driven Self-Service

V. Existing Facility Service Assessment: Qualitative

Welcoming Environment
Atherton Library is a hidden treasure to the community. It is somewhat of a challenge for new users to find and its architectural appearance and exterior signage do not define it as a public space. It is charming and quaint, adjacent to the public park and Town Hall, with outdoor spaces that allow exterior programming and leisurely reading in the summer months, although seating and access to these types of exterior spaces are limited.

The addition of ramps in 1967 and 1981 made the building more accessible, although the ramps do not meet current accessibility standards. The front accessibility improvement altered the location of the original architectural entry. This changed access point now makes finding the new front door more challenging. Currently, the exterior signage does not include hours of operation, and users need to walk to the front door to determine if the library is open or to use the book drop for after-hours book returns.

The entry lobby is small and currently contains the copy and print area, the bin storage for the exterior book return, community information, Friends of the Atherton Library book sale mobile shelves, a drinking fountain, and access to the public restrooms. Each of these important services is competing for space and makes for a cluttered first impression of the library, which is very different from the clean and well-organized spaces within the library main room.

Bathroom doors, a copy area, and the book return are located at the entry vestibule.

V. Existing Facility Service Assessment: Qualitative

Intuitive Systems and Layout
The one room open library makes it easy to see and understand what is available from the moment you enter the space from the lobby. The service desk is located immediately upon arrival and make it easy for customers to know where to go for help. Customers are greeted with display gondolas that contain both new books and Friends of the Atherton Library books.

Book display gondolas encourage browsing.

The display areas are very limited and make it challenging to create a marketplace feel as you enter the library. Signage is also limited and finding what you are looking for at a more specific level could be improved with better signage.

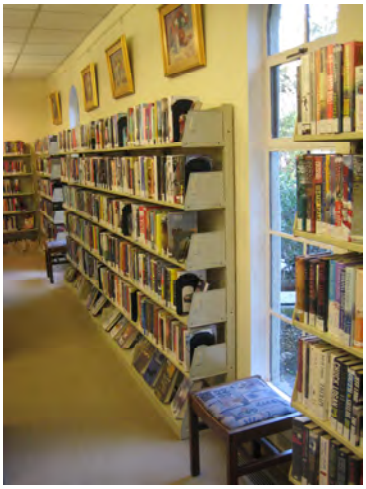
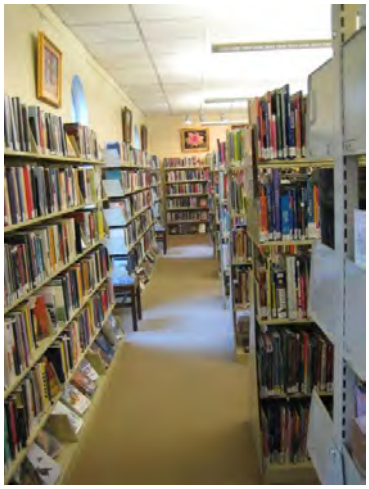
Currently, books for sale by the Friends of the Atherton Library (FOAL) are located on a display gondola immediately in front of the entry lobby. These books are an important element of the library and should be given their own space, distinct from other new books. Another setup and location would provide a more consistent theme for new books in the library's collection and would better feature the ongoing FOAL items available for purchase.

V. Existing Facility Service Assessment: Qualitative

While a lovely garden awaits readers, it is not intuitively clear that customers are invited to exit through the children's area and into the reading garden. In good weather, this area is used for larger events and programs, but an interior space could be used year round.

Outdoor seating areas located adjacent to library.

Several reading stools are intermittently placed at the perimeter of the library, aligning with perimeter arched windows. While these create quiet places for individuals to read, their placement can impede the adjacent narrow aisles, and the stools are not comfortable for long periods of time.

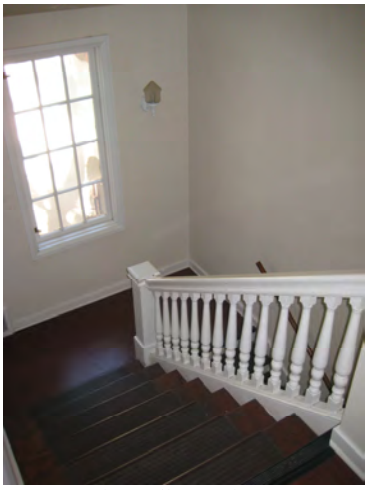
Seating for reading is limited, but there is regular access to natural light.

V. Existing Facility Service Assessment: Qualitative

The overall ambience of the space depends largely on the attendance of the day. Since there are no acoustical separations, other than the stacks themselves, customers who are seeking a quiet atmosphere may be frustrated by the noise generated at a program or even just an elevated number of visitors on a particular day.

Operational Efficiency

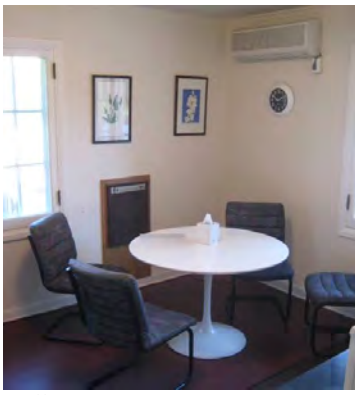
Due to the open nature of the library, it is easy for the staff to see and access almost all areas of the library from the service desk. The taller stacks, positioned at the far end of the building, allow for viewing down the aisles, promoting better visibility. However, the adaptive reuse of a residence into a library poses many issues associated with efficiency of the library. Besides the large open library space, the other library spaces, which are used by staff, are broken down into smaller rooms that were formally used as bedrooms, bathrooms, closets, and a kitchen. 1,350 square feet of the staff space is located upstairs and is therefore not accessible to those with mobility issues. From a space utilization perspective, the staff areas are highly inefficient. Storage areas are adapted from spaces that are too small for their use, and storage is distributed and dispersed in a very inefficient manner. Second floor storage is problematic for staff to carry items up and down the stairs when needed for library programs and use.



The upstairs staff area is only accessible by stairs.

V. Existing Facility Service Assessment: Qualitative

The staff breakroom and offices are larger than necessary because they are adapted from spaces of the old residence. The rooms located on the second floor make it very difficult for staff to quickly access public spaces. Individuals have reported that they feel isolated when they are working upstairs, which means they are less likely to make optimal use of these spaces.

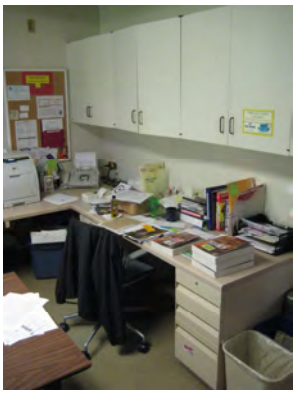
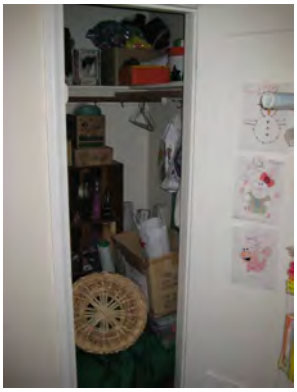


Staff break areas are very generous in space, but are inconvenient located relative to the main library areas.

The service desk is larger than necessary because it was designed for a now outdated mode of service. New modes of service provide for staff helping customers out on the floor, rather than being stationed behind a desk. Upstairs, there is additional underutilized space because staff members do not want to be located on the second floor, so the total area of staff space to library space is disproportionally high and the spaces are not efficiently utilized, due to their location and layout.

V. Existing Facility Service Assessment: Qualitative

The staff finds the office space useful for storage of props and books for children's programming purposes. Additional storage for tables, chairs, and other bulky items like screens and projectors would be useful.

Typical staff work and storage areas.

The exterior book return and its lack of connection to staff material handling areas, also presents layout and user experience challenges. These areas can be unsightly and noisy, and they occur in the space of the primary entrance and marketplace locations.

In addition, staff has observed inconsistent heating in the different workspaces. As a result, staff members avoid spending time upstairs or in the back work areas as much as possible.

Space that Excites and Inspires

The library is charming and quaint upon first impression. The open feel of the one-room library and the quantity and quality of light entering through windows located from three different directions create a warm and inviting space. However, this one-room space is too small and problematic from an acoustical and use perspective.

A rotating art exhibit rings the interior perimeter of the library, and the art works feature local Atherton artists. This is a beloved collection and some users note that they visit the library specifically to see the art at various times throughout the year.

V. Existing Facility Service Assessment: Qualitative

The gondolas that greet users in the front area of the library are limited and can only display a small amount of materials. In some shelving units, face-out books are displayed either in the lower or upper shelves, because of the limited space in the library, but these are difficult to see and reach and do not entice readers who are browsing for new material.

Display space is limited to standard metal shelving units. This makes browsing popular materials more difficult. End panels on standard shelves encourage browsing.

The children's area is quite small and contains only one gondola to display larger reader and picture books. The children have a difficult time browsing for books that would inspire them because the shelving is higher than their ability to reach. Books are generally displayed spine-out (except for one shelf) and displays that would entice the children to explore their library further are limited, compared to other libraries in the area. Here is a brief outline of best practices and key features for modern children's library areas.

Children's Area Best Practices and Key Features

- Design should be fun, whimsical and colorful
- Incorporate signage and a special gateway feature to announce the children's library
- Include display areas for children's art work, seasonal displays, and special events
- Display areas are usually slatwall with acrylic shelves, gondolas, and slatwall pyramids
- Use lower shelving, so that children may select their own books
- Provide space for regular children's programming, including storytime, arts, crafts, puppet shows, music, and dance
- Provide movable furniture for flexibility
- Provide child size table and chairs
- Select fun and durable fabrics and finishes

V. Existing Facility Service Assessment: Qualitative

Storytime and other children's programs are well loved and used, but the space available in the open library plan only allows for seating of about 20 children before seating must be expanded into the general library area. This is very problematic for other library users, because of the close proximity of the computer stations, tables, and the adult seating areas. The reverse is true whenever there is an adult program in the library, and the children and parents must adapt to using the children's area, making limited noise, which is not always possible or desirable.

Attendance at children's events is particularly high. Storytime attendance ranges from 1-5 children, to upwards of 60 people. When the library hosts large events, such as puppet shows or magic shows, they have had attendance of over 100 people. It is also distracting for storytime performers, when users use the DVD and collections nearby, or when there is a conversation at the nearby public service desk with users. The larger events overflow into other areas and intrude on others using the library for different uses.

The existing children's area is open to the main library space and events overflow into the main library space.

Library users consistently appreciate the easy access to online services. A large percentage of users enter the library to pick up or return an item that they requested online, and do not chose to spend extended periods of time in the library. Customers feel that the seating in the library is too limited and not comfortable. They would love to sit near a window and read looking out to the park, but the small stools that serve this purpose are not comfortable for extended stays beyond just initial perusing of materials. The limited seating that is near the service desk is quite exposed to the center of activity and to the children's area, where noise and commotion make it difficult for those who want to have a quiet reading experience.

V. Existing Facility Service Assessment: Qualitative

There are two lengths of shelving dedicated to teen materials, with a few beanbag chairs alongside. Teens require some space in order to use the library, and while several schools and nearby functions provide activities for teens; a dedicated teen space is still needed in the library. The current space and seating is inadequate to provide this service and is not inviting to a teen population that may want to use the library. Here is a brief outline of best practices and key features for modern children's library areas.

Teen Space Best Practices and Key Features

- Design should reflect teen's desire to be different from younger children and adults
- Separate acoustically from other areas of the library
- Keep highly visible for staff supervision
- Incorporate technology including computers, TV, music players, etc. and facilitate social or team use of the equipment
- Select tough and durable furniture and finishes
- Provide space for homework help and group study

Teen collection and reading area.

Library customers can use the garden through the Children's area for quiet reading and studying; however, an indoor quieter space for this function is preferable. There are no separate program rooms for structured and planned events, and staff reports a shortage of seating and table areas used for casual, unstructured library use.

Lighting in the Library is well suited to its use as electric and daylight mix to create suitable lighting conditions for browsing and reading. Programs, such as Movie Night, require the lighting levels of the entire usable space to be controlled by one use, further pointing to the need for a separate program room for such functions.

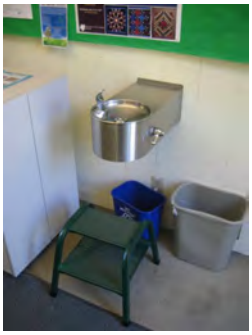
V. Existing Facility Service Assessment: Qualitative

Customer Driven Self-Service
Atherton Library customers are using the self-checkout equipment at the rate of 67% of their total checkout. A more typical number for a well-designed self-check is 95%. As the self-check percentage increases, the library staff are freed up to more actively assist customers with higher value library services, rather than processing checkouts. The location of the self-check unit is at the computer table, and outside of the path of travel as a customer is leaving. The amount of self-checkout would increase if the location of the self-check unit is in a more desirable location and distinctive design. This could free up staff to engage in other types of tasks, such as assisting customers with research or locating materials.

Staff reports high use of holds and loaning materials from other locations for a small fee. This service is well-used and well-liked, but also points out that currently, browsing is limited due to the smaller size of collection and also the lack of display area.

V. Existing Facility Service Assessment: Qualitative

Although the drinking fountain and public restrooms follow general requirements for accessibility, the significant number of children visitors generates additional accessibility needs. Step stools are in place to help smaller children, but these modifications create obstacles for other users. Additional fixtures designed for small children and families would greatly improve accessibility for all users.



The drinking fountain, single occupant existing bathrooms, and staff bathroom have accessibility issues.

Books on hold are readily available but also very visible and not very aesthetically pleasing.

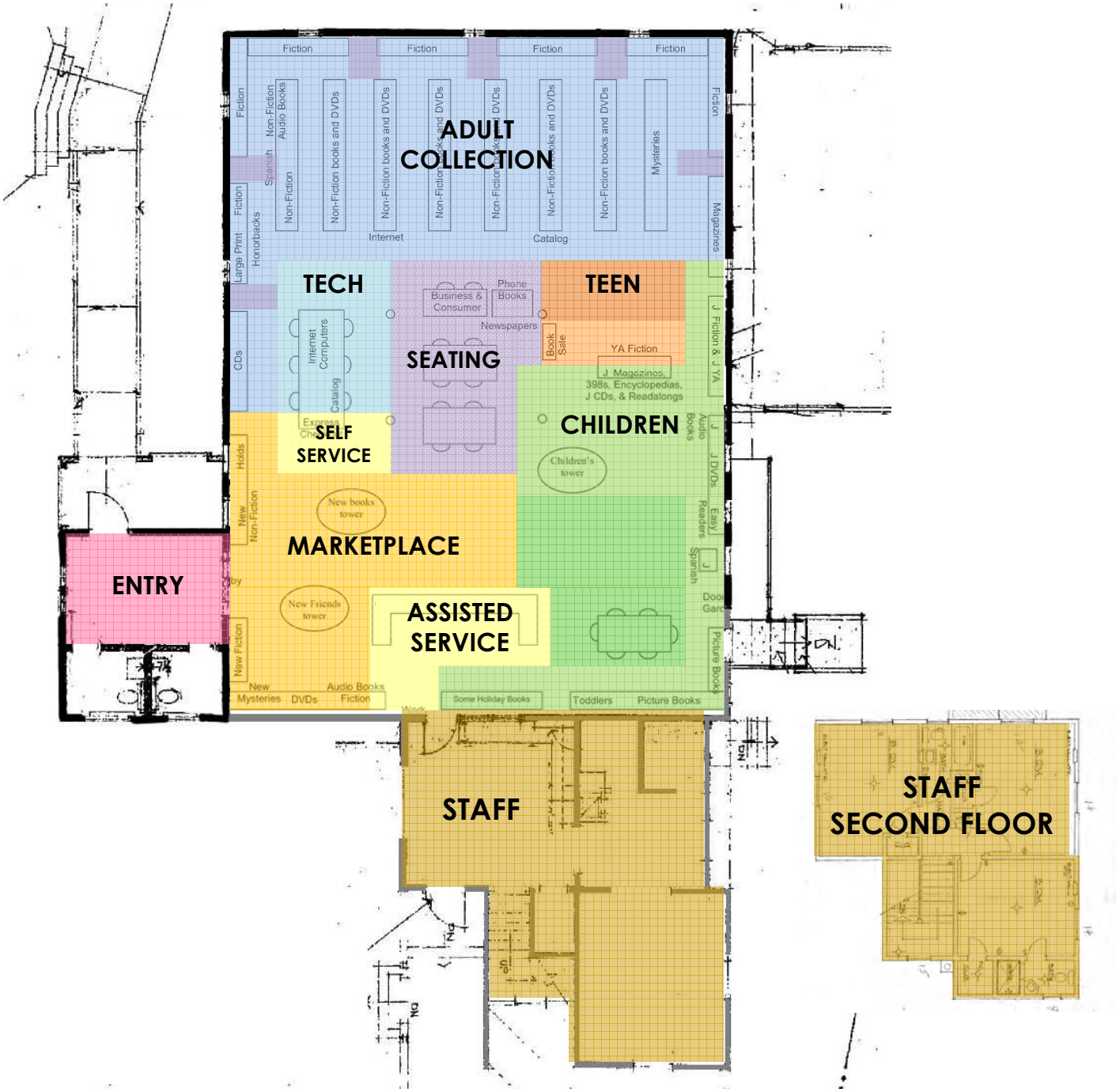
V. Existing Facility Service Assessment: Qualitative

Existing Floor Plan Zoning and Areas
The public space in the library is all located on the first floor. Near the entry is the marketplace and a staff service point. The children's area is located in the corner near staff. In the center of the main space are the technology stations and most of the available seating. At the far end of the space is the main adult collection with some seating along the perimeter. Staff space and storage are located on both the first and second floor. The approximate existing square footage for each zone is listed below.

Zone	Area
Entry	150 SF
Marketplace	490 SF
Service Points (Self and Assisted)	200 SF
Technology	150 SF
Children's Collection	172 SF
Children's Seating	263 SF
Adult Collection	1,029 SF
Seating	400 SF
Teen Collection	25 SF
Teen Seating	115 SF
Staff	1200 SF
Building Support Space	596 SF
Total Building	**4790 SF**

V. Existing Facility Service Assessment: Qualitative

Existing Facility Layout.



VI. Peer Library Benchmarking: Quantitative

Benchmarking Data

Following the qualitative assessment offered in Section V, this section offers a quantitative assessment of key library metrics concerning library service delivery. The Core Team developed a list of peer city libraries in order to study the quantitative metrics of their library services delivery. These libraries were selected because they most closely align with the following key criteria established by the Core Team:

- Built in the last five years
- 10,000 – 20,000 service population
- Less than 15,000 SF in building area

For purposes of this study, the Core Team identified libraries throughout California and the nation, and then culled the list to six for their inclusion in this Needs Assessment report. These six libraries bear the most direct relevance to Atherton and include:

- Julian Branch Library, CA
- Frazier Park Branch Library, CA
- Castroville Library, CA
- Redwood Shores Library, CA
- Allegheny Branch Library, Pittsburgh, PA
- Pinecrest Library, FL

The data that was commonly available between the six identified peer city libraries include:

- Service Population
- Collection Size (total items and in items/capita)
- Seating (total seats and seats per 1,000 capita – note: does not include programming or technology seating)
- Computers (total public access computers and in computers per 1,000 capita)
- Program Room (number of rooms and number of seats)
- Children's Programming (number of areas and number of seats)
- Group Study (number of rooms, number of seats)
- Square Feet of Building (total gross square feet and square feet per capita)

Through quantitative analysis, one can note that certain elements of the Atherton Library either exceed or fall short of its peer city library metrics. This should not be considered a hard fast rule, but a methodology to help illuminate any issues that may be preventing a facility from most fully supporting the service goals of its operators and its value to the community. Combined with the qualitative analysis, this quantitative analysis helps to inform the specific facility recommendations. When the findings of both analysis align, there is greater indication that specific recommendations may be required.

VI. Peer Library Benchmarking: Quantitative

Of the numerous national libraries from the December Library Journal, 4 provided additional information on their key metrics. Two were selected for their alignment with the Atherton Library:

- Allegheny Library, PA
- Pinecrest Library, FL

We then turned to looking closer at more California libraries with these guiding criteria and found 3 additional libraries meeting all three criteria:

- Julian Library
- Frazier Park Library
- Castroville Library

Finally, we adjusted the Redwood Shores data to align with the effort, by subtracting the building area and program rooms associated with the Community Center. All six provide a good range for the benchmarking purposes of the Needs Assessment.

Following are summary observations, based on the peer library benchmarking, which is depicted in matrix form on the following page. These items, along with the analysis of Sections II-VI will become the basis of the recommendations that are delineated in Section VII.

Collection Size

- Peer library collections range between 1.40 – 4.88 items per capita, averaging 3.02 items per capita
- Atherton Library's collections currently consist of 1.99 items per capita
- Needs Assessment Report recommendation is 3.00 items per capita
- In relation to its benchmarking peers, Atherton Library is deficient in collections by 34%

Seating

- Peer library seating counts range from 3.00 – 8.26 seats per 1,000 capita, averaging 5.6 seats per 1,000 capita
- Atherton Library's seating currently includes 1.7 seats per 1,000 capita
- Needs Assessment Report recommendation is 4.00 seats per 1,000 capita
- In relation to its benchmarking peers, Atherton Library is deficient in seats by 58%

VI. Peer Library Benchmarking: Quantitative

Computers

- Peer libraries provide 1.12 – 3.51 computers per 1,000 capita, averaging 2.64 computers per 1,000 capita
- Atherton currently provides 0.49 computers per 1,000 capita
- Needs Assessment Report recommendation is 1.00 computer per 1,000 capita
- In relation to its benchmarking peers, Atherton Library is deficient in computers by 51%

Program Room

- 4 of the 6 peer libraries provide a dedicated program use, with the other 2 providing shared program rooms, all averaging 54 seats
- Atherton Library currently does not provide a program room
- Needs Assessment Report recommendation is a Program Room with room for 50 seats
- In relation to its benchmarking peers, Atherton Library is deficient one program room.

Children's Programming

- All 6 peer libraries provide dedicated program areas for children, ranging between 1.00 – 2.44 seats per 1,000 capita, averaging 1.77 seats per 1,000 capita
- Atherton currently provides 1.7 seats per 1,000 capita
- Needs Assessment Report recommendation is 1.50 seats per 1,000 capita
- The typical programming will be accommodated in other growth recommendations.

Group Study

- Of the 6 peer libraries, there are 4 quiet study rooms provided among 3 of the libraries
- Atherton Library currently does not currently provide a group study room
- Needs Assessment Report recommendation is to provide 1 group study room with 8 seats
- In relation to its benchmarking peers, Atherton Library is deficient one group study room.

VI. Peer Library Benchmarking: Quantitative

Square Feet of Building

- Peer library square feet range between 0.60 – 1.47 square feet per capita, averaging 0.91 square feet per capita
- Atherton Library currently provides 0.29 square feet per capita
- Needs Assessment Report recommendation is a minimum of 0.70 square feet per capita
- In relation to its benchmarking peers, Atherton Library is deficient in size by 59%

VI. Peer Library Benchmarking: Quantitative

Benchmark Matrix

	Atherton Library	Needs Assessment Report Recommended Target	Julian Branch Library, CA	Frazier Park Branch Library, CA	Castroville Library, CA	Redwood Shores Library	Allegheny Branch Library, Pittsburgh, PA	Pinecrest Library Pinecrest, FL
Service Population	16,436	-	11,147	13,963	9,508	10,648	25,000	19,000
Collection	32,726 items 1.99 per capita	- **3.00 per capita**	35,696 items 3.20 per capita	35,079 items 2.51 per capita	33,000 items 3.47 per capita	52,000 items 4.88 per capita	35,000 items 1.40 per capita	49,733 items 2.62 per capita
Readers' Seating	22 seats 1.34 per 1,000	- **4.00 per 1,000**	90 seats 8.07 per 1,000	71 seats 5.08 per 1,000	52 seats 5.47 per 1,000	88 seats 8.26 per 1,000	75 seats 3.00 per 1,000	75 seats 3.95 per 1,000
Computers	8 computers 0.49 per 1,000	**1.0 / 1,000**	20 computers 1.79 per 1,000	49 computers 3.51 per 1,000	31 computers 3.26 per 1,000	34 computers 3.19 per 1,000	28 computers 1.12 per 1,000	56 computers 2.95 per 1,000
Program Room	0 room(s) 0 seats	**1 room** **50 seats**	1 room(s) 45 seats	1 room(s) 60 seats	0 room(s) 60 seats	Shared with Community center 0 seats	2 room(s) 64 seats	1 room(s) 90 seats
Children's Area	28 seats 1.70 per 1,000	**1.5 / 1,000**	22 seats 1.97 per 1,000	20 seats 1.43 per 1,000	20 seats 2.10 per 1,000	26 seats 2.44 per 1,000	25 seats 1.00 per 1,000	32 seats 1.68 per 1,000
Group Study	0 room(s) 0 seats	**1 room(s)** **8 seats**	0 room(s) 0 seats	1 room(s) 6 seats	2 room(s) 18 seats	1 room(s) 8 seats	0 room(s) 0 seats	0 room(s) 0 seats
Square Feet of Building	4,790 SF 0.29 per capita	**range 0.70 - 1.30** **0.70 per capita**	9,573 SF 0.86 per capita	9,972 SF 0.71 per capita	9,163 SF 0.96 per capita	15,699 SF 1.47 per capita	15,000 SF 0.60 per capita	15,000 SF 0.79 per capita

VI. Peer Library Benchmarking: Quantitative

Benchmarking Sources

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"Castroville Library, Community Library Needs Assessment." California Office of the State Library. 8 Jan 2010. http://www.library.ca.gov/lba2000/fundedprojectsList.html

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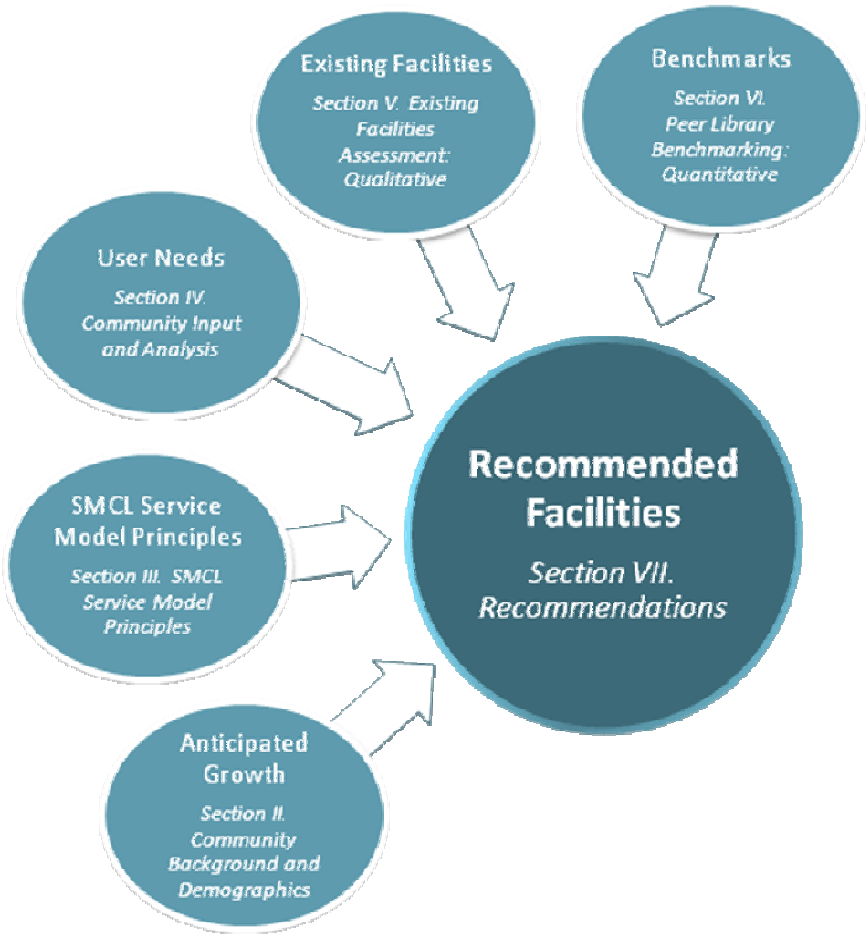
VII. Recommendations

Basis for Recommendations

This Library Needs Assessment has considered numerous sources of information and influences, as they pertain to the delivery of library services at the Atherton Library:

- Anticipated Growth
- SMCL Service Model Principles
- User Needs
- Benchmarking
- Existing Facilities (from a service delivery perspective)



VII. Recommendations

Anticipated Growth
Concerning the Anticipated Growth, this Library Needs Assessment provides for the expected population growth of the service population, compounding between 2010-2030, at an annual rate of 0.19%. Over the twenty-year period, this results in a population growth of approximately 3.87%. This population growth over the period of this study will contribute to the quantitative conclusions, drawn below.

SMCL Service Model Principles
Implementing the five SMCL Service Model Principles affect the overall recommendations substantially. As stated earlier, these Principles are based on current goals for all libraries within the JPA, and build upon important trends in the delivery of library services. Most notably, these principles will require additional space to accommodate different methods of materials display and seating, as well as providing a variety of settings and options for users to interact and choose settings that are most aligned with their chosen library experience (quiet and contemplative, exciting and conversational, or educational and active).

The tangible ways that the Service Model Principles factor into the recommendations are in shelving display densities, face-out displays, and the recommendation for some enclosed spaces, which will provide acoustical separation for the distinctly different activities occurring simultaneously on any given day.

User Needs
User Needs are the cumulative summation of the community outreach process that occurred as a part of this study. They include the anecdotal and statistical responses by the participants of the community outreach in the forums including: the Online Survey, Focus Group meeting, and Key Informant interviews. The user needs are utilized to express overarching concepts, where there is great alignment of opinion expressed, as well as validating alignment or mis-alignment of other statistical measures, such as benchmarking and other library services best practices. User needs are also factored into the metrics by influencing the overall mix of the resulting collections, seating, and technology, within the framework of the established projected growth.

VII. Recommendations

Benchmarking
Benchmarking of peer libraries illustrates a comparison of similar facilities with similar service populations. For purposes of this study, the Core Team identified three criteria in order to vet suitable libraries for benchmarking. These criteria include libraries that:

- Recently improved service delivery through facility improvement between 2006-2009
- Serve a total service area population between 10,000 and 20,000 people
- Total in gross square feet less than 15,000 square feet

Analysis of these benchmarks, especially in conjunction with the SMCL Service Model Principles, informed a recommended target for metrics of the library. Included in these metrics are: collection size, number and types of seats, technology, program rooms, children's programming, group study, and total square feet of building.

Key Metrics

After considering each of the five above influences, anticipated population growth, user needs, application of SMCL Service Model Principles, comparison to peer benchmark metrics, and an analysis of the existing conditions from a service delivery perspective, the following specific recommendations are made:

Collections
Total items to increase from ~33,097 to ~51,797

- Adults collections to increase from 22,000 items to 34,500 items
- Teen's collections to increase from 550 items to 850 items
- Children's collections to increase from 10,500 items to 16,500 items

All three collections require more room to adequately display and market the items within their collection. This takes the total net assignable floor area associated with collections only, from approximately 1,226 square feet to approximately ~4,200 square feet.

Seating
Total reader seating to increase from 28 to 68

- Adult seating to increase from 18 seats to 35
- Teen seating to increase from 2 seats to11
- Children's seating to increase from 8 seats to 22

All seating requires more room to serve users adequately. This takes the total net assignable floor area associated with seating only, from approximately 778 square feet to approximately ~1,541 square feet.

VII. Recommendations

Programming and Specific Use Spaces

Technology
Increase technology seating from 6 to 17. Evolving technology use suggests that the number of fixed technology stations may remain at the existing 6, and provide the balance of 11 recommended stations in flexible variations of seating to support less formal use of technology including laptop use, e-readers, and others. Where the 6 fixed stations may exist at a more traditional computer table, the additional 11 stations may be arranged throughout the library with a choice of comfortable seating, carrels, personal or shared tables. The area to accommodate this seating is included in the technology recommendation for additional area. With access to the system's robust Wi-Fi network, each of these 11 seats should be equipped with nearby power outlets to support the customer's use of their own equipment.

Provide power outlets with seating to encourage this use.

Provision of additional technology services requires more room to provide an adequate number of technology stations. This space should be flexible to allow adaptation to future technology needs. This takes the total net assignable floor area associated with technology only, from approximately 150 square feet to approximately ~513 square feet.

Entry
The current Atherton Library entry is inadequately sized. Additional space is recommended to create a welcoming entry. Create appropriate space for Community Information. Relocate the exterior bookdrop to an enclosed space, with a preference for access directly into staff work space. Create easy access to accessible restrooms;

Library Program Room
A key service of SMCL is planning and facilitating library programs. A Library Program Room is necessary to be able to realize this service fully. This provision will support the library's ability to offer programs while also allowing users that are not participating in the program to use other library services concurrently. Add a Program Room to accommodate up to 50 people.

Quiet Zone
The existing facility lacks any separate spaces from the main space for acoustical separation. This is an issue for multiple users and service principles. Provide a quiet zone for up to 8 people, allowing users to self-select the environment in which they chose to participate. The whole of the library may continue to offer a conversational level of activity, while this added area will provide those looking for more contemplative spaces.

VII. Recommendations

Friends of the Atherton Library
FOAL is an important volunteer organization, which supports fundraising for special programs and collections. It is important that they have a distinctive space for their use. Provide approximately 50 square feet of space to allow the Friends of the Atherton Library to market their collection and sales.

Children's Programming
A service population of this size does not demand a dedicated children's programming room. For the current collection size, the space provided for typical children's programming is adequate. The growth in collections and seating for children's area will incorporate the growth needed for children's programming. However, there should be additional space available for special events and larger children's programs to occur in or near the children's area. Any revisions to the children's area should maximize the ability of the space to support acoustical separation to and from other spaces within the library. Separate rooms may be ideal, but not the only means to achieve the acoustical goals. For larger children's programs, the Library Program Room may be scheduled for overflow use.

Marketplace
The existing facilities currently incorporate some of the Marketplace principles. However, the sense of entry and browsing capabilities should be substantially improved. This will involve changing the entry path and the recommended changes for the lobby and entry area. This is accommodated within the overall area increase recommendations.

Community Living Room
Three library spaces identified in the Service Principles include comfortable seating, a place for gathering, and a quiet place for reading. These needs can be addressed with the additional building area provided for adult collections and seating.

Gathering Space
While priority input placed a literal café as "not important," an alternative Gathering Space strategy for Atherton should incorporate the informal, welcoming, and social nature of the layout into a defined area. This may be achieved within the current space allocations for seating and is intended to allow and encourage gathering of individuals with an emphasis on social interaction and discussion.

VII. Recommendations

Teen Space
A teen space should be provided as a basic library service. It should include space for the teen collection as well as adjacent seating, and does not need to be a separate room. One option is to provide a specific glass-enclosed room or space to facilitate teen use of the library in a manner that suites their preferences and learning styles, while minimizing any effect this may have for the balance of users. The primary reason for providing an enclosed space is to maximize acoustical separation. If a separate teen room is desired, up to an additional 400 SF will be required.

Staff Spaces and Functionality

The configuration and parsing of the existing staff space provides an environment that is disjointed and dislocated from the area served. Therefore, if the existing configuration remains, the existing 1,350 square feet will need to remain as staff space.

If there is opportunity to reconfigure the staff space so that the spaces are on one level, adjacent to one another, then the space needed may be reduced to approximately 950-1,000 square feet. The recommendations in this report assume that the staff spaces will be reconfigured accordingly. The staff area will include the following spaces: 1 branch manager's office, 1 open area for sorting of materials and other back-of-house functions, 3-4 open furniture-style workstations, storage, 1 staff break room, 1 staff single-occupant toilet room.

Accessibility

Accessibility as a service includes how one arrives at a library and accesses information and facilities. Although Atherton Library excels at access to information, the facilities do not meet the current standards for physical accessibility. The path of travel to the library does not meet accessibility standards. Spaces within the entry and restrooms are not accessible and make it difficult to use the library. The library building needs to be accessible to the library users and to staff. Space for these required accessibility improvements is accommodated within the overall recommendations.

Total Square Feet of Building

Benchmarking and standard/best practices provide for total building areas between 0.70 – 1.30 SF per capita. The target identified for this Library Needs Assessment is 0.70 square feet per capita, yielding a minimum building size of 11,100 square feet. The collections, seating, and technology growth is accommodated within this area, as well as the addition of a program room, teen space, group study room, and other qualitative improvements to support the SMCL service delivery model, such as improved accessibility, marketplace, gathering spaces, and staff support spaces.

Appendices

APPENDIX

A. **Survey Summary – 23 Nov 2009**

B. **Survey Open Ended Responses – 23 Nov 2009**

ABA

Appendix A

Survey Summary

23 Nov 2009

ABA

SMCL - Atherton Library Needs Assessment

1. Select any from among the following libraries that you currently use:		
	*	Response Count
Atherton Library	**100.0% (176)**	176
Fair Oaks Library	**100.0% (4)**	4
Menlo Park City Library	**100.0% (119)**	119
Redwood City Library	**100.0% (50)**	50
Palo Alto City Library	**100.0% (18)**	18
East Palo Alto Library	**100.0% (2)**	2
No Library	0.0% (0)	0
	Other Library(ies) (please list)	23
	answered question	**186**
	skipped question	**0**

2. Why do you use the library? Please check all that apply.		
	*	Response Count
Adult Fiction	**100.0% (128)**	128
Adult Non Fiction	**100.0% (122)**	122
Foreign Language Collection	**100.0% (11)**	11
Adult Programs	**100.0% (37)**	37
Attend Meetings	**100.0% (21)**	21
Borrow Books	**100.0% (142)**	142
Borrow DVDs	**100.0% (115)**	115
Borrow Audio Books	**100.0% (69)**	69
Borrow Music CDs	**100.0% (67)**	67
Community Program or Event	**100.0% (65)**	65
Community Connection	**100.0% (23)**	23
Friend’s Book Exchange	**100.0% (34)**	34
Donating Books	**100.0% (80)**	80
Environmentally Conscious (Re-use and sharing of resources)	**100.0% (52)**	52
Information Help	**100.0% (40)**	40
Library Computers/Email/Internet Access	**100.0% (44)**	44
Wireless Access	**100.0% (40)**	40
Children’s Books	**100.0% (75)**	75
Bestsellers and Popular Materials	**100.0% (60)**	60
Quiet Places to Read	**100.0% (55)**	55
Browse Magazines	**100.0% (58)**	58
Hang Out with Friends	**100.0% (8)**	8
Study or Do Homework	**100.0% (21)**	21

Children's Programs	**100.0% (47)**	47
Getting Materials from Other Libraries	**100.0% (91)**	91
Teen Books	**100.0% (30)**	30
	Other (please specify)	22
	answered question	**173**
	skipped question	**13**

3. Please note how often you use this service (i.e. monthly, annually, etc.)

	Daily	Weekly	Monthly	Bi-annually	Annually	Never	Response Count
Collections and Resources	1.4% (2)	**56.7% (80)**	24.8% (35)	10.6% (15)	1.4% (2)	5.0% (7)	141
Public Access to Computers	6.5% (7)	21.5% (23)	15.9% (17)	7.5% (8)	9.3% (10)	**39.3% (42)**	107
Getting Materials from Other Libraries	2.8% (4)	19.9% (28)	**41.8% (59)**	23.4% (33)	4.3% (6)	7.8% (11)	141
Staff Help	3.5% (4)	19.3% (22)	**35.1% (40)**	21.1% (24)	13.2% (15)	7.9% (9)	114
Information Help	4.0% (4)	17.8% (18)	**26.7% (27)**	15.8% (16)	17.8% (18)	17.8% (18)	101
Adult Classes	1.2% (1)	2.4% (2)	6.0% (5)	9.6% (8)	8.4% (7)	**72.3% (60)**	83
After School and Educational Programs	1.3% (1)	6.3% (5)	8.9% (7)	10.1% (8)	1.3% (1)	**72.2% (57)**	79
Teen Programs	1.3% (1)	1.3% (1)	3.9% (3)	5.2% (4)	6.5% (5)	**81.8% (63)**	77
Summer Reading Programs	2.3% (2)	5.7% (5)	2.3% (2)	4.5% (4)	36.4% (32)	**48.9% (43)**	88
Senior Programs	2.4% (2)	4.8% (4)	8.4% (7)	7.2% (6)	1.2% (1)	**75.9% (63)**	83
Website (www.smcl.org)	10.1% (12)	**43.7% (52)**	24.4% (29)	10.1% (12)	1.7% (2)	10.1% (12)	119
Community Connection	3.4% (3)	14.6% (13)	16.9% (15)	13.5% (12)	5.6% (5)	**46.1% (41)**	89
Children’s Programs	1.1% (1)	19.4% (18)	21.5% (20)	8.6% (8)	4.3% (4)	**45.2% (42)**	93
Children’s Storytime	1.2% (1)	21.2% (18)	11.8% (10)	10.6% (9)	2.4% (2)	**52.9% (45)**	85
Adult Programs	1.0% (1)	5.1% (5)	15.2% (15)	29.3% (29)	9.1% (9)	**40.4% (40)**	99
Cultural and Arts Programs	1.0% (1)	6.0% (6)	16.0% (16)	32.0% (32)	10.0% (10)	**35.0% (35)**	100

Book Club and Author Programs	1.2% (1)	2.4% (2)	8.2% (7)	16.5% (14)	14.1% (12)	**57.6% (49)**	85
						answered question	**168**
						skipped question	**18**

4. When looking for library materials or information, which do you depend on most often?		
	*****	**Response Count**
Using the library online via its web page (www.smcl.org)	**100.0% (114)**	114
Calling the library	**100.0% (11)**	11
Going to the library to get help from staff	**100.0% (41)**	41
Going to the library to look for materials/information on your own	**100.0% (75)**	75
	Other (please specify)	2
	answered question	**164**
	skipped question	**22**

5. Please rate your general satisfaction with the level of services you have experienced. If you do NOT use a service, mark DON'T KNOW:

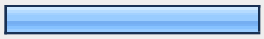
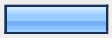
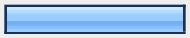
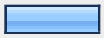
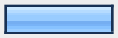
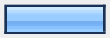
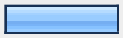
	Very Dissatisified	Dissatisfied	Satisfied	Very Satisfied	Don't Know	Rating Average	Response Count
Collections and Resources	0.6% (1)	5.7% (9)	39.5% (62)	**43.9% (69)**	10.2% (16)	3.57	15
Public Access to Computers	0.7% (1)	2.1% (3)	24.0% (35)	30.1% (44)	**43.2% (63)**	4.13	14
Getting Materials from Other Libraries	1.9% (3)	1.3% (2)	18.6% (29)	**69.2% (108)**	9.0% (14)	3.82	15
Staff Help	1.3% (2)	0.0% (0)	21.0% (33)	**71.3% (112)**	6.4% (10)	3.82	15
Information Help	0.0% (0)	0.7% (1)	21.5% (32)	**49.0% (73)**	28.9% (43)	4.06	14
Adult Classes	0.0% (0)	4.2% (6)	10.6% (15)	8.5% (12)	**76.8% (109)**	4.58	14
After School and Educational Programs	0.7% (1)	1.5% (2)	5.2% (7)	11.9% (16)	**80.6% (108)**	4.70	13
Teen Programs	0.7% (1)	0.7% (1)	3.7% (5)	6.7% (9)	**88.1% (118)**	4.81	13
Summer Reading Programs	0.7% (1)	0.0% (0)	13.1% (18)	21.9% (30)	**64.2% (88)**	4.49	13
Senior Programs	0.0% (0)	1.5% (2)	2.9% (4)	6.6% (9)	**89.0% (121)**	4.83	13
Website (www.smcl.org)	0.7% (1)	0.7% (1)	34.0% (51)	**46.7% (70)**	18.0% (27)	3.81	15
Community Connection	0.0% (0)	2.2% (3)	15.4% (21)	16.9% (23)	**65.4% (89)**	4.46	13
Children's Programs	0.7% (1)	1.4% (2)	7.9% (11)	36.0% (50)	**54.0% (75)**	4.41	13
Children's Storytime	0.7% (1)	1.4% (2)	7.9% (11)	30.9% (43)	**59.0% (82)**	4.46	13
Adult Programs	1.4% (2)	3.5% (5)	17.0% (24)	17.7% (25)	**60.3% (85)**	4.32	14

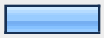
Cultural and Arts Programs	0.7% (1)	3.5% (5)	18.3% (26)	21.1% (30)	**56.3% (80)**	4.29	14
Book Club and Author Programs	0.7% (1)	4.3% (6)	13.8% (19)	10.9% (15)	**70.3% (97)**	4.46	13
						answered question	**16**
						skipped question	**2**

6. If you do not currently use the Library, please check all the reasons that apply:		
	*	**Response Count**
Not enough time	**100.0% (4)**	4
Inconvenient hours	**100.0% (3)**	3
Does not have what I need	**100.0% (4)**	4
Not enough computers	**100.0% (2)**	2
Cannot find information/books that I am looking for	**100.0% (5)**	5
Not enough staff help	**100.0% (1)**	1
Building condition or access	**100.0% (1)**	1
Parking challenges	**100.0% (3)**	3
Limited space to enjoy programs	**100.0% (7)**	7
No quiet space available	**100.0% (7)**	7
No transportation	0.0% (0)	0
Inconvenient location	0.0% (0)	0
Don’t know what the library has for me	**100.0% (1)**	1
Not in my neighborhood	**100.0% (2)**	2
I buy my own books and other materials	**100.0% (3)**	3
I use a different library	**100.0% (4)**	4
	Other (please describe)	9

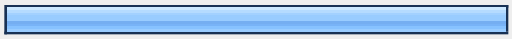
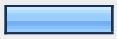
	answered question	**18**
	skipped question	**168**

7. Considering all of the library services listed below, which one would you MOST like to see improved? (Select up to 5 choices.)

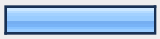
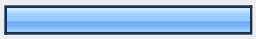
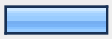
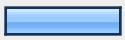
		Response Percent	Response Count
Collections and Resources		**38.7%**	**55**
Public Access to Computers		11.3%	16
Getting Materials from Other Libraries		7.7%	11
Staff Help		2.8%	4
Information Help		1.4%	2
After School and Educational Programs		6.3%	9
Adult Classes		15.5%	22
Teen Programs		7.7%	11
Summer Reading Programs		4.9%	7
Hours Open		27.5%	39
Senior Programs		4.9%	7
Website (www.smcl.org)		14.1%	20
Available Seating		10.6%	15
Comfortable Seating		16.2%	23
Fostering Love of Reading		14.8%	21
Help for Students		4.9%	7
Community Connection		9.2%	13
Children's Programs		13.4%	19
Children's Storytime		5.6%	8
Adult Programs		16.9%	24

Cultural and Arts Programs		14.1%	20
Book Club and Author Programs		11.3%	16
		answered question	**142**
		skipped question	**44**

8. What is your primary mode of transportation to get to the library?

		Response Percent	Response Count
Public Transportation		1.9%	3
Car		**77.1%**	**121**
Bike		5.1%	8
Walking		15.9%	25
		Other (please specify)	2
		answered question	**157**
		skipped question	**29**

9. What is the most convenient time for you to visit the library?

		Response Percent	Response Count
Weekday Mornings		22.9%	36
Weekday Afternoons		**37.6%**	**59**
Weekday Evenings		15.3%	24
Weekend Mornings		7.0%	11
Weekend Afternoons		17.2%	27
		answered question	**157**
		skipped question	**29**

10. If you do NOT use a particular service from the list below please indicate the reason WHY. Be as specific as possible:

	Didn't Know About It	Inconvenient Hours	Don't Need That Service	Not Satisfied Wth the Level of Service Provided	Other	Rating Average	Response Count
Collections and Resources	21.1% (4)	5.3% (1)	**52.6% (10)**	15.8% (3)	5.3% (1)	2.79	19
Public Access to Computers	1.4% (1)	0.0% (0)	**94.6% (70)**	1.4% (1)	2.7% (2)	3.04	74
Getting Materials from Other Libraries	10.5% (2)	5.3% (1)	**73.7% (14)**	0.0% (0)	10.5% (2)	2.95	19
Staff Help	9.5% (2)	0.0% (0)	**76.2% (16)**	4.8% (1)	9.5% (2)	3.05	21
Information Help	13.0% (3)	0.0% (0)	**73.9% (17)**	4.3% (1)	8.7% (2)	2.96	23
Adult Classes	33.3% (28)	3.6% (3)	**57.1% (48)**	4.8% (4)	1.2% (1)	2.37	84
After School and Educational Programs	14.4% (13)	0.0% (0)	**82.2% (74)**	1.1% (1)	2.2% (2)	2.77	90
Teen Programs	12.6% (13)	1.0% (1)	**82.5% (85)**	0.0% (0)	3.9% (4)	2.82	103
Summer Reading Programs	4.1% (3)	2.7% (2)	**85.1% (63)**	1.4% (1)	6.8% (5)	3.04	74
Senior Programs	17.3% (18)	0.0% (0)	**79.8% (83)**	1.0% (1)	1.9% (2)	2.70	104
Website (www.smcl.org)	11.8% (2)	0.0% (0)	**58.8% (10)**	11.8% (2)	17.6% (3)	3.24	17
Available Seating	2.6% (1)	2.6% (1)	**84.6% (33)**	5.1% (2)	5.1% (2)	3.08	39
Comfortable Seating	2.7% (1)	2.7% (1)	**75.7% (28)**	8.1% (3)	10.8% (4)	3.22	37
Fostering Love of Reading	14.7% (10)	1.5% (1)	**77.9% (53)**	1.5% (1)	4.4% (3)	2.79	68

Helping Students	11.4% (10)	0.0% (0)	**86.4% (76)**	0.0% (0)	2.3% (2)	2.82	88
Community Connection	32.9% (23)	0.0% (0)	**62.9% (44)**	1.4% (1)	2.9% (2)	2.41	70
Children's Programs	2.4% (2)	3.7% (3)	**90.2% (74)**	0.0% (0)	3.7% (3)	2.99	82
Children's Storytime	1.2% (1)	2.4% (2)	**92.8% (77)**	0.0% (0)	3.6% (3)	3.02	83
Adult Programs	26.4% (19)	2.8% (2)	**68.1% (49)**	1.4% (1)	1.4% (1)	2.49	72
Cultural and Arts Programs	30.9% (21)	4.4% (3)	**60.3% (41)**	1.5% (1)	2.9% (2)	2.41	68
Book Club and Author Programs	30.2% (26)	5.8% (5)	**58.1% (50)**	1.2% (1)	4.7% (4)	2.44	86
						answered question	**133**
						skipped question	**53**

11. If you answered OTHER immediately above, please use this area to further explain or provide more detailed information about the reason(s) you are not using particular service in the current library:

	Response Count
	16
answered question	**16**
skipped question	**170**

12. Please write down the first word or phrase that comes to mind when you think of your library:

	Response Count
	148
answered question	**148**
skipped question	**38**

13. When you hear the term, "Community Library," what do you think is most important?					
	Not Important	Important	Very Important	Don't Know	Response Count
Convenience	0.0% (0)	28.4% (38)	**70.1% (94)**	1.5% (2)	134
Address Multiple Generational Needs and Preferences	6.1% (8)	32.6% (43)	**56.8% (75)**	4.5% (6)	132
Welcoming	5.1% (7)	34.3% (47)	**59.1% (81)**	1.5% (2)	137
Place to meet	26.2% (34)	**46.9% (61)**	20.8% (27)	6.2% (8)	130
Access to things one can't afford individually	3.7% (5)	23.0% (31)	**69.6% (94)**	3.7% (5)	135
Customer driven service	4.6% (6)	40.8% (53)	**45.4% (59)**	9.2% (12)	130
Intuitive systems and Layout	7.1% (9)	**48.8% (62)**	38.6% (49)	5.5% (7)	127
Exciting and inspiring spaces	28.7% (37)	**42.6% (55)**	24.8% (32)	3.9% (5)	129
Variety of settings and options	12.2% (15)	**49.6% (61)**	26.0% (32)	12.2% (15)	123
Kids Area	3.0% (4)	35.6% (47)	**60.6% (80)**	0.8% (1)	132
Teen Area	16.5% (21)	**47.2% (60)**	19.7% (25)	16.5% (21)	127
Community Living Room	35.7% (45)	**41.3% (52)**	10.3% (13)	12.7% (16)	126
Computer and Learning Centers	10.9% (14)	**48.8% (63)**	37.2% (48)	3.1% (4)	129
Cafe	**77.7% (101)**	10.8% (14)	4.6% (6)	6.9% (9)	130
Information Technology	5.2% (7)	41.5% (56)	**52.6% (71)**	0.7% (1)	135
Access to Collections	3.7% (5)	24.6% (33)	**69.4% (93)**	2.2% (3)	134
Events and Programs	15.2% (20)	**43.2% (57)**	37.1% (49)	4.5% (6)	132
Information Help	3.7% (5)	36.6% (49)	**57.5% (77)**	2.2% (3)	134
Outdoor Space	**44.1% (56)**	40.9% (52)	11.0% (14)	3.9% (5)	127
Be "green" or sustainable	20.0% (26)	**46.9% (61)**	27.7% (36)	5.4% (7)	130
				answered question	**149**
				skipped question	**37**

14. What elements would you like to see in the Atherton Library? Please rate the importance of each.

	No Value	Low Value	Valuable	Highest Value	Rating Average	Response Count
Outdoor / Garden Area for Sitting	12.2% (16)	34.4% (45)	**42.7% (56)**	10.7% (14)	2.52	131
Children's Area	2.3% (3)	3.1% (4)	**55.5% (71)**	39.1% (50)	3.31	128
Quiet Study Area	6.9% (9)	12.3% (16)	**56.9% (74)**	23.8% (31)	2.98	130
Internet Stations	8.6% (11)	18.8% (24)	**49.2% (63)**	23.4% (30)	2.88	128
Copy and Print Stations	7.0% (9)	28.7% (37)	**51.2% (66)**	13.2% (17)	2.71	129
Comfortable Seating	2.2% (3)	9.7% (13)	**63.4% (85)**	24.6% (33)	3.10	134
Art and Cultural Exhibit Space	10.9% (14)	41.1% (53)	**45.7% (59)**	2.3% (3)	2.40	129
Individual Study Carrels	18.9% (24)	**37.8% (48)**	34.6% (44)	8.7% (11)	2.33	127
Community Meeting Room	17.1% (21)	30.1% (37)	**47.2% (58)**	5.7% (7)	2.41	123
Group Study Space	18.7% (23)	35.8% (44)	**40.7% (50)**	4.9% (6)	2.32	123
Areas for food and beverages	**49.6% (64)**	30.2% (39)	17.1% (22)	3.1% (4)	1.74	129
Local History Collections / Displays	10.0% (13)	40.0% (52)	**46.2% (60)**	3.8% (5)	2.44	130
Computer Lab	14.5% (18)	33.1% (41)	**41.1% (51)**	11.3% (14)	2.49	124
Browsing / Display Areas	4.7% (6)	11.7% (15)	**59.4% (76)**	24.2% (31)	3.03	128
Library Program Space	7.3% (9)	25.8% (32)	**51.6% (64)**	15.3% (19)	2.75	124
Teen Area	16.0% (20)	38.4% (48)	**43.2% (54)**	2.4% (3)	2.32	125
				answered question		**142**
				skipped question		**44**

15. What are the most important materials the library should have to serve the whole community? Please rate the value of each item.

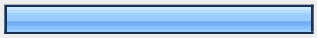
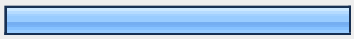
	No Value	Low Value	Valuable	Highest Value	Rating Average	Response Count
Newspapers/Magazines	1.5% (2)	11.8% (16)	**50.7% (69)**	36.0% (49)	3.21	136
Online Databases	3.0% (4)	12.0% (16)	**48.1% (64)**	36.8% (49)	3.19	133
Adult Literacy	7.7% (10)	19.2% (25)	**51.5% (67)**	21.5% (28)	2.87	130
Children's Books	0.0% (0)	0.0% (0)	38.5% (52)	**61.5% (83)**	3.61	135
Foreign Language Collection	9.4% (12)	**41.4% (53)**	40.6% (52)	8.6% (11)	2.48	128
Career Guidance / Job Seeking	9.1% (12)	34.8% (46)	**43.2% (57)**	12.9% (17)	2.60	132
Community Information	3.8% (5)	9.9% (13)	**65.6% (86)**	20.6% (27)	3.03	131
Homework Support	11.0% (14)	33.9% (43)	**48.0% (61)**	7.1% (9)	2.51	127
New Books and Bestsellers	1.5% (2)	6.6% (9)	41.6% (57)	**50.4% (69)**	3.41	137
Adult Non-Fiction	0.7% (1)	1.4% (2)	44.9% (62)	**52.9% (73)**	3.50	138
Reference Material and Resources	1.5% (2)	2.3% (3)	39.8% (53)	**56.4% (75)**	3.51	133
Local History	5.3% (7)	27.5% (36)	**58.0% (76)**	9.2% (12)	2.71	131
DVDs and CDs	4.2% (6)	10.6% (15)	**50.7% (72)**	34.5% (49)	3.15	142
Children's Audio/Visual	4.6% (6)	9.9% (13)	**57.3% (75)**	28.2% (37)	3.09	131
				answered question		**143**
				skipped question		**43**

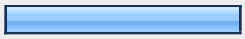
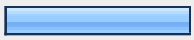
16. Please write down any other suggestions or concerns you may have about the library:

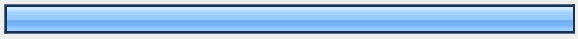
	Response Count
	47
answered question	**47**
skipped question	**139**

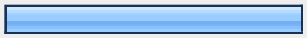
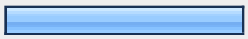
17. What are the most important services the Library can provide? Please rate all choices from least value to highest value.

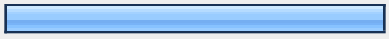
	No Value	Low Value	Valuable	Highest Value	Rating Average	Response Count
Homework Help and Programs	7.4% (9)	36.9% (45)	**47.5% (58)**	8.2% (10)	2.57	122
Community Room	9.2% (11)	34.2% (41)	**44.2% (53)**	12.5% (15)	2.60	120
Study Rooms for Small Groups	13.7% (17)	**44.4% (55)**	34.7% (43)	7.3% (9)	2.35	124
Summer Reading Programs	4.7% (6)	11.8% (15)	**55.9% (71)**	27.6% (35)	3.06	127
Computer and Internet Training	8.7% (11)	27.8% (35)	**48.4% (61)**	15.1% (19)	2.70	126
Public Computer Access	3.9% (5)	15.0% (19)	**43.3% (55)**	37.8% (48)	3.15	127
Lifelong Learning	4.0% (5)	9.7% (12)	**52.4% (65)**	33.9% (42)	3.16	124
Teen Programs	7.5% (9)	27.5% (33)	**56.7% (68)**	8.3% (10)	2.66	120
Adult Literacy Programs	6.7% (8)	21.7% (26)	**50.8% (61)**	20.8% (25)	2.86	120
Foreign Language Materials	10.7% (13)	**41.8% (51)**	36.1% (44)	11.5% (14)	2.48	122
Information Help	1.6% (2)	5.5% (7)	**56.3% (72)**	36.7% (47)	3.28	128
Cultural and Arts Programs	5.0% (6)	34.7% (42)	**49.6% (60)**	10.7% (13)	2.66	121
Local History	7.1% (9)	38.9% (49)	**48.4% (61)**	5.6% (7)	2.52	126
Children's Storytime and Programs	2.3% (3)	3.9% (5)	**50.0% (64)**	43.8% (56)	3.35	128
Book Discussion Groups	3.2% (4)	37.6% (47)	**51.2% (64)**	8.0% (10)	2.64	125
				answered question		**138**
				skipped question		**48**

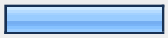
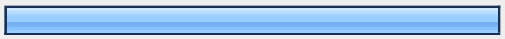
18. Are you a resident of Atherton?			
		Response Percent	Response Count
Yes		47.0%	70
No		**53.0%**	**79**
	answered question		**149**
	skipped question		**37**

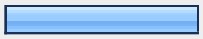
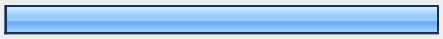
19. If yes, how many years have you lived there?			
		Response Percent	Response Count
0-5 years		12.0%	9
6-10 years		12.0%	9
11-20 years		**36.0%**	**27**
21-40 years		28.0%	21
40+ years		12.0%	9
	answered question		**75**
	skipped question		**111**

20. Do you or a member of your household work in Atherton?			
		Response Percent	Response Count
Yes		12.5%	18
No		**87.5%**	**126**
	answered question		**144**
	skipped question		**42**

21. If yes, how many years have you worked there?			
		Response Percent	Response Count
0-5 years		**45.5%**	**10**
6-10 years		9.1%	2
11-20 years		36.4%	8
21-40 years		4.5%	1
40+ years		4.5%	1
	answered question		**22**
	skipped question		**164**

22. What is your age?			
		Response Percent	Response Count
under 18 years		1.3%	2
18-44 years		20.8%	31
45-64 years		**58.4%**	**87**
65-84 years		18.8%	28
85+ years		0.7%	1
	answered question		**149**
	skipped question		**37**

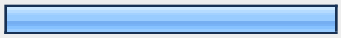
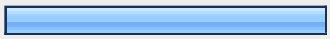
23. Are you:			
		Response Percent	Response Count
Male		23.8%	35
Female		**76.2%**	**112**
	answered question		**147**
	skipped question		**39**

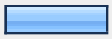
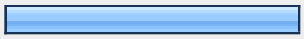
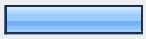
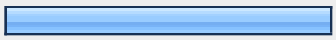
24. Do you visit the San Mateo County Library website? (www.smcl.org)			
		Response Percent	Response Count
Seldom		29.3%	44
Frequently		**66.7%**	**100**
Never		4.0%	6
	answered question		**150**
	skipped question		**36**

25. What is your primary language?			
		Response Percent	Response Count
English		**97.3%**	**145**
Spanish		0.7%	1
Chinese		0.0%	0
Tagalog		0.7%	1
Vietnamese		0.0%	0
Other		1.3%	2
	Other (please specify)		3
	answered question		**149**
	skipped question		**37**

26. Do you have access to a computer for personal use outside the library?			
		Response Percent	Response Count
Yes		**96.6%**	**142**
No		3.4%	5
	answered question		**147**
	skipped question		**39**

27. Do you have access to high-speed internet outside the library?			
		Response Percent	Response Count
Yes		**96.6%**	**144**
No		3.4%	5
	answered question		**149**
	skipped question		**37**

28. Do you attend school (K-12) or have children that attend school (K-12) in Atherton or surrounding community?			
		Response Percent	Response Count
Yes		**51.0%**	**76**
No		49.0%	73
	answered question		**149**
	skipped question		**37**

29. If yes, what school level do you or they attend?			
		Response Percent	Response Count
Preschool		15.4%	12
K-5		44.9%	35
Middle School / Junior High		20.5%	16
High School		**50.0%**	**39**
	answered question		**78**
	skipped question		**108**

30. To what groups do you belong? (check all that apply)		
	*	Response Count
Parent	**100.0% (103)**	103
Caregiver	**100.0% (19)**	19
Student	**100.0% (12)**	12
Educator	**100.0% (24)**	24
Friends of the Library	**100.0% (41)**	41
Leisure Reader	**100.0% (104)**	104
Book Group Member	**100.0% (25)**	25
Community Group (e.g. arts, history, film, etc.)	**100.0% (15)**	15
Homeschoolers	**100.0% (2)**	2
Business Owner	**100.0% (31)**	31
New to America / New to California	**100.0% (1)**	1
Community Service Organization (e.g. Rotary, Kiwanis, etc.)	**100.0% (25)**	25
Neighborhood Associations	**100.0% (33)**	33
Lifelong Resident	**100.0% (41)**	41
New Resident	**100.0% (8)**	8
	answered question	**141**
	skipped question	**45**

Appendix B

Survey Open Ended Responses

23 Nov 2009

ABA

QUESTION 1 - OPEN-ENDED RESPONSES

<< Back to Summary

Select any from among the following libraries that you currently use:

#	Response Date	Other Library(ies) (please list)
1	Oct 21, 2009 11:57 PM	Foster City Library
2	Oct 22, 2009 10:52 PM	skyline college, Burlingame, San Carlos, College of San Mateo, Canada College,
3	Oct 23, 2009 3:58 PM	San Carlos, Belmont
4	Oct 27, 2009 3:50 AM	school (Encinal and Laurel)
5	Oct 29, 2009 8:49 PM	San Carlos,
6	Nov 3, 2009 12:30 AM	Woodside Library
7	Nov 3, 2009 5:34 AM	Sunnyvale, Cupertino, Mountain View
8	Nov 3, 2009 5:56 AM	burlingame, also. san mateo
9	Nov 3, 2009 4:43 PM	San Jose, Santa Clara
10	Nov 3, 2009 4:43 PM	San Jose, Santa Clara, Los Altos
11	Nov 3, 2009 5:38 PM	San Carlos, Belmont
12	Nov 4, 2009 1:00 AM	Woodside Library
13	Nov 4, 2009 4:35 AM	Schaberg branch of Redwood City
14	Nov 4, 2009 6:41 PM	Schaberg Redwood City
15	Nov 5, 2009 11:09 PM	Schaberg branch of RCPL library
16	Nov 6, 2009 5:36 PM	San Carlos, Belmont, Woodside
17	Nov 10, 2009 4:00 AM	mntn veiw
18	Nov 10, 2009 7:15 PM	belmont, san mateo, daly city, burlingame
19	Nov 10, 2009 9:58 PM	san mateo
20	Nov 11, 2009 8:25 PM	Stanford Library, British Library
21	Nov 12, 2009 4:36 AM	Portola Valley Library, Woodside Library
22	Nov 12, 2009 5:22 AM	Portola Valley Library
23	Nov 17, 2009 2:20 AM	San Mateo Main

QUESTION 2 - OPEN-ENDED RESPONSES

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Why do you use the library? Please check all that apply.

#	Response Date	Other (please specify)
1	Oct 21, 2009 11:59 PM	Research
2	Oct 22, 2009 8:39 PM	Graphic books
3	Oct 22, 2009 10:53 PM	Quiet place to work on starting my own business
4	Oct 23, 2009 8:10 PM	Children's drawing / puzzles / activities
5	Oct 29, 2009 5:12 AM	Comic books and graphic novels
6	Oct 30, 2009 12:00 AM	Business related books
7	Oct 30, 2009 6:47 PM	News Papers, Magazines read carefully
8	Oct 31, 2009 5:42 PM	Friends of Library committee
9	Nov 2, 2009 5:32 AM	buy used books
10	Nov 2, 2009 6:00 PM	enjoying the pretty setting
11	Nov 3, 2009 1:05 AM	my son does homework there
12	Nov 3, 2009 3:52 AM	Kid's Final Friday Flicks, Monday afternoon programs, etc.
13	Nov 4, 2009 12:16 AM	Travel books
14	Nov 4, 2009 1:02 AM	NY Times Science on Tuesdays
15	Nov 4, 2009 5:07 AM	Get work done on computer away from my kids
16	Nov 4, 2009 3:15 PM	Browse NewapPWE
17	Nov 4, 2009 5:52 PM	excellent place to work--away from home. Very helpful staff.
18	Nov 4, 2009 5:57 PM	excellent place as a freelancer to work away from home. Very helpful staff.b
19	Nov 9, 2009 4:10 AM	research projects
20	Nov 11, 2009 4:58 PM	buy used books and magazine or is that under enviro?
21	Nov 11, 2009 8:43 PM	Large Print books
22	Nov 12, 2009 2:50 AM	research using financial publications

QUESTION 4 - OPEN-ENDED RESPONSES

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When looking for library materials or information, which do you depend on most often?

#	Response Date	Other (please specify)
1	Nov 3, 2009 3:49 AM	www.plsinfo.org
2	Nov 11, 2009 9:14 PM	Using library web page www.plsinfo.org

QUESTION 6 - OPEN-ENDED RESPONSES

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If you do not currently use the Library, please check all the reasons that apply:

#	Response Date	Other (please describe)
1	Oct 29, 2009 8:52 PM	n/a
2	Nov 3, 2009 12:09 AM	I have to 'hold' so many books from other libraries
3	Nov 3, 2009 3:57 AM	I love the library where it is and the way it is!
4	Nov 4, 2009 4:12 AM	I have a Kindle and an iPod.
5	Nov 4, 2009 3:10 PM	I use the Library frequently, and am very satisfied with it. It is one of my greatest sources of enjoyment.
6	Nov 10, 2009 1:27 AM	Atherton Library has too much noise for any intelligent functions to occur
7	Nov 10, 2009 7:18 PM	none of these apply
8	Nov 10, 2009 10:03 PM	I answered this pg for Atherton Library
9	Nov 11, 2009 8:28 PM	I'd use it more if it didn't charge to get books from other branches.

QUESTION 8 - OPEN-ENDED RESPONSES

<< Back to Summary

What is your primary mode of transportation to get to the library?

#	Response Date	Other (please specify)
1	Oct 29, 2009 8:54 PM	note question 9 - afternoons and evenings are when I go - my schedule changes alot
2	Nov 2, 2009 6:03 PM	but I drive a Prius :)

QUESTION 11 - OPEN-ENDED RESPONSES

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If you answered OTHER immediately above, please use this area to further explain or provide more detailed information about the reason(s) you are not using particular service in the current library:

#	Response Date	Response Text
1	Oct 23, 2009 6:36 PM	Children are grown. Only grandchild not available.
2	Oct 23, 2009 8:37 PM	w
3	Oct 30, 2009 6:54 PM	I use the library for news papers, books, DVD's and magazines. I rarely need help with respect to these services. When I do I have found the help professional, prompt, and focused on satisfying what I need. Given my schedule and other activities I do not think I would use expanded services or hours. I would like more financial magazines and news magazines at Atherton, such as the Economist.
4	Nov 2, 2009 6:05 PM	Not my need, not enough time, hope to use library more.
5	Nov 2, 2009 7:18 PM	We usually use the Menlo Park Library. It's the closest to our home.
6	Nov 3, 2009 7:25 PM	Didn't know that many of these services were available...
7	Nov 4, 2009 1:44 AM	I would need training and instruction in order to use computers, websites and to help students and until very recently I've had no time to get the training and instruction to make me feel comfortable. I would also enjoy speaking with someone about starting a service where I could bring books and CDs or the like to confined senior citizens who cannot leave where they are living and would look forward to a visitor who brought materials to them. There was such a program in Marin County, but it was suspended owing to the financial situation. I am hoping such a volunteer program might be possible.
8	Nov 4, 2009 3:15 PM	My satisfaction with our libraries is substantively total. My concern in these times of even more demanding budgets is that there will be cutbacks in hours or collections. I am VERY satsfied with both at the present time. I know from checking libraries elsewhere in the state and nation that we have very generous open hours, and a terrific collection. Keep up the good work!
9	Nov 4, 2009 7:56 PM	I do not have children.
10	Nov 4, 2009 9:01 PM	need more programs suitable for retired library members.
11	Nov 9, 2009 4:16 AM	Because I am not using the other services, there is no reason for me to go simply to enjoy (or not enjoy) the seating available.
12	Nov 10, 2009 1:32 AM	some of these "services" do not belong in a library. Libraries are for quiet learning. County staff is trying to increase their popularity by pandering to the lowest level, in direct conflict with the traditional purpose of libraries. If changes are not made soon then there will be war. [redacted]
13	Nov 10, 2009 10:06 PM	rarely need
14	Nov 11, 2009 5:38 AM	Too busy. Kids have outgrown programs. Some programs don't apply. Other programs we might

		use too infrequently to make a statement.
15	Nov 11, 2009 4:54 PM	weirdly written question. I like and use certain services.
16	Nov 12, 2009 4:43 AM	At the Atherton Library last week, the staff was talking so loudly it was hard to concentrate on my work. Yes, the library staff! (Mainly one man -- think he had a grey ponytail -- talking to another man working there.)

QUESTION 12 - OPEN-ENDED RESPONSES

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Please write down the first word or phrase that comes to mind when you think of your library:

#	Response Date	Response Text
1	Oct 21, 2009 6:33 AM	a good place to bring my kids
2	Oct 21, 2009 9:21 PM	cozy and friendly
3	Oct 21, 2009 10:35 PM	Convenient
4	Oct 21, 2009 11:18 PM	Excellent reading resources
5	Oct 22, 2009 12:03 AM	Invisible
6	Oct 22, 2009 5:46 AM	small
7	Oct 22, 2009 5:39 PM	comfort
8	Oct 22, 2009 6:34 PM	We love it -- it makes up very happy.
9	Oct 22, 2009 8:23 PM	I like the Atherton Library very much because it is clean, quiet, and the people who work there are very kind. I especially like the garden area on a sunny afternoon. The problem with the Menlo Park Library is the large number of HOMELESS PEOPLE there. They stink, and even the upholstered chairs there seem to pick up the oily, grimy dirtiness of the homeless people. Sometimes they plop down next to you and start SNORING or GUFFAWING. I wish you could come up with a reasonable solution, or an alternative place for them to go.
10	Oct 22, 2009 8:46 PM	charming
11	Oct 22, 2009 10:48 PM	Excellent and no change needed.
12	Oct 22, 2009 10:57 PM	information
13	Oct 23, 2009 4:01 PM	cozy, comfortable, helpful staff
14	Oct 23, 2009 5:25 PM	1980's
15	Oct 23, 2009 6:04 PM	HOME
16	Oct 23, 2009 6:38 PM	Good librarians at a place to get the most recent books without having to wait too long.
17	Oct 23, 2009 8:11 PM	Great little library
18	Oct 23, 2009 8:16 PM	Relaxation
19	Oct 23, 2009 8:37 PM	intimate
20	Oct 24, 2009 5:23 PM	shared love of books
21	Oct 25, 2009 1:14 AM	I love the library so much.

22	Oct 26, 2009 5:24 PM	Homey
23	Oct 26, 2009 10:05 PM	great resource
24	Oct 26, 2009 11:18 PM	nearby
25	Oct 27, 2009 12:50 AM	courtesy, competence, comfort.
26	Oct 27, 2009 2:53 AM	Frienly, good service. Easy to come
27	Oct 27, 2009 4:03 AM	small teen section
28	Oct 27, 2009 6:29 PM	Local Library (Atherton) very important to me.
29	Oct 29, 2009 5:15 AM	Awesome
30	Oct 29, 2009 4:33 PM	Access
31	Oct 29, 2009 7:05 PM	One of my favorite places
32	Oct 29, 2009 8:38 PM	Community Meeting place
33	Oct 29, 2009 8:56 PM	wonderful - helpful - great - best library service wise in the system.
34	Oct 29, 2009 8:57 PM	great
35	Oct 29, 2009 11:50 PM	Comfortable
36	Oct 30, 2009 12:07 AM	Interesting
37	Oct 30, 2009 7:29 PM	Fostering the love of reading for my kids
38	Oct 30, 2009 9:29 PM	Small and cute
39	Oct 31, 2009 2:31 PM	convenient
40	Oct 31, 2009 5:50 PM	borrowing books
41	Oct 31, 2009 7:14 PM	Great place to relax and read.
42	Nov 1, 2009 12:13 AM	knowledge
43	Nov 2, 2009 5:18 AM	quiet, sweet, convenient, PERFECT!
44	Nov 2, 2009 5:39 AM	Menlo Park City Library is staffed by friendly, helpful people. My son can find fairly specialized books that he needs for his studies.
45	Nov 2, 2009 11:22 AM	great resource!
46	Nov 2, 2009 5:57 PM	LOVE
47	Nov 2, 2009 6:05 PM	a great resource

48	Nov 2, 2009 6:19 PM	lots of choices
49	Nov 2, 2009 7:19 PM	Quaint. Glad it is close by if Menlo Park Library doesn't have a book that my children want.
50	Nov 2, 2009 7:26 PM	convenient, comfortable and necessary
51	Nov 2, 2009 8:40 PM	An essential provider of books for myself and family to read
52	Nov 2, 2009 9:00 PM	"neighborhood" closely followed by "small"
53	Nov 2, 2009 9:01 PM	unused
54	Nov 3, 2009 12:12 AM	So small. Coming from using the San Mateo Main Library, I anticipated a smaller library...but I also thought that Atherton's library would be a little nicer/ bigger/ better collection. But no problem, I will continue to use the library and you will be getting a lot of $0.75 donations from me!
55	Nov 3, 2009 12:37 AM	We love these libraries! They're integral to our lives. We go 2-3 times/week for one reason or another, weekdays after 5 p.m. and weekends during the day.
56	Nov 3, 2009 12:44 AM	Helpful & useful!!
57	Nov 3, 2009 1:08 AM	Peaceful
58	Nov 3, 2009 3:53 AM	Atherton: pleasant, helpful Menlo Park: cold but good resource
59	Nov 3, 2009 4:07 AM	Calming, safe and wonderful
60	Nov 3, 2009 5:43 AM	Charming
61	Nov 3, 2009 6:10 AM	enjoyable
62	Nov 3, 2009 6:44 AM	perfect
63	Nov 3, 2009 2:43 PM	Fantastic!
64	Nov 3, 2009 4:43 PM	great place to be
65	Nov 3, 2009 7:26 PM	it's a good resource for our needs.
66	Nov 3, 2009 9:59 PM	Wonderful - try to be open longer hours and have more computers for people to use
67	Nov 4, 2009 12:29 AM	love our community library. staff is great...children's programs are terrific..wish children's area was larger
68	Nov 4, 2009 12:35 AM	Wonderful Resource
69	Nov 4, 2009 1:23 AM	would hate to lose it
70	Nov 4, 2009 1:45 AM	Pleasant, comfortable, respectful and well-organized.
71	Nov 4, 2009 1:57 AM	So many interesting books and discs to borrow!

72	Nov 4, 2009 2:11 AM	Outdated
73	Nov 4, 2009 4:05 AM	welcoming, warm, calm
74	Nov 4, 2009 4:14 AM	Cozy and friendly.
75	Nov 4, 2009 4:39 AM	books
76	Nov 4, 2009 5:11 AM	Friendly and convenient
77	Nov 4, 2009 5:32 AM	helpful
78	Nov 4, 2009 5:38 AM	Beautiful serene location and a wonderful community resource.
79	Nov 4, 2009 6:01 AM	dusty
80	Nov 4, 2009 7:18 AM	A great place! Love the special programs for children. The kids love them and as parents we get to see our neighbors and community.
81	Nov 4, 2009 3:15 PM	Pleasure
82	Nov 4, 2009 3:25 PM	My second home.
83	Nov 4, 2009 4:00 PM	Free access to books
84	Nov 4, 2009 4:21 PM	Community
85	Nov 4, 2009 4:36 PM	Great source for books, CDs and DVDs.
86	Nov 4, 2009 6:03 PM	Vital resource
87	Nov 4, 2009 6:15 PM	comfortable and accessible
88	Nov 4, 2009 6:50 PM	Fantastic! We are so lucky on the Peninsula to have such a great network of libraries.
89	Nov 4, 2009 7:56 PM	fun
90	Nov 4, 2009 8:16 PM	Priceless resource for the community
91	Nov 4, 2009 9:02 PM	Lovely quiet setting....small and charming!
92	Nov 5, 2009 1:06 AM	LOVE
93	Nov 5, 2009 3:11 AM	miltiuse
94	Nov 5, 2009 5:20 AM	interesting books both fiction and non-fiction
95	Nov 5, 2009 5:49 AM	great for kids
96	Nov 5, 2009 3:52 PM	Lifelong learning
97	Nov 5, 2009 6:56 PM	an intimate community place

98	Nov 5, 2009 11:16 PM	The one place I can go when I need information about anything, and it's free.
99	Nov 5, 2009 11:26 PM	Love the intimacy of the Atherton Library. It is a gem that must be preserved!
100	Nov 6, 2009 5:39 PM	convenient
101	Nov 6, 2009 7:57 PM	useful
102	Nov 7, 2009 7:53 PM	helpful staff
103	Nov 7, 2009 9:28 PM	Useful
104	Nov 7, 2009 11:48 PM	Help
105	Nov 8, 2009 5:34 PM	nice to have
106	Nov 8, 2009 7:50 PM	Quaint
107	Nov 9, 2009 4:16 AM	small
108	Nov 9, 2009 4:43 AM	cozy
109	Nov 9, 2009 5:07 AM	great resource
110	Nov 9, 2009 5:16 AM	information
111	Nov 9, 2009 5:19 AM	getting information and wonderful books to read
112	Nov 9, 2009 5:25 AM	valuable
113	Nov 9, 2009 6:51 AM	Great way to find new books and discover new authors.
114	Nov 9, 2009 2:06 PM	Comfortable, friendly and easily accessible
115	Nov 9, 2009 4:23 PM	great selection of new fiction
116	Nov 10, 2009 1:33 AM	boiler factory pandemonium
117	Nov 10, 2009 4:01 AM	books
118	Nov 10, 2009 5:05 AM	Convenient
119	Nov 10, 2009 7:20 PM	indispensible!
120	Nov 10, 2009 10:07 PM	atherton library: quaint
121	Nov 10, 2009 10:29 PM	Good selection. Website is great
122	Nov 11, 2009 5:40 AM	Great to have! Don't want to miss it!
123	Nov 11, 2009 4:39 PM	It is a WONDERFUL resource for our town. It would be advantageous if we could have a dedicated library manager and be open longer hours. Separating the many different users of

		the libary would be an improvement, such as, computers, children's program area. The staff may need additional space for their functions also.
124	Nov 11, 2009 4:54 PM	my son loves it
125	Nov 11, 2009 5:06 PM	lovely
126	Nov 11, 2009 6:13 PM	FREE
127	Nov 11, 2009 8:31 PM	cornucopia of knowledge
128	Nov 11, 2009 8:41 PM	Old, tired, not particularly appealing physically.
129	Nov 11, 2009 8:42 PM	helpful and friendly staff
130	Nov 11, 2009 8:48 PM	irreplaceable
131	Nov 11, 2009 8:49 PM	Might not be open tonight....
132	Nov 11, 2009 9:29 PM	Incredible resource
133	Nov 11, 2009 10:32 PM	books
134	Nov 12, 2009 1:22 AM	love it. Community spirit. intimate. personal.
135	Nov 12, 2009 1:35 AM	an intimate library
136	Nov 12, 2009 2:56 AM	Access to research materials that are otherwise unavailable except at great cost.
137	Nov 12, 2009 4:15 AM	Great resource!
138	Nov 12, 2009 4:43 AM	Love it!
139	Nov 12, 2009 5:35 AM	knowledge
140	Nov 12, 2009 7:43 PM	leisure enjoyment
141	Nov 13, 2009 4:28 AM	Children
142	Nov 13, 2009 7:42 PM	Friendly
143	Nov 16, 2009 1:56 AM	important
144	Nov 16, 2009 2:23 AM	fiendly
145	Nov 16, 2009 8:45 PM	Accessible and convenient
146	Nov 17, 2009 2:24 AM	access to information
147	Nov 17, 2009 2:53 AM	Homey and friendly
148	Nov 18, 2009 12:01 AM	pretty good overall, but could use new chairs

QUESTION 16 - OPEN-ENDED RESPONSES

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Please write down any other suggestions or concerns you may have about the library:

#	Response Date	Response Text
1	Oct 22, 2009 8:27 PM	I'm not sure if there is sufficient space, but I would like to see individual carrels in the Atherton Library. The ones in MP library are always full!
2	Oct 22, 2009 8:50 PM	It could use more room or a separate area for programs.
3	Oct 22, 2009 10:54 PM	I would like them to use the Atherton Council Chambers for their occasional programs and/or any future improvements.
4	Oct 22, 2009 11:02 PM	Would like more space so that children can act and sound like children and I can have a quiet work space. I know the children's needs come first when there is limited space!
5	Oct 23, 2009 5:29 PM	The Atherton Library is too small and not welcoming. It is one room where you must be very quiet. So, in a perfect world, that issue would be addressed. However, we have so many more fiscal issues that this is very very low on the priority list. The help there is great, and I really would like to see the media continue to expand. It is really the main reason I have used libraries for years.
6	Oct 23, 2009 8:16 PM	It should be designed to serve Atherton, not other cities or popular/fad library trends.
7	Oct 23, 2009 8:46 PM	The space is small and intimate. i love that it has "fresh" materials meaning new or recently new. The collections aren't large but I love that it has all the latest books and materials. I mainly use the library for children's resources, recent adult non-fiction and borrowing CDs...although I usually just order CDs online from whichever library has what I want.
8	Oct 25, 2009 1:17 AM	We'll give it a new touch.
9	Oct 26, 2009 5:28 PM	Earthquake Safe?
10	Oct 26, 2009 11:24 PM	The children's area should be apart from the main area because it can get really loud when the young children have an event.
11	Oct 29, 2009 5:20 AM	Please work out some more coherent system of children, teen, and adult graphic novels. I love that you have them, and it's made me a library-rover, where I wander up and down the Peninsula looking for them. However, they are in random places in different libraries, and there is inconsistency with whether they are separated or filed with regular materials, and which books end up with what age group.
12	Oct 29, 2009 7:11 PM	I've used the Atherton library since 1965; it's a great place. Focus on maximizing open hours.
13	Oct 29, 2009 9:02 PM	adult fiction which is not listed is highest priority - I still like to read books - prefer not everything electronic is murdr or killing or violent. kindles/electronic books a too.
14	Oct 29, 2009 11:54 PM	The Atherton library is a welcoming neighborhood library. I would hate to see it become just another institution by excessive expansion.

15	Oct 30, 2009 12:12 AM	I would like to see more community information at my local, Atherton Library.
16	Oct 31, 2009 5:59 PM	Age and usefulness of building. Would like ground level access, more children's programming space and more integrated outdoor areas.
17	Nov 2, 2009 6:10 PM	I love how small the Atherton library is, and the surrounding park and trees make it a restful, peaceful place to come to. I love the easy parking. Please don't change it!
18	Nov 2, 2009 6:23 PM	Keep up the good work!
19	Nov 2, 2009 7:37 PM	The library should focus on its primary mission -- the expansion of knowledge and literacy as an underpinning of our civil society. It should be welcoming to and approachable by all, but should not be distracted by "trendy" items such as a cafe, etc. I know there's been discussion of incorporating the Library facility into a new Atherton Town center. This would be a mistake, as it might be viewed as making it more "exclusive" than welcoming to all who could use it.
20	Nov 2, 2009 8:45 PM	Having enough copies of a popular books.
21	Nov 3, 2009 4:11 AM	I'd like to see it open longer hours and holidays!
22	Nov 3, 2009 6:18 AM	Would enjoy a larger selection of healthy recipes magazines (such as: "Eating Well". Also. would appreciate a larger selection of movie DVDs to check out...
23	Nov 3, 2009 6:59 AM	This is a small and valuable library. It has a reputation for excellent sections on landscaping, food, design, and travel. These are loved by residents in Atherton and other towns. You need to maintain these resources. The back patio is a gem for families and solo users. It is ridiculous to contemplate more children's AV, homework support, and teen center in a library serving a small area. And adult literacy? In Atherton?
24	Nov 3, 2009 10:03 PM	The collection is small, but they choose wonderful non-fiction books. I've been introduced to many new subjects and authors due to the excellent choices of staff for new books they feature on the display racks. The wireless internet access is very helpful, too. Community room would be nice, but only if the cost is reasonable. Most library community rooms sit vacant most of the time due to high cost. If they were cheaper, you'd make much more money since it would be rented out more often.
25	Nov 4, 2009 12:47 AM	I would like the Atherton Library to have the latest memoirs to circulate (not just by celebrities, but by interesting, thoughtful people, like The Water Giver, for instance.
26	Nov 4, 2009 2:15 AM	Bldg needs to be updated/remodeled
27	Nov 4, 2009 3:39 AM	As I said before, I think an volunteer outreach program that would allow volunteers, such as myself, to go to those (like my 98-year-old mother, of sound mind and a reader who occasionally would enjoy a CD "with a good story," to be visited, given choices of materials, have the materials brought to her, and then retrieved on a certain date. She would look forward to someone pleasant and with ideas and to having a short visit with new materials dropped off.
28	Nov 4, 2009 4:08 AM	I think it's great you want to improve it, but honestly one of the things I love most about Atherton library is that it's small and manageable. We live very close to Menlo Park library, but we never go there...love the vibe at Atherton and that it's never super busy.
		I would love an electrical outlet that was outside so I could plug in my laptop while working on the

29	Nov 4, 2009 5:16 AM	library patio.
30	Nov 4, 2009 7:23 AM	It would be great to have the children's area separate from the adult area so that kid did not have to be quiet at the library.
31	Nov 4, 2009 6:08 PM	Offering a wide array of business and current affairs periodicals.
32	Nov 4, 2009 7:59 PM	expanded hours
33	Nov 5, 2009 5:29 AM	Having a bigger Atherton Library would relieve some of the high usage at surrounding libraries, like Menlo Park and Redwood City.
34	Nov 5, 2009 3:55 PM	Atherton library has the most wonderful muscial storyhour for children and a wonderful children's book section. keep up the great work and we welcome any new programs for children too.
35	Nov 5, 2009 11:29 PM	I feel strongly that all Library funds must be used only for the Library! I don't want the funds co-mingled with city hall needs.
36	Nov 6, 2009 8:05 PM	Atherton is a small community and only needs a small library. It does not need to function as a community center or social services agency. It should be a place to access high-quality nonfictio and fiction. It should be a center of excellence for books on gardening, home improvement, travel, and design/crafts. The design is intimate and comfortable, and the rear garden is precious space.
37	Nov 7, 2009 7:59 PM	garbage always seems to be overflowing outside the Atherton Library (cans)
38	Nov 8, 2009 12:06 AM	Needs more space
39	Nov 9, 2009 4:21 AM	There seems to be a limited selection of books that one could do research on, in the event that the internet and encyclopaedias are not allowed for a research paper. (Specifically in my experience, when I had a report on deforestation, I was not able to find anything in the Atherton Library that was related.)
40	Nov 9, 2009 5:24 AM	I'd love more books and longer hours
41	Nov 9, 2009 4:28 PM	online catalog often does not automomatically include atherton unless you select search
42	Nov 10, 2009 1:39 AM	Go back to the primary function --- quiet learning. Current inclusion of quitar concerts, knitting classes, and the like are in direction conflict with the primary function.
43	Nov 11, 2009 5:12 PM	seems more of an internet access site than a library since the computer area is the focal point of the space nowadays. It was more desirable a destination before the bank of computers took up so much space and a comfy reading section was offered.
44	Nov 11, 2009 8:34 PM	either buy more materials or borrow them from other branches without charge
45	Nov 11, 2009 8:46 PM	Adequate parking. Hours of operation.
46	Nov 11, 2009 8:53 PM	Let us know about your services! I don't hear about activities, I tend to find out by accident (e.g., showing up at the library during an event).
47	Nov 12, 2009 3:00 AM	Libraries should be QUIET places!

QUESTION 25 - OPEN-ENDED RESPONSES

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What is your primary language?

#	Response Date	Other (please specify)
1	Nov 7, 2009 9:32 PM	French
2	Nov 10, 2009 1:42 AM	Spanish - speak, read, write
3	Nov 11, 2009 5:50 AM	German

DRAFT Minutes
Town of Atherton
CITY COUNCIL
JANUARY 11, 2010
9:00 a.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
Strategic Planning Workshop

1. ROLL CALL **Lewis, Carlson, Marsala, Dobbie, McKeithen**

2. PUBLIC COMMENTS

None

3. REFUND OF ROAD IMPACT FEES

Consideration of extending the refund of previously paid road impact fees beyond those authorized by City Council in December 2009

Members of Public who spoke:

Carol Flaherty, Atherton resident
Jeff Wise, Atherton Community Liaison, passed out a proposal from a group of Atherton residents for refunds of road impact fees.
Steve Ackley, Atherton resident
Maryann Ackley, Atherton resident
Joe Comartin, Atherton resident
Peter Carpenter, Atherton resident

Council concurred that the Town should go beyond the already approved 90 days of refunds for road impact fees. Discussion about refunding options and how far back to refund ensued.

Council directed staff for an update at the January Council meeting.

4. COUNCIL COMMUNICATIONS AND PUBLIC INFORMATION POLICIES

City Manager Gruber informed Council that he would like to designate a public information officer for staff and for Council and implement new communication protocols through training.

Council discussed communications protocols, press releases, information dissemination processes, code of conduct and policies.

Council held a discussion about transparency with each other and the community and Council protocols. Council agreed that they want to improve working as a team and at engaging community interest.

Council directed staff to form a Council Communications ad-hoc subcommittee made up of Council Members Carlson and Lewis with input from community members and surrounding San Mateo Cities to draft a Council handbook of principles and policies. The Committee should be prepared to report and/or update Council at their February meeting.

Public comment was received from Atherton resident Peter Carpenter.

Council recessed for lunch at 12:05 p.m.

5. TOWN FINANCES AND REVENUES

Council continued the workshop at 12:27 p.m.

Discussion Points:

-General Fund
-Building Surpluses
-Drainage Fee Structures
-Staffing
-Possible revenue opportunities: utility user tax (possibly in lieu of green building ordinance), business license tax, real estate transfer tax, change the Town to a charter city in order to implement higher parcel taxes and revenue-generating post office boxes in Town..

Council concurred to engage the community for their input on the above potential revenue opportunities and suggested a potential citizens group to explore the utility user tax idea.

Council directed staff to have a status update which includes an elections timeline if they were to decide to implement a utility user tax.

6. THE FUTURE OF HOLBROOK-PALMER PARK

Discussion Points:

-What the Will allows the Park to be used for: recreations, weddings, museum and childcare. Gates must be closed at night.
-Revenue opportunities
-Atherton Dames involvement
-Parking issues – not enough
-Park & Recreation Committee to become more involved in financial aspect of Park

7. DISCUSS NEW TOWN CENTER OPTIONS

Discussion Points:

-Finance Options
-Finance Committee
-High Speed Rail (re: Public Works and Building) – Eminent Domain
-Master Plan and Vision

Council directed staff to research grant opportunities and add an Agenda item to the January Council meeting for approval of an ad-hoc subcommittee to research finance options for the new Town Center.

8. PUBLIC COMMENTS

None

9. ADJOURN

MOTION by McKeithen, second by Marsala to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 3:07 p.m.

Respectfully submitted,

_____

Theresa DellaSanta
Deputy City Clerk

Minutes
Town of Atherton
CITY COUNCIL STUDY SESSION
JANUARY 12, 2010
9:00 a.m. Tuesday
Council Chambers

94 Ashfield Road
Atherton, California

Special Meeting

1. ROLL CALL **Lewis, Dobbie, Marsala, Carlson, McKeithen**

2. PUBLIC COMMENTS

None

STUDY SESSION ITEMS

3. DISCUSS FISCAL YEAR 2009/10 MID-YEAR BUDGET ADJUSTMENTS

Finance Director Louise Ho said there is projected deficiency of General Fund revenues over expenditures in FY 2009-10 by $541,319.

To close the General Fund budget shortfall, the City Manager, in accordance with the Town's fund balance policy, is recommending the use of General Fund reserve (fund balance) of $150,204 and the Building Department operating reserve of $391,116 at the regular January 20 Council meeting.

[A copy of the proposed FY2009/10 budget adjustments is available in the City Clerks office].

4. SET A DATE FOR NEXT MID-YEAR BUDGET WORKSHOP

No action taken.

5. PUBLIC COMMENTS

None

6. ADJOURN

Mayor McKeithen adjourned the meeting at 12

Minutes prepared by:

_____

Theresa N. DellaSanta
Deputy City Clerk

Draft Minutes
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
JANUARY 20, 2010
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

Mayor McKeithen called the meeting to order at 7:07 p.m.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL **Lewis, Dobbie, Marsala, McKeithen, J.Carlson**

3 PRESENTATIONS

LEAGUE OF CALIFORNIA CITIES PRESENTATION AND INTRODUCTION
Chuck Page

Item not taken up as a representative was not present.

4. PUBLIC COMMENTS

Jonathan Buckheit, Atherton resident, said he had a court hearing in San Mateo County on January 12th in which the judge ruled in his favor. Buckheit concluded by asking City Manager Gruber and Police Chief Guerra to forward the issue of Police Department tampering to the Federal Bureau of Investigations or the State Attorney General.

Carol Flaherty, Atherton resident, said the encroachment permit in the Public Works fees is too high and should be changed. Flaherty said she would file a protest

Melinda Tevis, Atherton resident, encouraged Council and residents to go to the Almanac and research old newspaper articles which had a lot of interesting stories about the Police Department and Management.

Colleen Anderson, Atherton resident, said that she would like a response back from the City with more information on the $230,000 settlement with a retired Police Officer.

Council Member Elizabeth Lewis spoke under public comment and informed the public that a meeting will be held at Selby Lane School on January 26th at 6pm to discuss whether a cell phone tower should go up behind the school.

5. REPORT OUT OF CLOSED SESSION

Atherton resident Melinda Tevis spoke under public comment.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):
John P. Johns v. the Town of Atherton, San Mateo County Superior Court Case No. CIV 479972

City Attorney Wynne Furth that there is no reportable action from Item A of Closed Session.

B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Subsection (b) of Government Code Section 54956.9):
One (1) potential case:
Jonathan B. Buckheit v. Tony Dennis, Dean DeVlugt, The Town of Atherton, The County of San Mateo, and Does 1-500, inclusive - U.S. District Court for the Northern District of California, San Francisco Division, Case No. CV 09-5000

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Subsection (B) of Government Code Section 54956.9): One potential case:
California Tort Claim by Silvester M. Rabic, as Domestic Trustee on Behalf of the J.B.B Trust

City Attorney Furth stated that Items B and C from Closed Session have been continued until after the regular meeting.

6. CITY MANAGER'S REPORT

Nothing further to add to written report.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

None

Motion by Mayor McKeithen, second by Dobbie that Item 32 be taken up right away. The motion passed unanimously.

32. FUTURE AGENDA ITEMS

Mayor McKeithen requested that an item be added to the Agenda to rename the Council Communications Ad-hoc Committee to the Town Communications Committee subject to the Brown Act with formal citizen membership in order to allow broader range of communications.

Council Member Marsala expressed that he was in favor.

MOTION by McKeithen, second by Marsala to add reorganizing the Council Communication Committee to Town communication committee subject to the Brown Act to the February Agenda. The motion passed unanimously.

MOTION by Marsala, second by Lewis to add future agenda items to earlier in the Agenda. The motion passed unanimously.

CONSENT CALENDAR (Items 8-21)

Council Member Lewis requested edits to Item 8, and removal of Items 12 and Item 20.

8. APPROVAL OF DECEMBER 16, 2009 MEETING MINUTES
Recommendation: Approve December 16, 2009 Meeting Minutes

Council Member Lewis questioned what the result is if a candidate was selected and nobody opposed under selection of Mayor and Vice Mayor. City Attorney Furth said the Council rules of procedures states that a majority of a quorum present represents a motion passed.

9. APPROVAL OF BILLS AND CLAIMS FOR DECEMBER 2009 IN THE AMOUNT OF $1,484,201
Recommendation: Approve Bills and Claims in the amount of $1,484,201

10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE MONTH ENDED DECEMBER 31, 2009
Recommendation: Accept Monthly Financial Report

11. RESCIND RESOLUTION 09-35 AND APPROVE RESOLUTION 10-01, A REVISED RESOLUTION TO INCLUDE INSERTION OF STATEMENT THAT THE COLLABORATIVE WORK TO BE UNDERTAKEN IN ACTERRA'S RESIDENTIAL HOME ENERGY AUDITING PROGRAM IS NOT A "PROJECT" AS DEFINED BY CEQA AND CHANGE THE DOLLAR AMOUNT IN THE RESOLUTION FROM $39, 939 TO $39,940
Report: Town Arborist Kathy Hughes Anderson
Recommendation: To rescind Resolution 09-35 and approve Resolution 10-01 to include a statement that the collaborative work to be undertaken by Acterrra is "not a project" as defined by the California Environmental Quality Act (CEQA), and correct the dollar amount for Atherton's EECBG allocation from $39,939 to $39,940

12. ROAD IMPACT FEE REPORT FOR FY 2008-2009 (AB 1600 STATE REPORTING REQUIREMENT)
Report: Public Works Director Duncan Jones
Recommendation: Approve the Road Impact Fee Report for FY 2008-2009

Council Member Lewis questioned whether there should be further discussion since the Road Impact Fee is a sensitive subject.

Mayor McKeithen said this is only a technical reporting requirement.

City Attorney Furth said it is ok to act on this item now and refer back to it later.

MOTION by Lewis, second by Carlson to move Item 12 back to consent. The motion passed unanimously.

13. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF MENLO PARK FOR PARTICIPATION IN AN AMOUNT UP TO $126,667 IN THE COST OF INSTALLING A TRAFFIC SIGNAL ON MIDDLEFIELD ROAD AT ENCINAL AVENUE
Report: Public Works Director Duncan Jones

Recommendation: Approve a Memorandum of Understanding (MOU) with the City of Menlo Park (City) for City participation in an amount up to $126,667 in the cost of installing a traffic signal on Middlefield Road at Encinal Avenue and authorize the Mayor to execute the MOU

14. DONATION OF PUBLIC WORKS 1986 CASE LOADER/BACKHOE TO MENLO PARK FIRE PROTECTION DISTRICT

Report: Public Works Director Duncan Jones

Recommendation: Approve donation of 1986 Case loader/backhoe to Menlo Park Fire Protection District (MPFPD) for use at their rescue training center to aid them in maintaining the roadway

15. APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR TRAFFIC ENGINEERING SERVICES FOR THE FAIR OAKS LANE TRAFFIC STUDY, IN AN AMOUNT NOT TO EXCEED $2,950

Report: Public Works Director Duncan Jones

Recommendation: Accept the proposal and authorize the City Manager to sign a Professional Services Agreement Amendment with Kimley-Horn and Associates, Inc to provide traffic engineering services for the Fair Oaks Lane Traffic Study in an amount not exceed $2,950

16. ACCEPTANCE OF THE FINAL PARCEL MAP AT 64 MOULTON DRIVE

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Determine that the Parcel Map is in conformity with the approved Tentative Parcel Map, the requirements of Title 16 (Subdivisions) of the Atherton Municipal Code and the California Subdivision Map Act and approve the Parcel Map

17. ADOPT RESOLUTION 10-02 AUTHORIZING AN ADJUSTMENT IN MUNCIPAL CODE & VEHICLE CODE PARKING FINES

Report: Police Chief Mike Guerra

Recommendation: Adopt resolution 10-02 authorizing an $8.00 increase to the bail amount for Municipal Code parking violations, and a 10% increase to the bail amount for Vehicle Code parking violations

18. PROCLAMATION DECLARING FEBRUARY 2010 AS BOY SCOUTS OF AMERICA 100TH ANNIVERSARY CELEBRATION.

Recommendation: Approve Proclamation Declaring February 2010 as Boy Scouts of America 100th Anniversary Celebration

19. APPROVE HOLBROOK-PALMER PARK TENNIS PROFESSIONAL AGREEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

Report: Assistant City Manager Eileen Wilkerson

Recommendation: Approve the Holbrook-Palmer Park Tennis Professional Agreement and Authorize the City Manager to execute the Agreement

20. APPROVAL OF CITY COUNCIL COMMITTEE ASSIGNMENTS

Recommendation: Approve Council Committee assignments made by Mayor Kathy McKeithen

Council Member Lewis said she has been involved in the Finance Committee as an alternate in 2009 and suggested that she be moved from the alternate to a Committee member.

Mayor McKeithen said she appointed Vice Mayor Dobbie to give him greater familiarity in case he is selected as Mayor in 2011.

Council Member Lewis questioned whether the Blue Ribbon Task Force (BRTF) had been disbanded.

Council Member Marsala said the BRTF was created to put together a report on the economic and feasibility of a new town center and the BRTF completed that and should be considered disbanded. City Manager Gruber reiterated this.

Council Member Dobbie said that if somehow the Town obtains $20 million the BRTF would need to be reinstated.

Mayor McKeithen said there is no reason to not keep the BRTF in case something in the report needs to be resurrected.

Council Member Marsala said he supports Council Member Lewis for the Finance Committee because she campaigned about Town finances and added that he believes having a Finance Committee with different views would benefit the Council.

Item 20 was moved to the end of the Agenda after Item 30.

21. DESIGNATE APRIL 18, 2010 AS COMMUNITY CLEAN-UP DAY FOR HOLBROOK-PALMER PARK IN CONJUNCTION WITH NATIONAL EARTH DAY CEREMONIES

Report: City Manager Jerry Gruber

Recommendation: Designate April 18, 2010 as a Community Clean-up day for Holbrook-Palmer Park in conjunction with National Earth Day ceremonies. Furthermore, City Council utilize this event to officially dedicate the new Conwell walking bridge and the water tower landscaping additions to the park

MOTION by McKeithen, second by Marsala to approve the consent calendar except for item 20. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

PUBLIC HEARINGS (22)

22. ADOPT RESOLUTION 10-03 TO APPROVE MASTER FEE SCHEDULE SETTING BUILDING DEPARTMENT FEES FOR TOWN SERVICES

Report: Building Official Mike Wasmann

Recommendation: Conduct a Public Hearing and Adopt resolution 10-03 approving Master Fee Schedule for building fees for Town services

Mayor McKeithen said that the encroachment fees will be brought to Council in February under Public Works fees.

Building Official Mike Wasmann presented the building fees portion of the Master Fee Schedule.

Wasmann said that since findings of the historical building reconciliation was brought to Council in December nearly all the building fees are proposed to remain at current levels except the following decreases: plan review fees for projects of $5,001 or greater and permitted value of construction, heritage tree removal and the excavation permit.

Wasmann said non-substantive changes were made to the Public Works fees to add staff time for grading and drainage. Wasmann concluded that the fiscal impact based on the reductions is approximately $36,000.

MOTION by Dobbie, second by Lewis to adopt resolution 10-03 approving Master Fee Schedule for building fees for Town services. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

Council Member Lewis said she called Menlo Park about their encroachment permit and they said it was $400 for a minor permit and $700 for a major permit plus 3% of cost of the encroachment. Mayor McKeithen asked NBS to discuss the Menlo Park fees with Council Member Lewis to see if it is something Atherton should consider.

REGULAR AGENDA (Items 23-30)

23. ADOPT REOLUTION 10-04 APPROVING MID-YEAR BUDGET ADJUSTMENTS FOR FISCAL YEAR 2009-2010
Report: Finance Director Louise Ho
Recommendation: Adopt Resolution 10-04 Approving the Mid-Year Budget Adjustments for FY 2009-10

City Manager Jerry Gruber informed Council that he would like to review the adjustments agreed to at the January 12th mid-year budget adjustment workshop.

Finance Director Louise Ho gave a PowerPoint presentation on the mid-year budget adjustments. [A copy of the presentation is available in the City Clerks office.]

Ho reviewed the revenues and expenditures budget at mid-year and the projection for the remainder of the year. Ho added that the general fund revenue change from the approved fiscal year 2009/10 budget is $190,831 and staff is projecting a deficiency of General Fund revenues over expenditures by $541,319. Ho concluded that to close the general fund budget shortfall, staff recommends use of general fund reserve (fund balance) of $150,204 and the Building Department operating reserve of $391,116.

Vice Mayor Dobbie asked if in the property tax and related revenues regarding ERAF funds whether Ho believes this is a one-time revenue or is it something the Town can count on next year.

Ho said for now she would look at it as one-time revenue because not all Cities and Counties receive ERAF.

Council Member Lewis asked clarification on whether the Proposition 1A loan to the State will be refunded 100%. City Manager Gruber confirmed and said staff was very proactive in the application process and were able to get ahead of it.

Council Member Marsala said he remembers seeing the ERAF revenue for the last four to five years and it grows each year and wondered if the money should be considered in smaller amounts as it winds its way down. [LH?]

Council Member Carlson asked if there are any vacant positions under the no salary savings line item. Assistant City Manager Eileen Wilkerson said the difference is the salary of a employee that was anticipated to retire.

Vice Mayor Dobbie said Council must look at having expenditures equal to revenues and if that means major cuts then it should be recognized.

Council Member Marsala said most of the last eight years the Town has been running a deficit but it has been masked by the Building Department surpluses being in the general fund which was transferred back to the building fund and changes now have to be gradual by analyzing all expenditures to see where to move in a pattern so the Town does become revenue neutral.

Mayor McKeithen asked if there is a reason why the Town needs a Police Lieutenant or can the position remain vacant for a period of time. Police Chief Guerra said that traditionally Atherton has had one Chief and two Executive Officers and when the efficiency reorganization was done the Executive Officer position was cut to one. Guerra added that there is an operational need to have two management positions in the Police Department and that the Chief and Lieutenant function as intermediary for personnel issues, personnel processes and legal issues with the Chief having ultimate authority over the Department and final recommendation to bring to Council.

Council Member Carlson said he'd like to discuss the duties of the Lieutenant position. City Manager Gruber added that interviews are set to take place for the position and he would be reluctant to give up the position.

Mayor McKeithen said the mid-year budget workshop went well and showed some figures that Council wanted to see but after the meeting she reviewed the cost allocation plan further and wanted to make sure the plan was in fact done correctly and to better understand the plan.

Vice Mayor Dobbie said overhead should be allocated by finding out which services are being used that are paid for by overhead. Dobbie added that the public should be shown a good, logical reason for why each Department has certain overhead fees.

Council Member Marsala said Council has spent numerous hours debating the cost allocation plan and came to an agreement and did not see a reason to revisit the plan.

Council Member Lewis said NBS felt comfortable in their analysis of the Building Department to bring the building fund down and dip into the reserve. Lewis added that the cost allocation plan has been discussed at length and she is comfortable with it.

Mayor McKeithen said she would be willing to adopt the entire mid-year budget with the stipulation that staff reviews the NBS study regarding costs that should not be directly allocated to the Building Department and the correct numbers to be used.

Carol Flaherty, Atherton resident, said she agrees with Mayor McKeithen and Vice Mayor Dobbie and that staff needs to review the cost allocation plan further. Flaherty added that the fundamental problem is the retirement benefits offered in the Town and that a Police Lieutenant is not needed. the Town can not pay for the service then they should not get the service. Flaherty concluded that the Town shouldn't operate at a deficit.

Mayor McKeithen asked Finance Director Ho what action needs to be taken by Council. Ho said staff is recommending that Council approve resolution using the two reserves to close the gap in the mid-year budget for fiscal year 2009/10.

MOTION by Lewis, second by Carlson to adopt Resolution 10-04 approving the Mid-Year Budget Adjustments for FY 2009-10.

MOTION by McKeithen, second by Carlson to amend the motion to add directing staff to revisit the methodology of the cost allocation plan in particular the $153,300 for Building and if it needs to be adjusted to do so with the intent to apply it to next years budget.

Council Member Lewis clarified that the 153,300 that is being added to the Building Department shortfall is not something that is new, it has been done since 2001 as a Building Department overhead cost allocation which was taken from the Building Department and moved to general fund.

Council Member Marsala said he would like to see two separate motions because he supports what Mayor McKeithen is requesting and would like to see it applied to next year's budget.

Mayor McKeithen said Council needs to first vote on the original motion and the motion to amend.

Mayor McKeithen called for a vote on the motion to amend (KM/JC) adding direction to staff to revisit the methodology of the cost allocation plan in particular the $153,300 for Building and if it needs to be adjusted to do so with the intent to apply it to next years budget:

Ayes: 3 Nays: 2 (Marsala, Lewis) Abstain: 0 Absent: 0

The motion to amend passed.

Mayor McKeithen called for vote on the original motion (EL/JC) to adopt Resolution 10-04 approving the Mid-Year Budget Adjustments for FY 2009-10 with the amendment to add directing staff to revisit the methodology of the cost allocation plan in particular the $153,300 for building and if it needs to be adjusted to do so with the intent to apply it to next years budget.

Ayes: 3 Nays: 2 (Dobbie, Marsala) Abstain: 0 Absent: 0

The motion failed because Atherton's Fund Balance Policy (adopted in August of 2009) requires a 4/5 vote to use reserves.

24. CONSIDER REFUSE AND RECYCLING COLLECTION RATES AND PROVIDE DIRECTION FOR PUBLIC REVIEW PROCESS

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Review the attached collection rate options and provide direction to Staff to advertise the rate increase following scenario #3b

Deputy Planner Lisa Costa Sanders informed Council that pursuant to the Uniform Franchise Agreement for Collection Services ("Collection Agreement") with Allied, the Atherton City Council is required to adopt collection rates to cover the cost of waste management services provided by Allied to Atherton residents. Atherton has not increased its refuse and recycling rates since 2002, when rates were increased by 14%. Atherton's collection revenue subsequently exceeded Allied's expenses for a number of years, which resulted in accumulation of a positive balancing account with Allied. In 2009 the balancing account was fully expended and there is an estimated shortfall of $388,000. HF&H estimates that a rate increase is necessary during 2010 due to increased operating expenses and increased disposal costs. Costa Sanders concluded that Council can choose to do a two year process with smaller rate increases.

Vice Mayor Dobbie said when this is made public it needs to be made clear what was paid in the past and what will be paid in the future because this is a significant increase. Dobbie added that there should be a stipulation for people who are incapable of bringing their full containers to the front curb and they should not be penalized for not being able to.

Costa Sanders said there is a provision for people who are physically incapable of bringing their containers to the curb.

Council Member Lewis said she was surprised at the increase and wondered why staff waited until there was a deficit to raise the fees.

Council Member Carlson asked if this is to be given 45 days notice of public hearing.

City Attorney Furth said staff is recommending this charge be treated as a property related fee under proposition 218 which is a several step process including mailing a notice to all Towns residents. Furth said people have the option to protest and if a majority protest is received then the fee does not increase.

Council Member Marsala said that although the percentage increase seems high the dollar amount is not.

Council Member Carlson asked why the dollar amounts are so much lower in Burlingame, Foster City and Hillsborough.

Rick Simon, HF&H representative, said each member agency has different variables and the SBWMA agreement with Allied allows for actual cost reallocated on a number of different levels either general administrative costs based on number of customers or route costs. Simon concluded that the most significant variable is the size of the commercial base in the member agency. Atherton has none.

Furth said that when Council sets the fee they should keep in mind that the fee needs to be reasonable and fair across the board and to allocate the charges so they don't overcharge anyone.

Council Member Dobbie asked if he only had his green waste picked up would he still be charged.

Evan Boyd, Allied Waste, said that for Allied to provide green waste service you must have minimal garbage level service.

Council Member Carlson asked what the methodology is for charging member agencies.

Rick Simon, HF&H, said Allied collects from a number of different agencies and some non-franchised jurisdictions.The number of vehicles, drivers, personnel, and all labor related costs to provide the service are allocated to the member agencies and the non-franchised agencies based on the time spent on each route in each community.

Carol Flaherty, Atherton resident, questioned how a credit is factored in for the trash that is into the landfill which turns into methane gas and is sold to PG&E.

Simon said that under a separate disposal agreement, on a per tonnage basis we are paying for solid waste that is disposable for each member agency up to Ox Mountain which is Allied's landfill.

Boyd said the SBWMA is given a discounted rate because of the disposal agreement. Mayor McKeithen wanted to know if they still make a profit. Boyd said the plant is operated by Ameresco who sells the gas to the Cities of Palo Alto and Alameda. Ameresco gets the profit from the energy that is sold and Allied Waste gets some royalty benefit for having the Ameresco plant on their property.

Mayor McKeithen requested that staff find out how much profit Ameresco gets from the side agreement.

MOTION by Marsala, second by McKeithen to advertise the rate increase following scenario #3b. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

25. ADOPT RESOLUTION 10-05 APPROVING ADMINISTRATIVE CITATION PROGRAM

Report: City Manager Jerome D. Gruber
Recommendation: Adopt Resolution 10-05 and waive the first reading of the administrative citation ordinance and adopt it in its current form.

Bob Cushing, Code Enforcement, said the City Attorney's office, together with the Town's Code Enforcement Officer, suggested that an Administrative Citation Program would be a good step towards strengthening the Town's code enforcement program. The Town already has a nuisance abatement ordinance, but its procedures are complex; an Administrative Citation Ordinance would provide a more streamlined process while still preserving and protecting residents' due process rights.

Cushing added that the proposed Administrative Citation Ordinance is comprehensive and intended to address violations of the Town's municipal code, other Town ordinances, applicable state codes, conditions on entitlements, and land use approvals without a criminal prosecution and arrest.

Cushing concluded that the main components of a citation are to issue and impose the fine. The individual then has an opportunity for a hearing, a hardship waiver and a right to appeal. The Town can then pursue any and all legal and equitable remedies to collect unpaid fines imposed pursuant to the ordinance.

Council Member Dobbie said a lot of residents leave their green waste containers on the curb for too many days and asked if there is any way to stop it.

Cushing said he has had success in several sections in Atherton with information in the Athertonian and making every attempt to contact the individual, either in person or by mail, to make sure the problem does not persist.

MOTION by McKeithen, second by Dobbie to Adopt Resolution 10-05 adding chapter 1.21 to the Atherton municipal code establishing administrative citations for violations of the Atherton municipal code, related state codes and conditions on entitlements and waive the first reading of the Administrative Citation Ordinance and adopt it in its current form. The motion passed.

Ayes: 4 Nays: 1 (Lewis) Abstain: 0 Absent: 0

26. CONSIDERATION OF STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, BAY AREA WATER SUPPLY AND CONSERVATION AGENCY (BAWSCA) WATER CONSERVATION IN LANDSCAPING ORDINANCE, OR REVISIONS TO CHAPTER 15.48 OF THE ATHERTON MUNICIPAL CODE
Report: Town Arborist Kathy Hughes Anderson
Recommendation: Provide direction to staff in consideration of the enactment of the Water Conservation in Landscaping Act (Assembly Bill 1881). Staff further recommends that the City Council forward the matter to the General Plan Committee for a recommendation

Town Arborist Kathy Hughes Anderson stated that the State Water Conservation in Landscaping Act of 2006 was signed into law in September 2006. The Act required the State Department of Water Resources (DWR) to prepare an updated Model Water Efficient Landscape Ordinance (MWELO) which was released in September 2009. The MWELO is in effect for all cities, counties and water purveyors on January 1, 2010, unless they have adopted a different ordinance that is at least effective as the MWELO. Local agencies must notify DWR which ordinance they have adopted by January 31, 2010.

Hughes Anderson recommends that the City Council forward the matter to the General Plan Committee for a recommendation. Furthermore, BAWSCA has drafted a letter for cities to send to the DWR before January 31, 2010, stating that we are in the process of writing our own ordinance.

Council Member Carlson requested that clear and concise legal requirements be written out for the General Plan committee when they review the ordinance. Carlson concluded that the public should have ample time to review and comment on this item.

MOTIION by McKeithen, second by Dobbie to direct staff to send a letter to the Department of Water Resources and send forward the matter to the General Plan Committee for a recommendation to Council. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

City Attorney Furth stated that the Town is currently operating under the State Model Water Efficiency Ordinance and to the extent that the Town issues permits that are subject to it the ordinance will need to be implemented.

Vice Mayor McKeithen directed staff to notify any landscape architects, construction developers and anyone else who may be affected by this of the General Plan Committee meeting.

27. CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) COMMENTS ON DRAFT ATHERTON HOUSING ELEMENT

Report: Deputy Planner Lisa Costa Sanders
Recommendation: Provide direction to Staff on how to proceed with responding to the HCD comments on the Draft Atherton Housing Element Update

Deputy Planner Costa Sanders informed Council that the draft Housing Element report was sent to the State for review in late October. Costa Sanders said that in late December the State Housing and Community Development Committee requested further analyses in response to the comments.

Costa Sanders concluded that staff is recommending that Planning Commissioners Phil Lively and Paul Quinlan work with the Planning Department on the additional analyses before bringing it back to Council for approval.

MOTION by Dobbie, second by McKeithen to direct staff to work with Planning Commissioners Phil Lively and Paul Quinlan to review the comments and submit to Council for final review and approval. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

MOTION by Lewis, second by Carlson to amend the motion to add that the meetings between staff and Planning Commissioners Lively and Quinlan be held under the Brown Act. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

28. ADDITIONAL REFUNDS OF ROAD IMPACT FEE-STATUS UPDATE

Report: City Manager Jerry Gruber
Recommendation: To Be Determined

City Attorney Furth said that at its Strategic Planning Workshop on January 11th, the City Council received a proposed plan to refund road impact fees that were paid before September 18, 2009. Furth stated that one of the legal doctrines is the statute to challenge the fees is ninety days to file a protest and 180 days to file a lawsuit from the notice of deadline. The Town did not begin giving a notice until January 2007.

Furth clarified the equitable doctrines of estoppel and laches. The essence of estoppel is that the person to be estopped (here, the Town) has caused another (here, a Town resident) to act in a way that such person would not otherwise have acted, which resulted in an injury. Assuming for the moment that no other statute of limitations is applicable, the complementary doctrine of laches

would be raised by the Town for claims that pre-date 2007. To prevail on a defense of laches, the Town would have to show that the resident unreasonably delayed in bringing an action, and that such delay prejudiced the Town.

Council Member Lewis said the Town knew since at least back to the spring of 2008 that there was something wrong with the road impact fee. Lewis added that the proposal from Jeff Wise was very thoughtful and they took into consideration the Towns finances.

Mayor McKeithen said she had come up with a proposal of her own which would refund customers from September 20, 2006 (date of off-haul fee repealed) to January 3, 2007 (date Town started giving ninety day protest notice) and from January 3, 2007 to September 18, 2009 refund those persons who protested the fee within 90 days and to those persons who, despite not filing a written protest of their fee on a timely basis or any written protest at all, gave notice to the Town of their specific objections during this period and were informed that an adjustment would be made.

Council Member Marsala said he felt the 40% increase in 2007 was illegal and the fee increase should be addressed. Marsala concluded that he would support Mayor McKeithen's proposal with the addition of refunds for July 2007 through September 18, 2009 of the 40% increase in fees to all that paid the road impact fee.

Carol Flaherty, Atherton resident, said her family was willing to pay $125,000 per year to sue the Town over this issue. Flaherty said it is distressing to hear a debate over whether a refund is owed or not. Flaherty concluded that the Town should refund everything from August 2008 through August 2009 and from July 1, 2006 to July 31, 2008 only those that have equitable doctrine that applies.

Council Member Dobbie said he understands the legal implications of the road impact fee but does not see anything ethically wrong with the fee.

Jeff Wise, Atherton resident, read a letter for the record written by Atherton resident Steve Ackley.

David McAdoo, Menlo School, said he and the rest of the School appreciate consideration of the fee refund. McAdoo added that he has a fiduciary responsibility to refund the donors who donated money and he is willing to work with Council on a solution.

Council concurred to direct staff to review the proposals proposed by Mayor McKeithen, Council Member Marsala, and Atherton residents Jeff Wise and Carol Flaherty and cost each of them out.

29. DIRECTION ON FORMATION OF FINANCIAL COMMITTEE FOR NEW TOWN CENTER

Report: City Manager Jerry Gruber

Recommendation: Give direction to City Manager on composition, goals and objectives, and Council expectations for a standing ad-hoc committee for a new Town Center

Mayor McKeithen said Council Members Carlson and Lewis expressed interest in sitting on the Committee during the strategic planning workshop.

Council Member Marsala expressed his interest in still wanting to be involved in the vision for a new town center.

Mayor McKeithen suggested keeping the Blue Ribbon Task Force so Council Member Marsala and Dobbie can have joint, publicly noticed meetings with the Financial Committee for a new town center.

Council concurred. Council directed staff to bring the guidelines and memberships back at the February Agenda for approval.

30. EXPANSION OF THE FINANCE COMMITTEE
Recommendation: Consideration of expansion of the Finance Committee

Council Member Lewis made a motion to expand the Finance Committee to allow one or more members of the public to sit on the Finance Committee.

Council Member Marsala was in favor of expanding the Committee.

Mayor McKeithen said the Finance Committee makes recommendations to the Council and to the extent it make suggestions to the Council it has a right and an obligation to review these matters along with the Finance Director and make recommendations to the entire City Council at which time public has an opportunity for input.

Vice Mayor Dobbie agreed. Dobbie added that residents can certainly attend the Finance Committee meetings. Dobbie concluded that the larger the Committee the harder it is to get things done and he would not support expansion of the Finance Committee.

Council Member Carlson said Council makes final decisions on finance matters. Carlson suggested testing the idea with a member of the Audit Committee for the remainder of this fiscal year to see how it works out.

Council Member Lewis said other cities in San Mateo County have Finance Committees with open representation and felt very strongly that there should be a resident on the Committee for open government and transparency.

Council Member Marsala stated that Council may have got off track since originally the Finance Committee was formed to allow the Council to make recommendations of items for the Finance Committee to study and report back. Marsala suggested only authorizing Council to make recommendations to the Finance Committee in order to reduce the use of staff time and follow Town procedures.

Council Member Carlson said the Town needs to get more citizen engagement in Town finances and cost and revenue issues. Carlson added that there are many Town residents who would be great resources to the Finance Committee. Carlson suggested bringing this back to a future Agenda to research the role of the Finance Committee and the rest of the Town Committees.

Mayor McKeithen said if Council decides to put residents on the Finance Committee they should be qualified and there should be more then just one resident.

Council Member Lewis said she would really like to see three residents on the Finance Committee.

Mayor McKeithen directed staff to look at other cities Finance Committee and how many members they have and guidelines for citizen membership.

Jeff Wise, Atherton resident, said there is tremendous expertise among Town residents and suggested that Council take advantage of it.

Carol Flaherty, Atherton resident, said Council should review the Finance Committee minutes from several years ago because it looks like for a lot of those years that the Finance members had an agenda. Flaherty said it would be well served to have a resident on the Committee.

MOTION by McKeithen, second by Lewis to table the item to the February 17, 2010 Council meeting to consider adding 3 citizen members and review the qualifications of the members. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

Item 20 was continued from earlier in the Agenda.

20. APPROVAL OF CITY COUNCIL COMMITTEE ASSIGNMENTS
Recommendation: Approve Council Committee assignments made by Mayor Kathy McKeithen

Council concurred to keep the Blue Ribbon Task Force to allow holding joint meetings with the New Town Center Finance Options Committee in order to work together on options for the new town center.

Vice Mayor Dobbie gave his seat on the General Plan to Council Member Marsala. Council Member Marsala accepted.

Council Member Carlson will remain the C/CAG representative and Council Member Lewis will remain the representative for the 2020 Gateway Committee.

Council agreed to the changes.

31. COUNCIL REPORTS

Nothing further to add to written reports.

33. PUBLIC COMMENTS

Carol Flaherty, Atherton resident, thanked the Council for listening and understanding and hearing the residents concerns. Flaherty said Council is beginning to handle concerns very well together.

William Grindley, Atherton resident, said he is proud to be a part of this community and recognized all of the community members who went to Sacramento and represented themselves in a professional manner over the last week at the High Speed Rail meetings.

34. ADJOURN

MOTION by McKeithen, second by Lewis to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 11:35 p.m.

Respectfully submitted,

_____

Theresa DellaSanta
Deputy City Clerk

MINUTES
Town of Atherton
CITY COUNCIL
FEBRUARY 1, 2010
10:00 a.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
Special Meeting Study Session

1. ROLL CALL **Lewis, Carlson, Marsala, Dobbie, McKeithen**

All present.

2. PUBLIC COMMENTS

Colleen Anderson, Atherton resident, said she has concerns that certain Town employees do not respond in a timely fashion and she isn't sure who to believe when questioning Town issues. Anderson added that she felt Council may be kept out of the loop on certain issues and they should get more involved in personnel files and concerns.

3. COST ALLOCATION MODEL/MASTER FEE SCHEDULE
Informational Presentation by Jeanette Hahn of NBS
Recommendation: Council to give direction to staff on any changes to the Master Fee Schedule for February 17, 2010 City Council meeting

Jeanette Hahn, NBS, gave a Power Point presentation and discussion on the Towns Cost Allocation Plan. [A copy of the presentation is available in the City Clerks Office].
Hahn reviewed the general methods, structure and components of the cost allocation plan.

City Council directed staff to re-run the cost allocation model to exclude the followings:
-Administration Department:
- 50% of City Manager cost
- 100% of Office Assistant cost
- 85% of Deputy City Clerk cost
- 20% of Assistant City Manager cost

-No adjustment for the $32k Post Office income as the Town is absorbing 100% of Office Assistant
-City Council Department
-Non-Department
- Environmental Program Committee
- Contribution to SSV, HIP, Sustainable San Mateo County
- Election Cost
- Post Office Expense

-City Attorney –Other Services

An amended cost allocation plan and master fee schedule will be brought to the February 17th City Council meeting.

4. DISCUSS FISCAL YEAR 2009/10 MID-YEAR BUDGET ADJUSTMENTS

Staff will bring the mid-year budget adjustment to Council at its February 17th Council meeting based on the revised cost allocation plan.

5. REVENUE OPPORTUNITIES AND COMMUNITY INPUT
(Continued from January 11, 2010 Strategic Workshop)

Council Member Lewis supported a Committee with resident input.

Vice Mayor Dobbie requested that staff research a real estate tax.

Marsala suggested that Council encourage residents who work out of their homes to keep their business address in Atherton rather then neighboring cities post office boxes.

Mayor McKeithen directed staff to hold a study session with the community to received ideas and input on revenue opportunities for the Town. Marsala suggested using the study session to discuss Build America Bonds.

Staff will hold a study session with the community and update Council at its March meeting.

8. PUBLIC COMMENTS

None.

9. ADJOURN

MOTION by Dobbie, second by Marsala to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 12:36 p.m.

Respectfully submitted,

_____

Theresa DellaSanta
Deputy City Clerk

TOWN OF ATHERTON
CLAIMS LIST JANUARY 2010

	01/15/2010	01/30/2010	Amt
Payroll Checks #	14503-14507	14563-14570	$ 4,937
Direct Deposit	14508-14562	14571-14628	294,699
Electronic Transfer			98,248
A/P Checks #	29784-29915		525,527
		JANUARY 2010 TOTAL	$923,411

I, Jerome D. Gruber, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 14503-14628 (payroll), 29784-29915 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to $923,411 are true and correct, and that there are sufficient funds for payment.

Jerome D. Gruber
City Manager

The above claims, check numbers 14503-14628 (payroll), 29784-29915 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to $923,411 are true and correct, and are authorized for payment.

Kathy McKeithen
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	$ 740,288
105	Tennis	1,065
201	Special Parcel Tax	72,281
202	County Measure A	49,228
210	Road Construction Impact Fees	29,280
213	Library	1,061
403	Atherton Channel District	10,333
616	Employee Benefits	19,875
	TOTAL	$ 923,411

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
029788	01/14/10	A-A LOCK & ALARM INC	01/07/09	2208	DPW - Building Maint	Construction Ma	131.10	PASSAGE LOCK AT BUILDING DEPT TRAILER
						Check Totals	131.10	
029789	01/14/10	ACCOUNTEMPS FILE 73484	12/28/09	30433174	Finance	Other Contract	411.48	Accountemps-N.Gann 12/20-12/25/09
						Check Totals	411.48	
029790	01/14/10	ACTION TOWING	07/29/09	249995	Police	Equipment Maint	95.00	ROAD SERVICE FOR LC#38K57
						Check Totals	95.00	
029791	01/14/10	ALLEGRA PRINT & IMAGING STE	01/06/10	42336	Police	Other Supplies	92.28	500 BC FOR T.DENNIS 1/6/10
						Check Totals	92.28	
029792	01/14/10	LOUIS ANTAS	01/06/10	4 MAPLE	NON-DEPARTMENTAL	Secured	60.00	REFUND 50% 2009-WRONG PARCEL SIZE-4 MAPL
					NON-DEPARTMENTAL	Secured	120.00	REFUND 50% 2008-WRONG PARCEL SIZE-4 MAPL
					NON-DEPARTMENTAL	Secured	120.00	REFUND 50% 2007-WRONG PARCEL SIZE-4 MAPL
					NON-DEPARTMENTAL	Secured	120.00	REFUND 2006-WRONG PARCEL SIZE-4 MAPLE
						Check Totals	420.00	
029793	01/14/10	AT&T CALNET 2	12/27/09	1066966	Non-Department	Communication (	463.24	6507528099 11/27/09-12/26/2009
029793	01/14/10	AT&T CALNET 2	12/27/09	1066965	Non-Department	Communication (	111.59	6507520600 11/27/09-12/26/09
029793	01/14/10	AT&T CALNET 2	12/27/09	1066964	Police	Communication (	211.26	DISASTER LINES 11/27/09-12/26/09
029793	01/14/10	AT&T CALNET 2	12/25/09	1064918	Police	Communication (	15.62	RECORDS ROOM 11/25/09-12/24/09
029793	01/14/10	AT&T CALNET 2	12/27/09	1066963	Police	Communication (	15.64	ALARM LINE-POLICE SHED 11/27-12/26/09
						Check Totals	817.35	
029794	01/14/10	MATTHEW BENDER & CO INC.	12/22/09	96921935	Police	Subscriptions	437.49	CA DESKTOP PENAL 10 HB FOR PD 12/22/09
						Check Totals	437.49	
029795	01/14/10	BKF ENGINEERS	09/25/09	9090237A	NON-DEPARTMENTAL	Contract Engine	4,906.00	CREEK STABILIZATION DESIGN SERVICES FOR
						Check Totals	4,906.00	

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
029796	01/14/10	JEAN CARDONA	01/05/10	1/5/10 J.CAR	DPW - Park Program	Construction Ma	32.22	PAINT FOR NEW BENCH-MAIN HOUSE 1/5/10
						Check Totals	32.22	
029797	01/14/10	CDW GOVERNMENT INC.	12/11/09	RDF9514	Planning Department	Office Supplies	145.07	MS GSA POWERPOINT-07 T.TELLES
						Check Totals	145.07	
029798	01/14/10	CLARK PEST CONTROL	12/01/09	9218868	DPW - Park Maintenan	Grounds Mainten	780.00	WEED CONTROL-150 WATKINS AVE 12/29/09
029798	01/14/10	CLARK PEST CONTROL	12/28/09	9647794	DPW - Park Maintenan	Grounds Mainten	880.00	AG-ONE SHOT-150 WATKINS AVE 12/29/09
029798	01/14/10	CLARK PEST CONTROL	10/28/09	9092477	DPW - Park Maintenan	Grounds Mainten	780.00	WEED CONTROL-150 WATKINS AVE 110/278/09
						Check Totals	2,440.00	
029799	01/14/10	DEPT. OF MOTOR VEHICLES MAI	01/06/10	DMV 1/06/10	Police	Other Supplies	374.51	DMV-2010 VEHICLE CODE BOOKS
						Check Totals	374.51	
029800	01/14/10	JACK DOHENY RENTALS	11/30/09	R21053	DPW - Street Mainten	Rent - Tools &	2,703.94	RENTAL - VACTOR COMBINATION UNIT-MIDSIZE
						Check Totals	2,703.94	
029801	01/14/10	DOUGLAS PRINTERS	12/22/09	08202	Building	Office Supplies	346.32	2000 Building permit Inspection Cards
						Check Totals	346.32	
029802	01/14/10	ENGINEERING DATA SERVICE	01/04/10	I100101	NON-DEPARTMENTAL	Other Contract	1,474.15	2009/10 San Mateo County Tax Roll
						Check Totals	1,474.15	
029803	01/14/10	EXPRESS PLUMBING INC	01/04/10	84 GREEN OAK	DPW - Engineering	DPW Deposit Pay	2,500.00	REFUND ROAD BOND-84 GREEN OAKS
						Check Totals	2,500.00	
029804	01/14/10	FIRST CHOICE	11/10/09	656908	DPW - Street Mainten	Office Supplies	20.94	COFFEE FOR PUBLIC WORKS DEPT-11/20/09
						Check Totals	20.94	
029805	01/14/10	HOUSTON COMMUNICATIONS, INC	12/22/09	458945	Police	Equipment Maint	2.81	CREDIT TOWARDS INV458458/BAL.FOR LABOR

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
						Check Totals	2.81	
029806	01/14/10	I.M.P.A.C. GOVERNMENT SERVI	12/22/09	5424 12/22/0	Building	Office Supplies	15.61	BOOK,APT,MLY FOR BUILDING DEPT 12/22/09
029806	01/14/10	I.M.P.A.C. GOVERNMENT SERVI	12/22/09	4324 12/22/0	City Manager	Conferences	575.00	CITY MANAGERS CONF. J.GRUBER 11/24/09
					City Manager	Conferences	149.20	FLIGHT-CITY MGRS CONF.J.GRUBER 11/27/09
					City Manager	Conferences	230.00	ROOM-CITY MGRS CONF.J.GRUBER 11/27/09
					Non-Department	IT Support	15.00	CONSTANT CNTACT J.GURBER 12/7/09
					City Manager	Bus Meeting & M	64.02	LUNCH-ASST CM DISCUSS BUDGETS 12/22/09
029806	01/14/10	I.M.P.A.C. GOVERNMENT SERVI	12/22/09	0596 12/22/0	Police	Other Supplies	444.88	ALPHA CARD STAND ID SOFTWARE 11/30/09
					Police	Other Supplies	10.87	COLLAR INSIGNIA 12/22/09
					Police	Training - POST	15.59	LUNCH-TRAINING LOCAT CARMEL VY 12/3/09 M
					Police	Training - POST	21.97	DINNER-TRAINING LOCAT CARMEL VY 12/1/09
					Police	Training - POST	429.15	LODGING SMCO POLICE CHIEF TRAINING 11/30
029806	01/14/10	I.M.P.A.C. GOVERNMENT SERVI	12/22/09	7190 12/22/0	Finance	Membership/Dues	110.00	2010 CSMFO - L.HO 12/7/09
					Finance	Training & Work	6.00	2009 TAX SEMINAR PARKING-L.HO 12/18/09
					Finance	Office Supplies	60.90	RIBBON FOR EPSON PRINTER IN FINANCE
					Finance	Training & Work	250.00	CPA ETHICS CLASS-L.HO 12/20/09
029806	01/14/10	I.M.P.A.C. GOVERNMENT SERVI	12/22/09	4954 12/22/0	DPW - Park Program	Rent - Faciliti	382.38	PODS FOR STORAGE UNITS THE PARK RENTS
029806	01/14/10	I.M.P.A.C. GOVERNMENT SERVI	12/22/09	5408 12/22/0	DPW - Building Maint	Construction Ma	105.93	SQUIRREL DETERRENTS AT LIBRARY
						Check Totals	2,886.50	
029807	01/14/10	IDEAL R.V. AND TRAILER	12/16/09	26031	DPW - Park Program	Other Supplies	92.34	22.3 GALLONS PROPANE FOR OUTDOOR HEATERS
						Check Totals	92.34	
029808	01/14/10	IEDA, INC.	01/01/10	15867	City Manager	Labor Relations	1,000.00	Labor Relations Consulting fees Jan2010
						Check Totals	1,000.00	
029809	01/14/10	D.A. MCCOSKER CONSTRUCTION	10/12/09	09-09-R010	NON-DEPARTMENTAL	Other Contract	49,227.66	FINAL RETENTION, STREET RECONSTRUCTION P
						Check Totals	49,227.66	
029810	01/14/10	DENNIS MCDONNELL	01/06/10	50 ROSEWOOD	NON-DEPARTMENTAL	Secured	187.50	REFUND 50% 2009 UNIMPROVED-50 ROSEWOOD
						Check Totals	187.50	

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
029811	01/14/10	MCDONOUGH, HOLLAND & ALLEN	01/05/10	218869	City Attorney	City Attorney R	11,000.00	CITY ATTORNEY-RETAINER SVC FOR DEC-09
					City Attorney	City Attorney -	2,716.48	CITY ATTORNEY-BUILDING SVC FOR DEC-09
					City Attorney	City Attorney -	2,080.00	CITY ATTORNEY-PLANNING SVC FOR DEC-09
					City Attorney	City Attorney -	774.80	CITY ATTORNEY-PUBLIC WRKS FOR DEC-09
					City Attorney	City Attorney -	23,825.14	CITY ATTORNEY-OTHER SVC FOR DEC-09
						Check Totals	40,396.42	
029812	01/14/10	MID-PENINSULA ANIMAL HOSPIT	12/22/09	422432	Police	K-9 Expenses	18.75	NAIL TRIM FOR LOTTY 12/22/09
						Check Totals	18.75	
029813	01/14/10	STEPHEN MILLER	01/04/10	55 MAGNOLIA	Building	Building Deposi	6,000.00	REFUND RECYCL. DEPOSIT -55 MAGNOLIA DR
						Check Totals	6,000.00	
029814	01/14/10	MVA CONSTRUCTION CO. INC. M	01/06/10	83 SANTIAGO	Building	Building Permit	802.08	REFUND GARAGE PERMIT FEE-83 SANTIAGO
					Building	Building Permit	1,012.18	REFUND GUEST HOUSE PERMIT FEE-83 SANTIAG
						Check Totals	1,814.26	
029815	01/14/10	J.J. NGUYEN INC	12/01/09	Holbrook 12/	NON-DEPARTMENTAL	Other Contract	6,872.21	RETENTION HOLBROOK PALMER PARK FOUNTAIN
029815	01/14/10	J.J. NGUYEN INC	12/01/09	Holbrook-12/	NON-DEPARTMENTAL	Other Contract	6,800.00	HOLBROOK PALMER PARK FOUNTAIN PROJECT NU
029815	01/14/10	J.J. NGUYEN INC	12/03/09	Holbrook 12/	NON-DEPARTMENTAL	Other Contract	7,330.39	HOLBROOK PALMER PARK FOUNTAIN PROJECT NU
029815	01/14/10	J.J. NGUYEN INC	12/19/09	NGUYEN DEC-0	NON-DEPARTMENTAL	Other Contract	36,628.20	HOLBROOK PALMER PARK FOUNTAIN PROJECT NU
						Check Totals	57,630.80	
029816	01/14/10	OFFICE DEPOT	12/23/09	500382552001	City Manager	Office Machines	437.03	Paramount Chair M. BRABENEC
029816	01/14/10	OFFICE DEPOT	11/25/09	B091115685V1	City Manager	Office Machines	97.13	HEADSET AND NECK BAND-M.BRABENEC
						Check Totals	534.16	
029817	01/14/10	ORCHARD SUPPLY HARDWARE	12/27/09	OSH 12/27/09	DPW - Street Mainten	Construction Ma	26.19	CLEANING SUPPLIES FOR SIGNS 11/30/09
					DPW - Park Program	Grounds Mainten	99.49	TREE LIGHTS,LIGHTS FOR PAVILION PATIO
					DPW - Park Program	Construction Ma	62.38	CONSTURCTION MATERIAL 12/3/09 J.CARDONA
					DPW - Street Mainten	Construction Ma	9.82	DRILLBIT 12/9/09
					DPW - Building Maint	Construction Ma	15.27	ANT POISON FOR ADMIN KITCHEN 12/8/09
					DPW - Street Mainten	Construction Ma	16.78	CEMENT FOR FENCE POST 12/4/09

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
					DPW - Street Mainten	Construction Ma	8.59	SIGN HARDWARE 12/3/09
					DPW - Park Maintenan	Construction Ma	21.04	LIGHTS PLYGRD RESTRM,SEALENT FOR FOUNTA
					DPW - Park Maintenan	Construction Ma	18.43	RAT BAIT USED IN CARRIAGE HOUSE11/30/09
					DPW - Park Maintenan	Construction Ma	38.17	DURACELL AA-16, 3M GAFFERS TAPE 12/4/09
						Check Totals	316.16	
029818	01/14/10	PENINSULA CUSTOM HOMES	01/05/10	11 FAXON FOR	DPW - Engineering	Encroachment	550.00	REFUND PERMIT FEE.PROJ CANCEL 11 FAXON F
						Check Totals	550.00	
029819	01/14/10	PENINSULA UNIFORMS & EQUIPM	12/11/09	48680	Police	Uniforms	90.60	NAME/SHOULDER PATCH/B. MILLS
						Check Totals	90.60	
029820	01/14/10	PUBLIC EMPLOYEES RETIREMENT	01/07/10	01.09.10	NON-DEPARTMENTAL	Payroll Deducti	3,169.95	PERS W/H 12/27/09-01/09/10
					NON-DEPARTMENTAL	Payroll Benefit	49,065.98	PERS 12/27/09-01/09/10
						Check Totals	52,235.93	
029821	01/14/10	PG & E	12/24/09	93 DINKELSPI	DPW - Street Mainten	Uilities - Elec	155.49	93 DINKELSPIEL STAT.LN 11/22-12/23/09
029821	01/14/10	PG & E	12/24/09	ATHERTON LIB	NON-DEPARTMENTAL	Uilities - Elec	426.12	ATHERTON LIBRARY-11/22-12/23/09
029821	01/14/10	PG & E	12/24/09	99 STATION 1	DPW - Street Mainten	Uilities - Elec	77.64	99 STATION LN 11/22-12/23/09
						Check Totals	659.25	
029822	01/14/10	PITNEY BOWES INC.	12/26/09	666101	Non-Department	Post Office Exp	95.64	Ink Cart for postage mach. 12/26/09
						Check Totals	95.64	
029823	01/14/10	E. CRUM INC. dba PRIMA PRIN	12/08/09	24853	Police	Other Supplies	122.41	DARE BOOKS FOR PD
						Check Totals	122.41	
029824	01/14/10	BARBARA PROULX	01/06/10	596 FLETCHER	NON-DEPARTMENTAL	Secured	240.00	REFUND 50% 09-UNIMPROVED PARCEL-596 FLET
			01/06/10	587 FLETCHER	NON-DEPARTMENTAL	Secured	187.50	REFUND 50% 09-UNIMPROVED PARCEL-587 FLET
						Check Totals	427.50	

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
029825	01/14/10	RECALL SECURE DESTRUCTION S	12/19/09	2303051678	Police	Other Contract	85.96	SHRED DOCUMENTS P.D. DEC 2009
						Check Totals	85.96	
029826	01/14/10	REDWOOD PLUMBING	12/31/09	W35055	DPW - Building Maint	Facility Repair	131.87	NO HEAT SVC CALL-CITY MGRS OFF 12/21/09
						Check Totals	131.87	
029827	01/14/10	SM COUNTY CONTROLLER ATTN:	01/07/10	JAN-DEC 09	Police	Vehicle Code Fi	2,908.00	ALLOCATION OF PARKING PENALTIES JAN-DEC
						Check Totals	2,908.00	
029828	01/14/10	SAN MATEO CO TRAINING MGRS	12/31/09	2010	Police	Membership/Dues	75.00	2010 MEMBERSHIP DUES J.FREW
						Check Totals	75.00	
029829	01/14/10	SCAPES INC. LANDSCAPE CO.	11/11/09	4558	NON-DEPARTMENTAL	Other Contract	4,524.00	1 HP PARK FOUNTAIN PAD/DRINKING FOUNTAIN
						Check Totals	4,524.00	
029830	01/14/10	TEAMSTERS LOCAL 856 H & W	12/31/09	JAN 2010	NON-DEPARTMENTAL	Payroll Benefit	6,864.00	DENTAL INS. JAN 2010
						Check Totals	6,864.00	
029831	01/14/10	TEAMSTERS UNION LOCAL 856	01/07/10	01.09.09	NON-DEPARTMENTAL	Payroll Deducti	401.55	DUES W/H 12/27/09-01/09/09
						Check Totals	401.55	
029832	01/14/10	TERMINIX PROCESSING CENTER	12/28/09	291809504	Non-Department	Other Contract	108.00	PEST CONTROL-LIBRARY DEC 09
						Check Totals	108.00	
029833	01/14/10	UNIFIRST CORP.	12/30/09	380 0352680	DPW - Street Mainten	Uniforms	12.87	UNIFORM SERVICE-B.BUTLER 12/30/09
					DPW - Street Mainten	Uniforms	12.87	UNIFORM SERVICE-J.ANDRADE 12/30/09
					DPW - Street Mainten	Uniforms	12.87	UNIFOM SERVICE-E.LOPEZ 12/30/09
					DPW - Street Mainten	Uniforms	17.87	UNIFORM SERVICE-T.HENDERSON 12/30/09
029833	01/14/10	UNIFIRST CORP.	01/06/10	380 0353685	DPW - Street Mainten	Uniforms	12.87	UNIFORM SERVICE-B.BUTLER 1/06/10
					DPW - Street Mainten	Uniforms	12.87	UNIFORM SERVICE-J.ANDRADE 1/06/10
					DPW - Street Mainten	Uniforms	17.87	UNIFORM SERVICE-E.LOPEZ 1/06/10

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
					DPW - Street Mainten	Uniforms	13.72	UNIFORM SERVICE-T.HENDERSON 1/06/10
029833	01/14/10	UNIFIRST CORP.	12/09/09	380 0349526	DPW - Park Program	Custodial Servi	19.15	MATS,MOPS,BAR TWLS FOR OFFICES 12/9/09
					DPW - Park Maintenan	Uniforms	14.81	UNIFORM SERVICE-M.ANDERSON 12/9/09
					DPW - Park Program	Uniforms	14.87	UNIFORM SERVICE-R.ESPINO 12/9/09
						Check Totals	162.64	
029834	01/14/10	VERIZON WIRELESS	12/21/09	0827438608	City Manager	Communication (	45.01	MODEM-J.GRUBER 11/22-12/21/09
					Building	Communication (	133.75	BUILDING DEPT CELL PHONES 11/22-12/21/09
					Police	Communication (	516.41	PD CELL PHONES 11/22-12/21/09
					DPW - Engineering	Communication (	125.25	PUBLIC WORKS CELL PHONES 11/22-12/21/09
					DPW - Street Mainten	Communication (	219.67	PW STREETS DEPT CELL PHONES 11/22-12/21/
					DPW - Park Maintenan	Communication (	41.67	PARKS DEPT CELL PHONE 11/22-12/21/09
					DPW - Park Program	Communication (	83.05	HP PARK CELL PHONES 11/22-12/21/09
						Check Totals	1,164.81	
029835	01/14/10	VOYAGER	12/03/09	0998534	Police	Gas & Oil	15.50	MOTORCYCLE FUEL DEC 09
						Check Totals	15.50	
029836	01/14/10	JOSEPH WADE	01/01/10	J.WADE 1/1/1	Police	Education	600.00	EDUCATION REIMB. GROUND FIGHTING LESSON-
						Check Totals	600.00	
029837	01/14/10	WILLIAMS SCOTSMAN	12/29/09	94724541	Police	Rent - Faciliti	729.97	RENT P.D. TRAILER 12/29/09-1/28/10
						Check Totals	729.97	
029838	01/14/10	WILSEY HAM	12/15/09	6697	NON-DEPARTMENTAL	Contract Engine	677.68	Construction Services - Polhemus Drainag
						Check Totals	677.68	
029839	01/14/10	WITMER-TYSON IMPORTS, INC.	01/05/10	T7686	Police	K-9 Expenses	460.09	DEC-09 K-9 MAINT.TRAINING, DOG FOOD
						Check Totals	460.09	
029841	01/14/10	MUNI SERVICES LLC	12/08/09	Plamaf USA	NON-DEPARTMENTAL	Business Licens	150.00	BUSINESS LIC APP-PLAMAF USA 12/8/09
029841	01/14/10	MUNI SERVICES LLC	12/15/09	CREATIVE WIN	NON-DEPARTMENTAL	Business Licens	250.00	BUS.LIC.APP-CREATIVE WINDOW 12/15/09

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029841	01/14/10	MUNI SERVICES LLC	12/17/09	MLB CONSTRUC	NON-DEPARTMENTAL	Business Licens	100.00	BUSINESS LIC APP-MLB CONST.CO.12/17/09
029841	01/14/10	MUNI SERVICES LLC	12/18/09	VIKING SYSTE	NON-DEPARTMENTAL	Business Licens	250.00	BUSINESS LIC APP-VIKING SYSTEM 12/18/09
029841	01/14/10	MUNI SERVICES LLC	12/31/09	ATHERTON HAU	NON-DEPARTMENTAL	Business Licens	50.00	BUSINESS LIC APP-ATHERTON HAULING 12/31/
029841	01/14/10	MUNI SERVICES LLC	12/11/09	FWE O ELECT	NON-DEPARTMENTAL	Business Licens	150.00	BUSIENSS LIC APP-FWE O ELECTRIC 12/11/09
029841	01/14/10	MUNI SERVICES LLC	12/09/09	SANDIUM	NON-DEPARTMENTAL	Business Licens	125.00	BUSINESS LIC APP-SANDIUM 12/9/09
029841	01/14/10	MUNI SERVICES LLC	12/07/09	PRECISION CO	NON-DEPARTMENTAL	Business Licens	75.00	BUSINESS LIC APP-PRECISION CONCRETE 12/7
029841	01/14/10	MUNI SERVICES LLC	01/05/10	SCHOTT ROOFI	NON-DEPARTMENTAL	Business Licens	75.00	BUSINESS LIC APP-SCHOTT ROOFING 1/5/10
029841	01/14/10	MUNI SERVICES LLC	01/04/10	HOWARD LAMIL	NON-DEPARTMENTAL	Business Licens	125.00	BUSINESS LIC APP-HOWARD LAMILA GENERAL C
						Check Totals	1,350.00	
029844	01/21/10	ACCOUNTEMPS FILE 73484	01/04/10	30466788	Finance	Other Contract	428.63	ACCOUNTEMP-N.GANN 12/28/09-1/1/10
						Check Totals	428.63	
029845	01/21/10	BKF ENGINEERS	12/15/09	9120081	NON-DEPARTMENTAL	Contract Engine	5,426.52	CREEK STABILIZATION DESIGN SERVICES FOR
						Check Totals	5,426.52	
029846	01/21/10	CALIF BUILDING STANDARDS CO	01/15/10	10/1-12/31/0	Building	CBSC Fee Payabl	1,018.80	OCT-DEC 2009 FEES ASSESSEDON PERMITS
						Check Totals	1,018.80	
029847	01/21/10	CALIFORNIA WATER SERVICE	01/04/10	WATER 11/4-1	DPW - Park Program	Utilities - Wat	116.93	150 WATKINS 11/26-12/28/09
					DPW - Park Program	Utilities - Wat	26.37	150 WATKINS-FIRE PROTECT 12/1-12/31/09
					NON-DEPARTMENTAL	Utilities - Wat	41.83	2 STATION LANE 11/4-12/4/09
					Police	Utilities - Wat	45.49	83 ASHFIELD 11/4-12/4/09
					City Manager	Utilities - Wat	67.42	91 ASHFIELD 11/4-12/4/09
					City Council	Utilities - Wat	49.14	94 ASHFIELD 11/4-12/4/09
					DPW - Street Mainten	Utilities - Wat	94.99	7 ALAMEDA/ATHERTON 11/4-12/4/09
					DPW - Street Mainten	Utilities - Wat	54.77	8 EL CAMINO REAL 11/4-12/4/09
					DPW - Street Mainten	Utilities - Wat	133.27	9 EL CAMINO REAL 11/4-12/4/09
					DPW - Street Mainten	Utilities - Wat	457.89	10 MAPLE 11/4-12/4/09
					Planning Department	Utilities - Wat	4.18	11 STATION LANE 11/4-12/4/09
					Building	Utilities - Wat	25.10	11 STATION LANE 11/4-12/4/09
					DPW - Engineering	Utilities - Wat	12.55	11 STATION LANE 11/4-12/4/09
029847	01/21/10	CALIFORNIA WATER SERVICE	01/06/10	0686127445/1	DPW - Street Mainten	Utilities - Wat	22.81	12/5/09-1/5/10 STATION LANE
			01/06/10	9293092658/1	DPW - Street Mainten	Utilities - Wat	452.28	11/4-12/4/09 STATION LANE
					DPW - Street Mainten	Utilities - Wat	36.15	12/5/09-1/5/10 99 ASHFIELD

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					DPW - Street Mainten	Utilities - Wat	39.82	11/4-12/4/09 99 ASHFIELD
						Check Totals	1,680.99	
029848	01/21/10	CALPERS HEALTH BENEFITS DIV	01/15/10	387	NON-DEPARTMENTAL	Payroll Benefit	48,062.20	FEB 2010 TOTAL ACTIVE
					Non-Department	Health Insuranc	277.55	FEB 2010 ADMIN COSTS
					Building	Retiree Health	457.87	FEB 2010 RETIREE BLDG DEPT
					City Manager	Retiree Health	3,094.69	FEB 2010 RETIREE CITY MGR
					DPW - Engineering	Retiree Health	968.28	FEB 2010 RETIREE DPW
					DPW - Park Maintenan	Retiree Health	275.71	FEB 2010 RETIREE DPW PARKS DEPT
					Finance	Retiree Health	519.60	FEB 2010 RETIREE FINANCE DEPT
					Police	Retiree Health	9,928.68	FEB 2010 RETIREE POLICE DEPT
						Check Totals	63,584.58	
029849	01/21/10	DUNBAR ARMORED INC.	01/01/10	2662214	Non-Department	Post Office Exp	15.66	CASH PROC.& MAINT.FEE-91 ASHFIELD JAN10
					Finance	Bank Service Ch	187.32	FUEL SURCHARGE-91 ASHFIELD RD 1/31/10
						Check Totals	202.98	
029850	01/21/10	FIRST CHOICE	12/10/09	657006	DPW - Street Mainten	Office Supplies	20.94	COFFEE P.W. DEC 09
			01/09/10	260859	DPW - Street Mainten	Office Supplies	20.94	COFFEE P.W. JAN 10
						Check Totals	41.88	
029851	01/21/10	HOME DEPOT CREDIT SERVICES	01/05/10	DEC.09	DPW - Street Mainten	Construction Ma	27.28	LUMBER
					DPW - Park Program	Construction Ma	276.02	MAIN HOUSE BENCH MATERIALS
					DPW - Park Program	Construction Ma	253.12	MAIN HOUSE BENCH MATERIALS
						Check Totals	556.42	
029852	01/21/10	KEVIN J. HOLDEN AND ASSOCIA	12/29/09	09-182/2006	DPW - Building Maint	HVAC Repair & M	160.00	HVAC REPAIR TOWN HALL
						Check Totals	160.00	
029853	01/21/10	LIEBERT CASSIDY WHITMORE IN	01/15/10	01.20.10	City Manager	Training & Work	14.00	ELEVATION, DOCUMENTATION & DISCIPLINE, E
						Check Totals	14.00	

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029854	01/21/10	NEAL MARTIN & ASSOCIATES	12/07/09	1020-2	Planning Department	PLANNING DEPOSI	413.63	DEPOSIT ACCT SACRED HEART NOV 09
029854	01/21/10	NEAL MARTIN & ASSOCIATES	12/07/09	1020	Planning Department	Contract Planne	12,805.02	CONTRACT PLANNING SERVICES NOV 2009
						Check Totals	13,218.65	
029855	01/21/10	PG & E	12/30/09	5678831191-0	DPW - Street Mainten	Uilities - Elec	50.42	SIGNAL ES/MIDDLEFIELD 11/25-12/24/09
					DPW - Street Mainten	Uilities - Elec	21.75	SIGNAL MARSH/MIDDLEFIELD 11/24-12/24/09
					DPW - Street Mainten	Uilities - Elec	42.34	SIGNAL MIDDLEFIELS/OAK GROVE 11/24-12/24
					Planning Department	Uilities - Elec	15.96	STATION LANE 12/1-12/29/09 PLANNING
					Building	Uilities - Elec	95.76	STATION LANE 12/1-12/29/09 BLDG DEPT
					DPW - Engineering	Uilities - Elec	47.88	STATION LANE 12/1-12/29/09 DPW
					DPW - Park Program	Uilities - Elec	335.54	ACTIVITY BLDG 150 WATKINS 11/24-12/24/09
					DPW - Park Program	Uilities - Elec	407.44	MODULAR BLDG 150 WATKINS 11/24-12/24/09
					DPW - Park Maintenan	Uilities - Elec	157.24	PUMP 150 WATKINS 11/25-12/24/09
					City Manager	Uilities - Elec	426.78	TOWN HALL 11/24-12/23/09
					DPW - Street Mainten	Uilities - Elec	4,061.18	STREET LIGHTS 12/2-12/30/09
						Check Totals	5,662.29	
029856	01/21/10	PROFESSIONAL TREE CARE COMP	10/16/09	14434	DPW - Street Mainten	Tree Maintenanc	2,566.67	1 EA TREE NAINTENANCE - PROFESSIONAL
					DPW - Park Maintenan	Tree Maintenanc	513.33	1 EA TREE CARE, INC. CONTRACT CONTINUATI
029856	01/21/10	PROFESSIONAL TREE CARE COMP	09/30/09	14390	DPW - Street Mainten	Tree Maintenanc	2,383.33	1 EA TREE MAINTENANCE - PROFESSIONAL
					DPW - Park Maintenan	Tree Maintenanc	476.67	1 EA TREE CARE, INC. CONTRACT CONTINUATI
						Check Totals	5,940.00	
029857	01/21/10	SAN JOSE STATE UNIVERSITY F	01/05/10	01/25-01/29/	Police	Training - POST	560.00	VEHICLE THEFT INVESTIGATION, T.DENNIS 1/
						Check Totals	560.00	
029858	01/21/10	SAN MATEO COUNTY CHAPLAINCY	12/31/09	12.31.09	Police	Other Contract	250.00	CHAPLAINCY SERVICES DEC 2009
						Check Totals	250.00	
029859	01/21/10	SAN MATEO CO SHERIFF'S OFFI	12/31/09	CL02298	Police	Technical Servi	87.00	DEC 09 FORENSIC SERVICES
						Check Totals	87.00	
029860	01/21/10	SEQUOIA HOSPITAL HEALTH & W	10/27/09	39	Police	Other Contract	2,160.00	WELLNESS SCREENING X 12

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					Police	Other Contract	1,356.00	COUNSELING 11.3 HOURS
						Check Totals	3,516.00	
029861	01/21/10	MARY L. TOPLIFF DBA LAW OFF	01/06/10	2932	City Attorney	City Attorney -	9,030.00	PROFESSIONAL SVC FOR ATHERTON DEC-09
						Check Totals	9,030.00	
029862	01/21/10	TURBO DATA SYSTEMS INC.	12/31/09	16191	Police	Citations Proce	48.57	NOV/DEC 09 CITATION PROCESSING
						Check Totals	48.57	
029863	01/21/10	AGI PUBLISHING DBA: VALLEY	01/01/10	998221/JAN 2	DPW - Park Program	Advertising/Pub	970.00	JAN 10 ADVERTISING HP PARK
						Check Totals	970.00	
029866	01/29/10	ABAG PLAN CORP	01/03/10	9011100103	Non-Department	Liability Insur	4,630.16	REIMB CLAIM GL060669 12/27/09-01/02/10
						Check Totals	4,630.16	
029867	01/29/10	ABAG POWER PURCHASING POOL	01/01/10	8002584	DPW - Park Program	Utilities - Gas	21.40	150 WATKINS-11/24/09-12/24/09
					DPW - Park Program	Utilities - Gas	138.62	150 WATKINS-11/24/09-12/24/09
					DPW - Building Maint	Utilities - Gas	154.62	160 WATKINS-11/24/09-12/30/09
					Police	Utilities - Gas	46.79	91 ASHFIELD-11/22/09-12/23/09
					City Manager	Utilities - Gas	27.48	91 ASHFIELD-11/22/09-12/23/09
					Planning Department	Utilities - Gas	6.33	STATION LANE-11/22/09-12/23/09
					Building	Utilities - Gas	37.98	STATION LANE-11/22/09-12/23/09
					DPW - Engineering	Utilities - Gas	18.99	STATION LANE-11/22/09-12/23/09
					NON-DEPARTMENTAL	Utilities - Gas	39.79	2 DINKENSPIEL/STATION-11/22-12/23/09
					DPW - Street Mainten	Utilities - Gas	67.94	99 DINKENSPIEL CORP OFF-11/22-12/23/09
						Check Totals	559.94	
029868	01/29/10	ACCOUNTEMPS FILE 73484	01/11/10	30495545	Finance	Other Contract	411.48	ACCOUNTEMPS-N.GANN 1/3/10-1/8/10
029868	01/29/10	ACCOUNTEMPS FILE 73484	01/18/10	30531595	Finance	Other Contract	411.48	ACCOUNTEMP-N.GANN 1/10/10-1/15/010
						Check Totals	822.96	
029869	01/29/10	ALHAMBRA & SIERRA SPRINGS	01/13/10	0110 2799391	Police	DISASTER/EMERGE	371.68	WATER JAN 2010

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						Check Totals	371.68	
029870	01/29/10	AMSTERDAM	11/12/09	2255910	Police	Office Supplies	184.85	PD-#10 REGULAR ENVELOPE 11/12/09
					NON-DEPARTMENTAL	Sales/User Use	-15.65	SALES TAX PAYABLE
						Check Totals	169.20	
029871	01/29/10	AT&T CALNET 2	01/01/10	1078433	Police	Communication (	55.61	PD ESL SERVICE LINE 12/1/09-12/31/09
029871	01/29/10	AT&T CALNET 2	01/10/10	1093485	Police	Communication (	30.20	EMERGENCY LINE 12/10/09-1/09/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093482	Police	Communication (	29.91	ANALOG LINE PD 12/10/09-01/09/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093487	Police	Communication (	15.62	VOICE PRINT-911 12/10/09-01/09/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093489	Police	Communication (	154.81	POLICE TRAILER 12/10/09-01/09/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093484	Police	Communication (	45.98	POICE DEPT. 12/10/09-01/09/10
029871	01/29/10	AT&T CALNET 2	01/11/10	1095277	Police	Communication (	22.84	DINKELSPIEL PAY PHONE 12/11/09-1/10/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093483	Police	Communication (	14.33	POLICE DEPT 12/10/09-01/09/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1092844	Police	Communication (	15.63	DINKELSPIEL ALARM LINE 12/10/09-1/09/10
029871	01/29/10	AT&T CALNET 2	01/13/10	1098146	Police	Communication (	0.14	TELEMINDER LOOP LINE 12/13/09-1/12/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093491	Police	Communication (	16.18	DIRECT CONNECT FAX LINE 12/10-1/9/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093490	Police	Communication (	29.97	PD FAX ADMIN 12/10/09-1/9/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093492	Non-Department	Communication (	720.50	6886500 12/10/09-1/9/10
029871	01/29/10	AT&T CALNET 2	01/01/10	1078434	Non-Department	Communication (	15.62	3273232 12/1/09-12/31/09
029871	01/29/10	AT&T CALNET 2	01/01/10	1078436	Non-Department	Communication (	15.83	3274866 12/1/09-12/31/09
029871	01/29/10	AT&T CALNET 2	01/01/10	1078435	Non-Department	Communication (	55.33	3274859 12/1/09-12/31/09
029871	01/29/10	AT&T CALNET 2	01/10/10	1093486	Police	Communication (	318.22	EMERGENCY LINE 12/10/09-1/9/10
029871	01/29/10	AT&T CALNET 2	01/10/10	1093488	Police	Communication (	29.22	POLICE FAX REQUEST SVC 12/10/09-1/9/10
						Check Totals	1,585.94	
029873	01/29/10	RICHARD BASSIN	09/29/09	39 LABURNUM-	Building	Building Permit	1,531.35	REPLACE LOST CHECK 29169 09/25/09 BP0800
			09/29/09	39 LABURNUM-	NON-DEPARTMENTAL	Road Impact Fee	1,391.60	REPLACE LOST CHECK 29169 09/25/09 BP0800
					Building	Building Permit	14,200.85	REPLACE LOST CHECK 29169 09/25/09 BP0800
					NON-DEPARTMENTAL	Road Impact Fee	23,813.40	REPLACE LOST CHECK 29169 09/25/09 BP0800
						Check Totals	40,937.20	
029874	01/29/10	BER-KOCHBA M. BOTACH BOTACH	12/10/09	76125	Police	Machinery & Equ	1,124.22	8 EST#12057 STREAMLIGHT-69148 TLRILG LON

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						Check Totals	1,124.22	
029875	01/29/10	CAL-PAC ROOFING	01/04/10	149 STOCKBRI	Building	Building Deposi	500.00	RECYCLING DEP REFUND-149 STOCKBRIDGE BPO
						Check Totals	500.00	
029876	01/29/10	CASEY CONSTRUCTION, INC	01/13/10	640	NON-DEPARTMENTAL	Other Contract	5,379.76	HOLBROOK PALMER SEWER IMPROVEMENTS, RETE
						Check Totals	5,379.76	
029877	01/29/10	CHRISTOPHER A JOSEPH & ASSO	01/08/10	601059	NON-DEPARTMENTAL	PLANNING DEPOSI	14,721.05	ST JOSEPH TRAFFIC STUDY 12/1-12/31/09
						Check Totals	14,721.05	
029878	01/29/10	COUNTY OF SAN MATEO INFORMA	01/12/10	1YAT10912	Police	Technical Servi	1,313.42	MICROWAVE/MSG SWITCH-DECEMBER 2009
						Check Totals	1,313.42	
029879	01/29/10	DEPARTMENT OF JUSTICE ACCOU	01/07/10	771413	Police	Technical Servi	64.00	FINGERPRINT APPS DEC-09 POLICE DEPT
					Finance	Other Contract	32.00	FINGERPRINT APPS DEC 09 FINANCE
						Check Totals	96.00	
029880	01/29/10	DIVERSIFIED MAINTENANCE SER	01/06/10	RC-D061160	DPW - Building Maint	Custodial Servi	308.17	JANITORIAL SERVICE-ADMIN JAN 10
					DPW - Building Maint	Custodial Servi	417.85	JANITORIAL SERVICE-POICE DEPT JAN 10
					DPW - Building Maint	Custodial Servi	115.08	JANITORIAL SERVICE-BLDG DEPT JAN 10
					DPW - Building Maint	Custodial Servi	145.98	JANITORIAL SERVICE-DPW JAN 10
					DPW - Building Maint	Custodial Servi	193.09	JANITORIAL SERVICE-CORP YARD JAN 10
					NON-DEPARTMENTAL	Custodial Servi	445.59	JANITORIAL SERVICE-LIBRARY JAN 10
						Check Totals	1,625.76	
029881	01/29/10	FIRST CHOICE	01/08/10	260855	City Manager	Office Supplies	30.08	COFFEE ADMIN 1/8/10
						Check Totals	30.08	
029882	01/29/10	FOLGER GRAPHICS	01/12/10	62504	City Manager	External Printi	1,700.00	WINTER 2010 ATHERTONIAN

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						Check Totals	1,700.00	
029883	01/29/10	FRANCHISE TAX BOARD	01/21/10	602943486-01	NON-DEPARTMENTAL	Payroll Deducti	183.80	GARNISHMENT 01/10-01/23/10
						Check Totals	183.80	
029884	01/29/10	GERBOTH FIRE EXTINGUISHER C	01/11/10	3891	DPW - Building Maint	Inspection & Te	433.22	FIRE EXTINGISHER REFILL/REPAIR CORP YARD
029884	01/29/10	GERBOTH FIRE EXTINGUISHER C	01/11/10	3890	DPW - Building Maint	Inspection & Te	381.23	FIRE EXTINGUISHER REFILL/REPAIR POLICE D
						Check Totals	814.45	
029885	01/29/10	GRANITE ROCK CO. #16774 ACC	12/31/09	554193	DPW - Street Mainten	Construction Ma	450.20	CONCRETE FOR REPAIR AT PARK DR DEC 09
						Check Totals	450.20	
029886	01/29/10	IRVINE & JACHENS INC	01/12/10	7464	Police	Other Supplies	211.95	RIBBON-RETIRED POL CHIEF,BASKET 1/12/10
029886	01/29/10	IRVINE & JACHENS INC	01/11/10	7462	Police	K-9 Expenses	114.71	DOG BADGE FOR LOTTY - 10/11/10
						Check Totals	326.66	
029887	01/29/10	EDWARD A. JASMIN	01/11/10	AT0111010-01	City Manager	External Printi	1,565.00	GRAPHIC DESIGN-ATHERTONIAN WINTER 2010 N
						Check Totals	1,565.00	
029888	01/29/10	KIKUCHI & ASSOCIATES	01/06/10	IRRIGATION M	NON-DEPARTMENTAL	Other Contract	1,560.00	HOLBROOK-IRRIATION MASTER PLAN DEC-09
						Check Totals	1,560.00	
029889	01/29/10	KREFELD'S AWARD CTR.	01/13/10	20878	City Council	Office Supplies	38.24	2X8 B/W LETTERS-M.GUERRA/CHIEF OF POLICE
						Check Totals	38.24	
029890	01/29/10	LIFEGUARD SYSTEMS INC.	01/29/10	7874	Police	Training - POST	200.00	HOMICIDAL DROWNING COURSE-S.HALL MAR 16-
						Check Totals	200.00	
029891	01/29/10	GRUNER LOREN TR & BROOKE MO	01/22/10	BP09-00381 1	NON-DEPARTMENTAL	Road Impact Fee	4,075.40	ROAD IMPACT REFD-BP09-00381 163FAIR OAK

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						Check Totals	4,075.40	
029892	01/29/10	LYNX TECHNOLOGIES	01/08/10	6156	DPW - Engineering	Technical Servi	520.00	FINISH CONTROL MONUMENT OVERLAY FOR GIS
						Check Totals	520.00	
029893	01/29/10	NEAL MARTIN & ASSOCIATES	12/31/09	1026	Planning Department	HOUSING ELEMENT	616.25	HOUSING ELEMENT SERVICES 12/1-12/31/09
						Check Totals	616.25	
029894	01/29/10	MAZE & ASSOCIATES CERTIFIED	01/12/10	23756	Non-Department	Audit & Financi	4,000.00	ACCOUNTING SERVICES FY 2009 AUDIT
						Check Totals	4,000.00	
029895	01/29/10	MBIA MUNICIPAL INVESTORS SE	01/15/10	12651A	Finance	Other Contract	1,000.00	INVESTMENT ADVISORY SERVICE DECEMBER-09
						Check Totals	1,000.00	
029896	01/29/10	JOSEPH MERCER	01/21/10	4Q09	DPW - Park Maintenan	Retiree Health	73.40	RETIREE MEDICAL REIMB J.MERCER 10/09-12/
						Check Totals	73.40	
029897	01/29/10	MUNI SERVICES LLC	01/11/10	LAVU CONCRET	NON-DEPARTMENTAL	Business Licens	50.00	BUSINESS LIC APP-LAVU CONCRETE 1/1/10
						Check Totals	50.00	
029898	01/29/10	OFFICE DEPOT	01/07/10	503623353001	DPW - Street Mainten	Office Supplies	5.08	DESKPAD, T.HENDERSON
029898	01/29/10	OFFICE DEPOT	01/07/10	503623271001	Building	Office Supplies	53.82	BINDER,PLANNER,INK,TAB-BLDG DEPT
					DPW - Engineering	Office Supplies	103.67	PAPER,CALENDAR-DPW
					City Council	Other Supplies	9.57	TAPE AUDIO-COUNCIL
					City Manager	Office Supplies	185.21	PAPER,LABEL,CLIPS,CD-ADMIN
						Check Totals	357.35	
029899	01/29/10	PUBLIC EMPLOYEES RETIREMENT	01/21/10	01.30.10	NON-DEPARTMENTAL	Payroll Deducti	3,446.62	PERS W/H 01/10-01/23/10
					NON-DEPARTMENTAL	Payroll Benefit	54,855.97	PERS 01/10-01/23/10

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
						Check Totals	58,302.59	
029900	01/29/10	PETTY CASH	01/27/10	BELMONT 1/27	DPW - Street Mainten	Training & Work	50.00	REIMBERSE S.TYLER FOR STOPP MTG 1/27/10
						Check Totals	50.00	
029901	01/29/10	BRUCE POTTS	01/26/10	B.POTTS CKRE	Police	Other Supplies	648.04	REIMB B. POTTS D.A.R.E DRUG FREE IS ME E
					NON-DEPARTMENTAL	Sales/User Use	-14.62	SALES TAX PAYABLE
						Check Totals	633.42	
029902	01/29/10	CITY OF REDWOOD CITY INFORM	12/31/09	BR24037	Non-Department	IT Support	2,262.00	200 HRS FOR FY09-10-IT SUPPORT DEC-09
						Check Totals	2,262.00	
029903	01/29/10	REPUBLIC ITS	01/11/10	0912533	DPW - Street Mainten	Traffic Signal	315.33	TRAFFIC SIGNAL RESP-DEC-09
029903	01/29/10	REPUBLIC ITS	01/11/10	0912534	DPW - Street Mainten	Traffic Signal	314.01	TRAFFIC SIGNAL MAINT-MONTH OF DEC-09
						Check Totals	629.34	
029904	01/29/10	ROCKY POINT, LLC	01/13/10	17514	Police	Other Supplies	392.88	PRINT 2 PART WARNING NOTICE-PD 12/8/09
						Check Totals	392.88	
029905	01/29/10	S M CO SHERIFF'S OFFICE COU	01/07/10	8350	Police	Technical Servi	36.00	LIVE SCAN SERVICE DEC 2009 POLICE DEPT
					Finance	Other Contract	18.00	LIVE SCAN SERVICE DEC 2009 FINANCE
						Check Totals	54.00	
029906	01/29/10	SAN MATEO REGIONAL NETWORK,	01/10/10	18604	Police	Technical Servi	385.00	SM REGIONAL NETWORK-MNTLY FEE DEC-09
						Check Totals	385.00	
029907	01/29/10	COUNTY OF SANTA CLARA EMPLO	01/07/10	BAY AREA ERS	City Manager	Membership/Dues	3,768.00	BAY AREA ERS ANNUAL MEMBER FEE FY09-10
						Check Totals	3,768.00	
029908	01/29/10	SHARP ELECTRONICS CORPORATI	12/14/09	AR239899	City Manager	Equipment Maint	110.36	SHARPCOPIER-ADMIN/MXM550N-SN:6501333Y OV

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
029908	01/29/10	SHARP ELECTRONICS CORPORATI	01/11/10	AR245405	City Manager	Equipment Maint	98.69	SHARP COPIER-ADMIN/MXM550N:SN 6501333Y O
						Check Totals	209.05	
029909	01/29/10	STATE BOARD OF EQUALIZATION	12/31/09	SALE/USE TAX	NON-DEPARTMENTAL	Sales/User Use	752.65	SALE/USE TAX 2009 12/31/09
						Check Totals	752.65	
029910	01/29/10	TEAMSTERS UNION LOCAL 856	01/21/10	01.30.10	NON-DEPARTMENTAL	Payroll Deducti	401.55	DUE W/H 1/10-1/23/10
			01/21/10	12.31.09	NON-DEPARTMENTAL	Payroll Benefit	401.55	DUES W/H 12/27/09-1/9/10-ORIGINAL CK WEN
						Check Totals	803.10	
029911	01/29/10	TEE'S PLUS	01/08/10	318487	Police	Other Supplies	305.73	D.A.R.E CERTS/RIBBON/STICKERS-PD 1/8/10
					NON-DEPARTMENTAL	Sales/User Use	-25.89	SALES TAX PAYABLE
						Check Totals	279.84	
029912	01/29/10	DARYL D. JONES, INC. DBA TE	01/10/10	40474	Police	Technical Servi	934.00	FACILITIES MGMT&MAINT-PUB 1/16/02
						Check Totals	934.00	
029913	01/29/10	UNIFIRST CORP.	12/16/09	380 0350596	DPW - Park Program	Custodial Servi	16.10	SERVICE CLEANING FOR OFFICE MATS
					DPW - Park Maintenan	Uniforms	14.81	UNIFORM SVC CLEANING-M.ANDERSON12/16/09
					DPW - Park Program	Uniforms	14.81	UNIFORM SVC CLEANING-R.ESPINO 12/16/09
029913	01/29/10	UNIFIRST CORP.	12/23/09	380 0351655	DPW - Park Program	Custodial Servi	37.40	CLEANING SVC FOR OFFICE MATS,BAR,MOPS
					DPW - Park Maintenan	Uniforms	14.81	UNIFORM CLEANING SVC-M.ANDERSON12/23/09
					DPW - Park Program	Uniforms	14.81	UNIFORM CLEANING SVC-R.ESPINO 12/23/09
						Check Totals	112.74	
029914	01/29/10	THE WATER WORKS	01/01/10	WATERWK12/4-	Police	Equipment Maint	100.00	CAR WASH FOR POLICE CARS 12/4-12/23/09
						Check Totals	100.00	
029915	01/29/10	WORKFLOW	01/13/10	I4798318	Finance	Office Supplies	167.70	1099 WIDE MAILERS,W-2 WIDE MAILER 2009
						Check Totals	167.70	

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
						Grand Totals	525,527.35	

Item No. 10

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JEROME GRUBER, CITY MANAGER

FROM: **LOUISE HO, FINANCE DIRECTOR**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **FINANCIAL REPORT FOR THE SEVEN MONTHS ENDED JANUARY 31, 2010**

RECOMMENDATION

Receive the General Fund Financial Report for the seven months ended January 31, 2010.

DISCUSSION

Staff revised the format on how the financial report is to be presented. The new format incorporates a column "**Accrual**" to account for revenues and expenditures that need to be included in order to more accurately reflect the actual data. For the seven months ended January 31, 2010, if revenues and expenditures are assumed to be distributed evenly, 58.3% of the annual FY 2009-10 Budget (7/12) should be earned or incurred.

The accrual amounts only reflect data up to February 10, 2010.

This January report does not reflect any mid-year budget adjustments to revenues and expenditures. The adjustments are being submitted in a separate agenda item for City Council approval in the February 2010 meeting.

General Fund Revenues

For the seven months ended January 31, 2010, the General Fund reported revenues of $5,906,845 which is 60.2% of the annual revenue budget for FY 2009-10.

General Fund Expenditures

As to the expenditures for the seven months ended January 31, 2010, the General Fund reported $6,642,164, which is 64.4% of the annual expenditure budget for FY 2009-10.

FISCAL IMPACT

None

Prepared by:	Approved by:
_____	_____
Louise Ho	Jerome D. Gruber
Finance Director	City Manager

Attachment: Financial Report

Town of Atherton

General Fund

Financial Report for the Seven Months Ended January 31, 2010

(Excl. Encumbrances)

Dept	Description	Adjusted Budget FY09/10	7/12 of Budget	Actual July 09 to Jan. 10	Accrual	Adj. Actual July 09 to Jan. 10	% of 7/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 08 to Jan. 09
			58.3%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	Revenues									
	Secured	4,540,000	2,648,333	2,381,250	277,934	2,659,184	100.4%	1,880,816	58.6%	2,278,904
	Unsecured	250,000	145,833	298,475		298,475	204.7%	(48,475)	119.4%	268,806
	Prop 1A Loan	-	-	(221,181)		(221,181)	-100.0%	221,181	-100.0%	0
	Prop 1A securitization			221,181		221,181	100.0%		100.0%	0
	SB813 Redemption	90,000	52,500	16,606	14,305	30,911	58.9%	59,089	34.3%	29,475
	Home Owners Prop Tax Re	31,500	18,375	16,708		16,708	90.9%	14,792	53.0%	(4,503)
	Local Sales & Use Tax	90,000	52,500	37,107		37,107	70.7%	52,893	41.2%	43,710
	Public Safety Sales Tax	65,000	37,917	28,067		28,067	74.0%	36,933	43.2%	27,275
	IN LIEU SALES TAX/TRIPLE FLIP	60,000	35,000	13,349		13,349	38.1%	46,651	22.2%	15,764
	Franchise Taxes-PG&E	220,000	128,333			-	0.0%	220,000	0.0%	
	Franchise Tax-Cal Water	73,000	42,583			-	0.0%	73,000	0.0%	
	Franchise Tax-BFI	175,000	102,083	80,894		80,894	79.2%	94,106	46.2%	91,537
	Franchise Taxes-Cable	102,000	59,500	24,407	25,531	49,938	83.9%	52,062	49.0%	75,209
	Document Trsf Tax	125,000	72,917	134,875	19,826	154,701	212.2%	(29,701)	123.8%	99,406
	Motor Vehicle In-Lieu	625,000	364,583	331,999		331,999	91.1%	293,001	53.1%	311,835
	Motor Veh. Lic Fees (MVLF)	20,000	11,667	5,002		5,002	42.9%	14,998	25.0%	11,581
	Business Licenses	150,000	87,500	78,796		78,796	90.1%	71,204	52.5%	132,445
	Bus Lic Refund -FY 06/07	-	-	-		-	0.0%	-	0.0%	
	Bus Lic Refund -FY 07/08	-	-	-		-	0.0%	-	0.0%	
	Bus Lic Refund -FY 08/09	-	-	-		-	0.0%	-	0.0%	
	Home Occupation	2,500	1,458	200		200	13.7%	2,300	8.0%	1,850
	Building Permit	600,000	350,000	282,107		282,107	80.6%	317,893	47.0%	382,608
	Encroachment	125,000	72,917	11,374		11,374	15.6%	113,626	9.1%	126,807
	Grading & Drainage	88,500	51,625	32,000		32,000	62.0%	56,500	36.2%	
	Other Licenses & Permit	500	292	275		275	94.3%	225	55.0%	375
	Landscape Fee	-	-	-		-	0.0%	-	0.0%	(5,000)
	Vehicle Code Fines	11,000	6,417	1,347		1,347	21.0%	9,653	12.2%	5,396
	Other Fines & Forfeit	8,525	4,973	12,806	2,043	14,849	298.6%	(6,324)	174.2%	12,849
	ERAF Subvention	530,000	309,167	-	755,969	755,969	244.5%	(225,969)	142.6%	
	POST Reimb	8,000	4,667	3,711		3,711	79.5%	4,289	46.4%	6,484
	CALNENA Reimbursement	3,000	1,750			-	0.0%	3,000	0.0%	
	CLEARS Reimbursement	395	230			-	0.0%	395	0.0%	

Town of Atherton

General Fund

Financial Report for the Seven Months Ended January 31, 2010

(Excl. Encumbrances)

Dept	Description	Adjusted Budget FY09/10	7/12 of Budget	Actual July 09 to Jan. 10	Accrual	Adj. Actual July 09 to Jan. 10	% of 7/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 08 to Jan. 09
			58.3%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	DOJ Grant (vest)	1,500	875			-	0.0%	1,500	0.0%	
	DOC Grant	5,000	2,917			-	0.0%	5,000	0.0%	
	ABAG Grant	10,000	5,833	18,338		18,338	314.4%	(8,338)	183.4%	
	Other Reimbursements	-	-	35,722		35,722	100.0%	(35,722)	100.0%	17,232
	SB 90 reimbursement	-	-	1,219		1,219	100.0%	(1,219)	100.0%	
	Grants	-	-	8,244		8,244	100.0%	(8,244)	100.0%	31,192
	React Task Force Reimb	-	-			-	0.0%	-	0.0%	27,485
	NARCOTICS Task Force	-	-			-	0.0%	-	0.0%	
	Elections Processing Fee	-	-			-	0.0%	-	0.0%	2,000
	Document/Research Fee	-	-			-	0.0%	-	0.0%	
	Photocopy Fee	6,000	3,500	3,365		3,365	96.1%	2,635	56.1%	4,306
	Alarm Sign Fees	600	350	570		570	162.9%	30	95.0%	360
	Vehicle Release	1,000	583	520		520	89.1%	480	52.0%	1,640
	Fingerprinting Fee	-	-	57		57	100.0%	(57)	100.0%	15
	Affidavit of Cost	2,000	1,167	200		200	17.1%	1,800	10.0%	
	Police Report	2,500	1,458	2,510		2,510	172.1%	(10)	100.4%	1,440
	Special Service Fee	525	306	594		594	194.0%	(69)	113.2%	372
	DUI Recovery (Enforcement)	1,200	700			-	0.0%	1,200	0.0%	
	Post Office	51,768	30,198	30,195		30,195	100.0%	21,574	58.3%	30,195
	Solicitor's Permit	400	233	77		77	33.0%	323	19.3%	
	Application Fee	-	-	725		725	100.0%	(725)	100.0%	9,225
	Zoning & Planning Fees	75,000	43,750	31,460		31,460	71.9%	43,540	41.9%	24,750
	Plan Check	320,000	186,667	227,606		227,606	121.9%	92,394	71.1%	253,899
	Social Fees	60,000	35,000	33,600		33,600	96.0%	26,400	56.0%	86,568
	Meeting Fees	60,000	35,000	38,125		38,125	108.9%	21,875	63.5%	34,019
	Class Fees	15,000	8,750	8,450		8,450	96.6%	6,551	56.3%	6,853
	Weddings	140,000	81,667	63,735		63,735	78.0%	76,265	45.5%	40,473
	Misc. Use Fee	1,400	817	1,160		1,160	142.0%	240	82.9%	449
	Interest Income	150,000	87,500	35,083		35,083	40.1%	114,917	23.4%	104,631
	Cellular One	36,000	21,000	21,864		21,864	104.1%	14,136	60.7%	17,931
	Property Rental-Playscl	77,580	45,255	45,252		45,252	100.0%	32,328	58.3%	39,048
	Sale of Property	-	-	501		501	100.0%	(501)	100.0%	2,246
	Donations/Contributions	14,286	8,334	14,286		14,286	171.4%	(0)	100.0%	13,262

Town of Atherton

General Fund

Financial Report for the Seven Months Ended January 31, 2010

(Excl. Encumbrances)

Dept	Description	Adjusted Budget FY09/10	7/12 of Budget	Actual July 09 to Jan. 10	Accrual	Adj. Actual July 09 to Jan. 10	% of 7/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 08 to Jan. 09
			58.3%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	Miscellaneous Income	10,000	5,833	5,881	112	5,993	102.7%	4,007	59.9%	6,861
	Trsf in from Spec Parcel Tax	780,863	455,503	390,432		390,432	85.7%	390,431	50.0%	
	Transfers in from Gas Tax	-	-			-	0.0%	-	0.0%	
	Transfers in from GFCIP	-	-			-	0.0%	-	0.0%	
	Total Revenues	**9,816,542**	**5,726,316**	**4,811,125**	**1,095,720**	**5,906,845**	**103.2%**	**4,130,878**	**60.2%**	**4,669,262**
	EXPENDITURES									
City Council	Advertising/Publishing	2,000	1,167	-		-	0.0%	2,000	0.0%	
	Other Contract Services		-	-		-	0.0%	-	0.0%	80
	Office Supplies	1,950	1,138	1,816		1,816	159.7%	134	93.1%	3,459
	Membership/Dues	8,407	4,904	8,400		8,400	171.3%	7	99.9%	14,804
	Utilities-Electricity & Water	625	365	162		162	44.4%	463	25.9%	
	Conferences	5,000	2,917	1,311	540	1,851	63.5%	3,149	37.0%	4,038
	Mileage Reimbursement	1,300	758	57		57	7.5%	1,243	4.4%	
	Bus Meeting & Meal	1,100	642			-	0.0%	1,100	0.0%	
	Boards & Commissions	2,000	1,167			-	0.0%	2,000	0.0%	
	Special Events & Awards	-	-			-	0.0%	-	0.0%	438
	Office Machines & Furniture	7,000	4,083			-	0.0%	7,000	0.0%	
	Administrative Services		-			-	0.0%	-	0.0%	222
	Computer Services Charge		-			-	0.0%	-	0.0%	464
	City Council Totals:	29,382	17,140	11,747	540	12,287	71.7%	17,095	**41.8%**	23,505
Administration	Salaries & Benefits	721,747	421,019	408,097	11,982	420,079	99.8%	301,668	58.2%	289,658
(CM, CC, HR)	Contract Services	27,968	16,315	12,850	5,877	18,728	114.8%	9,240	67.0%	109,533
	Supplies & Materials	3,800	2,217	4,031	359	4,390	198.0%	(590)	115.5%	5,603
	General Expenses	41,045	23,943	23,584	360	23,944	100.0%	17,101	58.3%	36,257
	Facility & Equipment	3,500	2,042	1,836		1,836	89.9%	1,664	52.5%	493
	Reimbursements	-	-	-		-	0.0%	-	0.0%	17,684
	Administration Totals:	798,060	465,535	450,399	18,578	468,977	100.7%	329,083	**58.8%**	459,229
City Attorney	Contract Services	423,000	246,750	230,378	48,000	278,378	112.8%	144,622	65.8%	140,297
	General Expenses	-	-			-	0.0%	-	0.0%	31
	Supplies & Materials	-	-			-	0.0%	-	0.0%	

Town of Atherton											
General Fund											
Financial Report for the Seven Months Ended January 31, 2010											
(Excl. Encumbrances)											
Dept	**Description**	**Adjusted Budget FY09/10**	**7/12 of Budget**	**Actual July 09 to Jan. 10**	**Accrual**	**Adj. Actual July 09 to Jan. 10**	**% of 7/12 Budget**	**Year-To-Date Variance**	**% of Annual Budget**	**Actual July 08 to Jan. 09**	
			58.3%								
		(a)	**(b)**	**(c)**	**(d)**	**(e)**	**(e/b)**	**(a-e)**	**(e/a)**	**(f)**	
	Reimbursements	-	-			-	0.0%	-	0.0%	3,633	
	City Attorney Totals:	423,000	246,750	230,378	48,000	278,378	112.8%	144,622	**65.8%**	143,962	
Finance	Salaries & Benefits	413,524	241,222	230,539	7,322	237,861	98.6%	175,663	57.5%	200,427	
	Contract Services	87,205	50,870	55,403	1,360	56,763	111.6%	30,442	65.1%	6,773	
	Supplies & Materials	4,250	2,479	1,176		1,176	47.4%	3,074	27.7%	4,404	
	General Expenses	16,605	9,686	4,243	479	4,722	48.8%	11,883	28.4%	736	
	Rents & Leases	-	-			-	0.0%	-	0.0%	590	
	Facility & Equipment	3,000	1,750			-	0.0%	3,000	0.0%	330	
	Reimbursements	10,000	5,833	5,000		5,000	85.7%	5,000	50.0%	11,443	
	Finance Totals:	534,584	311,841	296,360	9,162	305,522	98.0%	229,062	**57.2%**	224,702	
						-					
Planning	Contract Services	191,327	111,607	83,927	38,781	122,707	109.9%	68,620	64.1%	142,448	
	Supplies & Materials	2,000	1,167	412	-	412	35.3%	1,588	20.6%	53	
	General Expenses	2,930	1,709	612	-	612	35.8%		20.9%		
	Planning Totals:	196,257	114,483	84,950	38,781	123,731	108.1%	70,208	**63.0%**	142,501	
Building	Salaries & Benefits	957,142	558,333	558,995	17,490	576,486	103.3%	380,656	60.2%	433,266	
	Contract Services	16,240	9,473	12,216	3,942	16,157	170.6%	83	99.5%	87,173	
	Supplies & Materials	20,790	12,128	6,721	-	6,721	55.4%	14,069	32.3%	12,426	
	General Expenses	8,375	4,885	2,656	-	2,656	54.4%	5,719	31.7%	5,351	
	Facility & Equipment	4,500	2,625	-	-	-	0.0%	4,500	0.0%		
	Reimbursements	10,000	5,833	5,000	-	5,000	85.7%	5,000	50.0%	28,209	
	Building Totals:	1,017,047	593,277	585,588	21,432	607,020	102.3%	410,027	**59.7%**	566,425	
										0	
Non-Dept	Retiree Health Care	-	-			-		-			
	Contract Services	126,539	73,814	58,384	285	58,669	79.5%	67,870	46.4%		
	Supplies & Materials	11,300	6,592	11,443	422	11,864	180.0%	(564)	105.0%		
	General Expenses	295,638	172,456	260,932	585	261,517	151.6%	34,121	88.5%		
	Settlement Expense	-	-	-		-	0.0%	-	0.0%		
	Non-Dept. Totals:	433,477	252,862	330,759	1,291	332,051	131.3%	101,426	**76.6%**	-	
Police	Salaries & Benefits	4,517,313	2,635,099	2,716,859	76,532	2,793,391	106.0%	1,723,922	61.8%	2,335,568	

Town of Atherton											
General Fund											
Financial Report for the Seven Months Ended January 31, 2010											
(Excl. Encumbrances)											
Dept	**Description**	**Adjusted Budget FY09/10**	**7/12 of Budget**	**Actual July 09 to Jan. 10**	**Accrual**	**Adj. Actual July 09 to Jan. 10**	**% of 7/12 Budget**	**Year-To-Date Variance**	**% of Annual Budget**	**Actual July 08 to Jan. 09**	
			58.3%								
		(a)	**(b)**	**(c)**	**(d)**	**(e)**	**(e/b)**	**(a-e)**	**(e/a)**	**(f)**	
	Contract Services	221,033	128,936	168,132	22,550	190,682	147.9%	30,351	86.3%	163,231	
	Supplies & Materials	147,665	86,138	49,249	7,029	56,278	65.3%	91,387	38.1%	66,049	
	General Expenses	76,238	44,472	266,123	7,586	273,709	615.5%	(197,471)	359.0%	49,379	
	Rent & lease	8,590	5,011	5,081	730	5,811	116.0%	2,779	67.7%		
	Facility & Equipment	44,671	26,058	27,562	11,346	38,908	149.3%	5,763	87.1%	53,603	
	Reimbursement	69,800	40,717	34,900		34,900	85.7%	34,900	50.0%	82,767	
	Police Totals:	5,085,310	2,966,431	3,267,907	125,773	3,393,680	114.4%	1,691,630	**66.7%**	2,750,597	
Public Works	Salaries & Benefits	1,270,341	741,032	809,286	28,278	837,564	113.0%	432,777	65.9%	765,879	
(& Parks)	Contract Services	288,000	168,000	98,158	24,045	122,202	72.7%	165,798	42.4%	204,511	
	Supplies & Materials	70,800	41,300	27,466	9,635	37,101	89.8%	33,699	52.4%	29,299	
	General Expenses	107,393	62,646	65,191	23,090	88,282	140.9%	19,111	82.2%	76,659	
	Rent & Leases	27,000	15,750	20,454	1,148	21,602	137.2%	5,398	80.0%	28,990	
	Facility & Equipment	16,000	9,333	3,823	-	3,823	41.0%	12,177	23.9%	754	
	Reimbursements	19,892	11,604	9,946	-	9,946	85.7%	9,946	50.0%	34,470	
	Public Works Totals:	1,799,426	1,049,665	1,034,323	86,196	1,120,519	106.8%	678,907	**62.3%**	1,140,562	
	Total Expenditures	**10,316,543**	**6,017,983**	**6,292,411**	**349,753**	**6,642,164**	110.4%	**3,672,061**	**64.4%**	**5,451,481**	
Excess (Deficiency) of Revenues over Expenditures		**(500,001)**	**(291,667)**	**(1,481,286)**	**745,967**	**(735,319)**	252.1%	**458,817**	**147.1%**	**(782,220)**	
	Beg. Fund Balance	7,203,277				7,203,277					
	Proj. Ending Fund Balance	6,703,276				6,467,959					

Item No. 11

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JEROME GRUBER, CITY MANAGER

FROM: **LOUISE HO, FINANCE DIRECTOR**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **TREASURER'S REPORT FOR THE SECOND QUARTER ENDED DECEMBER 31, 2009**

RECOMMENDATION

Accept the Treasurer's Report for the Second Quarter Ended December 31, 2009.

DISCUSSION

Based on the Town's Statement of Investment Policy, the City Manager or designee is required to submit quarterly and annual Treasurer's Report to the City Council. The Treasurer's Report provides an update on the cash and investment position of the Town of Atherton.

The Town engaged MBIA in January 2009 to provide non-discretionary investment advisory services. Due to the current economic climate, MBIA is continuing to take a conservative approach to meet the Town's investment goals in the order of safety, liquidity, and yield.

To facilitate the trading and safekeeping of securities, Wells Fargo Bank serves as the safekeeping agent for the Town.

As part of the Treasurer's Report, a detail cash and investment balance by fund is also attached. It is important to note that even though $8,323,474 is listed as "non-restricted" fund, this amount is not all available for spending. "Non-restricted" is to mean not legally restricted but the Town does have obligations and unfunded liabilities that must be met with the non-restricted fund.

FISCAL IMPACT

None

Prepared by: Approved by:

_____ _____

Louise Ho, Finance Director Jerome D. Gruber, City Manager

Attachment: Treasurer's Report for Second Quarter Ended December 31, 2009

Town of Atherton
Quarterly Treasurer's Report
Portfolio Summary
December 31, 2009

	Par Value	Market Value	Book Value	% of Portfolio
Cash In Bank (Schedule A)	**3,274,433**	**3,274,433**	**3,274,433**	18.4%
Investments (Schedule B)	**14,476,703**	**14,491,492**	**14,488,096**	81.6%
Total Cash and Investments	**17,751,136**	**17,765,925**	**17,762,529**	100%

The above investments are consistent with the Town's Statement of Investment Policy and are allowable under current legislation of the State of California. Investments are selected using safety, liquidity, and yield as the criteria. The Town has sufficient cash flow to cover anticipated expenditures through the next six months.

Louise Ho, Finance Director

Date 2/10/10

Town of Atherton
Quarterly Treasurer's Report
Portfolio Details - Cash In Bank
December 31, 2009

Schedule A

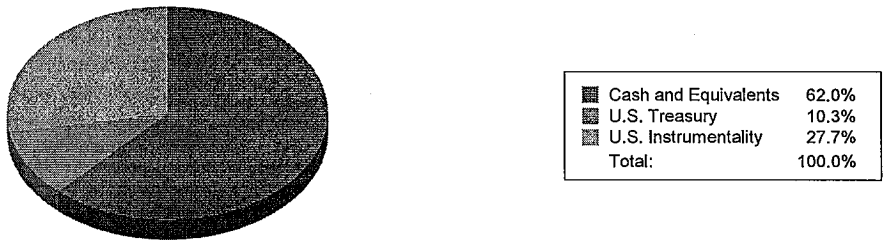
Name of Depository	Investment Type	Reconciled Bank Balance
Comerica Bank	Checking - Operating	1,245,659
Comerica Bank	Checking - Payroll	(9,364)
Wells Fargo	Wells Fargo Adv Treasury Plus MMF	2,038,138
Total		**3,274,433**

Town of Atherton
Recap of Securities Held
December 31, 2009

	Historical Cost	Amortized Cost	Fair Value	Unrealized Gain (Loss)	Weighted Average Final Maturity (Days)	Weighted Average Effective Maturity (Days)	% Portfolio/ Segment	Weighted Average Yield *	Weighted Average Market Duration (Years)
Cash and Equivalents	8,976,703.10	8,976,703.10	8,976,703.10	0.00	1	1	61.96	0.61	0.00
U.S. Treasury	1,497,585.45	1,500,774.12	1,500,287.00	(487.12)	228	228	10.34	0.52	0.62
U.S. Instrumentality	4,013,807.20	4,008,716.40	4,014,501.50	5,785.10	477	432	27.70	1.08	1.17
TOTAL	**14,488,095.75**	**14,486,193.62**	**14,491,491.60**	**5,297.98**	**156**	**144**	**100.00**	**0.73**	**0.39**

* Weighted Average Yield is calculated on a "yield to worst" basis.

Portfolio / Segment Diversification



Town of Atherton
Activity and Performance Summary
for the period December 1, 2009 - December 31, 2009

Amortized Cost Basis Activity Summary

Beginning Amortized Cost Value		14,826,636.38
Additions		
Contributions	0.00	
Interest Received	7,796.88	
Accrued Interest Sold	0.00	
Gain on Sales	0.00	
Total Additions		7,796.88
Deductions		
Withdrawals	343,303.04	
Fees Paid	1,000.00	
Accrued Interest Purchased	3,347.19	
Loss on Sales	0.00	
Total Deductions		(347,650.23)
Accretion (Amortization) for the Period		(589.41)
Ending Amortized Cost Value		14,486,193.62
Ending Fair Value		14,491,491.60
Unrealized Gain (Loss)		5,297.98

Detail of Amortized Cost Basis Return

	Interest Earned	Accretion (Amortization)	Realized Gain (Loss)	Total Income
Current Holdings				
Cash and Equivalents	4,929.20	0.00	0.00	4,929.20
U.S. Treasury	181.29	353.25	0.00	534.54
U.S. Instrumentality	4,619.43	(1,048.22)	0.00	3,571.21
Sales and Maturities				
U.S. Treasury	0.00	105.56	0.00	105.56
Total	9,729.92	(589.41)	0.00	9,140.51

Annualized Comparative Rates of Return

	Twelve Month Trailing	Six Month Trailing	For the Month
Fed Funds	0.16%	0.14%	0.12%
Overnight Repo	0.10%	0.07%	0.06%
3 Month T-Bill	0.15%	0.11%	0.06%
6 Month T-Bill	0.28%	0.21%	0.16%
1 Year T-Note	0.47%	0.40%	0.38%
2 Year T-Note	0.95%	0.94%	0.87%
5 Year T-Note	2.19%	2.38%	2.34%

Summary of Amortized Cost Basis Return for the Period

	Total Portfolio	Excl. Cash Eq.
Interest Earned	9,729.92	4,800.72
Accretion (Amortization)	(589.41)	(589.41)
Realized Gain (Loss) on Sales	0.00	0.00
Total Income on Portfolio	9,140.51	4,211.31
Average Daily Historical Cost	14,640,942.37	5,494,884.43
Annualized Return	0.74%	0.90%
Annualized Return Net of Fees	0.65%	0.69%
Annualized Return Year to Date Net of Fees	1.61%	0.84%
Weighted Average Effective Maturity in Days	144	376

Town of Atherton
Activity and Performance Summary
for the period December 1, 2009 - December 31, 2009

Fair Value Basis Activity Summary

Beginning Fair Value		14,847,479.26
Additions		
Contributions	0.00	
Interest Received	7,796.88	
Accrued Interest Sold	0.00	
Total Additions		7,796.88
Deductions		
Withdrawals	343,303.04	
Fees Paid	1,000.00	
Accrued Interest Purchased	3,347.19	
Total Deductions		(347,650.23)
Change in Fair Value for the Period		(16,134.31)
Ending Fair Value		14,491,491.60

Detail of Fair Value Basis Return

	Interest Earned	Change in Fair Value	Total Income
Current Holdings			
Cash and Equivalents	4,929.20	0.00	4,929.20
U.S. Treasury	181.29	(1,362.81)	(1,181.52)
U.S. Instrumentality	4,619.43	(14,787.50)	(10,168.07)
Sales and Maturities			
U.S. Treasury	0.00	16.00	16.00
Total	9,729.92	(16,134.31)	(6,404.39)

Annualized Comparative Rates of Return

	Twelve Month Trailing	Six Month Trailing	For the Month
Fed Funds	0.16%	0.14%	0.12%
Overnight Repo	0.10%	0.07%	0.06%
3 Month T-Bill	0.22%	0.22%	0.00%
6 Month T-Bill	0.57%	0.52%	0.00%
1 Year T-Note	0.75%	0.77%	(1.41%)
2 Year T-Note	1.29%	1.98%	(8.95%)
5 Year T-Note	(1.27%)	2.94%	(32.26%)

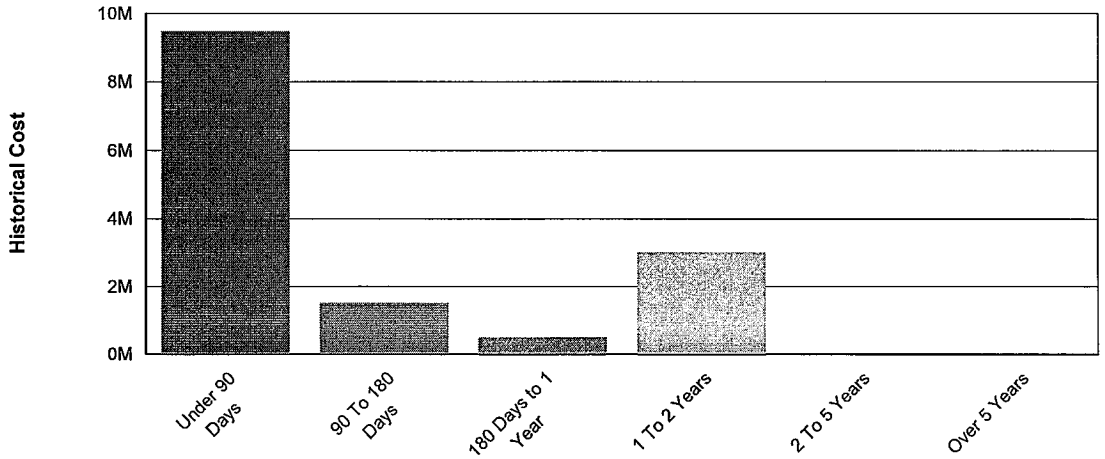
Summary of Fair Value Basis Return for the Period

	Total Portfolio	Excl. Cash Eq.
Interest Earned	9,729.92	4,800.72
Change in Fair Value	(16,134.31)	(16,134.31)
Total Income on Portfolio	(6,404.39)	(11,333.59)
Average Daily Historical Cost	14,640,942.37	5,494,884.43
Annualized Return	(0.52%)	(2.43%)
Annualized Return Net of Fees	(0.60%)	(2.64%)
Annualized Return Year to Date Net of Fees	1.66%	1.00%
Weighted Average Effective Maturity in Days	144	376

Town of Atherton
Maturity Distribution of Securities Held
December 31, 2009

Maturity	Historical Cost	Percent
Under 90 Days	9,474,442.68	65.39%
90 To 180 Days	1,505,990.56	10.39%
180 Days to 1 Year	499,215.00	3.45%
1 To 2 Years	3,008,447.51	20.76%
2 To 5 Years	0.00	0.00%
Over 5 Years	0.00	0.00%
	14,488,095.75	**100.00%**

Maturity Distribution



Town of Atherton
Securities Held
December 31, 2009

CUSIP/ Description		Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
Cash and Equivalents														
LAIF		12/31/09	0.611 V		7,471,432.85	7,471,432.85 0.00	7,471,432.85 0.00	7,471,432.85 0.00	0.00	0.00	4,103.31	5,900.58	51.57	0.61
San Mateo County Pool		12/31/09	0.611 V		1,505,270.25	1,505,270.25 0.00	1,505,270.25 0.00	1,505,270.25 0.00	0.00	0.00	825.89	825.89	10.39	0.61
TOTAL					8,976,703.10	8,976,703.10 0.00	8,976,703.10 0.00	8,976,703.10 0.00	0.00	0.00	4,929.20	6,726.47	61.96	
U.S. Treasury														
912795T27 T-Bill		04/07/09	0.000	02/11/10	500,000.00	497,739.58 0.00	499,701.04 226.04	499,981.50 13.50	280.46	0.00	0.00	0.00	3.44	0.53
912795U58 T-Bill		06/04/09	0.000	06/03/10	500,000.00	497,775.56 0.00	499,065.00 189.44	499,641.50 30.00	576.50	0.00	0.00	0.00	3.44	0.45
912828KL3 T-Note		12/17/09	0.875	04/30/11	500,000.00	502,070.31 568.02	502,008.08 (62.23)	500,664.00 (1,406.31)	(1,344.08)	0.00	181.29	749.31	3.47	0.57
TOTAL					1,500,000.00	1,497,585.45 568.02	1,500,774.12 353.25	1,500,287.00 (1,362.81)	(487.12)	0.00	181.29	749.31	10.34	
U.S. Instrumentality														
31398APV8 FNMA		04/24/09	2.375	05/20/10	500,000.00	508,340.00 0.00	502,964.86 (661.23)	504,218.50 (775.50)	1,253.64	0.00	989.58	1,352.43	3.51	0.81
3133XTTF3 FHLB		08/10/09	0.850	12/03/10	500,000.00	499,215.00 0.00	499,450.50 50.70	501,270.50 (876.50)	1,820.00	2,125.00	354.17	330.56	3.45	0.97
31398AVQ2 FNMA		10/26/09	1.750	03/23/11	500,000.00	506,830.00 802.08	505,937.97 (412.73)	506,110.00 (2,044.50)	172.03	0.00	729.16	2,381.94	3.50	0.77
3128X8WC2 FHLMC	Call	04/20/09	1.750	04/20/11 04/20/10	500,000.00	499,875.00 0.00	499,918.84 5.31	501,759.00 (650.50)	1,840.16	0.00	729.16	1,725.69	3.45	1.76
3133XTV45 FHLB		06/08/09	1.125	06/03/11	500,000.00	496,367.20 0.00	497,404.43 155.34	501,636.00 (2,798.50)	4,231.57	2,796.88	468.75	437.50	3.43	1.50
31331GXR5 FFCB		12/02/09	1.150	06/08/11	500,000.00	504,070.00 0.00	503,849.20 (220.80)	501,510.50 (2,559.50)	(2,338.70)	2,875.00	463.19	367.36	3.48	0.61
3133XVCT6 FHLB	Call	10/28/09	1.000 V	10/28/11 01/28/10	500,000.00	500,000.00 0.00	500,000.00 0.00	499,550.50 (635.00)	(449.50)	0.00	416.67	875.00	3.45	1.00
3137EACF4 FHLMC		10/22/09	1.125	12/15/11	500,000.00	499,110.00 15.63	499,190.60 35.19	498,446.50 (4,447.50)	(744.10)	0.00	468.75	1,093.75	3.44	1.21
TOTAL					4,000,000.00	4,013,807.20 817.71	4,008,716.40 (1,048.22)	4,014,501.50 (14,787.50)	5,785.10	7,796.88	4,619.43	8,564.23	27.70	

Town of Atherton
Securities Held
December 31, 2009

CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
GRAND TOTAL				**14,476,703.10**	**14,488,095.75** **1,385.73**	**14,486,193.62** **(694.97)**	**14,491,491.60** **(16,150.31)**	**5,297.98**	**7,796.88**	**9,729.92**	**16,040.01**	**100.00**	

V = variable rate, current rate shown, average rate for Cash & Equivalents

Town of Atherton
Quarterly Treasurer's Report
Cash & Investments Balance By Fund
December 31, 2009

Fund No.	Fund Name	December Balance
101	General Fund	7,168,951
105	Tennis Fund	21,646
610	Equipment Replacement Fund	432,490
614	Worker's Compensation	371,133
615	General Liability	144,648
616	Employee Benefits	184,606
	Total Non-Restricted	8,323,474
201	Special Tax Fund	2,772,714
202	County Measure A Fund	50,085
203	Gas Tax Fund	54,219
209	SLES/COPS Grant	7,318
210	Road Constructions Impact Fee	543,407
213	Library Fund	4,009,701
220	Traffic Congest. Relief	62,463
401	GF Projects	(200,508)
402	Storm Drainage	33,563
403	Atherton Channel Drainage District	129,626
406	Facilities Construction	1,838,013
715	Evans Estate	107,394
730	H-P Park Improvement	5,856
740	Tree Committee	25,204
	Total Restricted	9,439,055
	Total Cash & Investments	17,762,529

Item No. 12

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JERRY GRUBER, CITY MANAGER

FROM: **DUNCAN JONES, PUBLIC WORKS DIRECTOR**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE GARDEN ROOM RENOVATION PROJECT NUMBER 09-025**

RECOMMENDATION:

Approve the plans and specifications and authorize advertisement for bids for the Garden Room Renovation Project, Project No. 09-025.

INTRODUCTION:

After many relocations of the Atherton Arts Committee, the committee found a home in the Garden Room of the Main House at the Park, where the committee has requested to renovate.

ANALYSIS:

The existing garden room was previously used as a garage, which the committee plans to renovate into an art gallery and learning center. The committee has developed plans and specifications in relation to the renovations. The project entails exposing ductworks, replacing existing drywall, relocating and updating utilities, installing new cabinets, sink, and flooring.

The Garden Room Renovation Project is budgeted for construction in FY 2009-10. The Arts Committee prepared the design for the project working with the Public Works Department, the Building Official, and Koltai Lighting Design. The Garden Room Renovation Project plans and specifications are ready to be advertised for construction.

FISCAL IMPACT:

The fiscal impact to the Town is staffs' time to inspect the garden room renovation and the waiver of permit fees. The Arts Committee has funds for this renovation. The Engineer's Estimate for the Garden Room Renovation Project is $48,470. In addition, a 10% construction contingency of $4,847 would bring the total estimate to $53,317. The project is scheduled to receive bids in March and award the contract at the April 2010 City Council meeting.

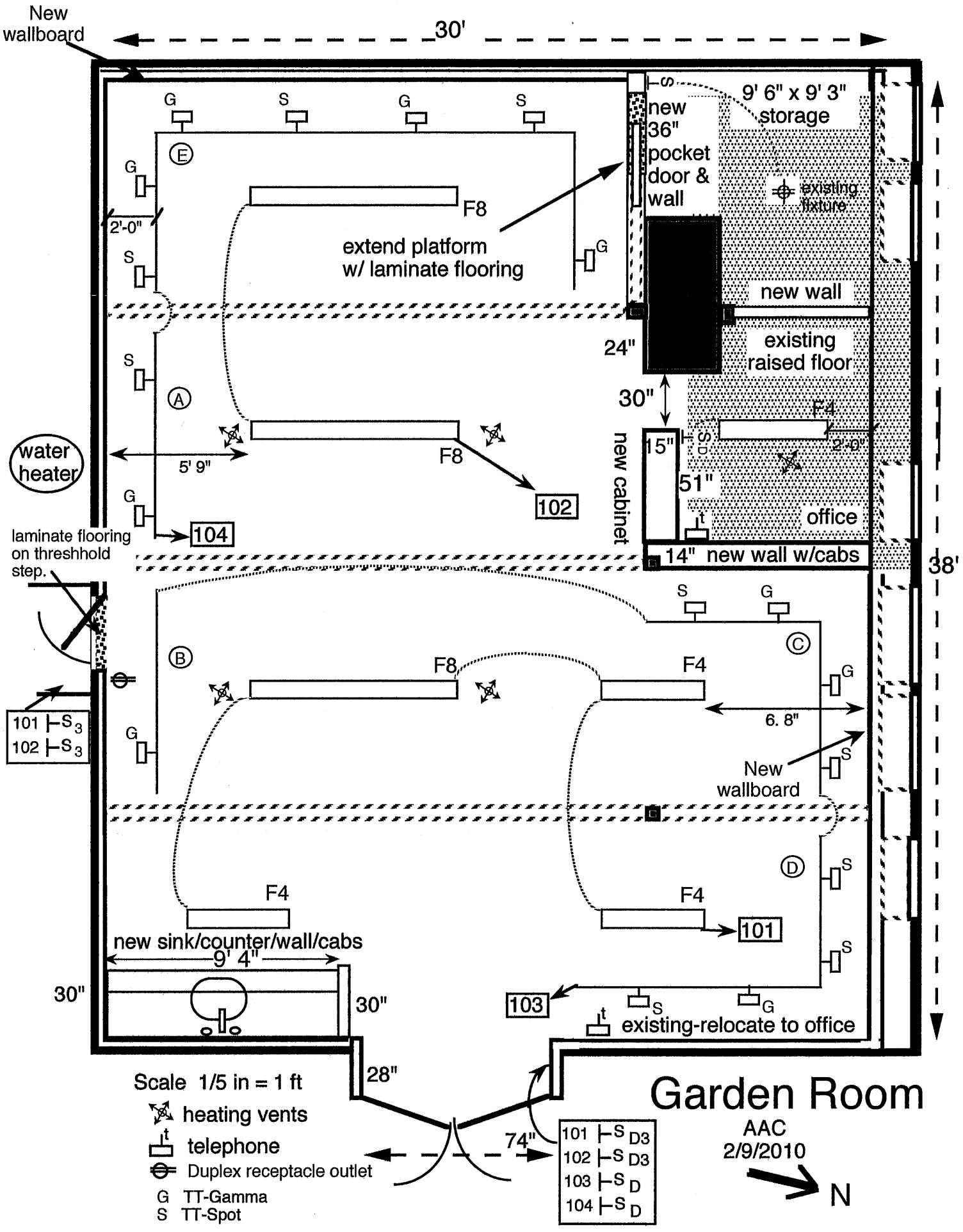
Prepared By:

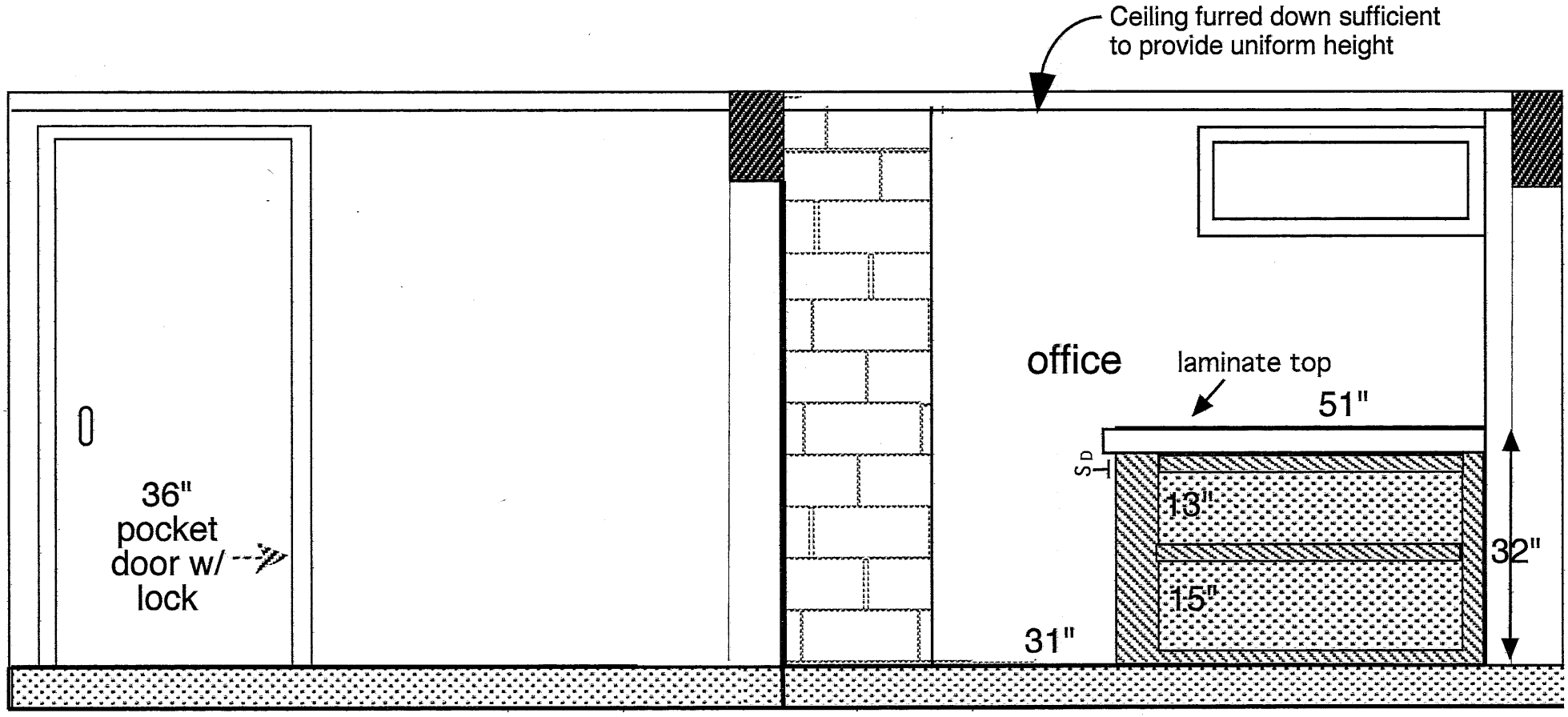
Duncan L. Jones, P.E.
Public Works Director

Approved:

Jerome D. Gruber
City Manager

Attachments: Plan

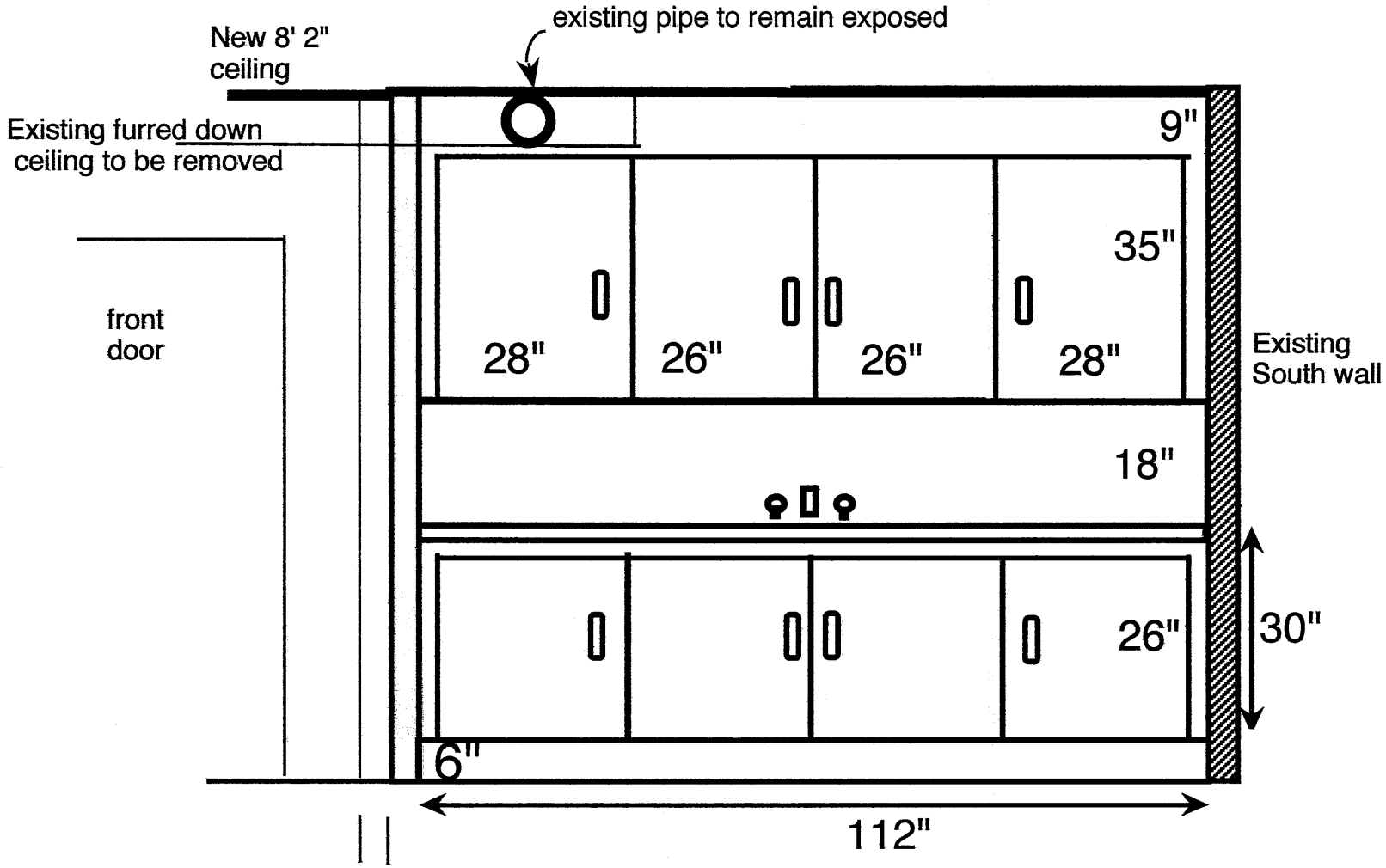

New wallboard
30'
9' 6" x 9' 3" storage
new 36" pocket door & wall
existing fixture
extend platform w/ laminate flooring
new wall
existing raised floor
24"
30"
F4
2'-0"
15"
51"
new cabinet
office
14" new wall w/cabs
38'
water heater
5' 9"
F8
102
104
laminate flooring on threshhold step.
101 S3
102 S3
6. 8"
New wallboard
F4
F4
101
new sink/counter/wall/cabs
9' 4"
30"
30"
103
existing-relocate to office
28"
74"
Scale 1/5 in = 1 ft
heating vents
telephone
Duplex receptacle outlet
G TT-Gamma
S TT-Spot
101 S D3
102 S D3
103 S D
104 S D
Garden Room
AAC
2/9/2010
N



Door to storage room

Garden Room Elevation

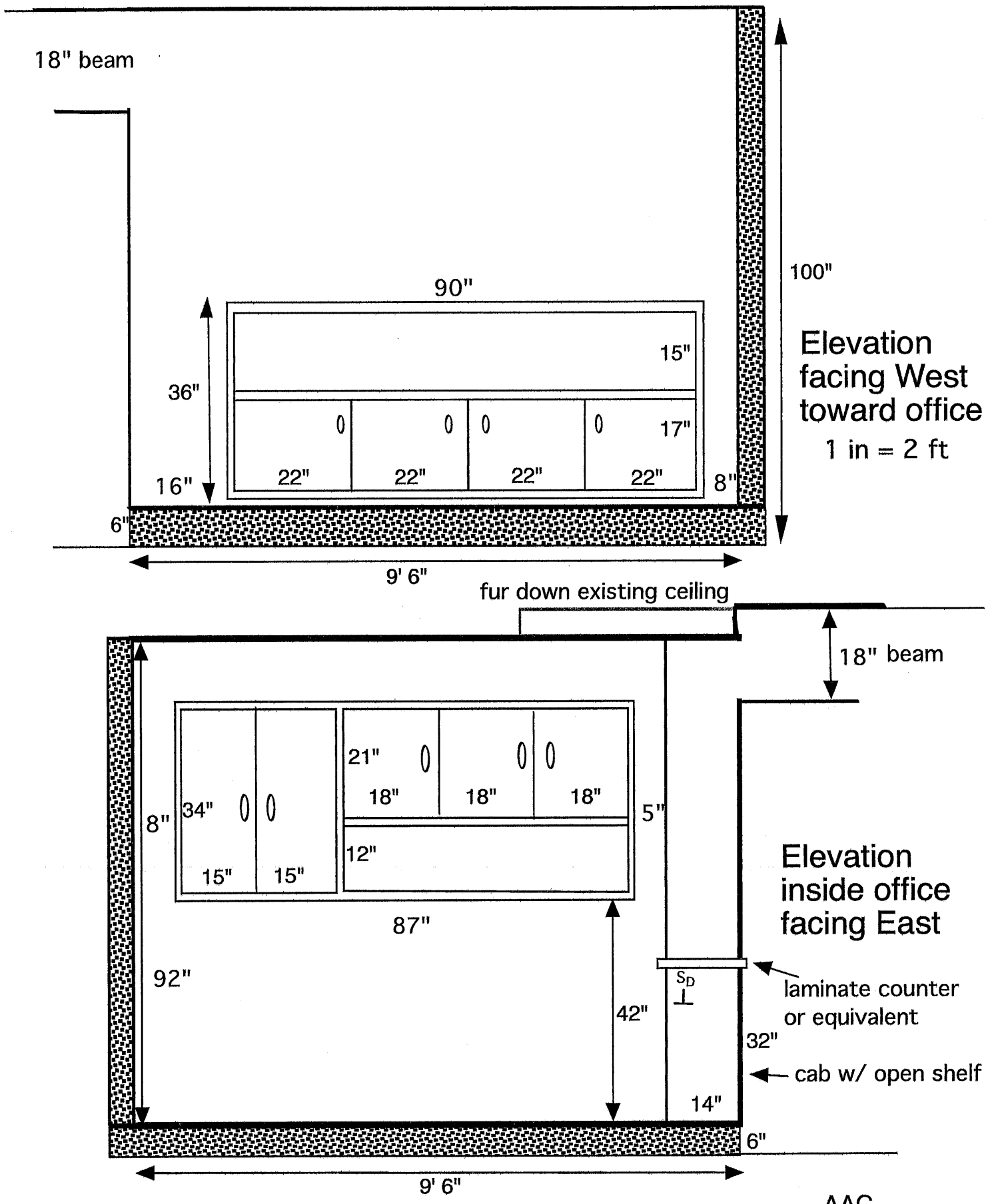
AAC
2/9/2010



Garden Room sink elevation
New wall, cabs, and sink

scale: 1 in = 2 ft

2/9/2010



Garden Room Office Wall Elevation

AAC
2/9/2010

Item No. 13

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JERRY GRUBER, CITY MANAGER

FROM: **DUNCAN L. JONES, PUBLIC WORKS DIRECTOR**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2009**

SUBJECT: **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR TRAFFIC ENGINEERING SERVICES FOR THE VALPARAISO CROSSWALK AT HOOVER OR VICTORIA TRAFFIC STUDY, IN AN AMOUNT NOT TO EXCEED $20,600 PLUS A TEN PERCENT CONTINGENCY, FOR A TOTAL AUTHORIZATION OF $22,660**

RECOMMENDATION:

Accept the proposal and authorize the City Manager to sign a Professional Services Agreement with Kimley-Horn and Associates, Inc to provide traffic engineering services for the Valparaiso Crosswalk at Hoover or Victoria Traffic Study in an amount not exceed $20,600, plus a 10% contingency of $2,060, for a total authorization of $22,660.

BACKGROUND:

The Transportation Committee considered this item at their July 2006 meeting. Staff was directed to create a wider walking path along Valparaiso Avenue from Victoria Drive to El Camino Real as a part of the Valparaiso Avenue Reconstruction Project. The Valparaiso Avenue reconstruction project constructed concrete valley gutter to replace the pre-cast parking bumpers previously lining the street from Victoria Drive to El Camino Real. Public Works also placed additional base rock to create a better walking path when combined with the new valley gutter.

At two locations a utility pole and its guy wire create an obstruction at the edge of the valley gutter. For the remainder of the distance, the area behind the valley gutter is clear creating a wider walking space. The landing area constructed with the Valparaiso Avenue project at the El Camino Real intersection is 20 feet long and 4½ feet wide and is ADA accessible with appropriate warning devices.

The existing signalized crosswalk at El Camino Real is an equal distance from Victoria Drive and Hoover Street. In both directions, the roadside has vegetation, street signs and utility poles near the edge of pavement, making it difficult to walk off the pavement. The vegetation has been trimmed and the street signs relocated to create a much better walking surface in both directions from Victoria Drive.

A crosswalk across Valparaiso Avenue at Hoover Street requires approval by both Atherton and Menlo Park because half of Valparaiso Avenue is in each jurisdiction. Atherton and Menlo Park engineering staff previously recommended that crosswalks not be provided at the unsignalized intersection of Hoover Street, especially because there is a viable option to use a signalized intersection. Unsignalized crosswalks on arterial streets tend to give the pedestrian the illusion of safety, causing them to walk into the street without taking proper precautions.

Residents of Victoria Park submitted a new request, with a petition, for an In-Roadway Lighted Crosswalk to be installed at Hoover Street so they would have a safer crossing of Valparaiso Avenue to go to downtown Menlo Park via Hoover Street. As an alternative they propose an In-Roadway Lighted Crosswalk at Victoria Drive, and as a further alternative, they propose improvements to the El Camino Real intersection.

The Transportation Committee considered the new request at their May 2009 meeting and recommend that the Town's Traffic Program be followed. Normally the Traffic Program would require a survey of the neighborhood before considering a traffic study. Because there is a petition signed by the majority (21 of 28 residences) of the residents of Victoria Park, the survey would serve no further purpose. See Petition with Pictures, attached. As the next step in the Traffic Program process the Committee recommends to the City Council that a traffic study be performed to determine the appropriate solution to the resident's concerns.

The staff of the City of Menlo Park still has concerns about the relative safety of an in-roadway lighted crosswalk at Hoover Street versus the signalized crosswalk at El Camino Real. Because the improvement also requires the approval of Menlo Park, the scope and fee were adjusted to provide that the consultant address the Menlo Park Traffic Program and attend the requisite Menlo Park meetings. The Transportation Committee considered the proposal at their January 12, 2010 meeting and recommended approval with minor modifications, which have been made.

ANALYSIS:

The suggestion to install an In-Roadway Lighted Crosswalk at Hoover Street has the potential to meet the objections to crosswalks at unsignalized intersections expressed by the engineering staff of both cities. In order to properly consider such an installation, the installation should be shown to meet the warrants contained in the California Manual on Uniform Traffic Control Devices, or for Council to make a finding based on the engineering study that the installation is warranted for other reasons. This requires a traffic study. The appropriate location for the crosswalk, and the alternatives, should also be included in the study.

The proposal to install an In-Roadway Lighted Crosswalk at Victoria Drive was previously included in the study, but has been deleted at the request of the applicants and the recommendation of the Transportation Committee.

The alternative to improve the El Camino Real intersection is initially problematic because of the indicated high cost of improvements, especially the prospect of purchasing additional right of way at the corner in order to provide a larger fenced landing area. The study will look at these safety improvements as it evaluates if the crossing at Hoover is safer than a crossing at El Camino Real, with improvements.

Staff met with the consultant to develop the scope of work and fee for the study. Staff evaluated the proposal and determined that the scope and fee were reasonable.

FISCAL IMPACT:

Parcel Tax funds in the amount of $35,000 are budgeted for traffic studies in FY 2009-10. The Fair Oaks Lane traffic study has already been authorized for $18,040, and speed surveys for Alameda de las Pulgas are also needed this year in order to enforce radar at a cost of $1400, leaving $15,560 remaining in the budget.

The Scope of Services and Fee Estimate were negotiated with the selected firm. The final negotiated fee estimate is $20,600. A 10% contingency of $2,060 would bring the total authorization to $22,660, which is above the approved budget. The remaining $7,100 requires allocation from Parcel Tax funds. The FY 2009-10 budget has sufficient fund balance after expending other budgeted items to cover this allocation.

Funding from the federal Highway Safety Improvement Program (HSIP) has been awarded for $30,600 of the estimated $35,000 project cost. The remaining $4,400 can be budgeted in FY 2010-11, the approximate timing for appropriation of the HSIP funds.

Prepared By:

Duncan L. Jones, P.E.
Public Works Director

Approved:

Jerome D. Gruber
City Manager

Attachments: Professional Services Agreement
Petition with pictures

09-10-09A09:44 RCVD

September 8, 2009

Mr. Duncan L. Jones, P.E.
Public Works Director/City Engineer
Town of Atherton
91 Ashfield Road
Atherton, California 94027

Re: Crosswalk at Hoover Avenue

Dear Mr. Jones:

I write to add my support on behalf of Menlo School for the efforts of the residents of Victoria Manor to establish a safe crosswalk across Valparaiso Avenue at Hoover Avenue.

In addition to many Menlo College residential students and Victoria Manor homeowners, a fair number of Menlo School students enjoy walking to downtown Menlo Park to take advantage of the many shops and restaurants on Santa Cruz Avenue. The only crosswalk available to them is at University Avenue. The need to walk to University Avenue encourages them to make a very unsafe dash across Valparaiso Avenue. The addition of a crosswalk at Hoover Avenue will provide a safe way to cross Valparaiso Avenue with minimal disruption to the flow of traffic along Valparaiso Avenue.

I join the homeowners in Victoria Manor in urging you to help us protect our students, residents and motorists by providing a safe means to cross Valparaiso Avenue with a crosswalk at Hoover Avenue.

Best Regards,

Norman M. Colb
Head of School

RECEIVED
SEP 11 2009
TOWN OF ATHERTON
PUBLIC WORKS

50 Valparaiso Avenue, Atherton, California 94027 • Phone 650.330.2000 • Fax 650.330.2002 • www.menloschool.org

09-10-09A09:40 RCVD

MENLO
COLLEGE
Silicon Valley's Business School

RECEIVED
SEP 11 2009
TOWN OF ATHERTON
PUBLIC WORKS

September 4, 2009

Mr. Duncan L. Jones, P.E.
Public Works Director/City Engineer
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

Re: Proposal to place a crosswalk on Valparaiso

Dear Mr. Duncan,

Menlo College fully supports the proposal to place a crosswalk on Valparaiso, just east of Hoover St., that would include pedestrian-activated lights on the crosswalk and flashing lights on street signs facing both east and west.

Presently it is dangerous for all residents, including Menlo College students, to cross Valparaiso to get to downtown Menlo Park. Valparaiso is dangerous to cross since it carries a high volume of traffic and is four lanes wide at the intersection of El Camino and Valparaiso. It is important to resolve this safety issue before a serious pedestrian accident occurs.

Sincerely yours,

G. Timothy Haight, D.B.A.
President

Cc: Victoria Manor Homeowners Board of Directors

PETITION TO THE TOWN OF ATHERTON TRANSPORTATION COMMITTEE

Presented by the Victoria Manor Homeowner's Board
on behalf of the residents of Victoria Manor, Menlo College & Menlo School
May 12, 2009

REQUEST

We the undersigned request that the Town of Atherton place an IRWL (In Roadway Warning Lights) crosswalk across Valparaiso just east of Hoover street and make some inexpensive enhancements to improve the safety of the walking space from Victoria Drive to the proposed crossing site.

BACKGROUND – NEIGHBORHOOD LOCATION, DEMOGRAPHICS, USAGE

Victoria Manor Neighborhood is situated between El Camino, Valparaiso, Menlo School and Menlo College. It is composed of 29 houses; homes to families with children and pets, residents with various physical infirmities, and elderly residents, all who cross Valparaiso for school, shopping, or other services. Numerous Menlo College students also walk through the neighborhood every day, on their way to downtown Menlo Park and back to the campus.

There is only one street exiting the Neighborhood, Victoria Dr., which enters Valparaiso an estimated 40 yards from El Camino. This is the only pedestrian exit that leads to Menlo Park Schools, buses and the downtown area of Menlo Park. The only nearby crosswalk at the corner of El Camino and Valparaiso, is inadequate, dangerous and not a viable option.

When the neighborhood was originally laid out in the 1950's, there was significantly less traffic on Valparaiso and El Camino. Through the years traffic has increased to such a degree that there is no longer safe and adequate pedestrian access or egress to the neighborhood.

BACKGROUND – PREVIOUS DISCUSSIONS WITH THE TOWN

In 2006 The Victoria Manor Homeowners Board requested a crosswalk be installed at Hoover Street. In response to that request, among other things, the town requested the police do a traffic study. The results of this study, presented at a July 2006 meeting clearly illustrated the NorthWest corner of El Camino and Valparaiso and the stretch of road leading from Victoria Dr. to this corner were hazardous:

- Southbound automobiles on El Camino consistently rolled through the crosswalk at El Camino and Valparaiso when making a right turn on to Valparaiso
- Automobiles frequently exceeded the speed limit

– Automobiles frequently encroached into the bike lane (don't recall whether this was tracked in the report)

The town, however, denied the request for a crosswalk at Hoover and instead recommended that they improve the Valparaiso walkway between Victoria and El Camino so that residents and Menlo College students could utilize the signalized crosswalk at the extremely busy intersection of Valparaiso and El Camino.

Since then, repaving and painting of brighter bike lane lines has taken place but unfortunately this has not diminished the hazardous conditions that residents and College students face every time they enter and exit the neighborhood on foot. It has in fact made it more dangerous due to the removal of the "parking bumpers" that previously allowed motorists to know when they had ventured too far to the right.

PROBLEMS WITH USING THE EXISTING CROSSWALK AT EL CAMINO & VALPARAISO

1.) There's insufficient space to walk safely from Victoria to the corner of El Camino & Valparaiso.

   a. The bike lane (particularly given it's proximity to El Camino) is not a viable walking space.
      i. Cars frequently cross over the painted bike lane line on Valparaiso. (Drivers, in their effort to avoid the cars on Valparaiso in the East bound left turn lane often weave into the bike lane and neither pedestrians nor cars have enough time to see the other.)
      ii. Bicyclists use the bike lane. When a bicyclist and a pedestrian are both in the bike lane, one of them gets forced into traffic. (see photo)

   b. The drainage area isn't viable walking space.
      i. It's too narrow and by design, it's not a flat surface, which is particularly a problem at night.
      ii. When water is running through it, it can't be used at all.
      iii. As with the bike lane, there's no protection from cars crossing the line

   c. The dirt area between the drainage area and the fence line isn't viable space.
      i. Trees, shrubbery, signs, utility pools and guidewires fill the space.
      ii. Although shrubs could be trimmed and level compacted gravel could be installed, unless all trees are removed and all other obstructions are removed, including a utility pole and guidewire, there simply isn't enough room for more than a single individual to walk.

2.) The landing at the corner is too small for more than 1 or 2 adults to stand safely. It is too small for an adult and a child, an adult and a pet, or two or more adults at a time. If a child or pet takes one wrong step, they're in the line of traffic and even if they

don't take a wrong step, some cars or trucks have cut right across the edge of the landing. (please take notice of the tiremarks running across the landing area).

3.) There is so much traffic at this intersection, that the drivers' focus is on watching for other cars and often don't watch for and see pedestrians standing or crossing.

ALTERNATIVE SOLUTIONS TO THE PROBLEM

We have identified three possible solutions to the problem:

Alternative #1: The best alternative, in our opinion, is to install an IRWL crosswalk on Valparaiso just East of Hoover Street - the same implementation that has been used in Atherton further West on Valparaiso in front of Sacred Heart School.

Alternative #2: The next best alternative would be an IRWL crosswalk on Valparaiso at Victoria Drive on the West side of the existing "Keep Clear" area.

Alternative #3: The least safe and most costly alternative would be to attempt to fix all the problems associated with the crosswalk at the corner of El Camino and Valparaiso.

DISCUSSION OF THE ALTERNATIVES

Alternative #1: IRWL Crosswalk on Valparaiso at Hoover

We believe this is the best location for a crosswalk for the following reasons:

A. It is a safe distance away from all the traffic on El Camino yet just as close to Victoria
B. There are only 2 lanes of traffic to cross rather than 3 or 4
C. The area between the fence and the bike lane is wide enough and flat enough and free of enough signs and shrubs to inexpensively make a safe walking path for more than 1 person from Victoria to the proposed crossing site.
D. There is enough room for multiple pedestrians to stand while waiting to cross
E. Pedestrians and drivers have more time to notice each other and get out of each others way
F. There is no street intersecting Valparaiso on the North side of the road thus no cars making turns in front of pedestrians on the North side of the road. And, on the South side of the road, there are significantly fewer cars turning East onto Valparaiso from Hoover than the number of cars a pedestrian must avoid when using the crosswalk at El Camino and Valparaiso

Alternative #2: IRWL Crosswalk on Valparaiso at Victoria Dr.

We believe this is the second best alternative for the following reasons:

A. Superior even to alternative #1, pedestrians will not have to walk along Valparaiso at all to cross, thus there is no need for installing safe walking paths – just simply a crosswalk.

B. As with alternative #1, there is safe, sufficient space for multiple pedestrians to stand while waiting to cross.

C. As with alternative #1, pedestrians wouldn't have to contend with drivers turning directly in front of them on both sides of the road, as they do on El Camino.

D. With this alternative pedestrians would need to cross 3 lanes of traffic, as opposed to 2 at Hoover and 4 at El Camino, therefore it is inferior to alternative #1, but superior to a crosswalk at El Camino.

E. Since this alternative is closer to El Camino than alternative #1, pedestrians would have less time to get across the crosswalk before someone turns on to Valparaiso from El Camino, therefore it is inferior to alternative #1.

F. Since this alternative is closer to El Camino than alternative #1, there is a greater chance that cars could back up on to El Camino if a driver needs to stop to wait for a pedestrian and therefore inferior to alternative #1.

Alternative #3: Fix all problems associated with the crosswalk at El Camino

We don't believe this is a viable option. It would require:

1) A walkway from Victoria to the corner of El Camino and Valparaiso, free of obstructions and separated from the bike path and the car traffic by a curb. Given the placement of the utility poll, guidewire and some of the trees, this seems impossible.

2) A fenced "landing" area at the corner of El Camino and Valparaiso large enough for at least 2 adults and a child or pet to safely wait while they wait for the signal to change. Again, given the layout of the land and intersection, this seems impossible as there is not enough space to do this..

3) New pedestrian activated flashing signage to alert drivers making right turns on to and off of El Camino to watch for pedestrians. This piece is obviously doable, but completely insufficient if the above 2 requirements aren't met.

DISCUSSION OF THE CONCERNS & COMMENTS EXPRESSED IN THE STAFF REPORT FOR THE JULY 11, 2006 TRANSPORTATION SUBCOMMITTEE MEETING:

1) *"Crosswalks should not be provided at unsignalized intersections especially if there is a viable option to use a signaled intersection."*

As stated previously in this petition, for numerous reasons the signalized intersection at El Camino and Valparaiso is not a viable option.

2) *"Unsignalized crosswalks on arterial streets tend to give the pedestrian the illusion of safety."*

If unsignalized crosswalks are less safe than no crosswalk, it's unclear why there are ever any unsignalized crosswalks anywhere. Yet, there are crosswalks all over town. Additionally, based on recent implementation decisions of towns all over the country, the kind of crosswalk we're requesting that utilizes in road warning lights and lighted signs - an IRWL crosswalk, is seen as a safer and more effective solution than no crosswalk at all. IRWL crosswalks have recently been installed on Oak Grove in front of the Post Office, on Crane in front of the Menlo Medical Center and on Valparaiso in front of Sacred Heart School.

3) *"Since there is a bike lane, walking in the pavement is relatively safer than on streets without bike lanes."*

There is a bike lane on Valparaiso, but for the numerous reasons listed above, on this street, in this location, this is in no way a safe place to walk, nor is it a safe place to ride. It is necessary for the safety of both bicyclists and pedestrians that separate paths be provided. Bike traffic is quite heavy in this area, especially before and after school. Neither pedestrians nor bicyclists should be forced into traffic in order avoid the other.

4) *"The Valparaiso Avenue reconstruction project will construct concrete curbs to replace the pre-cast parking bumpers currently lining the street."*

This never occurred. There are now no parking bumpers or curbs, making pedestrians even more vulnerable than they were previously.

CONCLUSION

The neighborhood is very appreciative of the previous efforts of the town, in collaboration with Menlo Park, to provide safer automobile exit and entry to our neighborhood in response to the increased traffic. The keep clear zone and chatterbars have been very helpful.

We respectfully request that decision-makers visit the site, get out of their cars, and walk along Valparaiso between Victoria Drive and the El Camino/Valparaiso intersection on a few different days at a few different times, including rush hour, and think about whether they'd feel comfortable regularly negotiating this area with their families, their children, their grandchildren and/or their parents before making a decision concerning this petition.

We are optimistic that after site visits, a review of the previous police traffic reports and further discussion, the town will grant our request for this new crosswalk, as we fear a tragedy is inevitable if a safe alternative to the existing crosswalk at El Camino and Valparaiso isn't provided.

Thank you for your kind consideration.

Victoria Manor Board members (current & previous)

Chris Brosterhous	98 Victoria Drive, ph # 323-4851, email: pcbro@comcast.net
Valerie Halaby	1 Douglass Way, ph # 325-6348, email: valeriepippin@yahoo.com
Ed Kwan	96 Douglass Way, ph # 704-5381, email: ekwan00@msn.com
Andrea Luskin	68 Douglass Way, ph # 804-2532, email: aluskin@yahoo.com
Jan MacKenzie	19 Victoria, ph # 323-2570, email: blayneyjim@aol.com
Laura Boat	2 Douglass Way, ph# 326-3283, email: lalboat@comcast.net
Narmina Ozbutin	2 Leon, ph# 321-1016, email: narmina@yahoo.com
Jack Phillips	97 Leon, ph# 327-6157, email: jaxbox@gmail.com
Donna Wada	55 Victoria, ph# 325-7228, email: djwada@yahoo.com

Menlo College

Tim Haight, President of Menlo College

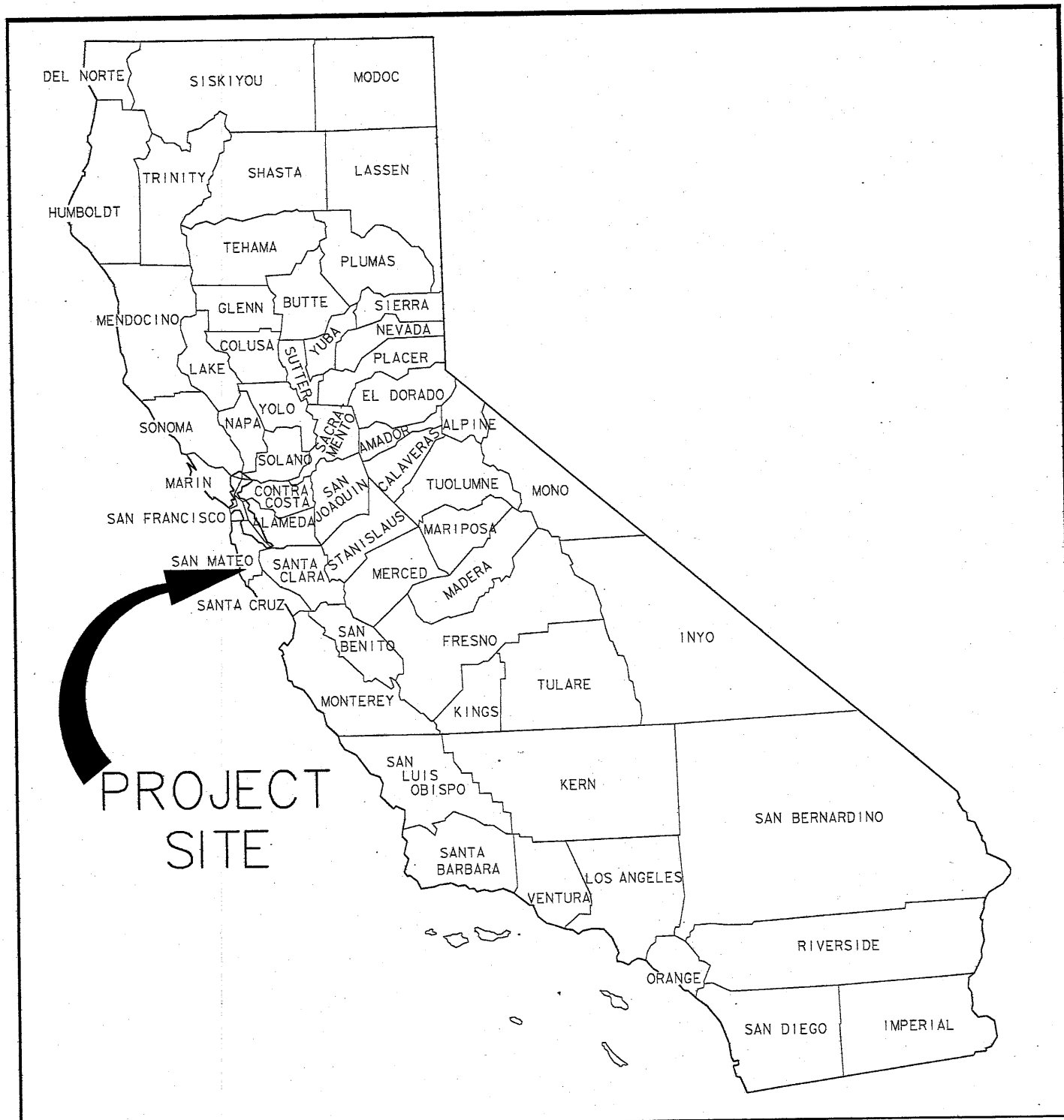
Menlo School

David McAdoo, Facilities, Director of Operations & Construction

VICTORIA MANOR HOMEOWNERS
PETITION SIGNATURES

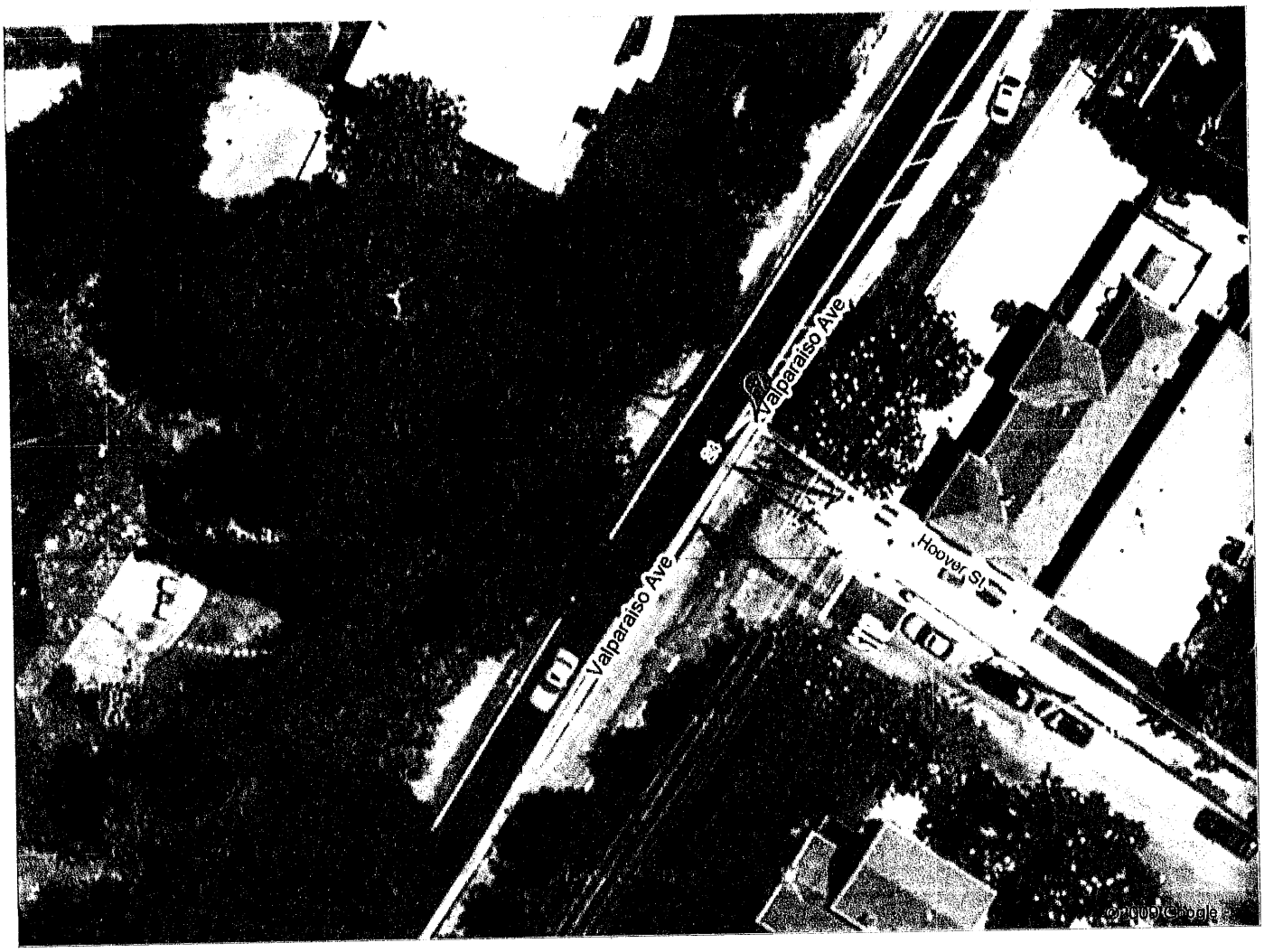
	DATE	PRINTED NAME	ADDRESS	SIGNATURE
31 — 1.	4/28/09	Crystell Brostenous	98 Victoria Dr. Atherton	
2.	4/28/09	Valerie Halaby	1 Douglass Way, Atherton	
3.	4/28/09	ED KWAN	96 Douglass Way Atherton	
26 — 4.	4-28-09	Janet MacKenzie	19 Victoria Drive, Ath.	
10 — 5.	4-28-09	Andrea Lustkin	68 Douglass Way, Ath	
14 — 6.	4-30-09	Donna J. Wada	55 Victoria Dr, Ath	
7.	4-30-09	Miwa Frank	89 Victoria Dr Ath	
8.	4-30-09	R. A. Shupe	90 Douglass Way	
9.	4-30-09	Nan F. Shupe	90 Douglass Way	
5 — 10.	4-30-09	Andy Jeffrey	61 Douglass Way	
11.	4/30/09	LAURA BOAT	2 DOUGLASS WAY	
12.	4/30/09	JOHN BOAT	2 DOUGLASS WAY	
13.	4-30-09	Pat Smyth	73 Victoria Dr.	
6 — 14.	4-30-09	Henry G. Wade	55 Victoria Dr.	
15.	4-30-09	JAMES YOSHIDA	1 Leon Way	
16.	"	SUMIKO YOSHIDA	"	
17.	4-30-09	Deb Barnum	59 Leon Way	
18.	4-30-09	Scott Barnum	59 Leon Way	
29 — 19.	4/30/09	JACK PHILLIPS	97 LEON WAY	
20.	4/30/09	Ann Haight	98 Leon Way Atherton	
21.	4-30-09	A. Timothy Haight	98 Leon Way	
22.	4/30/09	M Elizabeth Flagg	54 LEON WAY	
23.	4-30-09	Shahla Mostafi	37 Victoria Dr.	
24.	4-30-09	Stacey Wilkinson	27 Victoria Dr.	
25.	4-30-09	Mario Bruzzo	27 Victoria Dr.	
4 — 26.	4-30-09	J.K. MacKenzie	19 Victoria Dr.	
27.	4-30-09	Dana Shelley	46 Douglass Way	
28.	4/30/09	Michael Frank	85 Victoria Dr	
19 — 29.	4/30/09	Tehoch Estrada	97 Leon Way	
30.	4/30/09	Mary Galston	89 Douglass Way	
1 — 31.	4/30/09	PHILIP BROSTENOUS	98 VICTORIA DR	
32.	4/30/09	Henry Ilg	60 Leon Way	

21 of 28 homes



VICINITY MAP (N.T.S.)

Google maps Address

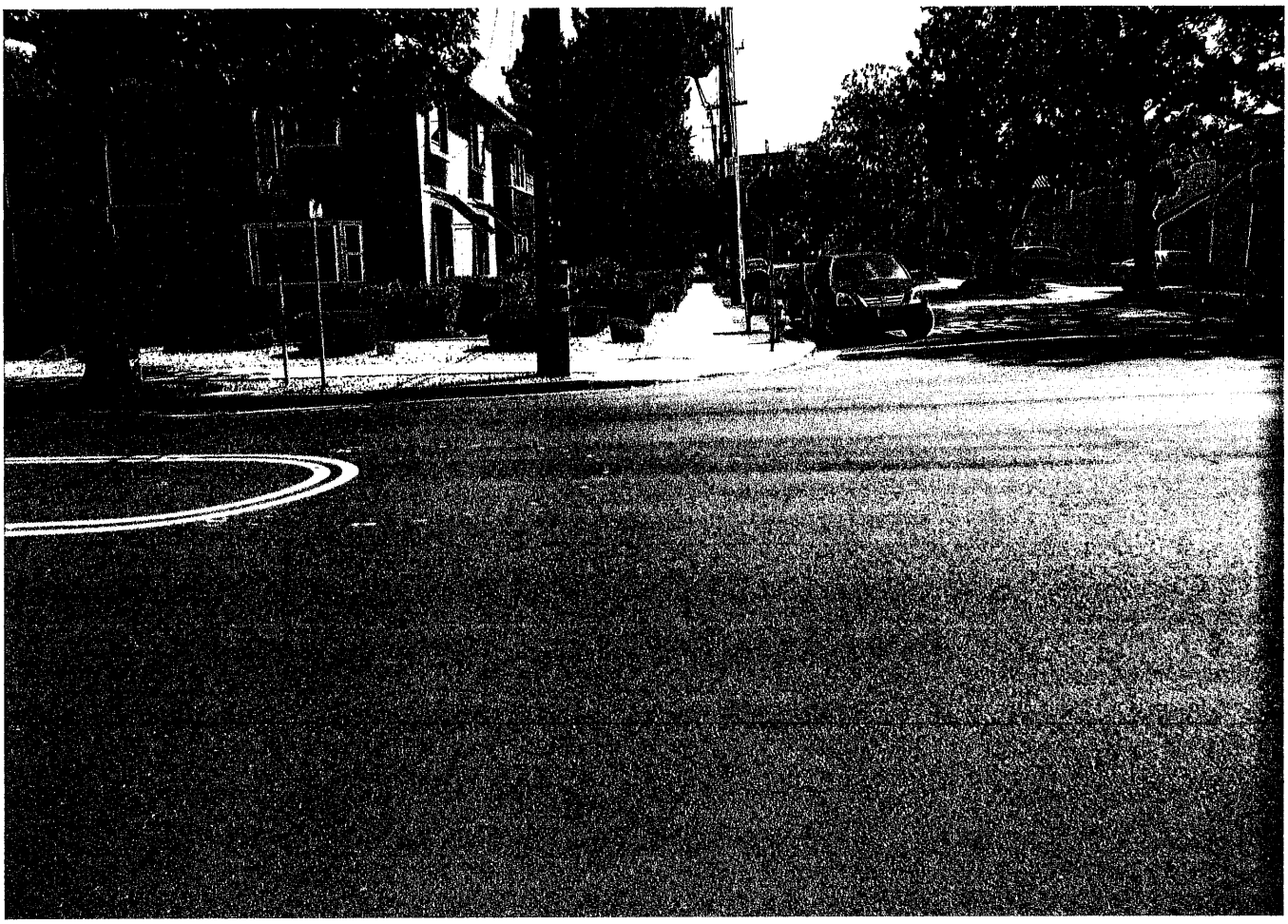


VALPARAISO AVE AT HOOVER ST.
(WITH LABELS)

Google maps Address

VALPARAISO AVE. AT HOOVER ST.
(WITHOUT LABELS)

Google maps Address



4SXR062

Detailed Engineer's Estimate
For Construction Items Only

Agency	Town of Atherton			**Date:**	9/30/2009
Project Description	Lighted Crosswalk at the intersection of Valpariso Avenue and Hoover Street				
Project Location	Intersection of Valparaiso Avenue and Hoover Street				
Prepared by	David Huynh, P.E.				

Item No.	Item Description	Quantity	Units	Unit Cost	Total
1	In-street light crosswalk	1	EA	$25,000.00	$25,000
2	Traffic Signs (Crosswalk)	2	EA	$350.00	$700
3	12" Cross walk stripes	80	LF	$5.00	$400
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
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21					
22					
23					
24					

TOTAL: $26,100

CONSULTANT SERVICES AGREEMENT

THIS AGREEMENT is entered into as of the _____ day of _____, 2010 by and between the TOWN OF ATHERTON, herein called the "Town", and KIMLEY-HORN AND ASSOCIATES, INC., herein called the "Consultant".

Recitals

WHEREAS, Town desires to obtain Traffic Engineering Services in connection with the Alameda Engineering and Traffic Survey; and

WHEREAS, Consultant hereby warrants to the Town that Consultant is skilled and able to provide such services described in Section 3 of this Agreement; and

WHEREAS, Town desires to retain Consultant pursuant to this Agreement to provide the services described in Section 3 of this Agreement.

Agreement

NOW, THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

1. Incorporation of Recitals. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.

2. Project Coordination.

A. Town. The City Manager or his/her designee, shall represent Town for all purposes under this Agreement. The City Manager or designee is hereby designated as the Project Manager. The Project Manager shall supervise the progress and execution of this Agreement.

B. Consultant. The Consultant shall assign Paul J. Krupka to have overall responsibility for the progress and execution of this Agreement for Consultant.

3. Scope and Performance of Services

A. Scope of Services. Subject to such policy direction and approvals as the Town through its staff may determine from time to time, Consultant shall perform the services set out in the "Scope of Work" attached hereto as Exhibit A and incorporated herein by reference.

B. Time of Performance. The services of Consultant are to be completed not later than April 30, 2010. Consultant shall perform its services in accordance with the schedule attached hereto as Exhibit B, and incorporated herein by reference. Any changes to these dates in either this Section 3 or Exhibit B must be approved in writing by the Project Manager.

C. Standard of Quality. Town relies upon the professional ability of Consultant as a material inducement to entering into this Agreement. All work performed by Consultant under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

4. Compensation and Method of Payment.

A. Compensation. The compensation to be paid to Consultant, including both payment for professional services and reimbursable expenses, shall be at the rate and schedules attached hereto as Exhibit C, and incorporated herein by reference. However, in no event shall the amount Town pays Consultant exceed One Thousand Four Hundred Dollars ($1,400). Payment by Town under this Agreement shall not be deemed a waiver of unsatisfactory work, even if such defects were known to the Town at the time of payment.

B. Timing of Payment. Consultant shall submit itemized monthly statements for work performed. Town shall make payment, in full, within thirty (30) days after approval of the invoice by the Project Manager.

C. Changes in Compensation. Consultant will not undertake any work that will incur costs in excess of the amount set forth in Paragraph 4(A) without prior written amendment to this Agreement.

D. Taxes. Consultant shall pay all taxes, assessments and premiums under the federal Social Security Act, any applicable unemployment insurance contributions, Workers Compensation insurance premiums, sales taxes, use taxes, personal property taxes, or other taxes or assessments now or hereafter in effect and payable by reason of or in connection with the services to be performed by Consultant.

E. No Overtime or Premium Pay. Consultant shall receive no premium or enhanced pay for work normally understood as overtime, i.e., hours that exceed forty (40) hours per work week, or work performed during non-standard business hours, such as in the evenings or on weekends. Consultant shall not receive a premium or enhanced pay for work performed on a recognized holiday. Consultant shall not receive paid time off for days not worked, whether it be in the form of sick leave, administrative leave, or for any other form of absence.

F. Litigation Support. Consultant agrees to testify at Town's request if litigation is brought against Town in connection with Consultant's work product. Unless the action is brought by Consultant or is based upon Consultant's negligence, Town will compensate Consultant for the preparation and the testimony at Consultant's standard hourly rates, if requested by Town and not part of the litigation brought by Town against Consultant.

5. Amendment to Scope of Work. Town shall have the right to amend the Scope of Work within the Agreement by written notification to the Consultant. In such event, the compensation and time of performance shall be subject to renegotiation upon written demand of either party to the Agreement. Consultant shall not commence any work exceeding the Scope of Work without prior written authorization from the Town. Failure of the Consultant to secure

Town's written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the contract price or time due, whether by way of compensation, restitution, quantum meruit, etc. for work done without the appropriate Town authorization.

6. Term. This Agreement shall commence upon its execution and shall continue in full force and effect until completed, amended pursuant to Section 21, or otherwise terminated as provided herein.

7. Inspection. Consultant shall furnish Town with every reasonable opportunity for Town to ascertain that the services of Consultant are being performed in accordance with the requirements and intentions of this Agreement. All work done and all materials furnished, if any, shall be subject to the Project Manager's inspection and approval. The inspection of such work shall not relieve Consultant of any of its obligations to fulfill the Agreement as prescribed.

8. Ownership of Documents. Title to all plans, specifications, maps, estimates, reports, manuscripts, drawings, descriptions and other final work products compiled by the Consultant under the Agreement shall be vested in Town, none of which shall be used in any manner whatsoever, by any person, firm, corporation, or agency without the expressed written consent of the Town. Basic survey notes and sketches, charts, computations, and other data prepared or obtained under the Agreement shall be made available, upon request, to Town without restriction or limitations on their use. Consultant may retain copies of the above-described information but agrees not to disclose or discuss any information gathered, discussed or generated in any way through this Agreement without the written permission of Town during the term of this Agreement, unless required by law.

9. Employment of Other Consultants, Specialists or Experts. Consultant will not employ or otherwise incur an obligation to pay other consultants, specialists, or experts for services in connection with this Agreement without the prior written approval of the Town.

10. Conflict of Interest.

A. Consultant covenants and represents that neither it, nor any officer or principal of its firm, has, or shall acquire any investment, income, business entity, interest in real property, or other interest, directly or indirectly, which would conflict in any manner with the interests of Town, hinder Consultant's performance of services under this Agreement, or be affected in any manner or degree by performance of Consultant's services hereunder. Consultant further covenants that in the performance of the Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the Town. Consultant agrees to at all times avoid conflicts of interest, or the appearance of any conflicts of interest, with the interests of the Town in the performance of the Agreement.

B. Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

(1) will conduct research and arrive at conclusions with respect to its rendition of information, advice, recommendation, or counsel independent of the control and direction of the Town or of any Town official, other than normal contract monitoring; and

(2) possesses no authority with respect to any Town decision beyond the rendition of information, advice, recommendation, or counsel. (2 Cal. Code Regs. § 18700(a)(2).)

11. Liability of Members and Employees of Town. No member of the Town and no other officer, employee or agent of the Town shall be personally liable to Consultant or otherwise in the event of any default or breach of the Town, or for any amount which may become due to Consultant or any successor in interest, or for any obligations directly or indirectly incurred under the terms of this Agreement.

12. Indemnity. To the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless Town and any and all of its officials, employees, volunteers, servants and agents from and against any and all claims, demands, losses, liabilities, damages, costs and expenses, including attorneys' fees, that arise out of, pertain to or relate to the negligence, recklessness, or willful misconduct of the Consultant, its officers, employees, subcontractors or agents. The Town has no liability or responsibility for any accident, loss, or damage to any work performed under this Agreement whether prior to its completion and acceptance or otherwise. Consultant's duty to indemnify and hold harmless, as set forth herein, shall include the duty to defend as set forth in California Civil Code § 2778. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable by or for Consultant under Worker's Compensation, disability or other employee benefit acts or the terms, applicability or limitations of any insurance held or provided by Consultant and shall continue to bind the parties after termination/completion of this agreement.

13. Consultant Not an Agent of Town. Consultant, its officers, employees and agents shall not have any power to bind or commit the Town to any decision.

14. Independent Contractor. It is expressly agreed that Consultant, in the performance of the work and services agreed to be performed by Consultant, shall act as and be an independent contractor and not an agent or employee of Town; and as an independent contractor, Consultant shall obtain no rights to retirement benefits or other benefits which accrue to Town's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

15. Compliance with Laws.

A. General. Consultant shall use the standard of care in its profession to comply with all applicable federal, state, and local laws, codes, ordinances, and regulations. Consultant represents and warrants to Town that it has and shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for Consultant to practice its profession. Consultant shall maintain a Town business license. The Town is not responsible or liable for Consultant's failure to comply with any or all of the requirements contained in this paragraph.

B. Workers' Compensation. Consultant certifies that it is aware of the provisions of the California Labor Code which require every employee to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Consultant certifies that it will comply with such provisions before commencing performance of the Agreement and at all times in the performance of the Agreement.

C. Prevailing Wage. Consultant and Consultant's subconsultants (if any) shall, to the extent required by the California Labor Code, pay not less than the latest prevailing wage rates to workers and professionals as determined by the Director of Industrial Relations of the State of California pursuant to California Labor Code, Part 7, Chapter 1, Article 2. Copies of the applicable wage determination are on file at the Town's Public Works Department office.

D. Injury and Illness Prevention Program. Consultant certifies that it is aware of and has complied with the provisions of California Labor Code § 6401.7, which requires every employer to adopt a written injury and illness prevention program.

E. Town Not Responsible. Town is not responsible or liable for Consultant's failure to comply with any and all of its requirements under this section and Agreement.

F. Waiver of Subrogation. Consultant and Consultant's insurance company agree to waive all rights of subrogation against Town, its elected or appointed officials, officers, agents, employees, and volunteers for losses paid under Consultant's workers' compensation insurance policy which arise from the work performed by Consultant for the Town.

16. Confidential Information. All data, documents, discussions or other information developed or received by or for Consultant in performance of this Agreement are confidential and not to be disclosed to any person except as authorized by the Town, or as required by law.

17. Assignment; Subcontractors; Employees

A. Assignment. Consultant shall not assign, delegate, transfer, or convey its duties, responsibilities, or interests in this Agreement or any right, title, obligation, or interest in or to the same or any part thereof without the Town's prior written consent. Any assignment without such approval shall be void and, at the Town's option, shall immediately cause this Agreement to terminate.

B. Subcontractors; Employees. Consultant shall be responsible for employing or engaging all persons necessary to perform the services of Consultant hereunder. No subcontractor of Consultant shall be recognized by the Town as such; rather, all subcontractors are deemed to be employees of the Consultant, and Consultant agrees to be responsible for their performance. Consultant shall give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and shall keep the work under its control. If any employee or subcontractor of Consultant fails or refuses to carry out the provisions of this Agreement or appears to be incompetent or to act in a disorderly or improper manner, it shall be discharged immediately from the work under this Agreement on demand of the Project Manager.

18. Insurance.

A. Minimum Scope of Insurance.

(1) Consultant agrees to have and maintain, for the duration of this Agreement, a General Liability insurance policy insuring it and its firm to an amount not less than $2,000,000 (Two Million Dollars) combined single limit per occurrence and in the aggregate for bodily injury, personal injury, and property damage.

(2) Consultant agrees to have and maintain, for the duration of this Agreement, an Automobile Liability insurance policy insuring it and its staff to an amount not less than $1,000,000 (One Million Dollars) combined single limit per accident for bodily injury and property damage.

(3) Consultant shall maintain professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors, or omissions which may arise from Consultant's operations under this Agreement, whether such operations be by Consultant or by its employees, subcontractors, or subconsultants. The amount of this insurance shall not be less than $1,000,000 (One Million Dollars) on a claims-made annual aggregate basis.

(4) A Workers' Compensation and Employers' Liability policy written in accordance with the laws of the State of California and providing coverage for any and all employees of Consultant:

(a) This policy shall provide coverage for Workers' Compensation (Coverage A).

(b) This policy shall also provide required coverage for Employers' Liability (Coverage B).

(5) All of the following endorsements are required to be made a part of each of the required policies, except for the Professional Liability and Workers' Compensation and Employers' Liability policies, as stipulated below:

(a) "The Town of Atherton, its officials, officers, agents, employees, and volunteers are hereby added as additional insureds, but only as respects work done by, for, or on behalf of the named insured."

(b) "This policy shall be considered primary insurance as respects any other valid and collectible insurance the Town may possess, including any self-insured retention the Town may have, and any other insurance the Town does possess shall be considered excess insurance only and shall not contribute with it."

(c) "This insurance shall act for each insured and additional insured as though a separate policy had been written for each. This, however, will not act to increase the limit of liability of the insuring company."

(6) Consultant shall provide to Town all certificates of insurance with original endorsements effecting coverage required by this paragraph. Certificates of such insurance shall be filed with Town on or before commencement of performance of this Agreement. Town reserves the right to require complete, certified copies of all required insurance policies at any time.

(7) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Town, its officials, officers, agents, employees, and volunteers.

(8) Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

B. All Coverages. Each insurance policy required shall provide that coverage shall not be canceled, except after 30-days' prior written notice by certified mail, return receipt requested, has been given to Town. Current certification of such insurance shall be kept on file with the City Manager at all times during the term of this Agreement.

C. Acceptability of Insurers. Insurance is to be placed with insurers with a Best's rating of no less than A:VII.

D. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the Town. At the Town's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retentions.

E. Verification of Coverage. Consultant shall furnish the Town with original Certificate(s) of Insurance verifying Consultant's receipt of the insurance coverage required herein.

19. Termination of Agreement; Default.

A. This Agreement and all obligations hereunder may be terminated at any time, with or without cause, by the Town upon 5-days' written notice to Consultant.

B. If Consultant fails to perform any of its obligations under this Agreement within the time and in the manner herein provided or otherwise violate any of the terms of this Agreement, in addition to all other remedies provided by law, Town may terminate this Agreement immediately upon written notice. In such event, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total fee; provided, however, that the Town shall deduct from such amount the amount of damages, if any, sustained by Town by virtue of the breach of the Agreement by Consultant.

C. In the event this Agreement is terminated by Town without cause, Consultant shall be entitled to any compensation owing to it hereunder up to the time of such

termination, it being understood that any payments are full compensation for services rendered prior to the time of payment.

D. Upon termination of this Agreement with or without cause, Consultant shall turn over to the City Manager immediately any and all copies of studies, sketches, drawings, computations, and other data, whether or not completed, prepared by Consultant or its subcontractors, if any, or given to Consultant or its subcontractors, if any, in connection with this Agreement. Such materials shall become the permanent property of the Town. Consultant, however, shall not be liable for the Town's use of incomplete materials nor for the Town's use of complete documents if used for other than the project contemplated by this Agreement.

20. Suspension. The Town shall have the authority to suspend this Agreement and the services contemplated herein, wholly or in part, for such period as it deems necessary due to unfavorable conditions or to the failure on the part of the Consultant to perform any provision of this Agreement. Consultant will be paid for satisfactory Services performed through the date of temporary suspension.

21. Merger; Amendment. This Agreement constitutes the complete and exclusive statement of the agreement between the Town and Consultant and shall supersede all prior negotiations, representations, or agreements, either written or oral. This document may be amended only by written instrument, signed by both the Town and Consultant. All provisions of this Agreement are expressly made conditions.

22. Interpretation. This Agreement shall be interpreted as though it was a product of a joint drafting effort and no provisions shall be interpreted against a party on the ground that said party was solely or primarily responsible for drafting the language to be interpreted.

23. Litigation Costs. If either party becomes involved in litigation arising out of this Agreement or the performance thereof, the court in such litigation shall award reasonable costs and expenses, including attorneys' fees, to the prevailing party. In awarding attorneys' fees, the court will not be bound by any court fee schedule, but shall, if it is in the interest of justice to do so, award the full amount of costs, expenses, and attorneys' fees paid or incurred in good faith.

24. Time of the Essence. Time is of the essence of this Agreement. Notwithstanding any other provision of this Agreement, the Consultant shall not have liability for or be deemed in breach because of delays outside of its reasonable control, including but not limited to natural disasters, adverse weather, or acts of the Town, third parties, or governmental agencies.

25. Written Notification. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent by prepaid, first class mail. Any such notice, demand, etc. shall be addressed to the other party at the address set forth below. Either party may change its address by notifying the other party of the change of address. Notice shall be deemed communicated within 72 hours from the time of mailing if mailed as provided in this section.

If to Town: City Clerk
Town of Atherton - Town Hall
91 Ashfield Road
Atherton, CA 94027

If to Consultant: Paul Krupka
Kimley-Horn and Associates, Inc.
6130 Stoneridge Mall Rd, Suite 370
Pleasanton, CA 94588

26. Consultant's Books and Records.

A. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to the Town and all documents and records which demonstrate performance under this Agreement for a minimum period of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.

B. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Attorney, City Auditor, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to the Town for inspection when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.

C. The Town may, by written request by any of the above-named officers, require that custody of the records be given to the Town and that the records and documents be maintained in the City Manager's office.

27. Agreement Binding. The terms, covenants, and conditions of this Agreement shall apply to, and shall bind, the heirs, successors, executors, administrators, assigns, and subcontractors of both parties.

28. Equal Employment Opportunity. Consultant is an equal opportunity employer and agrees to comply with all applicable state and federal regulations governing equal employment opportunity. Consultant will not discriminate against any employee or applicant for employment because of race, age, sex, creed, color, sexual orientation, marital status or national origin. Consultant will take affirmative action to ensure that applicants are treated during such employment without regard to race, age, sex, creed, color, sexual orientation, marital status, or national origin. Such action shall include, but shall not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; lay-offs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant further agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

29. Town Not Obligated to Third Parties. The Town shall not be obligated or liable for payment hereunder to any party other than the Consultant.

30. Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder.

31. Severability. If any one or more of the provisions contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.

32. Exhibits. The following exhibits are attached to this Agreement and incorporated herein by this reference:

A. Exhibit A: Scope of Work

B. Exhibit B: Schedule of Performance

C. Exhibit C: Compensation

33. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

34. News Releases/Interviews. All Consultant and subconsultant news releases, media interviews, testimony at hearings and public comment shall be prohibited unless expressly authorized by the Town.

35. Applicable Law; Venue. This Agreement shall be construed and interpreted according to California law. In the event that suit shall be brought by either party hereunder, the parties agree that trial of such action shall be held exclusively in a state court in the County of San Mateo, California.

36. Authority. Each individual executing this Agreement on behalf of one of the parties represents that he or she is duly authorized to sign and deliver the Agreement on behalf of such party and that this Agreement is binding on such party in accordance with its terms.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date first above written.

TOWN OF ATHERTON

By: _____
City Manager

Date:

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

By: _____
City Clerk

CONSULTANT

By: _____

Title: VICE PRESIDENT

Date: 2-11-09

KHACA
06

EXHIBIT A

SCOPE OF WORK

Kimley-Horn and Associates, Inc. (KHA) will conduct an Engineering and Traffic Survey for the following street (specific location to be determined and will be consistent with past surveys) in the Town of Atherton:

- Alameda de las Pulgas.

The following tasks will be conducted.

Task 1 - Project Administration

This task includes general project administration and project meetings.

We will confer with Town staff to discuss the project scope to collect information necessary to complete the study. The information to be collected from the Town includes the following:

- Collision Data (State Wide Integrated Traffic Records Systems (SWITRS)) data files for the past two years)
- Available traffic counts
- Previous Speed Survey reports.

After review of the Draft Report (Task 6), KHA will review comments with Town staff.

Task 2 - Data Collection

Prior to commencement of data collection, KHA will conduct field observations for the roadway segments to be surveyed. The purpose of the field observation will be to identify roadway conditions, land uses, parking, pedestrian activity, sight distance constraints, existing posted speed limit of adjacent jurisdictions, driveways, geometry and other roadside conditions not readily apparent to the driver, especially changes since the last Engineering and Traffic Survey.

Equally important during the initial field observation is confirming the appropriate location for the collection of the radar speed survey, which is expected to be at or near the site of the previous survey. Site selection is critical to the accurate collection of unencumbered speeds. First, the appropriate location should be situated beyond the influence of stops, dips, curves, parked vehicles and any other condition that may affect the normal rate of travel. Second, the selected site must allow for the collection of data to occur without being obvious to motorists.

Radar speed surveys will be conducted in good weather and on weekdays only. The selected roadway segment will be surveyed during off-peak periods, and a minimum of 100 samples will be taken in each direction at each high-volume location. If the segment is determined to be a low volume location, the survey will be conducted for a minimum of one hour, and will continue

until a minimum of 50 samples is obtained. If it is an extremely low volume location, a maximum of three hours will be dedicated to collecting samples.

The radar speed surveys will be conducted by a data collection vendor. The budget includes an allowance for radar data collection based upon the durations of previous surveys.

Task 3 – Speed Data Analysis

Following data collection, the radar speed surveys will be entered into the Town's standard spreadsheet Engineering and Traffic Survey report. We will calculate the 15th, 50th and 85th percentile speeds, average speed, 10 MPH pace range, and number and percent in pace.

Task 4 - Collision Analysis

The SWITRS data will be reviewed to determine the number and noted causes of mid-block and intersection collisions on the respective street segments surveyed within the specified two-year period.

Task 5 - Recommendation of Speed Limits

Based on the analysis of speed survey results, accident review and the field review of roadside conditions and characteristics, a recommendation of posted speed limits will be made for the roadway segments surveyed. The results and recommended speed limit for the locations will be summarized in the Town's standard spreadsheet Engineering and Traffic Survey report.

Task 6 - Preparation of the Draft and Final Study Report

A draft letter report will be prepared to summarize the findings of the study and will include the Engineering and Traffic Survey report. Following review and comments by the Town, we will incorporate the Town's comments and prepare a final letter report. The final letter report will be reviewed and stamped by a registered traffic engineer in the State of California. The Town will be provided with three copies of the completed study report.

EXHIBIT B

SCHEDULE OF PERFORMANCE

KHA is prepared to begin work immediately upon receipt of the fully executed agreement and data from Town (Task 1), and we will endeavor to meet your scheduling needs. The proposed schedule for the project follows.

Deliverable	**Time**
Draft Report	3 weeks from receipt of agreement and data
Final Report	1 week after Town review

EXHIBIT C

COMPENSATION

Kimley-Horn will provide the services outlined in the Scope of Work for a Lump Sum fee of $1,400. The fee includes labor costs and indirect and direct expenses incurred in performing these services. Direct expenses consist of radar surveys, traffic counts, in-house blueprinting and postage. Other direct expenses, if any are necessary, will not be incurred without your authorization.

Services other than those set forth in the Scope of Work shall constitute extra services. Extra services, such as attendance at meetings other than those included in the Scope of Services and changes in project location, shall be performed only with your authorization, and for additional fees to be negotiated prior to authorization.

Fees will be invoiced monthly based upon the percentage of the services completed as of the invoice date. The following table outlines our level of effort estimate.

Estimated Level of Effort - Town of Atherton Speed Survey

Task	Krupka	Analyst	Clerical	Total
	P7	P2	N2	
Task 1 - Project Administration	0.5		0.5	1
Task 2 - Data Collection		1		1
Task 3 - Speed Survey Analysis		0.5		0.5
Task 4 - Collision Analysis		0.5		0.5
Task 5 - Recommendation of Posted Speed		0.5		0.5
Task 6 - Preparation of Draft and Final Study Report	0.5	0.5	1	2
Total Hours	1	3	1.5	5.5
Billing Rate	$240	$140	$90	
Labor	$240	$420	$135	$795
Multitrans (Radar Surveys): $500/segment				$500
Indirect Expenses (Mileage, Telephone, Postage, etc)				$55
Direct Expenses (Plotting, Fedex, etc.)				$50
Total				**$1,400**

Item No. 14

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JERRY GRUBER, CITY MANAGER

FROM: **DUNCAN L. JONES, PUBLIC WORKS DIRECTOR**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **DEBELL DRIVE TRAFFIC STUDY**

RECOMMENDATION:

Recommend that staff be directed to proceed with the DeBell Drive Traffic Study under the Town's Traffic Program procedures.

INTRODUCTION:

A resident request that signs or other means to control cut-through traffic on DeBell Drive (both from Middlefield and from Oak Grove during the morning school rush) be considered. The matter was heard by the Transportation Committee at their January 11, 2010 meeting. The Committee recommends that the Traffic Program be initiated.

ANALYSIS:

The Traffic Program, adopted January 16, 2008, provides that:

> *Upon the request of any resident, on recommendation from the Transportation Subcommittee, or on motion by the City Council, the City Council may direct staff to address a traffic issue.*

The first step in addressing a traffic issue is:

Staff will initially send a survey mailing to all households in the area affected by the traffic issue to determine their agreement that there is a concern to be addressed and to determine if they are in favor of a traffic study being performed.

If the survey indicates a general agreement that there is a problem as well as the solution, staff may be able to implement a trial solution, after holding a public meeting, instead of expensive studies.

FISCAL IMPACT:

Initially there would be staff time and mailing costs for the survey. This cost would be a few hundred dollars. If the survey indicates that signs would be an acceptable initial trial solution, a public meeting would require additional staff time, and installation of two signs would cost approximately $600.

Prepared By:

Duncan L. Jones, P.E.
Public Works Director

Approved:

Jerome D. Gruber
City Manager

Attachments: Request

From: Duncan Jones
Sent: Monday, November 30, 2009 1:34 PM
To: 'Cherry Lorenzini'
Subject: RE: Re: Maple Manor

Dear Ms. Lorenzini

I have placed the DeBell restriction issue on the next Transportation Committee agenda. The meeting will be on January 12, 2010.

Duncan L. Jones, P.E.
Public Works Director/City Engineer
Town of Atherton
91 Ashfield Road
Atherton, CA 94027
650.752.0532

From: Cherry Lorenzini [mailto:cherrylorenzini@yahoo.com]
Sent: Friday, November 27, 2009 12:54 PM
To: Duncan Jones
Subject: Re: Re: Maple Manor

Dear Mr. Jones,
Thanks for responding so quickly.
I think your suggestion to try the signs first seems a good beginning.
Entering and exiting on Middlefield is always dangerous but especially so during peak traffic times.
I drive Toyon daily to my daughter's house on Ringwood and noticed there is a yellow 15mph caution sign indicating a curvy road. De Bell is narrower than Toyon and equally as curvy with several blind spots. I think it qualifies for a caution.
Let's try the signs first and revisit the issue after a trial period as you suggested.
Sincerely,
Cherry Lorenzini
53 De Bell Drive

From: Duncan Jones <djones@ci.atherton.ca.us>
To: cherrylorenzini@yahoo.com
Cc: Kathy McKeithen <kathymckeithen@yahoo.com>
Sent: Fri, November 20, 2009 3:04:18 PM
Subject: RE: Re: Maple Manor

Dear Ms. Lorenzini

Councilmember McKeithen forwarded your concern to me. Evaluating these suggestions will require Council action, on their own motion of after recommendation by the Transportation Committee, according the Town's Traffic Program. See copy attached. If approved, a neighborhood survey would be done first. If the survey yielded positive results, studies would be undertaken.

1. The sign restrictions would probably be the advisable first step to consider. I could recommend the sign solution with very little study and a 6 month trial to be sure there were no unintended consequences.
2. Any kind of closure would require a more detailed study to determine if the geometry works, as well as the impacts on traffic. A full closure would need to have a turnaround sufficient for fire trucks, or a means for fire trucks to get through. Partial closures would need to look at potential conflicts between entering and exiting traffic like we already have at the Linden gate, and also look at how to get fire trucks in and out. Such a study would cost the Town money to hire a consultant to perform the study. This would likely take longer in order to be included in a budget.
3. We are unable to place a 15 mph speed limit, as the default lowest speed limit by state law is 25 mph.

The first step would be for me to place your request on the Transportation Committee's agenda for January. You may want to appear at the Committee meeting to ask the Transportation Committee to recommend that the Council approve the survey. If you would like to write a more formal letter, I can include that with the agenda. In particular, let me know which course(s) of action you wish to pursue (the sign and/or the closure).

Duncan L. Jones, P.E.
Public Works Director/City Engineer
Town of Atherton
91 Ashfield Road
Atherton, CA 94027
650.752.0532

From: Kathy McKeithen [mailto:kathymckeithen@yahoo.com]
Sent: Thursday, November 19, 2009 6:07 PM
To: Duncan Jones
Subject: RE: Re: Maple Manor

Duncan

Could you please contact Cherry and find out what she wants to do? Thanks.

Kathy

From: Kathy McKeithen [mailto:kathymckeithen@yahoo.com]
Sent: Saturday, November 14, 2009 11:20 PM
To: Jerry Gruber; Duncan Jones
Subject: Fw: Re: Maple Manor

--- On **Sat, 11/14/09, Cherry Lorenzoni <*cherrylorenzini@yahoo.com*>** wrote:
From: Cherry Lorenzoni <cherrylorenzini@yahoo.com>
Subject: Re: Maple Manor
To: "Kathy McKeithen" <kathymckeithen@yahoo.com>
Date: Saturday, November 14, 2009, 4:46 PM

You may use my name.
People tear through to avoid the light
We would not be denying access just changing access Oak Grove / De Bell would still be open at all times We would be making the neighborhood a cul de sac.
Alternatives:
1. No right turn onto De Bell from Oak Grove between 6:00AM and 9:00 AM. No left turn onto De Bell from Middlefield during the same time period.
2. Place entrance restricting fencing (one vehicle at a time) copying those In place on Cloud between Avy and Valporiso.
3.posting and enforcing a 15 MPH limit.

Cherry

On Nov 14, 2009, at 9:19 AM, Kathy McKeithen <kathymckeithen@yahoo.com> wrote:

Cherry,

My understanding is, that as a public road, we have no right to deny access without some special reason and limited time (i.e. a block party) and perhaps even a required permit as the road is a public right-of -way.

I will verify this with Duncan Jones (Head of Public Works) and the Chief of Police and if this information is incorrect will let you know. In any event, I will request additional police enforcement and relate your compaint (without name) to the police department.

Good to see you back in the neighborhood.

Kathy
--- On **Fri, 11/13/09, Kathy McKeithen <*kmckeithen@ci.atherton.ca.us*>** wrote:

> From: Kathy McKeithen <kmckeithen@ci.atherton.ca.us>
> Subject: FW: Maple Manor
> To: "Kathy McKeithen" <kathymckeithen@yahoo.com>

> Date: Friday, November 13, 2009, 9:46 AM

-----Original Message-----
From: Cherry Lorenzoni [mailto:cherrylorenzini@yahoo.com]
Sent: Friday, November 13, 2009 9:40 AM
To: Kathy McKeithen
Subject: Maple Manor

Could we close the gates on Middlefield and make Maple Manor safer from the "shortcut" traffic that tears through every morning.

Cherry

Cherry

On Nov 14, 2009, at 9:19 AM, Kathy McKeithen <kathymckeithen@yahoo.com> wrote:

Cherry,

My understanding is, that as a public road, we have no right to deny access without some special reason and limited time (i.e. a block party) and perhaps even a required permit as the road is a public right-of -way.

I will verify this with Duncan Jones (Head of Public Works) and the Chief of Police and if this information is incorrect will let you know. In any event, I will request additional police enforcement and relate your compaint (without name) to the police department.

Good to see you back in the neighborhood.

Kathy
--- On **Fri, 11/13/09, Kathy McKeithen <*kmckeithen@ci.atherton.ca.us*>** wrote:

> From: Kathy McKeithen <kmckeithen@ci.atherton.ca.us>
> Subject: FW: Maple Manor

> To: "Kathy McKeithen" <kathymckeithen@yahoo.com>
> Date: Friday, November 13, 2009, 9:46 AM

-----Original Message-----
From: Cherry Lorenzoni [mailto:cherrylorenzini@yahoo.com]
Sent: Friday, November 13, 2009 9:40 AM
To: Kathy McKeithen
Subject: Maple Manor

Could we close the gates on Middlefield and make Maple Manor safer from the "shortcut" traffic that tears through every morning.

Cherry

Town of Atherton

ITEM 15

DATE: **CITY COUNCIL MEETING OF FEBRUARY 17, 2010**

TO: **CITY COUNCIL**

FROM: **JERRY GRUBER, CITY MANAGER**
LISA COSTA SANDERS, DEPUTY TOWN PLANNER

SUBJECT: **CONSIDER CONSENT TO ASSIGNMENT OF FRANCHISE COLLECTION AGREEMENT FOR ALLIED WASTE INDUSTRIES, INC. MERGER WITH REPUBLIC SERVICES, INC.**

RECOMMENDATION

Staff recommends that the City Council approve Resolution 10-08 approving the consent to assignment of the Franchise Collection Agreement with Allied Waste Industries Inc. (Allied) to Republic Services, Inc. (Republic) pursuant to their merger.

BACKGROUND

At its November 19, 2009 meeting, the SBWMA Board approved Resolution 2009-35 recommending Member Agencies consent to assignment of their respective Franchise Collection Agreements based on the Allied/Republic merger.

On November 20, 2008, SBWMA Counsel provided a memo to the Board discussing the pending merger of Allied with Republic. At that time it was indicated that the "Consent to Assignment" provisions of both the Operating Agreement and Disposal Agreement with Allied would require SBWMA Board's consent of the merger. Similarly, the "Consent to Assignment" provisions of each of the SBWMA Member Agency Franchise Collection Agreements would require each Member Agency's consent to the merger.

SBWMA staff reviewed documentation provided by Allied last year. The merger of the two companies became effective on or about December 5, 2008. The merger was subject to a lawsuit outside of California and review by the Federal Department of Justice. All associated issues have been resolved and the merger is now final.

Republic is the company which retained the majority of the directors; Republic's CEO remains as Chair of the Board and CEO, while Allied exists as a wholly owned subsidiary of Republic.

ANALYSIS

The SBWMA believes it is appropriate to now have each of the SBWMA Member Agencies act under

the relevant Assignment provisions of the respective Franchise Collection Agreements to provide consent to the Allied/Republic merger. As stated in the Town's Franchise Agreement with Allied "merger" is within the definitions provided for assignment as are "change in ownership" or "change in control".

There is a Guarantee and a Performance Bond in the current Franchise Collection Agreement that will have to be updated and modified to provide for Republic being the principal party. Otherwise, no other changes to the documents are necessary.

The Council will note a separate agenda item on this Council agenda relating to the Assignment of the Franchise Collection Agreement from Republic Services to Recology. The Assignment from Allied to Republic should be acted on prior to acting on the Assignment from Republic to Recology.

ALTERNATIVES

The City Council could take no action on this request. This may jeopardize the Assignment from Republic to Recology.

FISCAL IMPACT

No fiscal impact associated with this action. The collection rate setting methodology remains as stated in the Collection Agreement.

RECOMMENDATION

Staff and the SBWMA recommends the City Council adopt the attached Resolution approving the consent to assignment of the Franchise Collection Agreement with Allied Waste Industries, Inc. to Republic Services, Inc (Republic) pursuant to their merger.

Prepared By:	Approved by:
/s/ *Lisa Costa Sanders*	*/s/ Jerome D. Gruber*
Lisa Costa Sanders	Jerome D. Gruber
Deputy Town Planner	City Manager

Attachment:

1. Resolution 10-08

RESOLUTION NO. 10-08

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CONSENTING TO ASSIGNMENT OF FRANCHISE COLLECTION AGREEMENT BY ALLIED WASTE INDUSTRIES, INC. TO REPUBLIC SERVICES, INC.

WHEREAS, The South Bayside Waste Management Authority (SBWMA) is a joint powers agency organized under the Joint Exercise of Powers Act by cities and other local government agencies in San Mateo County (the "Member Agencies"), each of which oversees the collection of solid waste, recyclable materials, and plant materials within its jurisdiction;

WHEREAS, in 2000, the Town of Atherton entered into a Franchise Collection Agreement, as subsequently amended with BFI Waste Systems of North America, Inc. (BFI), now a wholly owned subsidiary of Allied Waste Industries, Inc., a Delaware corporation (Allied), (hereinafter the Franchise Collection Agreement);

WHEREAS, by an agreement on June 22, 2008, Allied, pursuant to an Agreement and Plan of Merger, merged with Republic Services, Inc., a Delaware corporation (Republic);

WHEREAS, effective December 5, 2008, Republic became the surviving corporation and Allied became a wholly owned subsidiary of Republic;

WHEREAS, the SBWMA has reviewed the financial records and performance of Republic as part of the RFP process for the Collection Agreements with Members Agencies and is satisfied that the merger of Allied and Republic, with Republic as the Contractor, will not be detrimental to the SBWMA or its member entities, and that Consent to Assignment be issued;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby consent to the assignment of the Franchise Collection agreement to Republic by Allied conditioned on Republic executing a revised Guaranty Agreement, and providing a new Performance Bond pursuant to the requirements of said Franchise Collection Agreement.

* * * * * * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 17th day of February, 2010 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

_____
Kathy McKeithen, Mayor

Town of Atherton

ATTEST:

_____

Theresa DellaSanta

Item No. 16

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JEROME GRUBER, CITY MANAGER

FROM: **LOUISE HO, FINANCE DIRECTOR**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **ADOPTION OF A RESOLUTION RESCINDING THE BUSINESS LICENSE PROCESSING FEE ADOPTED BY RESOLUTION 09-04**

RECOMMENDATION

Adopt a resolution of the City Council of the Town of Atherton rescinding the business license processing fee adopted by Resolution 09-04.

DISCUSSION

The Town of Atherton adopted a $25 business license processing fee on January 21, 2009, to defray the cost of outsourcing business license processing to MuniServices for efficiency and effectiveness. Before the adoption of the processing fee, legal advice was sought to ensure that it was a permissible fee and not a tax.

Recently, staff discovered that the Court of Appeal of California for the Fourth District reversed the trial court's ruling and decided that the administrative fees designed to cover the cost of collecting business licenses to be general taxes.

The Town's City Attorney reviewed the Court ruling and is recommending that the Town rescind the business license processing fee and to refund the processing fees collected to December 10, 2009. Since December 10, 2009, the Town is no longer collecting a business license processing fee.

To help the Town in the loss of revenue, MuniServices agreed to reduce their processing charge to the Town from $25 to $20, effective January 1, 2010.

FISCAL IMPACT

The amount to be refunded is estimated to be about $17,000. A mid-year budget adjustment of $28,000 was requested for the Finance Department to cover the cost of refund and the service of MuniServices.

Prepared by:	Approved by:
_____	_____
Louise Ho	Jerome D. Gruber
Finance Director	City Manager

Attachment: Resolution 10-09
Resolution 09-04

RESOLUTION NO. 10-09

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING RESOLUTION NO. 09-04 AND RESCINDING OF BUSINESS LICENSE PROCESSING FEE

WHEREAS, on January 21, 2009, the City Council adopted Resolution 09-04 retaining MuniServices LLC to assist in the administration of the business license tax and establishing a Twenty Five Dollar ($25.00) processing fee for each license issued in Fiscal Year 2008-2009; and

WHEREAS, in the case of *Weisblat et al v. City of San Diego*, the Court of Appeals for the Fourth Appellate District of California held that such processing fees may not be charged for a business license that is issued purely for revenue purposes, without any regulatory purpose; and

WHEREAS, as part of its mid-year budget adjustments, the City Council directed that the fee be rescinded and refunds be provided to those businesses that had paid the fee;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby:

1. Amend Resolution 09-04 by rescinding the adoption of a $25 per license business license processing fee for FY 2008-09.
2. Direct staff to refund business license processing fees paid pursuant to Resolution No. 09-04. Adopt a $25 per license business license processing fee for FY 2008-09.

* * * * * * * * * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 17th day of February, 2010, by the following vote:

AYES: *COUNCIL MEMBERS:*
NOES: *COUNCIL MEMBERS:*
ABSENT: *COUNCIL MEMBERS:*
ABSTAIN: *COUNCIL MEMBERS:*

_____
Kathy McKeithen , MAYOR
TOWN OF ATHERTON

ATTEST:

_____
Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

_____
Wynne Furth, City Attorney

RESOLUTION NO. 09-04

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING THE OUTSOURCING OF COLLECTION OF BUSINESS LICENSE TAX TO MUNISERVICES, LLC, AND ADD-ON A BUSINESS LICENSE PROCESSING FEE

WHEREAS, on January 21, 2009, the City Council desires to outsource the processing and administration of business license tax to MuniServices LLC; and

WHEREAS, the City Council desires to recover those outsourcing costs; and

WHEREAS, the City Council has established a business license processing fee that is reflective of the actual costs of labor, benefits and overhead associated with those services; and

WHEREAS, the City Council sets the FY 2008-09 business license processing fee at $25 per license; and

WHEREAS, the City Council desires to set future year business license processing fee through the Master Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby:

1. Adopt the outsourcing of collection of business license tax to MuniServices, LLC; and

2. Adopt a $25 per license business license processing fee for FY 2008-09.

* * * * * * * * * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 21st day of January, 2009, by the following vote:

AYES:	*3*	*COUNCIL MEMBERS: Marsala, Carlson, McKeithen*
NOES:	*1*	*COUNCIL MEMBERS: Lewis*
ABSENT:	*1*	*COUNCIL MEMBERS: Dobbie*
ABSTAIN:	*0*	*COUNCIL MEMBERS: None*

/s/ *Jerry Carlson*

Jerry Carlson, MAYOR
TOWN OF ATHERTON

ATTEST:

/s/ *Kathi Hamilton*

_____

Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

/s/ *Marc G. Hynes*

_____

Marc G. Hynes, City Attorney

Item No. 17

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **JEROME GRUBER, CITY MANAGER**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **APPROVAL OF THE THIRD AMENDMENT TO THE PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH NBS CONCERNING THE TOWN OF ATHERTON'S COMPREHENSIVE FEE STUDY**

RECOMMENDATION

Approve the third amendment to the professional/consulting services agreement with NBS concerning the Town of Atherton's comprehensive fee study; and authorize City Manager to execute in an amount not to exceed $9,300.

DISCUSSION

At the Special City Council meeting on February 1, 2010, the City Council requested that NBS made modification to the adopted Cost Allocation Plan and the Master Fee Schedule. In order for NBS to be able to perform the requested services, an amendment to the NBS contract is necessary.

With the directed modification, a revised Master Fee Schedule is prepared and is included in the February agenda for City Council Approval.

FISCAL IMPACT

The cost of the third amendment is $9,300. By approving this amendment, the City Council is also authorizing an increase for the FY 2009-10 Non-Department budget by $9,300.

Prepared by: Approved by:

_____ _____

Louise Ho, Finance Director Jerome D. Gruber, City Manager

Attachment: Professional/Consulting Services Agreement dated January 29, 2009
Third Amendment to Professional/Consulting Services Agreement

TOWN OF ATHERTON
PROFESSIONAL/CONSULTING SERVICES AGREEMENT

This **PROFESSIONAL/CONSULTING SERVICES AGREEMENT,** (this "Agreement") is made and entered into this 29th of January, 2009, by and between the **TOWN OF ATHERTON,** a municipal corporation (hereinafter "Town") and **NBS** (hereinafter "Consultant").

In consideration of the mutual promises contained herein, the parties hereto agree as follows:

Section 1. Term of Agreement

This Agreement shall be for a cost allocation plan, full cost recovery staff hourly labor rates, and comprehensive fee study.

Section 2. Scope of Work

Consultant shall provide Town with the services described in Exhibit A which is attached hereto and incorporated herein by this reference as though set forth in full. The duties and services required of Consultant under this Agreement and pursuant to this Section 2 are referred to throughout the remainder of this Agreement as "the Work."

Section 3. Responsible Individual

Consultant represents and warrants that the execution of this Agreement has been approved by Consultant and that person executing this Agreement on behalf of Consultant has the full authority to do so.

Section 4. Work Schedule

Consultant shall be available to complete each task in a timely manner as specified in the Request for Proposal unless time extension is granted by the Town. Consultant shall not be held responsible for delays caused beyond its reasonable control.

Section 5. Compensation

In consideration of the performance of the Work described in Section 2, Consultant shall be compensated at the rate set forth in Exhibit B which is attached hereto and incorporated herein as though set forth in full. Consultant shall not charge Town for any administrative expenses or overhead, including without limitation, facsimile, mileage and other/or any other expenses incurred by Consultant in connection with Consultant's provision of the Work. Consultant acknowledges and agrees that the compensation to be paid to Consultant under this Section 5 represents the full amount due and owing to Consultant in connection with performance of the Work.

Section 6. Amendments

In the event Town desires to retain Consultant for the performance of additional services, or wishes to delete any services in connection with this Agreement, specifications of such changes and adjustments to compensation due Consultant therefore shall be made only by written and signed amendment to this Agreement.

Section 7. Independent Contractor - Subcontractors

It is specifically understood and agreed that in the making and performance of this Agreement, Consultant is an independent contractor and is not and shall not be construed to be an employee, common law employee, agent or servant of Town. The consultant shall be solely liable and responsible to pay all required taxes and other obligations, including, but not limited to, withholding and Social Security. Consultant acknowledges and agrees that he/she is not entitled to the benefits of civil service status and/or the rights and privileges enjoyed by civil service employees and Consultant hereby waives any and all claims to such rights and/or privileges.

Section 8. Consultant's Responsibility

It is understood and agreed that Consultant has the professional skills necessary to perform the Work, and that Town relies upon the professional skills of the Consultant to do and perform the Work in a skillful and professional manner in accordance with the standards of the profession. Consultant thus agrees to so perform the Work.

Acceptance by Town of the Work, or any of it, does not operate as a release of the Consultant from such professional responsibility. It is further understood and agreed that Consultant has reviewed in detail the scope of the work to be performed under this Agreement and agrees that in his professional judgment, the Work can and shall be completed for a fee within the amounts set forth in Section 5 of this Agreement.

Section 9. Hold Harmless and Indemnification

Consultant shall indemnify, defend and save Town, its officers, elected and appointed officials, employees, contractors and agents harmless from and against any and all liability, claims, suits, actions, damages and/or causes of action of any kind arising out of any bodily injury, personal injury, property damage or in violation of any federal, state or municipal law or ordinance or other cause in connection with the activities of Consultant, or on account of the performance or character of the Work or otherwise related to its performance of this Agreement to the extent that any such liability, claims, suits, actions, damages and/or causes of action arises out of the intentional, negligent or willful misconduct of the Consultant.

Section 10. Insurance

Consultant shall provide proof of insurance coverage during the life of the Contract: (a) Comprehensive General Liability and Automobile Liability Insurance in an amount not less than $1,000,000 combined single limit applying to bodily injury, personal injury and property damage; (b) professional liability insurance in the amount of $2,000,000 per claim. Carrier shall provide notice to the Town of any change in or limitation of coverage or cancellation no less than 30 days prior to the effective date. Proof of worker's compensation coverage pursuant to statutory requirement shall also be provided.

Section 11. Compliance with Applicable Laws, Permits and Licenses

Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement.

Section 12. Nondiscrimination

There shall be no discrimination against any employee who is employed in the Work, or against any applicant for such employment because of race, religion, color, sex or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

Section 13. Consultant Conflict of Interest

Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement, no persons having any such interest shall be employed.

Section 14. Assignment

Consultant shall not assign any interest in this Agreement, and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of Town.

Section 15. Ownership of Documents

Consultant agrees that all documents produced in the performance of this Agreement shall be available to the Town upon request. The Work shall be used solely for the project for which it was originally intended.

In Witness Whereof, Town and Consultant have executed this Agreement as of the date first written above.

Town of Atherton

Jerry Gruber
City Manager

NBS

By: MICHAEL RENTNER
PRESIDENT & CEO

Exhibit A

SCOPE OF WORK

1. ***Cost Allocation Plan***

Develop a Cost Allocation Plan and Overhead Rates stated as a percentage of direct costs, for all Town Departments and funds.

Develop a model and methodology for gathering data and periodically updating the Cost Allocation Plan and Overhead Rates as new costs are added or old costs are eliminated or modified. The model should be in spreadsheet or database format that automatically recalculates as cost items are input.

Advise Town staff on application of model to future funds, department, programs and activities.

Present a preliminary plan to Town management and adjust as necessary.

Present the Cost Allocation Plan and Overhead Rate Study to the City Council.

2. ***Full Cost Recovery Staff Hourly Labor Rates***

Identify all staff positions whose time can properly be allocated to or among Town departments, funds, programs, activities and/or fees charged for Town services.

Determine each staff position's direct cost (stated in dollars and cents per hour) that includes fringe benefits (stated both in dollars and cents per hour and as a percentage of salary) and overhead rate (stated as a percentage of direct cost).

Review existing programs in place that capture employee time and allocate it to projects.

Develop a model and methodology by which finance staff can gather data and periodically update the staff labor rates as new salaries and pay rates, fringe benefits and other costs are added or old costs are eliminated or modified. The model should be in spreadsheet or database format that automatically recalculates as cost items are input.

Advise Town staff on the application of the model to future funds, departments and programs.
Present a preliminary plan to Town management and adjust as necessary.

Present the Full Cost Recovery Staff Hourly Labor Rate Study to the City Council.

3. ***Comprehensive Fee Study***

Meet and confer with Town staff to gain an understanding of the Town's existing fee structure, current and future development environment, and political considerations.

Conduct a comprehensive review of existing fees and service charges including various administration, planning, police, park programs, building, public works permit fees.

Identify the total cost of providing each Town service at the lowest reasonable activity level (utilizing the cost allocation plan and full cost recovery labor rates).

Where the Town is currently charging for services, compare existing recovery levels and fees with service costs and identify services for which the Town is not currently charging, but could lawfully do so.

Recommend revised and/or new fees and service charges where cost recovery might be appropriate in light of the Town's existing policies and practices, the practices of neighboring cities, and market fee rate.

Recommend appropriate fees and service charges where full cost recovery might be unrealistic or undesirable.

Develop a model and methodology for gathering data and periodically updating the fees and service charges schedules for inflation and as new costs are added and old costs eliminated or modified. The model should be in spreadsheet or database format that automatically recalculates as cost items are input.

Prepare a report that identifies each Town service, its full cost, the costs currently being recovered, and the recommended cost recovery levels. For each activity, the report should define and identify direct and indirect costs.

Prepare a report that evaluates the impact on Town revenues by fund, program or activity, and in total, of recommended changes in the fee and service charge structure.

Advise Town staff on the application of the cost allocation model developed in determining appropriate fees and charges based on program costs in the future.

Prepare a report that compares the Town's fee and service charges to similar cities selected by Town with Consultant's input.

Present initial findings and recommendations to management and adjust as necessary.

Prepare and deliver to the City Council a report on findings and recommendations, to facilitate an understanding by the City Council and the Public of the methodologies, issues and recommendations resulting from the fee study.

Exhibit B

FEE SCHEDULE

1.	Cost allocation plan	$ 9,900
2.	Full Cost Recovery Staff Hourly Labor Rates	5,300
3.	Comprehensive Fee Study	22,200
	Total not-to-exceed	$37,400

NBSGOVE-01 SBB

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 1/27/2009

PRODUCER License # 0B23506 (858) 541-2900
Vanorsdale Insurance Services
4909 Murphy Canyon Road, Suite 510
San Diego, CA 92123

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED NBS Government Finance Group
32605 Temecula Parkway, Suite 100
Temecula, CA 92592

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Maryland Casualty Insurance Company	
INSURER B: American States Insurance Company	
INSURER C: Republic Indemnity	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC	PAS00053837	9/24/2008	9/24/2009	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 2,000000 $ 2,000,000 $ 10,000 $ 2,000,000 $ 4,000,000 $ 4,000,000
B		AUTOMOBILE LIABILITY [X] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS	01CH0603344	9/24/2008	9/24/2009	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
		GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
		EXCESS/UMBRELLA LIABILITY [ ] OCCUR [ ] CLAIMS MADE [ ] DEDUCTIBLE [ ] RETENTION $				EACH OCCURRENCE AGGREGATE	$ $
C		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	17355502	9/24/2008	9/24/2009	[X] WC STATU-TORY LIMITS [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

1Except 10 days notice of cancellation for non-payment of premium.

2Proof of Insurance

CERTIFICATE HOLDER

Town of Atherton
91 Ashfield Road
Atherton, CA 94027-

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

© ACORD CORPORATION 1988

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 1/27/2009

PRODUCER License # 0B23506 (858) 541-2900
Vanorsdale Insurance Services
4909 Murphy Canyon Road, Suite 510
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INSURED
NBS Government Finance Group
32605 Temecula Parkway, Suite 100
Temecula, CA 92592

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Philadelphia Indemnity Insurance Compar	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY				EACH OCCURRENCE	$
		COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurence)	$
		CLAIMS MADE OCCUR				MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$
						GENERAL AGGREGATE	$
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	$
		POLICY PRO-JECT LOC					
		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	$
		ANY AUTO					
		ALL OWNED AUTOS				BODILY INJURY (Per person)	$
		SCHEDULED AUTOS					
		HIRED AUTOS				BODILY INJURY (Per accident)	$
		NON-OWNED AUTOS					
						PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
		ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	$
		OCCUR CLAIMS MADE				AGGREGATE	$
							$
		DEDUCTIBLE					$
		RETENTION $					$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS OTH-ER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	$
						E.L. DISEASE - POLICY LIMIT	$
		OTHER					
A		Professional Liability	PHSD361580	9/24/2008	9/24/2009	Each Wrongful Act	$2,000,000
A		Professional Liability	PHSD361580	9/24/2008	9/24/2009	Annual Aggregate	$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

*Except 10 days notice of cancellation for non-payment of premium.

Proof of Insurance

CERTIFICATE HOLDER

Town of Atherton
91 Ashfield Road
Atherton, CA 94027-

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

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THIRD AMENDMENT TO THE PROFESSIONAL/CONSULTING SERVICES AGREEMENT WITH NBS CONCERNING THE TOWN OF ATHERTON'S COMPREHENSIVE FEE STUDY

This Third Amendment to the Professional/Consulting Services Agreement by and between the Town of Atherton ("Town") and NBS ("Consultant") is entered into as of the _____ day of 2010 ("Effective Date"), by and between Town and Consultant.

RECITALS

A. Town and Consultant are parties to that certain Professional/Consulting Services Agreement for the Town's comprehensive fee study executed January 29, 2009, as amended ("Agreement").

B. Town and Consultant now desire to enter into this Second Amendment to the Agreement to provide for additional work as described below.

AGREEMENT

NOW, THEREFORE, in consideration of the following mutual promises, the parties hereby amend the Agreement as follows:

1. **Scope of Work**. In addition to the services provided under the Agreement as outlined in Exhibit A thereto, Town desires additional services as outlined in Exhibit 1, attached hereto and incorporated herein.

2. **Compensation**. The not-to-exceed amount of $61,040 is hereby increased by $9,300 as additional consideration for Consultant's performance of the additional work tasks described in Exhibit 1. Accordingly, Consultant shall perform the services described in the Agreement, including this Third Amendment, for a total not-to-exceed amount of $70,340.

3. **Agreement in Effect**. Except as amended by Third Amendment, the Agreement shall remain in full force and effect.

4. **Counterpart Signatures**. This Third Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

[Signatures on following page]

IN WITNESS THEREOF, the parties have executed this Second Amendment as of the date first written above.

Town of Atherton

By _____
Jerry Gruber, City Manager

Approved as to Form

By _____
Wynne Furth, City Attorney

NBS, Consultant

By:_____
Its:_____

By:_____
Its:_____

EXHIBIT "1"

SCOPE OF SERVICES

1. Consultants prepared for and attended the February 1, 2010 City Council specialmeeting to enable discussion of overhead cost allocation.

2. Given material policy direction received on February 1st, consultants conducted a substantive revision of all analytical modules supporting the Master Fee Schedule, including a new iteration of the overhead cost allocation plan, generation of new fully burdened hourly rates, generation of new full costs of activities/services, and new versions of the Master Fee Schedule. This substantive revision also enabled additional work with departmental staff to revisit and modify several fee structures to be responsive to community input received since implementation, most notably in the Public Works Department.

3. Consultants prepared transmittal documentation for the City Council meeting at which the revised Master Fee Schedule will be considered.

4. Consultants will prepare presentation materials for the City Council meeting at which the revised Master Fee Schedule will be considered.

5. Consultants will attend a City Council regular meeting and public hearing at which the revised Master Fee Schedule will be considered for adoption. This meeting is currently scheduled for February 17, 2010.

6. Consultants will finalize and resubmit all analytical models, worksheets, and documentation to Town staff upon conclusion of the Master Fee Schedule.

7. Consultants have and will provide general consultation as the revised Master Fee Schedule is developed and preparations are made at the Town staff/management level for the February City Council meeting.

This amendment does not contemplate any additional effort (other than finalization of models and documentation for delivery) beyond the February event to consider the revised Master Fee Schedule. Should the Master Fee Schedule continue beyond that event and consultant support is required, NBS may request another amendment at that later time.

Distribution of Consultant Labor Hours

	Project Mgr., J. Hahn	Sr. Consultant J. Hahn	Consultant, T. Madsen	Analyst, J. Bero	Consultant Labor (hrs.) **Grand**	Consultant Costs ($) **Totals**
Activity *Hourly Rate*	*$190*	*$150*	*$130*	*$100*		
1. City Council Session, 2/1/2010	3.0	2.0	-	-	5.0	870 $
2. Substantive Revision of All Products	-	2.0	16.0	24.0	42.0	4,780
3. Transmittal for City Council Meeting	-	1.0	1.0	3.0	5.0	580
4. Presentation Materials for Council	-	2.0	1.0	-	3.0	430
5. City Council Meeting/Hearing, 2/17/2010	3.0	-	3.0	-	6.0	960
6. Work Product Finalization and Delivery	1.0	-	2.0	4.0	7.0	850
7. General Consultation (1/20-2/17/2010)	3.0	-	2.0	-	5.0	830
TOTAL	**10.0**	**7.0**	**25.0**	**31.0**	**73.0**	**9,300**

Item No. 18

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
CITY MANAGER, JERRY GRUBER

FROM: **ROBERT L. CUSHING, CODE ENFORCEMENT OFFICER**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **ADOPTION OF ADMINISTRATIVE CITATION ORDINANCE**

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 583 that will add Chapter 1.21 to the Atherton Municipal Code and establish administrative citations for violations of the Atherton Municipal code, other town ordinances, applicable state codes, and applicable conditions on entitlements and land use approvals.

DISCUSSION

On January 20, 2010 the City Council introduced Ordinance No. 583 that established administrative citations for violations of the Town's municipal code and other ordinances and regulations. The City Council also adopted Resolution 10-05 that established the amount of fines and penalties imposed for violations of such provisions.

FISCAL IMPACT

Currently, the Town's Code Enforcement Officer provides code enforcement services on a contractual basis. Such services include assessments, field investigations, correspondence, logging and tracking of complaints and cases, dissemination of public information, and other related duties as assigned by the City Manager. The Code Enforcement Officer conducts follow-up inspections until violations are in compliance with Town requirements. The Code Enforcement Officer's current rate of pay is

$103/hour and under most enforcement actions such expenditure is not recoverable. We do not foresee the Code Enforcement Officer's rate or duties changing significantly should the Town adopt this ordinance.

If an administrative hearing is requested, the Code Enforcement Officer can represent the Town at an additional hourly cost. Neither the cost of the Code Enforcement Officer or the hearing officer is recoverable. The use of outside counsel is optional for the Town, and the City Attorney would only be involved if deemed necessary (i.e. if the violation was sufficiently complex from a legal standpoint).

If a resident were to appeal a decision of the hearing officer to Superior Court, the City Attorney would need to get involved. While the Town is exempt from paying filing fees for court proceedings, it would be subject to attorneys' fees to defend the Town. We anticipate that very few, if any, administrative citations will end up in court. As noted above, most violations are resolved at the citation level, while a few may reach the administrative hearing level. An administrative appeal is a necessary and final step before an appellant can appeal the matter to Superior Court.

ALTERNATIVES

If the City Council does not wish to adopt the ordinance, it may take one of the following two options:

1. Direct Town staff to revise the ordinance and bring it back at a future meeting.
2. Decline to adopt the ordinance and maintain the Town's current code enforcement protocol.

ENVIRONMENTAL CLEARANCE

The adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because the establishment of an administrative citation program is not a "project" under CEQA. Specifically, in accordance with CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms that do not involve any commitment to a specific project that may cause a significant effect on the environment is not deemed to be a "project" under CEQA.

FORMAL MOTION

I move that the City Council adopt Ordinance No. 583 entitled An Ordinance of the City Council of the Town of Atherton Adding Chapter 1.21 to the Atherton Municipal Code Establishing Administrative Citations for Violations of the Atherton Municipal Code, Related State Codes and Conditions on Entitlement.

Prepared By:

/s/ Robert L. Cushing

Robert L. Cushing
Code Enforcement Officer

Approved by:

/s/ Jerome D. Gruber

Jerome D. Gruber
City Manager

Attachments:
Ordinance No. 583 - Administrative Citation Ordinance introduced January 20, 2010
Resolution 10-05 establishing amounts of fines and penalties

ORDINANCE 583

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADDING CHAPTER 1.21 TO THE ATHERTON MUNICIPAL CODE ESTABLISHING ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE ATHERTON MUNICIPAL CODE, RELATED STATE CODES AND CONDITIONS ON ENTITLEMENTS

WHEREAS, enforcement of the Town's municipal code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals is a matter of local concern and serves to protect the public health, safety and welfare of Town residents;

WHEREAS, the Town desires an alternative method of enforcement for violations of its municipal code and other applicable regulations;

WHEREAS, one such method of enforcement is an administrative citation program authorized by Government Code section 53069.4;

WHEREAS, the Town desires to establish a comprehensive administrative citation program in accordance with state law; and

WHEREAS, the administrative citation program is intended to encourage voluntary compliance with the Town's municipal code and other applicable laws in a timely and cost effective manner for the protection and benefit of Town residents.

NOW, THEREFORE, the City Council of the Town of Atherton hereby ordains as follows:

SECTION 1: A new Chapter 1.21 of the Atherton Municipal Code is hereby added to read as follows:

"Chapter 1.21 Administrative Citations

Sections:

1.21.010 Purpose and intent.
1.21.020 Authority to issue administrative citations.
1.21.030 Definitions.
1.21.040 Issuance.
1.21.050 Service procedures.
1.21.060 Amount of fines.
1.21.070 Payment of fines.
1.21.080 Request for administrative hearing.
1.21.090 Administrative hearing procedures.
1.21.100 Hearing officer decision.
1.21.110 Collection of unpaid fines.

1.21.120 Right to judicial review.
1.21.130 Notices.

1.21.010 Purpose and intent.

The city council finds and declares that:

A. There is a need for an alternative method of enforcement for violations of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals. An appropriate method of enforcement is the imposition of an administrative citation program and related fines as authorized by Government Code section 53069.4.

B. The issuance of an administrative citation under this chapter is solely at the town's discretion and is one of various options that the town has to address violations of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals. By adopting this chapter, the town does not intend to limit its discretion to use any other remedy, civil or criminal, to address such violations.

C. Enforcement of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals are matters of local concern and serve to protect the public health, safety and welfare of the citizens of the town, and such enforcement is a valid exercise of the town's police power.

D. Issuing administrative citations encourages voluntary and complete compliance with the provisions of this code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals in a timely and cost efficient manner that protects and benefits all town residents.

1.21.020 Authority to issue administrative citations.

The following town officers and employees are designated and authorized to issue administrative citations as the town's enforcement officer:

A. The City Manager or his or her designee;

B. The Code Enforcement Officer or his or her designee;

C. The Building Official or his or her designee; and

D. All sworn police officers.

1.21.030 Definitions.

A. "Enforcement officer" means any officer or employee acting on behalf of the town with the authority to enforce the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals in accordance with the provisions of this code.

B. "Hearing officer" means the person appointed by the city manager, in compliance with any and all applicable legal requirements, to serve as the hearing officer for administrative citation hearings.

C. "Land use approval" means any approval required for a particular use of land, including without limitation, licenses, conditional use permits, variances, or subdivision maps.

D. "Owner" means the record owner of any parcel of real property according to San Mateo County's last equalized property tax assessment roll, or the supplemental roll, whichever is more current.
E. "Person" means and includes a natural person or legal entity, and the owners, majority stockholders, corporate officers, trustees and general partners of a legal entity.
F. "Responsible person" means any individual who is the owner or occupant of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen years, who causes, maintains, or permits a violation of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and/or land use approvals. For the purposes of this chapter, there may be more than one responsible person for any violation and each responsible person shall be jointly and severally liable for any such violation.

1.21.040 Issuance.
A. Notwithstanding the provisions set forth in Chapter 1.20 of the Atherton Municipal Code, any person violating any provision of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and/or land use approvals, including any provision that pertains to building, plumbing, electrical, or other similar structural or zoning issues, may, in the town's discretion, be issued an administrative citation by an enforcement officer. Before the imposition of any administrative fines, the enforcement officer shall allow a reasonable time period not to exceed fourteen calendar days, unless the enforcement officer determines that a longer time period is reasonably warranted and/or necessary under the circumstances, for the person to correct or otherwise remedy the violation.
B. Every person who applies for and receives any type of land use approval or entitlement shall comply with all conditions imposed upon the issuance of such approval or entitlement. Violation of any condition may be subject to an administrative fine in accordance with this chapter.
C. Each and every day a violation exists shall be a separate and distinct violation and may be subject to a separate fine.
D. An administrative citation shall be on a form approved by the city manager and shall contain the following information:
1. Name and address of the responsible person;
2. Date, time, and address or definite description of the location where the violation was observed;
3. The relevant provision violated and a description of the violation;
4. A description of the action required to correct the violation and an explanation of the consequences for failure to correct the violation;
5. An order prohibiting the continuation or repeated occurrence of the violation;
6. The amount of the fine for the violation;
7. An explanation of how and when to pay the fine;
8. A reasonable time period not to exceed fourteen calendar days, unless the enforcement officer determines that a longer period of time is reasonably warranted and/or necessary under the circumstances, within which the responsible person may correct the violation without being subject to a fine;

9. Notification of the right to appeal, including the time within which the administrative citation may be contested and the place to obtain a request for hearing form to appeal the administrative citation;
10. Notification of the right to request a hardship fee waiver;
11. The name and signature of the enforcement officer; and
12. The date the citation was issued.

1.21.050 Service.

An administrative citation issued in accordance with section 1.21.040 may be served in any of the following manners:

A. Personal Service. The enforcement officer shall make a reasonable attempt to locate and personally serve the responsible person with the administrative citation and shall also make a reasonable attempt to obtain the signature of the responsible person on the administrative citation. Service by personal service shall be deemed completed at the time of such personal service. If the responsible person accepts service but refuses to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or any subsequent proceedings.

B. Service by Mail. If the enforcement officer is unable to serve the responsible person by personal service, the enforcement officer shall mail the administrative citation to the responsible person by U.S. certified mail, return receipt requested, and by regular, first class mail. Service by mail shall be deemed effective as of the date of deposit. A copy of the mailing receipt used with certified mail shall be affixed to a copy of the administrative citation that is maintained by the enforcement officer.

C. Service by Posting Notice. If the enforcement officer does not succeed in personally serving the responsible person or in serving the responsible person by certified or regular mail, the enforcement officer shall post the administrative citation on the responsible person's real property on which the violation is occurring. Service by posting shall be deemed effective as of the date of posting.

1.21.060 Amount of fines.

The city council shall establish by resolution the amount of fines, including any late payment penalties, for an administrative citation imposed pursuant to this chapter. The resolution may include escalating fine amounts for repeat violations of the same provision by the same person within 12 months from the date of the initial administrative citation.

1.21.070 Payment of fines.

A. Within thirty days from the date of service of the administrative citation, the responsible person shall pay the fine to the City Clerk.

B. If the fine is not paid within the timeframe prescribed herein, a late payment penalty may be charged in an amount to be established by resolution of the city council.

C. Any fine paid pursuant to this section shall be refunded in accordance with section 1.21.100 if it is determined, after a hearing, that the person charged with the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

D. Payment of a fine shall not excuse or discharge any continuation or repeated occurrence of any violation that is the subject of the administrative citation, nor shall it bar further enforcement action by the town.
E. Any responsible person who is unable to pay the fine may file a request for fee waiver with the city manager ten calendar days from the date of service of the administrative citation.
1. The request for fee waiver shall be in writing, describe why the fine cannot be paid, and include any relevant documentation supporting the request. The request must be accompanied by a sworn affidavit and must demonstrate to the satisfaction of the city manager the responsible person's actual financial inability to deposit with the town the full amount of the fine in advance of the hearing.
2. Once the request for fee waiver is filed, the requirement to pay the administrative fine shall be stayed until the city manager determines whether to grant or deny the request.
3. If the city manager grants the request for fee waiver, the responsible person shall not be required to pay the fine. Granting a request for fee waiver shall not excuse or discharge any continuation or repeated occurrence of any violation that is the subject of the administrative citation, nor shall it bar further enforcement action by the town.
4. If the city manager denies the request for fee waiver, the fine must be paid within fifteen calendar days from the date of service of the city's manager determination. The city manager may also impose a schedule for payment of the fine that shall not exceed 180 days from the date of his or her determination.
5. The city manager's determination shall be (1) made within ten calendar days of the request, (2) in writing, and (3) served via U.S. certified mail, return receipt requested. The city manager's determination shall be final.

1.21.080 Request for administrative hearing.
A. A responsible person may appeal the imposition of an administrative citation by completing a request for hearing form obtained from the City Clerk. The responsible person must return the form to the City Clerk within fifteen calendar days from the date of service of the administrative citation. Unless the responsible person was granted a fee waiver pursuant to section 1.21.070(E), the request for hearing form must be accompanied by an advanced deposit of the fine.
B. The request for hearing form must contain the following information:
1. The name, address, and signature of the responsible person appealing the administrative citation;
2. A brief statement in ordinary and concise language of the specific item that is contested, together with any supportive facts; and
3. A brief statement in ordinary and concise language of the relief sought and the reason why the administrative citation should be rescinded, modified, or otherwise set aside.
C. A hearing before the hearing officer shall be set for a date that is not less than fifteen nor more than sixty calendar days from the date the request for hearing is filed. The responsible person requesting the hearing shall be notified of the time and place set for the hearing at least ten calendar days before the date of the hearing.
D. A request for hearing form that fails to provide all of the information required by this section shall be deemed a failure to appeal the administrative citation. The failure of a responsible person to appeal the administrative citation within the timeframe provided by

this section shall constitute (1) a waiver of any right to an administrative hearing for a determination of the matter contested; and (2) a failure to exhaust his or her administrative remedies.

1.21.090 Administrative hearing procedures.

A. A hearing to appeal an administrative citation before a hearing officer shall not be held unless the appellant has (1) completed and returned the request for hearing form to the City Clerk, and (2) paid the administrative fine to the town.

B. The hearing officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person caused, maintained, and/or permitted the violation.

C. At least ten calendar days before the hearing, the responsible person shall be provided with copies of any and all citations, reports, and other documents submitted or relied upon by the enforcement officer. No other discovery shall be permitted.

D. The formal rules of evidence shall not apply to the administrative hearing. All relevant evidence may be considered, and the hearing officer has the discretion to exclude evidence that he or she finds to be irrelevant or repetitive.

E. The administrative citation and any additional documents submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

F. The responsible person contesting the administrative citation shall be given the opportunity to (1) testify and present witnesses; (2) introduce relevant evidence; (3) cross-examine and/or rebut any witness testifying in support of the administrative citation; and (4) be represented by anyone who is lawfully permitted to do so.

G. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

H. The hearing officer may continue the hearing and request additional information from the enforcement officer or the responsible person contesting the administrative citation before issuing a written decision.

I. The city manager shall compile a list of qualified hearing officers and shall designate the hearing officer for the administrative hearing by random selection from the list, subject to availability of each particular hearing officer. The responsible person may request the city manager to recuse a hearing officer for reasons of actual bias or prejudice against the responsible person's cause. The hearing officer shall not be an employee of the town nor have any employment relationship with the town, except for that of hearing officer. The hearing officer's employment, evaluation, compensation, and/or benefits shall not be conditioned, either directly or indirectly, upon the amount of fine imposed on the responsible person or the number of administrative citations upheld by the hearing officer.

J. In administrative proceedings, the prevailing party shall be entitled to recover its reasonable attorneys' fees, but only if the town elects in writing, at the initiation of the administrative proceeding, to seek recovery of its own attorneys' fees. In no event shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the town in the administrative proceedings. The town may recover its attorneys' fees in the same manner as other costs pursuant to this chapter.

1.21.100 Hearing officer decision.

A. After considering all of the testimony and evidence submitted for the hearing, the hearing officer shall issue a written decision to uphold, modify or revoke the administrative citation that describes the reasons for the decision. The hearing officer's decision shall be final.

1. If the hearing officer determines that the administrative citation should be upheld, the amount of the fine on deposit with the town shall be retained by the town.

2. If the hearing officer determines that the administrative citation should be modified, the town shall refund or collect, whichever is applicable, the difference between the amount of the original fine and the modified fine within fifteen calendar days from the date of issuance of the hearing officer's decision.

3. If the hearing officer determines that the administrative citation should be revoked, the town shall refund the amount of the deposited fine within fifteen calendar days from the date of issuance of the hearing officer's decision.

B. The hearing officer's decision shall include a statement that the aggrieved party may seek judicial review in accordance with section 1.21.120.

C. Within five calendar days of issuance of the hearing officer's decision, the town shall serve a copy of the written decision on the recipient of the administrative citation by U.S. certified mail, return receipt requested. Service of the hearing officer's decision shall be deemed completed on the date of mailing.

1.21.110 Collection of unpaid fines and costs.

A. At its discretion, the town may pursue any and all legal and equitable remedies to collect unpaid fines imposed pursuant to this chapter. Pursuit of one remedy does not preclude the pursuit of any other remedy. It is intended that persons causing, maintaining, and/or permitting the violation, and not the taxpayers, bear the financial burden of the town's code enforcement efforts. Remedies available to the town to collect unpaid fines and costs include the following without limitation:

1. Referring the delinquent account to a collection agency;

2. Authorizing a lien to be recorded on the property; and/or

3. Authorizing a special assessment upon the property.

B. The town shall be entitled to recover all costs related to enforcing any violations that are recoverable under Government Code sections 54988, 38771 *et seq.*, or any other local, state or federal law. Before invoking any of the procedures described in this section, the town shall provide notice to the property owner (if different from the responsible person) based on San Mateo County's last equalized property tax assessment roll, or the supplemental roll, whichever is more current.

C. Any person who fails to pay any fine or penalty shall be liable in any proceeding brought by the town for the costs incurred in securing payment of the unpaid amount, including without limitation, administrative costs and attorneys' fees. Such collection costs shall be in addition to any penalties, interest, and/or late charges imposed upon the unpaid fine.

1.21.120 Right to judicial review.
Any person aggrieved by a decision of the hearing officer may obtain review of the administrative decision by filing (1) an appeal with the San Mateo County Superior Court in accordance with Government Code section 53069.4, or (2) a petition for writ of mandate in accordance with Code of Civil Procedure sections 1094.5 and 1094.6.

1.21.130 Notices.
Except as specifically provided in this chapter, all notices to be given herein shall be served on the responsible person in accordance with the provisions of section 1.21.050. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted herein."

SECTION 2: The City Council hereby declares that it would have passed this Ordinance, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining partsof this Ordinance.

SECTION 3: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * * * * * * * * * * *

Introduced this 20th day of January, 2010

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the 17th day of February, 2010, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Kathy McKeithen, Mayor

Town of Atherton

ATTEST:

_____
Theresa DellaSanta
Deputy City Clerk

APPROVED AS TO FORM:

_____

Wynne Furth
City Attorney

RESOLUTION NO. 10-05

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTING ADMINISTRATIVE FINES AND PENALTIES FOR VIOLATIONS OF THE ATHERTON MUNICIPAL CODE, OTHER TOWN ORDINANCES, APPLICABLE STATE CODES, AND APPLICABLE CONDITIONS ON ENTITLEMENTS AND LAND USE APPROVALS

WHEREAS, at its January 20, 2010 regular meeting, the City Council introduced an administrative citation ordinance via Ordinance No. 583 ("Ordinance") that established an administrative citation program to enforce the Town's municipal code, other town ordinances, applicable state codes, and conditions on entitlements and land use approvals;

WHEREAS, section 1.21.060 of the Ordinance states that the City Council shall establish by resolution the amount of fines, including any late payment penalties, for an administrative citation imposed pursuant to the Ordinance;

WHEREAS, section 1.21.060 also states that such resolution may include escalating fine amounts for repeat violations of the same provision by the same person within 12 months from the date of the initial administrative citation; and

WHEREAS, sections 53069.4, 36900, and 36901 of the California Government Code, together with the Ordinance, provide the authority for the City Council to establish by resolution the amount of fines, including any late payment penalties, for an administrative citation imposed pursuant to the Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings.

The above recitations are true and correct.

Section 2. Amount of Fee.

The amount of fines, including any late payment penalties, for an administrative citation imposed pursuant to the Ordinance follows:

1. When the violation is charged as an infraction, the administrative fine shall be:

    a. $100 for a first violation;
    b. $200 for a second violation of the same provision within one year; and
    c. $500 for each additional violation of the same provision within one year.

2. When the violation is charged as an infraction and concerns local building and safety codes, the administrative fine shall be:

a. $100 for a first violation;
b. $500 for a second violation of the same provision within one year; and
c. $1,000 for each additional violation of the same provision within one year.

3. When the violation is charged as a misdemeanor, the administrative fine shall be:

a. $100 for a first violation;
b. $200 for a second violation of the same provision within one year; and
c. $500 for each additional violation of the same provision within one year.

4. Administrative penalties become delinquent 45 days after the invoice date. Delinquent Administrative penalties are assessed a twenty-five ($25.00) dollar charge plus 1 ½ percent per month on the unpaid balance.

Section 3. Environmental Clearance.

The adoption of this Resolution is not subject to the California Environmental Quality Act ("CEQA") because the establishment of such fines and penalties is not a "project." Specifically, in accordance with CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms that do not involve any commitment to any specific project that may cause a significant effect on the environment is not deemed to be a "project" under CEQA.

Section 4. Severability.

If any action, subsection, sentence, clause or phrase of this Resolution or the fees established by this Resolution shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or the fees established by this Resolution that can be given effect without the invalid provisions.

* * * * * * * * * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 20th day of January, 2010 by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

ATTEST:

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney

Item No. 19

TOWN OF ATHERTON

TO: **HONORABLE MAYOR AND CITY COUNCIL**
CITY MANAGER, JERRY GRUBER

FROM: **KATHY HUGHES ANDERSON, TOWN ARBORIST**

DATE: **FOR THE REGULAR MEETING OF FEBRUARY 17, 2010**

SUBJECT: **ADOPTION OF RESOLUTIONS JOINING THE CALIFORNIAFIRST PROGRAM; AUTHORIZING THE COUNTY OF SACRAMENTO TO APPLY FOR GRANT FUNDS ON THE TOWN'S BEHALF; AUTHORIZING THE ASSOCIATION OF BAY AREA GOVERNMENTS TO ACCEPT A GRANT AWARD ON ITS BEHALF AND TO ENTER INTO ALL NECESSARY AGREEMENTS TO CARRY OUT QUALIFIED PROJECTS**

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and adopt the following resolutions enabling the Town of Atherton:

1. To become a participating member agency of the CaliforniaFIRST program.
2. To authorize the County of Sacramento to apply for grant funds on behalf of the Town.
3. To authorize the Association of Bay Area Governments (ABAG) to accept a grant award on its behalf and to enter into all necessary contracts and agreements to carry out qualified projects, recognizing the County of San Mateo as the lead local implementer for all of the local governments in San Mateo County.

BACKGROUND:

The CaliforniaFIRST Program is a Property Assessed Clean Energy (PACE) finance program. PACE programs allow property owners within participating regions to finance the installation of energy and water improvements on their home or business and pay the amount back as a line item on their property tax bill. The CaliforniaFIRST Program is sponsored by the California Statewide Communities Development Authority (California Communities), an association of all 58 California counties and more than 400 local agencies, in partnership with Renewable Funding and the Royal Bank of Canada (RBC) Capital Markets. California Communities' mission is to provide local governments and private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. The Town of Atherton is a member of the California Communities JPA.

Pursuant to AB811, the State of California's Clean Energy Municipal Financing Law signed into law last year, property owners may finance energy efficiency and renewable energy projects that are permanently affixed to the property. Recent legislation, AB474, expanded the program's reach to include the financing of water efficiency projects. Eligible projects under the CaliforniaFIRST Program may include but are not limited to air sealing, wall and roof insulation, energy efficient windows, tankless water heaters, photovoltaic (solar electricity), and low flow toilets.

ANALYSIS

The Town must adopt the CaliforniaFIRST Program to enable local property owners to apply for financing. Renewable Funding is currently working with a group of pilot counties and cities to launch the initial stage of the Program. Of the 58 California counties, 14, including San Mateo County, have committed to the pilot program. All 20 cities within the County of San Mateo, including Atherton, have submitted letters of commitment to participate in this program.

Participation in the pilot program offers a range of benefits including initial interest rate buy-down, regional market efforts, validation costs, local technology set ups, and administration costs. The cost to the Town would be a $10,000 non-refundable participation fee to be paid at start up. However, concurrent with the CaliforniaFIRST Program, the Town is part of a consortium of cities applying for a grant from the California Energy Commission (CEC) that would cover the cost of the participation fee.

Sacramento County, as the lead agency, is submitting the grant application on behalf of the Town to provide funding for the program participation cost. This regional grant is being applied for on behalf of the 14 counties through the CEC State Energy Program. In the event that the grant is not awarded, the Town can either choose to continue in the pilot program and find another funding source to pay for the participation fee or pull out of the pilot program entirely. If the Town decides to withdraw from the CaliforniaFIRST program at any time, it need only to adopt a resolution rescinding the authorization.

The Town of Atherton's responsibility will be to help guide program development and implementation in our jurisdiction and throughout the region by serving on the appropriate steering committee, and coordinating with State level CaliforniaFIRST partners, local government coordination program partners, and relevant internal departments. Staff will work collaboratively to ensure the success of the pilot and the long term success of the program.

DISCUSSION

Essentially, the way the program will work is a property owner who chooses to participate will submit an application through California communities. If the improvements comply with the program guidelines, the cost of those improvements will be levied against the property owner's property tax bill. Procedurally, the improvements will be financed by the issuance of bonds by California Communities. California Communities will levy "contractual assessments" on the owner's property to repay the portion of the bonds issued to finance the improvements on that property. Renewable Funding LLC and RBC Capital Markets will provide the administration and financing for the program.

Although the actual guidelines are still in development with the CEC, the applicant can choose a default energy retrofit package complete with air sealing, proper insulation throughout the house, adequate ventilation, and proper sizing and installation of an energy efficient heating and cooling system. Another option may include a custom approach that would need to be prepared by the homeowner and approved by California Communities.
Some of the benefits and features of the CaliforniaFIRST Program include:

- Only property owners who choose to participate in the program would have assessments imposed on their property.
- Most private home improvement loans are due on sale of the benefited, which can make it difficult for property owners to match the life of the repayment obligation with the useful life of the financed improvements. Under the CaliforniaFIRST Program, the assessment obligation will transfer with the property upon sale.
- The property owner may choose to pay off the assessments at any time, subject to applicable prepayment penalties.
- The regional aggregation provided by the CaliforniaFIRST Program allows small projects, both residential and commercial, to access the municipal bond market, which may produce a lower borrowing cost.

The Town is not obligated to repay the bonds issued by California Communities or to pay the assessments levied on the participating properties. California Communities handles all the assessment administration, bond issuance and bond administration functions. A participating city can provide financing of renewable energy, energy efficiency and water efficiency improvements to property owners through the CaliforniaFIRST Program with a minor investment in staff time.

Three resolutions are required for the Town to participate. The first proposed resolution (Attachment 1) authorizes the Town of Atherton to participate in the CaliforniaFirst Program. Exhibit A to Attachment #1 is a "Form of Resolution of Intention" to be adopted by California Communities. This is the Resolution that California Communities will pass to handle the assessments on our behalf. California Communities will undertake a judicial validation proceeding as part of the initiation of the CaliforniaFIRST Program. The second resolution (Attachment #6) authorizes the County of Sacramento to submit a collaborative application on the Town's behalf to the CEC for up to $16.5 million in SEP funds for the program.

The third resolution (Attachment #7) authorizes the Association of Bay Area Governments (ABAG) to accept a SEP grant award on the Town's behalf, recognizes the County of San Mateo as the lead local implementor for the program and adopts findings under the California Environmental Quality Act (CEQA). ABAG is applying for a $10.75 million grant to fund *Retrofit Bay Area,* a region-wide energy efficiency program that will retrofit 17,000 homes to achieve reduction in home energy consumption, while creating 1,739 home energy retrofit jobs. The proposal calls for the development of critical infrastructure such as regional marketing, workforce development, quality assurance, contractor networks, reporting and management tools and regional web portals. The SEP funds will also be used to pay the Town's $10,000 CaliforniaFIRST participation fees.

The Environmental Program Committee, at their January 13, 2010 meeting, reviewed the CaliforniaFIRST Program and the ABAG/SEP funding for Residential Retrofit Program. They voted to recommend to the City Council that the Council approve the resolutions required for Atherton to become a participating agency. The EPC may choose to do additional marketing and

outreach beyond what is provided by the Program, although it is not required by the Program. The Town's participation in the Acterra energy audit program will support and supplement the Program.

FISCAL IMPACT:

The cost to the Town to participate in the CaliforniaFIRST Program is $10,000. However, a grant application to the CEC will be submitted to cover this and other costs. In the event the grant is not awarded, staff will bring back a recommendation to either proceed with the program by allocating other funding for the participation fee, or rescind the authorization to join the CaliforniaFIRST Program. Other fiscal impacts to the Town will be Town staff time to continue to coordinate and be an active participant in the working group. There is currently no cost estimate for the staff time that may be involved, but it is anticipated that the Town's costs for program coordination staff time would be partially reimbursed through the SEP grant.

ENVIRONMENTAL REVIEW:

Approval of the CaliforniaFIRST program is considered a "project" under CEQA, but is categorically exempt under Sections 15301 (repairs and minor alterations to existing facilities) and 15302 (replacement or reconstruction of existing structures and facilities).

PUBLIC NOTICE:

California Communities is requiring that the Town file a Notice of Public Hearing which must be published once in a newspaper of general circulation, at least 5 calendar days prior to the meeting date. Public notification will be achieved by a notice published in the Almanac on February 9, 2010, and by posting the agenda with this item being listed at least 72 hours prior to the meeting.

Prepared by:

/S/ kathy hughes anderson

Kathy Hughes Anderson

Reviewed by:

Jerry Gruber, City Manager

Attachments:

1. Resolution Authorizing the Town of Atherton to Join the CaliforniaFIRST Program
2. CaliforniaFIRST Program Summary
3. CaliforniaFIRST Legal FAQ
4. CaliforniaFIRST Authorized Improvements
5. Notice of Public Hearing
6. Resolution to Authorize Sacramento County to Apply for SEP funds on the Town's Behalf
7. Resolution to Authorize ABAG to accept SEP funds on the Town's Behalf

Program Title

CaliforniaFIRST Pilot Phase, A Collaborative Partnership

Program Executive Summary

The objective of this proposal is to establish the first statewide AB 811 municipal financing program designed to generate a significant increase in adoption of energy efficiency and renewable energy products, services and practices throughout California. In line with the goals and objectives of this solicitation, the Pilot Phase will result in lasting changes in the market, stimulate demand and job growth, and position participating communities to rapidly scale the CaliforniaFIRST Program.

Working in collaboration with 160 governmental agencies, including 146 cities and the 13 counties of Alameda, Fresno, Kern, Monterey, San Benito, San Diego, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Solano, Ventura and Yolo, the County of Sacramento will function as the collaborative lead, working in tandem with a robust team of public and private partners to successfully facilitate the installation of a minimum of 5,000 energy efficiency and renewable energy generation systems in residential and commercial properties.

The team organizational structure for the proposed Pilot includes:

- County of Sacramento, the Applicant and collaborative lead.
- Ecology Action, the Grant Administrator, a nonprofit organization working with the County of Sacramento to administer the Pilot, as well as technically assist six regional steering committees comprised of the partner counties and cities.
- Renewable Funding, the CaliforniaFIRST Program Administrator, working on behalf of the California Statewide Communities Development Authority (CSCDA). The CSCDA is a joint powers authority that established the CaliforniaFIRST Program. Renewable Funding will manage the operations of the Pilot and assist in the financing of bonds.

To accomplish the overall program goal, the proposed Pilot addresses the financial barriers for early Program participants and addresses the implementation needs of local government, both of which will help ensure long-term success and replicability. Specifically:

- Program financing costs are included to buy-down the effective interest rate for early Pilot participants and cover set-up fees.
- Essential local coordination and marketing costs are included, some of which include grant administration, technical assistance, education and outreach, and community coordination for property owners necessary to drive early demand and bring the Program to scale.

The financing plan: To encourage the installation of energy-saving improvements, the Pilot will deploy a financing plan designed to bring down the cost to the consumer over time. This will be achieved via economies of scale and standardization of a financing vehicle. First, economies of scale will be achieved via the centralization of legal, financing and administration services with the statewide Program. Second, a parity bond pool will be created to finance projects from across the state, which allows for improved interest rates based on increased bond volume, diversity and liquidity. The ability to quickly bring the Program to scale is critical to the success of the CaliforniaFIRST financing plan.

The requested $16.5 million in CEC SEP funds will reduce the cost for initial participants and raise awareness of this financing option among property owners throughout the target region, thereby stimulating demand, a rapid scaling of the Pilot and solidifying long-term sustainability.

Specifically, funds will be used for Pilot phase interest rate buy-down or debt service reserve fund, legal services, set-up fees, regional coordination and marketing, Grant Administrator and partner technical assistance. Funds will also be used for essential local-level operations. These include coordination and marketing, technical assistance for participants, as well as community outreach and education for property owners in order to drive demand for sustainable energy systems.

Leveraged funds: Funds requested of the CEC will be aggressively leveraged in a variety of ways including municipal bond financing, other grant funds, rebates and incentives offered by the California Solar Initiative and similar solar programs, available federal tax credits and in-kind contributions from local partners. Total leveraged funds are estimated to be **$162.5MM,** which brings the total cost of serving 5,000 properties to $178,954,305. These leveraged funds contribute $9.80 for each CEC SEP dollar requested.

Energy savings associated with the Pilot will make significant progress toward Department of Energy SEP strategic intervention goals, California's aggressive Energy Action Plan and the California Public Utilities Commission intermediate energy reduction targets. Savings and reductions are estimated to be a total of 255,442,246,499 Btus, broken out as follows:

Electricity Savings	Natural Gas Savings	Peak Demand Reductions
168,268,186,499 Btus	87,174,060,000 Btus	38,765 kW

In addition to energy savings and greenhouse gas emissions (GHG) reductions, the Pilot will help build California's green economy by driving market transformation and the creation of an estimated 1,942 jobs. Further, the Pilot will collaborate with local workforce development agencies and organizations on job training programs in support of energy efficiency and renewable energy technologies. The positive economic impact of the Pilot is noteworthy as well with an expected economic benefit of **$1,088,450,209.**[1]

Additional benefits: Catalyzed by CEC SEP funds, the Pilot will facilitate installation of energy efficiency and renewable energy generation systems endeavoring to reach a stretch goal of approximately 0.5% of the owner-occupied units in the 14 counties, which equates to 12,000 properties. This far exceeds the Pilot goal of 5,000 and in so doing, the Pilot will achieve GHG reductions and empower local agencies and organizations to more effectively manage sustainability strategies, support California's green economy, create skilled jobs and prove to be a highly replicable program for California and the nation.

SEP CEC funds for the Pilot will enable the CaliforniaFIRST Program to become sustainable beyond the grant period by offsetting fixed program costs, by bringing interest rates to property owners in line with long-term rates, and by supporting extensive local marketing. These efforts will allow the CaliforniaFIRST Program to launch with a strong start and rapidly scale to service a larger portion of the California population over time and deliver long-term energy savings.

[1] Jerrold Oppenheim and Theo MacGregor. 2009. *ENERGY EFFICIENCY EQUALS ECONOMIC DEVELOPMENT: Economic Benefits of Utility Public Benefit Funds.* National Association of Regulatory Utility Commissioners Committee on Energy Resources and the Environment. Washington

4. PROGRAM DESIGN

A. FINANCING PLAN

1. Issuing Property Owner Financing

California Statewide Communities Development Authority (CSCDA) will issue bonds to cover the project costs for each participating property owner. The participating property owners will have an assessment placed on their property. The assessment amount will cover the property project cost, interest rate, administration fee, capitalized interest and debt service reserve for each property participating in the Program. The bond underwriters for the CaliforniaFIRST Program are the Royal Bank of Canada (RBC) Capital Markets and Barclays Capital. Interim financing is provided by Barclays Capital and Renewable Funding.

2. Status of Lender Financial Commitments

RBC and Barclays are committed to underwriting and placing bonds in the market for the CaliforniaFIRST Program. Barclays Capital and Renewable Funding will provide up to $50 million for interim financing through a warehouse line of credit, which will cover project costs prior to the issuance of a bond.

3. Property Owner Financing:

a. Interest Rate Offered To Property Owners

The proposal team is working diligently with partners and financing agencies to secure a cost-effective, low interest rate that will result in the greatest number of qualified property owners taking part in the Pilot. The precise interest rate is dependent on the bond market at the time of the bond sale. The interest rate offered to property owners is the sum of two components: (1) the bond rate and (2) capitalized expenses.

(1) The **Bond Rate** is the interest rate at which the bond is sold and is often associated with the bond rating. Below is a chart of historical bond rates at various rating levels.

Rating	Yield to Maturity
A	7.25%
BBB	8.5%
Non-rated	9.0%

Based on comparable recent bond issuances, such as for the Boulder County ClimateSmart Loan Program[2],it is estimated that the initial CaliforniaFIRST bond issuance will be rated between A and BBB, resulting in a bond rate of approximately 7.5%. The interest rate is expected to continue to decrease over time as 1) parity bond issuance volume increases; 2) diversification of the parity bond pool increases; 3) liquidity of this bond product increases; and 4) the market gains familiarity with this bond product.

(2) **Capitalized Expenses** are additional expenses added to the initial project installation finance request amount. Capitalized expenses will include: (1) a debt service reserve amount equivalent to an annual assessment payment; (2) capitalized interest determined by the date funding is made available until the first bond payment; and (3) administration costs. This amount is estimated to add 1-2% to the bond rate, which is roughly equivalent to 15% of the project installation cost. The **debt service reserve fund** is required to provide for payment in the event of delinquency or default, which reduces the risk to a bond purchaser and therefore lowers the bond rate. Additionally, the fund can be used to pay the final annual payment of the

[2] The Boulder County ClimateSmart Loan Program has completed two rounds of bond issuance. In Spring 2009, the County issued and sold an approximately $7.7M bond on the market for a bond rate of 6.68%. The rating of this bond was A-, including a local government moral obligation to the payment of the bond. www.bouldercounty.org/bocc/cslp/program_fees_and_costs.htm.

assessment, similar to pre-paying last month's rent on a lease. **The capitalized interest** payment is necessary due to the timing variance that may occur between financing, filing of the tax roles and the first payment due to bond holders. This payment covers the interest accrued in the interim. **Administrative costs** cover the financing of property owner customer service and tax administration over the life of the repayment term.

Taking these costs into account, a property owner would expect an **effective rate**, inclusive of fees, of approximately 9%, equaling 7.5% bond rate plus an additional 1.5% for capitalized expenses. Over time, this cost is expected to drop as the Pilot scales up. To facilitate a more rapid market change, the Pilot will utilize requested grant funding to reduce these costs by buying down the bond rate 1-2%, in turn reducing the final all-in interest rate to a level aligned with expected rates in future years, once the market has been established.

(9% effective rate) **– (1.5%** grant-enabled buy-down) **= ~7.5% All-In Interest Rate**

As outlined above, the CaliforniaFIRST Pilot Phase post-grant effective interest rate is therefore anticipated to be approximately 7-8%. Additional information on CEC fund use is contained in **Section B**.

b. Fixed or Variable Interest Rate

The interest rate on a project financed through the CaliforniaFIRST Program will be fixed for the life of the repayment term. The interest rate will vary on projects that are financed through different rounds of bond issuances.

c. Property Owner Application & Participation Fees

In order to maximize Pilot effectiveness and provide for long-term program sustainability, property owners may pay application fees to participate in CaliforniaFIRST. Each participating property owner will be charged an application fee, not to exceed $300. This fee will be used to pay for the cost of obtaining and screening property titles, reviewing the proposed project, and for basic marketing funds to generate awareness of, and future support for the Program.

d. Program Minimum & Maximum Financing Amounts

The Program ensures that both borrowers and lenders are protected from over-encumbrance of debt by establishing a ceiling for the financing amount associated with the real property value. Minimum and maximum financing amounts are based on the policy framework[3] established by the White House and the U.S. Department of Energy (DOE), stating "PACE (Property Assessed Clean Energy) assessments should not exceed a certain percentage of appraised value of the home, generally 10%." Accordingly, the **minimum** installation cost that can be financed is **$5,000**, while the **maximum** financing amount available depends on the property type: for **residential properties,** the lesser of (i) **$75,000** or (ii) **10%** of the assessed and/or market value of the property; and in the case of **non-residential properties,** the maximum financing available to is **10%** of the assessed and/or market value of the property.

e. The Financing Repayment Terms

Tax assessments related to the CaliforniaFIRST Pilot will have a **maximum repayment term** of 20 years. The **length of the repayment period** will be linked to the useful life of the installed measure(s), and will be set at 10, 15 or 20 years. A single property installing multiple measures may have multiple repayment periods, which will be reflected in the amortization schedule.

[3] "Policy Framework for PACE Financing Programs" [US DOE, Oct 2009] www.whitehouse.gov/assets/documents/PACE_Principles.pdf.

4. Issuing Bonds:

a. Interim Financing

The objective of the CaliforniaFIRST Pilot is to provide the lowest effective rate to the property owner by utilizing the approach that elicits the best response from the bond market, and most effectively addresses the needs of property owners. Please refer to **Appendix I** for additional information.

The Program can utilize two bond issuance mechanisms: (1) micro-bond and (2) pooled bonds. Interim financing would only be necessary in the first approach.

(1) Micro-Bond: Individual bonds are issued as each property owner completes the installation of an authorized improvement. As the bonds are issued, interim financing is used to purchase the micro-bonds[4] and the individual bonds are then aggregated for future remarketing in the public bond market. Barclays Capital and Renewable Funding are prepared to provide up to $50 million in interim financing.

(2) Pooled Bonds: Rather than funding improvements as they are completed (as is the case under the micro-bond approach), the pooled approach aggregates the loans on multiple properties before issuing a bond in the public market, all in advance of project installation. Over the life of the Pilot, there would be multiple issuances of pooled bonds. As pooled bonds are immediately marketed to the public bond market, there is no need for interim financing.

b. Bond Issue Experience

Sacramento County is the lead applicant within an experienced team of partners. The sections below outline the relevant bond experience of key proposal partners.

Sacramento County: Sacramento County has issued numerous bonds of various types and amounts. Presently, the County has 31 outstanding issuances, with a current outstanding principal of approximately $3 billion. Included in the outstanding bonds are 10 Community Facility Districts (CFD) and Assessment District issuances, with an outstanding principal of $179 million, including most recently McClellan CFD 2004-1, Series 2004A and North Vineyard Station CFD 2007A. The County's Issuer ratings are "A2" Moody's and "A+" (S&P).

Since 1987, the County's Infrastructure Finance Section (IFS) has managed 10 issuances of the CFD bonds, totaling $243.5 million, with an outstanding principal of $179 million. The County is the issuer of these non-rated bonds and has never defaulted on these bonds. All 10 CFD bond issuances have been managed by IFS. As petitioned by developers, the County Board of Supervisors has established CFDs pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982. The County has authorized the issuance of bonds and the levy of special taxes within the CFDs to finance the acquisition and construction costs that are required for development of certain public capital facilities. IFS managed the entire process from receiving petition, consultant selection and establishment of the CFD to ultimate issuance of the bonds and levy of special taxes.

Renewable Funding (RF): RF, the Program Administrator of the CaliforniaFIRST Program, participated in the bond issues associated with the BerkeleyFIRST municipal financing program and in the loan origination process that led to bond issues for the Boulder County ClimateSmart Loan Program in Colorado. RF directly purchased the micro-bonds associated with individual property owner projects in the BerkeleyFIRST program. The average bond amount was

[4] The bonds are not purchased directly by Renewable Funding, LLC; rather, Renewable Funding LLC will establish a bankruptcy remote LLC, the sole purpose of which is to purchase bonds issued by the CaliforniaFIRST Program and hold them until remarketing. Renewable Funding, LLC is the guarantor on the interim financing.

$25,000 and RF committed to purchase up to $1.5 million in micro-bonds from the program. As part of the Boulder County ClimateSmart program, RF actively participated as loan originators for both rounds of financing, meeting with property owners and processing applications on over $10 million in total bond issuance. RF will also participate in bond issuances for the Cities of San Francisco and San Diego. RF has committed to providing $10 million in interim financing for the in micro-bond issuances under the upcoming $150 million San Francisco program, and will provide the financing for the first $60 million in micro-bond issuances for the San Diego program.

Royal Bank of Canada (RBC): RBC, the Bond Underwriter for the Program, has participated in an extensive array of bond issues. RBC has regularly ranked among the top 10 firms of senior-managed bond issues nationally by par amount, as well as the #1 senior manager nationally by number of issues. To date in 2009, RBC has senior-managed 481 issues, totaling over $17 billion in par amount for various credits and sectors, including both tax-exempt and taxable transactions. As the underwriter for the CSCDA Statewide Community Infrastructure Program (see SCIP, described below), RBC has served as the sole manager for every SCIP bond issuance since the program inception in 2003, underwriting nine bonds for a total par amount of $153.24 million.

Barclays Capital: Barclays Capital has built one of the strongest California municipal finance practices on Wall Street. Barclays Capital maintains two public finance banking offices in California, with 12 bankers located in San Francisco and in Los Angeles. Since 2000, the Barclays Capital California municipal team has senior managed over $82 billion of municipal financings in California, making Barclays the #3 underwriter in California by volume. The firm's experience includes underwriting some of the most innovative and complex financings, including the single largest offering of long-term tax-exempt bonds, the State of California's $10.9 billion Economic Recovery Bonds in 2004, and a complete restructuring of the University of California's debt during the past five years. While most competitors in the municipal finance businesses have either retrenched substantially or merged with those of other firms, Barclays Capital continues to strategically hire municipal professionals to enhance existing business sectors and to enter new business lines.

California Statewide Communities Development Authority (CSCDA): CSCDA has issued more than $44 billion in tax-exempt debt since its inception in 1988, representing over 1,200 bond issues. Examples of current or previous CSCDA bond issues follow.

The California Communities Lease Finance Program ("CaLease"): More than 40 local agencies have participated in the CaLease program designed to finance equipment and real estate, by accessing multiple funding institutions, which competitively bid on projects. This comprehensive lease management program allows local government the ability to bid and manage leases without dedicating significant staff time to the process. Minimum project sizes start at $500,000 for equipment and $1 million for real property. CaLease bonds are unrated and placed privately. Since inception, the program has issued over $124.3 million for more than 155 projects.

Statewide Community Infrastructure Program (SCIP): In response to the increasing local agency staff time and budget pressures caused by new commercial, industrial and residential development, the SCIP financing program enables developers to pay most impact fees and finance public improvements through an acquisition agreement that qualifies under the 1913/1915 Act (excluding school fees), via tax-exempt bond issuance proceeds. The SCIP program has assisted communities and developers throughout California to finance over $134.8 million in impact fees since 2003 using unrated bonds.

Proposition 1A: CSCDA has sold $1.9 billion in securitization bonds to protect threatened revenue for cities, counties and special districts throughout California. A total of 1,269 local government agencies in California participated in the Proposition 1A Securitization program, which is the first bond transaction of its kind ever conducted. More than 85% of cities, and all but one county, in California participated in the program, where the size of receivables ranged from a few dollars for some agencies to more than $300 million for the largest. Proposition 1A bonds have received a BBB rating from Fitch and a Baa1 rating from Standard and Poor's.

c. Bond Sale Anticipated Total Dollar Amount

The program team expects that the **first bond sale** under the pooled approach to be in the order of $15-$25 million. The actual amount of the initial and subsequent bond sales will be driven by the demand for financing. If interim financing is used, each project-related micro-bond will be purchased at the time funding is requested by the property owner. Based on the number of owner occupied units (OOUs) in the 14 participating counties participating in the Pilot, the anticipated impact and uptake is expected to be significant. Below is a table illustrating the potential size of the Pilot, depending on the percentage of participating OOUs, assuming an average residential project size of $26,000.

				Potential Penetration of Owner-Occupied Units (# of units)				
County	**Population**	**% of Group**	**OOU**	**0.01%**	**0.10%**	**0.20%**	**0.50%**	**1.00%**
Alameda	1,454,159	12%	297,210	30	297	594	1,486	2,972
Fresno	886,074	7%	155,129	16	155	310	776	1,551
Kern	771,347	6%	129,609	13	130	259	648	1,296
Monterey	407,534	3%	66,213	7	66	132	331	662
Sacramento	1,373,773	11%	263,819	26	264	528	1,319	2,638
San Benito	54,797	0%	11,203	1	11	22	56	112
San Diego	2,954,960	24%	596,782	60	597	1,194	2,984	5,968
San Luis Obispo	260,278	2%	60,982	6	61	122	305	610
San Mateo	701,985	6%	158,998	16	159	318	795	1,590
Santa Clara	1,722,819	14%	338,661	34	339	677	1,693	3,387
Santa Cruz	250,877	2%	56,150	6	56	112	281	562
Solano	408,388	3%	84,994	8	85	170	425	850
Ventura	794,412	6%	164,380	16	164	329	822	1,644
Yolo	191,159	2%	36,965	4	37	74	185	370
Total	12,232,562		2,421,095	242	2,421	4,842	12,105	24,211
Total Issuance	$26,000		per project	**$6,294,847**	**$62,948,470**	**$125,896,940**	**$314,742,350**	**$629,484,700**

CaliforniaFIRST expects that **subsequent bond sales** under the pooled approach could grow to $25-$50 million, or higher, per issuance as market penetration increases. The average participation rate, to date, in the four municipal financing programs currently underway nationwide is approximately **0.72%** of OOUs. At a comparable level of participation, the CaliforniaFIRST Pilot Phase would reach an estimated **17,432** residential properties, translating into a potential total bond issuance of **$453 million in less than one year**. To gauge demand, Renewable Funding contracted with a public opinion research firm to survey 1,000 California homeowners. After being exposed to interest rates in the 7.5-9.5% range, over a quarter (28%) of the homeowners indicated they were very likely to participate in the program.

5. Energy Efficiency & Renewable Energy Financial Incentives

Financing through the CaliforniaFIRST Pilot will coincide with existing, as well as planned, renewable energy and energy efficiency financial incentives by requiring property owners to participate in the California Solar Initiative (CSI), or Publicly Owned Utility (POU) equivalent, and the pending CPUC energy efficiency program, as appropriate, for as long as the rebates are available. To reduce duplicative efforts for quality assurance and control of installations, as well as to lower installation costs and the resulting property owners financed amount, documentation of CSI and CPUC program participation must be provided prior to project financing. Additionally, the CaliforniaFIRST Pilot Phase will connect participants with other local incentives.

6. No History of Bankruptcy

No member of the Pilot Phase team, including the bidder Sacramento County and the CaliforniaFIRST sponsor, CSCDA, has ever filed bankruptcy.

7. Leveraging Funds & Resources

As described in **Section C**, the CaliforniaFIRST Pilot Phase will leverage significant additional funds and resources, which would largely be out of reach without the essential catalyzing contribution of SEP grant funds.

8. Transitioning To Self-Sufficiency After CEC SEP Funds

The CaliforniaFIRST Pilot, empowered by CEC SEP funding, will rapidly transition to self-sufficiency beyond the grant term as the program effectively scales, ratings on the bonds issued through the program improve and a market develops for PACE bonds. Each of these factors will lower the effective interest rate for property owners either by lowering the bond rate or by reducing the property owner's share of program costs.

1. **Pilot Phase Scale:** Certain fixed costs associated with all phases of the Pilot are recovered via a pro-rata allocation to each participating property owner. As the Program grows, the fixed costs will be allocated over a larger base, thereby reducing the pro-rata share to each participant. Program growth will also lead to better diversity within the bond pool, which will lower the perceived concentration of risk and thus the bond rate, while lowering the effective rate for each participant.
2. **Improved Ratings:** The rating of the bonds will improve over time as the market, investors and rating agencies become more familiar with the underlying credit of the bonds and have greater experience by which to measure the bond's performance. The higher the bond rating, the lower the perceived risk and the lower the bond or bond coupon rate.
3. **Market Development:** As the appetite for investing in these PACE bonds grows, and investor interest and involvement increases, liquidity will improve, which will lead to lower rates. This will effectively generate lasting changes in the market and benefit future participants in the Program.

During the Pilot, CEC SEP funding will be invaluable in reducing the effective rate to the borrower and helping to incentivize early participation, which is critical for growth of the program and ensuring long-term self-sufficiency beyond the CEC SEP funding term. Other factors contributing to long-term sustainability are discussed further in **Section I**.

B. USES FOR ENERGY COMMISSION FUNDS

CEC SEP funds will be applied in ways that will both **improve the proposed Pilot** and ensure its **likelihood of success**. While the bulk of the requested CEC SEP funds will be utilized early in the Pilot, the proposed use of funds is designed to ensure that Pilot benefits extend well beyond the grant period and contribute to long-term success for future program participants. In the Pilot, CEC SEP funds will reduce the cost for initial participants and raise awareness of this financing option among property owners, thereby stimulating demand and solidifying long-term sustainability. Potential uses of requested CEC SEP funds are summarized in the table below.

	Use of Funds	Request	Description
1.a	Pilot Start-Up Costs, Brand Development & Financing Reporting	$500k	Initial program development costs: bond counsel, bond disclosure, bond rating and bond fiscal agent; marketing guidelines and brand development; Pilot participation and program analysis; and reporting.

	Use of Funds	Request	Description
1.b	Set-Up Fees, Legal Services, & Financial Advisor Costs	$1.725MM	Establishment of legal and technological infrastructure, including validation proceedings, for all 14 participating counties.
1.c	Grant Administrator & Partner Technical Assistance	$2.6MM	County applicant, agency coordination, steering committee participation, grant administration and partner technical support for local agencies.
1.d	Regional Coordination & Marketing	$8.475MM	Community coordination, regional steering advisory committee participation, program support, education, outreach, incentives and marketing.
2	Ongoing Program Costs	No funds requested	Grant funding to support initial set-up costs for the Pilot within the grant term; no funding is requested for ongoing program costs.
3	Home Energy Ratings, Energy Audits & Building Commissioning	Funds requested under 1.d	A small portion of the regional coordination budget may be used to encourage loading order through rebated or reimbursed HERS Ratings fees.
4	Interim Financing	No funds requested	No grant funds are requested for interim financing.
5,6	Interest Rate Buy-Down/Debt Service Reserve Fund	$3.5MM	Buy down effective interest rate by 100-200 basis points on the first $25MM of bond issuance, and potentially subsequent issuances via a direct interest rate subsidy, subsidizing administrative costs or funding for a debt services reserve fund.
7	Homeowner Rebates & Incentives	Funds requested under 1.d	A portion of the regional coordination budget may be utilized for property owner rebates and incentives to encourage adoption, increase uptake and facilitate proper energy efficiency loading order.
	Total	**$16.5MM**	

Effect of CEC SEP Funds: Early Phase Impact
Significant **demand and scale will be generated** by applying CEC SEP funds to reduce the effective interest rate and raise awareness in the early phase of the Pilot. An initial interest rate buy-down and offset of fixed costs, as detailed below, will **encourage early participation** by aligning initial interest rates to property owners with the rate expected in the later stages of a fully-scaled program. Similarly, CEC SEP funds utilized to support Pilot marketing, education and outreach will facilitate the rapid scaling and awareness of the Program.

There are significant fixed costs to establishing and administering the Pilot. These include set-up fees and start-up costs, including those for marketing and technology development. CEC SEP funding will be used to pay a portion of the start up costs and to ensure the effective loan rate during the pilot phase is maintained at a marketable rate. The amount that is borne by each property owner, and thus their effective interest rate, naturally declines as participation increases. By using CEC SEP funds to cover the initial fixed set-up costs, the **effective interest rate will be lower** for early participants.

Effect of CEC SEP Funds: Ongoing Impact
CEC SEP funding will enable the Pilot to rapidly scale in at least three key ways:

(1) Program scaling will **bring down the pro-rata fixed cost** to each property owner joining the Program after the grant term, as these costs are spread over a larger participant base.

(2) Following the successful Pilot, CaliforniaFIRST will be made available on an opt-in basis to all cities and counties in California.

(3) The CaliforniaFIRST Program represents the first statewide municipal financing program in the U.S., with the Pilot reaching a potential population of 12 million people across 14 counties in California. As such, the CEC SEP-supported Pilot of the CaliforniaFIRST Program will **set a precedent for other PACE programs** across the nation, and allow for the development of a capital market for CaliforniaFIRST bonds and PACE bonds, more generally.

Bonds issued in the Pilot phase of the program are likely to have an investment-grade rating, but lower than those anticipated later in the life of the Program. Therefore, they will bear a higher interest rate. As the Program scales and adequate diversity grows, the bonds will be experience-rated, not only providing an overview assessment of the underlying credit risk, but also greatly expanding the universe of eligible investors and hence, **expanding liquidity**. These factors will lower the interest rate on the bonds to a point where an ongoing rate (or cost) subsidy is no longer necessary. To facilitate positive market response to these bonds in the near term, CaliforniaFIRST has already begun to lay the foundation for market development by initiating detailed discussions with bond rating agencies. Additionally, other PACE programs currently exist in California and still others will roll out during the CaliforniaFirst Pilot. Together, these programs will contribute to market development, familiarity and real-time performance data that will improve market conditions for all PACE bonds.

Effect of CEC SEP Funds: Improving & Increasing Program Success
CEC SEP resources will enable creation of a holistic and comprehensive Pilot that integrates workforce development; increases job creation and retention; encompasses economically disadvantaged areas and other targeted communities; emphasizes loading order; coordinates with other CEC SEP and CEC-support initiatives; and generates enthusiasm for participation. Though financing is central to the Pilot, integrating the additional community benefits mentioned above improves the reach and effectiveness of the Pilot. In line with this goal, the Pilot strives to:

- ✓ Drive property owners, including those **populations most impacted by the recession**, toward opportunities for economic savings through energy efficiency.
- ✓ **Maximize project cost-effectiveness** and minimize unnecessary lending by creating an easy-to-use process facilitating property owner access to energy efficiency incentives, rebates and technical assistance.
- ✓ Increase uptake of **Tier 2 & Tier 3** energy efficiency measures targeted by SEP2 and SEP3 projects within the target region by offering an accessible means of financing installation.
- ✓ **Facilitate proper loading order** to maximize energy efficiency and transition toward whole house approaches, while providing all participants with a road map for future upgrades.
- ✓ Coordinate with **workforce development** and **economic development** agencies, organizations and programs to be well coordinated and mutually supportive.
- ✓ Create thousands of green-collar jobs, estimated to be 1,942.
- ✓ **Reduce overall energy use** by an estimated **1.5 trillion Btus** in 12,000 properties.

C. LEVERAGED FUNDS/RESOURCES

Resources & Funding Maximize Effective Program Delivery
Leveraged funding and resources will be used to maximize effective Pilot delivery, successfully execute pilot phase design and accomplish the **primary Pilot goal** of **driving the demand to achieve broad scale adoption of energy efficiency and renewable energy generation installations as quickly as possible**. The wide diversity of funding sources leveraged to accomplish this goal, is summarized below and within **Attachment 17**.

Leverage Funds Budget Description

CaliforniaFIRST Total Leveraged Funds					
Geographic Breadth	*Amount*	*Type*	*Source*	*Timeframe*	*Status*
Pilot-Wide	$130,000,000	Municipal Financing	Bond Sales	Grant Term	Driven By Demand
EECBG Grant Funding	$ 8,745,833	EECBG	DOE/CEC	Concurrent	Dedicated/ Pending
Other Grant Funding	$ 16,108,622	Grant Funds	Various	Concurrent	Dedicated/ Pending
Rebates & Incentives	$ 7,500,000 [5]	Rebates & Incentives	Utilities, CSI, FTR	Grant Term	Driven By Demand
In-Kind Match	$ 100,800	In-Kind	City/County Staff	Grant Term	Dedicated
SUM:	**$ 162,455,255**				

*Energy Efficiency Conservation Block Grant (EECBG)

Leveraged Funds Commensurate with Benefits Gained

The following benefits are associated with the leveraged funding committed to the Pilot:

- **Municipal Financing**–Participants accessing third party funds through municipal bonds to finance the installation of energy efficiency and renewable generation upgrades. This provides the direct benefit of capital needed to finance installations, as well as the resulting energy savings and cost reductions enabled by the installations.
- **Energy Efficiency Conservation Block Grant (EECBG) or Other Grant Funds**–Jurisdictions dedicating a portion of their EECBG, workforce development or similar funds, benefit from increased economies of scale, improved coordination between agencies, superior customer experience and broader customer reach.
- **Rebates and Incentives**–Rebates/incentives benefit both recipient and those who offer them. In the case of utilities, rebate programs help in reach kWh reduction goals. For property owners, these resources increase access to additional measures, lead to greater energy and improved cost savings.
- **In-Kind Partner Staff Time**–Jurisdictions that dedicate in-kind staff, materials or resource contributions benefit by shifting a larger amount of the requested regional coordination to support Pilot expenses, such as education, outreach, technical service and marketing.

Partner Commitments & Leveraged Funds

A wide variety of leveraged funding is contributed by partner commitments from complementary programs or funding sources such as workforce development, EECBG funding, rebates/incentives, and in-kind match. In addition, the property owner utilization to third party, land-secured financing itself generates the most significant contribution of leveraged resources, as property owners contribute dollars to these installations enabled by CEC SEP grant funding. The Pilot will install eligible improvements on a minimum of 5,000 properties at an average cost of $26,000 per property, but will endeavor to make the reach goal of 12,000 participating properties, resulting in the following leveraged funds:

[5] Assuming $1500 rebate per project *5000 projects.

Leveraged Funds: Third Party Financing Accessed by Pilot Participants				
	Number of Properties	*Average Upgrade Cost*	*% Market Penetration*	*Total Bond Cost Resulting in Leveraged Funds*
Minimum Market Penetration Goal	5,000	$26,000	~0.20%	**$130,000,000**
Pilot Reach Goal	12,000	$26,000	.50%	**$312,000,000**

Constraining Conditions, Funding Risk

The leveraged funds associated with financing are dependent on the rate of uptake to bring the Pilot to scale quickly, and the rapid completion of the legal validation process. As noted previously, the market demand study, conducted by Renewable Funding, indicates the uptake is expected to be strong throughout the target area. Moreover, overall Pilot design has been crafted to drive and facilitate demand and uptake to specifically overcome this potential constraint. In addition, expert counsel has been engaged to reduce the likelihood of legal delays.

Program Control & Resources/Funding Commitments

The bulk of the leveraged funding for the CaliforniaFIRST Pilot is being provided by the Program participants. As property owners access the financing made available by the Pilot, the Pilot itself is supported by their investment. Because of this, the funds are highly secure and, by their very nature, are under the control of the CaliforniaFIRST Pilot. In addition, the CaliforniaFIRST Pilot will be acting in concert with SEP2 Residential Retrofit Program in several of the regions and counties included in the Pilot. In regions where there is a successful SEP2 program, the CaliforniaFIRST Pilot will work with the affected entities to develop an equitable allocation methodology. A proposed scenario would be to claim 100% of the residential kWh savings and 100% of the funds associated with residential upgrades, eligible to be claimed as leverage up to the Pilot minimum goal. Thereafter the attribution of both kWh savings and leveraged funds will be split 50-50 between each program. Using conservative estimates, the Pilot will be matched by an estimated **$162.5 million,** representing a **1,003%** leverage.

D. ELIGIBLE IMPROVEMENTS

The CaliforniaFIRST Program offers financing for the installation of distributed generation renewable energy sources, energy efficiency and water efficiency improvements listed on **Appendix IV.** Water efficiency measures will not be part of the initial Pilot launch, but will be added within the first six to twelve months of the Pilot. This delay is necessary to develop the process, contractor qualifications and quality assurance procedures for water efficiency measures, which were recently made legally eligible under AB 474.

Integrating SEP2 & SEP3 Measures

The Second and Third Tier measures from the California Comprehensive Residential Building Retrofit Program and improvements eligible for the Municipal and Commercial Building Targeted Measure Retrofit Program are included in the Authorized Improvements list, to the extent to which these measures are legally eligible for financing under AB 811.

Increasing Tier 3 Whole House Uptake

The Authorized Improvements list in conjunction with HERS II rating tools and property owner resources—including community coordination, technical assistance, education, outreach, marketing and incentives—will also work to facilitate an increased uptake beyond Tier 2 and toward Tier 3 Whole House energy efficiency. Additional components for the strategy to quickly transition to Tier 3 measures are included in **Section N.**

Additional Proposed Measures

Additional measures, beyond those listed in Tier 2 and 3 on the Authorized Improvements list are included in the California Energy Commission and California Public Utility Commission-sponsored Database of Energy Efficiency Resources[6] (DEER). The DEER is referenced in the Home Energy Rating System's Technical Manual as the common database from which all energy efficiency measures should be taken (Technical Manual, page 64). Other measures on the list are included in the DOE Federal Energy Management Program[7] (FEMP) and/or have eligibility for the federal tax credit[8]. Additional measures may be added to the list during the grant term, based upon approval from the CEC. Authorized Improvements financed through the CaliforniaFIRST Pilot will be installed in conformance with state and local building codes, licensing laws and permitting requirements. This will be assured through documentation requirements prior to the release of CaliforniaFIRST funds for the financing of the project.

E. LOADING ORDER

The CaliforniaFIRST Pilot will comply with all state and federal requirements for loading order, while facilitating easy loading order adoption through effective program design, technical assistance and program support that meets or exceeds these minimum requirements.

Minimum Total Energy Use Reduction Before Financing On-Site Renewables

All properties participating in the Pilot must achieve at least 10% reduction in total energy use as a condition of financing on-site solar electric or other on-site renewable generation, as determined using the HERS Phase II index for Residential Buildings, with the assumption that HERS II-approved HERS providers and certified HERS Raters are available. Authorized energy efficiency measures from an approved list, resulting in the minimum reduction, must be installed before or contemporaneously with renewable energy improvements to be eligible for financing under the pilot phase. Dependent on the demand for the program after the Pilot launch and the market response to the loading order requirements, CaliforniaFIRST will evaluate the potential of an increased requirement for energy reduction prior to the financing of the installation of renewable energy projects.

Temporary Energy Reduction Verification Measures

Due to the need for additional market development of qualified contractors and raters to meet demand, there are two pathways to meet the loading order requirement prior to the financing of renewable energy projects. First, a property owner can obtain a whole house energy audit by a Building Performance Institute[9] ("BPI"), Home Performance with Energy Star[10] ("HPwES") or Home Energy Rating System[11] ("HERS") II rater. Energy efficiency measures can be implemented based on the outcome of the audit to achieve the 10% reduction in total energy use. Second, a property owner may install a basic package of standard energy efficiency measures. This "prescriptive path" would include measures such as air sealing, attic insulation and water heater insulation. This second pathway was developed by the California Home Energy Retrofit Coordinating Committee[12], and is also being used as the template for the CalSPREE home performance incentive program being developed by the CPUC. The basic package of measures required for this second pathway is listed below in Table 1.

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[6] The CPUC Database for Energy Efficient Resources (DEER) contains information on selected energy-efficient technologies and measures and provides estimates of the energy-savings potential for these technologies in residential and nonresidential applications. www.deeresources.com.

[7] The DOE's Federal Energy Management Program's (FEMP) facilitates the federal government's implementation of sound, cost-effective energy management and investment practices www1.eere.energy.gov/femp/technologies/eep_purchasingspecs.html.

[8] The DSIRE database provides information on both the residential and commercial federal tax credit. www.dsireusa.org.

[9] BPI supports the building performance industry through credentialing and a rigorous quality assurance program. http://www.bpi.org/.

[10] HPwES is a national program from the U.S. EPA and U.S. DOE, www.energystar.gov/index.cfm?c=home_improvement.hm_improvement_hpwes.

[11] A HERS II rater is part of the Home Energy Rating System Program, developed by the CEC http://www.energy.ca.gov/HERS/.

[12] The California Home Energy Retrofit Coordinating Committee (CA HERCC) is an ad hoc group made up of experts from the following organizations: U.S. EPA, the California Energy Commission, the California Public Utilities Commission, the California Air Resources Board, Pacific Gas and Electric, Sacramento Municipal Utility District, the California Building Performance Contractor's Association, county/local governments, and non-governmental organizations. Contact - Leif Magnuson at magnuson.leif@epa.gov, (415) 972-3286.

Table 1: HERCC Basic Home Energy Retrofit Package

Air Sealing	
	A blower door test shows a minimum 20% reduction in CFM @ 50 Pascals. Blower door Test-in and Test-out numbers must be recorded.
	Air sealing must also be observable for verification.
	Weather-stripping of doors and windows shall be included.
	Air sealing shall include repair of broken or unconnected ducts and minor sealing of major leakage areas at connections, e.g. plenum, boots and platform returns in garages. Performance of a duct blaster test is not required.
	Major duct sealing or duct system replacement will not be performed.
Attic Insulation	
	Attic insulation must meet current Title 24 code. If code can't be met, then project must meet the requirements of the Advanced Home Performance Program.
Insulate the Hot Water System	
	Including hot water tank and accessible hot water pipes and first 5 feet of cold water pipes (if space permits it) from gas vents is adequate.
Combustion Appliance Safety Testing	
	Shall meet Building Performance Institute (BPI), California Community Services and Development (CSD) or California Public Utility Commission's Low Income Energy Efficiency (LIEE) standards for combustion appliance safety checks.
Installation of a combined carbon monoxide and smoke alarm.	

The second pathway will be phased out overtime. To be eligible to receive energy efficiency project financing through CaliforniaFIRST, contractors must become HERS II certified, or receive a certification that includes HERS II, by January 1, 2011.

Incentives & Mechanisms Maximize Energy Efficiency

Loading order and maximized energy efficiency will be further facilitated and incentivized through the community coordination, technical assistance and marketing components of the program. Key incentives under consideration are listed below. Additional details in **Section L.**

- ✓ **Required HERS II** (or equivalent interim) rating prior to installation, for applicable projects, as a condition of financing.
- ✓ **Facilitated** connection to new/existing energy efficiency resources, technical assistance, rebates and incentives to reduce overall project cost and increase measure adoption.
- ✓ **Rebated** or reimbursed application, HERS rating and/or permit fees for increased energy efficiency adoption.

F. HOME ENERGY RATINGS, ENERGY AUDITS AND BUILDING COMMISSIONING

Meeting HERS and Energy Audit Requirements

As noted, CaliforniaFIRST Pilot will offer two pathways for eligibility for the installation of energy efficiency measures prior to the financing of renewable energy projects. The first pathway includes a home energy rating and energy audit performed by a BPI, HPwES or HERS II certified installer/rater. This pathway supports the California Comprehensive Residential Building Retrofit Program third-tier approach. The second pathway allows a homeowner to install a basic package of prescriptive measures by a licensed contractor. The second pathway would also require a HERS rater, or equivalent, to verify the final installation of the basic package. This pathway supports the California Comprehensive Residential Building Retrofit Program second-tier approach. If property owners are installing energy efficiency measures only, and not renewable energy measures, they will be encouraged to complete a whole home energy audit. However, they will be able to select individual energy efficiency measures from

the list of eligible improvements. Projects of this type may need to complete an energy audit if it is a requirement for the pending CPUC energy efficiency rebate program.

Commercial Energy Audits, Building Commissioning, & Multifamily Buildings
Commercial and multi-family projects will follow a separate track from residential projects. For a commercial/multi-family project to be considered for financing, a completed "Request for Commercial Project Review" must be submitted to the program administrator. Commercial projects will be required to submit the results of preliminary energy audit (or similar), complete plans for the energy improvements and provide other appropriate documentation. The cost of the energy audit may be included in the financed amount through the program. Projects will be required to submit a package of information including an audit, energy calculations and proposed measures. Renewable Funding has contracted an energy engineering firm to facilitate the review and approval process for commercial applications.

G. PROPERTY QUALIFICATIONS

Applicant Screening Methods
All CaliforniaFIRST applications will be reviewed to ensure that the proposed Authorized Improvements, the subject property, the property owners and the contractors meet CaliforniaFIRST eligibility requirements. At the completion of installation of the Authorized Improvements, property owners will be required to submit a set of project verification documents. Verification forms may include but are not limited to a customer sign-off form, final invoices from contractor(s), building permit(s) and rebate documents before financing is made available.

Protection Against Defaults
As a condition of financing, a property and property owner must meet the following additional requirements as part of a screening for basic **creditworthiness:**

1) Property owners must not have **involuntary liens**, defaults or judgments applicable to the subject property in excess of $500. CSCDA will review public records, including the county real property records and court documents, to verify compliance with this requirement. A property owner with an involuntary lien of greater than $500 may be allowed to participate in the CaliforniaFIRST Pilot if an acceptable reason for the lien, default or judgment and a path for resolution can be demonstrated. A commercial property with an involuntary tenant's lien will be reviewed and eligibility will be determined on a case-by-case basis.

2) The **"private loan-to-value ratio"** will be 80% or less based on (i) private property debt including mortgages and (ii) the assessed value of the property and/or the average market value of comparable properties. If the private loan-to-value ratio is only met with respect to the assessed value or the average market value of comparable properties, but not both, the program administrator may request additional information before ruling on the application. If the title search does not provide adequate information to calculate the private loan-to-value ratio, the property owner will also be asked to provide a current mortgage statement reflecting the outstanding balance and any payment delinquencies. Lender consent to participation can allow for waiver of the private loan-to-value ratio requirement. This ratio may be adjusted in order to comply with state and federal requirements or other industry norms.

3) The **"project loan-to-value ratio"** must be 10% or less based on (i) the CaliforniaFIRST assessment and special tax debt, and (ii) the assessed value of the property and average market value of comparable properties. If the project loan-to-value ratio is only met with respect to the assessed value or the average market value of comparable properties, but not both, the program may request additional information before ruling on the application.

In addition to the creation of a debt service reserve fund, the following screening protocols are included in the CaliforniaFIRST Program to protect against **default**:

1) The property owners must be **current in the payment** of all obligations secured by the subject property, including property taxes, assessments and tax liens, within the past 3 years (or since ownership commenced, if it has been less than 3 years). The Program Administrator may review public records, including county real property records, to verify compliance with this requirement. Certain allowances may be made for property tax payment delays that do not reflect financial distress. Commercial properties that are currently appealing a property tax assessment will be reviewed and eligibility will be determined on a case-by-case basis.

2) There must be **no notices of default or foreclosure** filed against the subject property within the last 5 years (or since ownership commenced, if less than 5 years). The Program Administrator reserves the right to deny a reservation and a request for funding to a property owner if any other property it owns has been subject to foreclosure in the past 5 years. However, a property with a notice of default or foreclosure may be allowed to participate in the CaliforniaFIRST Pilot if it receives consent from the property's current lender(s).

Increasing Lender Confidence

The program will increase lender confidence for the pre-existing mortgage lender by requiring notification and consent from lenders prior to property owners receiving funding. The contractual assessments levied pursuant to an Assessment Contract will constitute a senior lien on the related property, which means pre-existing private liens, such as purchase money mortgages, will be subordinate to the contractual assessment lien. The CaliforniaFIRST Program will require owners of residential properties (including owners of individual condominiums and townhouses) to notify their pre-existing private lenders in writing of the proposed contractual assessment lien. Owners of commercial properties (which may include owners of multi-unit residential properties) must receive written consent from their pre-existing private lenders. Property owners are responsible for complying with consent requirements in their mortgage documents. The CaliforniaFIRST Pilot Administrator will provide property owners with lender notification and consent forms.

H. LEGAL CONSIDERATIONS

Planned Legal Status Progress including Resolutions

The legal process to join and form the municipal finance district requires an initial action by the local jurisdiction and subsequent actions by CSCDA. A local jurisdiction (city or county) must first pass the Resolution to Join the CaliforniaFIRST Program following a public notice and public hearing. After the local resolution is adopted, the CSCDA passes a Resolution of Intention to finance the installation of improvements for each County and begins a 20-day public notice period. At the end of the notice period, the CSCDA passes a resolution to confirm the Program Report for each county program. Legal validation proceedings are then held in the county court for each program.

Legal Opinions & Validation Actions

CaliforniaFIRST anticipates beginning validation proceedings in March 2010 and completing the proceedings within 60 to 120 days. The proceedings will validate the following:

- ✓ CSCDA authority under Section 860 to validate assessments and bonds issued as part of the Program.
- ✓ Assessments are valid, provide a public purpose, constitute "public improvements" under Article XIID of the California Constitution and may be levied by contract.

- ✓ Assessments are not invalid under Proposition 218 Omnibus Implementation Act because they are levied after a public hearing and with written consent from the participating property owner.
- ✓ Assessments have senior lien status.
- ✓ Bonds are valid bonds.
- ✓ Improvements are not "public works" under Labor Code Section 1720 and the installer is not obligated to pay prevailing wages because the improvements are privately-owned, installation is pursuant to a contract between the property owner and a private installer, and the property owner will pay the cost of the improvements through the payment of an assessment.
- ✓ Proceeding will provide an unqualified legal opinion on the CaliforniaFIRST Program.

Lender Notification and Consent

As noted in Section G, mortgage provisions restricting the property owner's voluntary acceptance of an additional priority lien will be addressed separately for residential and non-residential properties due to differences in the standard mortgage contract in each property sector. Residential property owners must notify the existing mortgage lender of participation in the program and the placement of a lien on the property. All non-residential property owners must receive lender consent prior to approval for financing in the CaliforniaFIRST Pilot. Proof of notification and consent, in the case of non-residential properties, will be required during the application for financing.

I. SUSTAINABILITY/LASTING CHANGES IN THE MARKET

Using CEC SEP funds as a vital catalyst for long-term sustainability, the CaliforniaFIRST Pilot will drive lasting changes in the market, generating demand, establishing credibility and bringing the program rapidly to scale to effectively serve as a viable self-supporting community asset in each of the 160 targeted jurisdictions well beyond the grant term.

Accomplishing Lasting Market Change

The proposed project has been carefully designed in line with the **Department of Energy** (DOE) State Energy Program (SEP) **goal of strategic intervention** to generate lasting changes in the market or the behavior of market participants, resulting in an increased adoption of energy efficiency and renewable energy products, services and practices. Grant support will enable the financial, legal, technological and marketing Pilot launch such that ongoing support will no longer be needed once the Pilot infrastructure and financing pool has been established. Interest rates are expected to decrease over time once sufficient volume has been achieved, the bonds are rated, and the market becomes more familiar with the risks involved in investing in PACE-related bonds. One-time legal fees will not be required as subsequent program rounds will be able to apply documentation facilitated by this CEC seed funding. Economies of scale and proven market demand will allow additional municipalities to take part in future phases of the program, extending the financing program reach to new constituent populations, and thereby achieving additional energy efficiency, renewable energy and water conservation projects in the years that follow the grant term.

Jump Starting California's Energy Action Plan

California's aggressive **Energy Action Plan** calls for an average of 40% energy savings in all existing California homes (13 million) by the year 2020 with the interim goal of 130,000 homes by 2012. The CaliforniaFIRST Pilot reach goal of 0.5% market penetration represents enough properties to satisfy 9% of the CPUC's goal. Moreover, through the establishment of this integral financing mechanism, the program will accomplish the ambitious pilot goal of bringing significant energy efficiency and renewable power generation systems into and onto the homes and businesses of thousands of property owners throughout California. This will be

accomplished by creating an enduring, viable and proven model for innovative municipal financing opportunities—one that will thrive beyond the availability of CEC SEP grant funding.

In the years beyond the grant term, the 160 participating cities and counties will continue to increase the volume and frequency of installations while catalyzing the establishment of similar programs and services in other jurisdictions throughout the state. The result will be tens of thousands of installations each year and substantial energy savings and GHG reductions.

Ensuring Sustainability beyond the Grant

This ground-breaking Pilot brings together hundreds of partner agencies and organizations committed to long-term sustainability of the program, including the 160 municipal partners, several non-profit organizations, Metropolitan Planning Organizations, CSCDA JPA, Renewable Funding and others. In addition to the strong foundation established by CEC SEP seed funding, the project team has set forth several Pilot outcomes to ensure the expected program sustainability is achieved.

Long-term Program Sustainability is Accomplished Through:

- ✓ Creation of a **Successful Statewide Model** Municipal Financing Program, proven in a variety of service locations and populations throughout the State.
- ✓ Facilitated identification and **Resource Sharing** of general and regionally specific challenges and solutions to aid sustained and increased program adoption in the future.
- ✓ Established **One-Stop Network** of regionally available complementary resources, services, incentives and rebates, linking workforce development, industry experts, installers and raters for continued collaboration.
- ✓ Completion of a comprehensive **Long-Term Sustainability Action Plan** to identify the specific challenges and available resources in each participating region, generating a network of functional solutions, knowledgeable personnel and materials to fund and facilitate continued program success into the future.
- ✓ Generation of **Quantifiable Results Data** linked to real-time greenhouse gas emissions reductions and local climate action plans, in order to assess outcomes of regional goals and establish long-term political will to support further expansion of such programs.

CEC Funding Assures Sustainability

The proposed Pilot, enabled by CEC funding, will create the long-term market needed to ensure sustainability that generates behavior change and consumer demand for these products, services and practices. The Pilot will accomplish this while incentivizing highly efficient installations and removing the traditional barriers of funding availability and technical assistance that have historically deterred well-meaning property owners. The result will be a firmly established and self-sustaining market, administered in future years with funding generated through financing and fees, and promoted beyond the grant term through grant-produced networks that link target populations to essential and complementary products, services and resources.

Revolving Loan Fund

The proposed project will not utilize a revolving loan fund.

J. REGIONAL APPROACH

Broad Collaboration

This landmark collaboration has united 160 jurisdictions; hundreds of communities, dozens of organizations, nonprofits, businesses and financial institutions; green job workforce development programs; and energy efficiency and renewable energy generation experts from 14 counties and 146 cities across California. In addition, the partnership is pleased to have California Statewide Communities Development Authority, known as "CSCDA" or "California

Communities®," as a principal partner in the CaliforniaFIRST Program. A statewide joint powers authority sponsored by the League of California Cities and the California State Association of Counties, CSCDA currently hosts 500 local public agencies as members, including 356 cities, 58 counties, 69 special districts and 17 redevelopment/water agencies. Please see Volume 2, appendix VII – Team Organizational Charts. Letters of Commitment from 14 participating Counties and over 125 Cities have been obtained and are included in **Volume 1 - Attachment 10.**

Drawing on expertise from partner organizations like Ecology Action, which has a long history of establishing broad and successful regional partnerships, the Pilot leverages local implementation expertise and a strong regional approach that includes nearly 40% of all city and county CSCDA members, or approximately 30% of all California cities and counties. This Pilot can expand the proven model to the entire state in the years to come, aided through strategic integration of a statewide program approach, facilitated by CSCDA within a local context that is guided by the Grant Administrator and Regional Steering Advisory Committees (SAC).

By utilizing a broad thematic program strategy, the Pilot will streamline branding and promotion; increase consumer understanding across service areas; decrease marketing and design costs; take advantage of economies of scale; and encourage consistency in program services and resources available to property owners across a wide spectrum of populations, locations, service providers and socio-economic conditions. Throughout the design and implementation process, the program will be directed by ongoing local and the statewide SAC input, ensuring locally suitable messaging and content are incorporated as appropriate, while the broader effort benefits from a uniform regional approach.

Geographical Scope & Target Populations

The targeted project area covers 160 jurisdictions within a geographical area of 34,293 square miles, including a population of over 12 million people and an estimated **2.4 million owner-occupied units**. This includes up to 23% of the 13 million properties targeted by California's Energy Action Plan, or 23 times the number of properties targeted by the CPUC interim goal. Of the 14 Counties participating in the pilot phase, 5 counties (Fresno, Kern, Sacramento, San Benito and Santa Clara) fall within economically disadvantaged areas. Taken together, these populations represent a labor force of nearly 2.5 million people, or 13% of the total labor market in California. The Pilot will be open to all qualified residential and commercial property owners within the target region, generating green jobs and increasing energy efficiency for properties throughout the region.

Expected Market Penetration

Period	Penetration (% OOU)	# of OOU	# of Counties
Pilot Goal	0.2%	5,000	14
Pilot Reach Goal	0.5%	12,000	14
5 Year Goal	3.25%	78,685	14
10 Year Goal	7.5%	181,582	14

As noted in the Financing Plan, existing municipal financing programs in California and Colorado are currently experiencing Owner Occupied Unit (OOU) penetration rates from 0.20% to 1.38%. The CaliforniaFIRST Pilot anticipates a minimum 0.2% penetration rate of OOU, representing approximately 5,000 projects and a $130 million bond issuance. Additional projects during the grant term will continue to increase penetration toward a stretch goal of 12,000 OOUs, resulting in a .5% penetration rate and $312 million bond issuance. This is a realistic stretch goal, based on the experience of similar programs. The average penetration rate for the four programs in Berkeley, Palm Desert, Sonoma County and Boulder County,

which have been providing financing for the last 6 months to 1 year, is 0.72%. Assuming a similar level of adoption, a 0.72% penetration rate of OOU in the Pilot stage of the CaliforniaFIRST Program would translate into approximately **17,000** projects representing over **13% of the CPUC 2012 goal**, a cost-effectiveness of **868.5 million Btus/$1000** and over **$442 million** in financing.

Specific Target Populations & Communities

The Pilot targets qualified property owners in 14 counties. The project team will work diligently with each region to develop locally appropriate specific target populations to maximize project reach, market penetration and overall effectiveness. Specific target populations and communities may include, but are not limited to:

- ✓ Economically disadvantaged populations
- ✓ Areas of economic concern
- ✓ Local small businesses
- ✓ Local large businesses
- ✓ Rural agricultural properties
- ✓ High density urban properties
- ✓ Bilingual, multilingual, non-English speaking property owners

K. VERIFICATION OF ENERGY SAVINGS

Data Collection & Computation Methods

The Program team will meet or exceed California industry standards for data collection, measurement, calculation and verification of impacts from both efficiency and renewables upgrades. For efficiency measures, the Program team will utilize both deemed and calculated approaches. For deemed measures the basis for the majority of savings is expected to come from the 2008 Database for Energy-Efficient Resources (DEER) and subsequent updates. For measures that do not appear in DEER, the Program team will utilize IOU-approved work papers using sound engineering principles.

All participants must achieve at least 10% reduction in total energy use through efficiency measures as a condition of receiving financing for renewable generation. The 10% savings may be determined using the HERS II approach; however HERS II is not available as of this writing. Due to the need for additional time for market development of qualified contractors and raters to meet HERS II demand, there are two pathways that will be used to meet the 10% requirement, each with unique data collection and measurement protocols. Using the first pathway, a property owner can obtain a whole house energy audit from a Building Performance Institute ("BPI"), Home Performance with Energy Star ("HPwES") or other approved rating system. Energy efficiency measures will be implemented based on the outcome of the rating/audit to achieve the 10% reduction in total energy use. Using the second pathway, a property owner may install a package of standard energy efficiency measures. This "prescriptive path" includes envelope measures (air sealing, attic insulation and weather stripping) and water heater insulation. The final measure list for the second pathway is currently under development by the CA HERCC. This package is described in detail in Table 1 **Section D.**

Data Collection - Energy Efficiency:

Under the first pathway, when HERS II is available, data collection and measurement and verification will be conducted as required in the HERS Technical Manual.[13] When approaches other than HERS II are used, the program will require contractors to provide pre- and post-installation audit data which includes location, orientation, building vintage, building type, glazed

13 California Energy Commission, HERS Technical Manual, California Energy Commission, High Performance Buildings and Standards Development Office. CEC"400"2008"012. Posted Aug 28,2009 at http://www.energy.ca.gov/HERS/index.html.

area, square footage, insulation levels, existing end use equipment, installed equipment, optimization completed, climate zone and other similar data points required by the software package used. Contractors will submit these data electronically as a condition of financing.

Under the second pathway, when the prescriptive package of efficiency measures is installed, contractors will provide audit data including property location, building vintage, building type, orientation, square footage, existing end use equipment, installed equipment and climate zone. Contractors will submit data electronically as a condition of financing.

Computation Methods - Energy Efficiency:
The DEER 2008 database provides savings values that are dependent upon site-specific variables including climate zone, building vintage, and hours of operations and interactive effects which have been approved by independent technical experts and the CPUC. The program team will utilize DEER by matching each efficiency upgrade performed with a DEER ID number (i.e., a specific measure identification number), which determines the savings that can be claimed for that measure. The savings and demand reduction sums of all retrofit activities will be tallied for each property and for the program as a whole, and then reported to CEC. These approaches are consistent with IOU and CPUC-accepted energy (kWh) savings and peak demand (kW) reduction for the prescriptive measures and services delivered under the proposed program.

When the measure does not appear in DEER, the program will utilize savings values from work papers that have been IOU-approved.

Verification - Energy Efficiency:
Pursuant to the Program's Quality Assurance practices presented in **Section N., Quality Assurance**, 5% of existing jobs rated by certified raters (i.e., the first pathway with a whole house audit) will be inspected by CBPCA to verify that all work was done as reported by the contractor, and according to industry standards. If the project is completed without contractor certification (second pathway with installation of basic prescriptive energy efficiency package), 15% of all jobs will be verified by CBPCA.

Renewable Energy Projects - Data Collection, Computation and Verification:
Photovoltaic and solar water heating projects installed during the Pilot will be required to apply for and receive an incentive through the California Solar Initiative (CSI). As a participant in the CSI program, projects will be subject to a 14% field inspection review by CSI staff. Other potential renewable energy projects, such as wind generation, will also be required to utilize existing state rebate programs. This will enable them to take advantage of existing quality assurance infrastructures and will subject them to the prevailing measurement and verifications methods. The Program will rely on these rigorous and tested protocols for both savings values and verification.

CEC SEP Evaluations:
Property owners financing project through the CaliforniaFIRST Program will be required to cooperate with CEC SEP evaluations as a condition of financing.

L. PARTICIPANT RECRUITMENT AND COMMUNICATION

Establishing Excellent Marketing, Outreach, Education & Information Strategies
The marketing effort for the CaliforniaFIRST Pilot will be designed to draw in and educate potential Program participants, local contractors and other stakeholders. Successful program adoption requires thoughtful design, convenient procedures and a robust program education component to encourage and facilitate program participation. To achieve this goal, the CaliforniaFIRST Pilot includes the establishment of a **Community Coordinator** role, described below, in each participating jurisdiction. In partnership with the regional steering committees,

the Community Coordinators will tailor the Program's clear and consistent branding, as well as its educational and recruitment materials, to suit local entities and conditions. The Pilot will be supported by the CaliforniaFIRST Web portal, with links to new and existing partner and complementary Websites, frequently asked questions, applications and other program materials. In addition, the Program will engage an extensive network of partners to promote, recruit and disseminate Program information, utilizing existing mechanisms such as door-to-door outreach, community event tabling, workshops and presentations, as well as other appropriate energy efficiency and related program participation activities. Major elements will include:

- Promotional materials: brochures, door-hangers, postcard mailers, bill inserts, etc.
- Program marketing advertisements: print ads, radio/TV ads, PSA production.
- Promotional outreach events, trade shows or community workshops.
- Homeowner/business/contractor/staff training seminars.
- Sustainability site signage and/or participant awards incentives.

These marketing efforts will be focused on creating demand to bring the Pilot to scale quickly, as well as incubating a rapid and significant market shift toward investment in energy efficiency upgrades and renewable generation capacity. Property owners will be encouraged and supported in progressing toward a whole house retrofit following the best practices set out in the state loading order. This strategy will be delivered by the **Community Coordinators,** in collaboration with Renewable Funding and Ecology Action.

Successful Participant Recruitment & Communication: Community Coordinator Role
CaliforniaFIRST Pilot success depends upon the ability of the property owner to access the various sources of funding that currently exist in the form of utility rebates and incentives as well as the proposed SEP1 financing options. Efforts to recruit and educate property owners will be led by the Community Coordinators, who will serve as the one-stop regional program coordinator to unify, inform, collaborate and engage all program parties, respond to public inquiries and facilitate the education, outreach, marketing, recruitment and Program adoption by the target community. Specifically the role of the Community Coordinator will be to:

- **Connect** property owners to existing energy efficiency programs.
- **Facilitate** the participation of the property owner in all relevant and applicable energy efficiency and renewable generation programs.
- **Provide** the technical assistance necessary for property owners to successfully navigate the path to significant energy efficiency upgrades to their home or business.

As the liaison between the Grant Administrator and the property owner, the **Community Coordinator** will be responsible for proper tracking and reporting of necessary program metrics, assuring grant milestones and targets are met or exceeded, incorporating required complementary program components and providing for quality control/quality assurance. Specific tasks will be driven by the overall project goals as well as the specific needs of each region, and include:

a. Coordination with Grant Administrator/Steering Committee Liaison

Because the local Community Coordinators will be integrally involved in project activities undertaken in their region, they will be in a unique position to aggregate information on types of measures installed, which programs were accessed to fund the measure, the expected or tested energy reduction associated with the measure and information about the experience of the property owner. The Community Coordinator will work in concert with Renewable Funding and the Grant Administrator to compile thorough reports to be provided to the CEC.

Additionally, the Pilot has been designed to encourage regional specification of the program while retaining core program characteristics. To facilitate this balance, the Community Coordinator will work closely with the local Steering Committee to provide technical support and advise on the design and implementation of the Program.

b. Coordination with CaliforniaFIRST Municipal Finance Program

Property owners who take advantage of the CaliforniaFIRST Pilot to finance energy efficiency upgrades and installation of renewable generation capacity will have access to the Community Coordinator in each region to answer questions, provide technical assistance and to provide a local on the ground interface with Renewable Funding.

c. Facilitation of Regional Steering Committee Members and Partners

While the CaliforniaFIRST Program is designed as a statewide program in order to achieve the necessary economies of scale required to make the program successful, the ability to tailor local programs to the needs of a specific region provide the flexibility necessary for a thriving and sustainable program. In support of program flexibility, the Community Coordinators will convene and facilitate Regional Steering Committees that will design marketing materials, track locally available complementary programs and work with participating local governments to assure seamless implementation of the CaliforniaFIRST Pilot.

d. Assist with Implementation Strategy, Procedures & Protocols Development

As the local connection between the Grant Administrator, Renewable Funding and the Regional Steering Committee, the Community Coordinator will assure programmatic consistency by coordinating development of local procedures and protocols, as well as providing documents and program details that are specific to and required by the CaliforniaFIRST Pilot.

e. Guide Promotion, Marketing, Education, Recruitment & Information Dissemination

As described above, marketing efforts will be designed to drive the program to quickly scale through the creation and dissemination of marketing, education and recruitment materials.

f. Link Program Participants to Energy Efficiency & Complementary Programs

Participating property owners will be strongly and consistently encouraged to take advantage of complementary energy efficiency and renewable generation programs such as those offered by the utilities and the California Solar Initiative, in order to achieve the greatest possible reduction in peak energy consumption at the lowest cost. The Community Coordinator, in conjunction with the grant administrator and the Regional Steering Committee, will track these opportunities and act as technical assistant and advisor.

Encouraging Energy Improvements, Loading Order & Whole House Retrofits

According to a public opinion survey completed for Renewable Funding in 2009, the major hurdle for property owners interested in reducing their energy consumption is access to financing to fund energy efficiency and renewable generation upgrades. However, simply providing a funding source is not sufficient to drive most property owners to greater levels of energy efficiency. This was proven by the Sonoma County Energy Independence Program, in which more than 90% of the financed installations were for renewable energy systems, not energy efficiency measures. The CaliforniaFIRST Pilot is designed to accomplish the required market change needed to achieve greater energy reductions that are associated with the performance-based approach described in Tier 2 and Tier 3, as reflected in the targets set by the CEC, CPUC and CARB. The program will provide property owners the information and technical support necessary to access all available financing, as well as rebates and incentives. These community coordination, customer support and marketing efforts are designed to provide effective marketing, outreach education and information strategy that will complement the financing aspects of the program by offering assistance to program participants to simplify the

process of accessing all existing relevant rebate, incentive and grant programs. To accomplish this goal, potential Program participants will be supported by a targeted, persistent and thematically consistent marketing and outreach effort.

Leveraging Combined Information Resources

By identifying all co-marketing and outreach opportunities available in each partner jurisdiction, such as SEP2 Residential Retrofit, Green Building, utility-funded energy efficiency and green work force development programs, the CaliforniaFIRST Pilot will present a consistent and consolidated message to property owners.

Each of the 14 counties and 146 cities has a unique opportunity to approach and engage desired target populations. Working with the programs in each region, the CaliforniaFIRST Pilot will be able to better serve the needs of the community and support the efforts of local programs in reaching their targeted populations.

M. PROGRAM COST EFFECTIVENESS

Determining Cost Effectiveness

Pilot cost effectiveness is driven by a minimum market penetration of ~0.2%, representing a reduction of over **255 billion Btus** or nearly **1.5 times the minimum** DOE/ARRA cost effectiveness goal of 10 million Btus per $1,000 CEC SEP funds spent. The Pilot reach goal of 0.5% penetration, or 12,000 properties, will save **613 million Btus**, attaining cost effectiveness over **3.7 times the minimum** DOE/ARRA goal and significantly stimulate market transformation for continued uptake in the years following the grant term.

Goal	Penetration (% OOU)	# OOU Reached	Total Btu Reduction	Cost Effectiveness (Btus/$1000)	CEC SEP Funds Per Btu	% of DOE/ARRA Goal
Min. Market Penetration	0.2%	5,000	255,442,246,499	15,481,000	$0.05	154%
Pilot Phase Reach Goal	0.5%	12,000	613,061,391,598	37,155,000	$0.00001	371%

Appropriate Use of Funds

The CaliforniaFIRST Pilot respectfully requests $16.5 million from the CEC to establish a statewide municipal financing program to stimulate the rapid market transformation toward increased energy efficiency and renewable energy generation adoption in the 14 counties and 146 cities targeted in the initial Pilot. The amount requested is commensurate with the Pilot's primary objective to create and deliver on the demand for installation of these upgrades in thousands of properties throughout California; an area with a total population nearly 12 million, including four million housing units and nearly half a million businesses. Acting as a vital catalyst to launch the program in its initial Pilot, CEC funding is complemented by leverage equivalent to a nearly 10 times the amount of funding requested or just 10% of the total project budget. If funded, the CaliforniaFIRST effort would be the largest such program in the nation, with a profound capacity to shape both state and national markets for whole building energy efficiency upgrades. Additionally, requested funds are appropriate to the goals, objectives and benefits as the program achieves scale:

- **Increased cost effectiveness** achieved through economies of scale and centralized cross cutting activities including the validation and the aggregation of debt.
- **Streamlined customer experience** and connection to complementary resources.
- **Establishment** of strong programmatic foundation to strengthen program effectiveness, congruency and self-sufficiency beyond the grant term.

- **Significant energy savings** are achieved during the term, including over **255 billion** Btus.
- **Over $178.7 million is leveraged** through additional contributions enabled by CEC funding catalyst.
- **Workforce development coordination** is facilitated creating or retaining 1942 jobs.
- Participating **communities are buoyed** by an additional **economic benefit** of over **$1.1 billion** based on $6.70 of local economic benefit for every $1.00 on efficiency[14].

CaliforniaFIRST PILOT Benefits		
Energy Savings	5000 properties	255,442,246,499 Btus[15]
Job Creation	$178.7MM / $92,000	1942 jobs[16]
Economic Benefit	$178.7MM * $6.70	$1,088,450,209

N. QUALITY ASSURANCE/CONFORMANCE WITH CALIFORNIA LAW

Ensuring Building Permits Are Pulled, Contractors In Good Standing

Authorized Improvements financed by the CaliforniaFIRST Pilot will be required to meet all local and state building codes and obtain appropriate permits. To pull permits for project installations, contractors must have a valid contractor's license in good standing and current workers' compensation insurance. Building permit and contractor license information will be part of the required verification documents, which must be submitted prior to the release of funds.

Ensuring CA Building Energy Efficiency Standards Are Met

Coordinating with HERS, Energy & Commissioning Providers, Raters, Auditors

Residential energy efficiency installations will, in most cases, include a HERS II or similar energy audit. The energy audit documentation will be collected as part of the initial approval step in the financing application process. Non-residential energy efficiency projects also will be required to submit an energy audit as part of their application approval.

Ensuring & Demonstrating Quality Installations

The CaliforniaFIRST Program institutes a variety of measures to ensure and demonstrate quality installations, including:

- ✓ Required participation in state rebate programs, which include quality assurance measures, field inspections, performance calculations and performance-based incentives.
- ✓ Projects financed through the Program must be installed by an eligible contractor and include only measures included on the eligible improvements list.
- ✓ Prior to financing, a property owner must provide the final building permit indicating the project(s) has passed the final local building inspection.
- ✓ Quality assurance procedures will be applied to all project installations, which are financed through the program, as outlined below.

Quality Assurance Procedures: Energy Efficiency Projects

To reduce redundancy, and therefore reduce operational costs, quality assurance and conformance for the installation of energy efficiency measures will be based on the CPUC energy efficiency rebate program standards, when those become available. Prior to the launch and/or final design of the CPUC energy efficiency rebate program, energy efficiency projects in the pilot will be subject to one of two levels of review, depending on whether the project falls under an existing certification program or if the project is completed without contractor certification.

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[14] Jerrold Oppenheim and Theo MacGregor. 2009. *ENERGY EFFICIENCY EQUALS ECONOMIC DEVELOPMENT: Economic Benefits of Utility Public Benefit Funds.* National Association of Regulatory Utility Commissioners Committee on Energy Resources and the Environment. Washington.

[15] Based on the conservative goal for installation of 5,000 projects.

[16] Based on the leveraged funding amount of $178.7M, divided by the CEC job creation multiplier of $92,000.

- **5% of projects** reviewed by BPI, HPwES and HERS II raters will be subject to field inspection and review by the California Building Performance Contractors Association (CBPCA), as part of these existing programs.
- **15% of projects** installed by licensed contractors that do not have BPI, HPwES or HERSII certification, and are installing the measures from the list of eligible improvements, will be subject to field inspection and review by CBPCA. (Contractors will be required to become BPI certified, which will include HERS II, by January 1, 2011, to remain eligible to participate in the pilot.) These projects are subject to an additional administrative fee to cover the cost of the quality assurance inspection.

Solar Energy Projects
Photovoltaic and solar water heating projects installed in the Program will be required to apply for and receive an incentive through the California Solar Initiative (CSI) or equivalent POU program, if applicable. As a participant in the CSI/POU program, projects are subject to a 14% field inspection review by CSI/POU staff. By utilizing existing quality assurance procedures and avoiding redundant efforts, the CaliforniaFIRST Pilot lowers its program costs and avoids additional capitalized expenses to participants.

Other Renewable Energy Projects
Other renewable energy projects, such as wind, will also be required to utilize existing state rebate programs, in order to take advantage of existing quality assurance infrastructure.

Ensuring HERS Phase II Whole House Retrofit Procedures Are Followed
The program will coordinate with HERS Providers and Raters to ensure that HERS Phase II procedures are followed for whole-house retrofits. CaliforniaFIRST requires contractors installing energy efficiency measures to meet the eligibility requirements of the pending CPUC statewide energy efficiency rebate program. The current draft requirements include BPI certification, HPwES certification and/or a HERS II rating.

Well qualified contractors, including HPwES
A list of eligible improvements that may be financed through the Pilot has been developed and is consistent with HPwES Guidelines. Additionally, the Program requires energy audits to be performed by contractors who are certified and/or accredited by HPwES, BPI or HERS II.

Contractors who perform energy audits must be certified by HPwES or BPI, until HERS II is available. At that time, energy efficiency audits must be done through HERS II, or a certification that includes HERS II. For prescriptive measures or basic package installation, a contractor must have the appropriate state license. The availability of the basic HERCC package will be limited to the early stage of the pilot phase to support demand, until HERS II raters are trained and ready to take on this role in the market.

Contractors installing solar PV and/or SWH must meet the eligibility requirements of the CSI or equivalent POU program. Other renewable energy technologies must be installed by licensed contractors who qualify for state rebate programs, such as the Self Generation Incentive Program and/or Emerging Renewables Program.

Multi-Family Facilities
For commercial projects (including multi-family) that are outside the scope of HERS II, BPI and HPwES, a parallel and comparable field verification approach will be implemented. Until a trustworthy building performance certification program is in place for commercial projects (similar to residential programs such as HERS II, HPwES and BPI), the CaliforniaFIRST Pilot will partner with one or more energy engineering service companies to provide field verification services. Such partners will have experience in measurement and verification of energy savings and third-party review of renewable and energy efficiency projects for proper installation.

The CaliforniaFIRST Pilot will begin by having its field verification partner(s) review 15 percent of all projects for proper installation and functionality. Commercial projects are subject to an additional administrative fee to cover the cost of the quality assurance inspections.

Multi-Family Test Methods

Acceptance test methods for retrofit measures will include the comparison of their projected or actual results with benchmark data for similar building and project types. Such benchmark data could be derived from government sources such as ENERGY STAR Portfolio Manager, DOE and Energy Information Agency; academic sources such as Lawrence Berkeley National Laboratory; and non-profit sources such as the U.S. Green Building Council and Build It Green. The CaliforniaFIRST Pilot's partner energy engineering service companies will also provide such benchmark data, along with other important parameters to be included. These acceptance test methods can be fine-tuned as the CaliforniaFIRST Program tracks and builds up its own database of projected and actual retrofit measure results. Such adjustments would also be informed by the results of quality assurance inspections.

Other Quality Assurances

The CaliforniaFIRST Program will use the quality assurance protocols of existing renewable energy programs and pending energy efficiency programs as the basic platform for its quality assurance and quality control, and adjust requirements as necessary to remain compliant with state and federal requirements.

O. TEAM ORGANIZATIONAL STRUCTURE

Organizational Structure & Organizational Chart

A program organizational team structure chart is included in **Appendix VII.**

Our Team Description, Partner Locations, Roles & Contacts

Our extensive multi-jurisdictional collaboration is guided by the County of Sacramento, functioning as the applicant, primary contact and collaborative project lead on behalf of the additional 159 participating governmental agencies. Joining the County of Sacramento, Ecology Action and Renewable Funding (on behalf of CSCDA) will serve as the principal program subcontractors implementing the project. Working in tandem, each will direct the separate but connected program components of administration, promotion and financing coordination. City and county representatives will serve on Regional Steering Advisory Committees (SAC) or empower other agencies to act on their behalf. Ecology Action and Renewable Funding will interface with the County of Sacramento, SACs and individual jurisdictional agencies throughout the grant term. All principal program partners boast an extensive history of effective working relationships and past successful outcomes. The broad regional approach generates economies of scale for cost-effective use of CEC SEP funds to support both the finance and local coordination of this program. A brief team description follows with a complete list of program partners included as **Appendix VII.**

Partner	Location	Role	Contact
County of Sacramento	Sacramento, CA	Applicant (Bidder), Primary Contact, Collaborative Lead	Cecilia Jensen, Sustainability Program Manager
Ecology Action	Santa Cruz, CA	Principal Subcontractor, Grant Administrator, Steering Committee Partner Liaison	Virginia Johnson, CEO/Executive Director
CSCDA	Sacramento, CA	CaliforniaFIRST Program Sponsor and Lead Program Partner	Terrence Murphy, Program Manager
Renewable Funding	Oakland, CA	Principal Subcontractor,CaliforniaFIRST Program Manager on Behalf of CSCDA	Cisco Devries, President

Sacramento County was incorporated in 1850 as one of the original 27 counties of the State of California. The County's largest city, the City of Sacramento, has been the seat of government for the State of California since 1854 and also serves as the county seat. The County is the major component of the Sacramento Metropolitan Statistical Area (SMSA), which includes Sacramento, El Dorado, and Placer Counties. Sacramento County encompasses approximately 994-square miles in the middle of the 400-mile long Central Valley, which is California's prime agricultural region. The County is bordered by Contra Costa and San Joaquin Counties on the south, Amador and El Dorado Counties on the east, Placer and Sutter Counties on the north, and Yolo and Solano Counties on the west. The southernmost portion of Sacramento County has direct access to the San Francisco Bay. As the applicant and the collaborative project lead, Sacramento County will:

- ✓ Serve as the primary Pilot contact on behalf of all partners.
- ✓ Work closely with Ecology Action, CSCDA and Renewable Funding to administer the project, achieve program goals and ensure that transparency, reporting and time criticality requirements are met.
- ✓ Participate on the regional SAC with Yolo County in the Capitol Region.
- ✓ Oversee the Sacramento County CaliforniaFIRST program implementation.

California Statewide Communities Development Authority, known as CSCDA or California Communities®, is a joint powers authority sponsored by the League of California Cities (League) and the California State Association of Counties (CSAC). California Communities® was created by the League and CSAC in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. As the JPA sponsoring CaliforniaFIRST, CSCDA will:

- ✓ Guide & oversee CaliforniaFIRST Program development and implementation.
- ✓ Contract with Renewable Funding for CaliforniaFIRST Program administration.
- ✓ Form the assessment district for each participating jurisdiction.
- ✓ Conduct validation proceedings for each county.
- ✓ Enter into contractual assessments with participating property owners.
- ✓ Issue bonds to finance approved projects.
- ✓ Provide tax administration to maintain assessments on tax roll.

Renewable Funding, LLC is the industry leader in the turn-key administration of Property Assessed Clean Energy (PACE) programs, and the contracted program administrator for the CaliforniaFIRST program. The firm has had a key role in pioneering PACE programs across the country and remains today the only firm in the nation with experience in its administration and financing. In addition to operational programs in California and Colorado, the firm is developing programs covering over 200 communities in several states. The Renewable Funding team is dedicated to advancing climate neutrality, energy independence and green job creation through the nationwide deployment of PACE programs. Due to this commitment, Renewable Funding serves as a resource for governments and an advocate for the national expansion and strengthening of PACE. As the Program Administrator on behalf of CSCDA, Renewable Funding will:

- ✓ Manage Program development and implementation.
- ✓ Launch County-specific Web portals.
- ✓ Maintain Web portal for on-line application and customer education.
- ✓ Review and approve Program applications and payment requests.
- ✓ Provide 24-Hour government staff access to real-time data.

- ✓ Finance and purchase bonds to fund projects.
- ✓ Oversee finance and legal program components.

Ecology Action is a nonprofit environmental consultancy delivering cutting edge education services, technical assistance and program implementation for GHG emission reducing and other conservation initiatives that assist individuals, business and government in maximizing environmental quality and community wellness. Since 1970, Ecology Action has been at the vanguard of reducing GHG emissions at the regional level by combining municipal, foundation and private funding to establish cutting-edge conservation programs, prove their effectiveness financially and operationally, and establish each program as a permanent community resource. Ecology Action continually seeks innovative ways to development environmental awareness, promote pragmatic change and create opportunities for individuals, businesses, and community agencies to save money, create jobs, reduce emissions and contribute to a sustainable local economy. As the Grant Administrator and SAC liaison, Ecology Action will:

- ✓ Serve as the single-point Regional Program Coordinator.
- ✓ Unify, inform, collaborate and engage all program parties to ensure program consistency.
- ✓ Facilitate regional SAC of partner jurisdictions (city and county agency representatives).
- ✓ Troubleshoot unforeseen Pilot implementation challenges.
- ✓ Organize the design and production of outreach and educational materials.
- ✓ Coordinate and tracks outreach material distribution, marketing and community recruitment events for potential Program participants.
- ✓ Assist interested property owners in connecting to all available complementary programs.
- ✓ Coordinate and links complementary program activities to the residential building retrofit (whole house) program (Chapter III CEC-SEP, proposed separately).
- ✓ Coordinate and link complementary program activities to the municipal and commercial targeted measure retrofit program (Chapter IV CEC-SEP, proposed in separate proposal).
- ✓ Assist agencies in meeting or exceeding grant project milestones, monitoring/tracking progress and reporting program metrics/results to the CEC and program partners.
- ✓ Administer the CEC grant, produce invoices and reports on behalf of partnership.

Local and Regional Partner Jurisdictions: In an effort to balance this large partnership of 160 jurisdictions, ensure overall project success and maximize cost effectiveness by drawing on economies of scale, the Pilot has been thoughtfully designed with two essential program elements:

1. CaliforniaFIRST financing team will work directly with counties and member cities through regular conference calling, webinars and in-person meetings with County Tax Collectors, Auditor/Controllers and other pertinent agency staff to guide applicant processes, place/accept liens and create Web portals. Key agency contributions include:
   - ✓ Tax Collector/Auditor/Controller at each participating county accept lien on property owners who opt into the pilot.
   - ✓ Tax Collector/Auditor/Controller processes and facilitates the bi-annual collection of the program payment from each participating property owner a component of regular property tax.
2. Grant Administrator and local community coordinators will work with Regional Steering Advisory Committees to guide education, outreach, marketing and recruitment program design, coordination, implementation, monitoring and oversight elements. Key SAC contributions include:
   - ✓ Planning/Building Departments inspect installations of permit-requiring financeable features in unincorporated areas of the county, consistent with current duties.

- ✓ Relevant Agency Departments/Staff, such as sustainability coordinators, green building inspectors, waste reduction, redevelopment agency, Workforce Investment Boards, etc. engage as appropriate to guide relevant program design elements.
- ✓ Agency representative sits on the Pilot Steering Committee and works with community coordinator, Renewable Funding and other program partners as needed.

Technical Capabilities, Working Relationships & Past Success

All members of the project team have an extensive history of past successful program implementation and relationship building capacity. Grounded by strong technical capabilities, astute program management and skilled partner, stakeholder and funder communication, the project team will bring to the Pilot over 200 years of combined experience and expertise on behalf of over 150 organizations. Additional team information is included in **Section 10**.

5. WORKFORCE DEVELOPMENT AND JOB CREATION

Utilizing the Council of Economic Advisers' *Estimates of Job Creation*, the proposed program is expected to generate **1,942 jobs during the grant term.**

Direct Jobs Created by CaliforniaFIRST PILOT PHASE		
Total Program Budget	**CEC Job Creation Multiplier**	**Total Jobs Created**
$178,954,305	**$92,000/Job**	**1,942 Jobs during grant term**

***Total program budget is based on the installation of 5,000 properties.**

Job Descriptions

Stimulating demand for energy efficiency and renewable energy generation services, the proposed Pilot will create or retain skilled jobs within a variety of occupational areas, primarily in construction and related industries. The following table describes typical jobs expected to be created or retained. Based on the anticipated number new workers needed for each type of job listed below, the total number of direct jobs expected to be created as a result of the Pilot is in the range of 1,600 -2,000.

Occupation	Approximate Annual Salary	Job Classification
Electrician/Electrician Apprentice	$45,000	Skilled Labor
Plumbers/Plumber Apprentice	$45,000	Skilled Labor
Solar/Photovoltaic Installer	$59,000	Skilled Labor
Solar/Thermal Technician	$59,000	Skilled Labor
Energy Efficiency Retrofitting	$50,000	Skilled Labor
Energy Auditor	$42,000	Skilled Labor
Weatherization Specialist	$34,000	Skilled Labor
Manager	$72,000	White Collar
Marketing Coordinator	$40,000	White Collar
Marketing Assistant	$32,000	Clerical
Administrative Support	$30,000	Clerical
Accounting	$34,000	White Collar
IT-Related	$48,000	White Collar
Renewable Energy and EE Trainers	$40,000	White Collar
Participant Recruiters	$36,000	White Collar

The Pilot will support job creation, both directly and indirectly, by expanding the market and therefore increase the demand for these types of jobs.

Training Approach and Coordination with Green Job Training Program

Because the CaliforniaFIRST Pilot will accelerate the shift to sustainable methods and technologies, it will contribute to the ongoing transformation of the construction-related workforce from unskilled to skilled positions[17]. By becoming a partner with Green Jobs Workforce Training Development Programs and coordinating with local Workforce Investment Boards and the California Workforce Association, the Pilot will help connect graduates with skilled positions created or retained by the Program. For this purpose, several of the Program partners will build upon the existing relationships and prior experience with training partners in providing the bridge from training to employment. Also leveraged will be the programs funded by the 11 grants listed below that have recently been awarded to participating entities, in addition to scores of existing programs. To assure these linkages work effectively, the Program will convene a Technical Advisory Committee (TAC) uniting workforce development agencies, community colleges, businesses, unions and tradespersons in each region to identify the most appropriate opportunities for program engagement, coordination, graduate promotion and job placement. The TAC will be specifically responsible for assuring coordination with the programs.

Green Building & Clean Energy Retraining Partnerships

	Applicant Name	County	Award
1	Grossmont-Cuyamaca Community College District	San Diego	$1,000,000
2	Kern Community College District	Kern	$766,406
3	Sacramento Employment Training Agency (SETA)	Sacramento	$997,810

Green Building & Clean Energy Pre-Apprenticeship Training Partnerships

	Applicant Name	County	Award
4	Hartnell College	Monterey & Santa Cruz	$999,862
5	Kern/Inyo/Mono Consortium	Kern	$319,655
6	Peralta Community College District	Alameda	$1,000,000
7	SETA	Sacramento	$968,682
8	San Diego Workforce Partnership	San Diego	$700,000
9	San Luis Obispo County	SLO	$610,055
10	Solano Community College	Solano	$418,751

Alternative & Renewable Fuel & Vehicle Tech. Workforce Development /Training Program

	Applicant Name	County	Award
11	SETA	Sacramento	$500,000

For descriptions of each of these work force programs, please see www.energy.ca.gov/greenjobs/.

6. ENERGY, PEAK DEMAND and GHG EMISSIONS REDUCTIONS

The Program team's estimated annual electric savings and peak demand reductions as well as natural gas savings are presented below. These estimates include impacts from installed energy efficiency (EE) and renewable energy (RE).

Electricity Savings	Natural Gas Savings	Peak Demand Reductions
168,268,186,499 Btus	87,174,060,000 Btus	38,765 kW

[17] State of California, Employment Development Department, Labor Market Information Projections through 2016 for Monterey and Santa Cruz Counties, 2008; Bay Region Center of Excellence, Energy Efficiency Occupations Environmental Scan, 2009; Central Region Center of Excellence, Green Economy Workforce Study, 2008; and feedback from industry partners and the regional Green Employer Council.

The Program team has taken a top-down approach to projecting energy impacts based on published efficiency and solar research data and assumptions about the performance of RE and EE installation programs that serve the residential and commercial markets. Projections for energy (kWh) reductions were calculated by multiplying per-property baseline energy use by an assumed reduction in total consumption. These per-property reductions were then multiplied by the number of properties that the team projects will participate, and finally summed to generate the total program impacts.

Details and assumptions for energy reduction estimates include:

- Baseline residential usage: The average residential Btu consumption for electric and gas is 60.56MM and 43.1MM respectively. [18]
- Baseline commercial usage: The assumed average commercial Btu consumption for electric and gas is 242.2MM and 172.4MM respectively. This reflects a downward adjustment from the statewide average commercial baseline[19] based on the team's intention to serve small and medium businesses, but not large businesses. The team set the commercial baseline equal to four times the statewide residential baseline usage.
- Each participating property was assigned one of four "Energy Impact Levels." Each level assumes an average total reduction per property (10%, 25%, 67%, and 75%), which is a combination of reductions from both energy efficiency (EE) and renewable energy (RE). The number of properties that was assigned to each impact level is based on the team's assessment of the performance of EE and RE delivery programs in the field, when combined with the proposed program finance.
- The assumed reductions resulting from EE were subtracted from the base line and an "adjusted baseline usage" was calculated.
- The reduction resulting from each RE installation was then subtracted from the adjusted baseline usage. Both RE and EE reductions were summed to produce the total per-property reduction.
- The team assumes that each solar hot water system will reduce 24% of the adjusted gas baseline[20] and that each photovoltaic (PV) system will reduce 85% of the adjusted electricity baseline. [21]

Demand Reduction Estimates:

The pilot will **reduce peak electric demand** by a minimum of **38,765 kW,** and by as much as **93,035 kW,** if the Pilot reach goal is achieved.

The team has utilized a top-down approach for calculating peak demand reduction wherein total program-level average demand reductions (EE and PV) for residential and commercial participants are adjusted by their respective EE and PV coincident peak demand factors.[22]

Residential peak demand reduction assumptions and calculations from RE are:

1. Used 1,250 kWh as the actual output from each 1 kW of panels as rated by manufacturer. Figure includes an aggregate de-rating factor of .70. [23]
2. Used 4.8 kW as the average size per residential PV installation. [24]

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[18] California Statewide Residential Appliance Saturation Study, 2004.
[19] Commercial Building Survey Report, PG&E, 1999.
[20] California Center for Sustainable Energy, example system savings, SD area.
[21] www.californiasolarstatistics.ca.gov/reports/12-09-2009/Dashboard.html ; www.nrel.gov/rredc/pvwatts.
[22] Electricity Use in California: Past Trends & Present Usage Patterns, Brown & Koomey, LNBL, 2002 (LBL-47992).
[23] www.nrel.gov/rredc/pvwatts
[24] www.californiasolarstatistics.ca.gov/reports/12-09-2009/Dashboard.html

3. Calculated the annual output of the average residential system at 5,990 kWh (4.8 rated STC kW x 1,250 kWh).
4. Calculated the average annual peak production from system at 1,835 hrs (average 5 hours/day x 365 days = 1,825 hrs).
5. Calculated the average peak hours at 3.3 kW (5,990kwh/1,825 hours).
6. Calculated that 100% of average peak production occurs during system peak as "DEER defines peak demand as the average grid level impact for a measure between 2 p.m. and 5 p.m. during the three consecutive weekday periods containing the weekday temperature with the hottest temperature of the year."[25]

Commercial peak demand reduction assumptions and calculations from RE are:

1. Used 1,250 kWh as the actual output from each 1 kW of panels as rated by manufacturer. Figure includes an aggregate de-rating factor of .70.[26]
2. Used 142.7 kW as the average size per residential PV installation.[27]
3. Calculated the annual output of the average residential system at 178,341 kWh (142.7 rated STC kW x 1,250 kWh).
4. Calculated the average annual peak production from system at 1,835 hrs (average 5 hours/day x 365 days = 1,825 hrs).
5. Calculated the average peak hours at 97.7 kW (178,341 kwh/1,825 hours).
6. Calculated that 100% of average peak production occurs during system peak as "DEER defines peak demand as the average grid level impact for a measure between 2 p.m. and 5 p.m. during the three consecutive weekday periods containing the weekday temperature with the hottest temperature of the year."[28]

To derive the commercial and residential peak demand reduction projections for EE:

1. Used 5,914 kWh[29] (residential) and 87,000 kWh[30] (commercial) as per-site average initial baseline usage values.
2. Divided the above values by 8,760 hrs to derive average kW savings for each group[31] of 0.68 and 9.97 kW, respectively.
3. Divided the kW values above by the statewide residential (50%) and commercial (55%) coincident peak factors to calculate the baseline peak usage of 1.35 and 18.1 coincident peak kW, respectively[32].

7. ECONOMICALLY DISADVANTAGED AREAS

The CaliforniaFIRST Pilot will maximize the potential for municipal financing programs to benefit economically disadvantaged areas. Marketing for these areas will emphasize that the Program is open to homeowners and business owners who may not meet credit standards to obtain a loan from a bank or other traditional lender because underwriting will be based primarily on characteristics of the property rather than on the applicant's credit. This targeted marketing will also stress that participating in the Program can reduce utility bills almost immediately, while deferring payment until later. Key messages for this marketing campaign will be focus-group-tested in the target market to assure that they are appropriately tailored to potential participants.

In addition, the Program will provide opportunities to evaluate mechanisms for future expansion or modification of the program to enable access by a broader pool of property owners—such as those who may be experiencing property value decline and reduced access to credit—who

[25] from CPUC EE Policy Manual v4.0:
[26] www.nrel.gov/rredc/pvwatts
[27] www.californiasolarstatistics.ca.gov/reports/12-09-2009/Dashboard.html
[28] from CPUC EE Policy Manual v4.0:
[29] California Statewide Residential Appliance Saturation Study, 2004
[30] Commercial Building Survey Report, PG&E, 1999
[31] LBL-47992
[32] Ibid.

nonetheless have demonstrated their ability to pay their mortgage and property tax bill. These populations are among the most in need of innovative financing tools, specifically because energy efficiency improvements reduce monthly energy costs and can be an important element in achieving financial stability.

Unemployment Rates and Poverty

Consistent with CEC SEP goals to **assist those most impacted by the recession**, the CaliforniaFIRST Pilot is designed to specifically address geographic areas with the highest unemployment rates and other indicators of economic disadvantage. Overall, the socioeconomic characteristics of the 14 participating counties closely resembles the State as a whole. This similarity provides ample opportunity for the pilot to test strategies for reaching all types of communities and makes it highly replicable. Among the participating counties, **36%** have **unemployment rates higher than the statewide average**[33], thus qualifying as economically disadvantaged areas. Three of these five counties have unemployment rates 24-37% higher than the California average, ranging from 14.4-15.2% unemployment, while 29% are close to the state average, with two at 11.8%, one at 11.4% and one at 11.3%. The unemployment rate in each County is greater than 8.9%, with rates in all but two of the counties **exceeding the national average**. With an unemployment rate of 15.2%, unemployment in Fresno County is higher than 80% of California counties. Within counties, the Program will focus on localities with especially high unemployment rates. For example, the unemployment rate throughout the targeted area of Salinas Valley is in the 15-20% range for, even though the rate for Monterey County is 10.3%. Moreover, with more than 20,000 seasonal and migrant workers currently engaged in harvesting and/or planting, the unemployment rate is projected to exceed 20% this winter, based on trends from the last two winters[34]. Similar conditions exist in other counties with high agricultural employment.

In addition, the **poverty rate** for the region is above the national average of 13.2% (U.S. Census data, 2005-2009). In some areas, such as the Salinas Valley, it is nearly double the national average at 26.7%. Low-income families comprise nearly 50% of the county's population (Monterey County Department of Social Services). In families headed by single females, the poverty rate increases to more than 70%. In Santa Cruz County, the number of people receiving food stamps has increased over 20% in the last two years (CA Dept. of Social Services, 2008).

Targeting Benefits to Economically Disadvantaged Populations

To increase participation of residents and business owners in economically disadvantaged areas, outreach strategies will include, but are not limited to, the following elements:

- ✓ Bilingual, multicultural outreach, materials and assistance
- ✓ Application fee reimbursement
- ✓ Building permit fee waivers
- ✓ Complementary HERS rating incentives
- ✓ Small business owner incentives
- ✓ Targeted advertisement and recruitment placement
- ✓ Multicultural focus groups, social marketing and surveys

These strategies are expected to appeal strongly to unemployed and underemployed residents, minorities, low income residents, residents with limited educational attainment, residents with limited English language skills and other economically disadvantaged populations. To aid Californians who have been hard hit by the recession but do not own their own homes, the Program will work directly with and offer incentives to affordable housing providers and

[33] Based on data from the Employment Development Department Labor Market Information Division, for the month of June 2009
[34] California Employment Development Department, July, 2009

Neighborhood Stabilization Programs to encourage their participation in the Pilot. Direct contact with these potential participants will assure that they are aware of their eligibility, understand how they can gain from implementing deeper retrofits, and receive priority treatment. These efforts will help to assure that the Pilot's benefits of lower utility bills, increased comfort, better indoor air quality, and enhanced health and safety are extended to under-served, economically disadvantaged populations.

Outreach will also be conducted through other existing programs operated by CaliforniaFIRST partners. For example, in the Monterey Bay Area, the program will engage the Monterey Bay Area Recycling Partnership, which currently delivers waste reduction services to low-income and other multi-family housing facilities in partnership with local housing authorities and associated agencies. Drawing on new and existing partnerships such as these provides the project team with a substantial advantage in engaging target populations throughout the broad service area.

Creating Jobs & Providing Financial Stimulus in Economically Disadvantaged Areas

As part of the efforts described above in the "Workforce Development and Job Creation" section, the CaliforniaFIRST Pilot will prioritize job training and placement in economically disadvantaged areas. Coordination with Green Jobs Workforce Training Development Programs and other strategies described in that section will enhance the Program's reach and effectiveness among unemployed and underemployed workers, new workforce entrants (high school graduates, equivalency completers), low income residents, underrepresented groups (such as women and Latinos), out-of-school youth, residents lacking a diploma or GED, and limited-English-proficient and English-as-a-second language residents,[35] while helping to connect these graduates with green jobs training and job creation.

Increasing employment opportunities for these individuals will leverage the economic stimulus of CEC SEP funds because of the multiplier effect of local spending by workers hired in disadvantaged areas. Similarly, participating communities will benefit from the nexus between the results of the Program and the economic stimulus generated from each dollar that is re-invested into the local community through the installations themselves[36]. For example:

$25,000,000 financed for energy efficiency x $6.70 = $167.5 million stimulus

8. TIME CRITICALITY

Project Term

The project team is committed to completing the Pilot **on time** and **on budget** with all CEC SEP funding expended to complete all planned energy retrofits **by the end of the grant project term, March 31, 2012.**

Monitoring Implementation Progress

The project will benefit from a comprehensive progress monitoring component achieved through diligent oversight by the Grant Administrator, Regional Steering Advisory Committees and Technical Advisory Committees. **Critical Program Reviews** will be completed on a timely basis within the first six months of the program, or as required by the CEC, to ensure overall Program success. Grant tasks, subtasks and milestones have each been strategically designed to keep the project team on task, drive innovation and successfully meet or exceed program goals and deliverables.

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[35] The target groups were identified through a needs assessment that included data provided by the Monterey and Santa Cruz Counties Workforce Investment Boards; California Employment Development Department; California Department of Social Services; the California Department of Finance; and through surveys of industry partners.

[36] Jerrold Oppenheim and Theo MacGregor. 2009. ENERGY EFFICIENCY EQUALS ECONOMIC DEVELOPMENT: Economic Benefits of Utility Public Benefit Funds. National Association of Regulatory Utility Commissioners Committee on Energy Resources and the Environment. Washington, DC.

Program Schedule & Key Milestones
A detailed project workplan has been developed to guide program implementation and timeliness of program deliverables, including monthly progress reports, Critical Program Reviews and other milestones, is included as **Appendix VIII.**

9. PROGRAM TRANSPARENCY and REPORTING

Complying With Transparency & Reporting Requirements
The CaliforniaFIRST Pilot is designed to meet the highest standards of transparency and accountability in keeping with Sacramento County's long-standing commitment to open processes, full disclosure and effective performance monitoring. To assure that all **participants, sub-recipients and vendors** embrace the same principles in their performance, the applicant will both lead by example and require compliance as a condition of reimbursement.

Collecting Performance Data
To achieve these objectives, Sacramento County will develop and deploy a Web-based project management system that will provide a single integrated mechanism for processing transactions, tracking the status of each aspect of the project and collecting performance metrics. This integrated system will be far more efficient than relying on a different process for each purpose. In addition, CaliforniaFIRST will implement a Web-based transaction management system for processing homeowner and business applications, and for managing interactions with financing recipients. Use of these systems will generate a comprehensive data for regular analysis and reporting to the CEC.

The data, combined with required narrative reports from sub-recipients, will be a valuable resource for publishing project results. The system will also serve as an online document repository and communications portal for posting relevant project information. Because the system is Web-based, it will be **flexible** and easy-to-modify by changing the server-side code without needing to distribute updates to users. It will be developed with a modular architecture to accommodate open-source components, which will reduce development expense and facilitate rapid deployment. To maintain data integrity, the system will be maintained at a secure facility with redundant power supply, chemical fire suppression, automated back-ups and state-of-the art anti-hacking defenses.

Financial & Accounting Processes
Financial and accounting aspects of the project will be handled primarily by the grant administrator, Ecology Action, which has a **flawless record of administering state and federal contracts** since its founding nearly 40 years ago. To assure that CEC SEP funds are clearly distinguishable, all project funds will be deposited to and distributed from a dedicated bank account. Ecology Action's extensive policies and procedures will be followed to safeguard the funds from waste, fraud and abuse. These policies and procedures include:

- A **rigorous invoice processing system** that requires project managers to review and approve invoices prior to submission for payment.
- A requirement that invoices and internal check requests **designate the line item to be charged**, as well as the amounts for approved funding, current invoice and balance.
- Finance Department **review of all invoices** to check for conformity with the budget and to identify irregularities.
- Full, **detailed documentation** for invoices, including original receipts.

- **Prompt payment procedures** that generally result in check issuance within 10 days of receipt of an invoice (assuming authorization).
- Payments to vendors and sub-recipients **predicated on compliance** with applicable transparency and reporting requirements.
- Use of **vendor files** for systematic retention and retrieval of supporting documentation.
- A **scalable accounting system** that can readily accommodate the transaction volume anticipated for the CaliforniaFIRST Pilot local coordination activities.
- **Mandatory use of account codes**, cost centers and other indicators to accurately track expenditures.
- **Direct and mediated communication systems** with project participants to disseminate notices from the funder.
- **Custom Web-based tracking systems** for all reportable process and outcome metrics.
- **Systematic retention** by the recipient and all sub-recipients of project records for three years after project completion, or other date specified by the funder.
- Personnel **selection and training that emphasizes accountability**, e.g., the Finance Director is a former auditor.
- **Comparison of proposed personnel billing rates** with compensation norms.
- Specification of **"not to exceed"** amounts in contracts with sub-recipients and vendors.
- **Annual audits** by an independent CPA who performs no other work for the organization.
- **Effective internal controls** that are reviewed annually by the outside auditor, e.g., separation of functions, two signatures for large checks, required vacations for key Finance Department staff.
- Preferred use of **performance-based contracts** that condition payment on satisfactory delivery of the product or service.
- **Competitive bidding** requirements for large purchases.
- **Oversight by a designated compliance officer**, an attorney who founded the Nonprofit Risk Management Center in Washington, D.C.
- **Authorization, verification and reconciliation** of bank funds transfers.
- Monthly preparation of **accrual-based financials** at the project, division and entity level.
- Monthly distribution of **project-specific financial reports** to managers for review.
- **Online read-only access** by project managers to up-to-date financial information.
- Monthly **financial reviews** by the board of directors.
- Monthly **IT security testing** by an outside vendor.

Audit Readiness

Adherence to these policies and procedures will enable the applicant to fulfill its responsibility for assuring the proper administration of program funds, fully document the work performed and measure the outcomes. It will also enable Sacramento County to respond expeditiously to requests for information, single audits pursuant to OMB Circular A-133, random audits and other review practices.

10. PROGRAM TEAM QUALIFICATIONS and EXPERIENCE

Meeting & Exceeding Goals, Objectives & Strategies

The CaliforniaFIRST Collaborative Partnership assembles an extensive, team of over 160 organizations, agencies, financial institutions and personnel to deliver highly effective programs to meet and exceed CEC goals, objectives and strategies, and successfully perform the tasks described in the Scope of Work. A description of roles and a partner organizational chart for the project are discussed above in **Section O.** Resumes describing relevant experience, academic degrees and professional experience as well as familiarity with administration, management and required technical expertise for all team members can be found in **Appendix IX.**

Staff Job Classifications, Experience, Education, Degrees, Licenses

All program partners have dedicated staff and resources to the successful completion of the Pilot. For detail of the involvement of each team member in the proposed Scope of Work tasks and subtasks including detail the job classifications, role in the program and % of time spent on the program please reference **Appendix IX.**

Professional References

Professional references for the bidder Sacramento County, and subcontractors Ecology Action and Renewable Funding can be found in **Attachment 18–Appendix II**

Bidder Subcontractor, & Partner Staff: Prior Related Work, Roles & Experience

Sacramento County provides public services to 14 unincorporated County communities, with over 500,000 residents. The County is governed by the five-member Board of Supervisors. Within its boundaries lie approximately 994-square miles in the middle of the 400-mile long Central Valley and is bordered by Contra Costa and San Joaquin Counties on the south, Amador and El Dorado Counties on the east, Placer and Sutter Counties on the north, and Yolo and Solano Counties on the west. Sacramento County provides municipal services, including law enforcement to the unincorporated areas within its boundaries. As an agent of the State, Sacramento County is also responsible for administering many of the State's health, welfare and criminal justice programs.

Renewable Funding specializes in developing innovative solutions for clean energy financing programs and has been active in working with federal agencies, major lending institutions and leading law firms in developing national best practices for property-assessed clean energy (PACE) programs. The founders of Renewable Funding pioneered the PACE strategy used in Berkeley, known as BerkeleyFIRST. To support these programs, the firm has created a unique turnkey solution and roster of program partners to provide program adoption, education, outreach, and administration backed by a complete financing package. The firm's PACE clients currently include Los Angeles County, Berkeley, San Francisco, San Diego, CaliforniaFIRST, Boulder County, Colorado, and Albuquerque, New Mexico, among others.

Renewable Funding's management team has strong expertise in finance, government, operations and renewable energy incentive programs, and has played a key role in the national emergence of municipal clean energy financing. The firm has consulted with state and local governments in Arizona, Colorado, New Mexico, New York, Oregon, Texas, Vermont and Virginia. Renewable Funding is also active on the federal level, having been instrumental in the recent Congressional clarification extending tax credits to renewable energy financing programs sponsored by local governments. The firm has also worked with the U.S. Department of Energy, U.S. Environmental Protection Agency and other federal agencies to assess terms and conditions of PACE programs toward building a national model.

Ecology Action has been on the leading edge of developing pragmatic, collaborative environmental programs in dozens of counties in California, with emphasis on Northern and

Central California. Operating as an entrepreneurial non-profit corporation, Ecology Action manages dozens of programs and initiatives through divisions that includie Climate Action Solutions, Energy Efficiency, Pollution Prevention, Zero Waste and Transportation.

Ecology Action is staffed by a team of experts in energy efficiency, toxics reduction, community recycling, business waste reduction, water quality protection, sustainable transportation, program design, development, implementation, technical assistance, data management, research, outreach, training and renewable energy systems design. Ecology Action's experts have worked with thousands of organizations, covering nearly every county in California. For its success, Ecology Action has been honored with many awards including the **2008 California Air Resources Board/CoolCalifornia Small Business of the Year** and the 2003 Governor's Environmental & Economic Leadership Award.

Community partnerships are at the core of Ecology Action's success. Every program and initiative is made possible through collaborative relationships with visionary business leaders, local and regional government agencies, other non-profits and committed community members.

11. SCOPE of WORK & DELIVERABLES

Project Plan To Achieve Goals & Objectives

The CaliforniaFIRST Pilot has been carefully designed to achieve the following goals and objectives in line with CEC requirements, on time and on budget:

- ✓ **Incorporate Workforce Development** training by collaborating with regional Workforce Investment Boards, community colleges and other local green jobs training programs and resources.
- ✓ **Increase Total Job Creation and Retention** by securing **$162.5 million** in leveraged funding, equivalent to 1,942 jobs created or retained (total investment/$92K).
- ✓ **Encompass Economically Disadvantaged Areas** particularly hit by the housing and economic crises, and including cities and counties below the statewide average unemployment rate.
- ✓ **Meet Time Criticality** requirements, including achieving significant program progress within six months, as well as expending all grant funds by March 31, 2012.
- ✓ **Engage Innovative Program Design** to strengthen program participation, maximize energy savings and cost-effectiveness, as well as leverage additional funding, resources, tax credits and incentives to ensure success.
- ✓ **Integrate Eligible Improvements** including 2nd/3rd tier residential and municipal/commercial targeted measures and incentives.
- ✓ **Emphasize Loading Order** to achieve at least 10% energy efficiency before onsite renewable energy generation system installations can be financed with program funds.
- ✓ **Conform With All Applicable California Laws** including building codes, protocols, standards and permitting requirements.
- ✓ **Ensure Appropriate Home Energy Ratings, Energy Audits and Building Commissioning Investigations** consistent with California Home Energy Rating Program or commercial energy audits and benchmarking.
- ✓ **Establish Property Qualifications** to reasonably screen participants as appropriate candidates capable of timely payments.

- ✓ **Overcome Legal Concerns** by completing successful validation action, engaging qualified legal opinion for reasonable likelihood of success and working with lenders to include properties with mortgage provisions forbidding voluntary property liens.
- ✓ **Achieve Sustainability** by creating lasting changes in the market, enabling real progress toward California's climate goals, stimulating jobs, revitalizing communities and establishing a robust foundation for continued success.
- ✓ **Build a Broad Regional Collaborative Approach** that will span California to include up to 14 counties, 146 cities and hundreds of communities.
- ✓ **Ensure Quality Assurance (QA)** by complying with grant QA measures and adopting additional QA and quality control measures.
- ✓ **Document Energy Savings** by requiring participants to submit an authorization to receive customer information form after installation to clearly measure and report energy reductions achieved.
- ✓ **Comply** with CEC and DOE **Program Transparency and Reporting** requirements.
- ✓ **Achieve Program Cost Effectiveness** at or above 10 million BTUs/$1000 spent.

Description of Specific Program Activities

By creating turn-key program opportunities, resources and policies for residents and businesses to readily adopt low carbon alternatives, the CaliforniaFIRST Pilot strives to incentivize the early and widespread adoption of energy efficiency measures. The Pilot also aims to encourage the transition to locally-generated renewable energy, while achieving maximum GHG emission reductions. To facilitate this shift, the program sets forth the following **specific activities** as central program objectives:

1. **Establish** CaliforniaFIRST municipal financing Pilot.
2. **Develop** implementation strategy, documents, procedures and protocols.
3. **Promote**, educate, recruit and disseminate program information.
4. **Link** participants to complementary energy efficiency, workforce development, home energy ratings, whole house and municipal/commercial programs.
5. **Track**, monitor and evaluate program progress, energy saving, GHG reductions achieved and ancillary environmental benefits.

Results—Documenting Progress, Accomplishment, Outcomes, Deliverables

The proposed Pilot is supported by a robust performance measure tracking and monitoring component, resulting in the measurable outcomes and outputs detailed below. Combining the program's interactive reporting and tracking system with utility bills, participant surveys and Website usage data, the project team will readily assess results achieved during and after the grant term.

Quantitative & Qualitative Outcomes

- ✓ **Increased** ease, efficiency and adoption of energy efficiency measures.
- ✓ **Improved** access to affordable installations.
- ✓ **Increased** environmental engagement by program participants.
- ✓ **Documented** successful program model, poised for replication across the state.
- ✓ **Established** administrative capacity for long-term sustainability.
- ✓ **Economic** stimulus supporting local green industries and jobs.
- ✓ **Significant** progress towards California Action Plan and CPUC interim goals.

Expected Outputs, Reports & Progress Measurement

- ✓ **Number** of properties served.
- ✓ **Number** of project installations.
- ✓ **Total** kWh mitigated during term.
- ✓ **Total** estimated kWh mitigated over the life of the systems installed.
- ✓ **Tons** of CO2 mitigated during term.
- ✓ **Estimated** CO2 mitigated over the life of the systems installed.
- ✓ **Number** of jobs created or retained.
- ✓ **Estimated** economic benefits.
- ✓ **Number** of participating jurisdictions.
- ✓ **Number** of Website hits, inquiries, customer calls or program requests.
- ✓ **Number** of surveys collected and results analyzed.
- ✓ **Number** of educational materials designed and produced.
- ✓ **Number** outreach events attended.
- ✓ **Completed** critical program review(s) and reports.

Project Workplan of Milestones, Tasks, Sub-Tasks

A workplan including milestones, tasks and subtasks is included in **Appendix VIII**. A brief explanation of key program tasks follows.

A. TASK 1: Contract Management

On behalf of applicant Sacramento County, Ecology Action in its role as Grant Administrator will provide the full complement of contract management services, including financial oversight, invoicing, reporting, contract administration, tracking, monitoring and compliance checking. Specific aspects of the contract management process are described below.

a. **Kickoff meeting** will be conducted to include Commission Contract Manager (CCM), contracts officers and a representative from the Accounting Office, along with contract projects manager, contracts administrator, accounting officer and other key staff to review 1) administrative aspects; and 2) technical aspects of the Agreement.

b. **Invoicing** for all contract expenses at each stage identified in the program schedule submitted to the Energy Commission's Accounting Office.

c. Management and Coordination with **subcontractors**, including quality assurance and coordination with CCM for any new subcontractors added during the term.

d. **Monthly Progress Reports** will be prepared by the Grant Administrator and submitted to CCM within three working days after the end of the reporting period by either the applicant or Grant Administrator (based on contract/understanding) to periodically verify that satisfactory and continued progress is being made toward achieving the project objectives. Progress reports to include mandatory CEC SEP reporting activities. Monthly reports will summarize all contract activities conducted during the reporting period, an assessment of the ability to complete the contract within the current budget and any anticipated overruns. Relevant electronic data will be submitted to CEC SEP tracking and reporting entities.

e. The 1st Critical Program Review (**CPR**) will be held within six months of the contract start date to determine whether the project should continue to receive funding and whether any modifications need to be made to tasks, subtasks, deliverables, schedule or budget. **Additional CPRs** to be scheduled by the CEC as needed throughout the grant term. The Grant Administrator will prepare a CPR report for each CPR within five working days of each CPR meeting. These reports will document the progress achieved toward completion of goals and objectives, including recommendations and conclusions regarding continued work

on the projects, as well as any other deliverables identified in the Scope of Work. The contractor will also prepare, participate and present the required information at each CPR meeting.

f. A comprehensive written **Draft Final Report** describing the original purpose, approach, results and conclusions of the work completed under the grant Agreement will be submitted to CCM for approval and finalization approximately 30-45 days prior to the completion of the grant term. A **Final Meeting** and **Final Report** will be prepared within the required format and specifications, and submitted to CCM within 15 days of the Agreement termination date, incorporating any and all revisions or additions to Draft as requested by the CCM.

Task #1 Deliverables:

- ✓Grant contract kickoff meeting
- ✓Invoicing
- ✓Subcontractor oversight
- ✓Monthly progress reports
- ✓Initial CPR report (within six months)
- ✓Additional CPRs (as needed, requested by CEC)
- ✓CPR deliverables identified in the Scope of Work

B. TASK 2: Program Delivery

Throughout this task, Ecology Action will guide the program team to plan, implement and track outcome delivery throughout the grant term. As part of this task, the team will develop a detailed Draft and Final implementation plan, and identify additional subtasks, deliverables and due dates for the successful completion of the proposed program.

a. **Implementation Plan:**
EA will help facilitate the development of a detailed **Draft and Final Implementation Plan** with input and assistance from the project team and CCM to include lists of specific activities that will be conducted during the program (Scope of Work); explanations for how each organization will contribute to the completion of program activities (Roles); a detailed Financing Plan (to be finalized based on that prepared by CSCDA for the proposal); a project timeline with a schedule for each program activity (Workplan); milestones that can be used to gauge progress toward the program objectives (Workplan); contingency plans for critical components of the Program; and a multi-family building plan approach, if applicable. The Draft Implementation Plan will be presented via conference call or physical meeting, and the Final Implementation Plan, incorporating draft plan feedback, will be prepared.

Additional **subtasks** are included under this task as necessary to successfully complete the proposed program including workforce development, participant recruitment, energy audits, retrofit installations, quality assurance, verification of energy savings and program reporting. Each subtask will include a description of the task goal, a list of contractor activities and resulting deliverables.

Task # 2 Deliverables:

- ✓ Draft Implementation Plan
- ✓ Final Implementation Plan

b. Additional Subtasks

Additional program subtasks form an essential foundation for the successful completion of the proposed program. Tasks include: partner technical assistance, SAC coordination, establishment of the municipal finance district, local agency SAC participation, development and

implementation of a strong education/marketing/promotion/incentive campaign and local community coordination.

Subtask #1: Partner Regional Steering Advisory Committee Liaison

This Program element serves to provide each region with the resources necessary to help achieve project goals and objectives by connecting property owners to available existing or proposed resources, rebates, incentives and services, thereby providing a streamlined framework for easy navigation, reduced out-of-pocket expenses and increased cost effectiveness for both the individual and the Program overall. The focus of the Program element will be to create region-wide (or county-wide, where appropriate) cooperative project design, implementation, marketing and coordination to maximize economies of scale and take advantage of overlapping markets. In addition, Ecology Action will work collaboratively with regional program coordinators to identify and leverage opportunities to coordinate with other regional and statewide efforts to further increase efficiency. In this way, the Pilot balances the need for locally-tailored marketing, resources and strategies with the increased efficiency and economies of scale achieved through collaboration across the broad Pilot service area.

a. **Provide Partner Support**, technical assistance, and coordination to all regional steering advisory committees, local community coordinators, subcontractors, and individual jurisdictions as appropriate to maintain communication, consistency and quality assurance across the broad service area, while ensuring all project deliverables are met on time and within budget.

b. Develop and oversee **reporting mechanisms**, including spreadsheets and databases, whereby project partners and/or community coordinators can easily track and submit required data and leveraged resources for compilation of monthly progress reports, draft and final reports.

c. Establish a schedule for **regular meetings and communication** with all Program partners to obtain information and data, answer clarifying questions, seek or inform opportunities for collaboration, facilitate collective procurement of cooperative marketing services and materials and ensure progress toward project outcomes.

d. Work with Program partners, community coordinators, complementary programs and agency staff to organize and facilitate **opportunities for collective training** of key personnel and staff, which may include in-person training, webinar conferencing, fact sheet development and/or informational training manuals based on successful models of completion from the grant term.

e. Complete a comprehensive **Long-Term Sustainability Action Plan** to explore opportunities for program sustainability in each target county, summarizing existing strategies, resources and success stories, as well as recommendations for long-term sustainability appropriate to each region.

f. **Monitor and communicate** to all partner jurisdictions **progress** toward achieving Scope of Work and deliverables, while also adjusting to on-the-ground conditions and unexpected challenges.

g. Assist project team and Community Coordinators in developing and tracking **template grant and incentive program design**, protocol, policies and framework to maximize project reach, GHG reduction, energy efficiency uptake and assess by economically disadvantages communities.

h. Generate a collective database of regionally specific new and existing **complementary programs**, assisting local coordinators in tapping these resources as appropriate and

coordinating with CaliforniaFIRST in promoting, linking and/or tracking such programs to county-specific Web portals.

i. Organize or coordinate with existing industry green team **Technical Advisory Committee(s)** to link, guide, track and ensure long-term program sustainability with appropriate industry groups, including but not limited to energy efficiency providers, workforce development, solar power, water conservation, green plumping, green business certification, etc.

j. Generate a clearing house of regional **education, outreach, marketing and recruitment** materials, templates, resources and opportunities for collaboration between project partners and to facilitate information sharing, collective procurement and economies of scale.

k. Coordinate with CaliforniaFIRST regarding **energy audits, retrofit installation, quality assurance and verification of energy savings** to develop proper protocols, confirm roles and ensure timely tracking and reporting of necessary data and information for progress, CPR, draft and final reports.

l. Provide meticulous **financial oversight and project management** regarding the budget and schedule for each task and subtask included in the Scope of Work, including subcontractors and partners as appropriate.

Subtask #1 Deliverables:

- ✓ Regular partner communication, meetings, webinars and reporting.
- ✓ Data and leveraged resources tracking tools for partners.
- ✓ Key personnel training, fact sheets and training materials.
- ✓ Long-Term sustainability action plan.
- ✓ Grant and incentive template program design.
- ✓ Complementary program and resource network.
- ✓ Industry green team technical advisory committee established by local WIBs.

Subtask #2: Establishing the CaliforniaFIRST Program:

This task includes program elements associated with establishing the CaliforniaFIRST Program.

a. **Program Formation and Adoption**. Under CaliforniaFIRST, CSCDA and its Program administration team will be responsible for designing and implementing the AB 811 program, carrying out the legislative requirements for Program formation, and completing the validation process.

b. **Program Administration.** Renewable Funding serves as the administrator of the CaliforniaFIRST Program. The company enrolls municipalities; assists in the documentation and information needed for legislative adoption of Program resolutions at the local level; reviews and approves projects; and oversees the legal and financial components of the Program. Renewable Funding also provides marketing and customer service through its custom Websites, email, toll-free phone number and standardized marketing toolkit which provides local jurisdictions with marketing templates and guidelines.

c. **Program Finance.** The CaliforniaFIRST Program provides a dedicated program finance team. The CSCDA will issue bonds to finance approved Program projects. The Royal Bank of Canada (RBC) Capital Markets and Barclays Capital serve as the bond underwriter for the program. Renewable Funding and Barclays Capital will provide interim financing through a $50 million line of credit. Both Renewable Funding and RBC will provide financing for the bonds. This program will facilitate a statewide bond pool allowing for access to the bond markets at the best interest rates.

Subtask #2 Deliverables:

- ✓ CaliforniaFIRST Program Design of underwriting criteria, quality assurance requirements, contractor requirements, property owner flow process, Web portal design and marketing toolkit development.
- ✓ All 14 counties pass resolutions to Join CaliforniaFIRST.
- ✓ CSCDA passes a resolution of Intention to finance projects for each county.
- ✓ CSCDA provides public notice and notice to electricity and water providers.
- ✓ CSCDA passes Resolution Confirming the Program Report.
- ✓ CSCDA undertakes legal validation proceedings in each county.
- ✓ Creation and maintenance of 14 county Program Web portals.
- ✓ Review, approve and finance an estimated 12,000 installations.
- ✓ CSCDA issues bonds for local obligations associated with approved projects.
- ✓ Renewable Funding and RBC provide financing through the bond sales.
- ✓ Interest rate buy-down is applied to financing.
- ✓ CSCDA places the lien on the property to begin repayment of assessment.
- ✓ CSCDA manages the tax roll over the repayment term.
- ✓ Renewable Funding provides customer service for duration of repayment term.
- ✓ Track & report data.

Subtask #3: Agency Coordination / Steering Advisory Committee Participation

In recognition of the additional coordination time and resources required to get new programs off the ground, individual counties may elect to include a modest amount of staff time for agency representatives to participate in the program steering committee and other activities to drive program design, educational/marketing material development, form and protocol development, etc. Investing this time at the beginning can help with development of a self-sustaining Program for the long term. Some jurisdictions may instead wish to contribute this time as project-leveraged funds/resources to increase overall Program cost effectiveness, based on their individual needs and resources. Regional partnerships may also elect to use a portion of the resources from this Program element toward informal or formalized staff/personnel training within their jurisdictions.

a. Each Steering Advisory Committee (SAC) will **designate a lead** staff/organization for the region, which may be filled by the local Community Coordinator or a participating agency.

b. The designated SAC lead will **work closely with the Grant Administrator** to obtain necessary technical assistance, coordination, training and partner support, as well as track, monitor and ensure that appropriate regional project deliverables are met on time and within budget.

c. The SAC will organize and facilitate a regional project **partner kickoff meeting,** conference call or webinar with all partners to begin program activities, confirm roles and responsibilities, review reporting requirements and partner expectations, and discuss opportunities for continued communication and coordination throughout the project term.

d. The SAC will organize and facilitate regular **SAC meetings,** conference calls or webinars with project partners to guide program design, development, coordination, implementation and monitoring throughout the project term.

Subtask #3 Deliverables:

- ✓ Designated SAC lead for each region.
- ✓ Regional partner kickoff meeting.
- ✓ Regular communication, meetings, webinars and reporting.

Subtask #4: Education / Outreach/ Incentives / Marketing

Successful program adoption requires thoughtful design, convenient process and a robust program education component to encourage program participation and enthusiasm.

a. To achieve this goal, the project team will create **clear and consistent program branding**, educational and recruitment tools such as program brochures, incentive awards for Tier 1 energy efficiency elements, and property owner grant assistance for disadvantaged or other target populations to encourage and facilitate increased Tier 2 and Tier 3 adoption/installation.

b. The Program will be supported by the **CaliforniaFIRST Web portal and links** to new and existing partner and complementary Websites, frequently asked questions, applications and/or other program materials.

c. The Program will engage a **broad network of partners** to promote, recruit and disseminate program information utilizing existing mechanisms of door-to-door outreach, community event tabling, workshops and presentations, or other appropriate energy efficiency and complementary program participation activities.

d. As **materials are developed, the Program** will generate a physical and **electronic library of materials** available for use and adaption by program participants. Produced and disseminated **materials, as well** as event contacts and Website traffic will be **carefully tracked** as an indicator of program reach.

Subtask #4 Deliverables: (Potential)

- ✓ Outreach promotional brochures/door-hangers/bill inserts, etc.
- ✓ Program marketing ads: print/radio/TV ads, public service announcement production.
- ✓ Promotional outreach events, trade shows or community workshops.
- ✓ Homeowner/business/contractor/staff training seminars.
- ✓ Sustainability site signage and/or participant awards.
- ✓ Energy efficiency incentives/property owner grants.

Subtask #5: Local & Regional Community Coordination

The Community Coordinator is envisioned to serve as the single-point regional program coordinator to unify, inform, collaborate and engage all program parties, respond to public inquiries and facilitate the education, outreach, marketing, recruitment and promote program adoption by the target community in each partner region. Coordinator(s) work closely with the grant administrator, tracking/reporting necessary progress and metrics, meeting/exceeding grant milestones and targets, incorporating required complementary program components, and providing for quality program delivery and outcome delivery. Specific tasks will be driven by the overall project goals, as well as the specific needs of each region, and include:

a. **Coordination** with Grant Administrator and CaliforniaFIRST program partners for reporting, training, communication and deliverable tracking.

b. Facilitation of **Regional Steering Committee** to ensure regular communication, progress toward outcomes and locally appropriate program design.

c. Guide promotion, marketing, education, recruitment and program information dissemination to identify marketing and educational needs, drive local program branding and design, while drawing on regional marketing and recruitment materials, templates, resources and opportunities for collaboration between project partners to facilitate information sharing, collective procurement and economies of scale.

d. Link program participants to regional energy efficiency and complementary programs including workforce development, energy efficiency and other industry representatives to generate a collective database for regionally specific new and existing **complementary programs**, assisting property owners in tapping these resources as appropriate, and connecting property owners to complementary workforce development training/graduates.

e. Administer regional Program budget, competitive bidding, program transparency requirements to provide meticulous **financial oversight and project management** regarding the budget and schedule for each task and subtask included in the Scope of Work, including subcontractors and partners as appropriate.

f. **Track and monitor** program progress, energy savings, GHG reductions achieved, partner-leveraged funds and ancillary environmental benefits.

g. Mobilize a team of **customer service and technical assistance** staff to offer on-the-ground property owner assistance to facilitate the rapid adoption of the program throughout the target region.

Subtask # 5 Deliverables:

- ✓ Regular communication, meetings, webinars and reporting.
- ✓ Data and leveraged resources tracking tools for partners.
- ✓ Key personnel training/fact sheets/training materials.
- ✓ Grant and incentive program administration.
- ✓ Complementary program and resource network.
- ✓ Local industry green team Technical Advisory Committee established by local WIBs.
- ✓ Track Website hits, phone calls and one-on-one customer service actions.

DELIVERABLES and DUE DATES

A brief summary of key program deliverables and due dates follows. A complete schedule is presented in **Appendix I - Attachment 17**.

Task	Deliverable	Due Date
1	Grant Contract Kickoff Meeting	Within 1 month
1	Submit Monthly Progress Reports (within 3 days after period)	Monthly
1	Submit Monthly Electronic Data	Monthly
1	Critical Program Review (Report & CPR Deliverables @ 6 months)	Within 1st 6 months
1	Critical Program Review Report Deliverables Identified in Scope of Work	Within 30 days of CPR Meetings
2	Draft Implementation Plan	Within 1 month
2	Final Implementation Plan	Within 10 days of draft feedback
3	Partner Support Communications, Minutes, Updates	Quarterly
4	Program Formation & Adoption	September 2010
4	Program Finance Interest Rate Buy Down	March 2012
5	Regional SAC Kickoff Meeting	Within 2 months
6	Enhance Web Portals to Recruit & Connect Participants	October 2010
6	Engage Network of Complementary Workforce Development, Energy Efficiency, Economic Redevelopment and Other Partners	Within 6 months
7	Track & Monitor Local Progress	Throughout Term
1	Final Report	March 2012

PROGRAM BUDGET and SCHEDULE

The program budget has been carefully calculated for consistency with the above Scope of Work to establish the strongest program possible within the expenditure deadline. Complete budget and schedule forms are included in **Appendix I - Attachment 17**.

RESOLUTION NO. 10-10

RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING THE TOWN OF ATHERTON TO JOIN THE CALIFORNIAFIRST PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE TOWN AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority ("California Communities") is a joint exercise of powers authority the members of which include numerous cities and counties in the State of California, including theTown of Athertonand

WHEREAS, California Communities has established the CaliforniaFIRST program (the "CaliforniaFIRST Program") to allow the financing of certain renewable energy, energy efficiency and water efficiency improvements (the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") and the issuance of improvement bonds (the "Bonds") under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the "1915 Act") upon the security of the unpaid contractual assessments; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

WHEREAS, the Town of Atherton desires to allow the owners of property within its jurisdiction ("Participating Property Owners") to participate in the CaliforniaFIRST Program and to allow California Communities to conduct assessment proceedings under Chapter 29 and to issue Bonds under the 1915 Act to finance the Improvements; and

WHEREAS, California Communities will conduct assessment proceedings under Chapter 29 and issue Bonds under the 1915 Act to finance Improvements;

WHEREAS, there has been presented to this meeting a proposed form of Resolution of Intention to be adopted by California Communities in connection with such assessment proceedings (the "ROI"), a copy of which is attached hereto as Exhibit A, and the territory within which assessments may be levied for the CaliforniaFIRST Program shallinclude all of the territory within the Town's official boundaries of record (the "Proposed Boundaries"); and

WHEREAS, The Townwill not be responsible for the conduct of any assessment proceedings, the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments, or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program;

WHEREAS, pursuant to Government Code Section 6586.5, a notice of public hearing has been published once at least five days prior to the date hereof in The Almanac and posted in the Town of Atherton, and a public hearing has been duly conducted by this City Council concerning the significant public benefits of the CaliforniaFIRST Program and the financing of the Improvements;

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

Section 1. On the date hereof, the City Council held a public hearing and the City Council hereby finds and declares that the issuance of bonds by California Communities in connection with the CaliforniaFIRST Program will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs and reductions in effective user charges levied by water and electricity providers within the boundaries of the Town of Atherton.

Section 2. In connection with the CaliforniaFIRST Program, the Town of Atherton hereby consents to the conduct of special assessment proceedings by California Communities pursuant to Chapter 29 on any property within the Proposed Boundaries and the issuance of Bonds under the 1915 Act; provided, that

(1) Such proceedings are conducted pursuant to one or more Resolutions of Intention in substantially the form of the ROI;

(2) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(3) The Town will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program;

(4) The issuance of Bonds will occur following receipt of a final judgment in a validation action filed by California Communities pursuant to Code of Civil Procedure Section 860 that the Bonds are legal obligations of California Communities.

Section 3. Pursuant to the requirements of Chapter 29, California Communities has prepared and will update from time to time the "Program Report" for the CaliforniaFIRST Program (the "Program Report"), and California Communities will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report.

Section 4. The appropriate officials and staff of the Town of Atherton are hereby authorized and directed to make applications for the CaliforniaFIRST program available to all property owners who wish to finance Improvements; provided, that California Communities shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the City Manager from time to time, are hereby designated as the contact persons for California Communities in connection with the CaliforniaFIRST Program: The Town Arborist.

Section 5. The appropriate officials and staff of the Town of Atherton are hereby authorized and directed to execute and deliver such closing certificates, requisitions, agreements and related documents as are reasonably required by California Communities in accordance with the Program Report to implement the CaliforniaFIRST Program for Participating Property Owners.

Section6. The Town of Atherton hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

Section7. This Resolution shall take effect immediately upon its adoption, the City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of California Communities.

PASSED AND ADOPTED this _____day of _____, 20__ by the following vote, to wit:

AYES: **NOES**:

ABSENT:

ABSTAIN:

_____
Kathy McKeithen, Mayor
Town of Atherton

ATTEST:

_____
Theresa Dellasanta
Deputy City Clerk

APPROVED AS TO FORM:

_____
Wynne Furth
City Attorney

EXHIBIT A

FORM OF RESOLUTION AUTHORIZING CALIFORNIA COMMUNITIES TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS

RESOLUTION NO. ____

RESOLUTION DECLARING INTENTION TO FINANCE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS

COUNTY OF SAN MATEO

WHEREAS, the California Statewide Communities Development Authority ("California Communities") is authorized under the authority granted California Communities pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California in accordance with Chapter 29 of Part 3 of Division 7 of the Streets & Highways Code of the State of California ("Chapter 29") to authorize assessments to finance the installation of distributed generation renewable energy sources, energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, Chapter 29 authorizes California Communities to enter into contractual assessments to finance the installation of Authorized Improvements in the County of ____ (the "County"); and

WHEREAS, California Communities wishes to declare its intention to establish a CaliforniaFIRST program (the "CaliforniaFIRST Program") in the County, pursuant to which California Communities, subject to certain conditions set forth below, would enter into contractual assessments to finance the installation of Authorized Improvements in the County;

NOW, THEREFORE, BE IT RESOLVED by the California Statewide Communities Development Authority, as follows:

Section 1. Findings. California Communities hereby finds and declares the following:

(a) The above recitals are true and correct.

(b) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the County.

(c) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

(d) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

(e) A public purpose will be served by establishing a contractual assessment program, to be known as the CaliforniaFIRST Program, pursuant to which California Communities will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the County.

Section 2. Determination of Public Interest. California Communities hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate an area, which shall encompass the entire geographic territory within the boundaries of the County, within which California Communities and property owners within the County may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for California Communities to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

Section 3. Identification of Authorized Improvements. California Communities hereby declares that it proposes to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 below, as that Report may be amended from time to time.

Section 4. Identification of Boundaries. Contractual assessments may be entered into by property owners located within the entire geographic territory of the County; provided, however, that California Communities shall not enter into contractual assessments to finance the installation of Authorized Improvements with the owner of any property in the County unless requested to do so first by the County if the property is located in unincorporated territory or a city if the property is located in incorporated territory and after such city or the County, as applicable, has held a public hearing pursuant to Section 6586.5 of the Government Code of the State of California. The form of resolution pursuant to which cities may request California Communities to enter into contractual assessments to finance the installation of Authorized Improvements is attached as Exhibit A.

Section 5. Proposed Financing Arrangements. Under Chapter 29, California Communities may issue bonds pursuant to Chapter 29 that are payable by contractual assessments and California Communities may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any bonds issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29.

California Communities shall determine the creditworthiness of a property owner to participate in the financing of Authorized Improvements based on the criteria developed by the Program Manager in consultation with the CaliforniaFIRST Program financing team and on file with the Secretary.

In connection with bonds issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as shall be determined by California Communities at the time of the issuance and sale of the bonds. The provisions of Part 11.1 of the Improvement Bond Act of 1915 shall apply to the calling of the bonds. It is the intention of California Communities to create a special reserve fund for the bonds under Part 16 of the Improvement Bond Act of 1915. California Communities will not advance available surplus funds from its treasury to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that this determination shall not prevent California Communities from, in its sole discretion, so advancing funds. The bonds may be

refunded under Division 11.5 of the California Streets and Highways Code or other applicable laws permitting refunding of the bonds, upon the conditions specified by and at the determination of California Communities.

California Communities hereby authorizes the Program Manager, upon consultation with bond counsel and the CaliforniaFIRST Program underwriter, to provide for the issuance of bonds payable from contractual assessments.

In connection with the issuance of bonds payable from contractual assessments, California Communities expects to obligate itself, through a covenant with the owners of the bonds, to exercise its foreclosure rights with respect to delinquent contractual assessment installments under specified circumstances.

Section 6. Public Hearing. Pursuant to the Act, California Communities hereby orders that a public hearing be held before this Commission, at _____, on _____, _____, 2010 at _____ a.m., for the purposes of allowing interested persons to object to or inquire about the proposed program or any of its particulars. The public hearing may be continued from time to time as determined by the Commission for a time not exceeding a total of 180 days.

At the time of the hearing, the Report described in Section 8 below shall be summarized and the Commission shall afford all persons who are present an opportunity to comment upon, object to, or present evidence with regard to the proposed contractual assessment program, the extent of the area proposed to be included within the program, the terms and conditions of the draft Contract described in Section 8 below, or the proposed financing provisions. Following the public hearing, California Communities may adopt a resolution confirming the Report (the "Resolution Confirming Report") or may direct the Report's modification in any respect, or may abandon the proceedings.

The Commission hereby orders the Secretary to publish a notice of public hearing once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice will commence upon the first day of publication and terminate at the end of the fourteenth day. The first publication shall occur not later than 20 days before the date of the public hearing.

Section 7. Notice to Water and Electric Providers. Pursuant to Section 5898.24 of the Streets & Highways Code, the Commission hereby orders the Secretary to provide written notice of the proposed contractual assessment program within the County to all water and electric providers within the boundaries of the County not less than 60 days prior to adoption of the Resolution Confirming Report.

Section 8. Report. The Commission hereby directs the Program Manager for the CaliforniaFIRST Program to prepare and file with the Commission a report (the "Report") at or before the time of the public hearing described in Section 6 above containing all of the following:

(a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered, as set forth in Section 4 above.

(b) A draft contract (the "Contract") specifying the terms and conditions that would be agreed to by California Communities and a property owner within the County. The Contract may allow property owners to purchase directly the related equipment and materials for the

installation of the Authorized Improvements and to contract directly for the installation of such Authorized Improvements.

(c) A statement of California Communities' policies concerning contractual assessments including all of the following:

(1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.

(2) Identification of California Communities official authorized to enter into contractual assessments on behalf of California Communities.

(3) A maximum aggregate dollar amount of contractual assessments in the County.

(4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

(d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by California Communities through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the contractual assessment program among the consenting property owners and California Communities.

(e) A report on the results of the consultations with the County Auditor-Controller described in Section 10 below concerning the additional fees, if any, that will be charged to California Communities for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property, and a plan for financing the payment of those fees.

Section 9. Nature of Assessments. Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by California Communities, the assessments shall be collected in the same manner and at the same time as the general taxes of the County on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

Section 10. Consultations with County Auditor-Controller. California Communities hereby directs the Program Manager to enter into consultations with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to California Communities for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

Section 11. Preparation of Current Roll of Assessment. Pursuant to Section 5898.24(c), California Communities hereby designates the Program Manager (or his/her designee) as the responsible official for annually preparing the current roll of assessment

obligations by assessor's parcel number on property subject to a voluntary contractual assessment.

Section 12. Procedures for Responding to Inquiries. The Program Manager shall establish procedures to promptly respond to inquiries concerning current and future estimated liability for a voluntary contractual assessment.

Section 13. Professionals Appointed. California Communities hereby appoints Jones Hall, A Professional Law Corporation, San Francisco, California, as bond counsel to California Communities in connection with the CaliforniaFIRST Program. The Commission hereby authorizes and directs an Authorized Signatory of California Communities (as determined from time to time by the Commission by separate resolution) to enter into appropriate agreements with such firm for its services to California Communities in connection with the matters addressed in this Resolution.

Section 14. Set-Up Fees. The County and various cities within the County have advanced fees to California Communities to pay for certain costs of establishing the CaliforniaFIRST Program, some or all of which represent State Energy Program (SEP) funds. The Program Manager is hereby authorized and directed to return to the County and cities, as applicable, any fees paid to California Communities by the County and cities, as applicable, that do not represent SEP funds and that California Communities does not use to pay for the costs of establishing the CaliforniaFIRST Program.

Section 15. Effective Date. This resolution shall take effect immediately upon its adoption.

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PASSED AND ADOPTED by the California Statewide Communities Development Authority this _____, 2010.

I, the undersigned, the duly appointed, and qualified member of the Commission of the California Statewide Communities Development Authority, DO HEREBY CERTIFY that the foregoing resolution was duly adopted by the Commission of said Authority at a duly called meeting of the Commission of said Authority held in accordance with law on _____, 2010.

By:_____
Member

CaliforniaFIRST Frequently Asked Questions - LEGAL

Resolution to Join

1. Section 5 of Resolution to Join - Which actions are taken on the city vs. county side? Cities and counties want to know if and how they need to allocate appropriate staffing. Please provide legal guidance/how to interpret. Additional text below.

   The following language appears in the Resolved section: "Section 5. The appropriate officials and staff of the [City/County] are hereby authorized and directed to execute and deliver such closing certificates, requisitions, agreements and related documents as are reasonably required by California Communities in accordance with the Program Report to implement the CaliforniaFIRST Program for Participating Property Owners and to evidence compliance with the requirements of federal and state law in connection with the issuance by California Communities of the Bonds and any other bonds for the CaliforniaFIRST Program. " In the case of a County, are the "appropriate officials and staff" referenced here always going to be County staff (i.e. no City staff would fit this definition, and thus this is irrelevant for cities)?

   CSCDA anticipates that no further documentation will be required from any city or county. The goal of this section is to give the legal authority to staff to work with CSCDA at either the county or the city level if any such documentation were required.

2. What kinds of certificates and closing documents will the cities and counties need to sign? Why is Treasury Reg. 1.150-2 cited since this relates to tax-exempt bonds?

   See answer above with respect to certificates/closing documents. With respect to Treasury Reg 1.150-2, because there are a number of pending tax-exemption bills, CSCDA included reference to the Treasury Reg. 1.150-2. However, that provision is causing more confusion than value and we will delete it.

3. Is it possible to suggest or make revisions to the Resolution documents?

   We have received comments and will incorporate them and circulate revised documents by Tuesday, November 24.

4. If Resolved Section 4 needs to be included, may we indicate a City Administrator's designee, a department or agency as the lead program contact instead of an individual? We do not as practice list individual contacts in a resolution like this.

   Yes.

5. Is it necessary to include the content of the 6th Whereas statement? Our staff report (already written and submitted) did not include mention of an additional Exhibit A (CSCDA Resolution of Intention).

   Yes. The resolution of intention details the nature of the CSCDA program.

6. Can we add our own custom Whereas clauses to this resolution template providing more context on why we chose to move forward in this manner? How much modification is ok?

   Yes. The addition of consistent recitals is acceptable.

7. In the Resolution to Join, Section 5 refers back to Section 3. Should the proper reference be Section 4?

Yes.

8. The Resolution authorizing the County to join the program includes a recital that the County will not be responsible for collecting the assessments. This is not true and the Program Report acknowledges that the County may charge a fee for collection. What is this fee?

   The resolution will be revised to reflect the fact that the county collects the assessment installments levied on the property tax bill.

9. We simplified Section 4 as follows to make it consistent with our language. Please let us know if the following language will undermine something essential to the effectiveness of the resolution. "The City Administrator, or his designee, is authorized to participate in the CaliforniaFIRST Program on behalf of the City and directed to make Program applications available to all property owners who wish to finance Improvements; provided, that California Communities shall be responsible for providing such applications and related materials at its own expense."

   The revised language is acceptable.

10. I am currently unable to get the language requested for Section 5 approved. It too general. I have changed it in the current draft to read, "California Communities is authorized to act on behalf of the City in executing the CaliforniaFIRST Program in the city of Oakland in accordance with governing law."

    The revised language is acceptable with respect to what it says. However, the point of Section 5 was to give staff broad legislative authority to do whatever it takes to implement the program without further council action. If further action is required by the city, you can determine then whether further council action is required.

11. We dropped section 7 because these elements are already a part of our City Charter and Municipal Code.

    That is acceptable, although it is CSCDA's preference for the resolution to clearly state that it is effective upon adoption.

12. Can we get the required council adoption documents for the City of X to you on January 20, 2010 rather than the 18th? The X Council doesn't meet until January 19.

    For any county where both the county and a city within the county have adopted a "resolution to join" and transmitted certified copies of those resolution to CSCDA by the end of the day on January 19, 2010, the CSCDA board will consider a resolution of intention to form a CaliforniaFIRST Program in that county on January 20, 2010 other cities within a county for which CSCDA has adopted a resolution of intention to establish a CaliforniaFIRST Program can pass and transmit to CSCDA their "resolutions to join" after January 20 without delaying the pilot program or adversely impacting their ability to participate in the pilot program. If the county passes and transmits to CSCDA its "resolution to join" but no city has done so by the end of the day on January 19, then the CSCDA board will not be able to consider a resolution of intention for a CaliforniaFIRST Program in that county on January 20; the CSCDA board will consider a resolution of intention for a CaliforniaFIRST Program for a county only after a county and a city have adopted "resolutions to join" and transmitted certified copies of those resolutions to CSCDA.

13. I have a question regarding the resolution - can it be stipulated in it that if we are unsuccessful in being funded that we have the opportunity to pass a resolution removing us from the program?

    That language can be included in the staff report. The process regarding funding is as follows:

    1. County X and at least one city in County X pass the "resolution to join" and transmit certified copies of the resolution to CSCDA by the end of the day on January 19, 2010

2. CSCDA considers the resolution of intention to form a CaliforniaFIRST Program for county x on 1/20

3. CSCDA begins the public notice period

4. Within the public notice period, we find out if the SEP funds are awarded

5a. If we get the grant - County X will now enter the validation stage

5b-1. If we don't get the grant - County X pays the fees with other funds and we begin the validation process, or

5b-2. If we don't get the grant - County X does not have other funds and does nothing (CSCDA does not initiate validation until a time when the county can pay the fees)

14. Can the language regarding obligation to pay fees be deleted in the resolution?

The SEP1 application submitted for participants in the pilot round of CaliforniaFIRST will include a funding request for set-up fees. If we do not receive the grant, the fees will need to be paid by other means. It is not critical to the resolution, from CSCDA's perspective, that the fees section be included. However, payment of the fees will be a requirement of moving forward in the program. Please note that if you pass the resolution to join, the SEP grant is not awarded, and no other funds are available from the city or county, the city/county simply doesn't actively participate in CaliforniaFIRST until that time when fees are paid. In other words, passing the resolution does not cause a binding obligation to pay the fees if you do not continue with the program.

15. Section 2 lists the two pre-conditions to the assessments, but the list does not include and should include the completion of the validation action.

CSCDA will not undertake the program without validation - primarily because validation is required in order to obtain an unqualified bond counsel opinion. We will revise the resolution to state that CSCDA will not issue bonds without a validation judgment. Language will be included in the resolution.

16. Section 3 should authorize CaliforniaFirst to file the validation action on behalf of the participating entity. In order to file a lawsuit on behalf of the county, or in order for anyone other than the County Counsel to file on behalf of the County, we need specific approval from the Board of Supervisors.

Counties and cities are adopting the "resolution to join" to authorize CSCDA to undertake a CaliforniaFIRST program within their boundaries. From a legal perspective, CSCDA has an independent legal authority to undertake the CaliforniaFIRST program; it does not act on behalf of the cities and counties. Therefore, CSCDA will not file the validation action on behalf of the cities and counties, nor is it expected that county counsel or city attorneys will play any role in the validation. The validation pleadings will be drafted by and the validation action will be prosecuted by the CSCDA general counsel (Orrick Herrington & Sutcliffe) and its bond counsel (Jones Hall). CSCDA expects the validation actions will be standard across the state.

17. On whose behalf will the validation action be filed? It seems that if the County will be putting the charges on the tax bill, the County might need to be involved.

See above. The fact that the county places the taxes/assessments on the property tax bill does not create a need for the county to participate in the validation action.

18. Before we make a recommendation to our Board, can you please provide us with a clear summary of what the County's involvement, rights, responsibilities, expectations, etc. are expected to be if and when we do decide to participate-- I think this is still a bit unclear, and expect this will inform our recommendations and the Board's decisions.

Cities and counties are asking CSCDA to undertake a contractual assessment financing program within their boundaries. Cities and counties are doing so because they have concluded they would rather participate in the CSCDA program than establish their own program. Once that step is taken, CSCDA does not expect the cities and counties to have any further responsibilities.

As you will see by reference to the attached organizational chart, CSCDA's program team covers all major functions of the financing program.

The local jurisdiction has the following responsibilities/options:

1. Designate a local point of contact for communications with the CaliforniaFIRST program
   - In the initial implementation stage we will need to work with the county to make decisions on local branding of the webportal (approximately 20 hours)
   - CaliforniaFIRST will provide training for local staff (via webinar) on program requirements (approximately 2 - 4 hours/month)
   - Update meetings (1-2 hours every other week)
   - Coordinate with local cities (5 hours/week)
   - Feedback/participation in design and branding during the pilot stage (2-4 hours/month)
2. Local staff may need to directly address customer questions
   - CaliforniaFIRST will have a website with information, email for general questions, and toll-free line for program participants; however, it is likely that some interested property owners may call the county directly. (approximately 2-4 hours/week)
3. Optional: additional local marketing and outreach
   - The county may choose to do additional marketing and outreach beyond what is provided by the program, this is not required by the Program.
   - Counties are participating in a SEP1 application that, if awarded, would provide funding to cover local staff time and direct costs for additional marketing and outreach

In regard to local rights and involvement, cities and counties can develop and support supplemental programs to the CSCDA financing program (such as an energy audit program or participant education), at their discretion. Cities and counties will be provided local participation data as necessary to meet grant requirements or to verify progress towards local goals. Cities and counties may generate additional marketing materials based on program guidelines and available content.

Cities and counties have the right to withdraw from the program at any time by passing a resolution to rescind participation; however, if a county elects to withdraw after a program has been established, and if cities within the county still wish to participate, the program will continue within the incorporated areas of participating cities.

The county has the obligation to levy and collect tax assessments. The cost of this obligation will be covered by property-owner fees.

The county does not have the right to change the program underwriting criteria, fees, financing structure and/or similar state-level policies.

19. The resolution contains an extremely broad delegation of authority to CaliforniaFIRST. This, coupled with the fact that CaliforniaFIRST has unilateral discretion to change the program at any time (Reso, section 3), causes us concern. We understand why some flexibility is needed to modify the program. But at the same time, the County has concerns about not having any input after we adopt the resolution (for example, can we establish a local contractor list). The resolution should impose some basic limits and expressly address some of the issues that are of key concern to the County. It should also expressly state that the County may withdraw from the program at any time by adopting another resolution.

With respect to the right of cities and counties to play a role in the ongoing program, the program will be offered to any property owner in the unincorporated territory of a county that has adopted a resolution to join and any property owner in the boundaries of a city that has adopted a resolution to join. CSCDA is certainly willing to consider input from participating cities and counties, but one of the major benefits of the CaliforniaFIRST Program is the statewide economies of scale, which will produce the lowest possible financing costs for property owners. Once the CaliforniaFIRST Program has been initiated, CSCDA cannot promise to be able to accommodate the wishes of every city and county. We can add to the "resolution to join" a statement that the county can withdraw from the program with respect to the unincorporated territory in the county. Please keep in mind that, with the adoption of the

resolution to join, the county has asked CSCDA to form a countywide program, and once that program has been formed, CSCDA will have authority to undertake the program (i.e., levy contractual assessments and issue bonds to finance authorized improvements) throughout the county. If the county becomes dissatisfied with the program but a city within the county wishes to continue the program, the program would continue within the city.

A local contractor list, supported and maintained by the county, is possible. We can discuss this at greater length when we get closer to implementation at the local level. However, in order to limit the potential liability of CSCDA if things go awry with financed equipment, one of the important principles of the program is that CSCDA will not recommend specific contractors or equipment.

20. The documents don't contain any acknowledgment that the County may establish its own requirements/policy considerations for its program. This should be expressly stated in the resolution. Even though the documents are supposed to be for the Pilot Program, they are not expressly limited to the Pilot Program. We have received preliminary direction from some of our Board members that they want to include such things as contractor pre-qualification requirements, etc.

    With respect to the pilot, CSCDA is forming a program for each county and undertaking validation or each program. Due to the cost and effort, validation will only be done once for each program. Therefore, the initial financings are pilot in nature, but the program formation is not. The flexibility built into the report is intended to allow changes in response to the pilot experience.

    Because the CaliforniaFIRST Program will be offered countywide, we need to understand better the nature of the county's requirements/policy considerations and evaluate whether it is administratively possible to accommodate those requirements/considerations. As noted in a previous response, a local contractor list with county support for local screening may be possible, subject to CSCDA's concerns about avoiding recommendation of contractors or equipment. However, we do not want to amend the resolution to promise something that cannot be accommodated. More discussion on additional requests of the county must take place before a final determination is made. Again, keep in mind that the program offers the benefits of a statewide scale, and, therefore, there is a limit to local customization.

21. Because CaliforniaFIRST can change the program at any time, the Resolution needs to be more specific about who is doing what. For example, section 4 is ambiguous about what aspects of the program will be the responsibility of the County and its staff vs. what will be done by Renewable Funding. This needs to be fleshed out in more detail. I.e., that Renewable Funding will be doing all of the admin. Work for processing/approving applications and County won't be expected/required to provide staffing. Any County staffing/admin./financing needs should be expressly identified.

    The resolution is intended to give legislative authority for staff to assist in the program; it should not include program details that may change over time. Please see above with respect to the rights and responsibilities of local agencies.

22. Regarding section 5 of the Resolution, what is involved in staff "declaring the official intent of the County" for purposes of the reimbursement issues? How often would this need to be done? Also, are we sure this is something that can be delegated to staff (vs. done by the Board of Sups)?

    This provision has caused confusion and will be deleted.

23. Is a validation action legally required by AB 811? If not what is the basis of the requirement?

    Validation action is necessary in order for bond counsel to given an unqualified legal opinion.

24. Regarding the sentence below from your staff report template: What is a "contractual assessment" and how does only a portion of the bonds get repaid? "California Communities will levy "contractual assessments" on the

owner's property to repay the portion of the bonds issued to finance the improvements on that property.

Bonds will be issued to finance installation of authorized improvements for a pool of properties; the bonds will be payable from the assessments levied on all of the participating properties. Therefore, the assessments from one property will pay only a portion of the debt service on the bonds; all of the assessments levied on all of the properties will pay all of the debt service on all of the bonds, assuming no delinquencies.

25. Who will be the lead plaintiff in the validation action in Alameda County? Who pays for the legal action?

CSCDA will the plaintiff, as the entity establishing the program and issuing bonds. There will be no other plaintiffs. The set-up fees cover the legal costs.

Contract

26. Section 3: Is the contractual assessment prepayment premium negotiable by the local agencies?

The assessment prepayment premium is a function of the redemption premium established by CSCDA and the bond underwriter when bonds are issued. Bond purchasers require a premium in the event of "early redemption," which is typically defined as the first 10 years after issuance. Bonds will be issued pursuant to the 1915 act, which provides as follows with respect to redemption premiums:

"8651.5. Each bond, or any portion of the bond in a fixed amount or any integral multiple of the fixed amount, shall be subject to redemption in advance of its maturity on any interest payment date upon payment to the registered owner of the principal and accrued interest to the date of redemption together with a redemption premium equal to 5 percent of the principal. Prior to issuance of the bonds, the legislative body may provide for a reduction of the redemption premium to an amount equal to not less than 3 percent of the principal for the first five years of the term of the bonds or to any amount, including zero, after the first five years of the term of the bonds, or both."

27. Some of the financing details (and lack of detail) concern us. For example, there is no "not to exceed" interest rate for microbonds. (See program description, p. 9.) Also, the 5% cap on costs of issuance seems high. We realize that the program is evolving. But we also have to make sure the County's property owners are adequately protected.

CSCDA has not established a not-to-exceed interest rate for CaliforniaFIRST bonds, and it does not make sense to do so at this time, although the CSCDA board will do so at the time it authorizes issuance of bonds. When CSCDA and a property owner sign an "agreement to pay assessment and finance improvements," a fixed assessment installment schedule will be established, and the schedule will be calculated based upon (i) the amount financed and (ii) an interest rate that will be clearly disclosed to the property owner. CSCDA expects that the interest rate will be set based on the 20-year Treasury bond.

With respect to fees, in the pilot stage, CSCDA will gain experience on the actual cost of issuance. The 5% is a cap and CSCDA anticipates that the costs of issuance will likely be less. The costs of issuance will reflect actual costs experienced by the program.

28. Are there opportunities to afford the benefits to property owners without requiring a "prepayment premium"?

See above.

29. The indemnification section should protect the County as well as CSCDA.

The contract can be amended to extend indemnification to participating cities and counties.

Program Report

30. What is included in private debt besides the mortgage and 2nd mortgage (if applicable)? Does it include a line of credit that hasn't been drawn on?

    There continues to be discussion about the appropriate underwriting treatment of the unutilized capacity of a line of credit.

31. Page 6, says that the funding may be used for residential, commercial, or industrial property. Our County is contemplating a program that is focused on residential energy improvements. Would we be required to include industrial and commercial property, or can we limit our program to residential improvements?

    The program formation documents should include the authority to finance residential, commercial and industrial property; if the program were initially limited to residential properties and participating cities/counties subsequently changed their minds, re-validation would be required. Moreover, even if a county did not want to offer the benefits of CaliforniaFIRST to commercial and industrial properties, participating cities within county might wish to do so. CSCDA will work with its program financing team to determine whether it is possible to offer residential-only on a local agency-by-local agency basis within a county.

32. Page 7 (item D.l.) says that the property owners must not have involuntary liens. However, property tax is an involuntary lien, so this should be exempted.

    We will revise the language accordingly.

Public Hearing/Public Notice

33. Can you clarify if the "public hearing" is separate from the meeting to pass the Reso to Join? Is a second meeting necessary?

    In order to adopt a "resolution to join," a local agency must hold only one meeting of its legislative body; the public hearing may be held at the same meeting prior to adoption of the resolution to join. Under state law, two meetings are not required. We cannot speak to the unique requirements of individual cities/counties

34. If the resolution is on our council agenda as a "consent item" is this sufficient for the "public hearing"?

    No. The "resolution to join" must be adopted after the legislative body holds a public hearing, which is not consistent with placing the item on the consent calendar.

35. Why is a public hearing required?

    CSCDA is proposing to finance renewable energy, energy efficiency and water efficiency improvements on private property pursuant to Chapter 29 of the Improvement Act of 1911 (commencing with Section 5898.10 of the Streets & Highways Code). Whenever a joint powers authority, like CSCDA, finances public capital improvements, a local agency that is not a joint powers authority, within whose boundaries the public capital improvement is to be located, must have approved the financing and made a finding of significant public benefit after a public hearing (Gov. Code 6586-Section 6586.5).

36. Could we combine public notices among jurisdictions to save on newspaper costs? We would have the same core text and then list the council meeting dates/locations as applicable?

The requirement in the law is that the notice be published "in a newspaper of general circulation"' in the applicable local agency's jurisdiction. Consolidation would be acceptable as long as the notice is clearly written to avoid confusion about which is the applicable public hearing for which property. Ideally, the notices would not be consolidated.

Miscellaneous

37. How does financing through the tax rolls impact impound accounts? Does the property owner have to write a separate check? Can it be collected through impounds? How does all that work?

The program requires notifying the lender of participation in the program. The lender can adjust the escrow account to cover the additional assessment.

38. Can you clarify if roof replacement can be included if it is necessary for the placement of solar?

Roof replacements are eligible if they are a Cool Roof (reflective roof).

39. What is the liability to participating jurisdictions relative to bond ratings, default, etc?

Bond ratings: CSCDA will form programs within counties and issue bonds secured by contractual assessments payable by property owners on a statewide basis. With sufficient volume and diversity of properties, CSCDA's bonds should receive an investment grade rating from the rating agencies without CSCDA promising to do anything other than levy and enforce the contractual assessments. The rating will be specific to bonds issued by CSCDA.

Default: CSCDA believes that cities and counties that ask CSCDA to levy contractual assessments within their boundaries will have absolutely no liability of any kind. CSCDA will be the issuer; in the event of default (presumably because of delinquencies in the payment of contractual assessments), CSCDA 'sonly obligations will be to comply with its foreclosure covenant, i.e., to initiate judicial foreclosure on delinquent properties, and to comply with applicable provisions of the bond documents (e.g., use of reserve fund, etc.).

40. We are still not clear on the mechanism for levying the assessment liens. Would like more info on this.

The assessments will be levied by contract (the "agreement to pay assessment and finance improvements") rather than pursuant to a ballot/protest hearing. The assessment installments will be annually billed on the property tax bill like any other assessment installments. The "agreement to pay assessment and finance improvements" will include a schedule of the assessment installments, including the interest, principal and administrative components, and CSCDA's assessment administrator will communicate each fiscal year's assessment installments to the county. Please let us know if we can answer any more specific questions.

41. We haven't received final direction from our full Board of Supervisors yet. However, the direction we have received so far is to go ahead with the CaliforniaFIRST pilot, but continue to work on developing a County-specific program. This raises the following questions:

Can the validation program be broadened to cover other financing mechanisms for the County's AB 811 program besides CaliforniaFIRST/CSCDA? We would be happy to review and revise the documents to broaden the scope so the program attorneys would only need to review the changes. We would be willing to cover the additional cost associated with this. Are you amenable to this?

The CaliforniaFIRST Program will be a stand-alone program within the county and all interested cities within the county. If the county wishes to undertake alternative financing mechanisms, it would need to form its own AB 811 program and, if it felt it necessary, seek judicial validation of its own program. CSCDA's validation action, as a legal matter, would not be competent to validate a not-yet-existing county program. Further, since the county's

program would have its own documents and proceedings, different from CSCDA's, there would be no economies of scale in attempting to combine the two programs into a single validation action.

42. For BerkeleyFIRST, the City allocated a certain percentage of its general fund as a backstop in case a property owner or property owners could not pay their property taxes. Will the cities have to allocate a similar safety net for the CaliforniaFIRST program? This is an important question because of budget implications. Does the city have any responsibility in this regard, or is this the responsibility of CSCDA and county?

There is no requirement for cities and counties to provide a financial backstop. CSCDA expects to finance a debt service reserve fund with proceeds of the bonds. The debt service reserve fund is administered by the bond trustee and is not the responsibility of the participating cities and counties.

43. If the CEC funding is not awarded and the City were to choose to not participate in CaliforniaFIRST, would we simply not pay the fees and therefore not participate? Or would additional action be required, e.g., pass a resolution rescinding participation in CaliforniaFIRST? My understanding is that we would simply not pay the fees. And if we wanted to participate later we could, but would have to pay the fees.

That is correct.

44. Who decides what specific types of improvements can be financed?

Chapter 29 defines the universe of authorized improvements as renewable energy, energy efficiency and water efficiency improvements. CSCDA is establishing program guidelines that are consistent with developing "best practices" for pace programs throughout the country.

45. Is there a time limit on when property owners will receive their Notice to Proceed after they've been approved to participate in the program (i.e., for the Pooled structure, is there any trigger of when bonds would be issued – would it be every quarter certain or after sufficient diversification of security has been met)?

One of the items to be defined in the pilot phase is property owner demand for the program; demand will ultimately drive the timing of the financings.

46. What might be next steps if the market for taxable land-secured paper doesn't pick up in the next year or so or the bonds can't be sold at less than the maximum defined in the Agreement?

CSCDA will provide financing at the intersection of property owner demand and market interest rates. If there is property owner demand for financings at higher interest rates than initially established, CSCDA will take appropriate steps to obtain property owner approval for higher interest rates. CSCDA is hopeful that it will be able to offer lower interest rates as time goes on, as a result of credit ratings tied to the diversity of the underlying pool of assessed properties, increasing market familiarity with pace financings and possible changes in law (e.g., federal guarantee and/or tax-exemption of pace bonds, etc.).

47. What are the exact mechanics of the financing structure described in the Program Report, which states that California Communities would purchase bonds for each County then subsequently issue them on a statewide basis (i.e., who will issue the bonds that California Communities purchases?)

CSCDA will establish within each county a "residential pool" and a "non-residential pool". For each pool, CSCDA will issue county-level AB 811 bonds to finance authorized improvements on a county-by-county basis. Each such county-level AB 811 bond will be payable from all contractual assessments levied within the specific pool of the related county. Concurrently, in order to gain the benefits of statewide diversification, CSCDA will issue publicly-sold statewide-level bonds for each pool and use the proceeds of those statewide-level bonds to purchase all of the county-level AB 811 bonds for that pool.

48. CEQA Sacramento County has determined that the CAFIRST program is exempt from CEQA; do individual cities also need to establish this determination?

We will revise the resolution to join to make a finding of CEQA exemption.

49. There is a section addressing CEQA in the Resolution to Authorize the Bid, but not in the Resolution to Join. Does a local jurisdiction need to address the CEQA issue?

We will revise the resolution to join to make a finding of CEQA exemption.

50. Does a county/city need to provide bond security?

No.

51. Does a county/city have an opportunity to review/revise the validation proceedings prior to the start of the validation process?

No, We will file the same validation action in each participating county. It is important to file consistent pleadings because of the identical nature of the programs.

52. What items will be included in the validation proceedings?

The following items will be validated:

1. That CSCDA has the authority pursuant to Section 860 to validate the assessments to be levied and the bonds to be issued, and the publication of the summons (and any additional notice provided) pursuant to Section 861 of the Validation Statute was sufficient to establish jurisdiction in the superior court over the subject matter and "all interested persons".

2. That the assessments are valid assessments. In particular:

    a. It is a valid public purpose for CSCDA to levy assessments to finance renewable energy/energy efficiency/water efficiency improvements on private property, and, to the extent that Article XIIID of the California Constitution ("Article XIIID") is applicable (see below), such improvements constitute "public improvements" for purposes of Article XIIID.

    b. The assessments are not invalid under Article XIIID based on either of the following:

        (i) Because the assessments will be levied following a public hearing, and with the written consent of participating property owners, and the assessments will be related to the special benefit received by each participating property, the procedural constitutional protections established by Article XIIID and the Proposition 218 Omnibus Implementation Act may be waived by participating property owners.

        (ii) Consensual contractual assessments are not within the scope of Article XIIID, which is directed to "limiting the methods by which local governments exact revenue from taxpayers without their consent."

    c. The procedures established by the Assessment Statute, and the documents used to affect those procedures, are sufficient to establish valid assessments, and no further notice or hearings are necessary.

3. That the assessments have the senior lien status afforded assessments pursuant to Government Code

Section 53930 et seq.

4. That the bonds are valid bonds, and the contracts/agreements related to the issuance of the bonds are valid.

5. That, because the renewable energy/energy efficiency improvements financed through the Program are privately-owned and will be installed pursuant to a contract between the property owner and a private installer, the improvements are not "public works" under the Labor Code, and the installer is not obligated to pay prevailing wages.

53. Response from Jones Hall regarding questions on the Davis-Bacon Act

The Davis-Bacon Act requires payment of locally prevailing wages (including fringe benefits) to laborers and mechanics on federal government contracts in excess of $2,000 for construction, alteration, or repair of public buildings or public works who are employed directly on the site of the work. Section 1606 of American Recovery and Reinvestment Act ("ARRA") applies the Davis-Bacon prevailing wage requirement to "laborers and mechanics employed ... on projects funded directly by or assisted in whole or in part" with ARRA appropriations. The U.S. Department of Energy ("DOE") has allocated $226 million in ARRA funding for State Energy Programs ("SEP"), including municipal financing programs like the California FIRST program. You have asked whether Davis-Bacon would be triggered by the use of SEP funds (i) to pay for administrative expenses of forming a CaliforniaFIRST program (ii) to pay for interest rate buydowns for property owners participating in a CaliforniaFIRST program or (iii) to fund debt service reserve funds for CaliforniaFIRST bonds

With respect to the use of ARRA funding to pay the administrative expenses of forming a CaliforniaFIRST program, the California Energy Commission, based on informal guidance from the Department of Energy (not the Department of Labor), has informed applicants for its SEP funds that Davis-Bacon would not be triggered by use of ARRA funding for that purpose. See Attachment 8 (attached). We believe official guidance on this point from the Department of Labor would be helpful.

With respect to the use of ARRA funding to pay for interest rate buydowns for property owners participating in a CaliforniaFIRST program or to fund debt service reserve funds for CaliforniaFIRST bonds, there is no official guidance on point. In the attached November 19, 2009 letter, the Department of Labor concluded that use of ARRA funds to pay rebates to property owners would not trigger Davis-Bacon because, in reliance on OMB guidance, individuals are not considered to be recipients or subrecipients of ARRA funds. Based on our reading of applicable regulations, we are not totally convinced by the Department of Labor's rationale; the provision relied upon by the Department of Labor appears to be limited to reporting and registration requirements. However, if correct, the Department of Labor's rationale should similarly exempt the use of ARRA funds for interest rate buydowns or reserve funds from Davis-Bacon because they benefit individuals in the form of lower interest rates. We are informed that the Department of Energy has asked the Department of Labor to rule on this issue and we believe further guidance is crucial to resolve the issue.

DRAFT
10/26/09

[redacted]

			Minimum Requirements		Rebates and Incentives		
	Category	Measures	Lifespan	Description	Federal	State	Verification (P=Permit, R=Rebate Docs, A=Test-Out Audit, I=Invoice)
Energy Efficiency	Air Sealing and Ventilation	Air Balancing					
		Air Filtration					
		Air Sealing	30				
		Air Barriers					
		Bathroom fan	10				
		Ceiling fan	10				
		Crawlspace Sealing					
		Duct Sealing and Cleaning	18				
		Whole House Fan	20		30% Federal tax credit up to $1,500 for advanced air circulating		
	Insulation	Roof	20	Must meet 2009 IECC for Federal tax credit	Federal tax credit of 30% of cost up to $1,500		
		Attic	30				
		Duct	15				
		Floor	20				
		Hot Water System	13				
		Wall	20				
	Space Heating and Cooling	Cogeneration furnace		AFUE, EER or SEER rating?			
		Desuperheaters					
		Demand Recirculation Pump					
		Duct Installation					
		Duct Replacement					
		Ducted Heat Pump	15				
		Ductless Heat Pump		Air Source Heat Pump (HSPF 8.5, EER 12.5, SEER 15 Split Systems; HSPF 8, EER 12, SEER 14 Package Systems) for Federal tax credit	30% of cost up to $1,500		
		Evaporative coolers	15	Evaporative effectiveness of 0.85 or better for Level 1, or 0.95 or better overall system efficiency for the Level 2 federal tax credit.			
		Exhaust Fan					
		Furnace Tune Up					
		Geothermal Heat Pump		EER 14.1 COP 3.3 closed loop; EER 16.2 COP 3.6 open loop; EER 15 COP 3.5 direct expansion for Federal tax credit	30% of cost		
		Heat Recovery Ventilation System					
		High Efficiency Air Conditioner	15	Central Air Conditioning (EER 13/SEER 16 split systems & EER 12/SEER 14 package systems) for Federal tax credit.	30% up to $1,500 for central w/specifications		
		High Efficiency Furnace	20	Minimum 90% (oil), 95% (natural gas, propane) AFUE for Federal tax credit	30% tax rebate up to $1,500 (92% AFUE requirement)		
		HVAC Zoning					
		Hydronic Air Handler					
		Hydronic Radiator Installation					
		Mechanical Dampers Installation					
		Mechanical ventilation and cooling systems					
		Permanent Exterior Shading Devices					
		Radiant Barrier Installation					
		Radiant Heating System Install					
		Thermostat Installation	11				
		Weatherization	11				
	Water Heating	High Efficiency Hot Water Boiler Install		Minimum AFUE 90% for Federal tax credit			
		High Efficiency Water Heater Install	11	Minimum EF 0.82 for natural gas, and minimum EF 2.0 for electric for Federal tax credit.	30% tax rebate up to $1,500 (EF .82 required)		
		Water Heater - Tankless	20				
		On demand Recirculation Pump					
		High Efficiency Lighting Retrofit		T8 and T5			

			Minimum Requirements		Rebates and Incentives		
	Category	Measures	Lifespan	Description	Federal	State	Verification (P=Permit, R=Rebate Docs, A=Test-Out Audit, I=Invoice)
	Lighting	Lighting (hard wired)	16				
		Lighting controls, including occupancy sensors					
	Daylighting	Solar Tube Installation	10				
	Windows, Doors and Skylights	Window Replacement	20	Exterior Window Replacement. U factor less than or equal to 0.30, SHGC less than or equal to 0.30	30% tax credit up to $1,500		
		Window Film	10				
	Reflective Roof	White Roofing	20	Energy star asphalt and metal roofs eligible for cool roof for Federal tax credit	30% tax credit up to $1,500		
	Pool Equipment	High Efficiency Pool Pump Install	10				
	Response and Storage	Demand Response Controls					
		Energy Storage Systems (electricity or thermal)					
Renewable Energy	Solar	Solar Thermal Installation	15	Must meet CSI requirements	30% Federal tax credit	CPUC: CSI-Thermal $12.82/therm, Low Income $25.64/therm	P, R, I
		Solar PV System	25	Must meet CSI Requirements	30% Federal tax credit	CPUC: $1.55-1.9/watt CSI, $4.75-7.0/watt Solar for Low-income and Affordable Housing	
	Wind	Wind Turbine Power Systems		Must be UL listed, SWCC certification when applicable	30% Federal tax credit	CEC: $1.6-$2.6/watt	P, R (if applicable), I
	Fuel Cell	Fuel Cell Power Systems			30% Federal tax credit up to $500/0.5kW (must have 30% efficiency and be at least 0.5kW)	CEC: $3/watt for solar thermal fuel cells	
Water Efficiency (after pilot)	Fixtures	Low Flow Showerheads	10				
		Low flow showers					
		Toilets: flush a 1.28 gpf or less	20				
		Urinals: flushing at 0.5 gpf or less	20				
		Showerheads: flow at 1.5 gpm or less	10				
		aerators: flow at 1.0 gpm or less	10				
	Landscaping	Grey water systems					
	Other	Other measures such as potable water offsets, efficiency improvements, irrigation measures, process improvements and storm water management improvements shall be considered on a case-by-case basis in consultation with the CaliforniaFIRST program.	Minimum 10				

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on February 17, 2010, a public hearing will be held with respect to the proposed participation by the Town of Atherton in the CaliforniaFIRST Program of the California Statewide Communities Development Authority. Participation in the CaliforniaFIRST Program will enable property owners to finance renewable energy, energy efficiency and water efficiency improvements on their property through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") and the issuance of improvement bonds under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) upon the security of the unpaid contractual assessments. Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied.

The hearing will commence at 7:00 pm, or as soon thereafter as the matter can be heard, and will be held at 84 Ashfield Road,Council Chambers, Atherton, California. Interested persons wishing to express their views on the participation in the CaliforniaFIRST Program and the financing of renewable energy, energy efficiency and water efficiency improvements as described above will be given an opportunity to do so at the public hearing or may, prior to the time of the hearing, submit written comments to 91 Ashfield Road, Atherton, CA 94027, Attention: Theresa Dellasanta, Deputy City Clerk.

Dated: February 10, 2010

Town of Atherton

Theresa Dellasanta
Deputy City Clerk

RESOLUTION 10 - 11

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING THE COUNTY OF SACRAMENTO TO APPLY FOR STATE ENERGY PROGRAM FUNDS ON BEHALF OF THE TOWN OF ATHERTON

WHEREAS, the Town of Atherton recognizes that it is in the interest of the regional, state, and national economy to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency within our jurisdiction; and

WHEREAS, State Energy Program (SEP) funds are available through the California Energy Commission's SEP for grants to eligible local governments for energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by the American Recovery and Reinvestment Act of 2009 ("ARRA"); and

WHEREAS, SEP allows for cities, counties, or groups of cities and counties in California to apply for SEP funds on behalf of eligible local governments; and

WHEREAS, the Town of Atherton is eligible for SEP funding under the California Energy Commission's SEP; and

WHEREAS, the Town of Atherton is proposing to collaborate with Sacramento County to implement a program for financing the energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA, which program is described in Exhibit A for the purpose of qualifying for SEP funds from the California Energy Commission; and

WHEREAS, the Town of Atherton has considered the application of the California Environmental Quality Act (CEQA) to the approval of the program for financing energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA described in Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that in compliance with the CEQA, The Town of Atherton finds that the approval of the program for financing energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA described in Exhibit A is not a "project" under CEQA, because the program does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

Be it also resolved, that the Town of Atherton authorizes Sacramento County to submit a collaborative application on its behalf to the California Energy Commission for up to $ 16.5 million in SEP funds for the program for financing energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA described in Exhibit A.

Be it also resolved, if recommended for funding by the California Energy Commission, the Town of Atherton authorizes Sacramento County to accept a grant award on its behalf and to enter into all necessary contracts and agreements, and amendments thereto, on its behalf to implement and carry out the program for financing the project/s described in Exhibit A.

The foregoing resolution was passed by the Town of Atherton this _____ day of _____, _____.

Effective _____, _____

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Kathy McKeithen, Mayor
Town of Atherton

ATTEST:

_____
Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

_____
Wynne, Forth, City Attorney

Exhibit A

California Energy Commission State Energy Program
CaliforniaFIRST Collaborative Proposal
Summary of Proposal Scope & Budget Framework

Description of Program Proposal

Under the lead applicant, Sacramento County, the 14 counties eligible to participate in the pilot stage of the CaliforniaFIRST Program are collaborating on a proposal to the California Energy Commission State Energy Program for a grant of up to $16.5 million. The grant funds will be used to offset initial fees associated with bond issuance, start-up costs for the 14 counties and all incorporated cities, an interest rate buy-down, local marketing/education/training/outreach, local coordination, and grant administration to support the launch of the CaliforniaFIRST municipal financing program.

CaliforniaFIRST Program County Participants and Proposal Collaborators

✓ Alameda	✓ Sacramento	✓ San Mateo	✓ Ventura
✓ Fresno	✓ San Benito	✓ Santa Clara	✓ Yolo
✓ Kern	✓ San Diego	✓ Santa Cruz	
✓ Monterey	✓ San Luis Obispo	✓ Solano	

Budget Basics

1. CaliforniaFIRST financing costs and fees (~$6M)

Guided by California Communities and the CaliforniaFIRST Program Administrator Renewable Funding, this program element will:

- buy-down the interest rate on the initial round(s) of projects financed by the CaliforniaFIRST Program,
- cover fixed costs associated with initial bond counsel, bond disclosure, fiscal agent and bond rating,
- cover legal and validation costs, and
- cover the deployment of technology (web portal) to support local programs.

2. Grant/Contract Administration & Steering Committee Liaison: (~$1.5M)

On behalf of the applicant agency, grant/contractor administration duties include gathering relevant reporting information from all partner jurisdictions and CaliforniaFIRST, financial oversight and invoicing, contract administration, tracking, monitoring, and oversight of deliverables. In addition, the grant administrator will serve as the partner liaison between all participating steering committees to maintain coordination and consistency on the local marketing efforts between parties as well as provide marketing and contract technical assistance, training, and advice to participating agencies. The Grant Administrator will also coordinate local efforts with those programs funded under the California Comprehensive Residential Building Retrofit Program.

3. Regional Program Coordination & Marketing: (~$8.5M)

In line with the overall project goals, funding has been budgeted on a regional basis to each of the four primary program regions in the following amounts, based on total number of Counties:

- Capitol Region (Sacramento/Yolo): $1,800,000
- Central Valley Region (Fresno/Kern): $1,150,000
- Bay Area Region: (Alameda/San Mateo/Santa Clara/Solano): $2,300,000
- Central Coast Region: (Monterey/Santa Cruz/San Benito/San Luis Obispo): $2,300,000
- Mid Coast Region: (Ventura): $575,000
- Southern California Region: (San Diego): $575,000

This final program element serves to provide each region with the resources necessary to help facilitate the rapid adoption of energy efficiency and renewable energy generation system installations throughout the target area by connecting property owners to any and all available on-the-ground or proposed resources, and services, providing a streamlined framework for easy navigation, reduced out-of-pocket expenses, and overall increased cost effectiveness for both participants and the program overall. The focus of the program will be to create region-wide (or county-wide, where appropriate) cooperative project design, implementation, marketing, and coordination to maximize economies of scale, take advantage of overlapping markets, and ultimately allow each dollar to go further to benefit all parties.

Financing Costs and Fees

A. Financing Costs

As Program Administrator of the California Communities CaliforniaFIRST Program, Renewable Funding will coordinate and provide program administration, financing, and legal services to support a robust statewide municipal financing program. Specific financing costs are concentrated at the start of the program and result in increased fees to a program participant, and therefore a higher effective interest rate. In order to lower the interest rate, the SEP funds will be used to cover bond disclosure counsel, bond rating fees, and a bond fiscal agent. In addition, a direct interest rate buy-down will be employed to achieve a bond rate that is equivalent to an A-rated bond, which is likely to be the bond rating later in the program.

B. Set-up Fees

A funding request equivalent to the city and county set-up fees will be included in the proposal. The costs for initial legal work and validation proceedings will be covered by this request. Additionally, the costs of establishing county web portals, importing local assessor's data, and maintaining the website will be part of this funding request.

Suggested Major Marketing Program Coordination & Marketing Program Elements

A. Agency Coordination / Steering Committee Participation

In recognition of the additional coordination time required to get new programs off the ground, individual counties may elect to include a modest amount of staff time for agency representatives to participate in the program steering committee and other activities to drive marketing program design, educational/marketing material development, form and protocol development, etc. By investing this time at the onset, we are able to develop a self-sustaining program for the long term. County agencies (that is, auditor/tax collector/controller) will receive a small percentage, incorporated into each loan, to cover regular ongoing program administration costs associated with maintaining the tax roll and collecting annual assessments in years beyond the grant term. Some jurisdictions may instead wish to contribute this time as project leveraged funds/resources to increase overall program cost effectiveness based on their individual needs and resources. Regional partnership may also elect to use a portion of the resources from this program element toward informal or formalized staff/personnel training within their jurisdictions.

B. Education / Outreach/ Marketing

Successful program adoption requires thoughtful design, convenient procedures, and a robust program education component to encourage and energize program participation. Achieving this goal, the project team will create clear, consistent, and thematic program branding imagery, educational and recruitment tools such as program brochures. The program will be supported by the CaliforniaFIRST web portal and links to new and existing partner and complementary websites, frequently asked questions, applications, and/or other program materials. In addition, the project will engage a wide-stretching network of partners to promote, recruit, and disseminate program information utilizing existing mechanisms of door-to-door outreach, community event tabling, workshops and presentations, or other appropriate energy efficiency and complementary program participation activities. Major elements might include:

- ✓ Outreach Promotional Materials: Brochures, Door-hangers, Postcard Mailers, Bill Inserts, etc.
- ✓ Program Marketing Advertisements: Print Ads, Radio/TV Ads, PSA Production

- ✓ Promotional Outreach Events, Trade Shows or Community Workshops
- ✓ Homeowner/Business/Contractor/Staff Training Seminars
- ✓ Sustainability Site Signage
- ✓ Green Building and/or LEED Certification Technical Assistance

C. Community Coordinator / Partner Liaison / Supplies

The community coordinator is envisioned to serve as the single point regional program coordinator to unify, inform, collaborate, and engage all program parties in relation to local coordination and marketing efforts; respond to public inquiries; facilitate the education, outreach, marketing, recruitment; and promote program adoption by the target community. In addition the coordinator is responsible for coordinating with the grant administrator, tracking/reporting necessary progress and metrics, meeting/exceeding grant milestones and targets, incorporating required complementary program components, and working with CaliforniaFIRST to assure QA/QC measures are applied to all participating properties. Specific tasks will be driven by the overall project goals as well as the specific needs of each region and may include:

- ✓ **Coordination** with Grant Administrator/Steering Committee Liaison
- ✓ **Marketing Coordination** with CaliforniaFIRST Municipal Finance District
- ✓ **Facilitation** of local Regional Steering Committee Members and Partners
- ✓ **Assist** with Implementation Strategy, Documents, Procedures & Protocols Development
- ✓ **Guide** Promotion, Marketing, Education, Recruitment & Program Information Dissemination
- ✓ **Link** Program Participants to Regional Energy Efficiency & Complementary Programs
- ✓ **Connect** to Concurrent Complementary Workforce Development Training/Graduates
- ✓ **Administer** Regional Program Budget, Competitive Bidding, Other Program Transparency Reqs
- ✓ **Track** and/or compile, Monitor & Evaluate Program Progress, Energy Savings, GHG Reductions Achieved, Partner Leveraged Funds and Ancillary Environmental Benefits

Sample County Budget

A sample budget based on the above framework is provided below. Please note that these amounts are subject to change based on the actual needs of each participating jurisdiction as well as feedback obtained regarding funder and partner thresholds for competitiveness.

Component	*% Overall*	*Gross Benefit Per County*	*Net Benefit Per County*
1.CaliforniaFIRST Costs & Fees	39%	$ 428,571.43	-
2. Grant Administration & Technical Assistance	10%	$ 107,142.86	-
3A.Steering Advisory Committee	10%	$ 115,000.00	$ 115,000.00
3B. Education, Outreach, Incentives, Marketing	23%	$ 258,750.00	$ 258,750.00
3C. Community Coordination	18%	$ 201,250.00	$ 201,250.00
Total	***100%***	***$ 1,110,714.29***	***$ 575,000.00***

Grant Development Team:

- **County of Sacramento**—Lead Agency (Applicant), will oversee grant writing, provide final edits and required signatures, and submit finalized proposal on behalf of entire collaborative team based on the approved proposed program scope and budget framework
- **Ecology Action**—Partner Grant Writer (Lead on Marketing), will develop narrative based on proposed program scope and budget framework, especially as it pertains to local coordination and marketing project administration, marketing/contract technical assistance, regional coordination, and marketing, to meet all grant requirements and maximize proposal competiveness.
- **Renewable Funding**—Partner Grant Writer (Lead on Finance), will develop narrative based on proposed program scope and budget framework, especially for CaliforniaFIRST Program finance-related program elements, to meet all grant requirements and maximize proposal competiveness.

Resolution 10 - 12

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) TO ACCEPT AND ADMINISTER SEP ENERGY PROGRAM GRANT FUNDS ON BEHALF OF THE TOWN OF ATHERTON

WHEREAS, the Town of Atherton recognizes that it is in the interest of the local, regional, state, and federal agencies to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency; and

WHEREAS, the Town of Atherton has committed to an ongoing, coordinated effort to reduce the emissions that cause global warming, improve air quality, reduce waste, cut energy use and save money; and

WHEREAS, State Energy Program (SEP) funds are available through the California Energy Commission's SEP Funding Opportunities for grants to eligible local governments for cost-effective energy efficiency projects; and

WHEREAS, the SEP allows for public agencies or non-profit entities to apply for funds on behalf of eligible local governments; and

WHEREAS, the Town of Atherton is eligible for SEP funding under the California Energy Commission's SEP Program; and

WHEREAS, the Town of Atherton has collaborated with the Association of Bay Area Governments (ABAG) to submit a regional application to implement the energy efficiency project/s described in Exhibit A for the purpose of qualifying for SEP funds from the California Energy Commission; and

WHEREAS, the Town of Atherton has considered the application of the California Environmental Quality Act (CEQA) to the approval of the energy efficiency project/s described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that in compliance with the California Environmental Quality Act (CEQA), the Town of Atherton finds that the approval of the energy efficiency project/s described in Exhibit A is not a "project" under CEQA. In accordance with Section 15378(b), Subsections (4) and (5), of the California environmental Quality Act Guidelines, the proposed action does not constitute a project and, therefore, is not subject to the requirements of CEQA. These exemptions provide for the authorization to accept grant funding for a fiscal program to promote energy efficiency and conservation which does not involeve any commitment to any specific project which may result in a potentially significant impact on the environment.

BE IT FURTHER RESOLVED, that the Town of Atherton authorizes ABAG to accept a grant award on its behalf and to enter into all necessary contracts and agreements, and amendments thereto, on its behalf to implement and carry out the project/s described in Exhibit A; and

BE IT FURTHER RESOLVED, that Town of Atherton recognizes the County of San Mateo as the lead local implementer for the project/s described in Exhibit A for all of the local governments in San Mateo County, and that ABAG as the fiscal agent, will disburse the funds to San Mateo County to implement and carry out the project/s described in Exhibit A.

The foregoing resolution was passed by the Town of Atherton this _____ day of _____, _____.

Effective _____, _____

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Kathy McKeithen, Mayor
Town of Atherton

ATTEST:

_____
Theresa DellaSanta
Deputy City Clerk

APPROVED AS TO FORM:

_____
Wynne Furth
City Attorney

EXHIBIT A

(See Attached]

Exhibit A

Retrofit Bay Area

Comprehensive Residential Building Retrofit Program

Summary of grant proposal submitted to the California Energy Commission on December 21, 2009

Description of Proposed Program

The Association of Bay Area Governments (ABAG) is collaborating with eight Bay Area counties to establish a comprehensive residential single-family and multifamily building retrofit program that leverages regional cooperation and funding while enabling autonomy at the local level. The proposed ABAG program aligns with local, regional and national goals of promoting economic vitality through an increase in green jobs, reducing U.S. oil dependency through increases in energy efficiency and deployment of renewable energy technologies, and reducing greenhouse gas emissions.

On behalf of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties, ABAG has submitted a proposal to the California Energy Commission's State Energy Program (SEP) to receive $10.7 million in American Recovery and Reinvestment Act (ARRA) grant funds administered by the U.S. Department of Energy. This grant program, known informally as SEP 2 to distinguish it from three other elements of California's SEP program, runs from February 1, 2010 to March 31, 2012. The ARRA/SEP 2 grant funds would be used by ABAG program participants to carry out local and Bay Area-wide consumer outreach and education campaigns and workforce development activities that will accelerate demand for home energy retrofits and expand the regional building industry's capacity to delivery high quality, cost-effective retrofit services.

The ABAG program will complement existing and planned local retrofit activities, including the Property Assessed Clean Energy (PACE) financing districts that enable homeowners to finance energy efficiency retrofits and renewable energy improvements through assessments paid via their property taxes. This ABAG program will leverage and complement other local, regional and federal funding sources for energy retrofits, including anticipated grant funds from the State Energy Program's Municipal Financing Program (known as SEP 1).

Program Participants and Roles

Participant	Role
Association of Bay Area Governments	Fiscal agent and contract administrator
Alameda County (StopWaste.Org) and Sonoma County (Sonoma County Transportation Authority)	Regional tasks and local retrofit program implementation
Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Solano Counties	Local retrofit program implementation
Bevilacqua Knight, Inc., Build It Green and California Building Performance Contractors Assn.	Regional and local implementation assistance, quality assurance and reporting

Summary of Grant Funds

Regional Program Development:	Approx. $2,070,000
Local Program Implementation:	Approx. $7,750,000
Administration and Reporting:	Approx. $600,000
Evaluation, Measurement, Verification:	Approx. $320,000
Total:	$10.75 Million
San Mateo County Allocation:	$785,595

ITEM NO. 20

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **JEROME D. GRUBER, CITY MANAGER**

DATE: **FOR THE REGULAR MEETING OF FEBRUARY 17, 2010**

SUBJECT: **ADOPT RESOLUTION 10-13 TO SUPERSEDE RESOLUTION 09-09 AND TO EXPAND FINANCE COMMITTEE**

RECOMMENDATION:

To Be Determined.

BACKGROUND:

At the December 2009 regular City Council meeting Council Member Lewis requested addition of the following item to the Agenda for discussion and vote:

Expansion of the Finance Committee

Mayor McKeithen directed staff to add the item to the January 2010 Council Agenda.

After deliberation at the January Council meeting Council chose to continue the matter to the February Agenda to discuss whether Council should consider adding one (1) or three (3) Atherton residents to the Finance Committee. Furthermore, Council directed staff to check with surrounding San Mateo County Cities on the guidelines and memberships of their Finance Committees and whether residents sit on the Committee.

Attached is a summary of the responses received from City Clerks in San Mateo County Cities. Attached is the Finance Committee Charter for the Town of Portola Valley for reference.

Attachments: San Mateo County City Responses
Portola Valley Finance Committee Charter
Resolution 10-13

San Mateo County City Responses

Do you have a Finance Committee? What are your guidelines and memberships? Are residents on the Committee?

CITY	RESPONSE	ADDITIONAL INFO.
Belmont	Yes, we have a finance commission. It is governed by municipal code. They must be residents. They are selected by application and interview by the city council. The only requirement is that they be residents and be over 18. Obviously the council will ask questions relative to their knowledge of finances, especially municipal.	Audit Committee consists of 2 council members and the elected treasurer. They have a very focused task and that is to work with our independent auditor separately from staff. The Finance Commission, which has No Council Members but is made up of 7 residents who are appointed by the City Council and serve at the will of the Council. Here is the "charge" of the Finance Commission: The Finance Commission participates in the budget review process, conducts an annual review of the City's investment policy and, at the request of the City Council evaluates proposals, programs and contracts for long and short term financial consequences.
Daly City	Finance Committee is made up of City Council members - only.	Committee made up of the Mayor/Vice Mayor.

Pacifica	Pacifica has a Financing City Services Task Force. It is made up of all residents	There are nine members and two council members who act as liaisons to the task force.
Portola Valley	Five members appointed by Mayor with Council concurrence for one-year terms.	See attached Charter
San Carlos	No Finance Commission. A two-member subcommittee that meets periodically with the Finance director.	
South San Francisco	Our Council has a Finance Subcommittee that consists of two members designated by the Mayor on an annual basis.	

RESOLUTION NO. 10-13
to supersede Resolution 09-09

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON GOVERNING TOWN COMMITTEES AND COMMISSIONS

The City Council of the Town of Atherton hereby resolves as follows:

Section 1. Establishment of Committees. The following committees and commissions are established for the Town of Atherton:

1. Arts Committee
2. Atherton Rail Committee
3. Audit Committee
4. Environmental Programs Committee
5. Finance Committee
6. General Plan Committee
7. Park and Recreation Commission
8. Town Center Committee
9. Transportation Committee

Section 2. City Council Rules of Procedure – Staffing – Minutes - Reports.

- All committees and commissions shall follow the City Council Rules of Procedure and the provisions of the California Open Public Meeting Law (Brown Act).
- Each committee or commission shall annually select one of its members to act as Chair and one of its members to act as Vice Chair. In the event a committee or commission is unable to appoint a Chair and/or Vice Chair, the Mayor shall have the authority to make such appointment.
- The City Manager shall have the authority to appoint any Town staff member(s) to serve Town committees and commissions.
- All committees and commissions shall prepare action minutes for the City Council. Draft minutes, that is, unapproved minutes, shall be presented to the City Council as soon as possible following the meeting they report.
- Members of committees and commissions are encouraged to advocate to the City Council their position on matters under the purview of their committee or commission. Otherwise, no committee or commission or any of its members shall represent itself or themselves as speaking on behalf of the Town, City Council, and/or committee or commission without prior approval of the City Council. Statements of previously approved City Council policy may be made without additional City Council approval.
- Committees and commissions may provide educational materials to the public regarding the functions and actions of the committee or commission, but shall not engage in advocating to the public any particular position which is contrary to City Council policy.
- Upon request, an annual report shall be provided to the City Council of committee and commission activities for the preceding year.

Section 3: Appointment of Voting Members to Committees and Commissions.

Members other than City Council Members shall be appointed following approval by the City Council. All appointed members shall be registered voters in the Town. Members shall serve at the pleasure of the City Council, or until the expiration of their terms set out below. Vacancies in any committee or commission arising from any reason, including expiration of term, shall be filled by appointment of the City Council.

Section 4. Powers and Duties – Composition - Terms.

The powers and duties, along with the composition and terms of the Town's committees and commissions, shall be as described below:

- City Council representatives and any alternates on committees are selected by the Mayor and approved by the City Council to serve a one (1) year term. Alternates will participate on committees in the absence of the appointed Council Members.
- Appointed members shall serve no more than two full consecutive terms on the committee or commission to which they are appointed. A member may be reappointed to the committee or commission following a minimum two (2) years hiatus.
- Each January, an annual report shall be provided to the City Council of attendance at committee and commission meetings for the preceding calendar year.
- Unexcused absences of members, other than City Council Members, from two or more consecutively scheduled meetings shall result in the automatic vacation of the member's office.
- In the event funding for the committees or commissions is desired, a budget shall be prepared and presented to the City Council for review and approval as part of the Town's regular budget process.
- Any requests by a committee or commission for staff work, information, or assistance from Town Staff shall be made to the City Manager.
- Changes in the dates or time of meetings from the established schedule may be made by majority vote of the committee or commission.

1. Arts Committee.

The Arts Committee shall have the following powers and duties:

a. Act in an advisory capacity and make recommendations to the City Council upon request in matters regarding art awareness including, without limitation, the following goals and objectives:
   i. Fulfill the requirements of the Rita Corbett-Evans estate;
   ii. Develop a unique arts program specific to the needs of Atherton and the surrounding community;
   iii. Provide a base and focal point for arts programs in Atherton;
   iv. Include a multi-disciplinary range of artistic endeavors including fine, performing, and literary arts as well as crafts.

The Arts Committee shall have the following composition and terms:

Consists of up to ten (10) appointed members. The term of office shall be as follows: Five (5) of the members shall be appointed to a four (4) year term commencing 2008 and ending on April 30, 2012. The remaining members' terms shall be three (3) years commencing 2008 and ending on April 30, 2011. Thereafter, each term of office shall be four (4) years. The Committee meets on the 4th Tuesday of each month at 1:00 p.m. in the Holbrook-Palmer Park Garden Room unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

2. Atherton Rail Committee.

The Atherton Rail Committee shall have the following powers and duties:

a. Act in an advisory capacity to the City Council upon request in all matters pertaining to rail service in and through the Town;
b. Research and address the specific impacts that high-speed rail and other rail improvements may have on the Town.

The Atherton Rail Committee shall have the following composition and terms:

Consists of up to twelve (12) members including two (2) Council Members and up to ten (10) appointed members. The term of office for appointed members shall be a four (4) year term commencing 2007 and ending on April 30, 2011. Thereafter, each term of office shall be four (4) years. The committee meets on the first Tuesday of every other month at 6:00 p.m. in the City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair. In addition to other members, persons appointed to the Atherton Rail Committee may be appointed to represent and further the interests of Atherton homeowners and particularly those with properties on and along the Caltrain right-of-way. This declaration is made with specific recognition of the provisions of 2 California Code of Regulations Section 18707.4.

3. Audit Committee

The Audit Committee shall have the following powers and duties:

a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to the Town's annual audit;
b. Provide oversight of the annual audit and present and explain the audit to the City Council with recommendations as to acceptance;
c. Advise City Council regarding appointment of outside auditors for annual audit;
d. Review proposed audit scope with outside auditors prior to commencement of annual audit.

The Audit Committee shall have the following composition and terms:

Consists of six (6) members, including two (2) Council Members of the Finance Committee, and four (4) appointed members. One term shall be for two (2) years. The remaining terms shall be for four (4) years ending in April, 2012. Thereafter, the term of office shall be four (4) years. The committee meets as needed in the Conference Room of the Town Administrative Offices.

4. Environmental Programs Committee.

The Environmental Programs Committee shall have the following powers and duties:

a. Act in an advisory capacity and make recommendations (programmatic and legislative) to the City Council upon request on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula.

b. Develop and propose to the City Council timely and appropriate action plans for the Town to:

   (i) environmental issues or threats that become matters of concern for the community;

   (ii) any regulatory statute or legislative changes or policies coming from the county, state or Federal governments on matters of environmental protection or performance; and

   (iii) technological advancements that can help the Town address environmental issues, threats or legislative requirements. Such issues would include but not be limited to global warming and carbon dioxide emissions, green building guidelines, conservation and diversion, ABAG policies, PG&E and Allied Waste programs or services, e-waste collection and Earth Day and other environmental events.

c. Create pro-active community engagement programs for residents, commercial and public enterprises active within the Town's jurisdiction for presentation to and consideration and approval by, the City Council.

The Environmental Programs Committee shall have the following composition and terms:

Consists of up to twelve (12) members including two (2) Council Members and ten (10) residents of the Town. The term of office shall be as follows: Five (5) of the appointed members shall be appointed to a two-year term commencing 2007 and ending April 30, 2009. The remaining members' terms shall be four (4) years commencing 2007 and ending April 30, 2011. Thereafter, each term of office shall be four (4) years. The committee meets quarterly on the first Wednesday of the month at 10:00 a.m. in the Conference Room of the Town Administrative Offices unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

5. Finance Committee.

The Finance Committee shall have the following powers and duties:

a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town finances;

b. Consult with the City Manager on matters pertaining to the budget, capital spending plan and the long range financial plan for the Town;

The Finance Committee shall have the following composition and terms:

Consists of two (2) Council Members and _____ (__) of appointed members. The Finance Committee Council Members also serve on the Audit Committee. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

6. General Plan Committee.

The General Plan Committee shall have the following powers and duties:

a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town planning;
b. Review the General Plan and make recommendations to the City Council, Planning Commission and Town staff regarding the operation of the ordinances and policies on the subject of Town planning.

The General Plan Committee shall have the following powers and duties:

Consists of two (2) Council Members, two (2) Planning Commissioners and up to five (5) appointed members who are not members of the City Council or Planning Commission. The term of office shall be four (4) years. Planning Commission representatives are selected by the Planning Commission to serve for a term of one (1) year. The committee meets quarterly or more frequently if required on the first Wednesday of the month at 6:00 p.m. in the Town Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

7. Park and Recreation Commission.

The Park and Recreation Commission shall have the following powers and duties:

a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and public and private groups in the advancement of park and recreation planning and programming;
b. Develop and maintain a master plan for park**s** within the Town and, annually, in the month of April, present a report to the City Council.
c. Review the annual budget for parks and recreation during the process of its preparation and make recommendations with respect thereto to the City Council. This includes recommendations regarding the setting of fees. The budget should contain estimates and recommendations for such long-term capital outlay projects as may be necessary to provide for orderly development of park and recreation areas, buildings and facilities;
d. Study and make recommendations on the acquisition and development of recreation areas, activities and facilities such as playgrounds, buildings, parks, open space and other centers of recreation;
e. Assist Town staff in the planning of recreation programs for the community, and promote and stimulate public interest therein.

The Park and Recreation Commission shall have the following composition and

terms:
Consists of seven (7) appointed members. One member shall be a representative of the Holbrook-Palmer Park Foundation. One member shall be a representative of the Atherton Dames. Each of the foregoing representatives shall serve a term of two (2) years. The term of office for the two (2) members ending April 30, 2008 shall be four (4) years. The term of office for the remaining members shall be four (4) years. Thereafter, each term of office shall be four (4) years. The Park and Recreation Commission meets on the first Wednesday of each month at 6:30 p.m. in Holbrook-Palmer Park unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

8. The Town Center Committee.

The Town Center Committee, an ad hoc committee, shall have the following powers and duties:

a. Assist the City Council in developing a vision and goals for the Town Center which includes facilities for City Council chambers, Police, Administration, Building, Public Works, Planning and Library functions;
b. Upon approval of the City Council, the committee may engage Town residents and outside professional services to aid in the visioning process;
c. Upon approval of the City Council assist in obtaining funds for Town Center improvements.

The Town Center Committee, an ad hoc committee, shall have the following Composition and terms:
Consists of two (2) Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

9. Transportation Committee.

The Transportation Committee shall have the following powers and duties:

a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to transportation within the Town.

The Transportation Committee shall have the following composition and terms:
Consists of seven (7) members including two (2) Council Members and five appointed members. The term of office shall be four (4) years. The committee meets on the second Tuesday of every other month at 6:00 p.m. in the City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

This Resolution shall be effective immediately upon adoption. Resolution No. 08-24 is hereby superseded and rescinded on Feb. 18, 2009. Resolution 09-09 is hereby amended on April 15, 2009

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 16th day of December, 2009, by the following vote.

AYES: *Council Members:*
NOES: *Council Members:*
ABSENT: *Council Members:*
ABSTAIN: *Council Members:*

_____
Kathy McKeithen, MAYOR
Town of Atherton

ATTEST:

_____
Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

_____
Wynne Furth, City Attorney

FINANCE COMMITTEE

OBJECTIVES

To develop, recommend and oversee the overall; financial policies of the Town;

DUTIES AND FUNCTIONS

1. For Council approval, review and comment and/or recommend approval of annual and five year budget plan as prepared by Town Administrator.

2. To monitor expenditures in relation to the budgeted amounts.

3. To make recommendations to the Council regarding investments and other fiscal matters.

4. Make recommendations to the Town Council regarding appropriate reserve levels.

RESPONSIBLE TO

The Town Council - all actions are advisory to the Council.

COORDINATION

Town Administrator/Treasurer
Council Liaison

COMMUNICATIONS

1. Budget requests from Town officers, Commissions and Committees are received, entered into preliminary budget work sheets, and submitted to the Council.

2. Council decisions regarding the budget are received, translated into revised and final budgets, and submitted to the Council.

MEMBERSHIP

Five members appointed by Mayor with Council concurrence for one-year terms. Rotating chair selected by Committee.

MEETINGS

Held as required - weekly or bi-monthly during preparation of budget and as otherwise necessary.

Item No. 21

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **JERRY GRUBER, CITY MANAGER**
WYNNE FURTH, CITY ATTORNEY

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **ROAD IMPACT FEE REFUNDS**

RECOMMENDATION

Council to provide direction.

BACKGROUND

In 2000 the Atherton City Council, after an engineering study and public hearing, adopted Resolution No. 00-27 establishing a road impact fee under the Mitigation Fee Act (Government Code Section 66000 and following.) The proceeds of the fee were limited to road repairs made necessary by construction activity in the Town. The fee was initially set at 0.5% of the "project valuation" calculated at the time building permit application was submitted.

In March of 2005 the City Council reviewed a new cost study prepared by Kimley Horn and Associates showing that the road impact fees were insufficient to cover the costs of construction-related road repairs. Following a public hearing, the Council adopted Resolution No. 05-34 which increased the road impact fee to 0.71% of the project valuation and added an excavation/grading surcharge of $22 per cubic yard of earth hauled from, or to, a construction site. These new fees took effect on May 16, 2005.

On April 1, 2005, shortly after these fee increases were adopted, an appellate court in Central California decided *Los Angeles County Sanitation District No. 2 v. County of Kern.*. That court, reversing the trial court, held that a per ton road impact fee charged for the damage to roads from sewage sludge trucking was invalid because the California Vehicle Code pre-empted any locally adopted fees for the lawful use of roads. (The County had argued that the fee was on the sewage sludge spreading operation, not the use of the roads.) The California Supreme Court

declined to review the case. After reviewing the *Kern County* case, the City Council rescinded the off-haul surcharge on September 20, 2005 and refunded all off-haul fees. It continued to collect the road impact fee itself.

In 2007 the Town adopted Resolution 07-17 modifying the formula used to establish building permit fees. These review fees are set at a level that will recover the costs of administering the permit program; the actual cost of construction is irrelevant. However, by long established tradition in the industry, building permit fees are set as a percentage of "project valuation." Different costs per square foot are assigned for such categories of construction. The "cost per square foot" is multiplied by the square footage of the project to produce a "project valuation." The project valuation is then multiplied by another factor to produce the permit fee.

Resolution 07-17 increased the square footage cost factor from $250 per square foot to $350 per square foot. This resulted in higher project valuations; when the road impact fee percentage was applied to this higher figure, the impact fee also increased by 40%resulting. A public hearing was held on the permit fee increases, and the Finance Director's staff report mentioned the attendant increase in road impact fees. However, the Town did no conduct the legally required engineering "nexus" study showing that higher road impact fees were needed to cover the costs of repairing road damage. The increased fees took effect on August 17, 2007.

Responding to complaints about the failure to do a nexus study, the Town commissioned an updated nexus study in 2009. While this study was underway, a Town resident raised the issue of the *Kern* case as it applied to Atherton's basic road impact fee, not just the off-haul surcharge. While the appellate case is not binding on other courts, and the *Kern* decision has been much criticized, the City Council concluded that it was in the best interests of the Town to repeal the fee. It did so on December 16, 2009 effective as of September 18, 2009. It is estimated that the fees refundable for that ninety-day period total $165,000. (This figure, and all other estimates in this report, are total fees paid in a particular time period. If projects were cancelled, the fees were refunded. Therefore, the actual numbers may be somewhat lower.)

DISCUSSION

The City Council is now considering whether additional refunds should be made and has asked for additional information. State law requires that anyone suing for a refund of an impact fee file a detailed protest within 90 days and file suit within 180 days. These time limits are short because the law recognizes the importance of governments being able to determine what their available funds are; long statutes would raise intolerable uncertainties.

At the beginning of 2007, the Town began providing written notice of these short deadlines to each person paying the fee. This notice is required under the Mitigation Fee Act. The Town has received no timely claims or lawsuits for any fees other than those for which refunds have already been authorized. The fees paid in this time period are estimated to be $2,395,000. Some residents and fee-payers have suggested that the doctrine of equitable estoppel might excuse them from the failure to file a timely lawsuit after actual notice. The law does not favor estoppel arguments against the government.

Following the Council's direction at its January meeting, staff has identified the fees received during various time periods. The time periods selected are based on proposal's made at the January meeting. Some proposals are to allow refunds only to certain ratepayers during certain time periods. Staff has not tried to estimate what these figures might be.

Time Period	Fees Paid
A. Chronology By Events	
September 25, 2006 to December 31, 2006 (Repeal of off-haul surcharge to date Town began giving written notice of short statute to applicants)	$ 200,000
January 1, 2007 to September 18, 2009 (Anyone seeking refund required to file detailed claim within 90 days and lawsuit 180 days)	$ 2,396,000
September 18, 2009 to end of program (Refund already authorized)	$ 165,000
B. Citizens Group Proposed Refund Period	
July 1, 2006 through December 18, 2009	$ 2,733,000
C. Carol Flaherty Proposal	
July 1, 2006 to July 31, 2008 (limited refunds)	$ 1,962,000
August 1, 2008 to August 31, 2009	$ 730,000
D. Proceeds of 40% Rate Increase	
August 16, 2007 to September 18, 2009	$ 526,000

FISCAL IMPACT

The available cash remaining in the Road Impact Fee Fund as of December 31, 2009, totals approximately $542,000. It is the Finance Director's recommendation that this balance be increased by $1,113,000 to correct inappropriate charges made in previous years. This will require this amount to be transferred from General Fund to the Road Impact Fee Fund. The new total would be $1,655,000.

Any refund approved by the City Council will be paid out of the road impact fee fund until it was exhausted. If the Council authorizes refunds in excess of the Road Impact Fee Fund, General Fund reserve would need to be used. A 4/5 vote of the City Council will be required to use General Fund reserves.

In addition, there will be costs for processing the refund claims. The processing cost will depend on the time period of refund and what facts must be determined to approve or deny a

refund claim. The Building Department's records on the CRW data base go back to May 5, 2008. This system generates accurate data quickly. Data on the Q & A (DOS-based) system are very difficult to retrieve. The Q & A base identifies applicants but not the individual or entity paying a particular fee. Following Council direction, Staff would return with a proposed refund procedure. It would include mailed, published, and website notice. Those seeking a refund would have ninety days to return a completed claim form to the Town. A release and settlement agreement would be required as a condition of receiving the refund.

Alternatives:

1. Identify classes of fee payers who may apply for refunds, based upon dates fees were paid or other criteria.

2. Decline to authorize additional refunds and consider any claims made on a case by case basis.

3. Ask for further information.

Submitted by:

/s/ *Jerome D. Gruber*
_____
Jerome D. Gruber, City Manager.

/s/ *Wynne Furth*
_____
Wynne Furth, City Attorney

Item No. 22

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JERRY GRUBER, CITY MANAGER

FROM: **DUNCAN L. JONES, PUBLIC WORKS DIRECTOR**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **DRAINAGE CRITERIA UPDATE REVISITED**

RECOMMENDATION:

Staff recommends that the City Council receive this information and give direction to staff for future actions to update the Drainage Criteria, to consider possible changes to the maintenance agreement and to modify the Grading, Erosion and Sediment Control Ordinance (Municipal Code Section 8.54).

INTRODUCTION:

Recently residents have questioned the need for the detention requirement of the Town's Drainage Criteria and the associated Maintenance Agreement. The residents expressed concern about the cost of the systems being "required" by the Town. A resident also noted that single family homes were exempt from Provision C.3 of the federally mandated Municipal Regional Permit.

Council requested that staff update the Council regarding the current requirements and application of the Drainage Criteria and the relationship to the recently adopted Municipal Regional Stormwater National Pollution Discharge Elimination System (NPDES) Permit (MRP) Provision C.3 requirements. The MRP Final Tentative Order R2-2009-XXXX NPDES Permit No. CAS612008 was released from the California Regional Water Quality Control Board San Francisco Bay Region on September 24, 2009. The order became final at the board's October 14, 2009 meeting as Order Number R2-2009-0074.

BACKGROUND:

In August of 2006, the City Council authorized BKF Engineers to review the Town's Drainage Criteria for private development and address specific concerns of the Town. Concerns had been raised by residents and Council members that there were no consistent drainage criteria governing the development of private property, and that property damage was sometimes caused, to neighboring properties as well as to the developed property, by developments that did not adequately address the consequences of the construction and drainage modifications being implemented. BKF completed their scope of work and compiled detailed Drainage Criteria. This Drainage Criteria regulates the design of drainage systems for private development within the Town of Atherton and the Atherton Channel Drainage District.

BKF held public meetings and made presentations to the City Council of their findings and the concept for the proposed Drainage Criteria. BKF and staff, including CSG (the consultant who performed the grading and drainage plan reviews for development projects), reviewed in detail the Drainage Criteria and fine tuned each paragraph.

In July of 2007, the City Council adopted an ordinance amending Chapter 17 regulating basements. The Drainage Criteria being proposed contained specific provisions related to basements. The basement ordinance effective date was delayed to go into effect at the same time as the Drainage Criteria.

In September of 2007 the Drainage Criteria was submitted to Council for approval. Council requested the criteria be footnoted with the source of the requirements contained in the criteria. The criteria were revised to contain a comment line after each provision giving these references. Many of the current criteria are based on existing criteria for storage of stormwater to avoid flooding in the Atherton Channel and Redwood Creek. Other criteria were developed in order to comply with the MRP and with the State Water Resources Control Board (SWRCB) General Construction Permit (GCP), as well as with FEMA standards for flood protection. Additional new requirements were developed based on the various concerns of the Town that resulted in this study being undertaken. These criteria are the minimum practical applications to assure each concern is addressed and does not cause a problem for the property owner or their neighbors in the future.

Section 8.54 of the Municipal Code regulates storm water. In October 2007 council adopted an ordinance adding section 8.54.050 to adopt the Drainage Criteria. At the same time council adopted the drainage criteria. This ordinance section allows the Drainage Criteria to be modified in the future and adopted by City Council resolution.

When the criteria was adopted by Council, the MRP Final Tentative Order Provision C.3 (Provision C.3) was set to start at a threshold for detached single family homes of 10,000 square feet and decrease to 5,000 square feet in four years. The MRP final order starts at 2,500 square feet with no phase in and an implementation deadline of December 2012.

Staff presented an update at the November 18, 2009 meeting, but members of the public did not relate the presentation to their particular concerns, and responses to individual comments were

not appropriate due to the format of the meeting. For that reason, a workshop was conducted on February 1, 2010 to allow staff and the public to interact directly regarding all concerns. A summary of comments and responses from that meeting is attached.

SUMMARY:

From the comments made at the public workshop, the following was observed

General

The big question asked is why the Town cannot have a Townwide drainage system that provides detention to cure the ills of all the homes in Town, or alternatively, to require all homes to have detention facilities. Some comments were to the effect that all homes should be analyzed and the mitigation for drainage be related to the quantity of runoff from the property, i.e., fix those that are the problem.

Atherton Criteria

Residents, developers and engineers are confused by the criteria. The criteria also do not appear to allow different application to different site conditions. The criteria do not indicate that alternatives to underground tanks are allowed (in fact recommended) by the Town. The criteria also do not clearly explain the rationale and methodology for analysis and treatment of offsite flows from uphill properties. Because of this confusion, differential treatment by various Town reviewers has occurred.

It is also possible that the Town's criteria that has been in effect for over 10 years is stricter than other cities, not just in requiring detention for all new impermeable areas with no credit for existing (a decision intentionally made to improve conditions in the Atherton Channel and Redwood Creek), but in the detailed analysis components such as rainfall intensity (25 year storm). The criteria also do not allow credit or analysis protocol for properties with significant permeable area on-site, such as lots that never have runoff away from the property, even in the heaviest storms, because of their topography, permeable to impermeable ratio and soil.

Residents also complained that percolation tanks designed for them have not functioned correctly, with water either not leaving the tanks or water entering the tanks from the groundwater.

Maintenance Agreement

The primary concerns about the maintenance agreement as written is that residents believe that it allows unrestricted access to the property by Town staff and others, that it allows the Town to enter the property and make repairs at owner's expense without starting an abatement procedure, and that it requires the owner to indemnify the Town.

The Maintenance Agreement is not required by state law for one single family residence project. The Town adopted the agreement initially to assure that treatment systems installed per the

criteria continued to function. Residents do not like having the Town determine this, and appear to be willing to take on the responsibility for these systems just as they do for the other complex systems on their properties (although many argued that these system were not only too expensive to install, but too expensive to maintain). There was an understanding that the Town seeks to assure that subsequent owners of the property are aware of this responsibility.

ANALYSIS:

While it is the Town's ultimate goal is to assure that undesirable consequences do not happen to any of the Town's residents or our neighbors downstream, both the criteria and the Maintenance Agreement can be modified to address the concerns identified at the various meetings held to discuss the drainage criteria.

General

The primary obstacle to a Townwide drainage system is money. A study has not been done to determine how to do such a system, to estimate its costs, and to determine where to find property sufficient for such a system. Staff recommends that, if the Council desires to pursue this option, that a study be budgeted for the upcoming CIP to study this issue, and that five to ten million dollars be budgeted as a placeholder in the five-year CIP. A real obstacle to a Townwide system is that detention facilities will need to be situated all over town in order to address more localized flooding potential, and to address the several drainage systems to which Atherton drains. A system such as this must start at the top of the system to hold the water back and work downstream so that flooding potential all along the various channels is reduced.

The Townwide drainage system also cannot be designed for future increases in runoff from individual properties. In addition, a Townwide drainage system cannot solve the drainage issues between neighboring properties. Constructing a Townwide system will only allow for the criteria for individual properties to be loosened to require no net increase in runoff from the before project condition (before this project only), instead of from the pre-development condition (before anything was built), the basis of the current criteria. Properties substantially increasing the impermeable area will still need to include some form of detention.

Alternatively, the Town can decide to require all homes to meet the drainage criteria, or a modified version that takes into account properties with more severe runoff and allows credits for properties that currently retain some or all their runoff onsite. This can be accomplished by a certificate program, whereby all properties are given until a specified date to obtain a certificate of compliance. The certificates are issued similar to a permit. Any property without a certificate by the deadline date is in violation and abatement proceedings and/or fines could be instituted. An example is the Tahoe Regional Planning Agency's BMP Certificate program, approved in 1988, which covers all properties in California and Nevada that drain into Lake Tahoe, with a final compliance deadline of October 2008. There are currently 12,481 certificates issued in the Tahoe Basin. For more information see: http://www.tahoebmp.org/Default.aspx

In addition, the criteria will need to be strengthened to meet the requirements of the new C.3 Provisions. A first part of this is that the Grading and Drainage Ordinance (Section 8.54 of the

Municipal Code) will need to amended to require a permit for projects constructing or replacing 2,500 square feet or more of impermeable area. Then the C.3 Provisions that relate to water quality will need to be amended into the drainage criteria, which can be amended by resolution. Those provisions are:

C.3.a.i.(6)

For all new development and redevelopment projects that are subject to the Permittee's planning, building, development, or other comparable review, but not regulated by Provision C.3., encourage the inclusion of adequate site design measures that may include minimizing land disturbance and impervious surfaces (especially parking lots); clustering of structures and pavement; directing roof runoff to vegetated areas; use of micro-detention, including distributed landscape- based detention; preservation of open space; protection and/or restoration of riparian areas and wetlands as project amenities;

C.3.a.i.(7)

For all new development and redevelopment projects that are subject to the Permittee's planning, building, development, or other comparable review, but not regulated by Provision C.3., encourage the inclusion of adequate source control measures to limit pollutant generation, discharge, and runoff. These source control measures should include:

• Storm drain stenciling.

• Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.

• Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.

• Covered trash, food waste, and compactor enclosures.

• Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:

- *Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.*
- *Dumpster drips from covered trash and food compactor enclosures.*
- *Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.*
- *Swimming pool water, if discharge to onsite vegetated areas is not a feasible option.*
- *Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option.*

C.3.i. Required Site Design Measures for Small Projects and detached Single-family Home Projects

i. Task Description *– The Permittees shall require all development projects, which create and/or replace > 2500 ft^2 to < 10,000 ft^2 of impervious surface, and*

detached single-family home projects, which create and/or replace 2,500 square feet or more of impervious surface, to install one or more of the following site design measures:

- *Direct roof runoff into cisterns or rain barrels for reuse.*
- *Direct roof runoff onto vegetated areas.*
- *Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.*
- *Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.*
- *Construct sidewalks, walkways, and/or patios with permeable surfaces.*
- *Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.*

The ordinance amendment is necessary in order for the Town to adequately review plans and issue permits to assure compliance with C.3. However C.3 does not require the Town's threshold for detention systems to drop to 2500 square feet. It only requires that the provisions of C.3.i, as set forth above, be applied to projects that construct or replace 2500 square feet or more of impermeable area. It also encourages the provisions of C.3.a.1.(6) and (7) be applied to all projects. The Town can keep its detention threshold, or change it.

Staff recommends that the detention threshold remain at 5,000 square feet of impermeable area for consistency with past practices if the criteria continue to require detention for all new impermeable area with no credit for existing impermeable area. Staff recommends that the detention threshold be reduced to 2500 square feet for consistency with the new C.3 threshold, or to the 1000 square foot threshold of the pre-2007 criteria, if the criteria are revised to cover only a net increase in impermeable area.

Criteria

The detention requirement is designed to protect downstream property owners, both in Atherton and in other jurisdictions between Atherton and the Bay, from flooding caused by the large quantity of impervious area built and being increased in Atherton. The Drainage Criteria adopted in 2007 codified the criteria for detention although it had been practiced under the ordinance for more than 10 years. The pre-2007 criteria were actually stricter than the current criteria, requiring detention on properties with over 1000 square feet of impervious area (see attached pre-2007 criteria).

The criteria could stand to be clarified if nothing else. Design engineers have difficulty deciphering the requirements, and reviewing engineers have difficulty consistently applying the criteria. These concerns can be addressed by a reorganization of the criteria with clarification of what is required under what conditions. This modification is recommended by staff.

A larger concern is that the criteria are silent as to what types of detention systems are allowed. The intent was that any detention system that accomplished the goals is approvable. The criteria

can be modified to add examples of detention systems, especially the landscape based systems that the new C.3 provisions anticipate. The list will not be all-inclusive, because technological advances may introduce new options to meet the goals. This modification is recommended by staff.

Another area where the criteria are silent is in relation to the existing ability of an individual property to detain runoff on the site without constructing additional detention facilities. The criteria can be modified to allow calculations and soil testing to show that the site can partially or completely detain the runoff on-site, either to reduce or eliminate the requirement for additional detention systems. This modification is recommended by staff.

With regard to the Town's criteria being stricter than other cities, that is definitely the case. Due to the concerns originally raised that caused the Town to implement detention, and to further refine the criteria in response to ongoing concerns, the Town's criteria are stricter in requiring detention to decrease the runoff (by not crediting for existing impermeable area) instead of not increasing it. This was intentional. With regard to the design storm being used in the criteria, staff is currently investigating this claim. So far we have determined that Santa Clara County, the criteria quoted by the comments, uses a combination of the 10-year and 100-year storm to size detention facilities. The C.3 provisions and other agencies use entirely different criteria. Review staff are not experts in establishing these criteria, and if Council directs that a study be made of alternative criteria, a consultant should be hired to prepare a study. Suffice it to say that the Town's criteria has been used for over 10 years without the design engineers involved indicating that it was an inappropriate criteria. Action to revise the hydraulic criteria is not recommended by staff. Note also that action to loosen previously approved criteria will require a CEQA review of potential environmental impacts.

It should also be noted that requiring detention of the 25-year storm is not inconsistent with the Town's pipes being designed for the 10-year storm. Detaining runoff for the 25-year storm decreases the probability that the Town's storm drains will be overwhelmed by storms exceeding the 10-year storm event. Santa Clara County's pipes are also designed for the 10-year event, with the understanding that the 100-year event for which detention is designed will be carried in the streets. If detention on a property is overwhelmed in an event larger than 10-years, it may flood into a neighbor's house, not just the streets. This is also the reason why both the Santa Clara County and Atherton criteria require evaluation of the flow of the 100-year event through the property to verify that it does not get redirected to somewhere it did not go before, with the potential to cause substantial harm. This evaluation should be strengthened and clarified in any modification to the criteria. Clarification of the 100-year flow is recommended by staff.

And finally, with regard to systems that do not work properly because of water intrusion, the criteria already require a soils engineer to evaluate the site if percolation is going to be used. In the past, reviewers allowed percolation systems without soils reports if a pump was installed to assure the system would be dewatered. Based on the comments, this practice will be discontinued immediately. The criteria will be supplemented to clarify that no percolation is allowed unless a soils engineer verifies that the percolation system will work and will provide a flow of water out of the system. This modification is recommended by staff.

Maintenance Agreement

The Maintenance Agreement provisions of C.3.h are only required for treatment systems installed on "regulated projects", as defined in the C.3 provision, such as commercial, schools, and multi-lot developments. They are not required for detached single-family home projects.

The new Provision C.3.h states (the Town is the Permittee for purposes of C.3):

C.3.h. Operation and Maintenance of Stormwater Treatment Systems

i. Task Description *– Each Permittee shall implement an Operation and Maintenance (O&M) Verification Program.*

ii. Implementation Level *– At a minimum, the O&M Verification Program shall include the following elements:*

(1) Conditions of approval or other legally enforceable agreements or mechanisms for all Regulated Projects that, at a minimum, require at least one of the following from all project proponents and their successors in control of the Project or successors in fee title:

(a) The project proponent's signed statement accepting responsibility for the O&M of the installed onsite, joint, and/or offsite stormwater treatment system(s) and HM control(s) (if any) until such responsibility is legally transferred to another entity;

(b) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the O&M of the onsite, joint, and/or offsite installed stormwater treatment system(s) and HM control(s) (if any) until such responsibility is legally transferred to another entity;

(c) Written text in project deeds, or conditions, covenants and restrictions (CCRs) for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner to assume responsibility for the O&M of the installed onsite, joint, and/or offsite stormwater treatment system(s) and HM control(s) (if any) until such responsibility is legally transferred to another entity; or

(d) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the O&M responsibility for the installed onsite, joint, and/or offsite treatment system(s) and HM control(s) (if any) to the project owner(s) or the Permittee.

(2) Coordination with the appropriate mosquito and vector control agency with jurisdiction to establish a protocol for notification of installed stormwater treatment systems and HM controls.

(3) Conditions of approval or other legally enforceable agreements or mechanisms for all Regulated Projects that require the granting of site access to all representatives of the Permittee, local mosquito and vector control agency staff, and Water Board staff, for the sole purpose of performing O&M inspections of the installed stormwater treatment system(s) and HM control(s) (if any).

(4) A written plan and implementation of the plan that describes O&M (including inspection) of all Regional Projects and regional HM controls that are Permittee-owned and/or operated.
(5) A database or equivalent tabular format of all Regulated Projects (public and private) that have installed onsite, joint, and/or offsite stormwater treatment systems. This database or equivalent tabular format shall include the following information for each Regulated Project:
(a) Name and address of the Regulated Project;
(b) Specific description of the location (or a map showing the location) of the installed stormwater treatment system(s) and HM control(s) (if any);
(c) Date(s) that the treatment system(s) and HM controls (if any) is/are installed;
(d) Description of the type and size of the treatment system(s) and HM control(s) (if any) installed;
(e) Responsible operator(s) of each treatment system and HM control (if any);
(f) Dates and findings of inspections (routine and follow-up) of the treatment system(s) and HM control(s) (if any) by the Permittee; and
(g) Any problems and corrective or enforcement actions taken.
(6) A prioritized plan for inspecting all installed stormwater treatment systems and HM controls. At a minimum, this prioritized plan must specify the following for each fiscal year:
(a) Inspection by the Permittee of all newly installed stormwater treatment systems and HM controls within 45 days of installation to ensure approved plans have been followed;
(b) Inspection by the Permittee of at least 20 percent of the total number (at the end of the preceding fiscal year) of installed stormwater treatment systems and HM controls;
(c) Inspection by the Permittee of at least 20 percent of the total number (at the end of the preceding fiscal year) of installed vault-based systems; and
(d) Inspection by the Permittee of all installed stormwater treatment systems subject to Provision C.3., at least once every five years.

These provisions are essentially the same (except that the reinspection period is every five years instead of every 10 years) as those adopted into the Atherton Design Criteria because the detention systems required are treatment measures, requiring the same level of inspection (including vector control inspection) and maintenance to remain sustainable as the treatment measures installed on "regulated projects".

The Maintenance Agreement used was not developed by Town staff. It is the standard Maintenance Agreement used by all Bay Area jurisdictions. If the Council determines that the Maintenance Agreement should be modified for detached single family home projects, the standard Maintenance Agreement should be retained for those projects classified as "regulated projects" according to the C.3 provisions. For detached single family home projects, the Council has the following options:

1. Retain the standard agreement – of the numerous agreements already signed, only a very few have complained. The rest realize that the agreement is only requiring them to do what needs to be done to sustain the system. Retaining the standard agreement is recommended by staff so that Atherton remains consistent with other jurisdictions. If the standard agreement is updated by the regional agency, Atherton's would be updated as well.
2. Modify the agreement for detached single family homes to adjust the "onerous" language, based on a thorough study of the issues involved in each objectionable clause. The City attorney should advise the council on the indemnification clause. Many of the other clauses can be easily modified, such as including a reference to an abatement procedure and restricting access to require an appointment with the property owner. Modification of existing agreements is optional, either at Council direction or upon request of owners.
3. Rescinding the agreement for detached single family homes, including all agreements entered into since 2007, places the burden of maintaining the systems completely on the property owner, with no independent check by the Town. The Town can undertake a program to annually notify all properties with systems of the need to maintain the systems, i.e., before the winter rains begin.
    a. If the agreements are rescinded, it may be appropriate to still require a recorded notification of the presence of the detention system and the need to maintain it. This will serve to notify subsequent purchasers of the property. The amended notification can be included in the rescission document.

FISCAL IMPACT:

The fiscal impact of modifying the drainage criteria and maintenance agreement will depend on the direction given by Council, as follows:

1. A Municipal Ordinance amendment to reduce the threshold will be relatively simple, taking a minimal amount of staff and City Attorney time. It will also require Council action, but should not take a lot of time. This action needs to be taken regardless of other direction given, on or before December 1, 2012.
2. Clarifying and reorganizing the criteria to be more easily followed, and including examples of alternative detention systems, will require a fair amount of staff time. The Public Works Director/City Engineer currently reviewing the plans would be the best person to do this. While there is no fiscal impact to this, it takes time away from other duties.
3. Evaluating the detailed hydraulic design criteria and potentially changing to a different level of protection will require hiring a consultant experienced with hydraulics to evaluate the needs and intentions of the Town, to gather and compare the criteria of other jurisdictions, and to develop a new set of Town criteria. A study such as this would be expected to cost over $15,000, requiring an RFP process and additional Council approval to proceed. It should be noted that loosening the criteria from previously adopted criteria will requires CEQA review.

4. Rescission of the Maintenance Agreement would require drafting and recording rescission documents for each maintenance agreement already recorded. If a replacement notification is desired, it can be included in the rescission document. City Attorney time will be needed to draft a standard document, staff time to prepare documents for each affected property and City Clerk time to record them.
5. Modification of the Maintenance Agreement would require City Attorney time to review the clauses suggested for revisions, especially the indemnification clause, and staff time to review and modify the other clauses.
6. Evaluating a Townwide drainage and detention system would require hiring a consultant. The cost of the consultant would need to be determined for budgeting, and an RFP process conducted to find the most qualified consultant for the tasks needed. A study of this magnitude could be expected to cost in excess of $100,000.
7. Designing and constructing a Townwide drainage system will require design and construction costs, but is also likely to require the purchase of property on which to construct the detention facilities. Some could be constructed on existing town facilities, such as the Holbrook-Palmer Park fields, within the existing Atherton Channel easements or under roadways, but these areas would be either insufficient or cost prohibitive and additional private property would be needed. This could possibly be achieved by negotiated sale of a property, but could also involve condemnation by eminent domain. In studies conducted several years ago for other agencies, it was determined to be significantly less expensive to purchase property than to install pipe systems under roadways, although this might not be true in Atherton due to the high value of land.

   While staff has not estimated the project, it could be expected to cost in excess of $5 million, and possibly more than $10 million if several private properties need to be purchased. A funding mechanism for a Townwide system would need to be created, such as a special assessment district or a special parcel tax. Long term maintenance costs for the system would also need to be considered.

Prepared By:

Duncan L. Jones, P.E.
Public Works Director

Approved:

Jerome D. Gruber
City Manager

Attachments: Public Meeting Comments and Responses (2/1/2010)
Pre-2007 Criteria

February 1 Public Drainage Workshop
6:00 p.m. – Town Council Chambers

Present: City Manager Jerry Gruber
Public Works Director Duncan Jones
Deputy City Clerk Theresa DellaSanta

City Manger Gruber introduced the topic.

Public Works Director Duncan Jones presented the community with the history of Atherton's current Drainage Criteria.

Drainage criteria was passed by Ordinance but can be amended by Council resolution.

Staff will evaluate all the comments to come up with modified criteria to present to Council.

Drainage Criteria:

Q. Why isn't there a Town-wide drainage system?
A. Town-wide systems wouldn't help with run off to neighboring properties. It would help to reduce the load on the Atherton Channel and Redwood Creek. However, the municipal regional permit also requires us to do a program called "start at the source" which is how you clean the water. That program starts with each individual residential property.

Q. Has a study been done to find out how much it would cost to do a Town-wide system?
A. A study has not been done.

Comments:
- A study should be done to understand how much it would cost to put in a town-wide system instead of putting the burden on the property owners.

Response:
- A study can be done.

Comments:
- Criteria are extremely expensive to implement and substantially assures a total cost, including studies, engineering and construction in excess of $75,000 per lot.
- The current drainage systems that property owners are required to install do not work.

Response:
- The architects and engineers are responsible for the design, both cost and function, of the project. Less costly systems can be used.

Q. How many people put these drainage systems on their properties in the last year?

A. The Town does about 40 per year and there are about 500 systems in. The pre-2007 requirements required an underground retention system. After that criteria was removed you were allowed to install any system you wanted that provided detention.

Comments:
- Having to file paperwork with the Town every year to show that the system is being maintained is ridiculous.

Q. Do the drainage systems work? My experience is the systems cost $100,000 and they don't work. It's a bad design. We physically could not pump out the water.
A. The design is done by the property owner's engineer. It sounds like the system was originally designed with percolation and then a pump was installed instead of proving that the percolation will work. We anticipate changing the criteria based on these comments and won't allow percolation systems without a geotechnical report that shows it will work and not have this kind of problem.

Q. Is the drainage system just to serve uphill?
A. We are trying to protect the properties uphill and downhill. Water law requires the downhill property owner to accept the flows from the uphill property owner and the uphill owners are entitled to discharge the historical downhill flows to the downhill property who is then required to accept it. As soon as you change the flow by building anything on your property then all bets are off. The design should make it so the historical flows are not exceeded, don't cause a backup on the uphill property owner, don't discharge on the downhill property owners more then they used to get and don't flow somewhere it didn't used to go.

Comments:
- That makes complete sense but statistically in the last decade we've had storms back to back that have hit at least a 50 if not a 100 year storm. I agree that it is up to the engineer to look at everything but it is not easy to do a water shed analysis for the entire neighborhood.

Response:
- Quite a few of them have been done, and they are not too complicated.

Q. One of the requirements in Atherton is to have a foot of freeboard to light wells or stairs that lead down to basements. Why would we need to go through an entire analysis if there is already a foot of freeboard?
A. You need to be a foot above the water level. If the water level is a foot above your ground then you should be at least one foot above that.

Q. In the flatter areas, what is the history of ponding in those areas of over a foot? We are trying to analyze a whole neighborhood for a 100 year flood zone when FEMA has already said we aren't in a hundred year flood zone.
A. There are no designated flood zones in Atherton but that doesn't mean when it rains that hard there won't be localized flooding. There are houses that have a definite

depression and serious problems in heavy rains. It is to provide the protection that the houses were not getting before.

Q. Is Atherton responsible for boundary communities?
A. Yes to some extent. We are discussing a development with Woodside who would have to meet the Atherton Channel criteria so they don't send more water down on us. Flows come in from Menlo Park but in addition our flows go out to Menlo Park, Redwood City and Palo Alto.

Comments:
- There has been construction in the past to take care of the Atherton source water that's being delivered northward in the County and Anna Eshoo (as County Commissioner) purchased the entire surface of Stockbridge Ave to expedite the engineering process. I wouldn't want to see that change through inadvertence.

Q. Do the drainage systems cause damage to trees?
A. Myself and the Town arborist review all the plans and make engineers change things so they do not damage trees. There are systems that can be put in without a tank so that it won't damage trees. Rain gardens and downspout planter boxes can operate as both as detention and as water quality prudence.

Comments:
- You can't plant large trees on top of these systems which counters the general plan of the Town.

Response:
- Most properties have plenty of room for landscape based detention systems. If not, tanks can be placed under driveways or even under the house.

Q. What will the Town do to work hand in hand with the engineers and architects to make the system meet the requirements and still be viable and affordable to the property owners?
A. Stormwater design resources are available that deal with alternative technology. Atherton will make a list of examples of things that can be done, but we don't want the industry to be limited by the list. Anything that works is fine with us.

In 2012 the municipal regional permit will require Atherton to implement water quality provisions in all of the developments creating 2500 square feet of impervious area. We will be working closely with the engineering community to implement these new requirements.

Q. If everyone in Atherton had one of these drainage systems what would be the result to Atherton?
A. We'd go back to the way things were before anything was ever built on the land.

Comment:

- If there was an original study that was the basis of these requirements, put the original study online

Q. Safety fencing with rain garden features?
A. When the sides are so steep that you can not get out of the water then it should be fenced. Most are relatively shallow. The more area you use for it, the less depth it needs.

Q. Should we have a retention system that can accommodate a 25 year storm with the ability to pass through a larger storm?
A. Yes, you need to design an overflow that goes to where you want it to go. A 25 year storm is the standard that the Town has in effect, but larger storms certainly do occur.

Comments:
- A 25 years storm is two times more then the industry standard and there should be different requirements for different areas in Atherton.
- New development should be given credits for impervious area that was already on the lot.
- The Town could make information available if the lot being developed already has runoff problems, before requiring zero credit for existing impervious area.
- The criteria should take into consideration the ratio of pervious to impervious area.

Q. Is 25 year storm the normal that others have because you said that's the main difference between Atherton and other jurisdictions? Most homes in Atherton are an acre and the amount of area you can build on is a fraction of that whereas surrounding cities have much greater percentages. How is it when we have so much more open area to build on we have these strict standards?
A. I will check the standards used by other towns and if we are overreaching we'll evaluate whether we should be using different standards. What is really different about Atherton than other Towns is that other towns tell you that there is no net increase in flow whereas Atherton decided to improve the situation because of the downstream flooding problem.

We will also look into making it clear that the engineers can show the ability of the property to hold or percolate the runoff to eliminate or reduce the size of detention needed.

Q. Are we all really being misled and don't really need a tank?
A. It you live on a steep hillside some of the alternative plans will not work on your property and you may need a tank. You may not have enough level area to devote to a rain garden. But rain gardens can be terraced into the hillside just like some lawns I've seen. And lawns can be used as detention just like almost every park in the Central Valley.

Q. Why is water coming into my system?
A. The system that is designed for your property should have worked but if it didn't then a step was missed where the water comes into the system. A soils report should have told

if the system would work. However, sometimes there are soil layers that cause water to migrate and go into a percolation system when it was supposed to go out. The solution is to seal the holes in the pipe.

Also, some people don't want to pay the cost of a soils report, and instead install a pump to evacuate the system. This should not be done, and will no longer be allowed.

Q. How will you stop the miscommunication and how do we prevent it in the future?
A. We will include more direction on alternative methods of achieving the desired result.

Comments:
- The current criteria are hard to read and understand. We get different answers to different questions from different people in the Town offices.

Response:
- We will reorganize and clarify the criteria. We have already instituted standard comments so everyone gets the same answer.

Q. Was the contract employee who worked on the criteria in the past following any State guidelines? The Town or the contract staff told engineers that they were required to count 100% of pervious lot.
A. We no longer have a consultant. Public Works now takes care of the process and I agree that the criteria need revisions. We are working to get consistency to the system and clarification in the agreement. An engineer that interpreted that it was required to count 100% of the pervious lot made an error.

Q. Were there any success stories with this system?
A. [Town resident] – I live on Atherton Ave on an acre and a half with 7,000 square feet and a depressed lawn area and my system has handled all the water and works beautifully.

Q. Why aren't all Atherton property owners required to put in the system?
A. The Building Department had a policy where they did not require new code requirements unless you came in for a permit to do something. It can be done by requiring that every owner submit a certificate of compliance – ultimately that's up to Council.

Q. Builders that are raising the grade level of their properties to push water down; water now going around their property. What recourse can neighbors take?
A. Runoff from upstream can be routed around a property and discharged in the historic drainage path. Raising the property to protect the structure is allowed. The uphill owner still cannot discharge more water or in a different location.

Q. Why can't we go back to dry wells?
A. County Health prohibits dry wells.

Comments:

- The criteria does not take into effect the slope of the lot. Some lots are flat and some have a heavy slope yet all lots are required to follow the same rules.
- Providing some credits for impervious reductions for different types of surfaces would help encourage more use of pervious surface.

Maintenance Agreement:

Questions, Comments and Answers:

Comments:
-Eliminate the Agreement
-Look at requirements from surrounding Cities and Counties
-Too costly to maintain

Response:
The Municipal Regional Permit requires that the Town to inspect all treatment systems that are installed on regulated projects. Single family homes are not regulated projects but the same inspection criteria was adopted for homes because you are building treatment systems the same as those required for commercial. This was a consultant recommendation and Council approved.

Q. Was the maintenance agreement a part of the ordinance that was originally approved?
A. Yes, the original criteria required a Maintenance Agreement, and the regional form was attached. The maintenance agreement is not required for single family homes. Council required it based on recommendation by consultant to have a mechanism to make sure they worked into the future. Staff felt that the regional agreement should be used just as it is for other projects.

Q. Is the Town in a position to manage 500 of these?
A. Yes. We would require a certificate that it was inspected and every year we will inspect only 20% of the systems. The person who would inspect it is the person the home owner hires who would then send a certificate to the Town.

Comment:
- Concerned that staff is taking on more responsibility when there have been problems with failure to complete inspections in the past.

Q. The maintenance agreement says you are allowed to enter our property at anytime to inspect the system and that is a violation of property rights. The Police are not allowed on our property at anytime but Public Works is? And you are going to perform work on our property and ask the property owner to indemnify the Town.
A. We would not walk on to your property unannounced to inspect. We would make an appointment. Wanted to address some of the misconception about what the Town can and cannot do. If we go out and inspect your system and find out it doesn't work we would then go into an abatement procedures. The biggest problem, unlike your sewer system when it fails it only backs up on your property, but when a drainage system fails it backs

up on or floods your neighbors' properties. One of Council's main concerns when putting this together in 2007 was where the water was coming from and that the people building properties were flooding out their neighbors.

Comments:
This only happens in certain parts of the Town.

Response:
I have seen this problem everywhere in the Town. Even on Flood Circle where there is no grade on the street so the water goes on to all of the surrounding properties. This is an area where the criteria would be useful because it needs percolation to get rid of the runoff.

<u>Written comments received regarding language concerns with the Maintenance Agreement:</u>

Q. The preamble says the health safety and welfare of the citizens of the Town require that the system be constructed and maintained.
A. This is just standard language in the agreement we were given. In stead of using the word "require" it could be changed to "Council has determined" that the health, safety and welfare…

Q. If the property owner fails to maintain the system the Town can bill whatever they wish.
A. This is where we would go into an abatement process and the home owner will have multiple chances to comply. It means if your system does not work you need to take the necessary measures to put it into working condition.

Q. But it doesn't say that.
A. Reference to an abatement procedure can be added to the agreement.

Q. Section 6 allows the Town to arbitrarily change the detention measures.
A. Section 6 says "if your system does not work". We would not make you redesign your system if it worked. We would need to go back to your original design and find out why it didn't work and then modify it so it works.

Q. Section 7 unfair access to property owners. Huge liability to grant permission to Town staff to enter property to inspect the system.
A. Access would require reasonable notice and to make an appointment with the property owner. We don't walk in unannounced and the language could be changed to say that. Its currently says "reasonable time" and "reasonable manner" but if it needs to be more specific we can do that.

Q. Why should owner agree to indemnify the Town when the owner didn't even design the system?

A. The Town did not design the system either. The system if functioning correctly protects the public. If your engineer designs a system based on the Towns criteria and it fails due to a flawed design or poor construction the Town should not responsible if sued.

Comments:

- It is not our [property owner] job to protect the public. The whole system is an experiment and if it doesn't work we should not have to indemnify the Town.

Closing Staff Comments:

Property owners should disclose if they have one of these systems when selling their property. Make sure the new owners have a diagram and know about the system and where the system is located.

Council could say we need to collect an assessment district in order to help pay for a Townwide system or they could decide to require a system on every property.

Staff will revisit the criteria and the maintenance agreement and bring options back to Council who will make the final decision.

Pre-2007 Criteria

Town of Atherton
Grading and Drainage Criteria

The Site Drainage Criteria applicable to residential building projects in the Town of Atherton follows a policy that is focused on requiring the project to show how the runoff from the site's impervious areas (roofs, hard-paved surfaces, driveways, etc.) are being handled. The Town's policy is that there be no increase in runoff from new development. **The Town does not permit concentrated runoff to be directed off of a property, to either the street right-of-way or to an abutting property, regardless of the existence of any natural drainage way, and regardless of the percentage of the tributary drainage basin that a building site may represent.** The site drainage improvements should be sized for all of the planned future development of the site. The drainage from new development (which includes subsequent phased development) must be mitigated to historic runoff rates.

The Town does not permit "hard line" piping and/or pumping of site drainage off of the property. Developed flows that have been discharged or migrate off of private property and into the right-of-way have frequently become public nuisances or will add to an existing substandard drainage condition. Due to the virtually flat grades along many of the property frontages in Atherton, such drainage patterns will lead to a condition of ponding along the abutting street frontage that is unacceptable to the Town.

The manner in which site drainage is handled must: 1) not direct concentrated flows onto an adjacent property or out to the street right-of-way; 2) not direct surface drainage water towards heritage trees, where their health would be adversely affected; 3) drain to percolation trenches or beds at a maximum depth of 8 feet below natural grade, not closer than 10 feet to a property line, nor located too close to a heritage tree (since the saturated ground conditions raise issue #2 again). **In addition, any new structure with a roofed area greater than 1000 square feet must account for the runoff from that new roofed area. No deduction in roofed area is given for previously demolished structures. The runoff from the roof a new structure must drain to an underground detention/retention system.** ← ☆

The Town's Municipal Code establishes the "design storm" as the 25-year hydrologic storm event. This should be used as the basis of calculation of increased runoff due to new development over historic conditions. Any increased runoff would be the responsibility of the developer and is normally required to be handled on site.

An alternative approach to extensive hydrologic calculations is for the first two inches (2") of runoff from the impervious area of the site to be directed into an underground percolation system. ← The most common approach is for the percolation area to be sized based on a 35% void ratio in the gravel, an assumption of a zero percolation rate, and a maximum eight foot (8') depth of the percolation trench(es) or bed below existing grade. (For example: a trench 8 feet deep and 2 feet wide will require 35 linear feet of trench for every 1000 square feet of impervious area.) It is then acceptable for additional runoff that occurs during major storms, when the percolation system is at capacity and unable to accept further runoff, to be released from the property.

The development of property that involves a significant amount of grading, excavation and/or other ground disturbing activities on the site will involve other related reviews and approvals. The process for grading and drainage approval in the Town of Atherton now requires a grading and drainage permit (separate from the building permit), an excavation permit (for basement excavation), and also an erosion and sediment control plan showing the measures that will be taken by the contractors during construction to control erosion, mud tracking, etc. These measures are required of development projects per Atherton Municipal Code Chapter 8.54, and they need to be addressed before ground-disturbing activities can commence. The plan should also incorporate the recommended construction methods prepared by the San Mateo County STOPPP Program. A copy of the Town's grading and erosion ordinance and some typical erosion control details are attached.

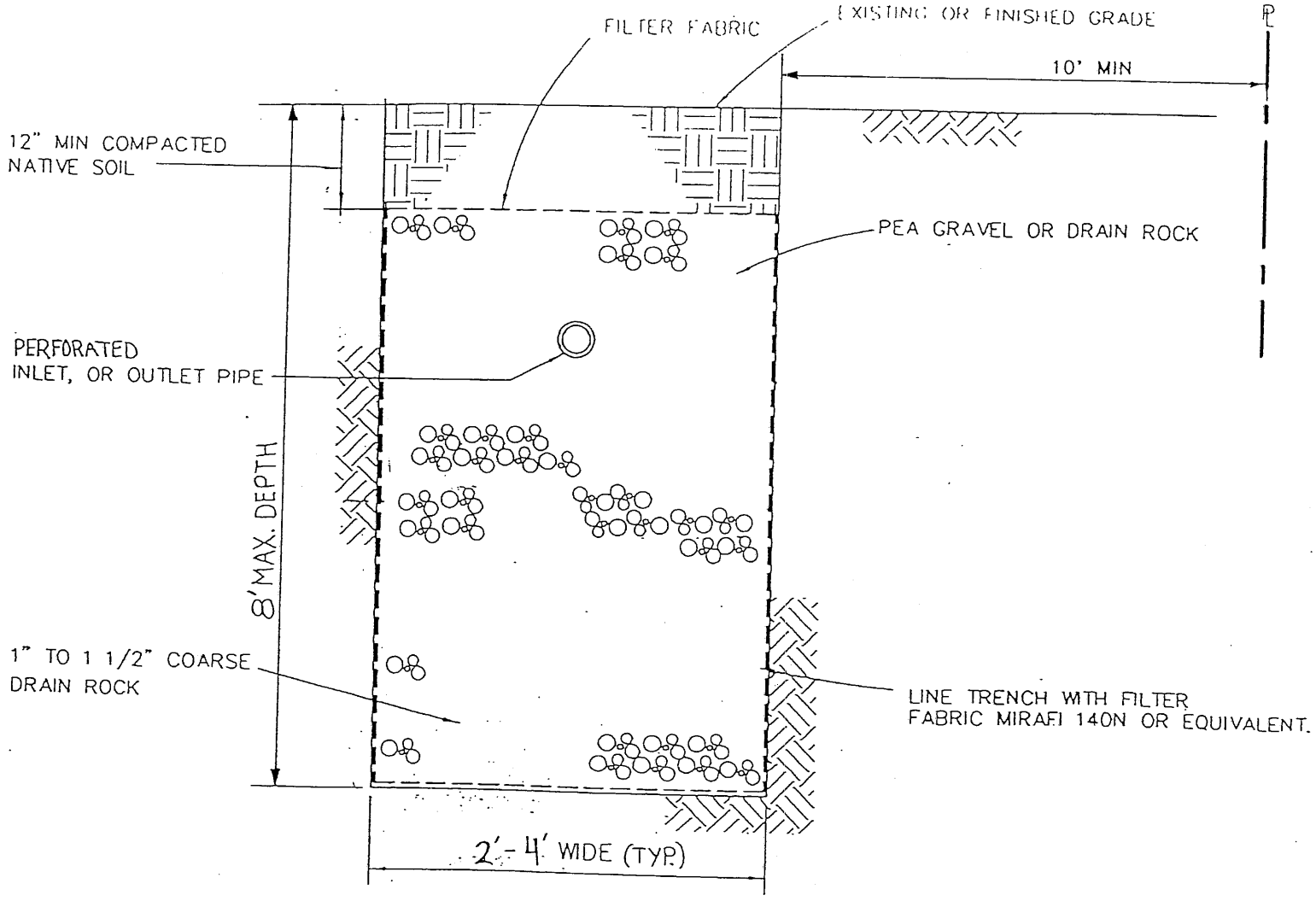
The grading plan should also:

1. Show existing and proposed contours, not just spot elevations. The existing contours are needed to establish the basis of calculating the "average grade" elevation of the lot for purposes of establishing a base elevation from which the maximum permissible height of the building will be calculated. This elevation needs to be determined and then referenced to a site "bench mark" before the site is significantly disturbed by grading and excavation activities. This elevation should be shown on the approved final grading plan.

2. The amount of earthwork planned for the site should be calculated, including any proposed basement excavation. The plan should identify the volume of excavated material that will be generated, identify how much will be placed on site as fill, and show the volume to be off hauled. Planned stockpiles need to be covered by plastic during the winter "wet season".

3. The issue of off-haul is related to the condition of the existing street. Even though the Contractor's vehicles must be "street legal", the Town's residential streets are not designed for the concentrated impact of construction activity, particularly when this is coupled with a major grading operation trucking significant amounts of excavated materials away from the site, or transporting fill material to the site. Damage to the existing street will be the responsibility of the builder to repair, as established by City Council policy. A pictorial record of the existing "before" street pavement condition on the abutting street(s) (extent to be determined on a project to project basis) must be obtained and furnished to the Town, or one will be obtained at the Developer's expense. The Contractor's truck haul route and the planned material disposal site must also be identified. A $5,000 refundable deposit will be collected by the town for offhaul greater than 500 cubic yards.

4. The site plan used for a grading plan should also show how any "heritage" trees on site would be protected. This would be accomplished by having all of the heritage trees along with proposed protection measures (typically 5' temporary cyclone fencing around the tree at the drip line) shown on the same plan. A separate handout is available from the Town on suggested methods of Heritage Tree Protection.

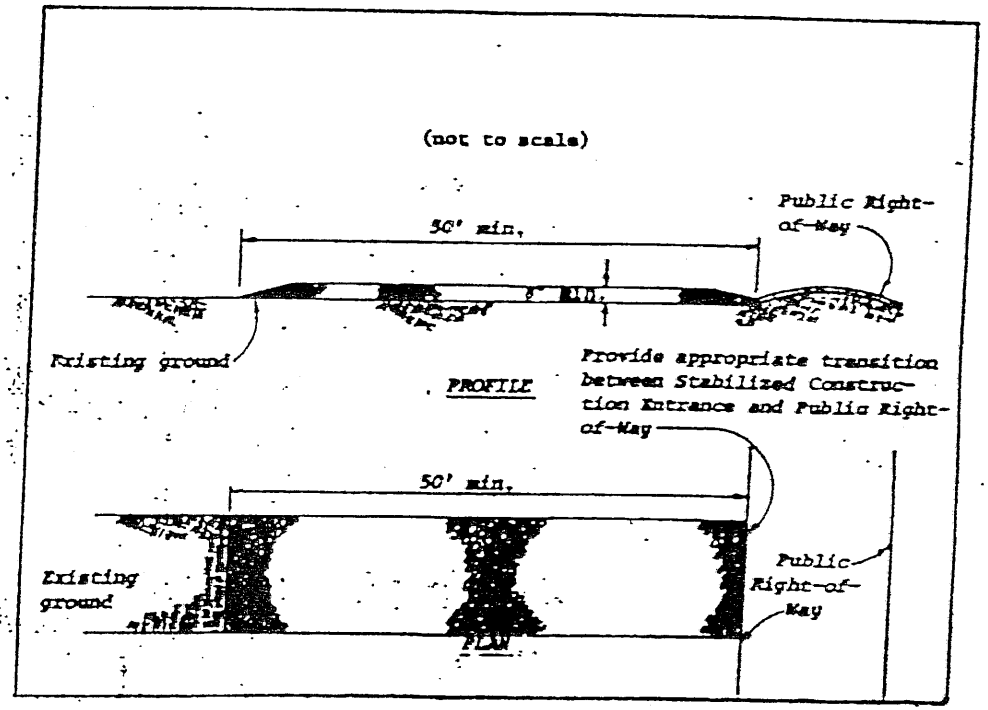


DETENTION AND ABSORPTION TRENCH

NOT TO SCALE

Design and Construction Specifications for Construction Entrance

1. The material for construction of the pad shall be 2 to 3 inch stone.
2. The thickness of the pad shall not be less than 8 inches.
3. The width of the pad shall not be less than the full width of all points of ingress or egress.
4. The length of the pad shall be as required, but not less than 50 feet.
5. The entrance shall be maintained in a condition that will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way shall be removed immediately.
6. When necessary, wheels shall be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with crushed stone that drains into an approved sediment trap or sediment basin. All sediment shall be prevented from entering any storm drain, ditch or watercourse through use of sand bags, gravel, boards or other approved methods.



Stabilized Construction Entrance

Item No. 23

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JEROME GRUBER, CITY MANAGER

FROM: **LOUISE HO, FINANCE DIRECTOR**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR BUDGET ADJUSTMENTS FOR FY 2009-10**

RECOMMENDATION

Adopt 10-12 Resolution Approving the Mid-Year Budget Adjustments for FY 2009-10.

DISCUSSION

The City Council at the January 20, 2010, WAS PRESENTED with resolution 10-04 to approve the FY 2009-10 mid-year budget adjustments with an amendment to verify the amount $153,300 overhead cost allocated to the Building Department. The VOTE IN FAVOR OF THE MOTION WAS 3-2 with the use of General Fund reserve to close the General Fund projected budget shortfall of $541,319. Staff subsequently noticed that based on the Town Fund Balance Policy adopted by the City Council in August 2009, a supermajority (4/5 vote) is required to use the General Fund reserve (fund balance). THEREFORE, RESOLUTION 10-04 was never actually adopted.

A special meeting was held by City Council on February 1, 2010, to continue discussion on the mid-year budget adjustments. NBS was presented at the meeting to further explain the Cost Allocation Plan that was adopted by the Town in June 2009. At the meeting, City Council directed staff and NBS to make modification to the model and to recalculate the appropriate amount of overhead cost that could be charged to the Building Department. The recalculation changed the Building Department overhead cost allocation plan amount from $153,300 to $168,730.

FISCAL IMPACT

To close the General Fund budget shortfall, the City Manager, in accordance with the Town's fund balance policy, is recommending the use of General Fund reserve (fund balance) of $134,774 and the Building Department operating reserve of $406,546. A 4/5 vote of the City Council is required.

Prepared by:	Approved by:
_____	_____
Louise Ho	Jerome D. Gruber
Finance Director	City Manager

Attachment:

- Resolution of the City Council of the Town of Atherton Approving Mid-year 2009-10 Budget Adjustment
- Exhibit A General Fund Mid-Year 2010 Revenues & Expenditures Review
- Exhibit B General Fund Mid-Year 2010 Supplemental Expenditure Request
- Exhibit C Other Funds Mid-Year 2010 Supplemental Request

RESOLUTION NO. 10-12

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING MID-YEAR BUDGET ADJUSTMENTS FOR FY 2009-10

WHEREAS**,** it is the goal of the City Council to continue to provide the highest level of cost-effective service to Atherton's residents within the funds available; and,

WHEREAS, the City Council annually conducts a mid-year budget review to ascertain the performance of all City departments in meeting their budget objectives, review revenue trends and make budgetary adjustments for unforeseen and emergency expenses; and,

WHEREAS, the City Council wishes to modify the FY 2009-10 budget to reflect that mid-year budget review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve an amendment to the FY 2009-10 Town Budget to enact the changes identified on Exhibit A, B, and C, attached hereto.

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 17th day of February, 2010, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

_____

Kathy McKeithen, Mayor

ATTEST:

_____

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

_____

Wynne Furth, City Attorney

Town of Atherton					
General Fund					
Mid-Year Revenues and Expenditures Review					
FY 2009-10					
					Exhibit A
		50.0%			
Description	Adopted Budget FY 09-10	Adj. Actual Jul 09 thru Dec 09	% of Annual Budget	Mid-Year Adjustment	FY 2010 Projected
Revenues					
Secured Property Tax	4,540,000	2,381,250	52.5%	200,000	4,740,000
SB813 Redemption (Suppl)	90,000	16,606	18.5%	(60,000)	30,000
Excess ERAF	530,000		0.0%	200,000	730,000
Unsecured	250,000	298,475	119.4%	48,475	298,475
Prop 1A Loan to State	-	(221,181)	-100.0%	(442,363)	(442,363)
Prop 1A Securitization Program	-		0.0%	442,363	442,363
Property Transfer Tax	125,000	134,875	107.9%	100,000	225,000
Prop Tax in Lieu of VLF (motor vehicle)	625,000	331,999	53.1%	(18,497)	606,503
Total Property Taxes	6,160,000	2,942,024	251.3%	469,978	6,629,978
Sales & Use Tax General	90,000	24,456	27.2%	(60,000)	30,000
In Lieu Sales Tax/Trip Flip	60,000	13,349	22.2%	(33,302)	26,698
Prop 172 Sales Tax for Police	65,000	23,838	36.7%	(15,000)	50,000
Total Sales Taxes	215,000	61,643	86.1%	(108,302)	106,698
Franchise Taxes-PG&E	220,000		0.0%		220,000
Franchise Tax-Cal Water	73,000		0.0%		73,000
Franchise Tax-BFI	175,000	40,337	23.0%		175,000
Franchise Taxes-Cable	102,000	24,407	23.9%		102,000
Total Franchise Fees	570,000	64,744	47.0%	-	570,000
Homeowners Exemption	31,500	5,012	15.9%	9,116	40,616
Motor Veh. Lic Fees (MVLF)	20,000	5,002	25.0%	(5,000)	15,000
SB 90 (mandated cost) reimb.	-	1,219	0.0%		-
Total Intergovernmental	51,500	11,233	40.9%	4,116	55,616
Business Licenses	150,000	77,916	51.9%		150,000
Bus Lic Refund -FY 06/07				35,000	35,000
Bus Lic Refund -FY 07/08				40,000	40,000
Bus Lic Refund -FY 08/09					-
Total Business License Tax	150,000	77,916	51.9%	75,000	225,000
Home Occupation Permit	2,500	200	8.0%	(2,000)	500
Zoning & Planning Fees	75,000	22,800	30.4%		75,000
Total Planning Revenue	77,500	23,000	38.4%	(2,000)	75,500
Building Permit Fee	600,000	219,417	36.6%	(115,161)	484,839

Town of Atherton					
General Fund					
Mid-Year Revenues and Expenditures Review					
FY 2009-10					
					Exhibit A
		50.0%			
Description	Adopted Budget FY 09-10	Adj. Actual Jul 09 thru Dec 09	% of Annual Budget	Mid-Year Adjustment	FY 2010 Projected
Plan Check Fee	320,000	176,328	55.1%	(28,000)	292,000
Grading & Drainage	88,500	24,000	27.1%	(30,500)	58,000
Total Building Revenue	1,008,500	419,745	118.8%	(173,661)	834,839
Municipal & Vehicle Code Fines (Parking)	11,000	5,156	46.9%	(8,931)	2,069
Other Fines & Forfeiture (County)	8,525	10,279	120.6%	8,931	17,456
DUI Enforcement	1,200	-	0.0%		1,200
Alarm Sign Fees	600	420	70.0%		600
Vehicle Release	1,000	360	36.0%		1,000
Police Report	2,500	1,970	78.8%		2,500
Affidavit of Cost	2,000	200	10.0%		2,000
Solicitor's Permit	400	27	6.8%		400
Special Service Fee	525	594	113.1%		525
POST Reimb	8,000	2,776	34.7%		8,000
CALNENA Reimb	3,000	-	0.0%		3,000
CLEARS Reimb	395	-	0.0%		395
DOJ Grant (vests)	1,500	22	1.5%		1,500
Donation K-9	14,286	14,361	100.5%		14,286
Sale of Property		501	100.0%		-
Finger Printing Fee		42	100.0%		-
Total Police Revenue	54,931	36,708	8	-	54,931
Encroachment	125,000	59,390	47.5%		125,000
Highway Maintenance Reimbursement	-	35,700	0.0%	35,700	35,700
Total DPW Revenue	125,000	95,090	47.5%	35,700	160,700
Social Fees	60,000	28,575	47.6%		60,000
Meeting Fees	60,000	34,375	57.3%		60,000
Class Fees	15,000	7,960	53.1%		15,000
Weddings	140,000	57,500	41.1%		140,000
Misc. Use Fee	1,400	1,160	82.9%		1,400
Total Park Program Revenue	276,400	129,570	281.9%	-	276,400
Application Fee		650	100.0%		-
Other Licenses & Permit	500	250	50.0%		500
Grant		8,244	100.0%		-
DOC Grant	5,000		0.0%		5,000
ABAG Grant	10,000	18,338	183.4%		10,000

Town of Atherton					
General Fund					
Mid-Year Revenues and Expenditures Review					
FY 2009-10					
					Exhibit A
		50.0%			
Description	Adopted Budget FY 09-10	Adj. Actual Jul 09 thru Dec 09	% of Annual Budget	Mid-Year Adjustment	FY 2010 Projected
Other Reimbursements	-				-
Interest Income	150,000	11,936	8.0%	(90,000)	60,000
Cellular One	36,000	18,676	51.9%		36,000
Post Office	51,768	25,881	50.0%	(20,000)	31,768
Property Rental - Playschool	77,580	45,252	58.3%		77,580
Miscellaneous Income	10,000	5,840	58.4%		10,000
Document/Research Fee	-				-
Photocopy Fee	6,000	3,345	55.8%		6,000
Donations/Contributions	-	-			-
Total Misc. Revenues	346,848	138,412	6	(110,000)	236,848
Total Operating Revenues	**9,035,679**	**4,000,085**	**2398.4%**	**190,831**	**9,226,510**
Expenditures					
City Council Department	29,382	11,633	39.6%		29,382
Administration Department	798,060	409,787	51.3%	10,828	808,888
City Attorney Department	423,000	221,348	52.3%		423,000
Finance Department	534,584	270,321	50.6%	65,561	600,145
Planning Department	196,257	83,842	42.7%		196,257
Building Department	1,017,047	533,088	52.4%	55,608	1,072,655
Non-Department	433,477	327,432	75.5%	103,507	536,985
Police Department	5,085,310	3,005,792	59.1%	450,384	5,535,694
Public Works Department	1,799,426	936,765	52.1%	128,997	1,928,423
Total Operating Expenditures	**10,316,543**	**5,800,008**	**475.7%**	**814,885**	**11,131,428**
Excess (Deficiency) of Revenues Over Expenditures	**(1,280,864)**	**(1,799,923)**		**(624,054)**	**(1,904,918)**
Other Financing Sources					
Transfer in from Special Parcel Tax Fund	780,863	390,432	50.0%		780,863
Transfer in from Facilities Construction Fund				82,735	82,735
Total Transfers In	**780,863**	**390,432**	**50.0%**	**82,735**	**863,598**
Net Change in Fund Balance	(500,001)	(1,409,491)		(541,319)	(1,041,320)
Beginning Fund Balance	7,203,277				7,203,277
Ending Fund Balance	6,703,276	(1,409,491)		(541,319)	6,161,957

Town of Atherton					
General Fund					
Mid-Year Revenues and Expenditures Review					
FY 2009-10					
					Exhibit A
		50.0%			
Description	Adopted Budget FY 09-10	Adj. Actual Jul 09 thru Dec 09	% of Annual Budget	Mid-Year Adjustment	FY 2010 Projected
Analysis of Fund Balance:					
Budget Stabilization Reserve (15-20%)	1,547,481			122,233	1,669,714
Emergency Disaster Reserve (15-20%)	1,547,481			122,233	1,669,714
Working Capital (5-10%)	1,031,654			81,489	1,113,143
Undesignated, Unreserved	1,171,878			(460,728)	711,150
	5,298,495	-	-	(134,774)	5,163,722
Building Department Operating Reserve	1,404,781			(406,546)	998,235
	6,703,276	-	-	(541,319)	6,161,957

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**
JEROME GRUBER, CITY MANAGER

FROM: **THERESA N. DELLASANTA, DEPUTY CITY CLERK**

DATE: **FOR THE MEETING OF FEBRUARY 17, 2010**

SUBJECT: **STATUS REPORT OF TOWN COMMITTEE AND COMMISSION VACANCIES DUE TO EXPIRE ON APRIL 30, 2010 AND REQUEST TO SCHEDULE A SPECIAL CITY COUNCIL MEETING TO INTERVIEW APPLICANTS**

RECOMMENDATION:

Staff recommends scheduling a Special City Council meeting to interview applicants for the Arts, Atherton Rail, Audit, Environmental Programs and General Plan Committees.

BACKGROUND:

In April of 2009, the City Council adopted Resolution No. 09-09 governing Town Committees and Commissions. The resolution was amended in December 2009 to expand the Audit Committee.

State law generally requires that openings on the Committees and Commissions must be advertised to the general public before appointments, or re-appointments, can be made upon the expiration of a term. (Government Code Section 54970-54975, commonly knows as the Maddy Act.) When a vacancy occurs mid-term, special vacancy notices must be published or posted.

Phone calls were made to the current members of the Audit and General Plan Committees whose terms are due to expire, informing them of their term expiration. Staff sent a Local Appointments List to all Town residents through a mailing during the week of February 8, 2010. The list included all Committees that have current vacancies, when the vacant terms expire, and the term of the vacancy. A notice was sent to the Almanac and the Town community scroll. In addition, a banner has been up at Marsh and Middlefield asking residents to apply for Town Committees and Commissions.

FISCAL IMPACT:

Cost for advertising openings in the *Almanac*.

Prepared by:	Approved by:
_____	_____
Theresa N. DellaSanta	Jerome D. Gruber
Acting City Clerk	City Manager

Attachments: Local Appointment List

TOWN OF ATHERTON
City Clerks Department
650-752-0529

List of all Regular and Ongoing Local Committees/Commissions
(Government Code Section 54972 – Maddy Act - Local Appointments List)

Arts Committee	**Expires**	**Term**
Five (5) vacancies	Terms expiring in 2011	1 Year

Atherton Rail Committee

One (1) vacancy	Terms expiring in 2011	1 Year

Audit Committee

Bill Widmer	Term Expires April 30, 2010	4 Years

Environmental Programs Committee

Three (3) vacancies	Terms expiring in 2013	4 Years
Five (5) vacancies	Terms expiring in 2011	1 Year

General Plan Committee

Randy Lamb	Term Expires April 30, 2010	4 Years
Todd Beardsley	Term Expires April 30, 2010	4 Years
David Henig	Term Expires April 30, 2010	4 Years

The following Committees and Commissions do not have any terms expiring in 2010:
Park and Recreation Commission
Planning Commission
Transportation/Traffic Subcommittee
Mid-Peninsula Community Media Center
San Mateo County Mosquito and Vector Control

**********Special Note**********

Please check back after the February 17, 2010 Council meeting as there are two new Committees which have not established guidelines or memberships.

-Town Center Task Force – To explore financing options for a New Town Center
-Town Communications Committee

Memberships and guidelines will be discussed at the February Council meeting.

Council will also discuss and potentially expand the Finance Committee for one to three resident members to sit on the Committee at its February 17 Council meeting.

For questions please contact Theresa DellaSanta, Deputy City Clerk at 650-752-0529 or tdellasanta@ci.atherton.ca.us

ITEM NO. 25

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **JEROME D. GRUBER, CITY MANAGER**

DATE: **FOR THE REGULAR MEETING OF FEBRUARY 17, 2010**

SUBJECT: **TOWN CENTER TASK FORCE COMMITTEE UPDATE**

RECOMMENDATION:

No action to be taken. Update only.

BACKGROUND:

At the January 11, 2010 strategic workshop Council directed staff to add an item to the January 21, 2010 agenda for approval of an ad-hoc subcommittee to research finance options for a new town center.

At the January 21, 2010 meeting, Council appointed Council Members Carlson and Lewis to the town center finance committee. Council Member Marsala expressed interest in staying involved in the vision for the town center. Mayor McKeithen suggested keeping the Blue Ribbon Task Force so Council Member Marsala and Dobbie can have joint, publicly noticed meetings with the Financial Committee for a new town center. Council agreed and directed staff to add an item to the agenda for approval of guidelines and memberships at the February meeting.

The Town Center Finance Committee held a joint, publicly noticed meeting with the Blue Ribbon Task Force on Thursday, February 4, 2010. At that time the Town Center Finance Committee was renamed to Town Center Task Force.

Council Member Carlson and Lewis are currently working on a timeline and work plan and soliciting potential memberships to recommend to the full City Council.

ITEM NO. 26

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **JEROME D. GRUBER, CITY MANAGER**

DATE: **FOR THE REGULAR MEETING OF FEBRUARY 17, 2010**

SUBJECT: **RECONSTITUTE CITY COUNCIL AD-HOC COUNCIL COMMUNICATIONS SUBCOMMITTEE TO TOWN COMMUNICATIONS COMMITTEE AND EXPAND MEMBERSHIPS**

RECOMMENDATION:

To Be Determined.

BACKGROUND:

At the January 11, 2010 City Council strategic workshop Council formed an ad-hoc subcommittee made up of Council Members Carlson and Lewis for the purpose of Council communications with the each other and the community.

At the January 21, 2010 regular City Council meeting Mayor McKeithen requested that an item be added to the February Agenda to rename the Committee to Town Communications Committee and subject to the Brown Act.

Council concurred to add it to the February Agenda.

If the Council Communications Ad-hoc Subcommittee is reconstituted to Town Communications Committee subject to the Brown Act, staff recommends Council give direction on the guidelines and memberships of the new Committee.

ITEM NO. 27

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **JEROME D. GRUBER, CITY MANAGER**

DATE: **FOR THE REGULAR MEETING OF FEBRUARY 17, 2010**

SUBJECT: **CONSIDERATION OF AMENDING COUNCIL RULES OF PROCEDURE SECTION 5.1: ORDER OF BUSINESS, TO MOVE "FUTURE AGENDA ITEMS" TO ITEM 6 ON THE AGENDA**

RECOMMENDATION:

To Be Determined.

BACKGROUND:

At the January 21, 2010 regular City Council meeting Council Member Marsala requested that an item be added to the February Agenda to amend Council Rules of Procedures Section 5.1 Order of Business to move Future Agenda Items to Item 6 on the Agenda which would be before the Consent Agenda and after the Community Organization Roundtable Report.

Council concurred to add it to the February Agenda.

Attachment: Page of 5 the Atherton City Council Rules of Procedures

4.7 Motion to be Stated The Presiding Officer shall state all motions submitted for a vote and announce the result. A roll call vote shall be taken upon ordinance, resolution, and at the request of any member.

4.8 Mayor Proclamations Mayor Proclamations will be issued at the discretion of the Mayor for various purposes including:

A. Recognizing individuals and organizations whose contributions and achievements have community-wide significance;

B. Calling public attention to a significant community event, service or program;

C. Highlighting a special period of observance, celebration, or recognition for community, regional, state, or national occasions.

Mayor Proclamations do not need formal Council action or approval and individual Councilmembers can request through the Mayor that proclamations be issued. All public requests for proclamations should be directed to the City Manager or Mayor for review.

It will be at the discretion of the Mayor to determine whether it is appropriate to present the proclamation at a Council meeting.

Proclamations will be issued to recognize legitimate and significant community achievements, contributions, and occasions. These forms of recognition are not intended for partisan, commercial or narrow individual purposes which are inconsistent with the overall policies of the City Council.

5. Order/Preparation of Agenda

5.1 Order of Business

1. Call to Order, Pledge of Allegiance, Roll Call
2. Presentations
3. Public Comments
4. Staff Reports
5. Community Organization Roundtable Report
6. Consent Agenda
7. Regular Agenda/Public Hearings
8. Council Reports
9. Future Agenda Items (as Added March 26, 2009)
10. Public comments
11. Adjournment

Elizabeth Lewis
Council Report – January 20 – Feburary 17, 2010

January 21 – 22	Attended the League of Cities new council member and mayor conference in Sacramento.
January 27	Met with newly elected Fire District Board Member Steve Nachsteim, Council Member Jerry Carlson and City Manager Jerry Gruber to discuss how the MP Fire District and Atherton can work together in the Disaster Preparedness Programs and other citizen safety concerns.
January 27	Attended HEART Board Meeting as a newly appointed Member. Meeting held at the new Silicon Valley Community Foundation offices in San Mateo. HEART stands for Housing Endowment and Regional Trust and it leverages funds provided by private and public sources to build and finance low and moderate income housing in San Mateo County. At that meeting I was appointed to be on the Fund Raising Committee.
January 28	Met with Council Member Jerry Carlson to outline guidelines for Town Communication Policy and Town Philosophy / Mission Statement
January 28	Attended the NAIOP luncheon where Steve Dostart, an Atherton resident, moderated a panel discussing current economic conditions here in the Silicon Valley.
January 28	Attended an “Energy Audit” House party at Kari Binley’s home in Redwood City. Kari is with Sustainable San Mateo and had made a presentation to the Atherton Environmental Programs Committee in January. RECURVE, a home energy audit company gave the results of her home energy audit and recommendations to correct deficiencies and save not only money but make her home healthier and more enjoyable to live in.
January 29	Attended the Council of Cities dinner hosted by Hillsborough. Congresswoman, Jackie Spier was the speaker.
February 1	Attended a Special meeting of the Atherton City Council to discuss mid-year budget adjustments, long term revenue opportunities and cost allocation, master fee schedule.
February 1	Attended a Special Closed Session of the Atherton City Council regarding pending legal actions.
February 1	Attended a Drainage Workshop presented by Public Works Director, Duncan Jones at Atherton City Hall.

February 3	Attended the HEART Fund Development Committee meeting held at the Borel Bank Headquarters in San Mateo.
February 3	Attended the Atherton General Plan Committee meeting. Discussion about Atherton's Green Building ordinance.
February 4	Attended the joint meeting of the BRTF and Town Center Task Force committees. Discussion on proposed new town center and resident outreach.
February 10	Met with Town Planner Neal Martin and Planning Commissioner, Philip Lively at the Town to review response to State regarding the Atherton Housing Element plan.
February 11	Met with Council Member Jerry Carlson and City Manager Jerry Gruber to discuss the Town Communication policy.

February 2010 Council Comments – Jerry Carlson

January 19 – Sacramento – Senate Transportation and Housing Committee. Hearing on High Speed Rail revised Business Plan. Grindley, Ringham, Jones, Quinlan and I, along with a dozen other Peninsula people commented on the short comings in the revised plan. The letter I submitted has been distributed to the council.

January 20 – Council meetings

January 21 – Participated in the Palo Alto hearing on the HSR revised Business Plan with Senators Lowenthaul and Simitian. (lasted 5 hrs. to 12:30am)

January 22 – Sacramento – California League of Cities sub committee on Employee Compensation. Fairly long discussion on pensions. Committee recommended that public employee pensions should be 'sustainable' and 'fair to employees and tax payers'

January 27 – Meeting with Stephen Nachtsheim, Elizabeth Lewis and Jerry Gruber on liaison matters with the Menlo Fire District, including Disaster Preparedness.

January 27 – Lunch with Superintendent Jan Christiansen and board chairman Dennis McBride RWC elementary school district to discuss matters pertaining to Selby Lane School.

January 27 – Meeting of San Mateo County Council of Cities Employee Compensation Task Force to discuss MERC data update and review getting individual councils to review MERC data in closed sessions and providing city managers feedback for their meeting.

January 28 – Menlo Park Chamber of Commerce Transportation Committee (headed by Jim Bigalow) Topics included impacts of the state budget on the State Transportation Improvement Program; the new strategic plan adopted by the San Mateo County Transportation Authority on Dec. 3rd; Caltrain/CHSR Peninsula Rail Program discussion; and comments on Senators Lowenthaul and Simitian hearing on Jan. 21st.

January 28 – Discussion with Peter Carpenter and Elizabeth Lewis re elements to be included in the town's communication policy.

January 29 – Hillsborough to a San Mateo County Council of Cities dinner meeting with Congresswoman Jackie Speier the speaker on "Why Everything is Local".

February 1 – Council workshop

February 1 - Drainage Criteria public workshop

February 2 – Atherton Rail Committee meeting. Discussed obtaining an edited version of the January 21st Palo Alto meeting. Jack Ringham and Paul Jones will work with Duncan on Caltrain electrification EIR responses to comments to put into the record any concerns we may have. A special Rail Committee meeting will be held March 9th. We will have only 45 days to comment on the March 4th Project EIR re alignment routes to be studied.

February 4 – Town Center Meeting was held jointly with members of the Blue Ribbon Task Force and the Town Ctr. Finance committee. Discussed William Grindley's proposed approach to solicit interested parties to present conceptualized renderings of a rehabilitated town center, including making changes to council chambers whereby it could continue to serve as such. A February 23rd meeting will consider a time schedule, process steps and citizen engagement as part of the agenda. Meanwhile the finance committee will be reviewing the documents prepared by the Blue Ribbon Task Force.

February 5 - PCC Meeting. Elizabeth Alexis dropped a bomb shell by revealing that the ridership model used by MTC to develop data for High Speed Rail business plans was flawed. What this means is that ridership numbers used to develop station size, number of trains and profitability models are inaccurate. Some of the assumptions are off by 600%. When CHSRA finally issues a revised Program level EIR this substantial misstatement of ridership estimates will be grounds to challenge the conclusions for the agency's previous conclusion for accepting the Pacahco route over the Altamont route.

The PCC will be coming up with budgets to be reviewed by consortium members including possibility of actively using a lobbyist to represent Peninsula interest regarding HSR. Future discussion will include responses to the Project EIR due out March 4th, at the next CHSRA board meeting, beginning at 9:00am. The meeting will be televised live on the web link for the authority.

Charles Marsala – February 12, 2010 Council Report

EPC – Discussed water conservation, home energy audits, and waste pick up

General Plan – Green Building Ordinance and new State guidelines, Outdoor water use efficiency ordinance and second addresses for part time dwelling units

BRTF joint meeting with Town Center Task Force (Feb 4th) – Discussed a marketing plan and finance options and resident involvement. Next meeting will be held on Tuesday, February 23rd.