



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL**  
**ATHERTON CHANNEL DRAINAGE DISTRICT**  
**July 18, 2012**  
**7:00 p.m.**  
**Council Chambers**  
**94 Ashfield Road**  
**Atherton, California**  
**REGULAR MEETING**

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**      Lewis, Dobbie, Widmer, McKeithen, Carlson
3. **PRESENTATIONS**
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.)*
5. **REPORT OUT OF CLOSED SESSION**
6. **CITY MANAGER'S REPORT**
7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**  
**CONSENT CALENDAR** (Items 8-18)  

(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 JUNE 20, 2012 REGULAR MEETING MINUTES**  
**Recommendation:** Approve June 20, 2012 regular meeting minutes
9. **APPROVAL OF BILLS AND CLAIMS FOR JUNE, 2012 IN THE AMOUNT OF \$1,111,523**  
**Recommendation:** Approve Bills and Claims in the amount of \$1,111,523
10. **FINANCIAL REPORT FOR THE TWELVE MONTHS ENDED JUNE 30, 2012**  
**Report:** Finance Director Debra Auker  
**Recommendation:** Receive the General Fund Financial Report
11. **INTENTIONALLY LEFT BLANK**

- 12. AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HDL COREN & CONE RELATING TO PROPERTY TAX CONSULTING AND AUDIT SERVICES**  
**Report:** Finance Director Debra Auker  
**Recommendation:** Authorize the City Manager to execute a contract with HdL Coren & Cone (HdLCompanies) for property tax consulting and auditing services
- 13. AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CAPITAL ACCOUNTING PARTNERS, LLC RELATING TO UPDATING THE MASTER FEE SCHEDULE, THE COST ALLOCATION PLAN, AND DETERMINING FULLY-BURDENED STAFF HOURLY RATES**  
**Report:** Finance Director Debra Auker  
**Recommendation:** Authorize the City Manager to execute a contract with Capital Accounting Partners, LLC (CAP) for professional services relating to updating the master fee schedule, the cost allocation plan, and determining fully-burdened staff hourly rates for a fixed cost not to exceed \$20,451
- 14. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2012 SPRING PATCHING PROJECT**  
**Report:** Public Works Director Mike Kashiwagi  
**Recommendation:** Accept work and authorize recording of a notice of completion for the 2012 Spring Patching Project, Project Number 56051
- 15. APPROVE THE SELECTION OF BIGGS CARDOSA ASSOCIATES, INC FOR THE MARSH ROAD RETAINING WALL DESIGN (PHASE 1) AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSULTANT SERVICES AGREEMENT FOR A NOT-TO-EXCEED FEE OF \$92,235**  
**Report:** Public Works Director Mike Kashiwagi  
**Recommendation:** Approve the selection of Biggs Cardosa Associates, Inc. for the Marsh Road Retaining Wall design (phase 1) and authorize the City Manager to execute the Consultant Services Agreement in an amount not-to-exceed \$92,235
- 16. APPROVE A ONE YEAR EXTENSION WITH CENTRAL MAINTENANCE COMPANY FOR THE CONTINUATION OF JANITORIAL SERVICES FOR THE AMOUNT OF \$24,658.20**  
**Report:** Public Works Director Mike Kashiwagi  
**Recommendation:** Approve a one year extension with Central Maintenance Company for the continuation of Town Janitorial Services with a 3% increase for a total of \$2054.85 per month for the 2012/13 fiscal year for an annual total of \$24,658.20
- 17. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL AMENDING CHAPTER 2.12 ESTABLISHING A CITY MANAGER POSITION DESCRIPTION**  
**Report:** City Attorney Bill Connors  
**Recommendation:** Waiver further reading and approve Ordinance to amend Chapter 2.12 establishing a City Manager position description

**18. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO ADJUST THE COMPENSATION AND BENEFITS OF INTERIM CITY MANAGER**

**Report:** Mayor Bill Widmer

**Recommendation:** Approve Resolution executing an agreement to adjust compensation and benefits of the Interim City Manager

**PUBLIC HEARINGS** - None

**REGULAR AGENDA** – (Item 19)

**19. ADOPT RESOLUTION 12-xx DESIGNATING A VOTING DELEGATE AND UP TO TWO ALTERNATES TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 5-7, SAN DIEGO**

**Report:** Interim City Manager Theresa DellaSanta

**Recommendation:** Adopt Resolution 12-xx designating a voting delegate and an alternate to the League of California Cities Annual Conference in San Diego

**CONSENT, CONTINUED**

**20. COUNCIL REPORTS/COMMENTS**

**21. FUTURE AGENDA ITEMS**

**22. PUBLIC COMMENTS**

**23. 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](http://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)



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: THERESA DELLASANTA, INTERIM CITY MANAGER**

**DATE: FOR THE REGULAR MEETING OF JULY 18, 2012**

**SUBJECT: CITY MANAGER WRITTEN REPORT**

#### **ADMINISTRATION:**

##### Staff Recognition

I would like to express my appreciation for the entire Town staff that has not only been supportive of my continuing dual role as interim City Manager/City Clerk but also proactive in assisting and supporting each other in a collaborative and positive approach. Town staff is very lean, thus there are a lot of shared roles and responsibilities. Steve Tyler, Jun Pan, and Jennifer Frew have taken on numerous additional duties both on my behalf and to fill the void from layoffs and attrition. They frequently work additional hours and continuously demonstrate a can-do attitude when taking on new tasks. Along with these three employees, the Town's Associate Engineer, Office Assistants, Police personnel, and Management staff continue to collaborate and support one another to provide high quality levels of service that our residents deserve.

##### Follow up from June 20<sup>th</sup> Council meeting request:

##### Atherton Park Event Procedures

PAST: In the past, events were handled by a specialized event staff. That staff contained the following full time & part time personnel;

- Park Program manager
- Park program maintenance worker
- Park event part-time staff of 6-9 workers

PRESENT: The work of this staff is now being performed part time in a cooperative effort by Police Department Admin, Public Works, Town Administration and contracted municipal maintenance services staff.

STAFF:

- Steve Tyler (PW) – Parks Program Manager/Events Manager
- Jennifer Frew (PD) – Lead event bookings and calendar
- Judy Belmont (Admin) – Event administration
- MCE staff – Event operations

Event bookings – The telephone number listed on the town website for bookings is (650) 752-0534. Jennifer Frew checks the messages and returns calls for event inquiries 5 days a week. Jennifer gives tours of the facilities upon request and answers questions as to what can and cannot be expected of our facilities at events. Judy Belmont also fields booking inquiries at the general Atherton phone number.

These inquiries, when ready to book an event, are directed to our town center post office. It is here that event administration directs that the rental forms are filled out, deposits for event fees are collected, and set-ups/special needs are listed into the master event calendar. All events, paid for or town sponsored, must be booked into the master events calendar for them to be held in our facilities.

Event coordination - Jennifer Frew sends out a monthly listing (with updates to follow, if necessary) of park events to Steve Tyler. Steve meets with the MCE staff on a monthly and weekly basis to assure set-up questions are answered prior to events, staffing is available, the conditions of the facilities are up to acceptable grades and that a backup plan is in place in case of an employee issue.

Event operations - All paid events have an MCE staff member in attendance to empty trash, clean up spills, check on restrooms and be there for the rental patrons for needs during the set up and for the entire length of the event. They lock up facilities after each event. Some town sponsored events (Dames/Foundation meetings, Park & Rec, ACLU) are issued keys to open and close the facilities. Classes in the park (dance, dogs, etc.) are issued keys for their rentals as part of their rental agreement.

FEES- Currently, park event fees are governed by our master fee schedule which was adopted in January 2010. Due to the large scale changes in public works staff in September 2011 and new criteria for types of events booked in February 2012, staff will perform a new fee study using surrounding jurisdictions as comparisons to assure proper fees are being charged to cover costs for events, classes and field rentals at the park.

### Exchange of Federal Transportation Funds for State Transportation Funding

On June 18<sup>th</sup>, C/CAG convened a meeting with its member cities and San Mateo County to present an opportunity to exchange Federal Surface Transportation Program (STP) funding for State Local Partnership Program (SLPP) funding. The benefit of this exchange is this will exempt local agencies from having to follow the Federal-Aid process and it also relieves local agencies from the NEPA environmental process.

Projects must still comply with appropriate CEQA requirements. An additional benefit is additional funding is available through the SLLP funding program.

Under the Federal STP funding allotment, the Town of Atherton was programmed to receive \$237,460 during the next funding cycle which is anticipated to be in FY 2113/14. By exchanging STP funds for SLLP funds, the Town would receive an additional \$49,433 for a total allocation of \$286,893. By agreeing to this exchange and accepting the additional funds, the Town also needs to make the following commitments:

- The Town understands that although we would be exempt from the Federal-Aid process, we must follow the California Transportation Commission (CTC) STIP allocation process
- Projects must be ready to advertise and have the package submitted to the CTC for allocation by March 2013
- Funds require a 50% match of Measure A funds

The primary benefit of this opportunity for the Town of Atherton is the ability to receive an additional \$49,433 for the delivery of important transportation projects. However before accepting this offer, staff had to perform a quick analysis to confirm our ability to meet three threshold questions:

1. Does the Town have the ability to complete the design and prepare necessary bid package information by the March 13, 2013 deadline
2. Does the Town have the Measure Funds necessary for our 50% match (\$286,893)
3. Does the Town have a project of adequate size ( 2 x \$286,893 = \$573,786) to utilize the available funds

After review and analysis, staff determined that all three requirements can be met. Accordingly, staff recommends exchanging Federal STP funds for State SLLP funds. These funds will be used for the FY 2012/13 Street Patch and Seal Program including the Atherton Avenue/Middlefield Road/Fair Oaks Lane Resurfacing projects in the recently approved Capital Improvement Program (CIP).

On June 26<sup>th</sup>, the Town received a follow-up email from C/CAG requesting our decision and commitment regarding the fund exchange by July 19th. This needs to be followed by a Council resolution by September 2012. Accordingly, based upon staff review and analysis, staff will be asking the City Manager to sign and send a letter indicating the Town will be participating in the funding exchange. A staff report and resolution will be prepared for presentation to City Council at your August Meeting.

**COMMUNITY SERVICES DEPARTMENT:** - See attached community services report (Attachment 1)

**PLANNING DEPARTMENT:** - See attached Community Services Department update

**POLICE DEPARTMENT:**

## I. Police Activity

There were 74 criminal investigations for the month of June. 54 offenders were cited, arrested or referred to the District Attorney's Office for prosecution. 43 of those cases were for vehicle code violations including driving without a license or on a suspended license, possession of marijuana in vehicle, and driving while under the influence of alcohol and/or drugs. There were also 8 warrant arrests, 1 arrest for domestic violence, 2 drunk in public arrests, a parole violation arrest, and a person cited for being in violation of the Town noise ordinance.

Of the 1,919 total police incidents for the month of June, 496 were officer initiated incidents, which resulted in 294 citations being issued for vehicle code violations. Officers also initiated 220 other types of incidents that included contacting suspicious people on the street or in cars, as well as security checks at schools and Holbrook Palmer Park.

Holbrook Palmer Park had 32 incidents this reporting period. 17 of those incidents were security checks by officers. Other police activity at the park included suspicious vehicles, a reported water main break, a citation sign off, a report of 30 to 40 juveniles playing rough in the playground area, a report of a person sleeping in the grass, a report of graffiti on the fence, a non-injury vehicle collision, and traffic enforcement.

Officers responded to 16 ordinance violation calls this month. These calls were for construction ordinance violations, a report of a loud party, a man selling strawberries without a permit, illegal trash dumping, trash cans left out after pick up days, illegal solicitors, and loud fireworks. Officers used Department surveillance cameras and eBay to identify a person who dropped off an unsealed unaddressed box with a \$1,200.00 purse at the Town Post Office.

Officers also performed a total of 1,037 home security and vacation checks during the month of June.

## II. Special Events and Community Activities

The Atherton Police Activities League (PAL) awarded two \$5,000 College Scholarships to high school seniors, one from Sacred Heart Preparatory, and one from Menlo Atherton High School. To be eligible for these scholarships the applicants had to meet the following requirements:

- Participate in Sports and/or Community Service;
- Graduating High School Senior;
- 3.0 GPA or higher;
- College- Bound (deferred enrollment is not accepted).

The selection process was very competitive based upon the applicant's strength in athletics, leadership ability, community involvement, neatness of the application, and depth of their personal statement.

Officers worked closely with the Menlo Park Police Department and Menlo-Atherton High School faculty on their annual graduation on June 07, 2012. By all measures, the Class of 2012 had a very nice graduation ceremony.

### III. Response Times

The average response time for Priority 1 Calls for Service (Incidents are categorized from 1 to 3 with one being the highest priority) was 6 minutes during this time period, which met our goal of having an average response time of less than 8 minutes.

### IV. Personnel

Atherton's newest Police Officer, Chris Pettit was officially sworn in at the June Town Council meeting. Officer Pettit is now in his first month of the Field Training Officer (FTO) program and doing very well.

### V. Training

Police personnel completed POST certified training for a total of 139 hours for the month of June. The Police Department hosted one of the nation's leading experts in risk management. Mr. Gordon Graham taught a risk management class at Holbrook Palmer Park which was attended by more than 80 law enforcement personnel from three different counties.

## **PUBLIC WORKS PROJECT UPDATES:**

- Sweep contracted monthly streets –48 miles, 15 yards of debris, 8.98 tons.
- Service requests –
  - Streetlight parts due to accident Snowden/Wilburn
  - Pick up others barricades from POTUS visit
  - Replace faded out No Parking zone signs on Watkins
  - Speed limit sign knocked down 300 Blk Selby
  - Repair sliding door lock– Knox playschool
  - Banner issue Marsh/Middlefield
  - Restroom repair in town hall (toilet leaking)
  - Light out on Town Hall flagpole
  - Illegal dumping clean-up on Selby Lane
  - Sprinkler repairs – ECR median
  - Response - Tree down – Rosewood
  - Response – tree down –Santiago
  - Paper spill – SB ECR 5<sup>th</sup> ave.

- Trash bags dumped along street (truckload) Almendral/Austin)
  - Re-lamp carriage house lighting
- Weekly litter removal on ECR.
  - Litter Marsh Road, Middlefield Road and Alameda.
  - General duties – Garbage cans, town wide and ECR litter, Town Center landscape, ECR landscape, corp yard clean-up, vehicle/tool maintenance.
  - Ordered and received signs for Middlefield Road bike lane project. Project set for July.
  - Park events – set up, staff and clean up 9 events at HPP
  - Weed control – various locations including Watkins, Fair Oaks, Walsh and El Camino Real.
  - Tennis court clean-ups (weekly).
  - Park General daily duties – mowing, empty garbage/recycling, restroom oversight, fire extinguishers (checked/recharged ), playground inspections, elevator inspections, open/close buildings, meeting room set-ups/tear downs.
  - Work on irrigation system upgrades, programming and repairs.
  - Aerate and fertilize turf at park.
  - Replace flush valves for all urinals and toilets in playground restrooms.
  - Pump repairs – old pump sand separator replaced.
  - Weeds, trimming and irrigation on ECR medians.
  - Approximately 27k square feet of asphalt patching (dig-outs) performed in various locations.
  - 69 streets in town received either Cape Seal or Microsurfacing.
  - Generator maintenance
  - Repaired damaged bollard at James gate.
  - Replaced 12 damaged, faded or graffiti-ruined signs various locations
  - Painted stop legends at various locations (8 gals white paint)

4 Bids were received for tennis court trip hazard removal and resurfacing. Work to begin July 10.

Curtains in council chambers have been fireproofed and installed.



**Town of Atherton**  
**Building Department**

**91 Ashfield Road**  
**Atherton, California 94027**  
**Phone: (650) 752-0560**  
**Fax: (650) 688-6539**

**Community Services**  
**Monthly Report**  
**June 2012**

Submitted by:  
Mike Kashiwagi, PE  
Director of Community Services

**Town of Atherton  
Building Safety & Inspection**

*Construction and Permit Summary  
June 1, 2012 to June 30, 2012*

	June	Fiscal Year 2011-12
<b>Total Construction Valuation<sup>1</sup>:</b>	\$17,371,844.00	\$183,807,810.00

**REVENUE**

<b>Plan Check Fees Collected:</b>	\$32,507.49	\$412,792.02
<b>Permit Fees Collected:</b>	\$101,183.85	\$990,153.40
<b>TOTAL:</b>	<b>\$133,691.34</b>	<b>\$1,402,945.42</b>

**PLAN CHECK**

<b>Applications Received:</b>	<b>55</b>	<b>733</b>
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**PERMITS**

<b><u>Residential:</u></b>		
New Single Family Residential Permits Issued:	3	34
New Accessory Structures Issued:	19	147
Addition / Alteration Permits Issued:	16	160
Reroof / Water Well Permits Issued:	7	81
Plumbing/Mechanical/Electrical Permits Issued:	12	186
<b><u>Non-Residential:</u></b>		
New Permits Issued:	0	4
<b>TOTAL Permits Issued:</b>	<b>57</b>	<b>612</b>

**INSPECTIONS**

<b>Inspections Performed:</b>	<b>601</b>	<b>6,079</b>
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Footnotes:

<sup>1</sup>Valuation: For permitted projects during this period.

## Town of Atherton Building Safety & Inspection

### Code Enforcement Activity Summary

*June 1, 2012 to June 30, 2012*

CE responded to the following types of cases:

1. Dangerous Trees	1 o / 1 c	10. Early Set Out-trash	5 o / 3 c
2. Construction Law	3 o / 2 c	11. Neighbor Law	0
3. Dog Barking	4 o / 4 c	12. Animal	0
4. Building without permits	0	13. Litigation	1 o / 1 c
5. Encroachments	2 o	14. Vehicles	0
6. Fence Violations	2 o / 1 c	15. Unsecured Prop	1 c
7. Accessory Bld.	1 o	16. HOA Contact	0
8. Refuse	1 o / 1 c	17. Admin/finance	1 o / 1 c
9. Zoning	2 o / 2 c	18. Admin/ordinance	1 o / 1 c
		19. Public Nuisance	0
<b>Number of Cases Closed = 18</b>		<b>Number of Cases Still open = 24</b>	

c: Closed

o: Open

CRW Cases: 3 Open / 5 Closed

### Planning Projects

*June 1, 2012 to June 30, 2012*

	This Month Activity	Year to Date Activity
Staff Level Reviews	18	226
Planning Commission Items	2	22

### Arborist Activity Summary

*June 1, 2012 to June 30, 2012*

	Site Visits			Plan Review
	Tree Removal	Inspections	Info. / Consu.	
TOTAL	15	8	21	17

**Town of Atherton  
Building Safety & Inspection**

**Summary of New Single Family Residential Permits Issued by**

Month	2012	2011
January	2	-
February	0	-
March	2	-
April	2	-
May	4	-
June	3	-
July		3
August		4
September		6
October		5
November		1
December		1
<b>Total New SFD Permits:</b>	<b>13</b>	<b>20</b>

**Plan Check Performance**

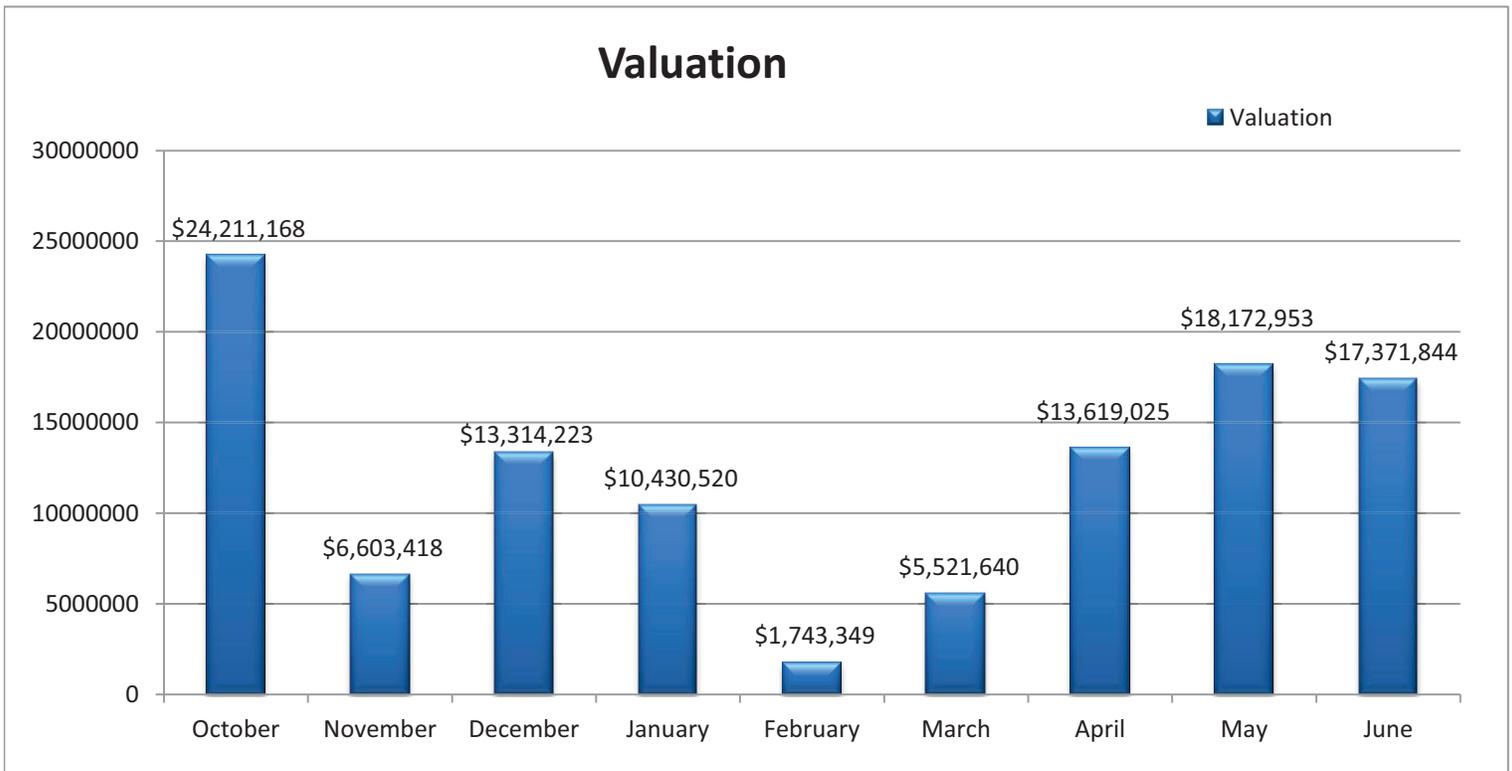
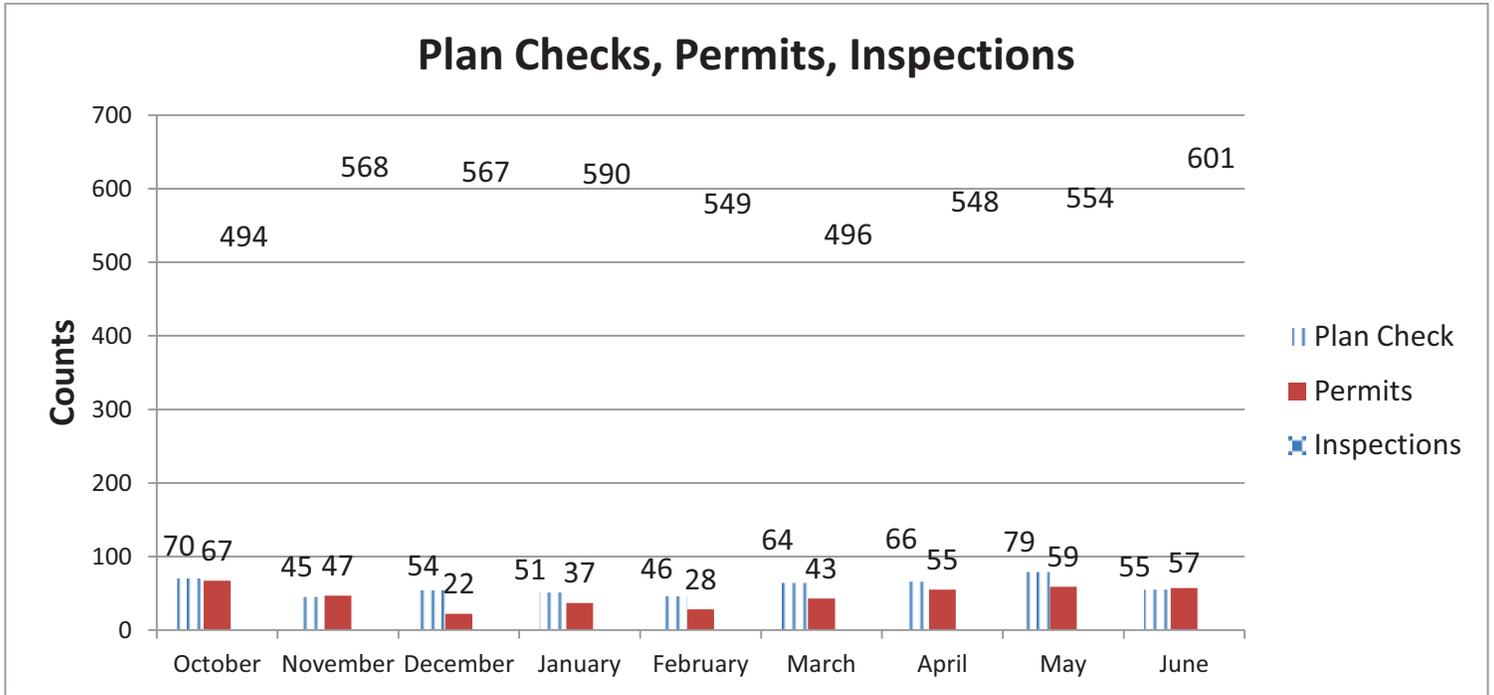
*June 1, 2012 to June 30, 2012*

	Cycles	Target	No. of Days Exceeded	Average Review Days
<b>Major Plan Check</b>	1st Review	10	0	9
	Subsequent Rev.	5	0	4
<b>Minor Plan Check</b>	1st Review	3	0	3
	Subsequent Rev.	2	0	2

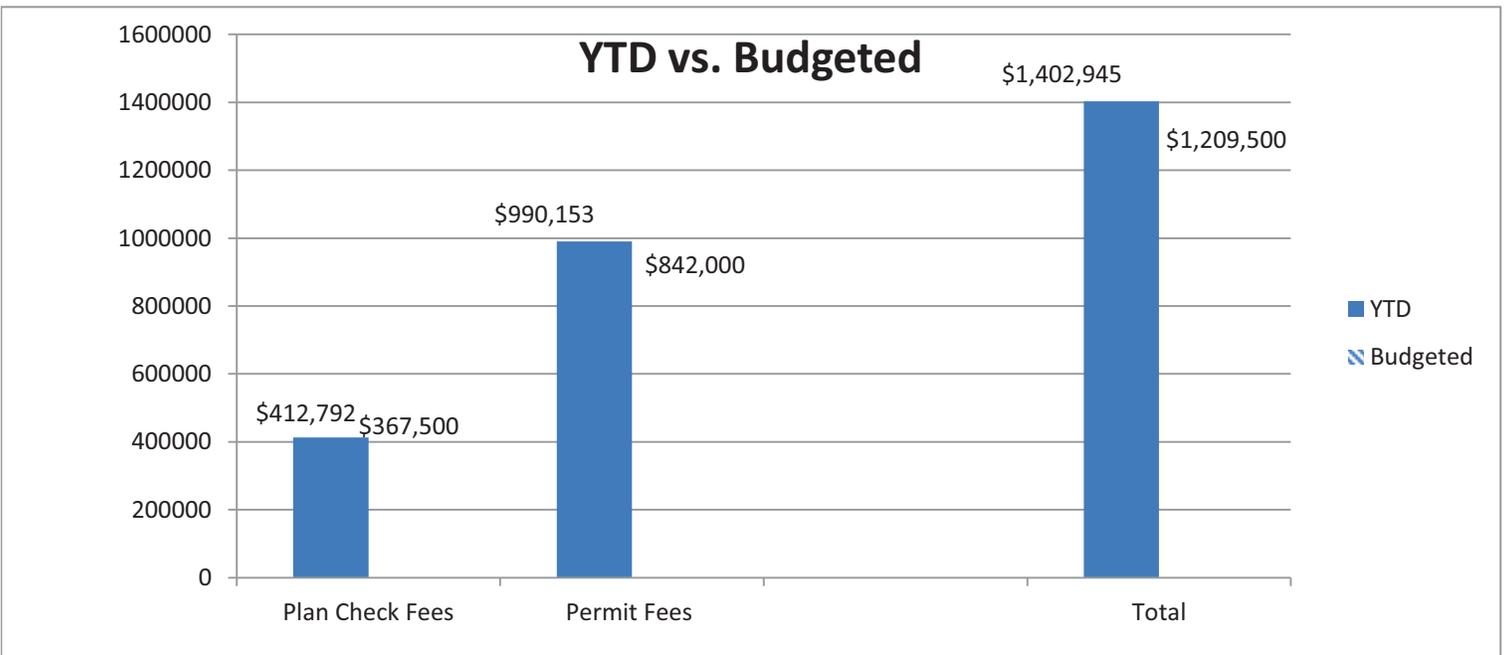
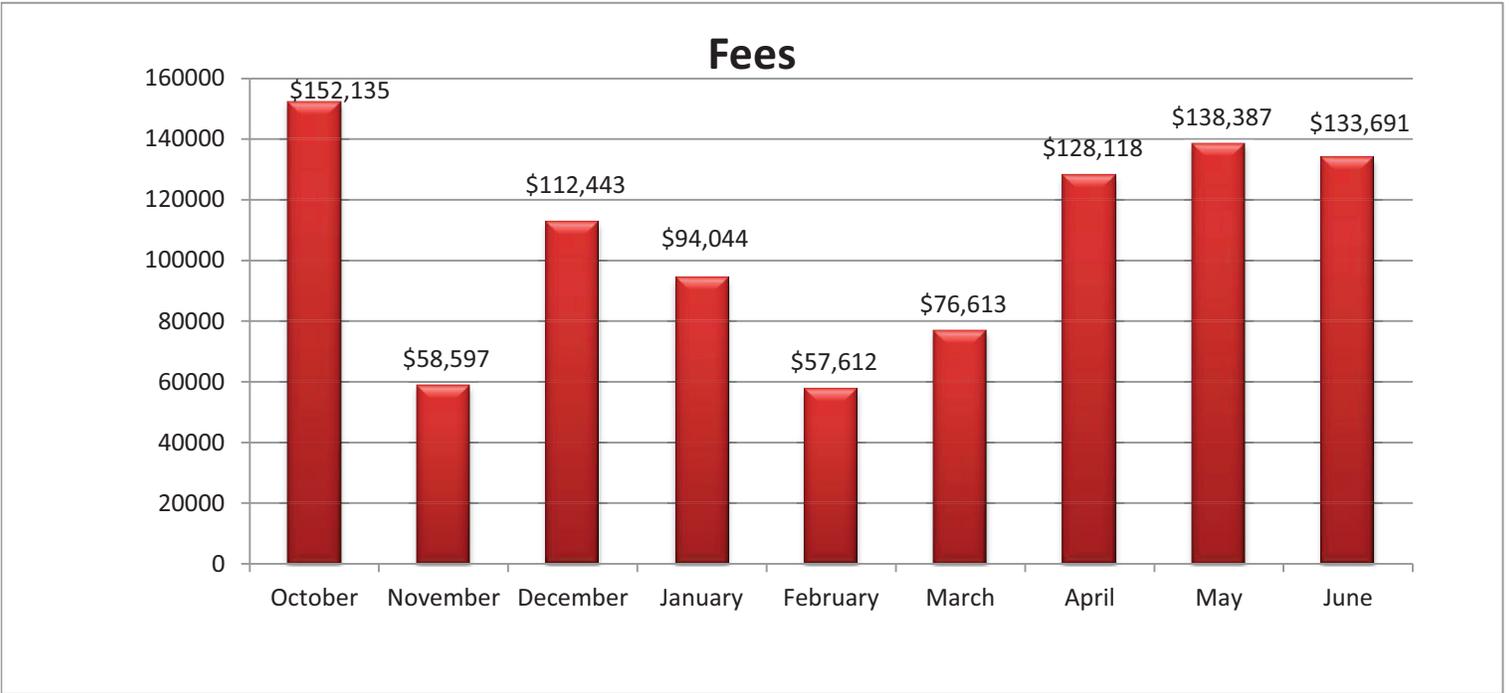
Target: in working days

Major Plan Check: New Houses, New Accessory Structures, New non-Residential

**Summary Graphs**  
**June 1 - June 30, 2012**



**Summary Graphs**  
**June 1 - June 30, 2012**





**Draft Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**June 20, 2012**  
**7:00 p.m.**  
**COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California  
**REGULAR MEETING**

1. **PLEDGE OF ALLEGIANCE** – Lead by Eagle Scout Grant Schaffer from Troop 206.
2. **ROLL CALL** – Lewis, Dobbie, Widmer, McKeithen, Carlson

Interim City Manager made a suggestion to the Council that they remove item 14 from the agenda due to the controversy it created, prior to starting the meeting. The Council agreed to remove the item.

Interim City Manager Theresa DellaSanta announced that those citizens wishing to speak about item 14 could address the Council on the item during item 4 – *Public Comments*.

3. **PRESENTATIONS** –

Mayor Widmer presented a proclamation to Eagle Scout Grant Schaffer.

Police Chief Flint presided over the swearing in of new Atherton Police Officer, Chris Pettit.

4. **PUBLIC COMMENTS** –

William Grindley addressed the Council and commended them on sending a letter to the Governor of California announcing that the Town of Atherton does not support the High Speed Rail project. He gave an update on the project; the Governor does not have the votes to kill the CEQA amendment to the high speed rail project. There appears to be support for the authorization for the state to match the federal 3.3 billion. Mr. Grindley notified Council that there will be a hearing on the High Speed Rail RFP process on Friday, June 22.

Smith McKeithen spoke out about the Athertonian Yahoo! Group and some disparaging remarks that were made about Councilmember McKeithen and her late father. McKeithen feels that personal attacks on Councilmembers and their family is not acceptable and the anonymity of the site makes it very upsetting.

Bob Roeser, Wilburn Avenue, spoke about the need for the tennis courts in Holbrook Palmer Park to be resurfaced and worked on. He is willing to put together a group to fund raise and take on the project to keep tennis in Holbrook Palmer Park.

Vice Mayor Lewis responded that work on the tennis courts is being discussed and Public Works is looking into resurfacing the courts.

Alan Margot, the tennis pro, spoke to the need for work on the tennis courts.

Chad Baines, Bella Hayes Roth, Kate Finney, Rick Thompson, Jennifer Jeffries and Alan, the tennis pro spoke to the merits to having the tennis courts remain in the park. The courts should be resurfaced and retained.

Councilmember McKeithen clarified that the Council has not considered tearing out the tennis courts. The Council is working with Public Works to see how to manage the number of courts and make them playable and safe for park-goers.

John Ruggiero spoke about his desire to understand the Yahoo! Users group and become a member and expressed concern that as a resident of Atherton for more than 30 years, that he cannot join.

Jennifer Jeffries spoke about Atherton being out of control and she hopes that things will settle down.

Mayor Widmer suggested that the Council acknowledge that many of the people at the meeting are there in support of the tennis courts and suggested the meeting move forward onto other topics.

Anne McNertny, Watkins, spoke about her support for the tennis courts.

Denise Kupperman, resident, spoke about the need for private fundraising to support the park and all of the things in it that need attention.

Charles Marsala, Emilie, spoke about the need to use funds that were collected from key holders years ago that went into the General Fund. Those funds should be used for the resurfacing of the tennis courts and people should be made aware that the monies were collected for that purpose.

He also thinks that items are being improperly agendaized. He also offered information on how to join the Yahoo group.

Peter Carpenter spoke about freedom of speech in regards to item 14, which was removed from the agenda. Should not engage in prior restraint. Feels that people have a right to speak freely.

Stuart Awbrey, displayed the plaque from Court 6 from the Holbrook Palmer Park tennis court. 100 families donated to that effort and some are still using the courts.

Mayor Widmer spoke about the Yahoo group and feels that the slanderous comments are not appropriate and he does not condone them or give them merit.

Councilmember Dobbie commented that he feels that free speech is important to our country but doing it in an anonymous fashion is cowardly.

Vice Mayor Lewis and Council Member Carlson offered sympathy for Councilmember McKeithen.

Councilmember McKeithen spoke about the controversy surrounding the emails circulating. She clarified that she did question whether with so few people using the courts was it a good use of Town funds. That is her job as an elected official – to question the use of Town funds. She remarked that she can take criticism but her family should be left out of comments.

Councilmember Carlson agrees that the comments in the email were over the line. He wanted to remind everyone that they should stick to the issues and set an example.

#### PUBLIC COMMENTS CLOSED

5. **REPORT OUT OF CLOSED SESSION** – A special meeting was held at 5pm today with 3 items on the agenda. The Council addressed two of the items. There was no reportable action with labor negotiations and no reportable action with the meeting regarding the search for a City Manager. Council will reconvene with the City Attorney briefly after the meeting regarding potential litigation.

6. **CITY MANAGER'S REPORT**

July 26 is the special meeting. Some of the Planning Commissioners had asked if the meeting could be moved to Thursday, July 27. Interim City Manager DellaSanta will poll the Commissioners and find an agreeable date.

Interim City Manager DellaSanta also wanted to clarify that the City Manager has sole discretion to put items on the agenda. This was in response to a public comment which suggested that items were being improperly agendized.

Councilmember Carlson questioned the movement of donor funds from the Town's books to the County's books. He feels the Council should have had some input on the matter. He would like to request greater transparency of donor funds, i.e. where funds to, how we arrive at the number at the end of the year.

Councilmember Carlson also commented that he was very pleased the City Manager report and he liked the Building Department's quality assurance program.

Vice Mayor Lewis asked if the current transfer of funds is only going forward. Interim City Manager DellaSanta answered yes. Vice Mayor Lewis commented that in 2002 Library management got the authority to transfer funds back to us. She would like to know how this new decision came about. Interim City Manager DellaSanta answered that she and Finance Director Debra Auker have scheduled a meeting to understand the 2002 decision. They have met with Library Staff and will meet again.

Councilmember McKeithen answered that it started with the Operations Committee.

Vice Mayor Lewis agrees with Councilmember Carlson that there needs to be more transparency and she would like to go on record that she thinks the Town should do everything in their power to regain control of the fund.

Councilmember Dobbie heard that the money was safer in a trust account. The state couldn't come in and take the money if it was in a County trust account. City attorney Bill Connors answered that this is exactly the opposite of what is true. The state can demand the money easier from the County than the city/town.

Vice Mayor Lewis noted that in the City Manager's report it was reported that the Police Division performed 903 home security checks. Vice Mayor Lewis thinks this is a great service provided by the police to the Town.

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT - none**

**CONSENT CALENDAR (Items 8-19)**

Items pulled from the Consent Calendar: 10, 13, 15, 17, 18

**8. APPROVAL OF MAY 16, 2012 REGULAR MEETING MINUTES**

**Recommendation:** Approve May 16, 2012 regular meeting minutes

Vice Mayor Lewis wanted her commented added from the meeting that the bid to resurface two courts would cost \$15,000 and this would be her recommendation. Vice Mayor Lewis also wanted it to be known that she has concerns about the Town becoming a charter city and did not see that stated in the minutes.

Mayor Widmer would like follow-up on the question in the minutes regarding how much the tennis pro makes and how much, or what percentage he pays to the Town.

**9. APPROVAL OF BILLS AND CLAIMS FOR MAY, 2012 IN THE AMOUNT OF \$990,796**

**Recommendation:** Approve Bills and Claims in the amount of \$990,796

**11. AWARD OF CONTRACT FOR THE 2012 PARK FACILITY PAINTING PROJECT**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Award the contract for 2012 Park Facility Painting Project, project number 56054, to Olympic Painting, the low bidder on the May 31, 2012 bids. Staff recommends accepting base bid of \$25,440.00 for exterior painting of Carriage House and City Managers residence and the add-alternate of the Water Tower for an additional \$5720.00 for a total of \$31,160.00.

**12. AWARD OF CONTRACT FOR THE 2012 TREE MAINTENANCE SERVICE CONTRACT #56053**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Award the contract for the 2012 Tree Maintenance Project, project number 56053 to West Coast Arborists, Inc., the low bidder on the May 30, 2012 bids, for \$60,000, and to authorize the Mayor to sign the contract on behalf of the Town.

**16. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ACCEPTING A DECERTIFICATION PETITION SUBMITTED BY TEAMSTERS LOCAL UNION NO. 856 MEMBERS AND ACKNOWLEDGE RECEIPT OF DISCLAIMED INTEREST IN REPRESENTATION BY TEAMSTERS LOCAL UNION NO. 856 REPRESENTATIVES**

**Report:** Interim City Manager Theresa DellaSanta

**Recommendation:** Approve Resolution No. 12-xx accepting a decertification petition submitted by the Teamsters Local Union No. 856 members, and acknowledge receipt of disclaimed interest in representation by Teamsters Local Union No. 856 representatives.

**19. CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION ASSESSING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR THE FISCAL YEAR 2012-2013**

**Report:** Finance Director Debra Auker

**Recommendation:** Adopt a resolution assessing a special tax for municipal services for the Fiscal Year 2012-2013.

Council then took up items that were removed.

**10. APPROVE THE SELECTION OF BKF ENGINEERS FOR THE GRADING AND DRAINAGE CRITERIA UPDATE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSULTANT SERVICES AGREEMENT FOR A NOT-TO-EXCEED FEE OF \$74,432**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Approve the selection of BKF Engineers for the Grading and Drainage Criteria Update and authorize the City Manager to execute the Consultant Services Agreement in an amount not-to-exceed \$74,432.

Interim Finance Director, Debra Auker wanted the item pulled. She would like to add language to the motion. Recommends that the Town appropriate funds from the General Fund, Building Division to fund the update to the drainage and grading plan. The Building Division has far exceeded their target revenues for the year.

Interim Finance Director Auker would like the motion to read:

**APPROVE THE SELECTION OF BKF ENGINEERS FOR THE GRADING AND DRAINAGE CRITERIA UPDATE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSULTANT SERVICES AGREEMENT FOR A NOT-TO-EXCEED FEE OF \$74,432 AND APPROPRIATE THE FUNDS FROM THE GENERAL FUND, BUILDING DIVISION.**

Mayor Widmer would like to know more about the selection process. Also, Mayor Widmer would like to see the ranking in the staff report, if a ranking is available. Public Works Director Mike Kashiwagi answered that the engineer involved has a lot of experience. Knows the standards and understands the good and the bad. Public Works Director Kashiwagi stated

that they like to have a user as part of the selection committee. This person is a licensed civil engineer.

Mayor Widmer asked if they typically rotate experts on committees. Public Works Director Kashiwagi answered that they don't have a lot of these RFPs so it's not really a rotation but they do like to have stakeholders involved.

Vice Mayor Lewis asked Interim Finance Director Debra Auker if it is okay to take Building Division funds to complete a Public Works project. Interim Finance Director Auker answered that the project is related to Building so it is fine.

**MOTION Lewis, second Dobbie to Approve the Selection of BKF Engineers for the Grading and Drainage Criteria Update and Authorize the City Manager to Execute the Consultant Services Agreement for a Not-to-Exceed Fee of \$74,432 and Appropriate the Funds from the General Fund, Building Division.**

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

**13.    ATHERTON LIBRARY BUILDING PROJECT – THIRD AMENDMENT TO LSA ASSOCIATES AGREEMENT**

**Report:** Town Planner Neal Martin

**Recommendation:** Approve the Third Amendment to the LSA Associates agreement which expands the scope of services to provide additional services and adds \$24,465 to the compensation, and authorize the City Manager to execute the amendment.

Vice Mayor Lewis is hesitant to spend more money with LSA since the project has generated so much controversy already.

Councilmember Carlson asked staff why LSA had not anticipated the level of comments that were received. Deputy Town Planner Lisa Costa Sanders answered that LSA met with Neal Martin and Public Works Director Mike Kashiwagi to determine the scope of the study and the intersections in question. The amount of comments was much greater than anyone has dealt with on prior projects.

Councilmember Carlson feels that the Draft EIR was a shortcut and should have been more complete from the beginning.

City Attorney Bill Connors commented that this is a new situation since the Town is both governing entity and applicant. This is typical of the EIR process but as a Town we usually pass the fees along to the applicant. In this case, the Town is the applicant.

**MOTION Dobbie, second McKeithen to approve the Atherton Library Building Project – Third Amenedment to LSA Associates Agreement.**

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

**15.    RESOLUTION APPROVING THE SALARY SCHEDULE FOR TOWN STAFF FOR FISCAL YEAR 2012-13**

**Report:** Finance Director Debra Auker

**Recommendation:** Adopt the resolution approving the attached Salary Schedule for Town Staff for Fiscal Year 2012-13.

Vice Mayor Lewis has trouble with the head of the Town making less than 4 of the department heads.

Mayor Widmer responded that the salary of the City Manager needs to account for the house. Property in Atherton can be rented for between \$5-7,000 a month. The Menlo Park City Manager was making \$190,000 a year and the East Palo Alto City Manager makes in the mid \$190's.

**MOTION McKeithen, second Lewis Approve the Resolution Approving the Salary Schedule for Town Staff for Fiscal Year 2012-13.**

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

**17.    ATHERTON POLICE FOUNDATION DONATION PROCEDURES**

**Report:** Police Chief Ed Flint

**Recommendation:** Approve the Atherton Police Foundation (APF) procedures thereby allowing the police department to work with the group in obtaining equipment and other goods provided by donors of the APF.

Councilmember Dobbie commented that in the last year the Foundation raised \$1800. If that is the goal it seems like it's not worth it to approve the motion.

Mayor Widmer noted that the Foundation seeks to provide the Police Department with things from their "wish list" that are not on the budget. Mayor Widmer would like to see the wish list. Police Chief Flint answered that he would provide that to the Council.

Herb Lechner spoke on behalf of the Atherton Police Foundation and commented that because of a budget deficit fundraising was put on hold. This was partly so as to not compete with fundraising efforts of the Town Center Task Force. It was his hope that both entities could work cooperatively.

Councilmember McKeithen asked why a non-Atherton resident was on the Foundation's board. Mr. Lechner replied that Mr. Nielsen worked for the Atherton Police Department and has been a wealth of information for the group. It is likely, however that he will step down from the board once procedures are put into place.

**MOTION McKeithen, second Dobbie to Approve the Atherton Police Foundation (APF) procedures thereby allowing the police department to work with the group in obtaining equipment and other goods provided by donors of the APF.**

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

**18. ADOPTION OF RESOLUTION 12-XX APPROVING UPDATE OF THE TOWN'S CONFLICT OF INTEREST CODE AND APPENDIX "A" DESIGNATING POSITIONS IN THE CONFLICT OF INTEREST CODE**

**Report:** Interim City Manager Theresa DellaSanta

**Recommendation:** Adopt a Resolution Amending Conflict of Interest Code of Non-Elected Officials and Designated employees of the Town of Atherton.

Councilmember McKeithen wanted to clarify that the arborist and the code enforcement official fall under consultants. Interim City Manager confirmed that this is the case.

**MOTION McKeithen, second by Dobbie to Adopt a Resolution Amending Conflict of Interest Code of Non-Elected Officials and Designated Employees of the Town of Atherton.**

**Ayes: 5**

**Nays: 0**

**Abstain: 0**

**Absent: 0**

**PUBLIC HEARINGS - (Item 20)**

**20. FIRST READING: INTRODUCTION OF CITY MANAGER ORDINANCE TO AMEND CHAPTER 2.12 ESTABLISHING A CITY MANAGER POSITION DESCRIPTION**

**Report:** City Attorney Bill Conners

**Recommendation:** Introduction of a City Manager Ordinance to amend Chapter 2.12 establishing a City Manager position description. Three votes are required to introduce the Ordinance. A second vote, scheduled at least ten days after the date of this meeting, is required to pass the ordinance.

City Attorney Bill Conners presented the item.

Mayor Widmer asked if next time "*track changes*" could be used to make it easier to see what was removed. He also commented that the language in the description makes it very difficult for the Council to remove the City Manager if it is necessitated.

City Attorney Conners answered that this is essentially a new document so there were no changes to track. The previous description opened the Town up to litigation. It is the City Attorney's job to present the Council with a description which is legally defensible. The prior description was not defensible and bordered on unconstitutional.

Vice Mayor Lewis thinks the description is clear but and it allows the City Manager a rebuttal if he/she is let go. That doesn't mean that the Council cannot follow through.

Mayor Widmer would like to know from the City Attorney what is being worked on. He would like to be able to give feedback and ideas on the upcoming documents. City Attorney Bill Conners responded that he has done that. The City Manager description was first on the list and the CEQA ordinance is next.

Councilmember Dobbie thinks that there should be no mention of the word "tenure" in the description. City Attorney Conners agreed.

Councilmember Carlson noted that in Section 2.08.040 he feels that A and B should be clarified, that each paragraph should exclude the City Attorney.

Councilmember McKeithen noted that Section 2.08.060 should be clarified to say something like: “unless the City Manager authorizes it.” City Attorney Connors advised against changing that wording.

Mayor Widmer remarked that some of the wording taken from other cities was awkward and could be streamlined.

Peter Carpenter, Larch Avenue, mentioned that it is there to protect the Council and the City Manager and it is the role of the City Manager to provide direction to Staff, not the Council.

**MOTION by McKeithen, second by Lewis Introduce the City Manger Ordinance to Amend Chapter 2.12 Establishing a City Manager Position Description.**

**Ayes: 5**

**Nays: 0**

**Abstain: 0**

**Absent: 0**

**REGULAR AGENDA – (Items 21-28)**

**21. APPROVAL OF CONTRACT WITH GODBE RESEARCH FOR A POLLING SURVEY FROM GODBE RESEARCH**

**Report:** Interim City Manager Theresa DellaSanta

**Recommendation:** Approve contract with Godbe Research to conduct a polling survey in an amount not to exceed \$18,500, and authorize the City Manager to negotiate and execute the contract.

Mayor Widmer is in favor of a survey. He feels it could be unifying.

Councilmember Dobbie is in favor of a survey if it is done professionally and he feels that the survey should target 400 not 200. He would like more concrete answers and to why people are for or against the Library in Holbrook Palmer Park.

Councilmember Carlson thinks that the focus of the survey should be the Library. That is the hot issue. Councilmember Carlson also feels like instead of a survey it should be a vote conducted by Godbe of the whole Town. It would go a long way to helping the Town.

Vice Mayor Lewis feels like a survey won't heal the Town. The only thing that will heal the Town is a vote. Phone surveys are not helpful – people don't want to be bothered. It won't be a good sample and it is a waste of money.

Councilmember McKeithen feels that this is a complex, polarizing issue. It is hard to boil that all down to a yes or no vote. It reminds her of the High Speed Rail project and there is a lot of information to look at and it might be too complex for a vote. Councilmember McKeithen also pointed out that the events in the park don't make enough money for that to be a deciding factor for putting the Library in the park or not.

Councilmember Carlson noted that Atherton was the only town on the peninsula that shot down High Speed Rail and that the residents are smart and thoughtful.

Vice Mayor Lewis noted that the events in Holbrook Palmer Park were on track to make money in 2011 but the Council took steps to take events out of the park. Councilmember McKeithen noted that at a recent meeting, the former Finance Director did not confirm that statement.

#### OPEN PUBLIC COMMENTS

Walter Sleeth, feels that the analysis has provided a good solution. The Library Steering Committee has been transparent. He wants the survey set up in such a way that it is not later viewed as biased and the topic can be settled.

Paul Jones, Moulten Drive, spoke about how easy it is for a survey to be biased or skewed. He thinks the Library Steering Committee should be objective and that the Council should stay neutral and not guide the survey process either.

John Ruggiero, agreed with Paul Jones. He feels that the survey should be mailed to everyone. If it is only sent to a select few then there will be an uproar that people were left out.

Peter Carpenter, thinks there should be a Town-wide vote. The issue is too divisive as evidenced by the Council being split on the issue 3-2. Whichever side loses the decision will say that the process wasn't fair, unless it is put to a vote.

Anne McNertney, Watkins Avenue, would like to see a vote of all Atherton residents. She has no faith that a survey could be done fairly.

Stuart Awbrey, resident, remarked that the Final EIR shows many comments against the park in the Library.

Ray Gerard, resident, feels that there should be a vote. Surveys can be biased.

Greg Conlon, Virginia Ave., thinks that 200 people isn't enough for a survey. It leaves too much margin for error. The survey needs to get enough of a sample to make the survey legitimate.

Charles Marsala, Emilie Avenue, feels there should be a vote. A survey will be biased. The Town seems to want to save the park as open space.

Vice Mayor Lewis read three letters, the first of which was signed by 90 residents who feel that the issue should be put to a vote which would be the fair and democratic thing to do. The second letter was from Gail Alberty who feels the old library should be updated as need but should remain the small Town library that it has always been and should stay in the same location. The third letter read was in favor of a vote run by volunteers.

**MOTION by Councilmember Carlson, second by Vice Mayor Lewis to approve an all mail survey of registered voters. The motion failed 2-2-1, with Dobbie and McKeithen opposed and Widmer abstaining.**

Mayor Widmer noted that the 1-3% return rate for a mail-in survey makes the survey results inconsequential. He feels the phone can target their demographics more precisely.

Vice Mayor Lewis feels there should be a vote.

Mayor Widmer clarified that the only decision tonight will be whether there is a survey or no survey. The idea of a vote would have to be put on the agenda of another meeting.

City Attorney Connors noted that a survey is non-binding. A vote by the residents would be binding.

Councilmember Dobbie thinks a survey could be beneficial if done right. If it were extended to more than 200 people he would support a survey.

Mayor Widmer noted that he would not support a mail survey.

**MOTION by Widmer, second by Dobbie to approve a contract with Godbe Research for a telephone polling survey from Godbe Research. The motion failed 2-3, with Carlson, Lewis and McKeithen opposed.**

**22. AUTHORIZE THE APPROPRIATION AND PAYMENT OF \$1,224,321 TO PAY OFF THE CALPERS PENSION PLAN SIDE FUND OBLIGATIONS FOR THE ATHERTON SAFETY PLAN BY JUNE 30, 2012 AND COMMIT FUNDS TO PAYOFF THE MISCELLANEOUS PENSION PLAN SIDE FUND OBLIGATIONS IN JUNE 2013**

**Report:** Finance Director Debra Auker

**Recommendation:** Adopt a resolution (Attachment A) to appropriate and authorize payment of \$1,224,321 to the California Public Employees' Retirement System (CalPERS) to pay off, in full, the CalPERS Safety Pension Plan Side Fund obligation prior to June 30, 2012 from General Fund reserves. Staff also recommends committing \$704,313 of General Fund Balance to pay off the Miscellaneous Pension Plan Side Fund obligation by July 1, 2013

Interim Finance Director Debra Auker presented the report. Recommends paying off the CalPERS side fund. It will cost 1.2 million dollars and would save a minimum of 282,000 in the first year. Pay off the miscellaneous plan obligation a year from now. Set aside part of fund balance as "Committed Fund Balance."

Mayor Widmer thanked Interim Finance Director Debra Auker for her work on this.

Councilmember Dobbie thinks it's a good financial decision to pay it off and reiterated the calculations from the report.

Vice Mayor Lewis wanted clarification on Councilmember Dobbie's statement. Finance Director Auker and Councilmember Dobbie clarified that he's not talking about saving but

rather the depletion of the Town's cash reserves would remain much the same if we take Ms. Auker's recommendation.

Councilmember Carlson asked Interim Finance Director Auker for clarification of the timing. Why should it be done sooner rather than later? Interim Finance Director Auker answered that if we wait longer will it affect the balance. The rate that we pay is calculated annually. It is always based on the prior year's actuarial data. PERS has made some adjustments. The real savings could come if we pay it off now – we have the money set aside right now. It would reduce our rate per employee by 13.5% and could assume more of the present-value savings the sooner you pay it off.

Councilmember McKeithen noticed that on page 4 of 9 at the top – the 15% Emergency Reserve figure was omitted. It should be \$1.63 million. Interim Finance Director Auker agreed that it was an oversight and that money is still in the reserve fund.

**Motion by McKeithen, second by Carlson to Authorize the Appropriation and Payment of \$1,224,321 to Pay Off the CalPERS Pension Plan Side Fund Obligations for the Atherton Safety Plan by June 30, 2012 and Commit Funds to Pay off the Miscellaneous Pension Plan Side Fund obligations in June 2013.**

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

The meeting was continued to Friday, June 29, 2012 at 9:30 a.m. where Council will take up the remaining items 23 through 32.

**33. ADJOURN –**

Mayor Widmer adjourned the meeting at 10:35pm.

Respectfully submitted,

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Theresa DellaSanta  
Interim City Manager

**TOWN OF ATHERTON**  
**CLAIMS LIST JUNE 2012**

	<u>Amount</u>
A/P Checks (#13852-13968)	\$ 609,483
Payroll Checks (#340-345)	1,747
Direct Deposit - Payroll	198,596
Electronic Transfer - A/P & Payroll	301,697
<b>JUNE 2012 Total</b>	<b>1,111,523</b>

I, Theresa DellaSanta, Interim City Manager of the Town of Atherton, do hereby certify that the demand listed above, check numbers 340-345 (payroll), and 13852-13968 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,111,523 are true and correct based on the information provided to me and that there are sufficient funds for payment.

\_\_\_\_\_  
 Theresa DellaSanta  
 Interim City Manager

The above claims, check numbers 340-345 (payroll), and 13852-13968 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,111,523 are true and correct and are authorized for payment.

\_\_\_\_\_  
 Bill Widmer  
 Mayor, Town of Atherton

**SOURCE OF FUNDS**

<b>101</b>	General Fund	\$ 905,220
<b>105</b>	Tennis Fund	298
<b>201</b>	Special Tax	6,081
<b>202</b>	Measure A	400
<b>203</b>	Gas Tax	126,044
<b>213</b>	Library	17,077
<b>215</b>	Evan Creative Design	4,975
<b>610</b>	Equipment Replacement	15,956
<b>616</b>	Employee Benefits	35,472
	<b>TOTAL</b>	<b>1,111,523</b>

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
<u>Check#</u>	<u>Check Date</u>	<u>Vendor Name</u>	<u>Invoice#</u>	<u>Fund</u>	<u>Dept</u>	<u>Description</u>	<u>Amount</u>
13852	6/4/2012	AFLAC	501-04-2012	General Fund		PR Batch 501 4 2012 AFLAC Accident Indemnity	155.70
13852	6/4/2012	AFLAC	501-04-2012	General Fund		PR Batch 501 4 2012 AFLAC Cancer Ins	149.46
13852	6/4/2012	AFLAC	501-04-2012	General Fund		PR Batch 501 4 2012 AFLAC Dental Ins PreTx	92.40
13852	6/4/2012	AFLAC	501-04-2012	General Fund		PR Batch 501 4 2012 AFLAC Hospital Indemnity	25.52
13852	6/4/2012	AFLAC	501-04-2012	General Fund		PR Batch 501 4 2012 AFLAC Intensive Care	16.26
13852	6/4/2012	AFLAC	501-04-2012	General Fund		PR Batch 501 4 2012 AFLAC Specified Health	27.90
13852	6/4/2012	AFLAC	501-04-2012	General Fund		PR Batch 501 4 2012 AFLAC-STD After Tax	62.81
13852	6/4/2012	AFLAC	502-04-2012	General Fund		PR Batch 502 4 2012 AFLAC Specified Health	27.90
13852	6/4/2012	AFLAC	502-04-2012	General Fund		PR Batch 502 4 2012 AFLAC-STD After Tax	62.81
13852	6/4/2012	AFLAC	502-04-2012	General Fund		PR Batch 502 4 2012 AFLAC Accident Indemnity	155.70
13852	6/4/2012	AFLAC	502-04-2012	General Fund		PR Batch 502 4 2012 AFLAC Cancer Ins	149.46
13852	6/4/2012	AFLAC	502-04-2012	General Fund		PR Batch 502 4 2012 AFLAC Dental Ins PreTx	92.40
13852	6/4/2012	AFLAC	502-04-2012	General Fund		PR Batch 502 4 2012 AFLAC Hospital Indemnity	25.52
13852	6/4/2012	AFLAC	502-04-2012	General Fund		PR Batch 502 4 2012 AFLAC Intensive Care	16.26
<b>13852 Total</b>							1,060.10
13853	6/4/2012	AFLAC	501-03-2012	General Fund		PR Batch 501 3 2012 Flex Participation Fee - EE	75.00
<b>13853 Total</b>							75.00
13854	6/4/2012	TEAMSTERS LOCAL 856 H & W	522-04-2012	General Fund		PR Batch 522 4 2012 Dental Insurance	144.00
13854	6/4/2012	TEAMSTERS LOCAL 856 H & W	501-05-2012	General Fund		PR Batch 501 5 2012 Dental Insurance	3,888.00
<b>13854 Total</b>							4,032.00
13855	6/4/2012	TEAMSTERS UNION LOCAL 856	501-05-2012	General Fund		PR Batch 501 5 2012 Teamsters Dues	53.54
13855	6/4/2012	TEAMSTERS UNION LOCAL 856	501-06-2012	General Fund		PR Batch 501 6 2012 Teamsters Dues	53.54
13855	6/4/2012	TEAMSTERS UNION LOCAL 856	502-052012	General Fund		PR Batch 502 5 2012 Teamsters Dues	53.54
<b>13855 Total</b>							160.62
13856	6/4/2012	VISION SERVICE PLAN	522-04-2012	General Fund		PR Batch 522 4 2012 Vision Insurance	15.77
13856	6/4/2012	VISION SERVICE PLAN	501-05-2012	General Fund		PR Batch 501 5 2012 Vision Insurance	455.21
13856	6/4/2012	VISION SERVICE PLAN	June 2012	General Fund	DPW-Street Maint.	Vision cobra M. Rubalcava June 2012	10.88
<b>13856 Total</b>							481.86

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13857	6/7/2012	A-A LOCK & ALARM INC	227079	General Fund	DPW-Building Maint.	Repair/rekey thumbturn on leverset art room 151 Watkins	203.94
<b>13857 Total</b>							203.94
13858	6/7/2012	AT&T CALNET 2	000003404636	General Fund	Non-Dept	8099 Town Hall Front Desk Main Line 4/27/12 -5/26/12	420.46
13858	6/7/2012	AT&T CALNET 2	000003388196	General Fund	Police	1953 Circuit# from PD to 590 Hamilton 4/20/12 -5/19/12	96.90
13858	6/7/2012	AT&T CALNET 2	000003388197	General Fund	Police	8343 83 Ashfield/KCEA radio PD 4/20/12 - 5/19/12	57.18
13858	6/7/2012	AT&T CALNET 2	000003388195	General Fund	Police	1053 Teleminder loop line PD 4/20/12 - 5/19/12	84.05
13858	6/7/2012	AT&T CALNET 2	000003388199	General Fund	Police	7360 Circuit data line PD 4/20/12 - 5/19/12	359.15
13858	6/7/2012	AT&T CALNET 2	000003388198	General Fund	Police	5840 83 Ashfield to Industrial Rd PD 4/20/12 - 5/19/12	265.37
13858	6/7/2012	AT&T CALNET 2	000003388202	General Fund	Police	6691 Cal water/Bear gulch voter PD 4/20/12 - 5/19/12	76.51
13858	6/7/2012	AT&T CALNET 2	000003388201	General Fund	Police	6690 MP police to PD voter 4/20/12 - 5/19/12	66.22
13858	6/7/2012	AT&T CALNET 2	000003388200	General Fund	Police	6689 MP fire to PD voter 4/20/12 - 5/19/12	66.22
<b>13858 Total</b>							1,492.06
13859	6/7/2012	BKF ENGINEERS	12050153	Special Tax	DPW-Engineering	Upper Atherton channel creek stabilization 3/19/12 -4/15/12	5,771.16
<b>13859 Total</b>							5,771.16
13860	6/7/2012	CDW GOVERNMENT	L084748	General Fund	Non-Dept	(1) Quantum LTO Ultriumx20- 400GB - storage media Town IT	634.49
<b>13860 Total</b>							634.49
13861	6/7/2012	CLARK PEST CONTROL	12786619	Library Fund	Non-Dept	Pest control services Library May 2012	95.00
<b>13861 Total</b>							95.00
13862	6/7/2012	COMCAST	0122498/0512	General Fund	Non-Dept	High speed internet 5/21/12 - 6/20/12	209.90
<b>13862 Total</b>							209.90
13863	6/7/2012	DE LAGE FINANCIAL SERVICES,INC	13784498	General Fund	Planning	Lease Sharp MXM453N copier Planning 5/15/12 - 6/14/12	50.50
13863	6/7/2012	DE LAGE FINANCIAL SERVICES,INC	13784498	General Fund	Building	Lease Sharp MXM453N copier Bldg 5/15/12 - 6/14/12	50.50
13863	6/7/2012	DE LAGE FINANCIAL SERVICES,INC	13784498	General Fund	DPW-Engineering	Lease Sharp MXM453N copier DPW Eng. 5/15/12 - 6/14/12	50.50
<b>13863 Total</b>							151.50
13864	6/7/2012	DELL MARKETING L.P.	XFRR74126	Equipment Replacement	Police	In car video system-related server replacement (ABAG reimbursed)	1,596.92
<b>13864 Total</b>							1,596.92

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13865	6/7/2012	FLINT EDWIN F.	12-05	General Fund	Police	Interim Police Chief May 2012	14,500.00
<b>13865 Total</b>							14,500.00
13866	6/7/2012	HALF MOON BAY GRADING & PAVING INC.	4597	Gas Tax		2012 Spring patching -10% retention	(4,695.44)
13866	6/7/2012	HALF MOON BAY GRADING & PAVING INC.	4597	Gas Tax	DPW-Engineering	2012 Spring patching	46,954.44
<b>13866 Total</b>							42,259.00
13867	6/7/2012	HOFBRAU CATERING	45072	General Fund	Police	Breakfast for annual mandatory dispatch meeting 4/19/12	150.74
13867	6/7/2012	HOFBRAU CATERING	45073	General Fund	Police	Lunch for annual dispatch meeting 4/19/12	223.81
<b>13867 Total</b>							374.55
13868	6/7/2012	MAZE & ASSOCIATES	2788	General Fund	Finance	Interim audit field work FY2012	3,300.00
<b>13868 Total</b>							3,300.00
13869	6/7/2012	NEAL MARTIN & ASSOCIATES	1221	General Fund	Planning	Housing element planning services April 2012	639.63
13869	6/7/2012	NEAL MARTIN & ASSOCIATES	1222	Library Fund	Non-Dept	Library relocation planning services April 2012	3,474.50
<b>13869 Total</b>							4,114.13
13870	6/7/2012	OFFICE DEPOT	609691587001	General Fund	DPW-Engineering	Printer DPW Engineering	162.36
<b>13870 Total</b>							162.36
13871	6/7/2012	PG & E	92913025489/512	General Fund	DPW-Street Maint.	Corp Office/Storage 4/24/12 - 5/22/12	87.55
13871	6/7/2012	PG & E	34579695882/512	General Fund	DPW-Street Maint.	Signal El Camino/Atherton 4/25/12 - 5/23/12	68.19
13871	6/7/2012	PG & E	95313129439/512	General Fund	DPW-Street Maint.	93 Dinkelspiel Station Ln 4/25/12 - 5/23/12	179.98
13871	6/7/2012	PG & E	08963023620/512	General Fund	DPW-Park Maint.	160 Watkins (CM house) 4/26/12 - 5/23/12	40.16
13871	6/7/2012	PG & E	91663025566/512	Library Fund	Non-Dept	Atherton library 4/24/12 - 5/22/12	614.70
<b>13871 Total</b>							990.58
13872	6/7/2012	SAN MATEO CNTY SHERIFF'S OFFIC	July10-11, 2012	General Fund	Police	Driver Training Update J. Wade 7/10/12 - 7/11/12	450.00
<b>13872 Total</b>							450.00
13873	6/7/2012	SPRINT	130538811-054	General Fund	Police	Mobile data communication PD 4/26/12 - 5/25/12	431.51
<b>13873 Total</b>							431.51
13874	6/7/2012	STUART M. FLASHMAN	June 2012	General Fund	Non-Dept	Professional services High speed rail litigation	960.97
<b>13874 Total</b>							960.97
13875	6/7/2012	VERIZON WIRELESS	1086425989	General Fund	Building	Wireless services Bldg 4/22/12 - 5/21/12	0.34
13875	6/7/2012	VERIZON WIRELESS	1086425989	General Fund	Police	Wireless services PD 4/22/12 - 5/21/12	112.79

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
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13875	6/7/2012	VERIZON WIRELESS	1086425989	General Fund	DPW-Engineering	Wireless services DPW Engineering 4/22/12 - 5/21/12	4.80
13875	6/7/2012	VERIZON WIRELESS	1086425989	General Fund	DPW-Street Maint.	Wireless services DPW Street Maint. 4/22/12 - 5/21/12	5.69
13875	6/7/2012	VERIZON WIRELESS	1086425989	General Fund	DPW-Park Maint.	Wireless services DPW Park Maint. 4/22/12 - 5/21/12	0.17
13875	6/7/2012	VERIZON WIRELESS	1086425989	General Fund	DPW-Park Program	Wireless services DPW Park Program 4/22/12 - 5/21/12	0.34
<b>13875 Total</b>							124.13
13876	6/7/2012	VOYAGER FLEET SYSTEMS INC.	869016477205	General Fund	Police	Motorcycle fuel PD May 2012	51.90
<b>13876 Total</b>							51.90
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	4960/5-22-12TD	General Fund	City Council	Pizza for Council meeting 5/16/12	60.21
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5424/5-22-12KR	General Fund	Administration	Foods for Employees luncheon 5/19/12	475.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5424/5-22-12KR	General Fund	Administration	Deserts for Employees luncheon 5/19/12	99.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5424/5-22-12KR	General Fund	Administration	Drinks for Employees luncheon 5/19/12	84.36
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5424/5-22-12KR	General Fund	Administration	Foods for Employees luncheon 5/19/12	180.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5424/5-22-12KR	General Fund	Planning	2012 CA Env Quality Act & CEQA Guidelines book Planning	29.57
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5424/5-22-12KR	General Fund	Planning	2012 Subdivision Map Act book Planning	29.57
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5424/5-22-12KR	General Fund	Planning	2012 Planning and Zoning Law book Planning	29.58
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	4960/5-22-12TD	General Fund	Non-Dept	Network solution -Website renewal	155.40
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	4960/5-22-12TD	General Fund	Non-Dept	Secure socket for website	12.99
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Non-Dept	(1) pk Cleaning tape for back up Town server	60.98
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Non-Dept	(1) Data tape for Town server	128.53
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Non-Dept	(1) 6-ft Cable for Town server	54.07
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Holster J. Wade PD	24.79
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Police	Car wash PD April 2012	160.00

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Police	(1) USB serial converter -PAS device PD	23.60
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	DeWalt mobile lock fee PD May 2012	19.95
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Lunches Public Record Act trnng Wade, Mattes, Frew 4/27/12	81.28
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Lunches Public Record Act trnng Wade, Mattes, Frew 4/26/12	58.88
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Parking fee PRA training J. Wade 4/26 - 4/27/12	5.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Parking fee PRA training J. Mattes 4/26 - 4/27/12	5.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Parking fee PRA training J. Frew 4/26 - 4/27/12	5.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Parking fee PRA training J. Wade 4/26 - 4/27/12	4.50
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Parking fee PRA training J. Mattes 4/26 - 4/27/12	4.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	2431/5-22-12JW	General Fund	Police	Parking fee PRA training J. Frew 4/26 - 4/27/12	4.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Police	Monthly crime report PD April 2012	99.00
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Police	(3) HP 920 Black ink cartridge PD	85.31
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Police	(10) Polo shirts per Diem dispatchers PD	597.57
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Police	(1) Gold seal for ID card PD	33.88
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5432/5-22-12JF	General Fund	Police	(1) Panel ribbon for ID card PD	102.14
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5424/5-22-12KR	General Fund	DPW-Engineering	Copies presentation for facebook DPW Eng.	154.66
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5408/5-22-12ST	General Fund	DPW-Park Program	Internet fee HP Park May 2012	67.58
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5408/5-22-12ST	General Fund	DPW-Park Program	(2) Pods rental, on site storage HP Park May 2012 (Final)	378.88
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5408/5-22-12ST	Tennis Fund	DPW-Park Program	Tennis court patch	64.17
13877	6/7/2012	IMPAC. GOVERNMENT SERVICES	5408/5-22-12ST	Tennis Fund	DPW-Park Program	(6) ea Tennis net straps	47.65
<b>13877 Total</b>							3,426.10

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	Administration	91 Ashfield - Admin 4/25/12 - 5/23/12	15.58
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	Planning	Station Lane/Town Hall 4/25/12 - 5/23/12	22.09
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	Building	Station Lane/Town Hall 4/25/12 - 5/23/12	132.55
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	Police	91 Ashfield - PD 4/25/12 - 5/23/12	26.53
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	DPW-Engineering	Station Lane/Town Hall 4/25/12 - 5/23/12	66.28
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	DPW-Street Maint.	99 Dinkenspiel Corp Off/Storage 4/25/12 - 5/23/12	107.72
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	DPW-Park Maint.	160 WATKINS (CM House) 4/26/12 - 5/24/12	33.52
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	DPW-Park Program	150 Watkins HP Activities 4/26/12 - 5/24/12	75.71
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	General Fund	DPW-Park Program	150 Watkins Town of Atherton 4/26/12 - 5/24/12	33.52
13878	6/14/2012	ABAG POWER PURCHASING POOL	8004387	Library Fund	Non-Dept	Library/Dinkenspiel/Sta Ln 4/25/12 - 5/23/12	36.71
<b>13878 Total</b>							550.21
13879	6/14/2012	ACCONTEMPS	35631496	General Fund	Finance	Temp Phonpradith, Noy 5/21/12 - 5/24/12	1,285.76
13879	6/14/2012	ACCONTEMPS	35662329	General Fund	Finance	Temp Phonpradith, Noy 5/29/12 - 5/31/12	964.32
<b>13879 Total</b>							2,250.08
13880	6/14/2012	AT&T CALNET 2	000003404635	General Fund	Non-Dept	0600 PBX switch board line 4/27/12 - 5/26/12	112.38
13880	6/14/2012	AT&T CALNET 2	000003417022	General Fund	Non-Dept	4866 Fax credit card post office 5/1/12 - 5/31/12	0.32
13880	6/14/2012	AT&T CALNET 2	000003419829	General Fund	Non-Dept	4866 Fax credit card post office 5/1/12 - 5/31/12	15.41
13880	6/14/2012	AT&T CALNET 2	000003417019	General Fund	Police	5396 ESL service line PD 5/1/12 - 5/31/12	60.72
13880	6/14/2012	AT&T CALNET 2	000003404633	General Fund	Police	0686 Alarm shed PD 4/27/12 - 5/26/12	15.74
13880	6/14/2012	AT&T CALNET 2	000003404634	General Fund	Police	0280 Disaster line PD 4/27/12 - 5/26/12	212.29
<b>13880 Total</b>							416.86
13881	6/14/2012	CA DEPT JUSTICE ACCOUNTING OFF	912010	General Fund	Police	(2) Fingerprint apps PD	64.00
13881	6/14/2012	CA DEPT JUSTICE ACCOUNTING OFF	912010	General Fund	Police	(1) Child abuse index ck PD	15.00
13881	6/14/2012	CA DEPT JUSTICE ACCOUNTING OFF	912010	General Fund	Police	(1) Peace officer PD	19.00
<b>13881 Total</b>							98.00
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Replace rear brake Command unit PD	1,347.63

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	New vehicle upfit services Crwn Victoria Interceptor PD	7,279.44
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Replace new battery Patrol PD	165.23
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Maintenance service -oil change/Air filter Camry Hybrid PD	240.86
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Replace new battery, tire reset services Patrol PD	262.91
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Maintenance service -oil change/Air filter Patrol PD	262.22
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Replace 1 new tire & drain plug Patrol PD	177.48
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Tires/Tracks services Patrol PD	71.69
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	New vehicle upfit services Crwn Victoria Interceptor PD	2,012.50
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Replace front tires Camry Hybrid PD	259.45
13882	6/14/2012	CITY OF REDWOOD CITY	BR27310	General Fund	Police	Tires/Tracks services Patrol PD	71.70
<b>13882 Total</b>							12,151.11
13883	6/14/2012	CITY OF REDWOOD CITY	BR27350	General Fund	Police	Fuel charge PD 4/15/12 - 5/15/12	4,050.13
13883	6/14/2012	CITY OF REDWOOD CITY	BR27350	General Fund	DPW-Street Maint.	Fuel charge DPW Street maint. 4/15/12 - 5/15/12	162.60
<b>13883 Total</b>							4,212.73
13884	6/14/2012	CITY OF REDWOOD CITY	SpelEventJun28	Evan Creative Design	Non-Dept	Family musical event HP Park 6/28/12	4,700.00
<b>13884 Total</b>							4,700.00
13885	6/14/2012	CSG CONSULTANTS INC	022154	General Fund	Non-Dept	Code enforcement services 3/31/12 - 4/27/12	3,965.50
13885	6/14/2012	CSG CONSULTANTS INC	022154	General Fund	Non-Dept	Code enforcement services 3/31/12 - 4/27/12	875.50
<b>13885 Total</b>							4,841.00
13886	6/14/2012	DUNBAR ARMORED INC	3072659	General Fund	Finance	Armored car services monthly fee May 2012	100.00
13886	6/14/2012	DUNBAR ARMORED INC	3072659	General Fund	Finance	Armored car services fuel surcharge fee May 2012	15.65
13886	6/14/2012	DUNBAR ARMORED INC	3072659	General Fund	Non-Dept	Armored car services cash processing fee May 2012	5.42
13886	6/14/2012	DUNBAR ARMORED INC	3072659	General Fund	Non-Dept	Armored car services maintenance fee May 2012	10.66
<b>13886 Total</b>							131.73
13887	6/14/2012	JARVIS, FAY, DOPORTO & GIBSON, LLP	4724	General Fund	City Attorney	Legal research & analysis Fletcher-Ridgeview project	397.50
<b>13887 Total</b>							397.50
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	4 Days parking Supervisory Leadership Institute trnng Kockler	60.00

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Dinner SLI training A. Kockler PD 6/3/12	10.70
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Dinner SLI training A. Kockler PD 6/4/12	14.01
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Lunch SLI training A. Kockler PD 6/4/12	8.25
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Breakfast SLI training A. Kockler PD 6/4/12	22.63
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Dinner SLI training A. Kockler PD 6/5/12	15.40
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Lunch SLI training A. Kockler PD 6/5/12	8.25
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Breakfast SLI training A. Kockler PD 6/5/12	11.71
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Lunch SLI training A. Kockler PD 6/6/12	11.48
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Breakfast SLI training A. Kockler PD 6/6/12	11.47
13888	6/14/2012	KOCKLER ANTHONY	June3-6, 2012	General Fund	Police	Dinner SLI training A. Kockler PD 6/6/12	12.38
<b>13888 Total</b>							186.28
13889	6/14/2012	KOFF & ASSOCIATES, INC.	1437	General Fund	Administration	HR services compensation data collection & analysis May 2012	1,260.00
<b>13889 Total</b>							1,260.00
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - spay Karli PD (K-9 spayed)	466.05
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - Hernia repair Karli PD	190.00
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - Suture Monocryl Plus 2-0w/sh Karli PD	14.75
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - Isoflurane Additional 15 minutes Karli PD	156.00
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - Canine Prophylaxis/Oral Exam Karli PD	125.50
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - Ear Cleaning Karli PD	31.50
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - Anal Gland Treatment Karli PD	32.50
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - Tramadol 50mg tablets Karli PD	15.50
13890	6/14/2012	MID-PENINSULA ANIMAL HOSPITAL	488259	General Fund	Police	Hospital visits - Metacam 32ml bottle Karli PD	73.97
<b>13890 Total</b>							1,105.77
13891	6/14/2012	MUNISERVICES LLC	Campbell Family	General Fund		Bus Lic. Campbell Family Electric Inc.	75.00
13891	6/14/2012	MUNISERVICES LLC	Piper's Plumb	General Fund		Bus Lic. Piper's Plumbing	75.00
13891	6/14/2012	MUNISERVICES LLC	CA Framing Cons	General Fund		Bus Lic. California Framing Construction	125.00
<b>13891 Total</b>							275.00
13892	6/14/2012	NEAL MARTIN & ASSOCIATES	1220	General Fund	Pass thru	Sacred Hearth deposit April 2012	225.75
13892	6/14/2012	NEAL MARTIN & ASSOCIATES	1220	General Fund	Pass thru	Menlo College deposit April 2012	338.63

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13892	6/14/2012	NEAL MARTIN & ASSOCIATES	1220	General Fund	Planning	Contract planner services April 2012	13,375.27
<b>13892 Total</b>							13,939.65
13893	6/14/2012	OFFICE TEAM	35635526	General Fund	City Council	8 hrs Temp help bulk mailing for Commission/Committees	176.00
13893	6/14/2012	OFFICE TEAM	35635527	General Fund	City Council	15 hrs Temp help bulk mailing for Commission/Committees	330.00
<b>13893 Total</b>							506.00
13894	6/14/2012	OLSON GARY M.	18 May 12	General Fund	Police	Psychology evaluation PD	300.00
<b>13894 Total</b>							300.00
13895	6/14/2012	P.F. PETTIBONE & CO	25494	General Fund	Administration	(2) 500 sheets 28# xerographic B.W. Minute Book Admin	180.95
<b>13895 Total</b>							180.95
13896	6/14/2012	PENINSULA UNIFORMS & EQUIPMENT	75403	General Fund	Police	(1) Radio carrier J. Yoakum PD	49.74
<b>13896 Total</b>							49.74
13897	6/14/2012	RECALL SECURE DESTRUCTION SERV	2303084317	General Fund	Police	Shred document services PD 5/4/12	41.45
13897	6/14/2012	RECALL SECURE DESTRUCTION SERV	2303084317	General Fund	Police	Shred document services PD 5/18/12	41.45
<b>13897 Total</b>							82.90
13898	6/14/2012	SAN MATEO CNTY CONTROLLERS OFFICE	May 2012	General Fund		Allocation of parking penalties May 2012	428.20
<b>13898 Total</b>							428.20
13899	6/14/2012	SAN MATEO CNTY FORENSIC LAB	CL03250	General Fund	Police	(2) hrs Fingerprint compare PD	506.00
13899	6/14/2012	SAN MATEO CNTY FORENSIC LAB	CL03250	General Fund	Police	(1) hrs Fingerprint process evidence PD	422.00
13899	6/14/2012	SAN MATEO CNTY FORENSIC LAB	CL03250	General Fund	Police	(1) hrs RCFL cost allocation PD	49.18
<b>13899 Total</b>							977.18
13900	6/14/2012	TURBO DATA SYSTEMS INC	19008	General Fund	Police	Citation processing PD May 2012	79.71
<b>13900 Total</b>							79.71
13901	6/14/2012	US BANCORP EQUIPMENT FINANCE INC.	204487193	General Fund	Police	Lease sharp MXM283N copier PD 5/25/12 - 6/25/12	237.18
<b>13901 Total</b>							237.18
13902	6/14/2012	US HEALTHWORKS MEDICAL GROUP P	2094895-CA	General Fund	Police	Physical exam PD	50.00
<b>13902 Total</b>							50.00
13903	6/14/2012	WILLIAMS SCOTSMAN, INC	96393257	General Fund	Police	Trailer rental PD 5/29/12 - 6/28/12	680.99
<b>13903 Total</b>							680.99
13904	6/14/2012	WITMER-TYSON IMPORTS INC	T9255	General Fund	Police	Monthly K-9 maintenance training May 2012	500.00

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13904	6/14/2012	WITMER-TYSON IMPORTS INC	T9255	General Fund	Police	Dog foods May 2012	119.08
<b>13904 Total</b>							619.08
13905	6/14/2012	PETTY CASH	June 2012	General Fund	Police	Bridge toll Exploitation And Trafficking Coalition trnng K. Lope	5.00
13905	6/14/2012	PETTY CASH	June 2012	General Fund	Police	Bridge toll pick up security camera footage case#11-770 Yoakum	5.00
13905	6/14/2012	PETTY CASH	June 2012	General Fund	Police	Bridge toll case#11-647 J. Yoakum	5.00
13905	6/14/2012	PETTY CASH	June 2012	General Fund	Police	Mileage Intoximeter training D. Gomez 12/16/11	17.69
13905	6/14/2012	PETTY CASH	June 2012	General Fund	Police	Lunch Social media communication trnng K. Lopez 4/26/12	15.77
13905	6/14/2012	PETTY CASH	June 2012	General Fund	Police	Flex cuffs S. Hall	7.03
13905	6/14/2012	PETTY CASH	June 2012	General Fund	Police	Flashlight hardware A. Kockler	21.28
<b>13905 Total</b>							76.77
13906	6/14/2012	AFLAC	522-04-2012	General Fund		PR Batch 522 4 2012 AFLAC Cancer Ins	31.85
13906	6/14/2012	AFLAC	522-04-2012	General Fund		PR Batch 522 4 2012 AFLAC Dental Ins PreTx	27.18
13906	6/14/2012	AFLAC	522-04-2012	General Fund		PR Batch 522 4 2012 AFLAC Accident Indemnity	19.98
13906	6/14/2012	AFLAC	501-05-2012	General Fund		PR Batch 501 5 2012 AFLAC Accident Indemnity	135.72
13906	6/14/2012	AFLAC	501-05-2012	General Fund		PR Batch 501 5 2012 AFLAC Cancer Ins	117.61
13906	6/14/2012	AFLAC	501-05-2012	General Fund		PR Batch 501 5 2012 AFLAC Dental Ins PreTx	65.22
13906	6/14/2012	AFLAC	501-05-2012	General Fund		PR Batch 501 5 2012 AFLAC Hospital Indemnity	25.52
13906	6/14/2012	AFLAC	501-05-2012	General Fund		PR Batch 501 5 2012 AFLAC Intensive Care	16.26
13906	6/14/2012	AFLAC	501-05-2012	General Fund		PR Batch 501 5 2012 AFLAC Specified Health	27.90
13906	6/14/2012	AFLAC	501-05-2012	General Fund		PR Batch 501 5 2012 AFLAC-STD After Tax	62.81
13906	6/14/2012	AFLAC	502-05-2012	General Fund		PR Batch 502 5 2012 AFLAC Accident Indemnity	135.72
13906	6/14/2012	AFLAC	502-05-2012	General Fund		PR Batch 502 5 2012 AFLAC Cancer Ins	117.61
13906	6/14/2012	AFLAC	502-05-2012	General Fund		PR Batch 502 5 2012 AFLAC Dental Ins PreTx	65.22
13906	6/14/2012	AFLAC	502-05-2012	General Fund		PR Batch 502 5 2012 AFLAC Hospital Indemnity	25.52
13906	6/14/2012	AFLAC	502-05-2012	General Fund		PR Batch 502 5 2012 AFLAC Intensive Care	16.26

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
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13906	6/14/2012	AFLAC	502-05-2012	General Fund		PR Batch 502 5 2012 AFLAC Specified Health	27.90
13906	6/14/2012	AFLAC	502-05-2012	General Fund		PR Batch 502 5 2012 AFLAC-STD After Tax	62.81
<b>13906 Total</b>							981.09
13907	6/21/2012	ACCOUNTEMP	35707723	General Fund	Finance	Temp Phonpradith, Noy 6/4/12 - 6/7/12	1,285.76
<b>13907 Total</b>							1,285.76
13908	6/21/2012	AFFORDABLE PAINTING SERVICES, INC.	CR2566	General Fund		Refund bid bond dep. for park painting	2,830.00
<b>13908 Total</b>							2,830.00
13909	6/21/2012	AT&T CALNET 2	000003441448	General Fund	Police	2801 Trailer PD 5/10/12 - 6/9/12	155.36
13909	6/21/2012	AT&T CALNET 2	000003441447	General Fund	Police	7653 Fax request service PD 5/10/12 - 6/9/12	14.48
13909	6/21/2012	AT&T CALNET 2	000003442977	General Fund	Police	1804 Dispatch fax PD 5/10/12 - 5/9/12	14.96
13909	6/21/2012	AT&T CALNET 2	000003441446	General Fund	Police	6452 Voice print-911 PD 5/10/12 - 6/9/12	15.73
13909	6/21/2012	AT&T CALNET 2	000003441445	General Fund	Police	6131 Emergency line PD 5/10/12 - 6/9/12	103.59
13909	6/21/2012	AT&T CALNET 2	000003441450	General Fund	Police	9743 Direct connect fax line PD 5/10/12 - 6/9/12	15.85
13909	6/21/2012	AT&T CALNET 2	000003441449	General Fund	Police	3220 Fax admin PD 5/10/12 - 6/9/12	15.82
13909	6/21/2012	AT&T CALNET 2	000003441451	General Fund	Police	6500 Main line PD 5/10/12 - 6/9/12	611.61
13909	6/21/2012	AT&T CALNET 2	000003440812	General Fund	Police	9297 Dinkelspiel alarm line PD 5/10/12 - 6/9/12	15.74
13909	6/21/2012	AT&T CALNET 2	000003417021	General Fund	DPW-Park Program	4859 HP Main House 5/1/12 - 5/31/12	60.40
13909	6/21/2012	AT&T CALNET 2	000003441829	General Fund	DPW-Park Program	2677 Park elevator 5/10/12 - 6/9/12	15.52
<b>13909 Total</b>							1,039.06
13910	6/21/2012	ATHERTON ARTS FOUNDATION	10056-J&N	Evan Creative Design	Non-Dept	(2500) postcards for family concert 6/28/12	274.96
<b>13910 Total</b>							274.96
13911	6/21/2012	BAMDAD RAFI	APW08-00119	General Fund		Refund road bond dep APW08-00119, 219 Camino Al Lago	2,500.00
<b>13911 Total</b>							2,500.00
13912	6/21/2012	BUILD BIG INC.	BP11-00175	General Fund		Refund recycling dep BP11-00175, 88 Atherton Ave	3,789.00
<b>13912 Total</b>							3,789.00
13913	6/21/2012	CAL WATER SERVICE	62040688/512	General Fund	DPW-Street Maint.	99 Ashfield Rd 5/3/12 - 6/4/12	60.25
13913	6/21/2012	CAL WATER SERVICE	90069321/512	General Fund	DPW-Street Maint.	Station Lane 5/3/12 - 6/4/12	249.64
<b>13913 Total</b>							309.89
13914	6/21/2012	CALIFORNIA KITCHEN	BP12-00019	General Fund		Refund recycling dep BP12-00019, 1 James Ave.	1,000.00
<b>13914 Total</b>							1,000.00
13915	6/21/2012	CITY OF MENLO PARK	July -Dec 2011	General Fund	DPW-Street Maint.	Shared traffic signal maint Valparaiso/University w/Menlo	299.78

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
<b>13915 Total</b>							299.78
13916	6/21/2012	COMPUCOM SYSTEMS INC	61359360	General Fund	Non-Dept	SYMC backup Exec 2012 Server 4/14/12 - 4/15/13	1,621.89
<b>13916 Total</b>							1,621.89
13917	6/21/2012	DONECHO CONSTRUCTION	APW05-790	General Fund		Refund road bond dep APW05-790, 42 Ridgeview	2,500.00
<b>13917 Total</b>							2,500.00
13918	6/21/2012	GOLDEN GATE TANK REMOVAL	APW05-741	General Fund		Refund road bond dep APW05-741, 83 Mesa Ct.	2,500.00
<b>13918 Total</b>							2,500.00
13919	6/21/2012	GOVCONNECTION, INC.	49139582	General Fund	City Council	(6) iPad2 Wi-Fi 16GB City Council	2,571.19
<b>13919 Total</b>							2,571.19
13920	6/21/2012	GROVE CONSTRUCTION	APW12-00034	General Fund		Refund road bond APW12-00034, 88 Hawthorne Dr	2,500.00
<b>13920 Total</b>							2,500.00
13921	6/21/2012	HALBERT DONALD	561	General Fund		Refund double payment for Inv# 561	153.64
<b>13921 Total</b>							153.64
13922	6/21/2012	HALF MOON BAY GRADING & PAVING INC.	4600	Gas Tax		2012 Spring patching 10% retention	(9,020.56)
13922	6/21/2012	HALF MOON BAY GRADING & PAVING INC.	4600	Gas Tax	DPW-Engineering	2012 Spring patching	90,205.56
<b>13922 Total</b>							81,185.00
13923	6/21/2012	HORIZON DISTRIBUTORS, INC.	1N088109	General Fund	DPW-Park Maint.	Measuring wheel/Blue flag Park Maintenance	4.61
13923	6/21/2012	HORIZON DISTRIBUTORS, INC.	1N088109	General Fund	DPW-Park Maint.	Measuring wheel/Blue flag Park Maintenance	91.00
13923	6/21/2012	HORIZON DISTRIBUTORS, INC.	1N088109	General Fund	DPW-Park Maint.	Measuring wheel/Blue flag Park Maintenance	39.00
<b>13923 Total</b>							134.61
13924	6/21/2012	HOUSTON COMMUNICATIONS INC	200000922-2	General Fund	Police	Radio repair-replace volume control, transistor, & PTT kit PD	151.15
13924	6/21/2012	HOUSTON COMMUNICATIONS INC	200000923-1	General Fund	Police	Radio repair -replace volume control & housing kit PD	191.02
<b>13924 Total</b>							342.17
13925	6/21/2012	HUBB SYSTEMS, LLC	INV-CA036	Equipment Replacement	Police	In car video system- MDVR control unit (ABAG reimb)	14,359.47
<b>13925 Total</b>							14,359.47
13926	6/21/2012	INTERWEST CONSULTING GROUP, INC	12598	General Fund	Building	Inspection services for permits issued prior Aug 22, 2011	6,000.00
13926	6/21/2012	INTERWEST CONSULTING GROUP, INC	12598	General Fund	Building	58% Total revenue of \$6893 May 2012	46,860.02

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13926	6/21/2012	INTERWEST CONSULTING GROUP, INC	12598	General Fund	Building	55% Total revenue May 2012	29,641.72
13926	6/21/2012	INTERWEST CONSULTING GROUP, INC	12597	General Fund	DPW-Engineering	Interim Public Works Director May 2012	14,500.00
<b>13926 Total</b>							97,001.74
13927	6/21/2012	KOMO CONSTRUCTION INC.	APW07-954	General Fund		Refund road bond dep APW07-954, 390 Stevick Dr.	2,500.00
<b>13927 Total</b>							2,500.00
13928	6/21/2012	MAZE & ASSOCIATES	2886	General Fund	Finance	Interim audit field work FY2012	11,600.00
13928	6/21/2012	MAZE & ASSOCIATES	2886	Measure A	DPW-Engineering	Interim audit field work -Measure A FY2012	400.00
<b>13928 Total</b>							12,000.00
13929	6/21/2012	MCE CORPORATION	1205125	General Fund	DPW-Street Maint.	Maintenance services DPW Street May 2012	25,028.34
13929	6/21/2012	MCE CORPORATION	1205125	General Fund	DPW-Park Maint.	Maintenance services DPW Park May 2012	18,337.94
13929	6/21/2012	MCE CORPORATION	1205125	General Fund	DPW-Park Program	Maintenance services DPW Park Program May 2012	405.55
13929	6/21/2012	MCE CORPORATION	1205125	General Fund	DPW-Building Maint.	Maintenance services Facilities May 2012	3,912.37
13929	6/21/2012	MCE CORPORATION	1205125	Tennis Fund	DPW-Park Program	Maintenance services Tennis court May 2012	186.55
13929	6/21/2012	MCE CORPORATION	1205125	Library Fund	Non-Dept	Maintenance services Library May 2012	294.03
<b>13929 Total</b>							48,164.78
13930	6/21/2012	METRO MOBILE COMMUNICATIONS INC	050060	General Fund	Police	(1) Mobile antenna kit PD	264.54
<b>13930 Total</b>							264.54
13931	6/21/2012	MUNISERVICES LLC	Thu's HVAC	General Fund		Bus Lic. Thu's HVAC	125.00
13931	6/21/2012	MUNISERVICES LLC	C&C Roofing	General Fund		Bus Lic. C & C Roofing	75.00
<b>13931 Total</b>							200.00
13932	6/21/2012	OFFICE DEPOT	611938012001	General Fund	Administration	(3) ca Copier papers admin	123.73
13932	6/21/2012	OFFICE DEPOT	611446056001	General Fund	Administration	Credit 2" binder inv# 604895533001	(0.69)
13932	6/21/2012	OFFICE DEPOT	611938012001	General Fund	Building	(1) ca Copier papers Bldg	41.24
13932	6/21/2012	OFFICE DEPOT	614143855001	General Fund	Police	(1) pk Energizer battery PD	29.38
13932	6/21/2012	OFFICE DEPOT	614143855001	General Fund	Police	(1) pk AAA battery PD	13.40
13932	6/21/2012	OFFICE DEPOT	614143855001	General Fund	Police	(2) pk Folder PD	49.54
13932	6/21/2012	OFFICE DEPOT	614143855001	General Fund	Police	(2) ca Copier paper PD	82.49
13932	6/21/2012	OFFICE DEPOT	614143855001	General Fund	Police	(1) ea Yellow laserjet toner PD	73.59
<b>13932 Total</b>							412.68
13933	6/21/2012	PG & E	5678831050/512	General Fund	Administration	Ashfield/Town Hall 4/25/12 - 5/23/12	584.01
13933	6/21/2012	PG & E	5678831261/512	General Fund	Planning	Station Lane 5/1/12 - 5/30/12	15.30
13933	6/21/2012	PG & E	5678831261/512	General Fund	Building	Station Lane 5/1/12 - 5/30/12	91.81

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13933	6/21/2012	PG & E	5678831261/512	General Fund	DPW-Engineering	Station Lane 5/1/12 - 5/30/12	45.91
13933	6/21/2012	PG & E	5678831025/512	General Fund	DPW-Street Maint.	Signal-Middlefield/Oak Grove 4/26/12 - 5/24/12	40.20
13933	6/21/2012	PG & E	5678831015/512	General Fund	DPW-Street Maint.	Signal E/S Middlefield 4/26/12 - 5/24/12	49.16
13933	6/21/2012	PG & E	5678831020/512	General Fund	DPW-Street Maint.	Signal-Marsh/Middlefield 4/26/12 - 5/24/12	9.52
13933	6/21/2012	PG & E	5678831002et512	General Fund	DPW-Street Maint.	Street Lights 5/2/12 - 5/31/12	4,074.46
13933	6/21/2012	PG & E	86713555828/512	General Fund	DPW-Street Maint.	Signal Middlefield/Encinal 4/26/12 - 5/24/12	38.07
13933	6/21/2012	PG & E	5678831040/512	General Fund	DPW-Park Maint.	Pump 150 Watkins 4/26/12 - 5/23/12	317.20
13933	6/21/2012	PG & E	5678831189/512	General Fund	DPW-Park Program	Modular Building 150 Watkins 5/1/12 - 5/30/12	380.59
13933	6/21/2012	PG & E	5678831260	General Fund	DPW-Park Program	Activity Bldg 150 Watkins 5/1/12 - 5/30/12	284.10
<b>13933 Total</b>							5,930.33
13934	6/21/2012	R.J. DAILEY CONSTRUCTION COMPANY	APW05-664	General Fund		Refund road bond dep APW05-664, 61 Monte Vista	2,500.00
<b>13934 Total</b>							2,500.00
13935	6/21/2012	RANADIVE CONSTRUCTION	APW07-828	General Fund		Refund road bond dep APW07-828, 266 Park Ln	2,500.00
<b>13935 Total</b>							2,500.00
13936	6/21/2012	RAY ALLEN PROFESSIONAL K-9 EQU	278994	General Fund	Police	(1) K-9 Door remote PD	269.95
<b>13936 Total</b>							269.95
13937	6/21/2012	SAN MATEO CNTY INFO SERV DEPT	1YAT11205	General Fund	Police	Microwave micro channel PD May 2012	152.00
13937	6/21/2012	SAN MATEO CNTY INFO SERV DEPT	1YAT11205	General Fund	Police	MessageSwitch line PD May 2012	1,154.08
<b>13937 Total</b>							1,306.08
13938	6/21/2012	SAN MATEO CNTY SHERIFF'S OFFIC	9206	General Fund	Police	(2) Live scan services PD May 2012	36.00
<b>13938 Total</b>							36.00
13939	6/21/2012	SAN MATEO REGIONAL NETWORK INC	20184	General Fund	Police	Monthly T-1 access fee June 2012	385.00
<b>13939 Total</b>							385.00
13940	6/21/2012	TELECOMMUNICATIONS ENGINEERING	41885	General Fund	Police	Facility mgmt and Maint for public safety communication center	934.00
<b>13940 Total</b>							934.00
13941	6/21/2012	THE ALMANAC	May 2012	General Fund	Administration	Committees/Commissions recruitment 5/19/12	290.00
13941	6/21/2012	THE ALMANAC	May 2012	General Fund	Administration	Committees/Commissions recruitment 5/23/12	348.00

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13941	6/21/2012	THE ALMANAC	May 2012	General Fund	DPW-Street Maint.	Bids for tree maintenance service 5/9/12	696.00
13941	6/21/2012	THE ALMANAC	May 2012	General Fund	DPW-Street Maint.	Bids for Carriage house & City Mgr residence painting 5/9/12	696.00
13941	6/21/2012	THE ALMANAC	May 2012	Library Fund	Non-Dept	Notice of public hearing EIR Library 5/30/12	290.00
<b>13941 Total</b>							2,320.00
13942	6/21/2012	WANG FRANK	BP12-00245	General Fund		Refund recycling dep BP12-00245, 150 Toyon Rd	2,092.50
<b>13942 Total</b>							2,092.50
13943	6/21/2012	BUTLER S.L. ROCCA & ERIC	CR1820	General Fund		AR Refund park deposit FY11-12	250.00
<b>13943 Total</b>							250.00
13944	6/21/2012	GOLDMAN RIC	CR1764	General Fund		AR Refund park deposit FY11-12	250.00
<b>13944 Total</b>							250.00
13945	6/21/2012	HALPERIN BARI	CR1816	General Fund		AR Refund park deposit FY11-12	250.00
<b>13945 Total</b>							250.00
13946	6/21/2012	JACKSON FREDDIE A.	CR1998	General Fund		AR Refund park deposit FY11-12	250.00
<b>13946 Total</b>							250.00
13947	6/21/2012	JOHNSON ANDREA	272	General Fund		AR Refund park deposit Inv# 272, 6/9/12	250.00
<b>13947 Total</b>							250.00
13948	6/21/2012	MENLO ATHERTON YOUTH LACROSSE	CR1813	General Fund		AR Refund park deposit FY11-12	250.00
<b>13948 Total</b>							250.00
13949	6/21/2012	MUSIC FOR FAMILIES, INC.	CR2003	General Fund		AR Refund park deposit FY11-12	250.00
<b>13949 Total</b>							250.00
13950	6/21/2012	SHEEPER TIM	CR1906	General Fund		AR Refund park deposit FY11-12	250.00
<b>13950 Total</b>							250.00
13951	6/28/2012	A2Z BUSINESS SYSTEMS	024537	General Fund	Planning	Sharp 4CS400 copies maint. service Planning 6/17/12 -9/17/12	90.00
13951	6/28/2012	A2Z BUSINESS SYSTEMS	024537	General Fund	Building	Sharp 4CS400 copies maint. service Bldg 6/17/12 -9/17/12	90.00
13951	6/28/2012	A2Z BUSINESS SYSTEMS	024537	General Fund	DPW-Engineering	Sharp 4CS400 copies maint. service Public work 6/17/12 -9/17/12	90.00
<b>13951 Total</b>							270.00
13952	6/28/2012	ACCONTEMPS	35770903	General Fund	Finance	Temp Phonpradith, Noy 6/11/12 - 6/14/12	1,285.76
<b>13952 Total</b>							1,285.76
13953	6/28/2012	AV INTEGRATORS, INC.	1510	General Fund	City Council	Council chamber sound system	3,673.18
13953	6/28/2012	AV INTEGRATORS, INC.	1510	General Fund	City Council	Council chamber sound system	579.18
<b>13953 Total</b>							4,252.36
13954	6/28/2012	BFI WASTE SYSTEMS OF NORTH AMERICA, LLC	63012AT	General Fund	Non-Dept	3rd Installment Contribution Solid Waste - Final year 2010	84,332.03
<b>13954 Total</b>							84,332.03

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13955	6/28/2012	BUDELLI ROBERT GARY	3709	Gas Tax	DPW-Engineering	Installed Terra Pave DG in front of 213 Park Ln	2,600.00
<b>13955 Total</b>							2,600.00
13956	6/28/2012	CAL WATER SERVICE	62126158/512	General Fund	City Council	94 Ashfield 4/4/12 - 5/2/12	375.46
13956	6/28/2012	CAL WATER SERVICE	91512681/512	General Fund	Administration	91 Ashfield 4/4/12 - 5/2/12	24.71
13956	6/28/2012	CAL WATER SERVICE	91512699/512	General Fund	Planning	Station Lane Meter 4/4/12 - 5/2/12	2.99
13956	6/28/2012	CAL WATER SERVICE	91512699/512	General Fund	Building	Station Lane Meter 4/4/12 - 5/2/12	17.96
13956	6/28/2012	CAL WATER SERVICE	91512664/512	General Fund	Police	83 Ashfield 4/4/12 - 5/2/12	103.23
13956	6/28/2012	CAL WATER SERVICE	91512699/512	General Fund	DPW-Engineering	Station Lane Meter 4/4/12 - 5/2/12	8.98
13956	6/28/2012	CAL WATER SERVICE	62051509/512	General Fund	DPW-Street Maint.	Alameda/Atherton 4/4/12 - 5/2/12	84.77
13956	6/28/2012	CAL WATER SERVICE	62051499/512	General Fund	DPW-Street Maint.	El Camino Real 4/4/12 - 5/2/12	179.00
13956	6/28/2012	CAL WATER SERVICE	97947324/512	General Fund	DPW-Street Maint.	El Camino Real (2) 4/25/12 - 5/23/12	178.69
13956	6/28/2012	CAL WATER SERVICE	62051537/512	General Fund	DPW-Park Program	150 Watkins 4/25/12 - 5/23/12	189.69
13956	6/28/2012	CAL WATER SERVICE	62051537FireP/5	General Fund	DPW-Park Program	150 Watkins (Fire Protection) 5/1/12 - 5/31/12	29.31
13956	6/28/2012	CAL WATER SERVICE	89783897/512	Library Fund	Non-Dept	Maple 4/4/12 - 5/2/12	43.69
13956	6/28/2012	CAL WATER SERVICE	97127159/512	Library Fund	Non-Dept	2 Station Lane 4/4/12 - 5/2/12	40.41
<b>13956 Total</b>							1,278.89
13957	6/28/2012	CENTRAL MAINTENANCE COMPANY	3152-0612	General Fund	DPW-Park Maint.	Monthly Janitorial services Park June 2012	550.00
13957	6/28/2012	CENTRAL MAINTENANCE COMPANY	3152-0612	General Fund	DPW-Building Maint.	Monthly Janitorial services PD June 2012	419.00
13957	6/28/2012	CENTRAL MAINTENANCE COMPANY	3152-0612	General Fund	DPW-Building Maint.	Monthly Janitorial services Admin June 2012	319.00
13957	6/28/2012	CENTRAL MAINTENANCE COMPANY	3152-0612	General Fund	DPW-Building Maint.	Monthly Janitorial services Bldg/Planning June 2012	245.00
13957	6/28/2012	CENTRAL MAINTENANCE COMPANY	3152-0612	General Fund	DPW-Building Maint.	Monthly Janitorial services Public Work June 2012	130.00
13957	6/28/2012	CENTRAL MAINTENANCE COMPANY	3152-0612	Library Fund	Non-Dept	Monthly Janitorial services Library June 2012	332.00
<b>13957 Total</b>							1,995.00
13958	6/28/2012	COMCAST	0122498/0612	General Fund	Non-Dept	High speed internet 6/21/12 - 7/20/12	209.90
<b>13958 Total</b>							209.90
13959	6/28/2012	CONTRACT SWEEPING SERVICES	INV120000661	General Fund	DPW-Street Maint.	Monthly sweeping service May 2012	992.70
<b>13959 Total</b>							992.70
13960	6/28/2012	CSG CONSULTANTS INC	022328	General Fund	Non-Dept	Code enforcement services 4/28/12 - 5/25/12	4,944.00
<b>13960 Total</b>							4,944.00
13961	6/28/2012	CUTWATER INVESTOR SERVICES CORP.	16378A	General Fund	Finance	Investment advisory services May 2012	1,000.00
<b>13961 Total</b>							1,000.00

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13962	6/28/2012	DELL MARKETING L.P.	XFT8NPTJ7	General Fund	Administration	(1) Dell OptiPlex 990 Minitower Core I7-2600 City Manager	1,494.56
13962	6/28/2012	DELL MARKETING L.P.	XFT8NPTJ7	General Fund	Finance	(2) Dell OptiPlex 990 Minitower Core I7-2600 Finance	2,989.13
<b>13962 Total</b>							4,483.69
13963	6/28/2012	KIELTY KEVIN R.	2335	General Fund	Planning	Kielty arborist services 26% Planning May 2012	2,827.50
13963	6/28/2012	KIELTY KEVIN R.	2335	General Fund	Building	Kielty arborist services 74% Bldg May 2012	8,047.50
<b>13963 Total</b>							10,875.00
13964	6/28/2012	MUNISERVICES LLC	Seismic Retro	General Fund		Bus Lic. Seismic Retrofitters	125.00
13964	6/28/2012	MUNISERVICES LLC	Sure Inc.	General Fund		Bus Lic. Sure Inc.	125.00
13964	6/28/2012	MUNISERVICES LLC	D&T Williams/12	General Fund		Bus Lic. D&T Williams Drywall	75.00
13964	6/28/2012	MUNISERVICES LLC	Danny's Shower	General Fund		Bus Lic. Danny's Shower Pans	50.00
13964	6/28/2012	MUNISERVICES LLC	Harris Plumb	General Fund		Bus Lic. Harris Plumbing	75.00
13964	6/28/2012	MUNISERVICES LLC	Mitchell Tree	General Fund		Bus Lic. Mitchell Tree Service Inc.	150.00
13964	6/28/2012	MUNISERVICES LLC	Brothers Svc	General Fund		Bus Lic. Brothers Services Tree Care	150.00
13964	6/28/2012	MUNISERVICES LLC	Blair Concrete	General Fund		Bus Lic. Blair Concrete Construction	75.00
13964	6/28/2012	MUNISERVICES LLC	Dazzling Stmt	General Fund		Bus Lic. Dazzling Statement LLC	100.00
13964	6/28/2012	MUNISERVICES LLC	Best of Best	General Fund		Bus Lic. Best of the Best Custom Cabinets	150.00
<b>13964 Total</b>							1,075.00
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1213	General Fund	Pass thru	Menlo School deposit March 2012	940.63
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1213	General Fund	Pass thru	Sacred Heart deposit March 2012	457.00
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1227	General Fund	Pass thru	Sacred Heart deposit May 2012	112.88
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1227	General Fund	Pass thru	Menlo School deposit May 2012	714.88
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1227	General Fund	Pass thru	Little League deposit May 2012	402.25
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1213	General Fund	Planning	Contract planning services March 2012	14,221.63
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1214	General Fund	Planning	Housing planning services March 2012	1,091.13
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1227	General Fund	Planning	Contract Planning services May 2012	17,917.53
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1215	Library Fund	Non-Dept	Library relocation planning services March 2012	7,716.38
13965	6/28/2012	NEAL MARTIN & ASSOCIATES	1228	Library Fund	Non-Dept	Library relocation planning services May 2012	4,139.76
<b>13965 Total</b>							47,714.07
13966	6/28/2012	REPUBLIC ITS INC	RR-132751	General Fund	DPW-Street Maint.	Traffic signal maintenance Middlefield/Encinal May 2012	104.67
13966	6/28/2012	REPUBLIC ITS INC	RR-132751	General Fund	DPW-Street Maint.	Traffic signal maintenance Middlefield/Marsh May 2012	104.67
13966	6/28/2012	REPUBLIC ITS INC	RR-132751	General Fund	DPW-Street Maint.	Traffic signal maintenance Middlefield/Oak Grove May 2012	104.67

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of June 2012							
<u>Check#</u>	<u>Check Date</u>	<u>Vendor Name</u>	<u>Invoice#</u>	<u>Fund</u>	<u>Dept</u>	<u>Description</u>	<u>Amount</u>
13966	6/28/2012	REPUBLIC ITS INC	RR-132752	General Fund	DPW-Street Maint.	Traffic light repair services Middlefield/Marsh May 2012	142.86
13966	6/28/2012	REPUBLIC ITS INC	RR-132752	General Fund	DPW-Street Maint.	Street light repair services 34 Irving/Hawthorne May 2012	69.77
13966	6/28/2012	REPUBLIC ITS INC	RR-132752	General Fund	DPW-Street Maint.	Street light repair services 16 Irving/Heather May 2012	69.77
13966	6/28/2012	REPUBLIC ITS INC	RR-132752	General Fund	DPW-Street Maint.	Street light repair services 101 Hawthorne/James May 2012	69.77
13966	6/28/2012	REPUBLIC ITS INC	RR-132752	General Fund	DPW-Street Maint.	Street light repair services 134 Hawthorne/Laburnum May 2012	69.77
13966	6/28/2012	REPUBLIC ITS INC	RR-132752	General Fund	DPW-Street Maint.	Street light repair services 35 Wilburn/Rittenhouse May 2012	139.54
<b>13966 Total</b>							875.49
13967	6/28/2012	STATE CONTROLLERS OFFICE	Audit FY2012	General Fund	Finance	Audit Confirmation FY 2012	100.00
<b>13967 Total</b>							100.00
13968	6/28/2012	W.R. FORDE ASSOCIATES	6865B-2	Special Tax	DPW-Engineering	Upper Atherton channel creek stabilization (final)	309.28
<b>13968 Total</b>							309.28
<b>Grand Total</b>							609,482.68



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL  
THERESA DELLASANTA, INTERIM CITY MANAGER**

**FROM: DEBRA AUKER, INTERIM FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF JULY 18, 2012**

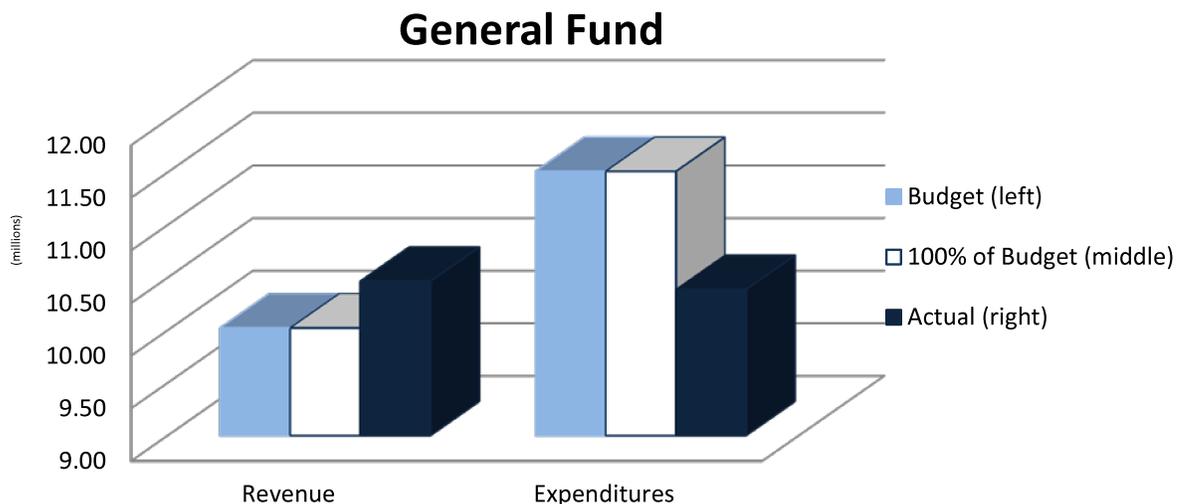
**SUBJECT: FINANCIAL REPORT FOR THE TWELVE MONTHS ENDED  
JUNE 30, 2012**

#### RECOMMENDATION

Receive the General Fund Financial Report for the twelve months ended June, 2012. This is the last month of the fiscal year, however this report reflects preliminary balances and does not include all year-end closing entries and audit adjustments. The year-end final balances will be available by December 2012, at the conclusion of the annual audit.

#### DISCUSSION

The overall General Fund Revenues and Expenditures are presented in the chart below with the details in the attached financial report.



#### General Fund Revenues

For the twelve months ended June 30, 2012, the General Fund reported revenues of \$10,467,076, which is 104.4% of the annual revenue budget for the FY 2012.

Total property taxes are budgeted at 71% of the General Fund revenue. For secured property tax, the Town receives 5% in November, 45% in December, 5% in March, 35% in April, 5% in May and 5% in June, therefore secured property tax is on target, at 100.3% of the annual budget. Unsecured property tax is paid to the Town in August and is just above target with 109.3% received as of June 30, 2012.

ERAF Subvention is another component of property tax which is difficult to estimate because it is calculated by the county based on a very complex State statute. Over the past four years this revenue has been between \$490,000 and \$750,000. This year the Town received \$718,479.

Sales and Use Tax revenue is budgeted at \$165,000 and includes a one-time payment of use tax for \$62,800, the current amount of revenue received as of June 2012 is \$155,727. The Town expects the June payment to be received by the end of August, which will add approximately \$9,000 to the annual total. Also the in lieu sales tax which exceeded the budget amount includes a \$50,424 true-up payment which was only \$2,256 last year.

Overall development related fees are 12% of the General Fund revenue budget. Building permit revenue finished the year at 113.1% of the annual revised budget, and plan checking revenue is at 112.5% of the annual budget as of June 2012. These same revenues have shown a 13.5% and 5.2% increase from the prior year, respectively; reflecting that development activity in the Town has slightly increased from the prior year.

Total franchise fee revenue is 7% of the General Fund revenue budgeted at \$717,500 after mid-year budget adjustment and \$676,577 has been received through June, 2012. Various franchise fees are either received annually (PG&E and Cal water) or quarterly (cable) with the exception of solid waste franchise which is now paid to the Town on a monthly basis. The franchise fee revenue is expected to be on target as soon as all the June payments have been received.

Other revenue items worth noting include the POST reimbursement revenue which is \$14,461 greater than estimated due to the diligence in the police department in taking advantage of training that is eligible for State reimbursement. Miscellaneous revenue includes over \$9,000 for reimbursement of damage to Town property, and a \$5,184 reimbursement from the State for certain Medicare subsidies.

#### General Fund Expenditures

For the twelve months ended June 30, 2012, the General Fund reported expenditures of \$10,387,760 which is 90.3% of the annual expenditure budget for FY 2012. The departments of City Council, Administration, City Attorney, Finance, Planning, Building, Non-departmental, Police and Public Works/Parks are all currently within the target budgets. The end of year accrual entries will continue to adjust these accounts through September when the audit fieldwork is complete.

**FISCAL IMPACT**

There is no fiscal impact associated with accepting this report.

The FY 2012-2013 Budget adopted in June, estimated that the General Fund would almost break even in the FY 2011-2012; meaning that the annual revenues would be equal to the annual expenditures. This report shows that the General Fund will exceed those expectations. It is difficult to predict the final results since, as mentioned previously, these are unaudited balances that will continue to be adjusted through September as the year-end closing and audit process is completed.

Prepared by:

Approved by:

\_\_\_\_\_  
Debra C. Auker, Interim Finance Director

\_\_\_\_\_  
Theresa DellaSanta, Interim City Manager

Attachment: Financial Report

Town of Atherton													
General Fund													
Financial Report for the Twelve Months Ended June 30, 2012													
(Excl. Encumbrances)													
Dept	Description	Revised Budget FY11/12	12/12 of Budget	Actual July 11 to Jun 12	Accrual	Adjusted Actual July 11 to Jun 12	Variance of 12/12 of Budget	% of 12/12 Budget	Year-To-Date Variance	% of Annual Budget	Adjusted Actual July 10 to Jun 11	Incr/(decr) over PY	% Change
		(a)	(b)	(c)	(d)	(e)	(b-e)	(e/b)	(a-e)	(e/a)	(f)	g=(e-f)	(g/f)
	<b>Revenues</b>		<b>100.0%</b>										
	Secured	4,891,500	4,891,500	4,908,348		4,908,348	(16,848)	100.3%	(16,848)	100.3%	4,826,526	81,822	1.7%
	Unsecured	270,000	270,000	295,060		295,060	(25,060)	109.3%	(25,060)	109.3%	275,803	19,257	7.0%
	SB813 Redemption (Supplemental)	70,000	70,000	76,495		76,495	(6,495)	109.3%	(6,495)	109.3%	72,749	3,746	5.1%
	Home Owners Exemption	34,000	34,000	34,275		34,275	(275)	100.8%	(275)	100.8%	33,988	287	0.8%
	Property Tax In Lieu of VLF	660,000	660,000	684,117		684,117	(24,117)	103.7%	(24,117)	103.7%	663,563	20,554	3.1%
	Motor Veh. Lic Fees (MVLF)	-	-	3,737		3,737	(3,737)	100.0%	(3,737)	100.0%	34,427	(30,690)	-89.1%
	ERAF Subvention	718,000	718,000	718,479		718,479	(479)	100.1%	(479)	100.1%	695,112	23,367	3.4%
	Local Sales & Use Tax	165,000	165,000	155,727		155,727	9,273	94.4%	9,273	94.4%	102,366	53,361	52.1%
	Public Safety Sales Tax (Prop 172)	60,000	60,000	63,635		63,635	(3,635)	106.1%	(3,635)	106.1%	63,059	576	0.9%
	In Lieu Sales Tax/Triple Flip	25,500	25,500	49,120		49,120	(23,620)	192.6%	(23,620)	192.6%	24,832	24,288	97.8%
	Franchise Taxes-PG&E	230,000	230,000	223,466		223,466	6,534	97.2%	6,534	97.2%	234,549	(11,083)	-4.7%
	Franchise Tax-Cal Water	104,500	104,500	105,418		105,418	(918)	100.9%	(918)	100.9%	79,746	25,672	32.2%
	Franchise Tax-Garbage	275,000	275,000	267,817		267,817	7,183	97.4%	7,183	97.4%	174,976	92,841	53.1%
	Franchise Taxes-Cable	108,000	108,000	79,876		79,876	28,124	74.0%	28,124	74.0%	106,369	(26,493)	-24.9%
	Document TRSF Tax	250,000	250,000	294,850		294,850	(44,850)	117.9%	(44,850)	117.9%	241,260	53,590	22.2%
	Business Licenses	160,000	160,000	184,362	-	184,362	(24,362)	115.2%	(24,362)	115.2%	156,476	27,886	17.8%
	Muni/Vehicle Code Fines (Parking)	15,000	15,000	11,292		11,292	3,708	75.3%	3,708	75.3%	19,291	(7,999)	-41.5%
	Other Fines & Forfeit (County)	40,000	40,000	50,312	3,858	54,170	(14,170)	135.4%	(14,170)	135.4%	41,040	13,130	32.0%
	C & D Deposit Forfeited	-	-	-		-	-	0.0%	-	0.0%	155,839	(155,839)	0.0%
	C/CAG AB 1546	12,535	12,535	11,942		11,942	593	95.3%	593	95.3%	12,397	(455)	-3.7%
	POST Reimbursement	6,500	6,500	20,961		20,961	(14,461)	322.5%	(14,461)	322.5%	5,271	15,690	297.7%
	SB 90 reimbursement	-	-	1,002		1,002	(1,002)	100.0%	(1,002)	100.0%	3,982	(2,980)	-74.8%
	CALNENA Reimbursement	-	-	-		-	-	0.0%	-	0.0%	-	-	0.0%
	CLEARs Reimbursement	-	-	-		-	-	0.0%	-	0.0%	-	-	0.0%
	DOJ Grant (vest)	-	-	-		-	-	0.0%	-	0.0%	-	-	0.0%
	DUI Grant	6,000	6,000	3,568		3,568	2,432	59.5%	2,432	59.5%	6,295	(2,727)	-43.3%
	React Task Force Reimb	-	-	-		-	-	0.0%	-	0.0%	-	-	0.0%
	NARCOTICS Task Force	-	-	-		-	-	0.0%	-	0.0%	-	-	0.0%
	ABAG Grant	7,000	7,000	12,905		12,905	(5,905)	184.4%	(5,905)	184.4%	21,282	(8,377)	-39.4%
	Grants	5,000	5,000	5,000		5,000	-	100.0%	-	100.0%	-	5,000	0.0%
	Other Reimbursements	-	-	9,051		9,051	(9,051)	0.0%	(9,051)	0.0%	-	9,051	100.0%
	Highway Maint Reimbursement	35,700	35,700	17,850	-	17,850	17,850	50.0%	17,850	50.0%	-	17,850	100.0%
	Home Occupation	800	800	800		800	-	100.0%	-	100.0%	900	(100)	-11.1%
	Building Permit	842,000	842,000	952,391		952,391	(110,391)	113.1%	(110,391)	113.1%	838,744	113,647	13.5%
	Encroachment Permit	158,000	158,000	231,369		231,369	(73,369)	146.4%	(73,369)	146.4%	159,858	71,511	44.7%
	Grading & Drain Permit	60,000	60,000	69,426		69,426	(9,426)	115.7%	(9,426)	115.7%	67,697	1,729	2.6%
	Other Licenses & Permit	400	400	1,818		1,818	(1,418)	454.5%	(1,418)	454.5%	1,181	637	53.9%
	Elections Processing Fee	-	-	-		-	-	0.0%	-	0.0%	-	-	0.0%
	Document/Research Fee	-	-	28		28	(28)	100.0%	(28)	100.0%	-	28	100.0%
	Photocopy Fee	1,025	1,025	3,418		3,418	(2,393)	333.5%	(2,393)	333.5%	3,822	(404)	-10.6%
	Alarm Sign Fees	600	600	600		600	-	100.0%	-	100.0%	705	(105)	-14.9%
	Vehicle Release	2,500	2,500	3,326		3,326	(826)	133.0%	(826)	133.0%	2,752	574	20.9%
	Police Report	1,000	1,000	137		137	863	13.7%	863	13.7%	1,012	(875)	-86.4%
	Fingerprinting Fee	325	325	458		458	(133)	140.9%	(133)	140.9%	363	95	26.2%
	Affidavit of Cost	300	300	-		-	300	0.0%	300	0.0%	-	-	0.0%
	Special Service Fee	3,000	3,000	2,763		2,763	237	92.1%	237	92.1%	3,891	(1,128)	-29.0%

Town of Atherton													
General Fund													
Financial Report for the Twelve Months Ended June 30, 2012													
(Excl. Encumbrances)													
Dept	Description	Revised Budget FY11/12	12/12 of Budget	Actual July 11 to Jun 12	Accrual	Adjusted Actual July 11 to Jun 12	Variance of 12/12 of Budget	% of 12/12 Budget	Year-To-Date Variance	% of Annual Budget	Adjusted Actual July 10 to Jun 11	Incr/(decr) over PY	% Change
		(a)	(b)	(c)	(d)	(e)	(b-e)	(e/b)	(a-e)	(e/a)	(f)	g=(e-f)	(g/f)
	Solicitor's Fee	100	100	273		273	(173)	273.0%	(173)	273.0%	88	185	210.2%
	Disaster Assistance Reimbursement	-	-	-		-	-	0.0%	-	0.0%	37,999	(37,999)	0.0%
	Zoning & Planning Fees	150,000	150,000	163,774		163,774	(13,774)	109.2%	(13,774)	109.2%	187,473	(23,699)	-12.6%
	Plan Check Fee Building	367,500	367,500	413,285		413,285	(45,785)	112.5%	(45,785)	112.5%	392,820	20,465	5.2%
	Social Fees	35,000	35,000	29,300		29,300	5,700	83.7%	5,700	83.7%	86,062	(56,762)	-66.0%
	Meeting Fees	30,000	30,000	14,650		14,650	15,350	48.8%	15,350	48.8%	77,460	(62,810)	-81.1%
	Misc. Park Use Fee	1,000	1,000	1,400		1,400	(400)	140.0%	(400)	140.0%	2,750	(1,350)	-49.1%
	Class Fees	10,000	10,000	16,500		16,500	(6,500)	165.0%	(6,500)	165.0%	10,702	5,798	54.2%
	Weddings	20,000	20,000	27,750		27,750	(7,750)	138.8%	(7,750)	138.8%	89,550	(61,800)	-69.0%
	Tree Removal Plan Check	15,000	15,000	20,128		20,128	(5,128)	134.2%	(5,128)	134.2%	23,862	(3,734)	-15.6%
	Contract Plan Review Services	-	-	-		-	-	0.0%	-	0.0%	83,311	(83,311)	-100.0%
	Interest Income	45,000	45,000	68,446		68,446	(23,446)	152.1%	(23,446)	152.1%	46,395	22,051	47.5%
	Cellular Antenna Lease	41,682	41,682	41,682		41,682	(0)	100.0%	(0)	100.0%	39,697	1,985	5.0%
	Property Rental-Playschool	77,600	77,600	78,118		78,118	(518)	100.7%	(518)	100.7%	77,575	543	0.7%
	Sale of Property	-	-	3,542		3,542	(3,542)	100.0%	(3,542)	100.0%	-	3,542	100.0%
	Post Office	7,500	7,500	6,797		6,797	703	90.6%	703	90.6%	26,169	(19,372)	-74.0%
	Donations/Contributions	-	-	100		100	(100)	100.0%	(100)	100.0%	60,500	(60,400)	-99.8%
	Miscellaneous Income	2,000	2,000	18,632		18,632	(16,632)	931.6%	(16,632)	931.6%	10,119	8,513	84.1%
	Escheated unclaimed property	-	-	3,641		3,641	(3,641)	100.0%	(3,641)	100.0%	75,655	(72,014)	-95.2%
	<b>Total Revenues</b>	<b>10,021,567</b>	<b>10,021,567</b>	<b>10,463,218</b>	<b>3,858</b>	<b>10,467,076</b>	<b>(445,508)</b>	<b>104.4%</b>	<b>(445,508)</b>	<b>104.4%</b>	<b>10,460,310</b>	<b>6,766</b>	<b>0.1%</b>
	<b>EXPENDITURES</b>												
City Council	Utilities-Water	625	625	2,749		2,749	(2,124)	439.8%	(2,124)	439.8%	519	2,230	429.7%
	Advertising/Noticing	4,000	4,000	2,443		2,443	1,557	61.1%	1,557	61.1%	2,304	139	6.0%
	Business Meetings & Meals	1,200	1,200	194		194	1,006	16.2%	1,006	16.2%	-	194	100.0%
	Conferences	5,000	5,000	300		300	4,700	6.0%	4,700	6.0%	396	(96)	-24.2%
	Training & Workshops	1,000	1,000	-		-	1,000	0.0%	1,000	0.0%	-	-	0.0%
	Membership/Dues	7,203	7,203	7,095		7,095	108	98.5%	108	98.5%	8,400	(1,305)	-15.5%
	Mileage Reimbursement	500	500	-		-	500	0.0%	500	0.0%	-	-	0.0%
	Environmental Programs (EPC)	5,000	5,000	2,500	-	2,500	2,500	50.0%	2,500	50.0%	-	2,500	0.0%
	Commission & Committee	1,000	1,000	-		-	1,000	0.0%	1,000	0.0%	-	-	0.0%
	Special Events & Awards	-	-	-		-	-	0.0%	-	0.0%	-	-	0.0%
	Office Supplies	1,200	1,200	638	-	638	562	53.2%	562	53.2%	1,577	(939)	-59.5%
	Computer Equipment/Software	3,000	3,000	2,571		2,571	429	85.7%	429	85.7%	-	2,571	0.0%
	Office Equip & Furniture	27,150	27,150	15,393	-	15,393	11,757	56.7%	11,757	56.7%	1,595	13,798	865.1%
	City Council Totals:	56,878	56,878	33,883	-	33,883	22,995	59.6%	22,995	59.6%	14,791	19,092	129.1%
Administration (CM,CC,HR)	Salaries & Benefits	337,428	337,428	280,070	3,058	283,128	54,300	83.9%	54,300	83.9%	471,753	(188,625)	-40.0%
	Professional Services	220,000	220,000	132,168	2,895	135,063	84,937	61.4%	84,937	61.4%	155,044	(19,981)	-12.9%
	General Operations	57,933	57,933	36,752	584	37,336	20,597	64.4%	20,597	64.4%	118,990	(81,654)	-68.6%
	Supplies & Materials	7,200	7,200	3,600	-	3,600	3,600	50.0%	3,600	50.0%	7,404	(3,804)	-51.4%
	Capital Outlay	3,000	3,000	3,158	-	3,158	(158)	105.3%	(158)	105.3%	5,130	(1,972)	-38.4%
	Administration Totals:	625,561	625,561	455,749	6,537	462,286	163,275	73.9%	163,275	73.9%	758,321	(296,035)	-39.0%

Town of Atherton													
General Fund													
Financial Report for the Twelve Months Ended June 30, 2012													
(Excl. Encumbrances)													
Dept	Description	Revised Budget FY11/12	12/12 of Budget	Actual July 11 to Jun 12	Accrual	Adjusted Actual July 11 to Jun 12	Variance of 12/12 of Budget	% of 12/12 Budget	Year-To-Date Variance	% of Annual Budget	Adjusted Actual July 10 to Jun 11	Incr/(decr) over PY	% Change
		(a)	(b)	(c)	(d)	(e)	(b-e)	(e/b)	(a-e)	(e/a)	(f)	g=(e-f)	(g/f)
City Attorney	Professional Services	230,000	230,000	142,846	7,618	150,464	79,536	65.4%	79,536	65.4%	400,908	(250,444)	-62.5%
	General Operations	-	-	-	-	-	-	0.0%	-	0.0%	-	-	0.0%
	Supplies & Materials	-	-	166	-	166	(166)	100.0%	(166)	100.0%	-	166	100.0%
	City Attorney Totals:	230,000	230,000	143,012	7,618	150,630	79,370	65.5%	79,370	65.5%	400,908	(250,278)	-62.4%
Finance	Salaries & Benefits	370,783.00	370,783	294,827	1,469	296,296	74,487	79.9%	74,487	79.9%	399,422	(103,126)	-25.8%
	Professional Services	205,200.00	205,200	175,318	-	175,318	29,882	85.4%	29,882	85.4%	64,009	111,309	173.9%
	General Operations	94,704.00	94,704	82,668	-	82,668	12,036	87.3%	12,036	87.3%	128,707	(46,039)	-35.8%
	Supplies & Materials	3,000.00	3,000	1,382	-	1,382	1,618	46.1%	1,618	46.1%	871	511	58.7%
	Capital Outlay	3,000.00	3,000	2,989	-	2,989	11	99.6%	11	99.6%	1,995	994	49.8%
	Finance Totals:	676,687.00	676,687	557,184	1,469	558,653	118,034	82.6%	118,034	82.6%	595,004	(36,351)	-6.1%
Planning	Contract Planner	187,050	187,050	143,103	20,000	163,103	23,947	87.2%	23,947	87.2%	188,907	(25,804)	-13.7%
	Contract Arborist Service	35,000	35,000	23,017	1,989	25,006	9,994	71.4%	9,995	71.4%	-	25,006	100.0%
	General Operations	3,397	3,397	1,616	-	1,616	1,781	47.6%	1,781	47.6%	1,658	(42)	-2.5%
	Supplies & Materials	2,200	2,200	823	-	823	1,377	37.4%	1,377	37.4%	809	14	1.7%
	Planning Totals:	227,647	227,647	168,558	21,989	190,547	37,100	83.7%	37,100	83.7%	191,374	(827)	-0.4%
Building	Salaries & Benefits	357,158	357,158	335,715	1,310	337,025	20,133	94.4%	20,133	94.4%	933,170	(596,145)	-63.9%
	Professional Services	274,944	274,944	186,960	5,080	192,040	82,904	69.8%	82,904	69.8%	227,493	(35,453)	-15.6%
	Contract Arborist Service	72,000	72,000	71,170	-	71,170	830	98.8%	831	98.8%	-	71,170	100.0%
	Contract Building & Life Safety Svcs	625,000	625,000	726,105	-	726,105	(101,105)	116.2%	(101,105)	116.2%	-	726,105	100.0%
	General Operations	13,522	13,522	14,779	-	14,779	(1,257)	109.3%	(1,257)	109.3%	19,044	(4,265)	-22.4%
	Supplies & Materials	2,500	2,500	2,975	300	3,275	(775)	131.0%	(775)	131.0%	3,615	(340)	-9.4%
	Capital Outlay	1,500	1,500	825	-	825	675	55.0%	675	55.0%	7,679	(6,854)	-89.3%
	Transfer to Bldg Const. Facility Fund	153,356	153,356	153,356	-	153,356	-	100.0%	-	100.0%	153,356	-	0.0%
	Building Totals:	1,499,980	1,499,980	1,491,884	6,690	1,498,574	1,406	99.9%	1,406	99.9%	1,344,357	154,217	11.5%
Non Dept.	Salaries & Benefits	2,000	2,000	1,635	-	1,635	365	81.8%	365	81.8%	2,205	(570)	-25.8%
	Professional Services	111,985	111,985	80,732	5,150	85,882	26,103	76.7%	26,103	76.7%	81,717	4,165	5.1%
	General Operations	659,886	659,886	616,813	-	616,813	43,073	93.5%	43,073	93.5%	401,493	215,320	53.6%
	Supplies & Materials	35,442	35,442	16,335	-	16,335	19,107	46.1%	19,107	46.1%	22,067	(5,732)	-26.0%
	Capital Outlay	97,700	97,700	-	-	-	97,700	0.0%	97,700	0.0%	-	-	0.0%
	Non-Dept. Totals:	907,013	907,013	715,516	5,150	720,666	186,347	79.5%	186,347	79.5%	507,482	213,184	42.0%
Police	Salaries & Benefits	4,764,861	4,764,861	4,734,016	47,399	4,781,415	(16,554)	100.3%	(16,554)	100.3%	4,596,011	185,404	4.0%
	Professional Services	221,411	221,411	230,466	589	231,055	(9,644)	104.4%	(9,644)	104.4%	76,610	154,445	201.6%
	General Operations	327,908	327,908	329,687	82	329,769	(1,861)	100.6%	(1,861)	100.6%	354,075	(24,306)	-6.9%
	Supplies & Materials	120,236	120,236	104,478	1,685	106,163	14,073	88.3%	14,073	88.3%	104,524	1,639	1.6%
	Capital Outlay	17,630	17,630	34,799	-	34,799	(17,169)	197.4%	(17,169)	197.4%	74,536	(39,737)	-53.3%
	Cops Grant	-	-	-	(109,315)	(109,315)	109,315	-100.0%	109,315	-100.0%	(86,805)	(22,510)	25.9%
	Settlement Expense	-	-	-	-	-	-	-	-	-	-	-	-
	Police Totals:	5,452,046	5,452,046	5,433,445	(59,560)	5,373,885	78,161	98.6%	78,161	98.6%	5,118,951	254,934	5.0%
Public Works	Salaries & Benefits	763,359	763,359	679,868	4,176	684,044	79,315	89.6%	79,315	89.6%	1,540,565	(856,521)	-55.6%
& Parks	Professional Services	219,000	219,000	210,553	-	210,553	8,447	96.1%	8,447	96.1%	14,038	196,515	1399.9%

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		(a)	(b)	(c)	(d)	(e)	(b-e)	(e/b)	(a-e)	(e/a)	(f)	g=(e-f)	(g/f)
			100.0%										
	Contract DPW Maintenance Svs	460,719	460,719	288,713	-	288,713	172,006	62.7%	172,006	62.7%	-	288,713	100.0%
	General Operations	286,999	286,999	195,702	1,035	196,737	90,262	68.5%	90,262	68.5%	333,925	(137,188)	-41.1%
	Supplies & Materials	29,750	29,750	16,205	-	16,205	13,545	54.5%	13,545	54.5%	49,216	(33,011)	-67.1%
	Capital Outlay	73,800	73,800	2,384	-	2,384	71,416	3.2%	71,416	3.2%	3,447	(1,063)	-30.8%
	Public Works Totals:	1,833,627	1,833,627	1,393,425	5,211	1,398,636	434,991	76.3%	434,991	76.3%	1,941,191	(542,555)	-27.9%
	<b>Total Expenditures</b>	<b>11,509,439</b>	<b>11,509,439</b>	<b>10,392,656</b>	<b>(4,896)</b>	<b>10,387,760</b>	<b>1,121,679</b>	<b>90.3%</b>	<b>1,121,679</b>	<b>90.3%</b>	<b>10,872,379</b>	<b>(484,619)</b>	<b>-4.5%</b>
	<b>Excess (Deficiency) of Revenues over Expenditures</b>	<b>(1,487,872)</b>	<b>(1,487,872)</b>	<b>70,561</b>	<b>8,754</b>	<b>79,316</b>	<b>(1,567,187)</b>	<b>-5.3%</b>	<b>(1,567,187)</b>	<b>-5.3%</b>	<b>(412,069)</b>	<b>491,385</b>	<b>-119.2%</b>
	<b>Other Financing Sources/(uses)</b>												
	Transfer from Special Parcel Tax Fund	1,116,000	1,116,000	1,116,000	-	1,116,000	-	100.0%	-	100.0%	888,463	227,537	25.6%
	Transfers from Facil Constr (406)										-		
	Transfer to Road Impact Fee Fund										(902,355)	902,355	-100.0%
	<b>Total Transfer In(Out)</b>	<b>1,116,000</b>	<b>1,116,000</b>	<b>1,116,000</b>	<b>-</b>	<b>1,116,000</b>	<b>-</b>	<b>100.0%</b>	<b>-</b>	<b>100.0%</b>	<b>(13,892)</b>	<b>1,129,892</b>	<b>-8133.4%</b>
	<b>Net Change in Fund Balance</b>	<b>(371,872)</b>	<b>(371,872)</b>	<b>1,186,561</b>	<b>8,754</b>	<b>1,195,316</b>	<b>(1,567,187)</b>	<b>-321.4%</b>	<b>(1,567,187)</b>	<b>-321.4%</b>	<b>(425,961)</b>	<b>1,621,277</b>	<b>-380.6%</b>
	Beg. Fund Balance - general fund	5,285,359				5,285,359					5,556,940		
	Beg. Fund Balance - Bldg Dept. OP Reserve	933,837				933,837					1,069,097		
	Proj. Ending Fund Balance	5,847,324				7,414,512					6,200,076		



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
THERESA DELLASANTA, INTERIM CITY MANAGER**

**FROM: DEBRA AUKER, INTERIM FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF JULY 18, 2012**

**SUBJECT: AUTHORIZE THE CITY MANAGER TO EXCEUTE A PROFESSIONAL  
SERVICES AGREEMENT WITH HDL COREN & CONE RELATING TO  
PROPERTY TAX CONSULTING AND AUDIT SERVICES**

### **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract with HdL Coren & Cone (HdL Companies) for property tax consulting and auditing services.

### **BACKGROUND**

Members of the City Council and Finance Committee have requested a review and audit of the Town's property tax revenue. The HdL Coren & Cone (HdL Companies) has submitted a proposal for assisting the Town with property tax management and identifying property tax revenues misallocated by San Mateo County.

### **DISCUSSION**

The HdL Companies provides assistance to local governments in verifying property tax revenues. Their services include auditing property tax revenue apportioned by the San Mateo County Auditor/Controller, verifying the property tax is assigned to all parcels within the Town, tracking property transfers and new construction to determine whether reassessments are performed within a reasonable period of time. In addition, their proposal includes quarterly

analysis reports of assessed valuation, status of property tax appeals, and information on property transfers and historical property tax data for the Town. The Town may also benefit from the documentary transfer tax services from HdL Companies due to their capability and skills in performing these services. They will be available to meet with the City Council or Audit/Finance Committee to educate the Town on issues related to property taxes and to discuss the results of the audit.

The HdL Companies currently provides property tax services to over 120 California cities. The firm has a reputation of high quality service and exemplary knowledge related calculations and allocations of property tax revenue. Based on reference checks performed by staff, current clients of HdL Companies are very satisfied with their services.

Due to the uniqueness of these specialized services there are a limited number of firms providing these services and staff received only two quotes as follows:

1. HdL Companies: \$4,500 for reporting and management annually.
2. Muni Services: \$2,500 for reporting and management annually.

For both the firms above, in addition to a base fixed fee quoted, the Town will pay 25% of property tax revenue when funds are recovered or reallocated as a result of direct or indirect audit review, analysis, or consultation performed by firms in the first year and/or retroactive recoveries.

Based on the review of proposals and local references, it is staff's opinion that the expertise of HdL Companies in reporting and auditing will benefit Atherton. Therefore, staff recommends that the City Council approve a five-year professional services agreement with HdL Companies.

### **FISCAL IMPACT**

The contract cost for FY 2012-13 is \$4,500 plus additional audit fees based on 25% of property tax revenue recovered for the City in the year of the finding. The cost is budgeted in the FY 2012-13 General Fund Finance Department budget.

Prepared by:

Approved by:

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Debra C. Auker, Interim Finance Director

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Theresa DellaSanta, Interim City Manager

Attachments:

- A. HDL Proposal

**TOWN OF ATHERTON**

Proposal for Property Tax  
Management and Information Services  
May 29, 2012



**TABLE OF CONTENTS**

**A. LETTER OF INTRODUCTION & EXECUTIVE SUMMARY ..... 2**

**B. EXPERIENCE AND QUALIFICATIONS ..... 4**

    1. Firm History ..... 4

    2. Team Members Experience and Qualifications ..... 5

    3. Scope of Services ..... 8

        Reports & Analytical Services ..... 8

        Identification & Correction of Errors ..... 9

        Property Tax Application & Database ..... 11

        Financial Services ..... 12

        On-going Consultation ..... 12

        Optional Services ..... 12

**C. REFERENCES ..... 13**

**D. COST ..... 14**

ADDENDUM A – Client List

ADDENDUM B – Property Tax Software Features

ADDENDUM C – Sample Property Tax Reports

**A. LETTER OF TRANSMITTAL AND EXECUTIVE SUMMARY**

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Delivering Revenue,  
Insight and Efficiency  
to Local Government

1340 Valley Vista Drive  
Suite 200  
Diamond Bar  
California 91765

909.861.4335  
Fax 909.861.7726  
888.861.0220  
[www.hdlcompanies.com](http://www.hdlcompanies.com)

May 29, 2012

Debra C. Auker  
Interim Finance Director  
Town of Atherton  
91 Ashfield Road  
Atherton, CA 94027

Re: Property Tax Management, Audit and Information Services

Thank you for attending your interest in our Property Tax Services. In response, enclosed is our firm's proposal to provide property tax management, audit and information services for the Town of Atherton.

Founded in 1992, HdL Coren & Cone (HdLCC) developed the first computer software system in California for tracking property tax revenues for counties, cities, and special. The company was the first in the state to go beyond using parcel data for allocation audits by developing specialized reports and models to assist government agencies by using the data for parcel administration, focused economic development strategies and revenue projections. The corporation is owned by its employees and the major stockholders that manage the firm. The staff consists of 12 highly qualified analysts, auditors and information systems technology professionals.

HdLCC currently provides ongoing services to over 190 California agencies. The company maintains annual property tax records for San Mateo County back to 1988. HdLCC's experienced team has worked with key county staff and is thoroughly familiar with county property tax procedures.

Specific advantages that HdLCC possesses to perform the services being sought by the Town of Atherton include:

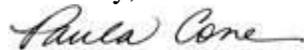
- HdLCC maintains property tax data for 40 California counties, including all agencies in those counties. The size of the database plus a sophisticated computer system uniquely qualifies HdLCC to provide the most comprehensive property tax analysis available in California.
- HdLCC's audit team has developed specialized databases and audit techniques and is thoroughly familiar with the County of San Mateo. This familiarity, and excellent

working relationships with County departments, will allow Atherton to recover all misallocated property tax revenue in a timely manner.

- HdLCC’s service team is comprised of individuals with extensive experience in property tax assessment, administration, auditing, economic development and financial management. All of the firms’ key personnel have worked in or with public agencies and thoroughly understand their challenges and needs. This ensures prompt and knowledgeable response to inquiries and provides for relevant and timely information.
- HdLCC employs a staff of three full time information technology professionals with expertise in applications development, network design and maintenance, database management and technical support. These staff members continually work on developing and enhancing the firm’s technological capabilities.
- All HdLCC staff works from our centrally located headquarters in Diamond Bar, California. The decision to operate out of a single location allows the company to minimize overhead costs and thereby lower service fees, maximize coordination of client services, protect the company’s substantial databases and allows for immediate response to requests for information or assistance.
- HdLCC will provide Atherton with access to the firm’s web-based property tax software which affords city staff a user friendly tool for parcel look-up and will display parcel ownership, valuation, sales and building/land characteristic information.

We look forward to reviewing this proposal with you in greater detail and demonstrating how our services and software products can benefit the Town of Atherton.

Sincerely,



Paula Cone, President  
[pcone@HdLCCpropertytax.com](mailto:pcone@HdLCCpropertytax.com)

HdL Coren & Cone  
1340 Valley Vista Drive, Suite 200  
Diamond Bar, CA 91765  
909.861.4335  
[www.hdlcompanies.com](http://www.hdlcompanies.com)

## **B. EXPERIENCE & QUALIFICATIONS**

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### **1. Firm History**

HdL Coren and Cone (HdLCC) provides property tax management services to over 190 California public agencies. The company consists of a team of seasoned professionals with decades of experience in every aspect of local government including finance, management, auditing, economic development, redevelopment and legislative advocacy. This ensures prompt and knowledgeable response to inquiries and provides for relevant and timely information on issues impacting the City's property tax. HdLCC's specialized computer software, databases and highly trained staff have generated over \$85,000,000 in new revenues for client agencies.

HdLCC was founded in 1992 and developed California's first computerized property tax management program. In addition, the firm provides clients with documentary transfer tax services, parcel tax administration and successor agency consulting. HdLCC is a California "S" Corporation which has been serving cities and special districts for 20 years. All HdLCC staff work from our centrally located headquarters in Diamond Bar, California. The decision to operate out of a single location allows the company to minimize overhead costs and thereby lower service fees, maximize coordination of client services, protect the company's substantial databases and allows for immediate response to requests for information or assistance.

HdLCC maintains property tax data from 40 California counties, including all cities and successor agency project areas in those counties. In many counties our data resources include 15-22 years of historical data. The size of the database plus a sophisticated computer system allows HdLCC to provide the most comprehensive audits and trend analysis available in California.

The company uses its data sets and expertise to support a proactive and effective approach to short and long-term fiscal and economic planning. HdLCC's familiarity with the specialized needs of local government allows it to provide information and support on a wide range of issues including developer negotiations, economic strategies, bond analyses, annexations, revenue sharing agreements, and general revenue collection. HdLCC advises its clients about proposed changes in laws and regulations relating to property tax revenues.

The company employs a staff of three full time information technology professionals with expertise in applications development, network design and maintenance, database management and technical support. This enables the company to quickly respond to clients needs by continually upgrading our data and software capabilities.

## **2. Team Members Experience and Qualifications**

Paula Cone, Partner

(909) 861-4335

[pcone@hdlccpropertytax.com](mailto:pcone@hdlccpropertytax.com)

Paula Cone is a partner with HdL Coren and Cone and has over twenty years of municipal experience in finance and city management. In 1990 she developed the first cost-effective and accurate computer program for identifying, monitoring, auditing and correcting property tax misallocations. She oversees the company's property tax management and auditing divisions which are also responsible for verifying and correcting jurisdictional and boundary errors. Ms. Cone is a frequent speaker at municipal government conferences throughout the state and currently serves on the League of California Cities Community Service Committee.

Ms. Cone earned her Bachelor's degree from California State University at Long Beach in 1969. She is former Parks and Recreation Director and Assistant City Manager of the City of Lawndale.

Martin Coren, Partner

(909) 861-4335

[mcoren@hdlccpropertytax.com](mailto:mcoren@hdlccpropertytax.com)

Martin Coren joined HdLCC in 1992, after twenty years of experience providing legislative and financial consulting services to state and local government, particularly cities and redevelopment agencies. Martin was a legislative assistant in the State Assembly and a legislative and redevelopment financial consultant to more than 100 cities and redevelopment agencies. He was a founding partner of Katz, Hollis, Coren, Inc. He has been an instructor for the California Redevelopment Institute on low and moderate-income housing and a member of the California Redevelopment Association technical advisory committees on affordable housing and legislation, and currently chairs the technical committee on the implementation of statutory tax-sharing (AB 1290 and SB 211). He is also the author of the chapter on “Financing Redevelopment Projects” for Introduction to Redevelopment published by the California Redevelopment Association.

David Schey, Principal

(909) 861-4335

[dschey@hdlccpropertytax.com](mailto:dschey@hdlccpropertytax.com)

Mr. Schey has 34 years of experience in government service and consulting. His experience includes service as Planning Director, Community Development Director and Deputy Director of Redevelopment for the City of Indian Wells. He has been instrumental in the formation of numerous special assessment districts and in the development and adoption of redevelopment project areas. As a consultant to city and county agencies, he has provided development and consulting services that include

planning, project management and finance. Mr. Schey has participated in the issuance of tax allocation, revenue and assessment district bonds as both a consultant and as the principal staff representative.

As an active participant in the affairs of his community, Mr. Schey served the City of Diamond Bar as a member and chairman of both the Planning Commission and Parks and Recreation Commission. Education: Bachelor of Arts, University of California; Los Angeles, California; Bachelor of Arts, California State University; Long Beach, California; Master of Public Administration, University of Southern California; Los Angeles, CA

Cheryl Murase, Principal

(909) 861-4335

[cmurase@hdlccpropertytax.com](mailto:cmurase@hdlccpropertytax.com)

Cheryl Murase joined HdLCC after five years with O'Connor & Company Securities as a Vice President. Prior to that, Ms. Murase worked for a California municipal financial advising firm for five years in Senior Associate and Associate positions where she gained experience in structuring a wide variety of issues including tax allocation, certificates of participation, Marks-Roos and Mello-Roos. Her understanding of county assessments of property value and tax collections has aided in the projection of tax increment revenue. She has assisted clients with various government reporting requirements, and has gathered information necessary for continued rating of debt.

Ms. Murase gained her municipal accounting background from working in a variety of capacities for the cities of Montebello and Commerce. She served as the Redevelopment Accountant for the City of Commerce.

Nichole Cone, Principal,

(909) 861-4335

[ncone@hdlccpropertytax.com](mailto:ncone@hdlccpropertytax.com)

Nichole Cone joined HdLCC in 1992. She is responsible for the acquisition and processing of county assessor and auditor-controller data. Preparation and production and delivery of property tax reports and the preparing the property tax program for client delivery are also part of Ms. Cone's responsibilities. She serves as the contact person for all production and questions regarding the HdLCC Comprehensive Annual Financial Report (CAFR) product. Education: Bachelor of Arts, Loyola Marymount University, Los Angeles, California.

Robert Scherer, Associate

(909) 861-4335

[rscherer@hdlccpropertytax.com](mailto:rscherer@hdlccpropertytax.com)

Robert Scherer joined HdL Coren and Cone in 2004. He is responsible for the acquisition and preparation of County data, and is the lead designer of HdLCC's property

tax analytical reports system. Mr. Scherer earned his Bachelor's degree in Business Administration, Computer Information Systems from California State Polytechnic University, Pomona, California.

Joel Hermann, Associate

(909) 861-4335

[jhermann@hdlccpropertytax.com](mailto:jhermann@hdlccpropertytax.com)

Joel Hermann joined the HdL Companies in 1996. He has expertise in several programming languages, database design, and Windows© network environments. He is the lead programmer for several of HdLCC's data entry, processing, and data mining projects. He has extensive experience in analyzing and preparing city and special district direct assessments. Joel works closely with client city staff and provides technical support and training for the HdLCC Property Tax software application.

### **3. Scope of Services**

#### **Reports and Analytical Services**

HdLCC will furnish a variety of reports detailing property and revenue trends for the entire city, and for custom defined geographic areas. These reports can be used for budgeting purposes, planning, economic development and public information. Among the reports provided are top 25 property tax payer listings, bank owned properties, foreclosure trending, property sales activity, and general fund revenue estimates.

The company will provide property tax reports annually, quarterly or monthly as appropriate. Reports are also available from prior years if required. Sample reports are included in the addendum of this proposal.

- A five year history of the values within the city or custom (city defined) geographic area.
- A listing of the largest value changes, positive and negative between tax years.
- A listing of the major property owners, including the assessed value of their property and property use code designation.
- A listing of the major tax payers, including an estimate of the property taxes.
- A listing of property tax transfers which occurred since the lien date.
- A listing of parcels that have not changed ownership since the enactment of Proposition 13.
- A 10 year comparison of growth by use code designation.

- A listing of new construction activity utilizing city building department data, to identify non-residential parcels with new construction activity and for use in the City's preparation of Proposition 4 and 111 State Appropriation Limit calculations.
- A listing of multiple owned parcels.
- A listing of absentee owner parcels.
- Calculate an estimate of property tax revenue anticipated to be received for the fiscal year based upon initial information provided by the county.
- Foreclosure data and Bank Owned Property listings.
- Analyses based on geo areas designated by the city to include assessed valuations and square footage computations for use in economic analysis and community development planning.
- Provide a five year projection of incremental taxable value and tax increment revenue including a calculation of housing set aside estimates.
- General Fund revenue projections for budgeting purposes.

#### **Quarterly**

- In counties where data is automated, appeals summary and listings of property tax appeals filed on properties in the city.
- Property sales summaries and detailed listings of property sales activity.

#### **Identification and Correction of Errors**

HdLCC has the technology, methodology and trained staff to analyze all secured parcels and unsecured accounts within the City to identify costly errors resulting in the misallocation of property taxes.

The company will audit the secured and unsecured property tax rolls two ways, first reviewing the entire county database to find parcels miscoded to other jurisdictions; and second, reviewing the parcels within the city to ensure that each is coded to the appropriate tax rate area. To date, we have recovered in excess of \$85,000,000 in net revenue for our client agencies in 38 counties statewide. Our advanced technology, accuracy and track record have placed us in a unique position to be hired by cities to find additional revenues after audits have been performed by prior consultants. In addition, by filing audit results with the County Assessor in a timely manner, we can ensure that the repetitive errors from previous years will not re-occur.

Upon approval of the contract, the company will perform an analysis of the Assessor Rolls to identify all parcels on both the secured and unsecured tax rolls and verify that parcel assessed valuations and the resulting taxes are correctly allocated to the City. In the first year of the contract but not less than once every 5 years (or the year after an annexation or project area formation), an analysis will be performed to identify and verify in the City parcels on the secured property tax roll which are not properly attributed to a City tax rate area. This analysis is accomplished through the use of specialized computer software, assessor maps, GIS city maps, city records, other pertinent documents, and field investigations. Unsecured property tax reviews will be performed annually for the City.

### **Property Tax Application and Database**

The HdLCC provides a web-based software application to clients as a user-friendly tool to access the City's property tax data. HdLCC provides updates to the data portion of the product on monthly basis to reflect changes in ownership, updated appeals filings, and deed recordings.

As modifications and enhancements are made to the program, clients receive the enhanced version of the software at no additional cost.

Training will be provided to city staff within the first two months after the execution of the agreement for property tax management and audit services and is available annually for new staff members or staff requiring a refresher course. If additional training sessions are required, the fees in the compensation section under hourly fees will be charged.

The help manual available within the program is easy to navigate and "user friendly." HdLCC staff is available Monday through Friday, 8 a.m. to 5 p.m. to answer questions and assist staff on the use of the software. Assistance is available either by phone or via email.

The city will be granted a "site license" for the application, providing no limit to the number of users. HdLCC will not charge an annual maintenance fee for the software program. Periodically, as the program changes and product enhancements are developed, upgrades or new releases of the software are issued at no additional cost to the client.

### **On-going Consultation**

During the term of the contract, we will serve as the resource staff to the city on questions relating to property tax. This includes being "on-call" to assist with any property tax issues. On-going consultation would include, but not be limited to inquiries resolved through use of the city data base. All requests for information based upon the city's property tax data sets are provided without additional costs. Special reports, additional research, or requests requiring additional computer programming may entail some additional costs.

### **Optional Services**

Optional services are available for a fixed fee. These services include:

- Continuing Disclosure Reports.
- Mello-Roos Special Tax studies.
- Independent financial consultant reports such as escrow release reports and additional bond tests.

**C. REFERENCES**

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PROPERTY TAX

**CONTACT**

LoriAnn Farrell  
City of Huntington Beach  
(714) 536-5225

Bob Elliott, Finance Director  
City of Glendale  
(818) 548-2085

Scott Morgan, ACM  
City of Rancho Mirage  
(760) 324-4511 x 243

Helen Anstead, Principal Financial Analyst  
City of Mountain View  
(650) 903-6011

Rebecca Mendenhall, Finance Officer  
City of San Carlos  
(650) 802-4221

David Culver, Finance Director  
City of San Mateo  
(650) 522-7102

Rhonda Sherman, Economic Development Dir.  
City of Citrus Heights  
(916) 727-4702

**D. COST**

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**Compensation**

Our fee for property tax audit and information services is a minimum of \$4,500 (invoiced quarterly), plus 25% of property tax revenue recovered for the city over the period of time allowable by State statute (current year and 3 prior lien date years).

The fee constitutes the full reimbursement to HdLCC and covers all direct and indirect costs incurred by the firm under this contract. This includes all salaries of our employees, travel expenses and service contracting costs as well as the software to be delivered under this proposal.

**Optional Services**

Any work beyond the scope of this proposal requested by the city will be charged on a time and material basis. No work shall be performed without prior written approval of the city. Fees for these services are as follows:

Partner	\$195 per hour
Principal	\$175 per hour
Associate	\$135 per hour
Senior Analyst	\$100 per hour
Analyst	\$ 65 per hour
Administrative	\$ 45 per hour

Hourly rates are exclusive of expenses that are billed at 1.15 times actual incurred costs.

Reasonable travel and lodging fees will be billed at actual cost.

**ADDENDUM A**

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1. Client List

**ADDENDUM B**

1. Property Tax Software Features

**Delivering Revenue, Insight and Efficiency to Local Government**

**The City Of Long Beach**  
106,115 parcels

**HdL**  
COREN & CONE

Parcel: 7278-005-148 2  
Use: 0550 Residential 5+ Units, 5+ Stories  
Owner: 2009 CUSA COMMUNITY OWNER LLC  
Situs: 250 W OCEAN BLVD  
LONG BEACH CA 90802

TRA: 05542 The City Of Long Beach  
Agency: Downtown RDA  
Parcel Type: Regular Parcel  
New Code  
Zoning: LBPD  
Census Tract: 5760.001 Lot # 01  
Net Total AV: \$129,745,877

TG Page: 825-D1  
Region: Special Properties  
Tract # 000000001  
0.8% Change from prior fiscal year

DBA:  
Mail Name: 2009 CUSA COMMUNITY OWNER LLC  
Mail Address: 3 GREENWAY PLZ STE 1300 HOUSTON TX 77046  
This Parcel Is:  Absentee Owned  Pre Prop 13

Revenue:  General Fund  Project Area  
Secured: \$1,234,263.29 0.9512%  
Unsecured: \$2,208.89 Tax Bill: \$0.00  
Cross-Ref: \$0.00 Last Sale: 4/20/2009  
Total Rev: \$1,236,472.18 Last Sale Amount: \$0

Current Year Values			Prior Year Values		
Land	7,615,484	Exemptions	7,558,568	Exemptions	
Improvements	122,073,393		121,161,051		
Fixtures					
Personal Property	57,000				
<b>Totals</b>	<b>129,745,877</b>		<b>128,719,619</b>		
<b>Net Total AV</b>	<b>129,745,877</b>		<b>128,719,619</b>		

2007 2008 2009 2010 2011

**Summary of Features -**

- Search by Parcel, Use, Owner or Site Address
- City/RDA revenue is calculated for each parcel
- Build user defined custom data sub-sets (geos)
- Print custom user defined reports
- Display parcel on Microsoft Virtual Earth (Web)
- Filter database on any one or a combination of fields
- Print mailing labels with postal bar codes
- Export data and link with other data sets
- Track valuation changes between tax years
- View sales history (seller, date, price & document)
- View building/land characteristic data
- Link to assessor parcel maps (Web)
- Link to county parcel tax bill information (Web)
- Easy access to user help system
- View/search unsecured property records
- Monitor assessment appeals activity
- Track building permit revaluations
- Edit county use code and zoning data

## **ADDENDUM C**

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### 1. Sample Property Tax Reports

#### **City Roll Summary Graph (Color)**

Displays by value type (land, improvements, personal property, and exemptions) the value deviations between the current tax year and each of the prior 5 tax years. The lower portion of the graph identifies the total assessed value and net taxable assessed value comparisons.

#### **Top 40 Net Taxable Secured Value Changes (Color)**

The largest valuation deviations - increases and decreases are shown on this graph with APN, Owner Name, Situs Address where available, Current Assessed Value, and Value Increase or Decline.

#### **Secured Value Change History Listing**

A review of the top 40 largest parcel deviations over the past 5+ years. It assists in identifying properties, which fail to have exemptions applied before the roll is released; properties that have transferred ownership and sold below their prior assessed value, and distinguishes those owners, which have successfully appealed their property values.

#### **City Roll Summary**

Report detailing land, improvement, fixtures, personal property, and exemptions for each taxing agency. The value of this report is that city staff can readily see where deviations occur from one year to the next.

#### **Tax Dollar Breakdown Graph (Color)**

The breakdown of the city's 1% general levy factor file is displayed, with those portions of the tax collected for the County highlighted, for illustrative purposes. This report looks at the largest value, non-successor agency TRA (tax rate area) as a representative breakdown. In some counties the ERAF (Educational Revenue Augmentation Fund) shift is not calculated on the TRA level.

#### **Revenue Calculation**

By using the information from the Agency Reconciliation Report, the City file detailing the breakdown of the 1% General Tax Levy and voter approved debt, we extend the lien date roll, and furnish property tax revenue projections for budgeting purposes.

**Use Category Summary (Color)**

This table summarizes parcels within the city by use code and provides number of parcels, assessed value and property tax information. The report can be also be prepared for Absentee Owned, Pre Prop 13, or special geographic assembly requested by the city.

**General Fund Spreadsheet**

This worksheet assists in developing a projection of general fund revenues. The upper portion of the report includes trending information with regards to annual CPI adjustments, value changes as a result of parcel transfers, the impact of successful appeals (in counties were this data is available) and other value increases/decreases over a six-year period. The lower portion of the table allows for staff input and tax calculation.

**Transfer of Ownership report**

This listing details the transfers of ownership during the past 5 years and the resultant revenue increase due to the enrollment of the higher sales prices the year after the transaction.

**Top Secured/Unsecured Property Owner/Taxpayer Summary Reports**

These listings are compiled by a computer sort of all parcels owned by the same individual or group of individuals with a common mailing address. This assembly of parcels provides information about the largest overall secured property owners and/or taxpayers. The Top Ten Property Taxpayers includes the percentage of the entire tax levy attributed to a taxpayer as well as the use code and taxing jurisdiction of the property owner.

**Non-Residential New Construction**

A listing that calculates non-residential growth for increasing a City's Gann Limitation as a result of Proposition 111.

**Prop-8 Potential Reduction Analysis**

A report that calculates potential loss due to Assessor applied Prop-8 reductions based on median sale price data and numbers of transactions in prior years.

**Foreclosure Data** compiled from real estate trackers on a monthly basis

**Bank Owned Property REO Report** a listing of properties in bank ownership prepared monthly for use by code enforcement to ensure that banks are maintaining property in their ownership.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
THERESA DELLASANTA, INTERIM CITY MANAGER**

**FROM: DEBRA AUKER, INTERIM FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF JULY 18, 2012**

**SUBJECT: AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CAPITAL ACCOUNTING PARTNERS, LLC RELATING TO UPDATING THE MASTER FEE SCHEDULE, THE COST ALLOCATION PLAN, AND DETERMINING FULLY-BURDENED STAFF HOURLY RATES**

### **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract with Capital Accounting Partners, LLC (CAP) for professional services relating to updating the master fee schedule, the cost allocation plan, and determining fully-burdened staff hourly rates for a fixed cost not to exceed \$20,451.

### **BACKGROUND**

In January 2009, for the first time, the Town engaged the services of a consultant to prepare a comprehensive fee study, cost allocation plan, and calculate full cost recovery staff hourly rates. Staff and Council worked over several months and approved the final master fee schedule on September 16, 2009. The City Council conducted several public hearings and study sessions to invite public input. The newly adopted fee schedule generated up to \$150,000 of additional revenues for the General Fund annually.

The Town has internally updated the master fee schedule, the cost allocation plan, and determining fully-burdened staff hourly rates on a regular basis, but due to the major

reorganization and contracting out of Town services, staff feels it prudent to hire a consultant to review and revise all three areas for fiscal year 2012-2013 and beyond.

**DISCUSSION**

Due to the major reorganization and contracting out of Town services staff feels it prudent to hire a consultant with expertise in the area of establishing, reviewing and revising comprehensive master fee schedules, the cost allocation plans, and the calculation/justification of fully-burdened staff hourly rates. A Request for Proposal (RFP) for was issued on October 6, 2011. The following five consulting firms responded to the Town’s RFP.

	<u>Bid Amount</u>
1. Capital Partnerships Inc.	\$23,196
2. PHA Management and Audit Consultants	\$32,925
3. The Matrix Consulting Group	\$27,200
4. MGT of America, Inc.	\$32,000
5. Capital Accounting Partners, LLC	\$20,451

The Town’s management team, including the Director of Public Works, Chief Building Official and Finance Director conducted a review of all proposals selected the top two firms. Based on the selection process, phone interviews and reference checks, staff is recommending that the City Council award the contract to Capital Accounting Partners, LLC. They have confirmed that their proposal is still valid.

A cost allocation plan is necessary. The plan is an analysis which distributes the general governmental and support services of the Town to the direct services and activities provided to the public. The result of the cost allocation plan will help the Town to determine the fully-loaded cost basis for fees and service charges. The full cost recovery staff hourly labor rates are a significant part of the foundation for the comprehensive fee study.

The Comprehensive fee study will help to evaluate the current fees structure and may identify potential areas for new revenue sources for the Town.

**FISCAL IMPACT**

The cost for these professional services is a fixed price not to exceed \$20,451. The cost is budgeted in the FY 2012-2013 General Fund Non-departmental budget.

Prepared by:

Approved by:

\_\_\_\_\_

\_\_\_\_\_

Debra C. Auker, Interim Finance Director

Theresa DellaSanta, Interim City Manager

Attachment: CAP Proposal



**Capital Accounting Partners, LLC  
Professional Services Proposal  
for  
The Town of Atherton  
Indirect Cost Allocation Plan,  
Product Hourly rate Calculations,  
and Comprehensive User Fee Study**



**October 26, 2011**



# Table of Contents



<i>Cover Letter</i> .....	2
Introduction and Executive Summary.....	4
<i>Company Profile</i> .....	5
Description of Firm .....	5
Additional factors .....	5
Organizational Structure and Key Staff Resumes .....	6
Description of the project team: .....	6
<i>Data to Be Supplied</i> .....	8
<i>Time Table and Work Product</i> .....	9
<i>Summary of project tasks</i> .....	9
<i>Tasks Universal to All Three Projects</i> .....	10
<i>Task Plan: Indirect Cost Allocation Plan</i> .....	10
Task 1: Data collection workshops.....	10
<i>Task Plan: Fully Burdened Staff Hourly Rates</i> .....	11
Task 5: Build the productive hourly rate model .....	12
<i>Task Plan: Comprehensive User Fee Study</i> .....	12
<i>Experience and References Summary</i> .....	19
<i>Cost Proposal and Submittal Certification</i> .....	23
Project Budget .....	23
Project Schedule: .....	25
<i>Other Sections</i> .....	26
<i>Attachment A- Project Team Resumes</i> .....	27
Nicolie (Nicky) Cass Lettini, MBA .....	27
Manfred Endres – Project Consultant.....	28
Daniel B. Edds, MBA, PMP - Project Consultant .....	29
<i>Attachment B – Letters of Reference</i> .....	30

# Cover Letter

October 26, 2011

Town of Atherton  
Attn: City Clerk  
Town of Atherton  
11710 Telegraph Road  
Atherton, CA 90670

Reference: Proposal – Comprehensive User Fee Study

Capital Accounting Partners, LLC (CAP) is submitting for your consideration our proposal to develop the Town of Atherton's update of an indirect cost allocation plan, an update of calculations to establish productive hourly rates, and the preparation of a comprehensive Fee and Rate Study. This proposal includes the preparation of a central service indirect cost module so that the fees will include the full cost of services. If the City determines that it does not need to include these costs in the user fees we will be happy to make the adjustment in cost. CAP has extensive expertise in both of these services. This proposal is valid for ninety (90) days from October 26, 2011.

Capital Accounting Partners understands that the Town of Atherton is taking an important step by a review of its user fees, charges, and cost recovery. We understand that the City desires to be fiscally responsible with the services it provides while maintaining a high level of customer service. To accomplish these important goals it desires to have a thorough and professional review of its user fees. During this time of economic uncertainty this is an important goal.

The principles guiding CAP include our commitment to provide a quality, accurate product that is delivered on time and to give our clients the highest level of customer service available. Our integrity is very important to us. Our cost plans and user fee studies are carefully prepared and developed as a team effort with you and your staff. Our work will reflect the collaborative efforts of Capital Accounting Partners and your staff. In the end we will deliver reports we can all be proud of.

From the preparation process through to the end product, CAP consultants fully understand what is required and what it takes to prepare cost allocation plans and user fee studies. Our principal/owner, Nicolie Cass Lettini, MBA (Nicky), is an experienced expert who understands the value and nuances of how user fees can impact a city's revenue sources and the proper allocation of costs for each individual department. Our combined experience spans over 50 years of experience and hundreds of similar projects.

Dan Edds will be lead consultant. He brings 15 years of experience as a public sector consultant. Dan has direct experience with many Cities in the Bay area. He is recognized for his expertise in user fee study. The GFOA published an article he wrote in the April publication. Manfred Endres brings experience from both the government side as an Assistant Auditor Controller and from the consulting side as a Senior Vice President with MAXIMUS, Inc. Each have extensive experience in cost allocation and user fee studies in California and in many other states. This combination of experience and skills gives the CAP consultants the ability to provide clients accurate, complete, and on-time cost plans and user fees studies, using custom designed software which was developed based on their knowledge. All of this know-how is provided by a team that prides itself in offering exceptional customer service.

We are very proud of our work product. Our commitment is to bring to the Town of Atherton the best methodology and the best trained and experienced staff possible. Additional factors to take into consideration during your evaluation of the proposal are:

- **Small Business Certification (#0046082)** – Capital Accounting Partners, LLC has received certification from the Office of Small Business and DVBE Services, Procurement Division, Department of General Services, State of California.
- Capital Accounting Partners, LLC is a **majority woman-owned business**.

As you review the enclosed proposal, you will see that CAP has the experience, skills, talent, and capacity. By relying on CAP's expertise to meet your requirements, your staff can focus on other important responsibilities and tasks. In addition, CAP is available to present any necessary reports or studies to elected officials and/or the general public if necessary.

Thank you for the opportunity to submit this proposal. We look forward to working with you.

Sincerely,



Nicolie Cass Lettini  
Capital Accounting Partners, LLC  
3570 Buena Vista Drive  
Sacramento, CA 95864

Enclosures: Copies of the proposal.



# Introduction and Executive Summary



Our approach will add value to the Town of Atherton in five ways:

**Our clients can be confident they are working with highly experienced staff**

The combination of Nicky Cass, Manfred Endres, and Dan Edds brings more than 50 years of user fee and cost plan work to the Town of Atherton. Nicky and Dan both hold MBAs. Manfred brings the perspective of a former Auditor/Controller for Plumas County, CA. as well as 20 years managing the cost of service division for a national consulting organization. This included providing and managing literally hundreds of user fee studies and indirect cost allocation plans. Dan is a certified Project Manager Professional (PMP) as well as a Kaplan and Norton Balanced Scorecard Certified Graduate. We are proud of the fact that no other firm can match these qualifications.

**Our clients can be confident we value the collaborative approach**

One of the unique differences in our approach is the time we spend on-site working directly with staff. Many firms will produce worksheets and then ask staff to complete them. We have found that this approach results in costly errors, excessive staff time, slower response to project completion, and lower quality data. In addition, this transfers the responsibility of keeping project timelines fully onto the shoulders of City staff. Our project plans are structured to collect 70%-80% of the data while on-site. This allows us to better understand your operations and the nuances that can impact the ultimate implementation of a new user fee schedule.



**Our clients can be confident they are receiving the most thorough cost analysis possible**

We strongly believe that a quality analysis of cost stems from a thorough understanding of operations and the core business processes that produce government services. It is these processes that drive cost and without this understanding cost data becomes very subjective. Our approach is to develop driver based costing models as opposed to allocated costing models which do not require the level of analysis that our approach utilizes.

*By collecting cost and process data onsite, we can produce a higher quality fee study, with faster response times, and at lower total cost to the city.*

**Our clients appreciate a full and complete report**

Our experience tells us that clients want a well documented report that is easy to read, clear, and concise. To save money, many firms will provide a basic outline of methodology in their reports followed by tables of data. Our approach is to provide a full and complete report that is complete with our observations and recommendations for policy discussions.

**Our clients appreciate the value project management best practices bring to these projects**

The project leader for this will be Dan Edds. He is a certified PMP he understands how to complete projects on time and on budget. His approach puts an emphasis on pre-project planning. This planning technique ensures timely delivery of the project with an emphasis on final implementation. We are proud of the fact that we have never been late with a deadline.



## Company Profile



### Description of Firm

- Legal name of firm: Capital Accounting Partners, LLC (CAP)
- Address: 3570 Buena Vista Drive, Sacramento, CA 95864
- Legal form of Company: Limited Liability Company
- Telephone: 916.670.0001
- Fax: 309.404.0697
- Years in business: Established March 1, 2007 – Four years
- Full-Time Personnel: Nicolie Cass Lettini, MBA  
Manfred Endres  
Dan Edds, MBA, PMP

### Primary Consultant Contact

Dan Edds  
Tel No.: 425.269.8854  
Email: [danedds@mycapartner.com](mailto:danedds@mycapartner.com)

### Secondary Consultant Contact

Nicolie Cass Lettini  
Capital Accounting Partners, LLC.  
3570 Buena Vista Drive  
Sacramento, CA 95864  
Tel No.: 916.670.0001  
Fax No.: 309.404.0697  
Email: [nicky@capitalaccountingpartners.com](mailto:nicky@capitalaccountingpartners.com)

### Additional factors to take into consideration during your evaluation of the proposal:

- **Small Business Certification** (#0046082) – Capital Accounting Partners, LLC has received certification from the Office of Small Business and DVBE Services, Procurement Division, Department of General Services, State of California.
- Capital Accounting Partners, LLC is a **majority woman-owned business**.
- Capital Accounting Partners, LLC values the importance of continuing education to stay on top of all the new rules and regulations and freshen up our knowledge on existing regulations and guidelines. Nicky has attended additional training backed by the state on OMB A-87 guidelines from an outside firm offering governmental training to government entities and consultants working with government.



## Organizational Structure and Key Staff Resumes



As stated in the cover letter, CAP has more than 50 years combined experience providing comprehensive user fee studies and indirect cost allocation plans. Our consultants, Nicky, Manfred, and Dan have the highest level education, training, and experience in our industry.

One feature that makes CAP stand out from all the rest is the outstanding customer service our consultants provide. Below are just a few examples of why CAP should be your choice.

- "(Nicky) is by far, **one of the best consultants** I have ever worked with. Nicky is extremely professional, thorough, knowledgeable and unbelievably customer service focused.  
A. Ng, Financial Management & Business Process Manager,  
Golden Gate Bridge, Highway and Transportation District
- "...the **excellent support and service** you provided...helped to increase our productivity and responsiveness to any and all questions arising from the cost plan process. "  
D. Sellers, Auditor-Controller, County of Yuba
- "It has always been a pleasure to work with Nicky due to her **can-do attitude, attention to detail, unparalleled level of service**, and most importantly, her knowledge of Cost Allocation Plans and OMB A-87 requirements."  
B. Torrez, Finance Director, City of Burbank
- "...with [her] **expertise** in Cost Plan preparation, [Nicky has] **brought accuracy, consistency and accountability** to the preparation of our Cost Plan..."  
R. Adler, Assistant Controller, County of San Mateo

CAP suggests you contact our previous clients to discuss our work. CAP is proud of our reputation within the industry and would like you to hear it for yourself. Since Manfred and Dan have all been with other consulting firms until recently, their references may be focused more on the other firms for which they worked. Therefore, the letters of reference cannot be provided for these consultants. However, their personal references will serve to identify their skills and expertise.

### Description of the project team:

CAP's partners--Nicky, and her associates Manfred and Dan bring together a unique set of skills that other consulting firms do not have. We believe that the combination of our training, education, and experience cannot be matched in our industry.

**Nicky Cass** is the founder and president of Capital Accounting Partners (CAP). Prior to CAP she was with Maximus and Public Resource Management (Now MGT/America). Her work with these firms centered around indirect cost allocation plans, and the impact of these plans on revenue management. She has developed indirect cost allocation models for states, counties and cities across California, Nevada, Oregon, Washington, Texas, New Mexico, and Colorado. She has prepared nearly 300 indirect cost allocation plans including those where she has negotiated directly with the State of California and Federal auditors for indirect cost rates.

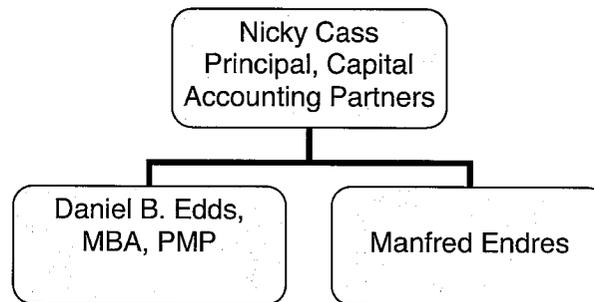
**Manfred Endres** has over thirty years of accounting, financial reporting, budgeting, property taxation and financial analysis experience in the governmental and not-for-profit sector. Manfred was originally an Assistant Auditor-Controller for Plumas County where he gained

extensive knowledge in development of annual budgets for the county funds and special and independent districts. He has an in depth knowledge of Proposition IV, XIII, and 218. In 1990 Manfred joined Maximus, a national consulting firm, there he handled a wide range of projects including, development and implementation of cost allocation plans for both city and county, User fee/cost of service studies, property tax administration fee studies, incarceration or booking rate calculations, probation rate studies, financial reporting and GASB 34 implementation. In 2008 he retired from Maximus and began providing independent consulting services to local agencies through Maximus and later through FCS, a Washington based firm. Now Manfred has joined the team at CAP and will continue to provide outstanding service to his clients and bring that knowledge to each and every project he works on.

**Dan Edds** has over fifteen years of experience, including his work as a Senior Manager with MAXIMUS, Inc., where he was responsible for user fee studies in California, Arizona, Oregon, and Washington prior to leaving MAXIMUS in 2008. Dan will be the primary person responsible for the comprehensive master fee and rate study. Dan is very knowledgeable regarding the California-specific rules and regulations that impact user fee studies and he will provide a technical review of all training and calculations, to ensure compliance with these rules and regulations.

Besides his cost analysis work, Dan is becoming trained Baldrige examiner through the Washington State Quality Award, is a certified Kaplan and Norton Balanced Scorecard Graduate, and a certified Project Manager Professional (PMP). His contributions to cost of service industry include numerous articles including a recent article published in April of 2011 by the GFOA and regular presentations at both regional and national conferences.

Organizationally, Capital Accounting Partners staff can be expressed in the following manner.



*In order to appropriately address the scope of work included in the RFP, we propose that Nicky focus on the cost plan work and Dan will focus on the user fee work. Manfred will provide assistance on both the cost plan and the user fee work where needed.*

**See Attachment A for full resumes.**

**See Attachment B- Letters of Reference.**



# Data to Be Supplied



Data to be supplied by the City in the preparation of an indirect cost allocation plan, calculation of productive hourly rates for staff, and development of a user fee study:

## **Indirect Cost Allocation Plan:**

- Copy of previous indirect cost allocation plan to study previous allocation factors;
- Current allocation factors or data such as # of computers, agenda counts, financial transactions, etc;
- Current budget and/or last year's actual; and
- Through interviews some staff will need to allocate their time to specific functions.

## **Productive Hourly Rates for Staff:**

Much of the data for the calculation of productive hourly rates will have already been provided through the user fee study and/or indirect cost allocation plan. However, a summary follows:

- Names and titles of all staff;
- Salary and benefits assigned to each staff member;
- Non-personnel expenditures for each department or division;
- Contractual services for each department or division; and
- Other expenditures that may apply;

## **User Fee Study:**

- Name and titles of staff processing user fees by department and/or division;
- Breakdown of personal leave days or hours (sick leave, personal leave, vacation time etc).
- Total salary and benefits by staff person;
- Non-personnel expenditures for each department or division;
- Contractual services for each department or division;
- Other expenditures that may apply;
- If staff are split between departments or divisions we will need the ratios assigned to each;
- Fee activity levels (for example the number of lot line adjustments processed within the previous 12 months);
- Actual revenues from fees by department or division;
- Master fee schedule with current fees;



# Time Table and Work Product



## Project Approach and Values

Our approach will focus on providing the staff of the Town of Atherton a positive experience that will install confidence in the results and the assurance that each voice was heard. The values that we bring to this project guide our approach, our methodology, and our relationships with staff.

Our core values are:

1. **Every staff member has a voice.** A quality cost of service study must recognize that every staff member has a perspective that needs to be heard. This is why we do most of our data collection in focus group style workshops.
2. **Understanding operations is critical to quality cost analysis.** Internal processes (operations) are what drive cost. Without this understanding any analysis of cost will be suspect. This is why we develop driver based costing models.
3. **There is no such thing as too much communication.** This is why we do the majority of our data collection onsite working with staff and developing a clear communications plan at the outset of a project engagement.
4. **User fee studies and indirect cost allocations plan are important.** These two projects can generate substantial revenues to the Town of Atherton. There are also significant legal issues that surround user fee studies. For these reasons we only use senior level staff with years of training and experience.
5. **Don't waste staff time.** Your staff has multiple tasks to do. Wasting their time is both frustrating and wasteful. This is why our process incorporates best practices for project management and our lead consultant (Dan Edds) has been certified as a Project Manager Professional (PMP).

## Summary of project tasks

User Fee Study	Calculate Productive Hourly Rates	Indirect Cost Allocation Plan
Project initiation		
Project kick off meeting		
1. Data collection workshops	1. Identify and document each staff person	1. Data collection workshops
a. Initial user fee study interviews and data gathering;	2. Identify salary and benefits for each staff person	2. Cost allocation plan interviews and data gathering;
b. Follow up user fee study interviews and data confirmation;	3. Develop additional cost allocations and allocation factors	3. Identify cost plan allocation statistics
2. Build high value driver based costing models;	4. Calculate reductions in productive hours	4. Prepare a draft report for Town review
3. Conduct comparative survey	5. Build the productive hourly rate model	5. Review plan with staff for accuracy

4. Review preliminary results with staff and Town leadership	6. Preparation of a Town Council presentation	6. Adjust plan based on comments from staff
5. Prepare draft report		7. Prepare the final cost plan report
6. Review draft report and adjust as applicable		8. Present cost plan to the Town Council
7. Prepare and council presentation		9. Train staff in the updating of the plan
8. User fee model training		

## Tasks Universal to All Three Projects

### Task 1: Project Initiation (establish a project work plan from the RFP)

As part of a quality project we propose establishing a clear and well documented project work plan. We do this by establishing early discussions with project leadership that provide the following:

- Identify project stakeholders;
- Identify clear objectives for a successful project;
- Identify project risk factors;
- Identify an on-site project lead or coordinator;
- Develop a clear work plan that implements risk mitigation factors, each project task; and
- Document the work plan in a project prospectus.

### Task 2: Project Kickoff meeting

A project kickoff meeting is a standard function of most projects. We use them to review our methodology, confirm mutual expectations, identify final questions & concerns, review project schedules, and provide an opportunity for the Town manager and/or senior leadership to address any larger concerns.

## Task Plan: Indirect Cost Allocation Plan

The methodology in preparing an indirect cost allocation plan is fairly universal. With the standards established by the Federal Office of Management and Budget the method becomes universal. Where Capital Accounting Partners adds value is in the level of experience of Mr. Endres and Ms. Cass. Both are members of a select group of cost plan preparers who have actually negotiated directly with Federal or State Auditors in the setting of overhead rates. In addition, both have experience of preparing indirect cost allocation plans at a state level, which are the most complex plans in existence.

### Task 1: Data collection workshops

In task 1 we want to understand the City's practices and operations at a higher level. We also want to understand where to find the documentation for current fees and rate structures and any local factors that are influencing costs and revenues.

During the data collection phase of the indirect cost allocation plan and user fee study we will meet with departmental staff to learn in detail practices and operations that will have a direct impact on the final calculations. These interviews will be detailed in the following tasks.

### Task 2: Initiate interviews with Town staff

Schedule and hold individual interviews with the necessary staff to discuss information needed by the consultant to complete the cost plan. These meetings are held to get a thorough understanding of the department's major functions and how CAP can best allocate the costs to all departments that receive their services. CAP will work with the Town to establish the goals for overhead cost allocation ensuring that the development of the plan will be accurate, fair, and defensible.

**Task 3: Identify cost plan allocation statistics**

An important function of an indirect cost allocation plan is the allocation factors or statistics that will be used to allocate costs to each function or work unit in the Town. We will also want to gather revenue and expenditure reports, functional information and other statistical data.

**Task 4: Prepare draft of the full cost allocation plan**

Develop a draft of the full cost allocation plan.

**Task 5: Review draft plan with staff and make changes as required**

Work with client to go over draft and explain what the draft means. Talk about questions and come up with any necessary changes.

**Task 6: Adjust plan as necessary**

Based on the reviews with staff we will update and make changes as necessary and applicable.

**Task 7: Prepare final cost plan report**

Finalize updated cost allocation plan to incorporate changes from departments during review process.

**Task 8: Prepare and present both plans to the Town Council and others as required**

Participate in presentation to Town Finance staff and Town Council if required. We will first provide a Power Point for staff to review.

**Task 9: Train staff in the future preparation of the cost plan**

We will provide training in how to update the cost plan model and review additional options in preparing the plan that may involve less time and expense for staff.

**Task Plan: Fully Burdened Staff Hourly Rates**

The preparation and calculation of fully burdened staff hourly rates is often a subset of either an indirect cost allocation plan and/or a comprehensive user fee study. With a user fee study, calculating fully burdened hourly rates for each staff person involved is one of the first tasks we perform.

For the Town of Atherton we propose setting up a separate Excel based workbook that would calculate the productive hourly rates. The calculations required for the user fee study can easily be linked to this workbook if the Town finds this to be an advantage.

The tasks involved in calculating productive hourly rates follows:

**Task 1: Identify and document each staff person**

**Task 2: Identify salary and benefits for each staff person**

**Task 3: Develop additional cost allocations and allocation factors**

These additional allocations act much like layers of additional cost. Typically they will include Town overhead costs such as facilities, information technology, and human resources. We also recommend building non-personnel costs into these calculations. We will also develop the most appropriate method of allocating these additional cost such as total labor or FTE counts.

#### **Task 4: Calculate reductions in productive hours**

Standard reductions from the standard 2080 hours for full time equivalents include:

- Vacation time;
- Sick leave;
- Personal leave;
- Paid holiday leave;
- Regular and routine training;
- Regular and routine staff meetings; and
- Daily breaks as allowed.

#### **Task 5: Build the productive hourly rate model**

We will build a functioning calculator model in Microsoft Excel. This will involve inputting all of the above data, developing an allocation model to assign overhead costs, and reviewing it with leadership.

#### **Task 6: Preparation of a Council presentation**

We will work with the finance staff to prepare an appropriate presentation to the Town Council.

### **Task Plan: Comprehensive User Fee Study**

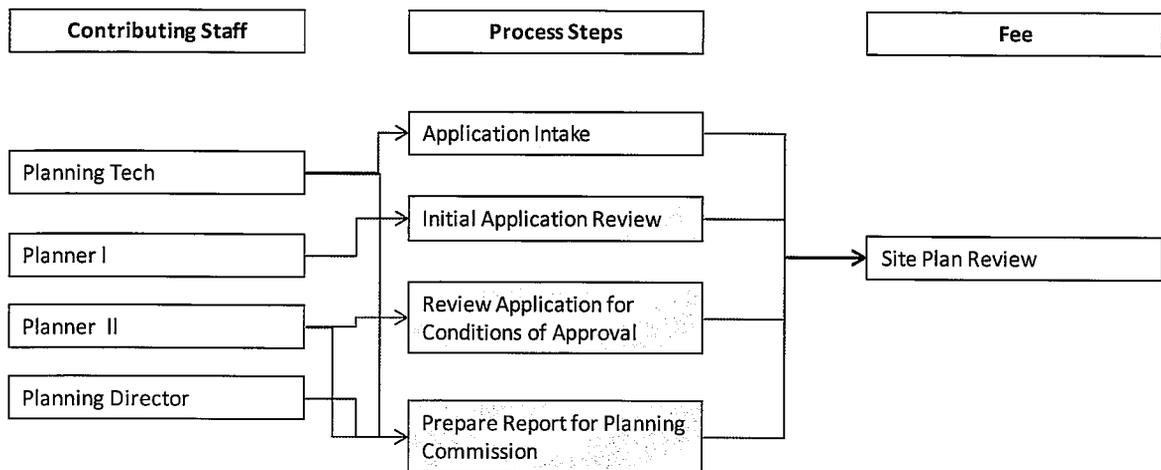
Dan Edds will be the primary project consultant for the User fee while Manfred Endres will be backup for the user fee as well.

#### **General Approach**

Our approach utilizes a disciplined and structured methodology that is designed to capture cost at an operational level. In this way, we provide detailed analysis that answers the "why" question, or the question about why a service costs what it does. Because we believe that interactive and collaborative relationships produce the best results we use these processes to ensure there is viable transfer of knowledge of how the study was conducted. This allows staff to respond to stakeholders and customers when asked how the fees and charges were calculated.

#### **Costing Methodology**

Our methodology for user fee studies relies on providing detailed analysis at an operational level. . By understanding costs at the level of core business processes we provide a level of detail that provides staff and the Town council the confidence they need to set reasonable fees and policies where required. This level of detail is best illustrated in our costing methodologies. By developing driver based costing models we can answer the "why" questions – why does a specific fee cost what it does? While some methodologies rely on a simple allocation of cost to general fee categories, our approach emphasizes a detailed analysis of each fee.



*By adding this interim step a driver based model provides increased value over the traditional method of calculating the cost of a user fee in four ways 1) staff understand it better, 2) It reflects the regulations required to process fees, 3) it is more defensible and 4) it reduces staff time in the calculation process.*

### **Task 1: – Data Collection Workshops**

Our data collection is done on-site in focus group style conversations. Each workshop can 2-3 days depending up the size of the community, number of staff, number of fees, and number of work units that are involved.

#### ***Workshop #1.***

This first workshop will provide two rounds of interviews with each work unit that is involved. Each interview will last 2-3 hours. For example, during this first workshop we will want to meet with Planning staff for 2-3 hours on day one and then again for approximately 2 hours on day two or three. This gives us ample time to understand operations, identify costing issues that will be important to understand, and time to review and confirm our data.

This first set of interviews will have four objectives:

- A. Identify any practices or policies that drive cost recovery.
- B. Identify core business processes that drive the cost of services. This is both direct activities such as processes that support specific fees as well as support time such as customer service.
- C. Identify components of cost such as salaries, benefits, non-personnel costs, contractor costs, etc.
- D. Calculate annual available productive hours by subtracting vacation, sick, personal leave, holiday, training, meeting, and break time from the standard 2080 hour hours.
- E. Begin time estimate data gathering.

The second set of interviews will have two objectives:

- A. Complete time estimates broken down by core business processes.
- B. Review preliminary time estimates.

Between interviews the consultant will begin entering data in building the costing models. We normally schedule a minimum of one week between workshop #1 and #2.

**Workshop #2:**

The second workshop will again be comprised of two separate interviews with each work unit that is represented in the study. As in workshop #1 we will schedule the initial interview followed by a second one the next day(s). However, these interviews are substantially shorter and often the second interview session is not necessary.

There are four objectives to this second workshop:

- A. Review and update time estimates.
- B. Assign time to support activities such as customer service, long range planning, management & administration, etc.
- C. Review staff salaries, budgeted expenses, FTE assignments, etc.
- D. Review preliminary results for any obvious missing data.

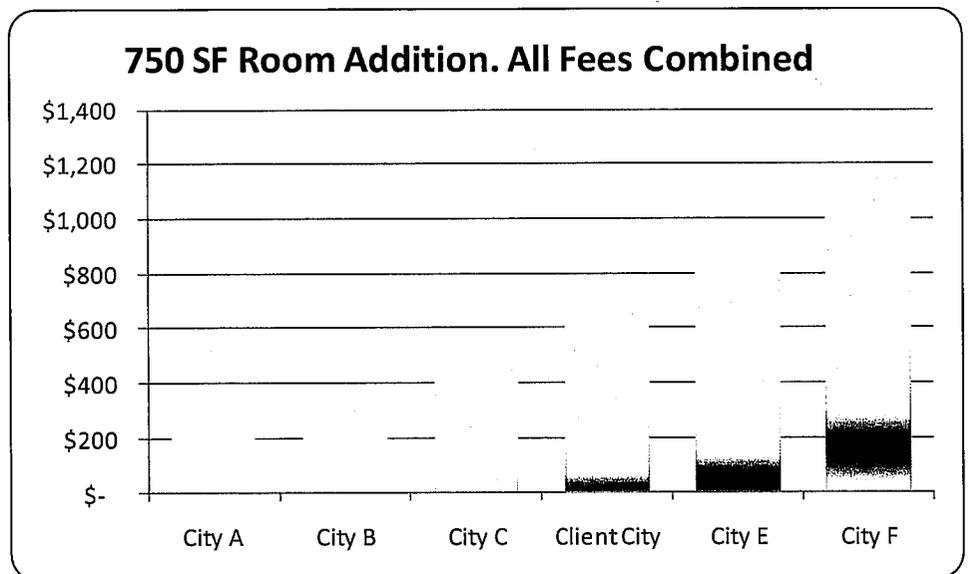
**Task 2: Build high value driver based costing models**

Though significant work is done on-site while working with staff, there is much work to be done in constructing the Excel based costing models, building the budget data, formatting the report pages, reviewing results, etc.

**Task 3: Prepare a Comparative Analysis of costs with selected benchmark cities**

We offer to the Town of Atherton a two step approach to comparative surveys. In step one we will identify 5-10 specific fees for each division or department reviewed. In step two we will also identify 2-4 development projects that are routine to the Town. This approach will provide the Town with a clear picture of where it stands in comparison with surrounding jurisdictions and their fees. A simple fee by fee comparison does not provide adequate comparative analysis as many cities may have identical fee descriptions but incorporate very different requirements into each. By adding the additional step of pricing specific development projects the Town will have a better basis for comparison.

*By comparing specific projects the Town will have a comparative analysis that is superior to comparing a universe of individual fees*



#### **Task 4: Review Preliminary Results**

Reviewing results is an activity that occurs throughout every phase of the project. However, during this task we will facilitate an intentional review of preliminary results. During this task we make use of online web based conferencing tools that allow us to review results with staff and leadership in real time. These sessions typically last 30-45 minutes and do not require face to face time. With the online tools we can schedule these sessions at the convenience of department leadership. In addition the online tools allow for leadership to view the actual model being developed and make informed adjustments to the models as required.

#### **Task 5: Prepare a Draft Report**

After all data has been identified, costs calculated, and final reviews by staff have been completed, we will then prepare a full and comprehensive report. This report will be more than a few pages of methodology discussion followed by tables of numbers. We take great pride in our reports and our clients appreciate the full and complete nature of this document. Our typical reports do have a complete description of our methodologies. However, in addition they will have a section for each functional area reviewed (planning, building, engineering, etc). In these sections there will be a full discussion of costs that have been included, a summary of revenues and a comparison of expenses. There will also be a description of all sources of costs broken down into direct, indirect, and overhead costs. Wherever feasible we will illustrate data with graphs and charts.

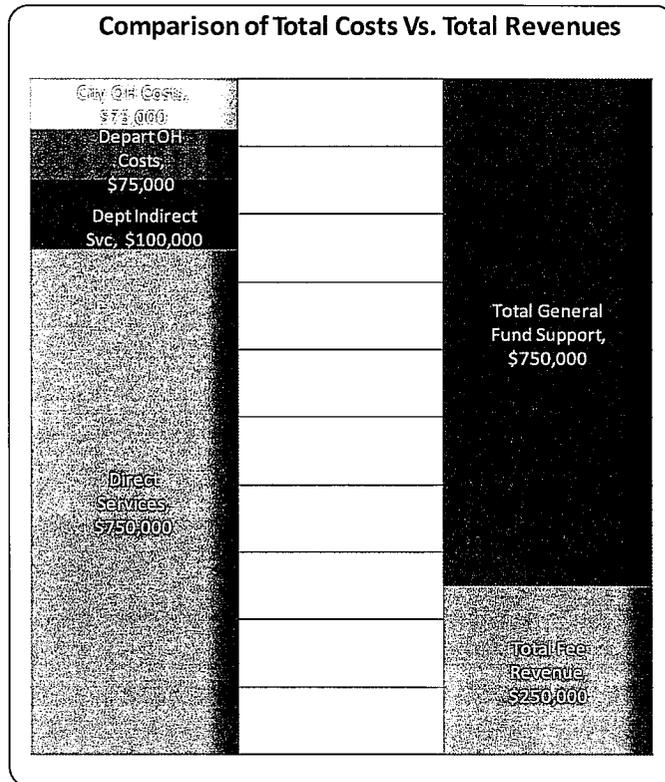
At a minimum our reports will provide a comprehensive:

- ✓ Analysis of the direct cost of services;
- ✓ Analysis of the indirect activity cost that supports the direct processing of applications and permits;
- ✓ Analysis of cost from Town overhead;
- ✓ Analysis of the per unit cost of each service;
- ✓ Analysis of the current cost recovery rate for each service;
- ✓ Analysis of cost and recovery by fee category such as planning fees approved administratively vs. planning fees approved by the planning commission;
- ✓ Analysis of cost recovery given a targeted cost recovery rate;
- ✓ Annual summary of revenue recovery from current fee levels;
- ✓ Annual summary of revenue recovery at full cost recovery;
- ✓ Annual summary of revenue sources such as fees vs. general fund;
- ✓ Annual summary of sources of cost such as Town overhead, department overhead, and direct activity costs;

- ✓ Annual summary of cost by core business processes; and
- ✓ Analysis of fee comparisons against five benchmark cities.

The following graphics illustrate the quality of our reports and the level of analysis that we provide.

**Cost and Revenue Comparisons**



*By comparing total cost and total revenues by individual components the Town Council can have a fast visual analysis for setting cost recovery policy.*

### Cost and Revenue by Fee Category

FEE CATEGORIES	Full Cost	Current Fee Levels	Annual Surplus (subsidy)	Current Recovery Rate as a Percentage of Total Cost	Required Increase to Achieve Full Cost Recovery
Design Review Case Types	\$520,000	\$203,372	(\$316,628)	39%	156%
Long Range Planning Case Types	\$260,000	\$122,021	(\$137,979)	47%	113%
Shoreline Case Types	\$31,500	\$17,229	(\$14,271)	55%	83%
Subdivision Case Types	\$120,000	\$109,116	(\$10,884)	91%	10%
Zoning Case Types	\$139,000	\$30,861	(\$108,139)	22%	350%
Point of Sale	\$3,000	\$1,284	(\$1,716)	43%	134%
<b>TOTALS</b>	<b>\$1,073,500</b>	<b>\$483,883</b>	<b>(\$589,617)</b>	<b>45%</b>	<b>122%</b>

Our reports can provide the Town of Atherton with a variety of analytical data. This graphic shows the current cost recovery rate by fee category and the percentage increase if the City were to decide that full cost recovery is in its best interest.

#### Components of Cost

Understanding the sources of costs

Fee Name	Actual Work Volume	Recovered Revenue Volume	Annual Cost / Revenue by Division or Section			Annual Recoverable Cost / Revenue at Full Cost		
			Current Planning	Engineering & Transportation	Fire Prevention	Full Cost	Current Fee Levels	Annual Surplus (subsidy)
Demolition of Historic Landmark	0	0	0	0	0	\$0	\$0	0
Demolition of Historic Landmark	0	0	0	0	0	\$0	\$0	0
Discretionary Use	3	3	19,670	5,873	391	\$25,934	\$11,484	(14,450)
Discretionary Use	1	1	7,093	2,013	137	\$9,242	\$5,774	(3,468)
DWP Overlay District Development	6	6	11,569	3,020	1,041	\$15,629	\$6,120	(9,509)
DWP Overlay District Development	0	0	0	0	0	\$0	\$0	0
Establishment of Historic Landmark Inventory	0	0	0	0	0	\$0	\$0	0
Establishment of Historic Landmark Inventory	0	0	0	0	0	\$0	\$0	0

Annual Totals		
\$1,086,009	\$483,883	(\$602,126)

Our reports can provide the Town of Atherton with a variety of analytical data. This graphic shows the annual full cost, the full cost by the sources of costs, the current annual revenues with a comparison of annual cost and revenues. In addition, we can show the current cost recovery rate and the required increase to bring the fees up to full cost recovery on a category basis.

#### Task 6: Review draft report

The Town staff and leadership will have significant opportunity to review the draft report, make comments and express concerns. We will then make changes as applicable and draft the final report.

#### Task 7: Prepare a Council Presentation

After the report has been prepared and reviewed by staff, we will then prepare the Council presentation. Our recommendation is that this be given in a Council workshop. We will work with staff to determine what type of presentation will be best suited for the City. Some councils want full and comprehensive presentations with full descriptions of methodologies, results, policy considerations, etc. Others want to be more brief and provide a summary of costs and results. Whatever the City decides we will be available to meet the needs and provide a presentation that will work for the Town of Atherton.

**Task 8: Provide the Excel based model for staff to update at later dates.**

We are happy to provide the Excel based models for the user fee study and provide training that will be required. However, there is a much easier method of updating the model that will be faster and far less complicated. Our standard recommendation is to simply update the fee schedule each year with a simple labor CPI. If City labor costs go up by 2% then raise all fees by 2%. This is the method most California cities keep up with inflation pressures.



## Experience and References Summary



The individuals which are introduced in this proposal represent one of the most experienced teams providing indirect cost allocation plans and user fee studies in the State of California. *The projects listed are ones where at least one member of the team contributed substantial project duties not just management or oversight responsibilities.* In addition, both Manfred and Nicky are two of the few cost plan consultants in the State of California who have actually negotiated indirect cost rates with either the State of California or the US Federal Government.

### User Fee Studies.

Dan Edds will be our primary consultant on this project. He has prepared numerous similar studies. These California Cities can be contacted for reference purposes.

#### City of Dublin

This is a current and ongoing project. The city engaged CAP to prepare an indirect cost allocation plan and comprehensive user fee study. Nicky Cass is preparing the indirect cost allocation plan and Dan Edds is preparing the user fee study. Areas of study include planning, building, development engineering, police, fire prevention and business license costs.

Current

#### Mr. Paul Rankin

Administrative Services Director  
City of Dublin  
(925) 833-6654  
[paul.rankin@dublin.ca.gov](mailto:paul.rankin@dublin.ca.gov)

#### Or Laura Jammal

Administrative Technician – Administrative Services  
City of Dublin (925) 556-4574  
[laura.jammal@dublin.ca.gov](mailto:laura.jammal@dublin.ca.gov)

#### City of Indian Wells

Mr. Edds has provided several cost of service studies for this City. The most recent was a business license study. This engagement involved structure a new schedule of business license fees and calculating the cost of each.

Spring 2011

#### Mr. Corrie Kates

Community Development Director  
City of Indian Wells  
(760) 776-0229  
[ckates@indianwells.org](mailto:ckates@indianwells.org)

#### City of Las Gatos

Mr. Edds and Mr. Endres to prepare both an indirect cost allocation plan and a comprehensive user fee study. Mr. Edds prepared the user fee study. Areas of the user fee study included planning, building, development engineering, police, and business license costs.

Spring 2010

#### Ms. Jenny Haruyama

Assistant Finance / Budget Director  
City of Las Gatos  
(408) 354-6885  
[jharuyama@losgatosca.gov](mailto:jharuyama@losgatosca.gov)

#### City of Campbell

Mr. Edds and Mr. Endres to prepare both an indirect cost allocation plan and a comprehensive user fee study. Mr. Edds prepared the user fee study. Areas of the user fee study included planning, building, development engineering, police, and

Spring 2010

#### Mr. Mike Wright

Budget Manager  
City of Campbell  
(408) 866-2112  
[mikew@cityofcampbell.com](mailto:mikew@cityofcampbell.com)

**Indirect Cost Allocation Plans**

Capital Accounting Partners(CAP) prepares numerous indirect cost allocation plans every year. Our Principal, Nicky Cass has prepared nearly 300 indirect cost allocation plans in her career. Many of our clients contract with CAP annually for preparation of their OMB compliant and Full Cost indirect allocation plans. The following is a list of agencies that contact with CAP for annual updates to their cost plans.

The following is a partial list of her clients that are available for referral.

<p><b>The City of Burbank</b>, Full Cost Allocation Plan Jennifer Becker, Deputy Financial Services Director 275 East Olive Avenue, PO Box 6459 Burbank, CA 91510 818.238.5507</p>	<p><b>County of Contra Costa</b>, OMB A-87 Cost Allocation and Full-Cost Allocation Plans Marie Rulloda, Assistant Auditor-Controller 625 Court Street, Room 103 Martinez, CA 94553 925.646-2186</p>
<p><b>City of Burbank</b>, Cost of Service Analysis for Information Technology Penny Forbes 275 East Olive Avenue, PO Box 6459 Burbank, CA 91510 818.238.5087</p>	<p><b>Golden Gate Bridge, Highway &amp; Transportation District</b>, Full Cost Allocation Plan and Indirect Cost Rate Plans Alice Ng, Financial Management and Business Process Analyst Toll Plaza Administration Building, Golden Gate Bridge PO Box 9000, Presidio Station San Francisco, CA 94129 415.923.2339</p>
<p><b>City of Glendale</b>, Full Cost Allocation Plan Bob Elliot, Finance Director 141 North Glendale Avenue Glendale, CA 91206 818.548.2085</p>	<p><b>County of Riverside</b>, OMB A-87 Cost Allocation Plan Tess Soriano, Chief Accountant 4080 Lemon Street, 3<sup>rd</sup> Floor Riverside, CA 92502 951.955.8138</p>
<p><b>City of Glendale</b>, Information Services Department Cost Rates Ed Fraga, Information Services Director 141 North Glendale Avenue Glendale, CA 91206 818.548.3957</p>	<p><b>County of San Benito</b>, OMB A-87 Cost Allocation Plan Larry Chapin, Assistant Auditor 481 4<sup>th</sup> Street, 2<sup>nd</sup> Floor Hollister, CA 95023 831.636.4090</p>
<p><b>Santa Clara Valley Water District</b>, OMB A-87 Cost Allocation Plan and ICRP's Anne Cooper, Finance PO Box 20670 San Jose, CA 95160-0670 408.265.2600</p>	

## Other Clients and Experience

Below is a list of other California clients that our team has served.

<b>Representative Sample of California Clients Served by Our Team</b>			
<b>California Indirect Cost Allocation Plans</b>		<b>California User Fee Studies</b>	
<b>Cities</b>	Kings County	City of Pasadena	City of Lathrop
Glendale	Lassen County	City of Napa	City of Moreno Valley
Santa Clara Valley Water District	Los Angeles County	City of Ontario	City of Indian Wells
Golden Gate Bridge, Highway & Transportation District	Madera County	City of Alameda	City of Rancho Cucamonga
Del Mar	Marin County	City of Vacaville	City of Mountain View
San Diego	Mendocino County	City of Dana Point	City of Del Mar
Yuba City	Mono County	City of Tulare	City of Campbell
Sacramento	Monterey County	City of Los Gatos	City of Porterville
Dixon	Nevada County	City of Paso Robles	City of Half Moon Bay
Whittier	Orange County	City of Martinez	City of Imperial Beach
San Mateo	Placer County	City of Concord	City of Irvine
Burbank	Plumas County	City of Lakeport	City of Placentia
Los Gatos	Riverside County	City of Pomona	Imperial County
Hayward	San Benito County	City of Woodland	Butte County
Bakersfield	San Bernardino County	City of Hercules	Yuba County
Folsom	San Diego County	City of San Luis Obispo	Napa County
Campbell	San Francisco County		Stanislaus County
<b>Counties</b>	San Mateo County		
City/County of San Francisco	Santa Clara County		
Contra Costa	Santa Cruz County		
Alpine County	Shasta County		
Amador County	Sierra County		
Butte County	Solano County		
Calaveras County	Sonoma County		
Colusa County	Stanislaus County		
El Dorado County	Sutter County		
Glenn County	Tehama County		
Humboldt County	Tuolumne County		
Inyo County	Ventura County		
	Yolo County		
	Yuba County		

**Representative Sample of Regional Clients Served by Our Team**

<p><b>Washington</b></p> <p>City of Spokane          City of Tacoma          Pierce County Parks and Recreation          City of Bainbridge Island          Seattle Public Schools          Lake Washington School District          Edmonds School District          Kent School District          Puyallup School District</p>	<p><b>Nevada</b></p> <p>City of Reno          State of Nevada (indirect cost allocation plan)</p> <p><b>Oregon</b></p> <p>City of Redmond          City of Springfield          City of Bend          City of Happy Valley          City of Hillsboro          City of Newport          County of Clatsop          Klamath County          Douglas County          Lane County</p>	<p><b>Arizona</b></p> <p>Town of Dewey-Humboldt</p> <p><b>Hawaii</b></p> <p>County of Maui</p> <p><b>Colorado</b></p> <p>City / County of Denver</p>
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# Cost Proposal and Submittal Certification



## Project Budget

The following is a fixed, not to exceed, price based on our reading of the RFP. Our method of payment is to invoice monthly based on the work actually performed.

Rates for additional services are at the staff costs shown on the graph below.

Consultant Hours and Costs	Consultants			
	Cass	Endres	Edds	Totals
	\$ 145	\$ 125	\$ 145	
<b>Universal tasks to complete</b>				
Task 1: Project initiation (develop workplan)	1		4	725
Task 2: Project kick off meeting			2	290
<b>Total Estimated Labor</b>				<b>1015</b>
<b>Indirect Cost Allocation Plan</b>				
Task Plan				
Task 1: Data collection workshops			2	\$ 290
Task 2: Cost allocation plan interviews and data gathering;			4	\$ 580
Task 3: Identify cost plan allocation statistics			3	\$ 435
Task 4: Prepare a draft report for Town review	2		3	\$ 725
Task 5: Review plan with staff for accuracy			1	\$ 145
Task 6: Adjust plan based on comments from staff			1	\$ 145
Task 7: Prepare the final cost plan report	2		2	\$ 580
Task 8: Present cost plan to the Town Council			2	\$ 290
Task 9: Train staff in the updating of the plan			3	\$ 435
<b>Total Estimated Labor</b>				<b>\$ 3,625</b>
<b>Calculate Staff Productive Hourly Rates</b>				
Task Plan				
Task 1: Identify and document each staff person			0.75	\$ 109
Task 2: Identify salary and benefits for each staff person			2	\$ 290
Task 3: Develop additional cost allocations and allocation factors			0.5	\$ 73
Task 4: Calculate reductions in productive hours			4	\$ 580
Task 5: Build the productive hourly rate model			6	\$ 870
Task 6: Preparation of a Council presentation			3	\$ 435
<b>Total Estimated Labor</b>				<b>\$ 2,356</b>
<b>Comprehensive User Fee Study</b>				
Task Plan				
Task 1: Data collection workshops	1		1	\$ 290
Task 1. a: Initial user fee study interviews and data gathering;			20	\$ 2,900
Task 1. b: Follow up user fee study interviews and data confirmation;			12	\$ 1,740
Task 2: Build high value driver based costing models;			8	\$ 1,160
Task 3: Conduct comparative interviews	2		8	\$ 1,450
Task 4: Review preliminary results with staff and Town leadership		2	3	\$ 685
Task 5: Prepare draft report			10	\$ 1,450
Task 6: Review draft report and adjust as applicable			4	\$ 580
Task 7: Prepare and council presentation	1		3	\$ 580
Task 8: Prepare a Council Presentation	1		2	\$ 435
Task 9: User fee model training			3	\$ 435
<b>Total Estimated Labor</b>	<b>5</b>	<b>2</b>	<b>74</b>	<b>\$ 11,705</b>
<b>Expenses</b>				<b>\$ 1,750</b>
<b>Total Budget</b>				<b>\$ 13,455</b>
<b>Total Project Budget</b>				<b>\$ 20,451</b>

## Project Schedule:

CAP shall perform all tasks in an efficient and timely manner to meet requirements of the Town.

The Town, with guidance from the consultants, shall supply all necessary financial, statistical and activity data required to complete the plan. To the greatest extent possible, data shall be provided to consultant in electronic format. CAP shall work to coordinate and work with various departments in obtaining information.

The Town will name an individual to serve as the contact during the performance of the contract. The consultants understand that any questions or problems must be addressed to this individual during regular business hours.

CAP has **never** missed a deadline and will adhere to the schedule of dates agreed upon by the Town and CAP.

Schedule By Tasks	Nov	December				January				February				March			
	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4
<b>Universal tasks to complete</b>																	
Task 1: Project initiation (develop workplan)	█																
Task 2: Project kick off meeting		█															
<b>Indirect Cost Allocation Plan</b>																	
Task 1: Data collection workshops		█	█														
Task 2: Cost allocation plan interviews and data gathering;		█	█	█													
Task 3: Identify cost plan allocation statistics			█	█													
Task 4: Prepare a draft report for Town review				█	█												
Task 5: Review plan with staff for accuracy					█	█											
Task 6: Adjust plan based on comments from staff						█	█										
Task 7: Prepare the final cost plan report								█	█								
Task 8: Present cost plan to the Town Council																█	█
Task 9: Train staff in the updating of the plan																	█
<b>Calculate Staff Productive Hourly Rates</b>																	
Task 1: Identify and document each staff person		█															
Task 2: Identify salary and benefits for each staff person		█															
Task 3: Develop additional cost allocations and allocation factors		█															
Task 4: Calculate reductions in productive hours		█															
Task 5: Build the productive hourly rate model			█														
Task 6: Preparation of a Council presentation																	█
<b>Comprehensive User Fee Study</b>																	
Task 1: Data collection workshops		█	█														
Task 1. a: Initial user fee study interviews and data gathering;		█	█														
Task 1. b: Follow up user fee study interviews and data confirmation;			█	█													
Task 2: Build high value driver based costing models;					█	█											
Task 3: Conduct comparative interviews						█	█										
Task 4: Review preliminary results with staff and Town leadership							█	█									
Task 5: Prepare draft report									█	█							
Task 6: Review draft report and adjust as applicable										█	█						
Task 7: Prepare and council presentation																	█
Task 8: Prepare a Council Presentation																	█
Task 9: User fee model training																	█



## Other Sections



1. **Insurance:** Capital Accounting Partners maintains and will maintain adequate insurance coverage in the amounts the Town requires.
2. **Manner of payment:** Capital Accounting Partners invoices monthly based on the level of work required.
3. **Right to reject proposals:** Capital Accounting Partners understands that the Town as the right award the project at its total discretion.
4. **Acceptance of Products and Services:** Capital Accounting Partners is proud of its work product. We put our name on the reports.
5. **Termination:** We understand the Town has the right to terminate the project.
6. **Retention of Records and Working Papers:** Working papers and models will be turned over to the Town on completion of the project for the exclusive use of the documents by the Town. No authorization is given to the Town to distribute these documents in any manner without the exclusive written permission of Capital Accounting Partners.



## Attachment A- Project Team Resumes



### **Nicolie (Nicky) Cass Lettini, MBA**

your project leader, has prepared over two hundred and ninety complete cost plans and cost of service analysis in her ten years of consulting. As a former senior consultant with Maximus and Public Resource Management Group, LLC (now MGT), Nicky gained a broad base of experience working for state and local governments throughout California, Nevada, Oregon, Washington, Texas, New Mexico, and Colorado. Her excellent working rapport with the State Controller's staff and her genuine desire to help her clients provides a level of service second to none.



Because of her strong desire to provide unprecedented customer satisfaction Nicky formed Capital Accounting Partners, LLC (CAP) in partnership with Tillman Sherman. Her reputation for attention to detail and responsiveness to client needs quickly built her client roster.

Nicky's number one goal in every project is to provide the highest level of service to her client. She brings a depth of knowledge and experience to the complexities of cost plans and cost of services analysis. Most importantly she spends the time necessary working with you and your staff on the level of detail needed to take full advantage of every benefit the cost plan can provide while assuring costs are properly allocated by department. Nicky is able to identify practices and procedures to make future plans easier to prepare. She will offer alternatives for improving the process, when appropriate.

Her commitment is to see that the plan is done right the first time while exceeding all of your expectations. She is happy to report that EVERY ONE of her over two hundred and ninety cost plans has been turned in on time or before the due date.

In addition to Nicky's commitment to her clients, she is also committed to staying abreast of local government rules and regulations including the Office of Management and Budget A-87 Regulations and has received formal training endorsed by the State of California and is scheduled for refresher course this September.

Nicky has a Bachelor of Science in Managerial Economics from University of California, Davis and has her MBA in Accounting from California State University, Sacramento.

## Manfred Endres – Project Consultant

has 28 years of California local government experience. He began his career as the Assistant Auditor-Controller for Plumas County, CA. During his eight years of County service (1982-1990) he developed the annual budgets for all county funds, special and independent districts each year. He converted Plumas County's accounting system from a cash basis to a modified accrual basis of accounting in compliance with the Single Audit Act and attained unqualified opinions on the County's financial statements by the independent audit firms. At Plumas County Manfred helped develop a fully computerized supplemental tax system and unitary property tax system. He possesses an in-depth knowledge of Proposition IV, XIII, and 218 and developed the apportionment process for Plumas County as well as computed each year's appropriation limits.



Manfred left the County to join MAXIMUS, a national consulting firm in September of 1990. In January of 2008 he began providing independent consulting services to local agencies through MAXIMUS and later through a Washington based consulting firm, FCS. As a consultant he has conducted cost for service studies and directed user fee engagements. Manfred has managed and participated in the preparation and negotiation of central service cost allocation plans for twenty-four California counties annually. He has conducted numerous cost studies in compliance with California Propositions IV, XIII, and 218. He has assisted almost every California County in calculating the cost of property tax administrative fees and booking fees. He has prepared the Annual Report of Financial Transactions, Road, Street and Redevelopment Reports to the California State Controller for over 60 jurisdictions. He assisted cities and counties in the early implementation of the new reporting requirements under GASB 34.

Manfred has a B.S. in Business Administration from the California State University at Sacramento.

### Professional References:

Mr. Richard Loomis  
Finance Director  
City of Pinole, CA  
(510) 724 - 9823  
[rloomis@ci.pinole.ca.us](mailto:rloomis@ci.pinole.ca.us)

Mrs. LaRae Brown  
Finance Director  
City of Millbrae, CA  
(650) 259 - 2433  
[lbrown@ci.millbrae.ca.us](mailto:lbrown@ci.millbrae.ca.us)

Mrs. Helen Ansted  
Deputy Finance Director  
City of Mountain View, CA  
(650)903-6011  
[finance@mountainview.gov](mailto:finance@mountainview.gov)

Mrs. Josie V. Nicasio  
Controller  
LosAngelesCountyMetropolitan  
Transportation Authority,  
Los Angeles, CA  
(213) 922 - 6810  
[nicasio@metro.net](mailto:nicasio@metro.net)

Mr. Brent Sakaida  
Assistant Finance Director  
City of Thousand Oaks, CA  
(805) 449-2259  
[finance@toaks.org](mailto:finance@toaks.org)

## Daniel B. Edds, MBA, PMP - Project Consultant

Dan is a project manager with Capital Accounting Partners (CAP). He has more than thirteen years of experience consulting within the public sector. His operational improvement work has involved problem solving and process improvement opportunities for core business processes. In these projects, business processes are evaluated for cost, and opportunities for improvement. The result is a clear understanding of how to improve the delivery of services; lower long term operational cost, and increase staff productivity. Mr. Edds has extensive training in facilitation, group decision-making and strategic planning from the Institute of Cultural Affairs.



Prior to joining CAP he was a project manager with FCS GROUP, a regional firm out of Redmond, Washington. He also served for five and a half years as senior project manager with a major international governmental consulting firm with offices in the western United States. In that position, he conducted and managed financial and operational analysis with numerous counties and cities. His work has involved process analysis for the purpose of restructuring fees for full cost recovery of Land Development, Planning, Public Works, Recreation, Police, Fire Prevention, Hazardous Materials, GIS, Library and other services.

Mr. Edds holds a Masters of Business Administration from the Albers School of Business and Economics at Seattle University. He is a regular presenter at state GFOA conferences, and has been professionally training in strategic planning and group facilitation. In addition he is a Kaplan Norton Balanced Scorecard Certified Graduate and he is in examiner training for Baldrige review through the Washington State Quality Award.

He has performed cost of service studies for the following jurisdictions:

City of Pasadena, CA	City of Lakeport, CA	City of Bainbridge Island, WA-
Yuba County, CA	City of Pomona, CA	City of Bend, OR
Napa County, CA	City of Woodland, CA	Town of Dewey-Humboldt, AZ
City of Ontario, CA	City of Hercules, CA	City of Springfield, OR
City of Alameda, CA	City of San Luis Obispo, CA	City of Hillsboro, OR
City of Vacaville, CA	City of Reno	City of Newport, OR
County of Maui, HI	City of Lathrop, CA	Douglas County, OR
City of Napa, CA	City of Moreno Valley, CA	County of Klamath, OR
City of Dana Point, CA	City of Indian Wells, CA	City of Redmond, OR
City of Tulare, CA	City of Rancho Cucamonga, CA	County of Clatsop, OR
City of Los Gatos, CA	City of Mountain View, CA	City of Campbell, CA
City of Paso Robles, CA	City of Del Mar, CA	
City of Martinez, CA	County of San Francisco, CA	



## Attachment B – Letters of Reference



### Letters of Reference

On the following pages are letters of reference from:

- City of Glendale
- City of Burbank
- County of Contra Costa
- County of Riverside
- County of San Mateo
- County of Yuba
- Thomas L. Cotton, State Controller's Office, Retired  
for Nicolie J. Cass Lettini



CITY OF GLENDALE, CALIFORNIA  
Administrative Services Department  
FINANCE

141 North Glendale Avenue, Room 346  
Glendale, California 91206-4998  
(818) 548-2085 FAX (818) 956-3286  
www.ci.glendale.ca.us

August 13, 2010

To Whom It May Concern:

I am writing this letter as a recommendation for Capital Accounting Partners, and Ms. Nicky Cass Lettini. I have known, and associated with Ms. Lettini for several years during my employment with the City of Glendale, as well as my prior employment with the City of Burbank. Nicky performs an annual cost allocation plan for the City of Glendale. In addition to the citywide plan, last year, she performed our initial rate allocation for our IT internal service funds. She has performed both studies with the utmost attention to detail, flexibility, and completed them in a professional and timely manner.

Nicky has always presented herself as a professional with integrity, diligence, and independence of the highest caliber. Additionally, she is very pleasant, easy going, and approachable. She can work with all levels of staff, even in the most difficult of circumstances. Nicky is true expert in cost allocation projects and her experience gives a real advantage in approaching new, or changing circumstances. In Glendale, we have engaged her for 2 years, and are starting a 3<sup>rd</sup>, and frankly, look forward to an extended relationship.

If you have any questions, please feel free to call me at 818-548-2085.

Sincerely,

Robert Elliot, CPA  
Finance Director  
City of Glendale





May 4, 2007

To whom it may concern:

I am pleased to write this letter of recommendation for Nicky Cass of Capital Accounting Partners.

Four years ago, the City of Burbank selected Public Resource Management (PRM) to assist us with our citywide cost allocation plan. At the time, Nicky Cass worked for PRM and was assigned as the City's project manager. It is important to note that the City of Burbank is a full service City that is comprised of a Water & Power Department, Redevelopment Agency and Public Works operations (including Sewer and Refuse) in addition to the various General Fund departments. Also, the City Budget for this year is roughly \$665 million. As a result, the City's cost plan is quite broad in scope. The cost plan was long overdue for an overhaul and we were looking for a consultant that would provide a fresh perspective to the plan.

Nicky spent the extra time with the appropriate City departments to gain early buy-in to our enhanced cost allocation plan methodologies, holding several workshops and individual interviews. She assisted the City in gathering all of the necessary data for the cost plan, as well as preparing the plan and submitting it on time. Overall, Nicky has been instrumental in developing a better plan.

I, along with my staff, have worked closely with Nicky and we have continually been impressed with her work. She is always professional and responsive. One of her key strengths is explaining the details of the plan in layperson's terms for those not as involved with the plan on a regular basis. Today, the cost plan is much more understood by those affected in the City.

Nicky is very confident in the work she performs and is always committed to providing a quality cost plan that will meet the needs of the City of Burbank.

I highly recommend the professional services of Nicky Cass, to any organization. If you would like to discuss this further, please feel free to contact me.

Sincerely,

Justin Hess  
 Deputy Financial Services Director  
 City of Burbank

FINANCIAL SERVICES DEPARTMENT

Administration / Accounting / Audit / Budget • Accounts Payable • Payroll • Purchasing • Revenue  
 818.238-5500 818.238-5405 818.238-5401 818.238-5406 818.238-5402

# Contra Costa County

Office of  
COUNTY AUDITOR-CONTROLLER

625 Court Street  
Martinez, California 94553-1282  
Telephone (925) 646-2181  
Fax (925) 646-2649



Stephen J. Ybarra  
Auditor-Controller

Elizabeth A. Verigin  
Assistant Auditor-Controller

May 16, 2008

To Whom It May Concern:

The Office of the Auditor-Controller of Contra Costa County is responsible for preparing the annual A-87 cost Allocation Plan for approval by the State Controller. Most governmental units provide services, such as accounting, purchasing, computer services, motor pools, and fringe benefits to operating departments and agencies on a centralized basis. Since federal awards normally are performed within the individual operating departments and agencies, there needs to be a process whereby central service costs can be identified and assigned to benefiting departments and agencies on a reasonable and consistent basis. The Cost Plan provides that process.

Due to the County's complexity, operational changes, and staffing and budgetary constraints, our Office determined it was necessary to hire outside expertise to review the Cost Allocation Plan to improve and maximize the County's reimbursable costs. In September of 2007, our Office contracted with Capital Accounting Partners to prepare the Cost Allocation Plan and the Full Cost Plan for Contra Costa County.

Nicky Cass, one of Capital Accounting Partners, has been our Office's primary working contact. Nicky is a delight to work with; she has a positive attitude and is extremely responsive to our needs. Nicky possesses an in-depth knowledge of cost allocation plans, and I consider her the leading expert in her field.

At the onset, Nicky provided workshops and individual meetings with departmental representatives explaining the methodologies of the cost plan and why certain information was needed from departments to prepare the Cost Plan. Due to the work, communication, and knowledge of Capital Accounting Partners, an adjustment allocation was discovered that provides a considerable, enhanced benefit to the County.

I highly recommend the use of Capital Accounting Partners because of their experience and skills. Most importantly, I recommend Capital Accounting Partners because they provide quality services with the highest level of integrity and dedication.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Verigin".

Elizabeth Verigin  
Assistant County Auditor-Controller, Contra Costa County



OFFICE OF THE  
COUNTY AUDITOR-CONTROLLER

County Administrative Center  
4380 Lemon Street, 11<sup>th</sup> Floor  
P.O. Box 1326  
Riverside, CA 92502-1326  
(951) 955-3800  
Fax (951) 955-3802



Robert E. Byrd, CGFM  
AUDITOR-CONTROLLER

Bruce Kincaid, CPA  
ASSISTANT  
AUDITOR-CONTROLLER

May 2, 2007

To Whom It May Concern  
c/o Nicole J. Cass

This letter is provided as reference for Nicole Cass based on past service to the Riverside County Auditor-Controller's office.

For the past four years Nicole Cass has prepared Riverside County's Cost Allocation Plan in conformance with the requirements of OMB Circular A-87.

Due to Nicky's diligence, our Cost Plan has progressively improved each year. The plan filed in December 2003 required minor changes as a result of the State Controller's review. The plans filed in December 2004, 2005 and 2006 required no changes. The County received a Negotiation Agreement for its fiscal year 2007/08 Cost Plan in March of 2007, an unprecedented achievement of timeliness.

We relied on Nicky for her expertise and counsel on cost allocation issues. We highly recommend her to any organization in need of professional, timely, dependable and accurate cost allocation consulting services.

Should addition information be required, please feel free to contact Michael Alexander, Division Chief for Internal Audits and Specialized Accounting at (951)955-3866 or email [malexander@co.riverside.ca.us](mailto:malexander@co.riverside.ca.us)

  
Michael G. Alexander, MBA, CIA  
Chief of Audits

**Office of Controller**



**TOM HUENING  
CONTROLLER**

**COUNTY OF SAN MATEO**

555 COUNTY CENTER, 4<sup>TH</sup> FLOOR • REDWOOD CITY • CALIFORNIA 94063

**ROBERT G. ADLER  
ASSISTANT CONTROLLER**

**KANCHAN K. CHARAN  
DEPUTY CONTROLLER**

TELEPHONE: (650) 363-4777  
FAX: (650) 363-7888

[www.co.sanmateo.ca.us/controller/](http://www.co.sanmateo.ca.us/controller/)

May 19, 2006

Ms. Nicole Cass

Dear Ms. Cass,

I wanted to thank you for your outstanding work related to the preparation of the County of San Mateo, California's A-87 Cost Allocation Plan (the Cost Plan) for the past 3 years. We contracted with your firm to provide these services to us after the retirement of our staff member who had prepared them for over a decade.

During the past three years you, with your expertise in Cost Plan preparation, have brought accuracy, consistency and accountability to the preparation of our Cost Plan. Your involvement has also provided the State Controller's Office and us with greater confidence in our numbers resulting a smoother annual review. You have taken responsibility for answering the many questions of County fiscal personnel as they use this information, and have always done so with professionalism, efficiency and courtesy.

The County has benefited from our relationship with you and I would be glad to provide a recommendation for your Cost Plan preparation services.

Very truly yours,

Robert Adler  
Assistant Controller

# The County of Yuba

AUDITOR - CONTROLLER



DEAN E. SELLERS

915 8th Street Suite 105  
Marysville CA 95901-5773  
(530) 749-7810

March 2, 2006

Nicolle Cass

Re: OMB A-87 Cost Plan Portfolio Service and Support

Dear Nicolie:

I would like to take this opportunity to commend and thank you and your staff for the excellent support and service provided to Yuba County and my staff regarding our annual OMB A-87 Cost Plan. We have had favorable comments from several department heads and staff commenting on your thoroughness and readiness to expedite and support collection of data for our cost plan. The personal interface with Yuba County personnel has made my job that much easier and helped Yuba County to increase our productivity and responsiveness to any and all questions arising from the cost plan process.

Continue the good work and feel free to use me as a reference for the services that you provide on behalf of Yuba County.

Sincerely,

A handwritten signature in cursive script that reads "Dean E. Sellers".

Dean E. Sellers  
Auditor-Controller

March 1, 2007

To Whom It May Concern:

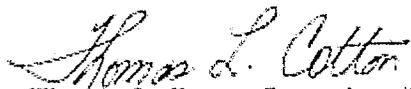
I am writing on behalf of Ms. Nicolle (Nicky) Cass, whom I have known and worked with for approximately 5 years. Prior to my retirement with the California State Controller's Office (SCO), I was the Supervisor for the County Cost Plan Section. My unit was given the authority, by the federal Department of Health and Human Services, to review, negotiate and approve countywide cost allocation plans for California counties in accordance with 2 CFR Pt. 225 (formerly known as OMB A-87).

One of the most important responsibilities of the Auditor-Controller's Office is the preparation of the County's Cost Allocation Plan (Cost Plan). Nearly half the California counties have contracted with consulting firms to prepare their Cost Plan. This is the area in which I (and my staff) have worked with Ms. Cass as a cost plan preparer for numerous California counties. She has provided her clients with a general overview of OMB A-87 Cost Plan Requirements, an oversight as to the State of California's role in all California County Cost Plans approval process and provided her general impressions, recommendations and insight into the preparation of the Cost Plan for her counties. Because of this understanding and excellent working rapport with SCO, her clients have received an approval of their Cost Allocation Plan within record time.

I have known Ms. Cass to be incredibly professional, objective and helpful throughout the years that I have worked with her. Ms. Cass' unmatched knowledge of the subject matter, excellent communications skills and her genuine desire to help her clients always won the day.

Her superior work ethics and competence will be a valuable asset for any organization. I highly recommend Nicky for any position or endeavor that she may want to pursue. If you have any questions, please do not hesitate to call me.

Sincerely,



Thomas L. Cotton, Supervisor (Retired)  
County Cost Plans and Local Apportionment  
(775) 841-9350



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL  
THERESA DELLA SANTA, INTERIM CITY MANAGER**

**FROM: MICHAEL KASHIWAGI, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF JULY 18, 2012**

**SUBJECT: ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE  
OF COMPLETION FOR THE 2012 SPRING PATCHING PROJECT**

#### **RECOMMENDATION**

Accept work and authorize recording of a notice of completion for the 2012 Spring Patching Project, Project Number 56051.

#### **INTRODUCTION**

The Council awarded a construction contract in April 18, 2012 to Half Moon Bay Grading and Paving, Inc. for \$137,160. Work under the contract has been completed.

#### **ANALYSIS**

The original contract price was for \$137,160. There were no change orders.

#### **FISCAL IMPACT**

Gas Tax Fund for this project in the amount of \$137,160 was included in the FY 2011-12 budget. The final cost of this segment of work is \$137,160.

Prepared By:

Approved:

---

Michael Kashiwagi, P.E.  
Public Works Director

---

Theresa DellaSanta  
Interim City Manager

Attachment: Notice of Completion

**RECORD REQUESTED BY:**

**TOWN OF ATHERTON**  
**AND WHEN RECORDED MAIL TO:**

**CITY CLERK, TOWN OF ATHERTON**

**91 ASHFIELD ROAD**  
**(Street Address)**  
**ATHERTON, CALIFORNIA 94027**  
**(City, State and Zip Code)**

No fee pursuant to Government Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**TOWN OF ATHERTON**  
**NOTICE OF COMPLETION**

**2012 SPRING PATCHING**  
**PROJECT NO. 56051**  
**ATHERTON, CALIFORNIA**

NOTICE IS HEREBY GIVEN THAT Michael Kashiwagi, Engineer of Work for the Town of Atherton, County of San Mateo, California, on the 18<sup>th</sup> day of July 2012 did file with the City Clerk of said Town a Certificate of Completion for the work described in the construction contract awarded to Half Moon Bay Grading and Paving on the 18<sup>th</sup> day of April, 2012, said contract being executed on the 21<sup>st</sup> day of May, 2012.

That said work and improvements were accepted as completed on the 12<sup>th</sup> day of June, 2012 and that acceptance for completion of said work was ordered by Motion of the City Council of said Town, adopted on the 18<sup>th</sup> day of July, 2012, and that the name of the surety on the Contractor's bond for performance, labor and materials on said project is American Safety Casualty Insurance Company, 23901 Calabasas road, Suite 1085, Calabasas, CA 91302.

That said work and improvements consisted of 6 inch deep lift AC replacement as described in the plans and specifications approved by the City Council of the Town of Atherton pursuant to motion, adopted the 21<sup>st</sup> day of March, 2012.

That I, Michael Kashiwagi, City Engineer of the Town of Atherton, am authorized by said Motion to execute and file this notice with the County Recorder of the County of San Mateo.

BY: \_\_\_\_\_  
City Engineer  
\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
City Clerk  
\_\_\_\_\_  
Date

'I declare under penalty of perjury that the foregoing is true and correct.'

\_\_\_\_\_  
Atherton, CA  
(Date and Place)

\_\_\_\_\_  
(Signature)

**TOWN OF ATHERTON  
CERTIFICATE OF COMPLETION**

**PROJECT NAME:** 2012 SPRING PATCHING  
**PROJECT NUMBER:** 56051  
**LOCATION:** Various Street Locations

**NOTICE IS HEREBY GIVEN:**

1. That on June 12, 2012, the Public Works project known as 2012 SPRING PATCHING Project Number 56051 was completed in accordance with the plans and specifications as required by the Town of Atherton.
2. That the name and address of the party filling this notice is:  
Town of Atherton  
91 Ashfield Road  
Atherton, California 94027.
3. That the name and address of the Contractor responsible for the construction of the project is:  
Half Moon Bay Grading and Paving, Inc.  
1780 Higgins Canyon Road  
Half Moon Bay, CA 94019
4. That the name and address of the Contractor's surety is:  
American Safety Casualty Insurance Company,  
23901 Calabasas Road,  
Suite 1085,  
Calabasas, CA 91302
5. That the project is described as:  
6 inch deep lift AC replacement, as more particularly described in the plans and specification approved by the City Council of the Town of Atherton pursuant to Motion, adopted the 21<sup>st</sup> day of March, 2012.

**BY:**

\_\_\_\_\_  
**Michael Kashiwagi, P.E.**  
**Public Works Director**

\_\_\_\_\_  
**Date**

**ATTEST:**

\_\_\_\_\_  
**Theresa Della Santa**  
**City Clerk**

\_\_\_\_\_  
**Date**



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
THERESA DELLASANTA, INTERIM CITY MANAGER**

**FROM: MICHAEL KASHIWAGI, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF JULY 18, 2012**

**SUBJECT: APPROVE THE SELECTION OF BIGGS CARDOSA  
ASSOCIATES, INC FOR THE MARSH ROAD RETAINING WALL  
DESIGN (PHASE 1) AND AUTHORIZE THE CITY MANAGER TO  
EXECUTE THE CONSULTANT SERVICES AGREEMENT FOR A  
NOT-TO-EXCEED FEE OF \$92,235**

### **RECOMMENDATION:**

Approve the selection of Biggs Cardosa Associates, Inc. for the Marsh Road Retaining Wall design (phase 1) and authorize the City Manager to execute the Consultant Services Agreement in an amount not-to-exceed \$92,235.

### **INTRODUCTION:**

The existing retaining wall was constructed between 1940s and 1960s and is in need of rehabilitation and/or replacement. The existing retaining wall is approximately 1800 linear feet, lined with stone and mortar and holds up Marsh Road and is the westerly bank of the Atherton Channel. The existing wall has cracking along the entire length of the channel lining with some stones pieces missing.

In 2007, emergency repairs were completed to fix a small portion of the channel wall that had experience bulging. In 2008, URS Corporation was retained to provide a geotechnical exploration and engineering study on the existing Atherton channel between Middlefield Road and Fair Oaks Avenue and provide potential rehabilitation/remediation solutions due to the emergency repairs done in 2007. Once all of the geotechnical exploration is completed the next step is to evaluate the options retrofit the wall vs. replacing the wall. At the time of the study, there were limited funds available to complete the evaluation of the Marsh Wall. Evaluation of the Marsh Wall was not

complete due to budget constraints. Since the initial study on the channel was completed in 2008, additional cracks have been found along the wall.

A Qualifications Based Selection process was utilized in the review and ranking of submitted proposals. The RFP was advertised on the Town website as well as several other industry websites utilized by the Town of Atherton. The RFP was posted on the Town website April 5, 2012. Proposals were due May 11, 2012, which provided a 5-week response period. A total of 3 proposals were received and ranked as follows:

1. Biggs Cardosa Associates, Inc.
2. Siegfried Engineering
3. Cal Engineering and Geology

The selection panel consisting of 1 outside civil engineer, and 3 representatives from the Town of Atherton reviewed and ranked all proposals received. Based upon their rankings, Biggs Cardosa Associates was selected as the top ranked consultant.

**DISCUSSION:**

The existing 1800 foot long retaining wall was constructed between 1940s and 1960s and is in need of rehabilitation and/or replacement. As part of the RFP, the work was broken down into two phases. Phase 1 consist of the consultant reviewing existing reports and conducting reconnaissance of the channel to provide an assessment of the current condition of the channel. This assessment will provide the town information regarding the urgency and the extent of any repairs/replacement needed along with multiple types of design options. The cost of Phase 1 = \$92,235.

Phase 2 consist of providing a cost effective design of the Marsh Road retaining wall chosen design option in phase 1. Consultant will coordinate with the utility companies to resolve any conflicts. They will also prepare any biological reports and obtain the required permits from outside permitting agencies. Effective design will include Construction Documents package that consist of construction plans, specifications, and cost estimates as part of the deliverables to the Town. The cost of Phase 2 = \$112,173.70.

The current total cost is \$204,408.70. The total cost is dependent upon the chosen design option in phase 1.

The RFP for the Marsh Road retaining wall consist of both phase 1 and 2. Biggs Cardosa Associates, Inc. was the top ranked consultant. Staff recommends awarding Phase 1 of the RFP at this current time and awarding Phase 2 once the design option has been chosen to Biggs Cardosa Associates, Inc. at a later date.

**FISCAL IMPACT:**

The negotiated not-to-exceed fee is \$92,235. The method of compensation will be on a time and materials basis. The Marsh Road Retaining Wall Project is included in the recently adopted Town of Atherton Capital Improvement Program and funding for the

consultant services agreement will come from this project. Source of funding is from Parcel Tax funds

Prepared By:

Approved:

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Michael Kashiwagi, P.E.  
Public Works Director

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Theresa Dellasanta  
Interim City Manager

Attachment: Attachment A - RFP Marsh Wall  
Attachment B – Scope of Work / Project Schedule



**REQUEST FOR PROPOSAL**

**for**

**Municipal Engineering Services  
for  
Engineering Design and Related Services for the  
Marsh Road Retaining Wall**

**Office of the City Clerk  
91 Ashfield Road  
Atherton, CA 94027**

**Proposals Due by 3:00PM on Friday, May 11, 2012**

## **INTRODUCTION:**

The Town of Atherton invites proposals from Civil Engineering firms with expertise in the detailed design of a site specific retaining wall. The purpose of this RFP is to select a Consultant with the capability and experience to efficiently and cost-effectively satisfy and deliver all of the requirements described in this RFP. The retaining wall structure supports the roadway to the north and is part of the Atherton channel to the south. The existing retaining walls may have deficiencies such as structural deterioration, unsafe and collapsed or otherwise damaged and/or deteriorated conditions, etc.

## **PART A – DESCRIPTION OF WORK**

### **PURPOSE**

To provide all engineering design and related services in the development of the Marsh Road retaining wall.

### **PROJECT BACKGROUND**

Existing Atherton Channel is approximately 1,800 feet in length

- Located along Marsh Road (between Middlefield Road and Fair Oaks Avenue)
- Open channel trapezoidal cross section
- Lined with stones and mortar (channel lining)
- Channel depth in 4 to 10 feet range
- Built in 1940s and 1960s
- Cracking along entire length of channel lining; some stone pieces and mortar joints are missing
- No design information available
- Limited drawings available
- In 2006, Preliminary engineering estimate for typical sections and alternatives of an open channel (by TY Lin International)
- In 2007, Emergency repairs on a small portion of the channel wall were completed using soil nailing.
- In 2008, a geotechnical report Atherton channel lining remediation was conducted by URS corporation (hard copy of report is available at the Permit Center, Atherton Town Hall, 91 Ashfield Road, Atherton, CA 94027. **Report may be copied, but not removed from premises**)

### **PROJECT DESCRIPTION**

Phase 1 – Consultant shall review existing report and conduct reconnaissance of channel (Geotechnical Engineer, Structural Engineer and Staff Engineer) to provide an assessment of the condition of the channel and make a recommendation on the channel.

Phase 2 – Consultant shall be responsible for a cost-effective design of the Marsh Road retaining wall. Consultant shall provide all necessary reports, calculations, topographic surveys, and tests needed.

After field verification of work, the engineer of record shall submit the following to the Town:

- Electronic files AutoCAD 2010
- 2 sets of signed full-size hard copies and 2 sets of signed half-size hard copies
- Copies of all necessary reports/calculations
- Soft copy of the above items on a CD

### **PART B - PRE-SUBMITTAL PROCESS**

1. A pre-proposal meeting will be held on Tuesday, April 17, 2012, at 2 PM at Atherton's Council Chambers, 91 Ashfield Road, Atherton, CA 94027
2. Applicant questions: All questions regarding the RFP shall be submitted in writing no later than Tuesday, April 24, 2012, at 4:00 p.m. to David Huynh, Assistant Engineer, at [dhuynh@ci.atherton.ca.us](mailto:dhuynh@ci.atherton.ca.us) . Questions and responses will be posted by Tuesday, May 1, 2012 on the Atherton Town website.
3. Submittal Deadline: Friday, May 11, 2012, at 3:00 p.m. Late submittals will not be accepted. Format and Delivery: Submit five (5) letter-sized copies with one (1) unbound copy of the technical proposal to:

Atherton City Manager  
Town Of Atherton  
91 Ashfield Road  
Atherton, CA 94027

and e-mail a PDF copy to Theresa Della Santa at [tdellasanta@ci.atherton.ca.us](mailto:tdellasanta@ci.atherton.ca.us) .

Submittals will not be returned. **One (1) copy of the cost proposal shall be submitted in a separate sealed envelope at the same time as submittal of the technical proposal.**

**Proposals submitted after the deadline will not be accepted for consideration.**

The Town reserves the right to accept or reject any or all proposals, or to alter the selection process in any lawful way, to postpone the selection process for its own convenience at any time, and to waive any non-substantive defects in this RFP or the proposals.

The Town is seeking to engage the most qualified person or firm. The Town reserves the right to negotiate with other qualified persons or firms, or to solicit additional statements of qualifications at

any point in the project should it fail to negotiate a reasonable fee with the initially selected person or firm.

### **PART C – PROPOSED TIMELINE**

April 5, 2012, RFP available on Town of Atherton website

April 17, 2012, 2 pm Pre-proposal meeting and site visit (weather permitted) (non-mandatory) at Atherton’s Council Chambers, 91 Ashfield Road, Atherton, CA 94027

April 24, 2012, 4 pm Submission deadline for written questions

May 1, 2012, Responses to written questions available on Town of Atherton website

***May 11, 2012, 3 pm Technical and Cost Proposals due***

Week of June 4, 2012 Interviews with highest ranked proposers (if necessary)

June 20, 2012 Recommendation to City Council

### **PART D – PROPOSAL CONTENT**

Proposals must include the following:

1. Cover Letter - Statement of firm’s background and technical capabilities.
2. Organization Chart - Identify Project Manager, members of the project team, their classifications and any sub-consultants that will be used.
3. Detailed Work Plan - Demonstrate your understanding of the project by presenting your approach to the work and the tasks that will be performed for the identified project. Tasks, milestones, and deliverables should be described in sufficient detail to serve as a contractual basis for the contract.
4. Personnel Allocations - For each task, indicate the staff members and sub-consultants assigned to the task and the amount of hours planned. The firm’s management and internal review and quality control should be included.
5. Experience - Provide a short summary of the firm’s previous work related to the qualifications needed for this project. Provide qualifications and summaries of experience for each person assigned to the project demonstrating relevant experience performing similar work. Describe specific qualifications and related experience of sub-consultants with focus on experience from projects of a similar nature.

6. References - Include at least four specific examples of similar project work and include names and telephone numbers of individuals involved as the clients' project managers. Please verify that the telephone numbers will reach the individuals named so that we can call them for references.
7. Schedule - Provide a schedule identifying task durations, milestones, progress review meetings with Town staff and key project deliverables for the identified project.
8. Cost Proposal – A separate cost proposal in a sealed enveloped

### **PART E - CONTRACT REQUIREMENTS**

The attention of prospective firms is directed to the sample contract attached to this request for proposals. It includes indemnification and insurance requirements and provisions relating to payment and ownership of work documents that firms should aware of in submitting proposals.

### **PART F - SELECTION CRITERIA**

Selection will be based on the following evaluation criteria, in order of priority and not necessarily equally weighted:

1. Project understanding, as demonstrated by work plan and approach. (15%)
2. Qualifications and experience of key personnel and other team members, including sub-consultants. (35%)
3. Recent experience in performing similar studies. (20%)
4. Recent past performance in quality and completeness of work and delivery on time and within budget. (20%)
5. Feedback from references given. (10%)

After reviewing proposals, the Town may either directly enter into negotiations with the firm it finds best qualified or select a short list of firms to be interviewed by a selection panel. If the Town is unable to negotiate a satisfactory agreement with its first choice it will enter into negotiations with the next choice. Final approval of the firms recommended by Town staff, the fee and the contract must be reviewed and approved by the Atherton City Council.

For additional information, contact David Huynh, Atherton Assistant Engineer, at

(650) 752-0555.

**SAMPLE**  
**CONSULTANT SERVICES AGREEMENT**

THIS AGREEMENT is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the TOWN OF ATHERTON ("Town") and \_\_\_\_\_ ("Consultant").

**RECITALS**

WHEREAS, Town desires to obtain \_\_\_\_\_ services in connection with \_\_\_\_\_;

WHEREAS, Consultant hereby warrants to Town that Consultant is skilled and able to provide such services described in this Agreement; and

WHEREAS, Town desires to retain Consultant in accordance with the terms of this Agreement to provide the services described herein.

**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.** Consultant shall assign \_\_\_\_\_ to have overall responsibility for the progress and execution of this Agreement.

3. **Scope and Performance of Services**

A. **Scope of Services.** Subject to such policy direction and approvals as Town through its staff may determine from time to time, Consultant shall perform the services outlined in the "Scope of Work" attached as Exhibit A ("Services"). Town shall have the right to amend the Scope of Work by written notification to Consultant. In such event, the compensation and time of performance shall be subject to renegotiation upon written demand of either party. Consultant shall not commence any work exceeding the Scope of Work without prior written authorization from Town. Failure of 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 of performance, whether by way of restitution, quantum meruit, or any other form of monetary or nonmonetary compensation.

B. **Time of Performance.** The Services are to commence no sooner than \_\_\_\_\_ and must be completed not later than \_\_\_\_\_. Consultant shall perform the Services in accordance with the "Schedule of Performance" attached as Exhibit B.

Any changes to the dates in either this Section 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 payment for professional services and reimbursable expenses, shall be at the rate and schedule attached as Exhibit C, "Compensation." However, in no event shall the amount Town pays Consultant exceed \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) ("Cost Ceiling"). Payment by Town under this Agreement shall not be deemed a waiver of unsatisfactory work, even if such defects were known to Town at the time of payment.

B. Timing of Payment. **[please select one and delete remaining options]**

**OPTION 1:** Consultant shall send Town an invoice for the Services at the conclusion of the Services, and if applicable, after submittal of any final work product.. Town shall review Consultant's invoice and pay Consultant for the Services rendered within 45 days of receipt of the invoice; provided, however that the invoice satisfies all requirements of this Agreement.

**OPTION 2:** Town shall make progress payments to Consultant that will be tied to completion of tasks so that all payments are proportional to the work completed. A copy of the progress payment schedule is attached to Exhibit C.

**OPTION 3:** 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 shall not undertake any work that will incur costs in excess of the Cost Ceiling without prior written authorization by the Project Manager.

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,

weekends, or on recognized holidays. Consultant shall not receive paid time off for days not worked, whether it be in the form of sick leave, administrative leave, or any other form of absence.

5. Term. This Agreement shall commence upon its execution and shall continue in full force and effect until completed, amended, or otherwise terminated as provided herein.

6. 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.

7. Ownership of Documents. Title to all plans, specifications, maps, estimates, reports, manuscripts, drawings, descriptions and other final work products compiled by Consultant under the Agreement shall be vested in Town, and none shall be used in any manner whatsoever, by any person, firm, corporation, or agency without the expressed written consent of 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, unless required to do so by law.

8. 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 Town. All consultants, specialists, or experts approved by Town are listed in Exhibit D.

9. 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 or hinder Consultant's performance of the Services. Consultant further covenants that in the performance of this 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 Town. Consultant agrees at all times to avoid conflicts of interest, or the appearance of any conflicts of interest 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 Town or of any Town official; 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).)

10. Liability of Members of Town. No member of Town, including without limitation any officer, employee, or agent, shall be personally liable to Consultant in the event of any default or breach of Town, or for any amount that may become due to Consultant or any successor in interest, or for any obligations directly or indirectly incurred under the terms of this Agreement.

11. Indemnity. To the fullest extent permitted by law, Consultant hereby agrees to defend (by counsel reasonably satisfactory to the Town), indemnify, and hold harmless Town, its officers, agents, employees, volunteers, and servants, from and against any and all claims, demands, damages, costs, liabilities, or obligations brought on account of or arising out of any acts, errors, or omissions of Consultant, its officers, employees, agents, and subcontractors undertaken pursuant to this Agreement, excepting liabilities due to the sole negligence or willful misconduct of Town. 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 Section 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 Workers' 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.

12. Independent Contractor; Not an Agent of Town. It is expressly agreed that Consultant, in the performance of the Services agreed to be performed hereunder, shall act as and be an independent contractor and not an agent or employee of Town. As an independent contractor, Consultant shall obtain no rights to retirement benefits or other benefits that accrue to Town employees, and Consultant hereby expressly waives any claim it may have to any such rights. Further, Consultant, its officers, employees and agents shall not have any power to bind or commit Town to any decision.

13. 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.

B. Workers' Compensation. Consultant certifies that it is aware of the provisions of the California Labor Code that 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 Town's Public Works Department.

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.

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 that arise from the work performed by Consultant for Town.

14. 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 Town or as required by law.

15. 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 Town's prior written consent. Any assignment without such approval shall be void and, at 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. No subcontractor of Consultant shall be recognized by Town as such; rather, all subcontractors are deemed to be employees of 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.

16. 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 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 respect to work done by, for, or on behalf of the named insured."

(b) "This policy shall be considered primary insurance as respect to any other valid and collectible insurance Town may possess, including any self-insured retention Town may have, and any other insurance Town possesses shall be considered excess insurance only and shall not contribute to 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 section. 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 Town. At Town's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retentions.

E. Verification of Coverage. Consultant shall furnish Town with original Certificate(s) of Insurance verifying Consultant's receipt of the insurance coverage required herein.

17. Termination of Agreement; Default.

A. This Agreement and all obligations hereunder may be terminated at any time, with or without cause, by 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 provided or otherwise violates 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 by Consultant bear to the total Services otherwise required to be performed for such total fee; provided, however, that 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 before the time of payment.

D. Upon termination of this Agreement with or without cause, Consultant shall immediately turn over to the City Manager any and all copies of studies, sketches, drawings, computations, and other data, whether or not completed, prepared by Consultant or its subcontractors, or given to Consultant or its subcontractors, in connection with this Agreement. Such materials shall become the permanent property of Town. Consultant, however, shall not be liable for Town's use of incomplete materials or for Town's use of complete documents if used for services other than those contemplated by this Agreement.

18. Suspension. Town shall have the authority to suspend this Agreement and the Services, wholly or in part, for such period as it deems necessary due to unfavorable conditions or to the failure on the part of Consultant to perform any provision of this Agreement. Consultant will be paid for satisfactory Services performed through the date of temporary suspension.

19. Merger; Amendment. This Agreement constitutes the complete and exclusive statement of the agreement between 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 Town and Consultant. All provisions of this Agreement are expressly made conditions.

20. 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 the party was solely or primarily responsible for drafting the language to be interpreted.

21. Litigation Support; 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. 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, brought by Town against Consultant, or is based upon Consultant's negligence, Town will compensate Consultant for the preparation and the testimony at Consultant's standard hourly rates.

22. Time of the Essence. Time is of the essence of this Agreement.

23. Written Notification. Any notice, demand, request, consent, approval or other 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 in writing 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:

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24. 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 either charges for services, expenditures, and/or disbursements charged to Town 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 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. Town may, by written request by any of the above-named officers, require that custody of the records be given to Town and that the records and documents be maintained in the City Manager's office.

25. 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.

26. 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.

27. Town Not Obligated to Third Parties. Town shall not be obligated or liable for payment hereunder to any party other than the Consultant.

28. 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 either party may have hereunder.

29. 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.

30. 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
- D. Exhibit D: Consultants, Specialists, or Experts

31. 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.

32. News Releases/Interviews. All Consultant and subconsultant news releases, media interviews, testimony at hearings and public comment shall be prohibited unless expressly authorized by Town.

33. Applicable Law; Venue. This Agreement shall be construed and interpreted according to California law. In the event that suit is brought by either party, the parties agree that trial of such action shall be held exclusively in a state court in the County of San Mateo, California.

34. 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, Town and Consultant have executed this Agreement as of the date first above written.

**TOWN OF ATHERTON**

**CONSULTANT**  
**(CORPORATIONS REQUIRE (2))**  
**SIGNATURES**

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date:

Date:

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
City Attorney

Date:

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

EXHIBIT A

Scope of Work

[to be inserted]

**EXHIBIT B**

**Schedule of Performance**

[to be inserted]

EXHIBIT C

Compensation

[to be inserted]

EXHIBIT D

Consultants, Specialists, or Experts

[to be inserted]

# Detailed Work Plan

## Scope of Services

### Phase 0: Project Management

Task 0.1 Project Management Plan: (By Biggs Cardosa Associates)

The centerpiece of any well-executed project is effective Project Management to understand the needs of the Town Engineer, direct the flow of information, define and track tasks, assign the appropriate people to complete the work, and ensure a technically sound, constructible and cost-effective set of construction documents.

Task 0.2 Coordination/ Meetings/ Administration: (By Biggs Cardosa Associates)

Provide general project management, consultant oversight, conduct regular Design Team Meetings and periodic meetings with Town staff and key stakeholders

Task 0.3 Progress Reports/ Billing: (By Biggs Cardosa Associates)

On a monthly basis we will submit invoices based on the major items of work performed by the Design Team.

### Phase 1: Preliminary Engineering

Task 1.1 Data Collection: (by Town & Design Team)

The Town will research records and supply the Design Team with copies of pertinent documents, including any available record plans, street plans, utility plans, geotechnical data, right-of-way data, hydraulic data, title reports, maintenance reports, inspection reports, field measurements or proposed improvements or prior studies for review and incorporation into the project documents.

Task 1.2 Field Review: (by Town & Design Team)

Conduct field visit of structure in conjunction with Town staff to conduct visual inspections, prepare photo logs of the structure, observe visible evidence of structure condition/ deterioration and prepare field review reports.

Task 1.3 Topographic Surveys and Base Mapping: (by BKF Engineers)

- Conduct topographic survey of creek area within the project limits to obtain cross sections at 50-foot intervals along the Atherton Channel/Marsh Road.
- Conduct utility company coordination to identify any existing utilities within the project limits.
- Topographic survey will include surface improvements from the center of Marsh Road to the wall along the neighboring residential property.
- Topographic survey will include surface utilities, pavement, wall, channel, trees, grade breaks, ground shots and dipping of sanitary sewer and storm drain systems.
- Topographic survey will be tied to an established NAVD88 benchmark system.

Task 1.4 Hydraulic Investigation: (by BKF Engineers)

- Obtain available area LIDAR to evaluate the local hydrology and refine drainage boundaries.
- Review available record drawings for the channel area to be augmented and related upstream sources.
- Evaluation will include historical flow rates and flooding conditions.

Task 1.5 Geotechnical Investigation: (by BAGG)

- Review published and unpublished geotechnical and geologic reports and literature relevant to the area around the project site.
- Perform engineering analysis and develop preliminary recommendations for the various retaining wall/channel improvements considered as part of the Type Selection Memorandum.
- Prepare Draft Geotechnical Letter Report outlining preliminary recommendations for design of several wall alternatives, including lateral earth pressures, pile recommendations, etc.
- Prepare Final Geotechnical Report including design recommendations for the required wall elements.
- Assist designer during final PS&E preparation as required.

Task 1.6 Environmental Technical Studies: (by BKF Engineers/ Callander Associates)

- Review available published biological information
- Existing Tree Evaluation
  - Site Reconnaissance: After completion of base mapping, conduct visit site to visually review existing trees within project area. Identify each tree species and circumference per Town of Atherton heritage tree standards. Evaluate the health and document other existing features affecting growth habits. Photograph each tree.
  - Existing Tree Report: Document finding from the Site Reconnaissance in an Existing Tree Report. Report shall be 8 ½ x 11 and shall utilize a combination of photographs and text. Report shall also provide written recommendations for preservation including root zone setbacks, pruning, etc.

Task 1.7 Type Selection Memorandum (35% Submittal): (by Design Team)

- Prepare draft General Plan of recommended replacement/ rehabilitation alternative.
- Prepare preliminary Estimate of Probable Construction Cost.
- Prepare Type Selection Memorandum, including discussion of design criteria, recommended structure type, traffic handling, geotechnical design parameters, hydraulic design parameters, utilities, right-of-way, environmental documentation, permitting and construction costs.
- Attend Type Selection Meeting with Town staff.
- Attend Town Council Meeting to support Town staff's presentation to Council

*Deliverables:*

- *Three (3) hardcopies and one electronic copy (PDF) of the draft Field Review Report*
- *Three (3) hardcopies and one electronic copy (PDF) of the final Field Review Report*
- *Three (3) hardcopies and one electronic copy (DWG) of the draft Base Mapping*
- *Three (3) hardcopies and one electronic copy (DWG) of the final Base Mapping*
- *Three (3) hardcopies and one electronic copy (PDF) of the draft Type Selection Memorandum*
- *Three (3) hardcopies and one electronic copy (PDF) of the final Type Selection Memorandum*

**Phase 2: Final Design & Construction Documents**

Based on the approved Type Selection Memorandum, Construction Documents will be prepared by the Design Team. The Construction Documents package will include construction plans, specifications and estimates of anticipated construction costs and will conform to Town and Caltrans Standards. Final design calculations will also be prepared and submitted for Town staff review.

Task 2.1 Unchecked Plans (90% Submittal): (by Design Team)

- 90% Plans: Based on comments received from the Preliminary Design Submittal, the design will be advanced to the point that all major design issues and solutions are represented in the plan documents. Unchecked Plans will be prepared and submitted to the Town, County, District, utility companies and other agencies as applicable for initial review and comment. The following plan types will be prepared as applicable:
  - Title Sheet
  - Key Plan
  - Drainage Plans and Profiles (as required)
  - Utility Plans and Profiles (as required)

- Construction Details
- Traffic Handling and Construction Area Signs
- Detour Plan
- Erosion Control Plans (as required)
- Structure Plans
- 90% Technical Specifications: A draft of the Technical Specifications will be prepared and included in this submittal. The Technical Specifications will reference Town or Caltrans standard specifications sections for the various items of work, with specific consideration of measurement and payment provisions. The Town will be responsible for the completion of “boilerplate” general and standard provisions related to the contract.
- 90% Cost Estimate: The preliminary Estimate of Probable Construction Cost will be updated to reflect the design refinements indicated in the 90% Design Submittal.
- Foundation Report: The preliminary Geotechnical Letter Report will be updated to reflect the design refinements indicated in the 90% Design Submittal.
- Response to Comments: The Design Team will prepare and submit a memo with “response to comments” received from the Preliminary Design Submittal.

*Deliverables:*

- *Three (3) hardcopies and one electronic copy (PDF) of the 90% Plans*
- *Three (3) hardcopies and one electronic copy (PDF) of the 90% Technical Specifications*
- *Three (3) hardcopies and one electronic copy (PDF) of the 90% Cost Estimate*
- *Three (3) hardcopies and one electronic copy (PDF) of the Final Foundations Report*
- *Three (3) hardcopies and one electronic copy (PDF) of the Response to Comments*

Task 2.2 Checked Plans (100% Submittal): (by Design Team)

- Independent Check: An in-house Quality Assurance/Quality Control Team will conduct an independent review of the plans, specifications, and estimate concurrently with review of the 90% PS&E Submittal by the Town and other agencies.
- Review Comments: Receive and review comments from the Town, in-house QA/QC Team, County, District, utility companies and other agencies. Work with the Town and other agencies to resolve any conflicts between the comments of different reviewers. Incorporate resolved comments and prepare Checked Design Submittal (100% PS&E).
- 100% Plans: Checked Plans will be prepared and submitted to the Town, the utility companies and other agencies as applicable for final review and comment. Agencies shall thoroughly review the details of the project. The Design Team will work with the County, District and other agencies to resolve any conflicts between the comments of different reviewers.
- 100% Technical Specifications: The Technical Specifications will be updated using Town and Caltrans Standard Specifications. The Town will provide “boilerplate” legal and contractual provisions of the contract Bid Documents to the Design Team for review.
- 100% Cost Estimate: The 90% Estimate of Probable Construction Cost will be updated for use in the Bid Documents using standard Town and/or Caltrans items.
- Memorandum – Response to Comments: The Design Team will prepare and submit a memo with “response to comments” received from the 90% PS&E Submittal.
- Attend Community Meeting to support Town staff’s presentation to community

*Deliverables:*

- *Three (3) hardcopies and one electronic copy (PDF) of the 100% Plans*
- *Three (3) hardcopies and one electronic copy (PDF) of the 100% Technical Specifications*
- *Three (3) hardcopies and one electronic copy (PDF) of the 100% Cost Estimate*
- *Three (3) hardcopies and one electronic copy (PDF) of the Response to Comments*

Task 2.3 Construction Documents (Final Design Submittal): (by Design Team)

- Review Comments: Receive and review final comments from the Town, County, District, utility companies and other agencies. Resolve and incorporate comments and submit Final Design Submittal.

- Project Specifications: Compile Town prepared “boilerplate” specifications with the Design Team prepared Technical Specifications.
- Attend Town Council Meeting to support Town staff’s presentation to Council

*Deliverables:*

- One (1) full-size (22x36) signed original and one electronic copy (PDF) of the Final Plans
- One (1) photo-ready hardcopy and one electronic copy (PDF) of the Final Project Specifications
- One (1) photo-ready hardcopy and one electronic copy (PDF) of the Final Cost Estimate
- One (1) hardcopy and one electronic copy (PDF) of the Response to Comments

Task 2.4 Environmental Documents & Permits: (by BKF Engineers and Callander Associates)

- Environmental Documents: Prepare a Biological Resources Analysis Report.
- Permits: Apply for and obtain a USACE nationwide permit and Joint Aquatic Resource Permit Application (JARPA). Coordinate with USACE, CDFG, USFW and the RWQCB.
- Preservation Review: Provide review of Unchecked Plans (90% Submittal) for adherence to existing tree report.

*Deliverables:*

- Three (3) hardcopies and one electronic copy (PDF) of the draft Biological Resources Analysis Report
- Three (3) hardcopies and one electronic copy (PDF) of the final Biological Resources Analysis Report

Task 2.5 Services During Bidding: (by Design Team)

- Attend pre-bid meeting
- Respond to questions concerning the Construction Documents
- Prepare minor contract addenda if necessary

**Design Assumptions:**

The following assumptions were made in preparing this scope of work:

1. Project data for review as summarized in Task 1.1 will be made available by the Town at the initiation of the project.
2. Channel access will be provided by the Town.
3. Field review will be limited to visual inspection of the existing facilities. Materials testing is not included in the current scope of work. If destructive or non-destructive material testing is deemed necessary, it will be outlined in the recommendations included in the Field Review Report.
4. Plans and details shall be drafted using AutoCAD Version 2009 and shall be prepared following standard Caltrans format as outlined in “Plans, Specification and Estimate Guide” published by Caltrans.
5. The 2010 edition of the Caltrans “Standard Specifications” and Caltrans “Standard Plans” publications will be referenced in the project plans and specifications as applicable.
6. Structural Technical Specifications will be limited to technical specifications related to the replacement/rehabilitation alternative selected. The Town will provide boiler plate specifications to the Design Team for review as part of the 100% Submittal (Task 2.2). The Design Team will compile the Town supplied Boiler Plate Specifications with the Technical Specifications as part of the Final design Submittal (Task 2.3).
7. Topographic Surveys will be limited to immediate project area between the existing fences (east of Atherton Channel to centerline of Marsh Road) for roughly 1800 linear feet along the creek channel bounded by the existing box culvert headwalls at Middlefield Road and Fair Oaks Avenue. The surveys will include such items as the fence lines at each side of the creek, top and bottom of slope, retaining walls, spot elevations, tree locations and any above ground visible utility structures in this area. Entry into backyards or private residential lots is not included.

8. Boundary Easement information will be incorporated into the project base mapping based on Title Reports for the area to be provided by the Town. This item does not include resolving boundary survey, resolving any discrepancies between field and record information or setting property corners. If required these services can be provided as Extra Work.
9. Right-of-Way Engineering is not anticipated to be required and is not included herein. If required, these services can be performed as Extra Work.
10. No field survey work will be performed for the traffic handling and detour plans.
11. No temporary or modified traffic signal plans are included. Minor timing or phase adjustments may be needed for the detour plan and notes on the plan will suffice as direction to the Contractor.
12. Analysis of off-site storm drainage system is excluded from this scope of services.
13. Project includes the area located within the limits of the existing channel banks between the existing culverts at Middlefield Road and Fair Oaks Avenue. Facilities that may adjoin the channel area above the top of bank or beyond the culvert headwalls are excluded from this scope of services.
14. The Detour Plan for Marsh Road will be prepared based on the approved PG&E detour plan dated 9/11/08 supplied by the Town, or equivalent. The Town will facilitate Detour Plan coordination with affected agencies, to include but not necessarily limited to County of San Mateo and City of Menlo Park.
15. Assuming no topographic survey or existing background drawings are available for the limits required of a traffic control plan and detour plan, the Design Team will create a background by tracing the edge of pavement, striping, and traffic signal poles from Google Earth or using County GIS, with a field check to confirm approximate dimensions and geometry, as needed.
16. Geotechnical recommendations will be prepared based upon the draft "Geotechnical Engineering Report – Atherton Channel Lining Remediation Adjacent to Marsh Road" dated October 2, 2008 as provided by the Town of Atherton. All field investigations, lab work and information provided is assumed to be complete and prepared in accordance with prevailing industry standards and codes, and suitable for use on this project.
17. Section 7, Consultation is not included in the current scope of work but can be provided as Extra Work.
18. It is assumed that the project will qualify for a USACE nationwide permit and the remaining permit applications will be assembled using the Joint Aquatic Resource Permit Application (JARPA). If the project will require an individual permit from the USACE, then it will also be necessary to apply for individual permits from the RWQCB and CDFG. Processing individual permits is not included in this scope of work but can be provided as Extra Work.
19. The Town of Atherton will be the lead agency on the project. The Town will serve as the primary point of contact for the Atherton Channel Water District, the County of San Mateo, the City of Menlo Park and any other local agency as required.
20. Existing utilities will not be impacted by this project. Existing utilities will be shown based on provided as-built documentation and will be identified to be protected during construction.
21. We assume that no right-of-way takes will be required for the project. Preparation of Legal Descriptions or filing a Record of Survey with the County is not included in the current scope of work but can be provided as Extra Work.
22. The arborist will provide documentation of existing trees and prepare recommendations for preservation in an informal Existing Tree Report for use by the Design Team. This is not a formal Arborist Report. A formal Arborist Report can be provided as Extra Work.
23. The Design Team will support Town staff with exhibits and attendance at two Town Council Meetings. The Design Team will support Town staff with exhibits and attendance at one Community Meetings. The Town will provide meeting facilities, coordination, advertisement, minutes and facilitation of these meetings.
24. Construction support services are not included in the current scope of work. A detailed Construction Services Proposal will be prepared after submittal of the 100% PS&E when the scope of construction support services can be more definitively known. In general, the services during construction will include:

- Attend Preconstruction Conference with Town and Contractor
- Conduct preconstruction surveys
- Attend weekly construction meetings as requested by the Town
- Conduct periodic site visits to observe the performance and progress of the work
- Conduct arborist site visit during clearing and grubbing operations
- Response to Contractor and Town initiated Requests for Information (RFIs)
- Review shop drawing submittals required by the project technical specifications
- Prepare change orders for approval of the Town when required by unanticipated field conditions
- Prepare Record Drawings from one master red-lined mark-up set provided by the Town Resident Engineer

**Additional Services – Subject to Additional Compensation**

1. Although Biggs Cardosa Associates has tried to be comprehensive in developing this scope of work, there may be unforeseen issues which will necessitate additional services beyond the scope of work described herein. Specific items described in the engineering or environmental studies may require additional investigations, calculations, plans, or measures than what was scoped in this proposal. It is recommended that the Town include some budget in the contract to account for unexpected additional services.
2. The following additional services may be required depending on the actual conditions encountered and design features selected by the Town. The Biggs Cardosa Associates Design Team is fully qualified and capable of performing these services as extra work should they be required:
  - Preparation of a mitigated negative declaration or other CEQA compliance documents.
  - Destructive or non-destructive material testing.
  - Hazardous materials removal plan preparation.
  - Right-of-Way Engineering.
  - Additional meetings with review boards and commissions.
  - Construction staking.
  - Construction inspection.
  - Modified or temporary traffic signal plans.
  - Traffic study and traffic counts.
  - Utility potholing and utility locating.
  - Formal Arborist Reports.

## ***Project Schedule***

Per the Town's request in the RFP documents, we have prepared the following draft milestone schedule, based on the conceptual scope of services outlined in the previous section. A final milestone schedule based on the final negotiated scope of work will be provided to the Town after receipt of the project Notice to Proceed.

### Phase 1: Preliminary Engineering

-	Town Notice to Proceed (NTP)
2 weeks after NTP	Conduct Kick-off Meeting and Formal Field Review
5 weeks after NTP	Complete Site Surveys and Base Mapping
5 weeks after NTP	Complete Hydraulic, Geotechnical, and Environmental Investigations and Prepare Recommendations
8 weeks after NTP	Submit Type Selection Memorandum to Town
10 weeks after NTP	Receive Town Type Selection Approval (TSA)

### Phase 2: Final Design & Construction Documents

6 weeks after TSA	Submit 90% PS&E to Town
9 weeks after TSA	Receive Town Review Comments
9 weeks after TSA	Complete In-house QA/QC of 90% Submittal
12 weeks after TSA	Submit 100% PS&E to Town
14 weeks after TSA	Receive Town Review Comments
16 weeks after TSA	Submit Final PS&E to Town



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL  
THERESA DELLASANTA, CITY MANAGER**

**FROM: MICHAEL KASHIWAGI, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF JULY 18, 2012**

**SUBJECT: APPROVE A ONE YEAR EXTENSION WITH CENTRAL  
MAINTENANCE COMPANY FOR THE CONTINUATION  
OF JANITORIAL SERVICES FOR THE AMOUNT OF  
\$24,658.20**

#### **RECOMMENDATION:**

Approve a one year extension with Central Maintenance Company for the continuation of Town Janitorial Services with a 3% increase for a total of \$2054.85 per month for the 2012/13 fiscal year for an annual total of \$24,658.20.

#### **INTRODUCTION:**

On July 1, 2011, the Town of Atherton entered into a contract with Central Maintenance Company to provide Janitorial Services to the Town center and park for 12 months with an option to renew the contract for a period up to 3 years by written agreement (contract extension). The July 1, 2011 agreement was for \$1995.00 per month with an annual price not to exceed \$23,940.

Central Maintenance Company would like to continue this contract for another year (July 1, 2012 through June 30, 2013) but is seeking a 3% increase to their current monthly price of \$1995.00 per month for a total of \$2054.85 per month. This is due to increased materials and transportation prices. Staff suggests that even with the 3% increase, they are still well below the next competitive bid price from a year ago, and that the town should continue contract with them for these services.

Past bid prices were as follows;

Central Building Maintenance	\$1995.00
DMS Facility Services	\$2238.63
Customized Performance	\$2373.81
S&G Maintenance	\$2488.00
ABM	N/R
CBJ Building Maintenance	N/R
Clean Innovation	N/R

The services are as follows;

- Council Chambers (2 times per week)
- Police Department (3 times per week)
- Library (3 times per week)
- Town Administration (2 times per week)
- Permit Center (2 times per week)
- Corporation office (2 times per week)
- Park Playground restrooms (7 times per week)
- Park Main House restrooms/kitchen (2 times per week)
- Carriage House restrooms/kitchen (2 times per week)

**FISCAL IMPACT:**

The price of \$2054.85 per month or \$24,658.20.00 annually will be broken down monthly as follows from departmental funding;

Police department	\$429.00
Administration	\$329.00
Building/Planning	\$255.00
Public Works	\$139.85
Library	\$342.00
Park	\$560.00

Prepared By:

Approved:

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Michael Kashiwagi, P.E.  
Public Works Director

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Theresa DellaSanta  
Interim City Manager

Attachments: Amendment #1

**AMENDMENT #1 FOR THE PUBLIC WORKS TOWN JANITORIAL SERVICES AGREEMENT  
BY AND BETWEEN THE TOWN OF ATHERTON AND CENTRAL MAINTENANCE  
COMPANY**

This 1A Amendment to the Professional Services Agreement by and between the Town of Atherton ("Town") and Central Maintenance Company ("Contractor") for Public Works Maintenance and Maintenance Management Services ("Amendment #1") is entered into as of the \_\_\_ day of \_\_\_\_, 2012, by and between Town and Contractor.

**RECITALS**

- A. Town and Contractor are parties to that certain Professional Services Agreement for Town Janitorial Services dated June 30, 2011 ("Agreement").
- B. Town and Consultant now desire to enter into this Amendment #1 to provide for the additional services as described below.

**AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing Recitals and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement as follows:

1. Exhibit A, Scope of Services. Extension of the previous agreement dated June 30, 2011, which began July 1, 2011 and expired June 30, 2012. This extension shall allow the contract to continue for (1) year from July 1, 2012, expiring June 30, 2013.
2. Exhibit B, Compensation. Original 12 month contract was for \$23,940. New agreement by negotiation is \$24,658.20 for upcoming 12 month period.
3. Agreement in Effect. The parties acknowledge and agree that the Agreement, except as amended by this Amendment #1, has been modified and in full force and effect in accordance with its terms. Modifications have been made to work program section of the agreement only.
4. Counterpart Signatures. This 1A Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS THEREOF, the parties have executed this 1A Amendment as of the Effective Date.

**TOWN OF ATHERTON:**

By: \_\_\_\_\_/\_\_\_\_\_  
Theresa DellaSanta, Interim City Manager  
(Date)

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**CONSULTANT:**

By: \_\_\_\_\_/\_\_\_\_\_  
Name: \_\_\_\_\_ (Date)

Title: \_\_\_\_\_

By: \_\_\_\_\_/\_\_\_\_\_  
Name: \_\_\_\_\_ (Date)

Title: \_\_\_\_\_



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 18, 2012**

**SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE  
OF THE CITY COUNCIL AMENDING CHAPTER 2.12  
ESTABLISHING A CITY MANAGER POSITION  
DESCRIPTION**

#### **RECOMMENDATION:**

Waiver further reading and approve Ordinance to amend Chapter 2.12 establishing a City Manager position description.

#### **INTRODUCTION:**

The draft ordinance amending Chapter 2.12 establishing a City Manager position description was presented to Council on June 20, 2012. Attached is the final (redlined) version of the ordinance.

## Chapter 2.12

### CITY MANAGER

Sections:

- 2.12.010 Council-manager form of government.**
- 2.12.020 Appointment of City Manager.**
- 2.12.030 Removal of City Manager.**
- 2.12.040 Powers and duties of the City Manager.**
- 2.12.050 Restrictions on City Manager.**
- 2.12.050 City Council/City Manager relations.**

#### **2.08.010 Council-manager form of government.**

The council-manager form of government is adopted for the Town. The office of City Manager is hereby established. The City Manager shall be the chief executive and administrative officer of the Town, subject to policies established and budgets adopted by the City Council.

#### **2.08.020 Appointment of City Manager.**

The City Manager shall be appointed by the City Council on the basis of his or her executive and administrative qualifications, and shall serve and hold office at the pleasure of the City Council.

The City Manager need not be a resident of the Town, and shall be selected solely for his or her executive and administrative qualifications, abilities, and experience.

No ~~person~~ present or past City Councilmember shall be eligible for appointment to the position of City Manager until at least 2 years after last serving as a Councilmember.

In the event of the disability of the City Manager, or at his or her request, the City Council may appoint an acting City Manager.

#### **2.08.030 Removal of City Manager.**

The City Manager shall not be removed from office within a period of 60 days ~~next succeeding~~after any municipal election held in the Town at which ~~election~~ a member of the City Council is elected; nor shall the City Manager be removed from office within a period of 60 days after appointment of a new City Councilmember ~~appointed to take~~ing the place of a previously elected City Councilmember.

Should the City Council desire to remove the City Manager, it shall express its intent and reasons, if any, in writing to the City Manager. The City Manager may, within 7 days of receipt of the written notice of intent to remove him or her, by written request to the City Clerk, request a public hearing before the City Council. The City Council shall fix a time for the public hearing, which shall be held at its usual meeting

place at least 10 days ~~after~~, but not later than 30 days after, the date of publication of ~~the~~ notice of the hearing.

The City Manager may appear and be heard and given an opportunity to refute any allegations or charges against him or her at the public hearing. After the public hearing, the City Council may remove the City Manager by resolution with or without cause stated, or may suspend him or her from duty. In either event, Manager's salary and benefits shall continue until terminated.

The City Council shall have the absolute right and authority to remove the City Manager with or without cause, and its action shall be final, and shall not depend on any particular showing or degree of proof at the public hearing, the sole purpose of which is to allow the City Manager publicly to present his or her grounds for opposition to removal prior to the City Council taking final action ~~for removal.~~

#### **2.08.040 Powers and duties of the City Manager.**

The City Manager shall be responsible to the City Council for the efficient administration of all affairs of the Town and shall have the following powers and duties:

A. Appoint, remove, and discipline all Town department heads and employees, except for the City Attorney and City Attorney staff; provided, however, that the City Manager may delegate this authority to the several department heads, through a personnel ordinance, but shall retain the authority to approve, modify or disapprove all recommendations from department heads for such appointment, removal and disciplinary actions to be taken against employees by department heads to whom such authority has been delegated;

B. Direct and supervise the administration of all departments, offices and agencies of the Town in all respects and without exception, except for the City Attorney;

C. Prepare an annual budget and submit and administer the Town budget and capital improvement plan as set forth in the Municipal Code;

D. Keep the City Council fully informed and advised of the financial, administrative, physical and operational condition of the Town and of its future needs in each area, and make such recommendations and present such plans and programs concerning the affairs of the Town as he or she shall deem to be necessary or desirable;

E. Provide for the enforcement and faithful execution of all laws, ordinances, rules, regulations, and such other actions as the City Council shall direct, delegating such enforcement and execution actions as are appropriate and necessary to the various Town departments;

F. Administer all contracts of which the Town is a party, and assure that the Town's interests are safeguarded, terms are enforced and all elements of any contract are faithfully administered, delegating such oversight and authority to the several departments and offices as he or she shall deem appropriate;

G. Make such special reports to the City Council as he or she deems necessary and appropriate, or as the City Council shall request or direct, including reports concerning the operations of the Town departments, offices and agencies; \_\_\_\_\_

H. Attend all City Council meetings unless excused by the Mayor;

I. Investigate any matter involving the Town or its affairs, and any department, office or agency or organizational component of the Town, and any contract, to assure the proper, faithful and legal performance of any obligation of the Town;

J. Investigate all complaints regarding matters concerning the administration of the Town and regarding the Town's employees;

K. Enforce the terms of all franchises, permits and privileges held by any party relative to the Town to assure that the terms and conditions of such franchises, permits and privileges are faithfully observed;

L. Exercise general supervision of all public buildings, parks, real and personal property, assets, utilities, streets and other public properties which are under the ownership, control or jurisdiction of the Town;

M. Coordinate all activities of the various departments, offices and agencies of the Town, and of its boards, committees and commissions so as to improve the efficiency, economy, effectiveness, harmonious relationships and public service capabilities of the Town government and all its components;

N. Carry out and enforce all policies of the City Council and all rules, regulations and ordinances adopted by it relating to the administration of the affairs and activities of such departments, divisions, offices, agencies, services, boards, committees and commissions;

O. Serve as public relations and information officer of the Town, and follow through and endeavor to adjust all just complaints filed against and service requests filed with any employee, department, division, office, organizational component or agency of the Town;

P. Cooperate with all community organizations whose purpose is to serve the welfare and best interests of the Town and of its people, business and organizations, and to provide such persons, businesses and organizations, within lawful limits, appropriate governmental assistance;

Q. Prepare, recommend to the City Council, and maintain a personnel system ;

R. Perform such other duties and exercise other powers as may be delegated to him or her from time to time by ordinance or resolution.

#### **2.08.050 Restrictions on City Manager.**

The actions of the City Manager shall be restricted in the following ways:

- A. He or she shall not engage in ~~no any~~-incompatible business, occupation or activities;
- B. He or she may not attend any closed session of the city council when dismissal of or other disciplinary actions involving himself or herself are discussed;
- C. He or she shall devote full time to the duties and interests of the Town; provided, however, that limited activities not incompatible with the position of City Manager may be permitted by the Town upon request to the City Council;
- D. He or she shall not act on any subject when directed, ordered, or asked to do so by less than a majority of the City Council, unless, in the opinion of the City Manager, such action would not involve the establishment of a precedent, be incompatible with existing Town policies and procedures, or result in the disadvantage of the Town, of any individual Councilmember or of the City Council as a body;
- E. He or she shall abide by the Code of Ethics of the International City Management Association, and deviation therefrom shall be grounds for dismissal or disciplinary action by the ~~Ceity Ce~~council;
- F. He or she shall comply with all provisions of the laws of the state regarding conflicts of interest, declaration of economic interests, and other matters involving potentially incompatible activities as set out by state law, the municipal code, and applicable Town ordinances, resolutions, rules and regulations.

**2.08.060 City Council/City Manager relations.**

- A. Neither the Mayor nor any Councilmember shall interfere with the execution of the powers and duties of the City Manager, and the City Manager shall take his or her direction from the City Council only during meetings of the City Council.
- B. Except for purposes of inquiry, the Mayor and Councilmembers shall deal with the administrative service solely through the City Manager and neither the Mayor nor any Councilmember shall give any order or instruction to any subordinate of the City Manager.



## Town of Atherton

### **CITY COUNCIL REPORT**

**TO: CITY COUNCIL**

**FROM: WILLIAM WIDMER, MAYOR**

**DATE: FOR THE MEETING OF JULY 18, 2012**

**SUBJECT: AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT TO  
ADJUST THE COMPENSATION AND BENEFITS OF INTERIM CITY  
MANAGER**

### **RECOMMENDATION**

That the City Council authorize the Mayor to execute an agreement between the Town of Atherton and the Interim City Manager including the following:

That, Theresa DellaSanta continues to serve as Interim City Manager of the Town of Atherton on a transitional basis with the permanent title of City Clerk. That the base salary for Ms. DellaSanta will be \$8,813.10 per month, plus an additional, 25% acting pay differential while serving as the Interim City Manager, for a temporary total of \$11,016.37, effective July 1, 2012. That the City Clerk position is eligible for all benefits as stated or revised in the Atherton Management Employees Resolution. That the agreement will include severance provisions, stating that if the employee's employment is terminated without cause within twelve months of the later of either the November 2012 Council election or the appointment of a permanent City Manager, the employee will receive five months of her current base salary as severance pay.

### **BACKGROUND**

In January 2012, the Town's former Interim City Manager John Danielson submitted his resignation to the Mayor. Following Mr. Danielson's resignation, the City Council appointed Deputy City Clerk Theresa DellaSanta as the Interim City Manager effective January 27, 2012.

Upon approval of the Fiscal Year 2012-2013 budget by the City Council on June 29, 2012, Ms. DellaSanta's position of Deputy City Clerk was reclassified to City Clerk, based on a classification study completed by Koff & Associates, a Human Resources consulting firm. The study recommended a salary range for the position of City Clerk and recommended that Ms. DellaSanta be placed at C step (\$8,813.10 per month) in consideration of her City Clerk, Human Resources and Risk Management responsibilities.

The City Council continues its search for a permanent City Manager by looking at several additional candidates which is extending the anticipated timelines. The Council has expressed their appreciation of the work performed by Ms. DellaSanta and has asked her to continue to serve as Interim City Manager until a permanent City Manager has been appointed.

### **DISCUSSION**

During her assignment as Interim City Manager Ms. DellaSanta has performed at an exceptional level. She has also continued to carry out the duties and responsibilities of the Deputy City Clerk. The City Council appointed Ms. DellaSanta as the Interim City Manager effective January 27, 2012 with a 25% increase to her base salary. Since then her rate has been \$8,012.33 per month. The reclassification will increase the base salary to \$8,813.10 with continuation of the 25% acting pay differential and the resulting monthly pay will be \$11,016.37. The current budget for the position of City Manager is \$13,750 per month.

This item is presented to the City Council to provide authorization for the salary related actions which have already been discussed as part of the budget process and to provide the Interim City Manager with clear direction.

### **FISCAL IMPACT**

The FY 2012-2013 budget includes adequate funding for this action.

Attachment:

A. Resolution

**RESOLUTION NO. 12-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO ADJUST  
THE COMPENSATION AND BENEFITS OF INTERIM CITY MANAGER**

**WHEREAS**, in January, 2012, the Town's former Interim City Manager John Danielson submitted his resignation letter to the Mayor; and

**WHEREAS**, following Mr. Danielson's resignation, City Council appointed Deputy City Clerk Theresa DellaSanta as the Interim City Manager effective January 27, 2012; and

**WHEREAS**, in addition to the permanent City Manager candidates already interviewed, the City Council continues its search for a permanent City Manager by looking at several additional candidates which is extending the anticipated timelines.

**WHEREAS**, upon approval of the Fiscal Year 2012-2013 budget by the City Council on June 29, 2012, Ms. DellaSanta's position of Deputy City Clerk was elevated to City Clerk, based on a classification study by Koff & Associates, a Human Resources consulting firm.

**WHEREAS**, based on the study, the salary recommendation is \$8,813.10 per month and includes adjustments for Human Resources and Risk Management responsibilities.

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON  
RESOLVES AS FOLLOWS:**

The City Council authorizes the Mayor to execute an agreement between the Town of Atherton and the Interim City Manager including the following:

That, Theresa DellaSanta continues to serve as Interim City Manager of the Town of Atherton on a transitional basis with the permanent title of City Clerk. That the base salary for Ms. DellaSanta will be \$8,813.10 per month, plus an additional, 25% acting pay differential while serving as the Interim City Manager, for a temporary total of \$11,016.37, effective July 1, 2012. That the City Clerk position is eligible for all benefits as stated or revised in the Atherton Management Employees Resolution. That the agreement will include severance provisions, stating that if the employee's employment is terminated without cause within twelve months of the later of either the November 2012 Council election or the appointment of a permanent City Manager, the employee will receive five months of her current base salary as severance pay.

*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 special meeting thereof held on the 18<sup>th</sup> day of July, 2012 by the following vote*

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

Resolution No 12-xx  
Approved July 18, 2012

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William R. Widmer, MAYOR  
Town of Atherton

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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William Conners, City Attorney

Resolution No 12-xx  
Approved July 18, 2012



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 18, 2012**

**SUBJECT: ADOPT RESOLUTION 12-xx DESIGNATING A VOTING DELEGATE AND UP TO TWO ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 5-7, SAN DIEGO**

#### **RECOMMENDATION:**

Adopt Resolution 12-XX designating a voting delegate and an alternate to the League of California Cities Annual Conference in San Diego.

#### **BACKGROUND:**

The League's 2011 Annual Conference is scheduled for Wednesday, September 5 through Friday, September 7 in San Diego. The Annual Business meeting is scheduled for 12:00 p.m. on Friday, September 7th. At this meeting the League membership considers and takes action on resolutions that establish League policy. The resolution packet is attached to this staff report.

In order to vote at the Annual Business meeting, City Council must designate a voting delegate. Council may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. In order to cast a vote at least one person must be present at the Business Meeting and in possession of the voting delegate card.

#### **FISCAL IMPACT:**

Registration per Council Member:  
Full 3-day registration = \$525.00  
Friday (1-day) registration = \$250.00

Attachments: Resolution 12-XX  
League of California Cities Info. RE: Annual Conference

## Resolution No. 12-xx

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON DESIGNATING COUNCIL MEMBER \_\_\_\_\_ AS THE VOTING DELEGATE AND COUNCIL MEMBER \_\_\_\_\_ AS THE ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING TO BE HELD ON SEPTEMBER 7, 2012

WHEREAS, The League of California Cities Annual Business meeting will be held on September 7, 2012, and

WHEREAS, The League of California Cities Bylaws require that a city's voting delegate be designated by the City Council and that the voting delegate must be registered to attend the conference and be present at the business meeting.

NOW, THEREFORE BE IT RESOLVED that

- 1) The City Council designates Council Member \_\_\_\_\_ as the voting delegate for the League of California Cities Annual Conference Business meeting to be held on Friday, September 7, 2012
- 2) The City Council designates Council Member \_\_\_\_\_ as the alternate voting delegate for the League of California Cities Annual Conference Business meeting to be held on Friday, September 7, 2012
- 3) That the City Council directs the City Clerk to transmit a copy of this resolution to the League of California Cities.

\* \* \* \* \*

*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 18<sup>th</sup> day of July, 2012 by the following vote:*

<i>AYES:</i>	<i>COUNCILMEMBERS:</i>
<i>NOES:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCILMEMBERS:</i>

\_\_\_\_\_  
William R. Widmer, Mayor  
Town of Atherton

ATTEST:

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Theresa N. DellaSanta  
City Clerk

APPROVED AS TO FORM:

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William B. Conners  
City Attorney



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
[www.cacities.org](http://www.cacities.org)

July 12, 2012

TO: Mayors, City Managers and City Clerks  
League Board of Directors

RE: Annual Conference Resolutions Packet  
Notice of League Annual Meeting

Enclosed please find the 2012 Annual Conference Resolutions Packet.

**Annual Conference in San Diego.** This year's League Annual Conference will be held September 5 - 7 at the San Diego Convention Center in San Diego. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at [www.cacities.org/ac](http://www.cacities.org/ac). We look forward to welcoming city officials to the conference.

**Annual Luncheon/Business Meeting - Friday, September 7, 12:00 p.m.** The League's Annual Business Meeting will be held at the San Diego Convention Center.

**Resolutions Packet.** At the Annual Conference, the League will consider the five resolutions introduced by the deadline, Saturday, July 7, 2012, midnight. These resolutions are included in this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolutions packet is posted on the League's website for your convenience: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

The resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which resolutions will be considered.

**Voting Delegates.** Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

**Please Bring This Packet to the Annual Conference  
September 5 - 7 — San Diego**

## I. INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, five resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

**POLICY COMMITTEES:** Three policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. The committees are Environmental Quality, Public Safety, and Revenue & Taxation. These committees will meet on Wednesday, September 5, 2012, at the San Diego Marriott Marquis & Marina Hotel in San Diego. Please see page iii for the policy committee meeting schedule. The sponsors of the resolutions have been notified of the time and location of the meetings.

Two other policy committees may also be meeting: Administrative Services and Employee Relations. Administrative Services will meet pending League Board (July 19 & 20) action to determine whether the committee will review any November General election ballot initiatives. Employee Relations will meet if the Legislature acts on pension reform in August. If pension reform is passed, the committee will meet to discuss the details of the proposal. For now, please plan to attend the meeting at the Annual conference. If for some reason this changes, League staff will send an email notifying the committee.

Three policy committees will not be meeting at the annual conference. These committees are: Community Services; Housing, Community & Economic Development; and Transportation, Communication, & Public Works.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 1:00 p.m. on Thursday, September 6, at the San Diego Convention Center, to consider the reports of the three policy committees regarding the five resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

**ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY:** This meeting will be held at 12:00 p.m. on Friday, September 7, at the San Diego Convention Center.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, September 6. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: [mdesmond@cacities.org](mailto:mdesmond@cacities.org) or (916) 658-8224.

## **II. GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS**

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities and the League is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the Board of Directors.
  - (c) Consider important issues not adequately addressed by the policy committees and Board of Directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

**III.**  
**LOCATION OF MEETINGS**

**Policy Committee Meetings**  
**Wednesday, September 5, 2012**  
**San Diego Marriott Marquis & Marina Hotel**  
**333 W. Harbor Drive, San Diego**

**POLICY COMMITTEES MEETING AT ANNUAL CONFERENCE TO**  
**DISCUSS AN ANNUAL CONFERENCE RESOLUTION**

<b>9:00 a.m. – 10:30 a.m.</b>	<b>Environmental Quality;</b>
	<b>Revenue and Taxation</b>
<b>10:30 a.m. – 12:00 p.m.</b>	<b>Public Safety</b>

**TENTATIVE POLICY COMMITTEE MEETINGS AT ANNUAL CONFERENCE**  
**TO DISCUSS OTHER ISSUES**

<b>9:00 a.m. – 10:30 a.m.</b>	<b>Administrative Services</b>
<b>10:30 a.m. – 12:00 p.m.</b>	<b>Employee Relations</b>

**Note:** These policy committees will **NOT** meet at the Annual Conference:  
Community Services  
Housing, Community & Economic Development  
Transportation, Communication & Public Works



**General Resolutions Committee**  
**Thursday, September 6, 2012, 1:00 p.m.**  
**San Diego Convention Center**



**Annual Business Meeting and General Assembly Luncheon**  
**Friday, September 7, 2012, 12:00 p.m.**  
**San Diego Convention Center**

**IV.  
KEY TO ACTIONS TAKEN ON RESOLUTIONS**

Resolutions have been grouped by policy committees to which they have been assigned. **Please note that one resolution has been assigned to more than one committee. This resolution is noted by this sign (♦).**

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee  
2 - General Resolutions Committee  
3 - General Assembly

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**ENVIRONMENTAL QUALITY POLICY COMMITTEE**

		1	2	3
3	Desert Protection Act			
4	Global Warming			

**PUBLIC SAFETY POLICY COMMITTEE**

		1	2	3
♦1	Fines and Forfeitures			
2	Internet Crimes Against Children			
5	Emergency Management Mission for California Cities			

**REVENUE AND TAXATION POLICY COMMITTEE**

		1	2	3
♦1	Fine and Forfeitures			

**Please note:** These committees will ***NOT*** meet at the annual conference: Community Services; Housing, Community & Economic Development; and Transportation, Communication & Public Works

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: [www.cacities.org](http://www.cacities.org). The entire Resolutions Packet will be posted at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

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## **KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)**

### **KEY TO REVIEWING BODIES**

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

### **KEY TO ACTIONS TAKEN**

- A - Approve
- D - Disapprove
- N - No Action
- R - Refer to appropriate policy committee for study
- a - Amend
- Aa - Approve as amended
- Aaa - Approve with additional amendment(s)
- Ra - Amend and refer as amended to appropriate policy committee for study
- Raa - Additional amendments and refer
- Da - Amend (for clarity or brevity) and Disapprove
- Na - Amend (for clarity or brevity) and take No Action
- W - Withdrawn by Sponsor

### **Action Footnotes**

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

**Procedural Note:** Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee:

Resolutions initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

V.  
**2012 ANNUAL CONFERENCE RESOLUTIONS**

**RESOLUTIONS REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE**

**3. RESOLUTION ENCOURAGING CALIFORNIA CITIES TO OPPOSE THE CALIFORNIA DESERT PROTECTION ACT OF 2011**

Source: City of Needles

Referred To: Environmental Quality Policy Committee

Recommendation to General Resolutions Committee:

**WHEREAS**, in 1993 Senator Diane Feinstein introduced the California Desert Protection Act of 1994 which became federal law and was passed by the United States Congress on October 8, 1994, and

**WHEREAS**, this act established the Death Valley and Joshua Tree National Parks and the Mojave National Preserve in the California desert; and

**WHEREAS**, this act designated 69 wilderness areas as additions to the National Wilderness Preservation System within the California Desert Conservation Area (CDCA), the Yuma District, the Bakersfield District, and the California Desert District of the Bureau of Land Management permits grazing in such areas; and

**WHEREAS**, the Act abolished Death Valley National Monument, established in 1933 and 1937, and incorporated its lands into a new Death Valley National Park administered as part of the National Park System. Grazing of domestic livestock was permitted to continue at no more than the then-current level. The Act also required the Secretary of the Interior to study the suitability of lands within and outside the boundaries of the park as a reservation for the Timbisha Shoshone Tribe; and

**WHEREAS**, the Act abolished Joshua Tree National Monument, established in 1936, and incorporated its lands into Joshua Tree National Park; and

**WHEREAS**, the Act established the Mojave National Preserve, consisting of approximately 1,419,800 acres (5,746 km<sup>2</sup>; 2,218.4 sq mi), and abolished the East Mojave National Scenic Area, which was designated in 1981. The preserve was to be administered in accordance with National Park System laws. Hunting, fishing and trapping were permitted as allowed by federal and state laws, with certain exceptions. Mining claims were governed by the National Park System laws, and grazing was permitted to continue at no more than the then-current level; and

**WHEREAS**, the Act required the Secretary of the Interior to ensure that American Indian people have access to the lands designated under the Act for traditional cultural and religious purposes, in recognition of their prior use of these lands for these purposes. Upon the request of an Indian tribe or religious community, the Secretary must temporarily close specific portions to the general public to protect the privacy of traditional cultural and religious activities; and

**WHEREAS**, flights by military aircraft over the lands designated by the Act were not restricted or precluded, including over flights that can be seen or heard from these lands; and

**WHEREAS**, Congress found that federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for current and future generations; these desert wildlands have unique scenic, historical, archeological, environmental, ecological, wildlife, cultural,

scientific, educational and recreational values; the California desert public land resources are threatened by adverse pressures which impair their public and natural values; the California desert is a cohesive unit posing difficult resource protection and management challenges; statutory land unit designations are necessary to protect these lands; and

**WHEREAS**, Senator Dianne Feinstein, author of the 1994 California Desert Protection Act has introduced legislation “California Desert Protection Act of 2011” that will set aside new land in the Mojave Desert for conservation, recreation and other purposes; and

**WHEREAS**, the proposed legislation will take AN ADDITIONAL 1.6 million acres of Bureau of Land Management land out of potential development, including mining exploration, by designating two new “National Monuments”, one adjacent to the Mojave National Preserve which will take 1.5 million acres out of BLM multiple use in addition to 800,000 acres out of private ownership and one adjacent to the Joshua Tree National Park; and

**WHEREAS**, this legislation will result in just about every square inch of the desert spoken for, either for military use, national parks, wilderness and special conservation areas, Indian reservations and other types of land management (half of the lands under BLM management are protected under wilderness or special conservation area restrictions); and

**WHEREAS**, projects, such as California mandated solar energy development, that would disturb or destroy habitat must make up for that loss by purchasing private habitat at ratios of at least three acres for every one acre disturbed; and

**WHEREAS**, at that rate, even in the nation’s largest county, San Bernardino, just three solar projects on federal land will require an amount of private land acquisition of 22,000 acres, or roughly 34 square miles, land will come off of the county’s tax rolls and we will literally run out of mitigation land after a handful of projects; and

**WHEREAS**, the Federal Energy Policy Act of 2005 requires that 10,000 megawatts of renewable energy be generated on public land in the west. To meet California’s mandate of having 33 percent of our energy come from renewable sources, it requires more that 20,000 megawatts of production and they are looking mainly at public lands. If we approve that much solar, the result would be a regulatory lockdown on the rest of the Desert by the Federal Fish and Wildlife Service and the State Department of Fish and Game; and

**WHEREAS**, the Desert Protection Act of 1994 encompassed 1.5 million acres or 2,218.4 square miles plus an additional 800,000 acres of private land or 1,250 square miles; Fort Irwin, 1,000 square miles; 29 Palms Marine Base, 931.7 square miles and they have also applied for an additional 420,000 acres in 2008, or 659.375 square miles totaling 6,059.48 square miles; and

**WHEREAS**, the California Desert Protection Act of 2011 will take OVER 2,300 square miles, not including the acreage of wilderness located outside any of the above mentioned areas (this total mileage would roughly encompass Rhode Island, Delaware, and Connecticut); and

**WHEREAS**, these public lands have long supported a range of beneficial uses and efforts have been made to protect the desert inhabitants. Let’s not destroy the desert or our ability to use and enjoy it.

**NOW, THEREFORE, BE IT RESOLVED**, by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the

League encourages California cities to adopt resolutions in opposition to the California Desert Protection Act of 2011.

////////

**League of California Cities Staff Analysis**

Staff: Kyra Ross, Legislative Representative, (916) 658-8252  
Committee: Environmental Quality Policy Committee

**Summary:**

This resolution encourages California cities to oppose the California Desert Protection Act of 2011.

**Background:**

The California Desert Protection Act of 2011 (S. 138) is legislation proposed by Senator Dianne Feinstein which would provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area. The Measure would:

- Create two new national monuments: the 941,000 acres Mojave Trails National Monument along Route 66 and the 134,000 acres Sand to Snow National Monument, which connects Joshua Tree National Park to the San Bernardino Mountains.
- Add adjacent lands to Joshua Tree National Park, Death Valley National Park and Mohave National Preserve;
- Protect nearly 76 miles of waterways;
- Designate five new wilderness areas;
- Designate approximately 250,000 acres of Bureau of Land Management wilderness areas near Fort Irwin;
- Enhance recreational opportunities; and,
- Designate four existing off-highway vehicle areas in the California Desert as permanent.

S. 138 is a re-introduction of S. 2921, the California Desert Protection Act of 2010 which is now dead. S. 138 was introduced in January 2011 and was referred to the Senate Committee on Energy and Natural Resources. The measure has not yet been set for hearing by the Committee.

**Fiscal Impact:**

Unknown. No direct fiscal impact to city general funds.

**Existing League Policy:**

The League’s Mission Statement is “to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.”

Specific to this Resolution, existing policy offers no specific policy on this issue.

The League’s Strategic Priorities for 2012, as adopted by the League Board of Directors, include:

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

>>>>>>>>>>

**4. RESOLUTION REQUESTING CONSIDERATION OF SUSPENSION OF IMPLEMENTATION OR REVISION OF THE CALIFORNIA GLOBAL WARMING SOLUTIONS ACT (AB 32 of 2006)**

Source: City of Needles

Referred to: Environmental Quality Policy Committee

Recommendation to General Resolutions Committee:

**WHEREAS**, in 2006 the California Legislature adopted the California Global Warming Solutions Act, commonly referred to as AB 32 (Health & Safety Code §§38500 et seq.); and

**WHEREAS**, AB 32 aims to reduce California's greenhouse gas emissions (GHGs) to 1990 levels by 2020 (Health & Safety Code §38550) and to 80 percent below 1990 levels by 2050; and

**WHEREAS**, the California Air Resources Board (CARB) is the government agency charged with determining how the AB 32 goals will be reached (Health & Safety Code §38510); and

**WHEREAS**, CARB's implementation of AB32 aims to reduce California's GHG emissions by 169 million metric tons of carbon dioxide equivalent (MMT<sub>CO2E</sub>) through a variety of strategies, including sector-specific regulations, market mechanisms, voluntary measures, fees, incentives and other policies and programs; and

**WHEREAS**, there are portions of the state that have been designated as nonattainment for the national ambient air quality standards (NAAQS) for Ozone and PM, nonattainment for state ambient air quality standards (SAAQS) for Ozone, PM, Sulfates and Hydrogen Sulfide, and identified by CARB pursuant to as overwhelmingly impacted by transported air pollution from upwind air basins; and

**WHEREAS**, areas designated nonattainment are mandated under the provisions of the Federal Clean Air Act (FCAA) to require pursuant to New Source Review (NSR) rules, Best Available Control Technology (BACT) and offsetting emissions reductions (Offsets) on major new or modified stationary sources of those nonattainment air pollutants and their precursors (42 U.S.C. §§7502(c)(5), 7503) regardless of whether or not the area so designated has any control or not over the pollution causing the nonattainment finding; and

**WHEREAS**, the United States Environmental Protection Agency (USEPA) has requested that a program be developed to implement the Prevention of Significant Deterioration (PSD) which will require additional analysis for new or modified sources of attainment pollutants including but not limited to greenhouse gases, which will also necessitate emissions reductions and BACT in some cases for attainment pollutants; and

**WHEREAS**, due in part to the limited number of existing sources of air pollutants and the overwhelming impact of transport some or a majority of the cities have few if any available emissions reductions available to provide such offsets; and

**WHEREAS**, many technologies used to attain BACT levels of air pollution control are based upon the combustion of fossil fuels which also causes emissions of GHGs; and

**WHEREAS**, there are a variety of Federal regulations promulgated and proposed by the USEPA regarding greenhouse gasses that have the potential to conflict both directly and in their implementation with regulatory measures to implement AB32 as adopted and proposed by CARB; and

**WHEREAS**, there are a variety of other mandates and regulations at the State level (municipal waste diversion, renewable energy mandate etc.) which have the potential to conflict both directly and in due to their implementation with regulatory measures to implement AB32 as adopted and proposed by CARB; and

**WHEREAS**, such conflicts severely impede the cities or state as well as regulated industry efforts to comply with both the applicable Federal regulations and regulations implementing AB32; and

**WHEREAS**, the existing and proposed regulations on both the State and Federal level result in an overall regulatory structure that is inconsistent and confusing making it virtually impossible or incredibly slow to start any new large scale projects within the State at a time where California infrastructure and its economy are in most need of refurbishment; and

**WHEREAS**, the existing and proposed regulations and unclear guidelines will also make it more difficult for smaller, pollution transport impacted air districts like the MDAQMD, to properly implement and enforce the regulations;

**NOW, THEREFORE, BE IT RESOLVED**, by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the League encourages the existing 482 California cities to adopt resolutions requesting a suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32 of 2006) until such time as the legal and regulatory inconsistencies can be resolved; and

**BE IT FURTHER RESOLVED**, that California cities request the California Air Resources Board and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32 and for potential direct and indirect conflict with other existing regulations at both the State and Federal level including but not limited to the potential for gains in one area to jeopardize progress in another; and

**BE IT FURTHER RESOLVED**, that California cities request the California Air Resources Board and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity "flight" from California; and

**BE IT FURTHER RESOLVED**, that California cities request the State of California by and through its Governor, Legislature, and applicable state agencies should encourage the resolution of internal conflicts between and among existing Federal programs by supporting items including but not limited to: reopening the Federal Clean Air Act, New Source Review Reform, and efforts to regulate GHGs under a comprehensive Federal program.

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## League of California Cities Staff Analysis on Resolution No. 4

Staff: Kyra Ross, Legislative Representative, (916) 658-8252  
Committee: Environmental Quality Policy Committee

### **Summary:**

This resolution encourages California cities to:

- 1.) Adopt resolutions requesting the suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32) until such time as the legal and regulatory inconsistencies can be resolved;
- 2.) Asks cities to request the California Air Resources Board (CARB) and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32, and for potential conflict with other existing regulations at both the State and Federal level including, but not limited to, the potential for gains in one area to jeopardize progress in another; and,
- 3.) Asks cities to request the CARB and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity “flight” from California; and,
- 4.) Asks cities to request the State to encourage the resolution of internal conflicts between and among existing Federal programs by supporting items, including but not limited to:
  - a. Reopening the Federal Clean Air Act;
  - b. New Source Review Reform; and,
  - c. Efforts to regulate greenhouse gas emissions under a comprehensive federal program.

### **Background:**

AB 32 passed in 2006 and requires the State to reduce greenhouse gas emissions to 1990 levels by 2020. As the implementing agency, CARB developed and passed a Scoping Plan in 2008, outlining emission reduction measures to help the state meet its statutory reduction of greenhouse gas emissions. Since 2008, a number of measures outlined in the Scoping Plan have been implemented. Measures of interest to cities include: voluntary local government 15% reduction in greenhouse gas emissions; regional transportation-related greenhouse gas targets; landfill methane control; and green building codes.

At the same time, many of California’s 15 air basins are facing ongoing challenges to meeting federal air quality standards. It’s important to note that regulation of air quality in California is separated into two levels of regulation. CARB regulates air pollution from cars, trucks, buses and other sources, often referred to as “mobile sources”. Local air districts regulate businesses and industrial facilities. Local air districts are the bodies that regulate ozone, PM 2.5 and PM 10. Ground level ozone (ozone), more commonly referred to as smog, is a pollutant that forms on hot summer days (not to be confused with the ozone that forms in the upper atmosphere or stratosphere). Ozone is not directly emitted by one source but comes from a combination of volatile organic compounds and nitrogen oxides. In the presence of sunlight, especially on hot summer days, this mixture forms ozone. Particulate Matter (PM) is made up of fine solid or liquid such as dust, fly ash, soot, smoke, aerosols, fumes, mists, and condensing vapors. US EPA has set health based standards for particles smaller than 10 microns (PM 10) and particles smaller than 2.5 microns (PM 2.5). When these particles become airborne, they can be suspended in the air for long periods of time. Both PM 10 and PM 2.5 have been determined to cause serious adverse health effects.

According to an April 2012 report by the California Air Pollution Control Officer’s Association “California’s Progress Toward Clean Air”:

*Despite significant improvements, air quality remains a major source of public health concern in large metropolitan areas throughout California. The San Joaquin and South Coast Air Basin*

*continue to face significant challenges in meeting the federal health-based standards for ozone and fine particles, despite their regional and state-level controls on mobile and stationary sources that are the most stringent in the nation. In 2007, both regions sought extension for meeting the 1997 8-hour federal ambient air quality standard for ozone. A comparable challenge faces each region with respect to attainment of the 1997 PM<sub>2.5</sub> standard. Due to continued progress in health research, the federal EPA lowered the ambient concentration for the 8-hour ozone and 24-hour PM<sub>2.5</sub> standards in 2008 and 2006, respectively. The net effect of these stricter standards is to raise the performance bar for California air basins. This will extend the timeframe for attainment in highly polluted regions as well as increase the number of basins with non-attainment status. Challenges also exist for air districts across California who are in attainment with the federal standards, as they continue to strive for attainment of the State's health-based ozone and PM standards, which are more stringent than the standards adopted by the US EPA.*

According to the Sponsor, areas designated nonattainment are mandated under the provision of the federal Clean Air Act to require (pursuant to New Source Review Rules) Best Available Control Technology (BACT) and offsetting emissions reduction on major new or modified stationary sources of those nonattainment air pollutants and their precursors regardless of whether or not the area so designated has any control and not over the pollution causing the nonattainment finding.

The Sponsor also notes that there are a variety of other mandates and regulations at the state level that have the potential to conflict both directly and indirectly with the implementation of AB 32 measures being proposed and implemented by CARB. Two measures pointed out by the Sponsor are the existing mandate for local jurisdictions to divert 50% of solid waste from landfills (Public Resources Code 41780) and the state Renewable Portfolio Standard (RPS) that requires all retail sellers (Investor Owned Utilities, electric service providers, and community choice aggregators) and all publicly owned utilities to procure at least 33% of electricity delivered to their retail customers from renewable resources by 2020.

**Fiscal Impact:**

Unknown. No direct fiscal impact to city general funds.

**Existing League Policy:**

Specific to this Resolution, existing policy states:

**Air Quality**

- The League believes cities should have the authority to establish local air quality standards and programs that are stricter than state and federal standards. The League opposes efforts to restrict such authority.
- The League opposes legislation redirecting the funds authorized by Health and Safety Code Section 44223, which are currently used by local governments for locally based air quality programs.
- The League opposes air quality legislation that restricts the land use authority of cities.

**Climate Change**

- The League recognizes that climate change is both immediate and long term, with the potential for profound environmental, social and economic impacts to the planet and to California.
- Through the Global Warming Solutions Act of 2006 (AB 32 (Nuñez) Chapter 488, Statutes of 2006) California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change, the League recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions and has adopted the following principles:
  1. Action Plans for Mitigating Greenhouse Gas Emissions. Encourage local governments to complete

an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction action plans.

2. Smart Growth. Consistent with the League's Smart Growth policies, encourage the adoption of land use policies designed to reduce sprawl, preserve open space, and create healthy, vibrant, and sustainable communities.
3. Green Technology Investment Assistance. Support tax credits, grants, loans and other incentives to assist the public, businesses, and local agencies that invest in energy efficient equipment and technology, and fuel efficient, low emission vehicles.
4. Energy and Water Conservation and Efficiency. Encourage energy efficiency, water efficiency, and sustainable building practices in new and existing public, residential and commercial buildings and facilities. This may include using the U.S. Green Building Council's LEED program or similar systems.
5. Increase the Use of Clean Alternative Energy. Promote the use and purchase of clean alternative energy through the development of renewable energy resources, recovery of landfill methane for energy production and waste-to-energy technologies.
6. Reduction of Vehicle Emissions in Public Agency Fleets. Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and/or low emission vehicles in public agency fleets. Encourage the use of appropriate alternative fueled vehicles, and/or low emission vehicles in private fleets.
7. Climate Change Impacts. Encourage all levels of government to share information to prepare for climate change impacts.
8. Coordinated Planning. State policy should encourage and provide incentive for cities to coordinate and share planning information with neighboring cities, counties, and other governmental entities so that there are agreed upon regional blueprints and strategies for dealing with greenhouse gas emissions.
9. Water Supply for New Development. Encourage exchange of water supply information between state and local agencies, including information on the impacts of climate change on state and local water supplies.
10. Recycles Content and Green Purchasing Policies. Encourage the adoption and implementation of recycled content and green procurement policies, if fitness and quality are equal, including the adoption of an Environmental Management System and authorization of local agencies to consider criteria other than only cost in awarding contracts for services.

Additionally, the League's Mission Statement is "to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

Finally, the League's Strategic Priorities for 2012, as adopted by the League Board of Directors, include:

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) Support Sustainable and Secure Public Employee Pensions and Benefits: Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

### **RESOLUTIONS REFERRED TO PUBLIC SAFETY POLICY COMMITTEE**

**◆1 A RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENACT LEGISLATION THAT WOULD CORRECT INEFFICIENCIES IN THE AUDIT SYSTEM, DISTRIBUTION SYSTEM AND INEQUITIES IN THE FORMULAS FOR DISTRIBUTING COURT ORDERED ARREST AND CITATION FINES, FEES AND ASSESSMENTS GENERATED BY LOCAL GOVERNMENT.**

Source: City of Glendora  
Referred to: Revenue & Taxation Policy Committee  
Recommendation to General Resolutions Committee:

**WHEREAS,** the primary purpose of criminal and traffic laws is to improve safety for the public, where the cost involved to implement enforcement falls primarily upon local law enforcement agencies throughout the State; and

**WHEREAS,** if State laws are to be effectively enforced then local cities must have a fair revenue structure to pay the cost of making arrests and issuing citations for criminal and traffic violators; and

**WHEREAS,** the significant inequity in the amount cities receive in relation to the full cost of a citation and/or arrest results in an unfair distribution of revenue to cities that are generated by court fines, fees, surcharges, penalties and assessments levied on offenders; and

**WHEREAS,** the current inefficiencies in the system makes it practically impossible for cities to insure transparency and effectively audit, administer and manage public funds that are generated by cities and distributed by the State and County; and

**WHEREAS,** to adequately protect and serve the public during this time of declining revenue and deteriorating services the inequities in the system needs to be changed; and

**WHEREAS,** court-ordered debt collection and revenue distribution is a complex system where there are few audits, if ever, done to determine if cities are receiving their fair share of disbursements; and

**WHEREAS,** once a debt has been collected, in whole or in part, distributing the money is not simple as there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts. Depending on the fine, fee, surcharge or penalty assessment imposed by the court has more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different state code sections; and

**WHEREAS,** the current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities. Because of the complex system cities cannot determine if they are receiving their fair share of the fines collected; and

**WHEREAS**, Counties and the State have statutory responsibility and power to conduct their audits, while cities do not currently have clear legal standing to demand access to court records for purposes of conducting audits in a thorough and transparent manner which further shrouds the understanding of when and how revenue is distributed; and

**WHEREAS**, in December 2011 at the request of the Glendora Police Department the Los Angeles Superior Court conducted a sample audit of 15 Glendora Police Department-issued citations from 2010. The results of the sample audit revealed the City of Glendora received about 12% (\$253) of the \$2,063 in paid fines for the 12 of the 15 citations submitted. Three (3) of the citations in the audit were sent to collection or warrants. Based on those results, the city received an average of \$21, while the State and County received an average of \$172 for each of the 12 citations. The percentage breakdown for the city was 12.25% as compared to the State and County's share of 86.75%; and

**WHEREAS**, issuing a typical vehicle code violation citation can involve up to an hour of the issuing officer's time and the time of a records clerk tasked with entering citations into the database costing approximately \$82 per hour. If the citation is challenged the cost increases another \$135 to cover the cost of court time and handling of the notices associated with such an appeal. Therefore, the cost incurred to issue a citation currently is between \$82 and \$217, while the sample audit reveals the city is receiving about \$21 in cost recovery; and

**WHEREAS**, officials with Superior Court openly admit that similar results would be expected for almost every jurisdiction in the State issuing citations due to the complexity and "Priority of Distribution" they must follow from the State of California. "Priority Distribution" is triggered when a court reduces a fine for a citation. This process prohibits Judges from reducing penalty assessments and thus the only discretion Judges have in reducing fines, fees and costs is to reduce the base fine, or city portion, of the total fine. This process has a significant impact on the amount of money cities issuing the citation will receive. Rarely is the reduction in the fine taken from other stakeholders. Cities are one of the lowest priorities on the distribution list and often find themselves receiving significantly less share-or no share after deducting State and County fees and surcharges; and now there let it be

**RESOLVED** by the General Assembly of the League of California Cities, assembled in San Diego on September 7, 2012, that the League of California Cities calls upon the State Legislature and Governor to:

1. Create an efficient system to provide cities with a clear authority to audit the distribution of fines, fees, assessments and administrative costs for criminal and traffic violations;
2. Enact legislation that changes the "Priority Distribution" mandate so cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations; and
3. That any reduction in fines, fees, assessments or costs should be equally distributed from the total fine imposed, not just from the city base fine.

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**Background Information on Resolution No. 1**

**Source:** City of Glendora

**Background:**

Court-ordered debt collection and revenue distribution is a complex system where there are few audits, if ever, done to determine if cities are receiving their fair share of disbursements. The current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities. Because of the complex system cities cannot determine if they are receiving their fair share of the fines collected.

Once a debt has been collected, in whole or in part, distributing the money is not simple as there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts, depending on the fine, fee, surcharge or penalty assessment imposed by the court and California has more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different government code.

County and state have statutory responsibility and power to conduct their audits, while cities do not currently have clear legal standing to demand access to court records for purposes of conducting audits in a thorough and transparent manner which further shrouds the understanding of when and how revenue is distributed.

At the request of the City of Glendora, in December 2011, the Los Angeles Superior Court conducted a sample audit of 15 Glendora Police Department-issued citations from 2010. The results of the sample audit revealed the Glendora received about 12% (\$253) of the \$2,063 in paid fines for the 12 of the 15 citations submitted. Three (3) of the citations in the audit had been sent to collection or warrants. Based on those results, the city received an average of \$21, while the state and county received an average of \$172 for each of the 12 citations. The percentage breakdown for the city was 12.25% as compared to the state and county's share of 86.75.%

Issuing a typical vehicle code violation citation can involve up to an hour of the issuing officer's time and the records clerk tasked with entering citations into the database costing approximately \$82 per hour. If the citation is challenged the cost increases another \$135 to cover the cost of court time and handling of the notices associated with such an appeal. Therefore, the cost incurred to issue a citation that is currently between \$82 about \$217, while the sample audit reveals the city is receiving about \$21 in cost recovery.

Officials with Superior Court openly admit that similar results would be expected for almost every jurisdiction in the state because when a court reduces a fine it triggers a process called "Priority Distribution." This process prohibits Judges from reducing penalty assessments imposed by the county and state and thus the only discretion that Judges have in reducing fines is to reduce the Base Fine (City Portion) of the total fine. This mandate has a significant impact on the amount of money cities issuing the citation receive. Rarely is the reduction in the fine taken from other stakeholders. Cities are one of the lowest priority on the distribution so often they find themselves receiving significantly less share-or no share after deducting state and county fees and surcharges.

The primary cost to implement enforcement falls upon local law enforcement agencies throughout the state. This Resolution calls upon the State Legislature and Governor to create an efficient system to provide cities with a clear authority to audit the distribution of fines, fees, assessments and administrative costs for criminal and traffic violations. In addition, legislation should be developed and passed that changes the "Priority Distribution" mandate so the cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations and that any reduction in fines, fees, assessments or costs should be equally distributed from the total fine imposed.

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## **League of California Cities Staff Analysis on Resolution No. 1**

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214  
Committee: Public Safety Policy Committee

Staff: Dan Carrigg, Legislative Representative, (916) 658-8222  
Committee: Revenue and Taxation Policy Committee

### **Summary:**

This Resolution urges the League of California Cities, through legislative or administrative means, to clarify the authority for cities to audit the distribution of court imposed fines, fees, penalty assessments and administrative costs for criminal and traffic violations.

It also urges the League to seek legislative changes to the “Priority Distribution” statutory formula so that cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations. The current statutory formula allows reductions to the base fine but maintains the same level of penalty assessments, based upon the full penalty charge.

Finally, any reductions that may occur in fines, fees, assessments or costs determinations should be equally distributed from the total fine imposed, not just from the city base fine.

This Resolution raises several policy questions:

- 1) Should cities have the authority to request audits and receive reports from a county or the state on the local share of revenue resulting from criminal and traffic violation penalties?
- 2) Should cost-recovery be a driving factor in setting monetary penalties for criminal or traffic violations?
- 3) Should reductions (as ordered by a judge) to the fines owed by violators be taken just out of the base fine, or should the base fine and related penalty assessments be reduced proportionately?

### **Background:**

In California, criminal offenders may have additional penalty assessments made to their base fines. These penalty assessments are based on the concept of an “abusers fee,” in which those who break certain laws will help finance programs related to decreasing those violations. For example, drug and alcohol offenses and domestic violence offenses are enhanced by special assessments on fines that directly fund county programs designed to prevent the violations. All other criminal offenses and traffic violations are subject to penalty assessments that are used to fund specific state programs.

According to the Resolution sponsor, the City of Glendora, the court-ordered collection of penalty fines and additional assessments, as well as the subsequent revenue distribution, is a complex system where few audits are conducted to determine if cities are receiving their share of collections. The current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities.

The League recently held in-depth policy discussions related to audit authority in light of the misconduct charges against the City of Bell in 2011. The League convened a technical working group to review audit legislation and administrative efforts by the State Controller’s Office. Following the work of this group, the League Board adopted principles supporting transparent, accurate financial and performance information. (See “Existing Policy” section below.) However, these principles did not address expanding cities’ audit authority over the state, counties, or other public agencies.

The sponsors state that there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts. Depending on the fine, fee, surcharge or penalty assessment imposed, there are more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different state code sections.

Generally, the base fines for criminal and traffic citations are significantly lower than the additional penalty assessments levied by the state and counties. In some instances, the penalty assessment for state and local programs can be three or four times the amount collected by the city or county agency that issued the citation through their local enforcement authority. The amount each program account receives is based on a statutory formula. For example, if a driving under the influence (DUI) fine is \$1000, specific dollar amounts proportionate to the base fine are added under six different code sections for a total price tag of \$3,320 for the offense.

Some examples of program accounts receiving penalty assessment revenues include Peace Officer Standards and Training (POST), victim witness protection and services, court security, court construction, forensic laboratories for DNA identification, and automated fingerprint identification. The impact of programs largely funded, if not solely funded, by penalty assessment revenue casts a wide net of stakeholders including counties, sheriffs, district attorneys, public defenders, fish and game wardens, victim advocates, and access to the judicial system advocates. Cities are also partial benefactors of penalty assessment funded programs related to law enforcement.

For the last three decades, this policy area has been under great scrutiny and study but with little reform taking place. The recommendations from past studies and reports to consolidate penalty assessment accounts or their collections efforts, which would require legislative action, have likely not gained traction because of the inevitable loss of revenue for the specific programs and the affected interest groups.

In 1986, the Legislature enacted Senate Concurrent Resolution 53, requiring the Legislative Analyst Office (LAO) to study the statutory penalty assessments that are levied by the courts on offenders and the state programs that the funds support. The completed 1988 study found a complicated system of collection and distribution of penalty funds. The LAO was unable to fully identify the source offenses that generated penalty revenues because of limitations in most county collection systems.

In 2005, the California Research Bureau issued a report for the Assembly Public Safety Committee on county penalty assessments that drew similar conclusions. They stated the complexity of the system means poor revenue collection, disproportionate justice for debtors, and undermines the usefulness of fines as a punishment or deterrent. They recommended efforts to streamline and consolidate collections, funding, and appropriations.

After some delay, the state created the Administrative Office of the Court's Court-Ordered Debt Task Force, which is charged with evaluating and exploring means to streamline the existing structure for imposing and distributing criminal and traffic fines and fees. This Task Force has been asked to present preliminary recommendations to the Legislature regarding the priority in which court-ordered debt should be satisfied and the use of comprehensive collection programs. Currently, the League of California Cities has two appointments to the Task Force. However, the Task Force has been put on hiatus and has not met for approximately 12 months due to significant state cuts to the court budget in recent years.

Currently, legislation was introduced this year to address the issue of cities not recouping the costs of issuing citations. The response has been to increase the base fine and not change penalty assessments. Assembly Bill 2366 (Eng) would increase the base fine of "fix-it" tickets from \$10 to \$25 dollars. This has largely been successful in the legislative fiscal committees because with every increase to the base fine for the issuing agency, so increases the state and county share of penalty assessments proportionately.

Lastly, in most instances when the legislature takes into consideration a fine increase, be it for manufacturer product responsibility or criminal acts, the legislature focuses on how the increased fine will alter behavior, not on recovering the costs of enforcing that violation.

**Fiscal Impact:**

Unknown. Potential additional revenue received by cities, if any, would vary based on total citations issued and collected.

**Existing League Policy:**

Related to this Resolution, existing policy offers:

- Cities and the League should continue to emphasize efficiency and effectiveness, encouraging and assisting cities to achieve the best possible use of city resources.
- The League supports efforts to preserve local authority and accountability for cities, state policies must ensure the integrity of existing city revenue sources for all cities, including the city share and situs allocation, where applicable, of property tax, sales tax, vehicle license fee, etc.

*Audit Principles Adopted by the League Board*

- Given the State already has substantial authority to examine local government financial practices, and recognizes the significant resources required by auditors and local governments to complete audits, additional authority should only be granted to a State agency when there are documented insufficiencies in its existing authority.
- Governmental financial audits and performance audits ensure financial integrity and promote efficient, effective and accountable local government.
- Transparent, accurate financial and performance information is necessary for citizens to have confidence that their interests are being served, and for decision makers to be accountable for ensuring that public funds are spent appropriately and effectively.
- Public trust is inspired when auditors perform their work with independence, objectivity and integrity, remaining free from personal, external and organizational impairments to that independence, both in fact and in appearance.
- Public confidence in government is maintained and strengthened when financial and performance information is collected, managed and reported in accordance with nationally recognized professional accounting and auditing standards.

The League’s Mission Statement is “to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.”

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) Support Sustainable and Secure Public Employee Pensions and Benefits: Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

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**2. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES RAISING PUBLIC AWARENESS AND SUPPORTING TOUGHER LAWS RELATED TO INTERNET CRIMES AGAINST CHILDREN**

Source: San Diego County Division  
Referred To: Public Safety Policy Committee  
Recommendation to General Resolutions Committee:

**WHEREAS**, technology has brought significant changes to our society over the past two decades, many of which have had a positive effect on our quality of life while some have threatened the safety and well-being of our young children; and

**WHEREAS**, the internet has made victimization of children easier than ever before; and

**WHEREAS**, the internet has also significantly increased the availability of child pornography, with more than 6.5 million images being shared via the internet , compared to only a few hundred photos less than a generation ago; and

**WHEREAS**, some see viewing child pornography as a “victimless crime,” however these images are never completely eradicated from the internet and the victims continue to have their horrific photos viewed over and over again by pedophiles for sexual gratification; and

**WHEREAS**, in 2007 the National Center for Missing and Exploited Children reported it had identified 9.6 million images and videos of child pornography and believed there were millions more not identified; and

**WHEREAS**, in the 2006 Butner Redux Study, 98 percent of convicted child pornographers had molested children before their capture; and

**WHEREAS**, the United States is the number one producer and consumer of child pornography in the world, with more than 624,000 child pornography users identified nationwide.

**NOW THEREFORE BE IT RESOLVED** by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the League of California Cities:

1. Desires to increase public awareness and educate others about the critical issue of internet crimes against children statewide.
2. Requests the League advocate for the State Legislature to adopt tougher laws for child pornographers.

3. Requests the League advocate for additional and more permanent funding for Internet Crimes Against Children Task Forces (ICAC) statewide.

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### **Background Information on Resolution No. 2**

**Source:** San Diego County Division

**Background:**

Technology has brought significant changes to our society over the past two decades. While most have had a positive effect on our quality of life, many have threatened the safety and well-being of our young children.

The internet has made victimization of children much easier than ever before. Today, pedophiles can network with one another online, encourage one another to commit crimes against children, and share tips on evading law enforcement. Worse yet, they often use the internet – social media sites, in particular – to find and prey on young children. Many times, these innocent children are lured away from their homes by these perpetrators and never seen again.

The internet has also significantly increased the availability of child pornography. More than 6.5 million child abuse images are being shared via the internet today. Before this technology was in place, the number of photos available numbered in the few hundreds.

While some see viewing child pornography as a “victimless crime,” nothing could be further from the truth. One study showed that 98 percent of convicted child pornographers had molested children before being captured (Butner Redux Study, 2006).

Additionally, these images can never be completely eradicated from the internet once they are placed online. Therefore, victims continue to suffer the irrevocable damage of knowing their horrific photos are being viewed over and over again for sexual gratification by pedophiles.

Many believe these horrendous crimes happen mostly in other countries. Sadly, the United States is the number one producer and consumer of child pornography in the world, and American children are the primary victims. More than 624,000 child pornography users have been identified nationwide and thousands of these reside in San Diego County.

While the internet is exploited by these predators to harm children, it ironically is the same tool used by law enforcement to track down and arrest these criminals.

Your help is urgently needed to secure resources for this effort, increase public awareness, work to support tougher laws and educate others on this critical issue. While San Diego has one of the nation’s 61 ICAC task forces, its six trained investigators are overwhelmed with cases due to funding shortfalls.

With your help, these predators can be taken off the street and our children will be safer. Here is what needs to be done:

**Change state law.** The current "wobbler" (misdemeanor and felony) wording should be eliminated. All child pornography charges should be made a straight felony.

**Strengthen sentencing.** State sentencing on child pornography cases needs to be more in line with

federal sentencing.

**Toughen discovery statutes.** State discovery statutes should be amended to comply with the Adam Walsh Act. Child pornography is contraband that is easily reproduced and should be treated as such.

**Change pornography evidence rules.** Stop the practice of giving copies of child pornography evidence to the defense. Instead, provide the defense a secure area where they can view the evidence but not take possession of it.

**Strike current law about possession/distribution of child pornography.** Currently, state law allows for a defendant's conviction for possession and distribution of child pornography to be set aside if he/she has complied with all probation conditions, pursuant to Penal Code Section 1203.4.

**Strengthen disclosure laws.** If applying for any job other than public office, licensure by any state or local agency, or for contracting with the state lottery, a convicted possessor of child pornography does not need to disclose their prior conviction. That allows people who have been convicted of possessing or dealing in photos of child exploitation to get closer to children. PC 1203.4 already has exceptions for convictions of PC 286(c), 288, 288a(c), 2813.5, 289m, felony 261.5(d) and 42001(b) of the Vehicle Code. These convictions may not be set aside per PC 1203.4 and must always be disclosed. PC 311.1, 311.2, 311.3, 311.4, 311.10 and 311.11 should be added to the list of charges to which this type of relief does not apply.

**Update reporting laws.** The existing mandatory reporting law should be updated to include librarians and computer technicians.

**Provide permanent funding for ICAC.** Significantly more permanent funding is needed for Internet Crimes Against Children Task Forces (ICAC's). They are tasked with investigating crimes against children involving electronic devices. The crimes include child pornography, child molestation and peer-to-peer bullying. ICAC task force's are severely undersized and underfunded to keep up with the magnitude of the growing problem.

**Increase public awareness.** Public awareness of the issue needs be heightened particularly to parents and children as well as all public officials and the community in order to protect our children against these unspeakable crimes.

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## **League of California Cities Staff Analysis on Resolution No. 2**

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214  
Committee: Public Safety Policy Committee

### **Summary:**

This Resolution seeks to increase public awareness of the prevalence of internet crimes against children. To help promote this goal, the Resolution requests the League of California Cities advocate for legislation that creates tougher laws for child pornographers and provides additional, more permanent funding for Internet Crimes Against Children (ICAC) Task Forces.

### **Background:**

According to the Resolution sponsors, the U.S. Census Bureau (2005) estimates that there are over 24.5 million internet users in the United States between the ages of 10 and 17. They cite that the rapid growth of internet accessibility has brought forth helpful tools for our children and youth. Unfortunately, it has also brought with it the increased potential for online victimization including unwanted exposure to sexual material, unwanted sexual solicitations, and online harassment.

The Internet Crimes Against Children (ICAC) Program was created to help federal, state and local law enforcement agencies enhance their investigative responses to offenders who use the internet, online communication systems, or computer technology to sexually exploit children. The program is funded by the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention. The program is a national network of 61 coordinated task forces representing over 3,000 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in proactive investigations, forensic investigations, and criminal prosecutions.

In FY 2009, ICAC Program received \$25 million under the Omnibus Appropriation Act to support ICAC task forces, training, and technical assistance. The ICAC Program received an additional \$50 million through the **American Reinvestment and Recovery Act** to support ICAC task forces, training, technical assistance, and research. In each of the past two fiscal years, the program received \$30 million nationally.

Existing California law addresses the policy area extensively in the areas of solicitation, pornography, and harassment with additional penalties often levied when the victim is a minor less than 14 years of age. Internet-based crimes against minors have been a popular topic in recent legislative proposals especially as new web-based technology is brought into the market. Legislation has included both increased penalties and greater protections or remedies for victims.

**Fiscal Impact:**

Unknown. No direct fiscal impact to city general funds.

**Existing League Policy:**

Related to this Resolution, existing policy offers:

The League believes that the children of California must be recognized as our state’s most valuable resource. Their development, education, and well-being are key to our state’s future. Further, it is essential that each child have the support needed to become a productive citizen in the world of the 21<sup>st</sup> Century.

The League supports the promotion of public safety through stiffer penalties for violent offenders.

The League’s Mission Statement is “to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.”

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

- 1) **Support Sustainable and Secure Public Employee Pensions and Benefits:** Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.
  
- 2) **Promote Local Control for Strong Cities:** Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.
  
- 3) **Build Strong Partnerships for a Stronger Golden State:** Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

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**5. A RESOLUTION CALLING FOR AN EMERGENCY MANAGEMENT MISSION FOR CALIFORNIA CITIES**

Source: League Public Safety Policy Committee

Referred To: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

**WHEREAS**, emergency management is a basic responsibility of city government and a fundamental duty of all city employees; and

**WHEREAS**, prepared, disaster resilient communities save lives, prevent injuries, protect property, promote economic stability, and rapid recovery; and

**WHEREAS**, employees who have a family plan and supplies will be more likely to stay at work or come to work after an emergency incident; and

**WHEREAS**, the National Incident Management System (NIMS) provides guidelines and requirements to ensure a national coordinated emergency response system, including training requirements; and

**WHEREAS**, the Standardized Emergency Management System (SEMS) provides the foundation for California cities to ensure a state-wide coordinated, standardized emergency response system. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California; and

**WHEREAS**, emergency managers are responsible for promoting and encouraging personal, family and community preparedness and readiness. It is critical to focus on and support public education and training to ensure that the public understands that government entities may need time to recover from disaster situations, and to spread the message that disaster resilience, or the ability to recover from a disaster situation, requires participation from the whole community; and

**WHEREAS**, The League of California Cities (League) recognizes that cities, counties and the state do not have the reserves to support residents with food, water, and other necessary supplies after an “emergency event”. Now, therefore let it be

**RESOLVED**, at the League General Assembly, assembled at the League Annual Conference on September 7, 2012, in San Diego, that the League encourages cities to actively pursue employee and resident emergency preparedness. In addition, the League encourages cities to actively engage residents in emergency preparedness programs that promote creating a family plan, including having supplies of food and water, in the promotion of self-reliance.

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**League of California Cities Staff Analysis on Resolution No. 5**

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214

Committee: Public Safety Policy Committee

**Summary:**

This Resolution seeks to create a clear statement of support for emergency preparedness in the League of California Cities existing policy and guiding principles. Specifically, it requests that the League encourages cities to actively pursue employee and resident emergency preparedness and to engage residents in

emergency preparedness programs that promote creating a family plan, that includes provisions for supplies of food and water, in the promotion of self-reliance, with the ultimate goal of creating “disaster resilient” cities.

**Background:**

This resolution was brought to the Public Safety Policy Committee by that committee’s Emergency and Disaster Preparedness Subcommittee to create a clear statement of support for emergency response, management, and recovery efforts as a community. While the League has extensive policy that supports related activities, there is no explicit statement of support in the existing policy or guiding principles.

In addition, numerous articles in *Western City Magazine*, the League’s monthly publication, have featured case studies and best practices about emergency response and disaster preparedness. This topic has been a key component of the Public Safety Committee’s work program for the last five years.

**Fiscal Impact:**

Unknown. This Resolution does not seek to create new requirements for the League or cities. Possible costs to cities that take steps to educate community members about disaster preparedness could be off-set by future limited damage and loss of life or injury due to those preparedness efforts.

**Existing League Policy:**

Related to this Resolution, existing policy provides:

The League supports the 2-1-1 California telephone service as a non- emergency, human and community services and disaster information resource.

The League supports “Good Samaritan” protections that include both medical and non-medical care when applicable to volunteer emergency, law enforcement, and disaster recovery personnel. The League also supports providing “Good Samaritan” protections to businesses that voluntarily place automated external defibrillators (AEDs) on their premises to reduce barriers to AED accessibility

The League supports activities to develop and implement statewide integrated public safety communication systems that facilitate interoperability and other shared uses of public safety spectrum with local state and federal law enforcement, fire, emergency medical and other public safety agencies.

The League supports a single, efficient, performance-based state department (the California Emergency Management Agency) to be responsible for overseeing and coordinating emergency preparedness, response, recovery and homeland security activities.

The League supports disaster recovery legislation that includes mitigation for losses experienced by local government.

The League’s Mission Statement is “to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.”

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) **Support Sustainable and Secure Public Employee Pensions and Benefits:** Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) **Promote Local Control for Strong Cities:** Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

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**RESOLUTION REFERRED TO REVENUE AND TAXATION POLICY COMMITTEE**

- ◆1 **A RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENACT LEGISLATION THAT WOULD CORRECT INEFFICIENCIES IN THE AUDIT SYSTEM, DISTRIBUTION SYSTEM AND INEQUITIES IN THE FORMULAS FOR DISTRIBUTING COURT ORDERED ARREST AND CITATION FINES, FEES AND ASSESSMENTS GENERATED BY LOCAL GOVERNMENT.**

Resolution #1 also referred to Public Safety Policy Committee. **Please see Public Safety Policy Committee section for the resolution, background and staff analysis information.**

## **HOW TO PARTICIPATE IN THE LEAGUE'S ANNUAL CONFERENCE RESOLUTIONS PROCESS**

Policy development is a key part of the League's legislative effectiveness. The League's Annual Conference Resolutions process is one way that city officials can directly participate in the development of League policy. The 2012 Annual Conference Resolution Calendar of Events identifies the key points in the process.

### **Submission of Resolutions**

Any elected or appointed city official, individual city, division, department, policy committee, or the board of directors may submit a resolution for consideration at the conference. Resolutions must be submitted to the League's Sacramento office no later than 60 days prior to the opening of the conference. Resolutions should focus on direct municipal issues of statewide importance.

### **Consideration at the Conference**

The League President refers the resolutions to the League policy committees for review and recommendation at the Conference. Resolutions are next considered by the General Resolutions Committee (GRC), which consists of representatives from each division, department, policy committee and individuals appointed by the League President. Resolutions that are approved by the GRC, and resolutions that are approved by the policy committees, but not approved by the GRC, are next considered by the General Assembly. Resolutions approved by the General Assembly become League policy. Other action on resolutions can be: refer back to a policy committee, amend, disapprove, or no action.

### **Late-Breaking Issues**

Resolutions to address late-breaking issues may be introduced by petition at the Annual Conference. To qualify, a petitioned resolution must be signed by 10 percent of the voting delegates and submitted at least 24 hours before the beginning of the Concluding General Assembly (*Deadline: Noon, Thursday, September 6, 2012*). All qualified petitioned resolutions are forwarded to the General Assembly for consideration, regardless of the action recommended by the GRC.

## **2012 RESOLUTIONS CALENDAR AND DEADLINES**

### **Before the Conference**

#### **Friday, July 6**

Deadline for submitting appointments to the General Resolutions Committee.

**Saturday, July 7, Midnight**, Deadline for submitting resolutions to the League office by regular mail, e-mail or fax.

#### **Early August**

Resolutions distributed to city officials and posted on the League Web site.

### **At the Conference**

**Wednesday, September 5, 9:00 – 10:30 a.m.** (*Thursday committees*); **10:30 – 12:00 p.m.** (*Friday committees*). Policy committees meet to review resolutions and make recommendations to the General Resolutions Committee on resolutions assigned to each committee.

#### **Thursday, September 6, 12:00 p.m.**

Deadline to submit signatures to qualify a petitioned resolution.

#### **Thursday, September 6, 1:00 p.m.**

General Resolutions Committee meets to consider and make recommendations on resolutions.

#### **Friday, September 7, 12:00 p.m.**

Consideration of resolutions by cities in the General Assembly at the Annual Business Meeting. (Voting Delegates must purchase a conference registration and must stay until conclusion of voting. They may register for Friday only.)

## Council Comments – July 2012 – Jerry Carlson

### High Speed Rail

Assemblymen Rich Gordon and Jerry Hill voted to fund the High Speed Rail Project, rationalizing that Caltrain would benefit from electrification funds. They claim ‘independent utility’ for the initial Central Valley construction phase will be derived by Amtrak being able to use the 130 mile line rather than the Union Pacific tracks, thereby reducing travel time by an hour.

Senator Simitian and three other democratic senators who were most closely involved with HSR over the last year voted ‘no’ on the project as being “the wrong plan”. The Senator gave an outstanding speech outlining the reasons not to vote for the project which, unfortunately, most of his colleagues did not go along with.

Attorney Flashman held a pre mediation meeting with representatives involved in the law suit to discuss interests and positions of each party. There will be a formal mediation session on July 16<sup>th</sup>. No actions will be taken without review and approval by the Council.

Atherton’s primary points were 1) not using Caltrain corridor for HSR; 2) eliminate all reference to an elevated four track system from the environmental documents (Program EIR) and the Business Plan; 3) no CEQA “short cuts”; 4) agency approval needed for type of grade crossings (which means rail lines need to be below ground) and paid for by HSR funds; 5) Caltrain retains ownership of the corridor and is the lead agency for corridor projects; 6) an independent ridership analysis for Altamont and Pacheco routes; 7) require Attorney General opinion to use Prop. 1A funds for electrifying Caltrain prior to start project;

Atherton’s interests were described as 1) no HSR on the Caltrain corridor; 2) Altamont pass instead of Pacheco from Central Valley to Bay Area; 3) use existing transportation corridors or bay front routing; 4) no passing tracks through Atherton; 4) until the tracks are underground, install quad gates on Watkins and convert area to “quiet zone” (no train whistles); 5) Caltrain use DMU’s instead of electrifying (less capital costs, less visual, approximately same benefits); 6) support regional transportation improvements before investing in HSR; 7) rescind use of Prop 1A funds for HSR system.

The problem with simply embracing the “blended system” approach is that HSR considers this as the initial phase to get started in using the Caltrain corridor and later they can do a “full build out”, i.e. dedicated tracks for HSR from San Jose to San Francisco. As long as the Program EIR and Business Plan continue to refer to the full build out system, as remotely as it may seem due to a lack of funding, it will continue to have to be disclosed by property owners along the ROW when putting their property up for sale. This will likely have a dampening affect on property valuations along the rail line.

### PCC Meeting

After a detailed analysis of the trailer budget bill for HSR, it was found that the money for the ‘bookend’ projects, such as the electrification of Caltrain, could be ‘redirected’ to the Central Valley project with the concurrence of the Dept. of Finance. Thus, the legislators who voted for the bill because of promised funding for local projects did so without any guarantee that the money will actually be spent in their districts.