



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Meeting of the Town Council

Wednesday, March 25, 2015

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

I. CALL TO ORDER AND ROLL CALL – 7:30 PM

Councilmember Wengert, Councilmember Richards, Councilmember Hughes, Vice Mayor Derwin and Mayor Aalfs

II. ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

III. CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

1. **Approval of Warrant List** – March 25, 2015 (3)
2. **Recommendation by Public Works Director** – FY 2014/2015 Annual Street Resurfacing Project No. 2014-PW02 (14)
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving Plans and Specifications and Calling for Bids for the 2014/2015 Street Resurfacing Project – Surface Seals No. 2014-PW02 (Resolution No. __)

IV. REGULAR AGENDA

A. PRESENTATIONS – *None*

B. COMMITTEE REPORTS & REQUESTS

1. **Report by the Parks & Recreation Committee** – Committee Annual Report to the Town Council (18)
2. **Council Liaison Reports** - *There are no written materials for this agenda item*

C. PUBLIC HEARINGS – *None*

D. STAFF REPORTS AND RECOMMENDATIONS

1. **Recommendation by Sustainability & Special Projects Manager** – Authorize Town Staff (22) to Request PG&E Load Data for the Purpose of Further Exploring Community Choice Aggregation (CCA) Options
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing Release of PG&E Load Data for the Purpose of Technical Analysis by the San Mateo County Office of Sustainability in their Financial Feasibility Study of a Community Choice Aggregation Program for San Mateo County (Resolution No. __)
2. **Recommendation by Sustainability & Special Projects Manager** – Authorization for Town Staff (31) to Request PG&E Load Data for the Purpose of Further Exploring Community Choice Aggregation (CCA) Options
3. **Report by the Town Attorney** – Discuss and Provide Direction Regarding Proposed Changes (42) to Title 2 [Administration and Personnel] of the Portola Valley Municipal Code
4. **Report by the Town Attorney** – Discuss the Federal Communications Commission (FCC) Ruling (72) Regarding Wireless Facilities Siting Policies and Consider the Request to Provide Financial Support to the Coalition Appealing the FCC Ruling

E. **Council Liaison Reports on Regional Agencies and Organizations** - *There are no written materials for this agenda item*

V. WRITTEN COMMUNICATIONS

1. **Town Council Digest** – March 13, 2015 (86)
2. **Town Council Digest** – March 20, 2015 (109)

VI. ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

03/25/15

Date: 03/20/2015

Time: 10:55 am

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TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

AT&T	02/06/15-03/05/15 Statements	16180	03/25/2015	
			03/25/2015	
P.O. BOX 9011	441		03/25/2015	0.00
CAROL STREAM	BOA	49469	03/25/2015	0.00
IL 60197-9011				255.27

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	255.27	0.00

Check No.	49469	Total:	255.27
Total for	AT&T		255.27

BAY 101 ROOFING	Refund C&D Deposit	16181	03/25/2015	
			03/25/2015	
1268 STATE STREET	593		03/25/2015	0.00
ALVISO	BOA	49470	03/25/2015	0.00
CA 95002				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

Check No.	49470	Total:	1,000.00
Total for	BAY 101 ROOFING		1,000.00

CITY OF REDWOOD CITY (IT)	February IT Support	16182	03/25/2015	
			03/25/2015	
P.O. BOX 3629	586		03/25/2015	0.00
REDWOOD CITY	BOA	49471	03/25/2015	0.00
CA 94064	BR35508			2,029.83

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4216	IT & Website Consultants	2,029.83	0.00

Check No.	49471	Total:	2,029.83
Total for	CITY OF REDWOOD CITY (IT)		2,029.83

COTTON SHIRES & ASSOC. INC.	February Applicant Charges	16183	03/25/2015	
			03/25/2015	
330 VILLAGE LANE	0047		03/25/2015	0.00
LOS GATOS	BOA	49472	03/25/2015	0.00
CA 95030-7218				4,079.93

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4190	Geoloqist - Charges to Appls	4,079.93	0.00

Check No.	49472	Total:	4,079.93
Total for	COTTON SHIRES & ASSOC. INC.		4,079.93

CREEKSIDE LANDSCAPING INC	Refund Deposit, 205 Georgia	16184	03/25/2015	
			03/25/2015	
1391 WOODLAND AVENUE	0507		03/25/2015	0.00
MENLO PARK	BOA	49473	03/25/2015	0.00
CA 94025				2,900.00

GL Number	Description	Invoice Amount	Amount Relieved
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State/Province Zip/Postal	Invoice Number			Check Amount

96-54-4205	C&D Deposit		2,900.00	0.00
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Check No.	49473	Total:	2,900.00
Total for	CREEKSIDE LANDSCAPING INC		2,900.00

CSG CONSULTANTS INC	Bldg Insp Svcs, 1/31 - 2/27/15	16185	03/25/2015	
			03/25/2015	
1700 S. AMPHLETT BLVD	622		03/25/2015	0.00
SAN MATEO	BOA	49474	03/25/2015	0.00
CA 94402	029415			14,060.00

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4062	Temp Bldg Inspection	14,060.00	0.00

Check No.	49474	Total:	14,060.00
Total for	CSG CONSULTANTS INC		14,060.00

ENGINEERED SOIL REPAIRS, INC	Final Retention Pmt, Alpine Rd	16186	03/25/2015	
	Bank Protection Project		03/25/2015	
1267 SPRINGBROOK ROAD	0464		03/25/2015	0.00
WALNUT CREEK	BOA	49475	03/25/2015	0.00
CA 94597	17548			8,300.25

GL Number	Description	Invoice Amount	Amount Relieved
50-68-4475	Alpine Road Repairs	8,300.25	0.00

Check No.	49475	Total:	8,300.25
Total for	ENGINEERED SOIL REPAIRS, INC		8,300.25

GO NATIVE INC	PVTC Maintenance, Feb 2015	16189	03/25/2015	
			03/25/2015	
P.O. BOX 370103	632		03/25/2015	0.00
MONTARA	BOA	49476	03/25/2015	0.00
CA 94037	2753			2,560.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	2,560.00	0.00

Check No.	49476	Total:	2,560.00
Total for	GO NATIVE INC		2,560.00

JEANNIE GOLDMAN	Instructor Fees, Winter 2015	16222	03/25/2015	
			03/25/2015	
741 MANZANITA ROAD	706		03/25/2015	0.00
WOODSIDE	BOA	49477	03/25/2015	0.00
CA 94062				20,551.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	20,551.00	0.00

Check No.	49477	Total:	20,551.00
Total for	JEANNIE GOLDMAN		20,551.00

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State/Province Zip/Postal	Invoice Number			Check Amount

GRAGG PAVING	Refund Dep, 340 Cervantes/ 450 & 770 Westridge	16187	03/25/2015	
			03/25/2015	
P.O. BOX 5246	730		03/25/2015	0.00
REDWOOD CITY	BOA	49478	03/25/2015	0.00
CA 94063				875.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	875.00	0.00

Check No.	49478	Total:	875.00
Total for	GRAGG PAVING		875.00

GEOFFREY GURTNER	Refund Dep, Proj: 230 Shawnee	16188	03/25/2015	
			03/25/2015	
230 SHAWNEE PASS	0503		03/25/2015	0.00
PORTOLA VALLEY	BOA	49479	03/25/2015	0.00
CA 94028				1,700.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,700.00	0.00

Check No.	49479	Total:	1,700.00
Total for	GEOFFREY GURTNER		1,700.00

MARSHA HOVEY LLC	Emerg Prep Consult, Feb 2015	16190	03/25/2015	
			03/25/2015	
1035 APPIAN WAY	0381		03/25/2015	0.00
MORGAN HILL	BOA	49480	03/25/2015	0.00
CA 95037	PV-13			975.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4214	Miscellaneous Consultants	975.00	0.00

Check No.	49480	Total:	975.00
Total for	MARSHA HOVEY LLC		975.00

INTERSTATE TRAFFIC CNTRL	Various Street Signs	16191	03/25/2015	
		00006278	03/25/2015	
1700 INDUSTRIAL ROAD, STE B	564		03/25/2015	0.00
SAN CARLOS	BOA	49481	03/25/2015	0.00
CA 94070	204054			1,481.34

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4268	Street Signs & Striping	1,481.34	1,451.34

Check No.	49481	Total:	1,481.34
Total for	INTERSTATE TRAFFIC CNTRL		1,481.34

IZMIRIAN ROOFING	Refund Deposit, 4660 Alpine	16192	03/25/2015	
			03/25/2015	
229 S. RAILROAD AVE	768		03/25/2015	0.00
SAN MATEO	BOA	49482	03/25/2015	0.00
CA 94401				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

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City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	49482	Total:	1,000.00
Total for	IZMIRIAN ROOFING		1,000.00

JORGENSON SIEGEL MCCLURE & FLEGEL	February Statement	16193	03/25/2015	
1100 ALMA STREET	0089		03/25/2015	0.00
MENLO PARK	BOA	49483	03/25/2015	0.00
CA 94025				14,105.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4182	Town Attorney	13,060.00	0.00
96-54-4186	Attorney - Charges to Appls	1,045.00	0.00

Check No.	49483	Total:	14,105.00
Total for	JORGENSON SIEGEL MCCLURE &		14,105.00

BRITNEY KING	Instructor Fees, Winter 2015	16223	03/25/2015	
4068A 26TH STREET	0380		03/25/2015	0.00
SAN FRANCISCO	BOA	49484	03/25/2015	0.00
CA 94131				10,271.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	10,271.00	0.00

Check No.	49484	Total:	10,271.00
Total for	BRITNEY KING		10,271.00

KAREN KRISTIANSSON	Reimbursement, mileage/meal	16194	03/25/2015	
209 SANTA CLARA WAY	1009		03/25/2015	0.00
SAN MATEO	BOA	49485	03/25/2015	0.00
CA 94403				93.24

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4328	Mileage Reimbursement	78.26	0.00
05-64-4336	Miscellaneous	14.98	0.00

Check No.	49485	Total:	93.24
Total for	KAREN KRISTIANSSON		93.24

LEAGUE OF CALIFORNIA CITIES	2015 Annual Dues	16195	03/25/2015	
	0093		03/25/2015	0.00
SACRAMENTO	BOA	49486	03/25/2015	0.00
CA 95814	147759			2,999.30

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	2,999.30	0.00

Check No.	49486	Total:	2,999.30
Total for	LEAGUE OF CALIFORNIA CITIES		2,999.30

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State/Province Zip/Postal	Invoice Number			Check Amount

DANIEL MATTAR	Instructor Fees, Winter 2015	16196	03/25/2015	
	Reissue Orig VOID #49409 2/25		03/25/2015	
1312 VERSAILLES AVENUE	0500		03/25/2015	0.00
ALAMEDA	BOA	49487	03/25/2015	0.00
CA 94501				838.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	838.00	0.00

Check No.	49487	Total:	838.00
Total for	DANIEL MATTAR		838.00

O. NELSON & SON, INC.	Maint and Repair	16197	03/25/2015	
	Blue Oaks Trail		03/25/2015	
3345 TRIPP ROAD	634		03/25/2015	0.00
WOODSIDE	BOA	49488	03/25/2015	0.00
CA 94062	167R			2,300.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4270	Trail Surface Rehabilitation	2,300.00	0.00

Check No.	49488	Total:	2,300.00
Total for	O. NELSON & SON, INC.		2,300.00

PERS HEALTH	April Health Premium	16198	03/25/2015	
			03/25/2015	
VIA EFT	0108		03/25/2015	0.00
	BOA	49489	03/25/2015	0.00
				15,655.47

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	15,655.47	0.00

Check No.	49489	Total:	15,655.47
Total for	PERS HEALTH		15,655.47

RAMONA'S SECRETARIAL SERVICES	February Transcription	16199	03/25/2015	
			03/25/2015	
18403 WATTERS DRIVE	1370		03/25/2015	0.00
CASTRO VALLEY	BOA	49490	03/25/2015	0.00
CA 94546	5850			788.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4188	Transcription Services	788.00	0.00

Check No.	49490	Total:	788.00
Total for	RAMONA'S SECRETARIAL SERVIC		788.00

REGIONAL GOVERNMENT SERVICES	Beverlin, February Svcs	16200	03/25/2015	
			03/25/2015	
P.O. BOX 1350	1165		03/25/2015	0.00
CARMEL VALLEY	BOA	49491	03/25/2015	0.00
CA 93924	4802			1,989.40

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4060	Temp NonPay Cler/Admin	1,989.40	0.00

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State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	49491	Total:	1,989.40
Total for	REGIONAL GOVERNMENT SERVI		1,989.40

RON RAMIES AUTOMOTIVE, INC.	01' Chevy Service/Smog	16201	03/25/2015	
			03/25/2015	
115 PORTOLA ROAD	422		03/25/2015	0.00
PORTOLA VALLEY	BOA	49492	03/25/2015	0.00
CA 94028	47117			359.47

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	359.47	0.00

RON RAMIES AUTOMOTIVE, INC.	F150, Vehicle Service Oil/Filt	16202	03/25/2015	
			03/25/2015	
115 PORTOLA ROAD	422		03/25/2015	0.00
PORTOLA VALLEY	BOA	49492	03/25/2015	0.00
CA 94028	47120			478.23

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	478.23	0.00

RON RAMIES AUTOMOTIVE, INC.	February Fuel Statement	16203	03/25/2015	
			03/25/2015	
115 PORTOLA ROAD	422		03/25/2015	0.00
PORTOLA VALLEY	BOA	49492	03/25/2015	0.00
CA 94028				388.38

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	388.38	0.00

RON RAMIES AUTOMOTIVE, INC.	Ford E150, Service/Smog	16221	03/25/2015	
			03/25/2015	
115 PORTOLA ROAD	422		03/25/2015	0.00
PORTOLA VALLEY	BOA	49492	03/25/2015	0.00
CA 94028	47212			335.06

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	335.06	0.00

Check No.	49492	Total:	1,561.14
Total for	RON RAMIES AUTOMOTIVE, INC.		1,561.14

SAN MATEO CO INF SERVICES	February M/W	16205	03/25/2015	
			03/25/2015	
455 COUNTY CENTER, 3RD FLOOR	0307		03/25/2015	0.00
REDWOOD CITY	BOA	49493	03/25/2015	0.00
CA 94063	1YPV11502			76.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4152	Emerq Preparedness Committee	76.00	0.00

Check No.	49493	Total:	76.00
Total for	SAN MATEO CO INF SERVICES		76.00

SAN MATEO SHERIFF	OES Fire Chief Svcs, Jan-June	16204	03/25/2015	
OFFICE OF EMERGENCY SERVICES	2015		03/25/2015	
400 COUNTY CENTER	0119		03/25/2015	0.00
REDWOOD CITY	BOA	49494	03/25/2015	0.00
CA 94063-0978	10088			520.00

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GL Number	Description	Invoice Amount	Amount Relieved
05-64-4333	Fire Prevention	520.00	0.00

Check No.	49494	Total:	520.00
Total for	SAN MATEO SHERIFF		520.00

MARJEL SCHEUER	Refund Facility Deposit	16207	03/25/2015	
			03/25/2015	
245 SHAWNEE PASS	0509		03/25/2015	0.00
PORTOLA VALLEY	BOA	49495	03/25/2015	0.00
CA 94028				100.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2562	Field Deposits	100.00	0.00

Check No.	49495	Total:	100.00
Total for	MARJEL SCHEUER		100.00

RUBY SEIDL	Refund Facility Deposit	16206	03/25/2015	
			03/25/2015	
40 PINE RIDGE	0508		03/25/2015	0.00
PORTOLA VALLEY	BOA	49496	03/25/2015	0.00
CA 94028				500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2562	Field Deposits	500.00	0.00

Check No.	49496	Total:	500.00
Total for	RUBY SEIDL		500.00

SHARP BUSINESS SYSTEMS	February Copies	16208	03/25/2015	
			03/25/2015	
DEPT. LA 21510	0199		03/25/2015	0.00
PASADENA	BOA	49497	03/25/2015	0.00
CA 91185-1510	C856812-541			136.60

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	136.60	0.00

Check No.	49497	Total:	136.60
Total for	SHARP BUSINESS SYSTEMS		136.60

SMALL BUSINESS BENEFIT PLAN TR	April Dental/Vision	16209	03/25/2015	
			03/25/2015	
	0132		03/25/2015	0.00
BELMONT	BOA	49498	03/25/2015	0.00
CA 94002-0156				1,822.90

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	1,822.90	0.00

Check No.	49498	Total:	1,822.90
Total for	SMALL BUSINESS BENEFIT PLAN		1,822.90

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STANFORD UNIVERSITY	Refund Dep, Ford Field Rental	16210	03/25/2015	
	09/20/14		03/25/2015	
3145 PORTER DRIVE, BUILDING F	0510		03/25/2015	0.00
PALO ALTO	BOA	49499	03/25/2015	0.00
CA 94304				100.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2562	Field Deposits	100.00	0.00

Check No.	49499	Total:	100.00
Total for	STANFORD UNIVERSITY		100.00

STAPLES	February Office Supplies	16211	03/25/2015	
			03/25/2015	
STAPLES CREDIT PLAN	430		03/25/2015	0.00
DES MOINES	BOA	49500	03/25/2015	0.00
IA 50368-9020				672.76

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	672.76	0.00

Check No.	49500	Total:	672.76
Total for	STAPLES		672.76

TMT ENTERPRISES, INC	Playground Sand	16214	03/25/2015	
		00006279	03/25/2015	
1996 OAKLAND ROAD	0494		03/25/2015	0.00
SAN JOSE	BOA	49501	03/25/2015	0.00
CA 95131	77400			1,100.61

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	1,100.61	1,028.96

Check No.	49501	Total:	1,100.61
Total for	TMT ENTERPRISES, INC		1,100.61

TOWNSEND MGMT, INC	On-Call Public Works Support	16212	03/25/2015	
			03/25/2015	
P.O. BOX 24442	609		03/25/2015	0.00
SAN FRANCISCO	BOA	49502	03/25/2015	0.00
CA 94124	2000064-02-15			230.00

GL Number	Description	Invoice Amount	Amount Relieved
20-54-4192	Engineer Services	230.00	0.00

TOWNSEND MGMT, INC	Jan/Feb Applicant Charges	16213	03/25/2015	
			03/25/2015	
P.O. BOX 24442	609		03/25/2015	0.00
SAN FRANCISCO	BOA	49502	03/25/2015	0.00
CA 94124				9,085.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	9,085.00	0.00

Check No.	49502	Total:	9,315.00
Total for	TOWNSEND MGMT, INC		9,315.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

03/25/15

Date: 03/20/2015

Time: 10:55 am

Page: 9

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

TREE SPECIALIST INC	Emergency Tree Removal	16215	03/25/2015	
			03/25/2015	
1198 NEVADA AVE	839		03/25/2015	0.00
SAN JOSE	BOA	49503	03/25/2015	0.00
CA 95125				800.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4271	Storm Damage / Emerq Repairs	800.00	0.00

Check No.	49503	Total:	800.00
Total for	TREE SPECIALIST INC		800.00

US POSTMASTER	Replenish Bulk Mail Account	16216	03/25/2015	
Business Mail Entry Unit		00006287	03/25/2015	
3875 BOHANNON DRIVE	0287		03/25/2015	0.00
MENLO PARK	BOA	49504	03/25/2015	0.00
CA 94025				2,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4316	Postage	2,000.00	2,000.00

Check No.	49504	Total:	2,000.00
Total for	US POSTMASTER		2,000.00

TRACI VASSALLO	Refund Dep, Event 3/7/15	16217	03/25/2015	
			03/25/2015	
225 WILLOWBROOK DRIVE	0511		03/25/2015	0.00
PORTOLA VALLEY	BOA	49505	03/25/2015	0.00
CA 94028				250.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2561	Community Hall Deposits	250.00	0.00

Check No.	49505	Total:	250.00
Total for	TRACI VASSALLO		250.00

VERIZON WIRELESS	February Cellular	16218	03/25/2015	
			03/25/2015	
P.O. BOX 660108	0131		03/25/2015	0.00
DALLAS	BOA	49506	03/25/2015	0.00
TX 75266-0108	9741213270			242.17

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	242.17	0.00

Check No.	49506	Total:	242.17
Total for	VERIZON WIRELESS		242.17

DIETER WALZ	Reimb, Redwood Posts	16219	03/25/2015	
	Backyard Habitat Awards		03/25/2015	
128 WESTRIDGE DRIVE	0512		03/25/2015	0.00
PORTOLA VALLEY	BOA	49507	03/25/2015	0.00
CA 94028				85.81

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4144	Conservation Committee	85.81	0.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

03/25/15

Date: 03/20/2015

Time: 10:55 am

Page: 10

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	49507	Total:	85.81
Total for	DIETER WALZ		85.81

WEMORPH INC	Business Card Orders	16220	03/25/2015	
			03/25/2015	
904 INDUSTRIAL AVENUE	1360		03/25/2015	0.00
PALO ALTO	BOA	49508	03/25/2015	0.00
CA 94303	15367			166.93

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	166.93	0.00

Check No.	49508	Total:	166.93
Total for	WEMORPH INC		166.93

Total Invoices: 44

Grand Total:	130,256.95
Less Credit Memos:	0.00
Net Total:	130,256.95
Less Hand Check Total:	0.00
Outstanding Invoice Total:	130,256.95

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
March 25, 2015

Claims totaling \$130,256.95 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date _____

Nick Pegueros, Treasurer

Motion having been duly made and seconded, the above claims are hereby approved and allowed for payment.

Signed and sealed this (Date) _____

Sharon Hanlon, Town Clerk

Mayor



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Howard Young, Public Works Director

DATE: March 25, 2015

RE: **2014/2015 Street Resurfacing Project- Surface Seals
Project #2014-PW02**

RECOMMENDATION

1. Adopt the attached resolution approving plans and specifications for the 2014/2015 Street Resurfacing project and calling for sealed bids for this project.
2. Authorize the reallocation of up to \$50,000 in available unused General Fund capital improvement funds to increase the street resurfacing program budget to provide a \$50,000 construction contingency to maximize this year's program.
3. Authorize the Town Manager to award the project to the lowest responsible bidder with a total contract and change order amount not to exceed \$450,000. This would include authorization to add (or subtract) to the project, additional work as recommended by the Public Works Director if the allocated amount allows, in an effort to maximize paved areas and utilize the entire allocated amount.

DISCUSSION

The preparation of construction documents for this year's street resurfacing program is completed. Attention was directed to look at opportunities to maximize treatment areas this year. As a result, Portola Road was added to the program. This project will repair roadway base and apply a preventative maintenance surface seal on: Alpine Road from Paso Del Arroyo to the Glen Oaks Equestrian Center, Portola Road from Willowbrook Drive to Stonegate Road, Beargulch Drive, Canyon Drive, Fawn Lane, Hayfields Road (public portion), Peak Lane, Toro Court, and Westridge Drive from Pinon Drive to Dos Loma Vista.

The streets selected for treatment this year were based on the Town's Pavement Management System and field surveys. A copy of the Plans and Specifications are available for review at Town Hall in the office of the Town Clerk.

The following is our anticipated project schedule for this project weather dependent:

Town publicly advertises for the project:	Week of March 23, 2015
Bid Opening:	Week of April 13, 2015
Town Manager awards contract:	Week of April 27, 2015
Construction begins:	Week of May 18, 2015
Construction completed:	Week of June 30, 2015

FISCAL IMPACT

The estimated cost of the base bid of this street resurfacing project is \$450,000 including a 10% construction contingency. The adopted 2014/2015 budget for the Annual Street Resurface project is \$400,000. Attention was directed to look at opportunities to maximize treatment areas this year. Therefore, it is requested that an additional \$50,000 be reallocated from unused or surplus General Fund capital funds to the street resurfacing project to allow for the construction contingency and potential resurfacing of additional streets.

ATTACHMENTS

1. Resolution

APPROVED – Nick Pegueros, Town Manager *N.P.*

RESOLUTION NO. _____ 2015

A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PORTOLA VALLEY
APPROVING PLANS AND SPECIFICATIONS AND
CALLING FOR BIDS FOR THE
2014/2015 STREET RESURFACING PROJECT – SURFACE SEALS
No. 2014-PW02

The Town Council of the Town of Portola Valley does RESOLVE as follows:

Section 1. The Town Council hereby approves and adopts plans and specifications for certain work in the Town known as the 2014/2015 Street Resurfacing Project – Surface Seals No. 2014-PW02

Section 2. Due to public interest and convenience, the Town Council hereby orders that the work and improvements, as set forth and described in said plans and specifications, be performed. The Town Council further orders that: All said work and improvements will be done under the direction of and satisfaction of the Public Works Director; and all the work shall be done in accordance with said plans and specifications.

Section 3. Not less than the prevailing rate of per diem wages and holiday and overtime work referred to above shall be paid for any work proposed to be performed in the performance of the public work under said plans and specifications.

Section 4. The Town Clerk of the Town is hereby directed to post by two (2) successive postings in the three (3) public places that have been designated by ordinance as the places for posting public notices, there being no newspaper published in the Town, and not less than five (5) days apart, a Notice inviting sealed proposals or bids for the construction of said work and improvement and referring to the Plans and Specifications on file in the Office of the Town Clerk, the first of which postings shall be at least ten (10) days prior to the time fixed for opening bids.

Section 5. All proposals or bids shall be accompanied by a certified check payable to the order of the Town, or cash, amounting to ten percent (10%) of the bid, or by a bond in said amount and payable to the Town, signed by a corporate surety or by the bidder and two sureties who shall justify before any officer competent to administer an oath, in double said amount and over and above all statutory exemptions. The check shall be forfeited, or the bond shall become payable to the Town, in case the bidder depositing the same does not, after the contract has been awarded, and within the time specified in said plans and specifications, enter into a contract, in form as set forth in said specifications, with the Town, the faithful performance of which shall be

assured by an undertaking in the amount of one hundred percent (100%) of the amount so bid, with sureties satisfactory to the Town, and which shall be accompanied by a payment bond (labor and materials) in a sum not less than one hundred percent (100%) of the amount of said bid.

Section 6. The sealed proposals or bids shall be delivered to the Public Works Director of the Town on or before 11:00 a.m., on the 16th day of April, 2015, or other later date as directed by the Public Works Director, at the Office of the Town Clerk in the Town Hall, 765 Portola Road, in the Town, said time being not less than ten (10) days from the time of the first publication of said Notice. Bids will be publicly opened, examined, and the Town Manager will take action awarding the contract or rejecting all bids not later than forty five (45) days after the expiration of the time prescribed for the receipt of bids; provided the award may be made after the expiration of the specified times, if the bidder shall not have given to the Town notice in writing of the withdrawal of such bid on proposal. The Public Works Director is authorized to add or subtract work to comply with budget requirements.

Section 7. The Town Council of the Town hereby reserves the right to reject any and all bids.

PASSED AND ADOPTED this 25th day of March 2015.

Mayor

ATTEST:

Town Clerk

Parks & Recreation Committee

March 18th, 2015

Members

Chris Bouman since October 2014
Wendi Haskell, Vice Chair
Simone LaValle, Chair
Jon Myers
Scott Symon since June 2014
Samuel Yount

Events

Town Picnic

The town picnic is organized by Parks & Recreation in collaboration with the boys and girls scouts. The event happens the first Saturday in June, one week before the local public schools are out for summer break. It is the main fundraiser for the boys and girls scouts.

Zots to Tots Race

The zots to tots race happens in the early morning of the day of the town picnic. It is sponsored by the Parks & Recreation committee with the help of many volunteers. The registration fee is \$20 for adults and \$15 for children. The adult registration fee was raised by \$5 last year to cover the increasing costs. Each participant receives a customized t-shirt. The race allows participation with bikes and trikes which has become the main means for younger racers to participate. Safety has been a huge priority in the last few years. The San Mateo County police department has been instrumental in making the race safe for participants.

The committee has a community outreach for the t-shirt contest. The entrants are 6th to 8th grade students in the Portola Valley School District. This year the Parks & Recreation Committee will expanded participation to include Woodside Priory School middle school students.

50th Anniversary

The Parks & Recreation committee collaborated in a small way in the 50th anniversary celebration by providing a few old-fashioned games that were mainly played with by younger children.

Projects

Rebound Wall on All-Sports Court

Residents have approached this committee to explore a rebound wall on the all sports court. It was decided to table this project for a later time.

Family Bike Trail

Members of this committee have done a lot of research on possibly presenting a family bike trail to Portola Valley. At this point it is an idea

with solid research already done, but similar to the rebound wall, the committee has decided to hold off on further work on this project to focus our attention to the phase 2 skate ramp project.

Skate Ramp

The skate ramp is an experiment to see whether it draws enough interest to expand it. The committee is in the process of working on phase 2 which is a skateboard half-pipe on the all sports court.

Skate Ramp Phase 2 – Half-Pipe

Upon the successful trial of the skate ramp, Parks & Recreation committee is currently working on the phase 2 of bringing a half-pipe to the town center to serve a variety of skills and abilities from beginner to experienced skaters. The success of the skate ramp is measured by the number of complaints (1) and the frequent use of the ramp by the targeted age groups.

The skate ramp sub-committee is comprised of committee members, Simone LaValle and Jon Myers and Portola Valley residents Patrick Sullivan and Mark Sutherland. The committee is currently in the process of approving the recommendation of a pre-fab half-pipe kit to keep costs between \$15K to \$18K. The pre-fab kit would be installed by a licensed and town approved contractor.

Overview:



Dimensions:

6 feet high (plus a 4 foot high railing), 24 feet wide, and 34 feet in long

Timeline

March

Design Immunity from Manufacturer

Fundraising

Evaluation of survey results

Finalize proposal

April

Public survey (created by P&R to be approved by TC)

Continue to fundraise

Presentation to ASCC

May

Incorporate any feedback from ASCC
Adjust to planning
Presentation to Town Council

June - July

Order kit
Hire contractor to install ramp
Installation of half-pipe

August

Opening of half-pipe

Fields

Ford Field

The committee continues to support the efforts in finishing up all the upgrades at Ford Field. After the renovation, there is approximately \$55k left over for Little League to improve other part of the ballpark. Recently, Public Works Director, Howard Young worked on getting a new scoreboard installed at Ford field.

Little League has a few other items that they would like to upgrade and this will continuously be worked on until all funds are spent. This committee will continue to support these efforts with Public Works Director's guidance and direction.

Town Center Softball

The committee was asked to investigate and discuss the possible risks of playground users during an adult softball league game. The concern was that experienced batters could hit a ball into the playground hurting a person in that location. This investigation prompted to evaluate how many balls do really hit the playground. A discussion followed with the commissioner of the adult softball league. The town consulted the ABAG department to initiate a risk assessment. In addition, the town in collaboration with the committee sought an outside bid to extend the shade structure on the playground to create a safety net to shield incoming balls.

With all the feedback and the high bid of expanding the safety net, the committee recommended that the risk is too low for the town to institute new regulations or install a safety net. The public is urged to use the premises at their own risk during softball games. One committee member still believes that it should be required.

Russell Miller Field – Town Center Soccer Field

The town used organic fertilizer on the Russell Miller Field (town center soccer field) to see if it would be suitable to use for other sports fields in the town. This experiment failed due to various factors including the drought, secondary problem of grub and crow feeding, rigorous use of the field. This caused the field to be very torn up by the end of the fall soccer season. The trial was aborted and Tony Macias and his staff restored the field beautifully. The committee would like to recommend that organic fertilization trials be done on sports fields that experience less rigorous use such as the outfield on the town center's baseball field.

Water Conservation on Sports Fields

The town will water at a 20% reduction as highly recommended by the San Mateo County during the drought. Hence, fields will result in some brown spots and the town has asked the public to be patient while it attempts to conserve water.

Field Use Priority

Field use priority was briefly discussed with the general notion that rules and regulations not be changed at this time. Tony Macias and Parks & Recreation collaborate on field use applications of new user groups. Generally, the sports fields in town are at full capacity with Little League Baseball, AYSO, Alpine FC, and adult recreational leagues.

Budget

Parks & Recreation budget includes \$11,000 for the 2015 fiscal year. The zots to tots race budgets \$3,000 annually which is generally covered with the registration fees. Going forward and with increased costs, the committee might consider raising the budgeted amount to \$3,500.

Notes for the Future

Parks & Recreation wants to be involved in the "Town Center Master Plan Update" and how the ideas would impact the athletic fields and all sports court. The committee would like to be asked for input as it pertains to the areas that this committee helps facilitate.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Brandi de Garneau, Sustainability & Special Projects Manager
Nick Pegueros, Town Manager

DATE: March 25, 2015

RE: **Resolution of Authorization to Release PG&E Load Data for the Purpose of Technical Analysis by the San Mateo County Office of Sustainability in the Financial Feasibility Study of a Community Choice Aggregation Program for San Mateo County**

RECOMMENDATION

The recommendation is that the Town Council approve a resolution authorizing the release of PG&E load data with personally identifiable information redacted – including customer name, mailing/service address and phone number – for the purpose of technical analysis and financial feasibility study of a Community Choice Aggregation (CCA) program.

BACKGROUND

At the meeting on February 11, 2015, the Town Council adopted Resolution 2645-2015, to authorize the release of PG&E load data for all PG&E customers in Portola Valley. The data release was necessary for the County Office of Sustainability and their consultants to conduct technical analysis in their financial feasibility study of a countywide CCA. In their consideration of the matter, the Town Council amended the proposed resolution to only authorize the release of “aggregated” data due to concerns about the level of personal information included in the load data request including: name, address, phone number, etc. On March 12, 2015, the County Office of Sustainability notified Town staff that aggregate data is insufficient for the purposes of their analysis and that the Town would need to amend its resolution or otherwise provide authorization for data at the PG&E service meter level.

DISCUSSION

If the Town Council desires to participate in the technical analysis and financial feasibility study for the initial stages of a San Mateo Countywide CCA, the Town Council must approve a resolution authorizing the County to request the load data from PG&E (Attachment 1). It is important to note that in response to Portola Valley’s concerns over privacy, the County took the proactive measure of modifying their load data request for the other 19 cities to redact personally identifiable information, including customer name, mailing/service address and phone number. Attachment 2 is the email to PG&E from the County, which outlines the request for identifiable information to be removed. This email

refers to “line item #16,” which is outlined on page 2 of PG&E’s Electric Schedule E-CCAINFO – Information Release to Community Choice Aggregators (Attachment 3).

It is important to state at this time that if the Town Council does not approve the attached Resolution, then the Town will not be able to participate in the feasibility study and might be excluded from the initial establishment of a countywide CCA. The County has already taken action to move forward with the load data request for 19 cities, excluding Portola Valley, due to miscommunication over the implications of the Town’s originally adopted Resolution which only authorized the release of aggregate data. If, however, the attached Resolution is adopted, the County informed staff on March 17, 2015 that PG&E has agreed to include Portola Valley’s request to join the County’s, if the release of redacted load data is finalized and submitted within ten days (March 27, 2015).

ATTACHMENTS

1. Resolution
2. Email from Jim Eggemeyer to PG&E
3. Information Release to Community Choice Aggregators

COPY

1. San Mateo County Office of Sustainability, Jim Eggemeyer
2. Pacific Gas & Electricity, William Chiang

RESOLUTION NO. _____-2015

RESOLUTION OF AUTHORIZATION TO RELEASE PG&E LOAD DATA FOR THE PURPOSE OF TECHNICAL ANALYSIS BY THE SAN MATEO COUNTY OFFICE OF SUSTAINABILITY IN THEIR FINANCIAL FEASIBILITY STUDY OF A COMMUNITY CHOICE AGGREGATION PROGRAM FOR SAN MATEO COUNTY

WHEREAS, the Town of Portola Valley has demonstrated its commitment to an environmentally sustainable future through its policy goals and actions, including energy reduction and the adoption of clean energy and sustainability programs,

WHEREAS, the County of San Mateo Office of Sustainability has identified Community Choice Aggregation as a promising strategy to meet local clean energy goals and projected greenhouse gas reduction targets; and,

WHEREAS, Community Choice Aggregation is a mechanism by which local governments assume responsibility for providing electrical power for residential and commercial customers in their jurisdiction in partnership with Pacific Gas & Electric Co. (PG&E); and,

WHEREAS, Community Choice Aggregation, if determined to be technically and financially feasible, could provide additional options for substantial environmental and economic benefits to all residents and businesses of communities that participate in the program; and,

WHEREAS, Determining technical and financial feasibility requires the analysis of energy load data from PG&E and a focused stakeholder education and outreach effort.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Portola Valley that:

1. This resolution supersedes Resolution No. 2645-2015.
2. The Town Manager is authorized to provide the appropriate documents to allow the County and/or its technical consultants to request **aggregate detailed** energy usage/load data from PG&E **with personally identifiable information redacted – including customer name, mailing/service address and phone number -** so that it may be analyzed as part of a countywide Community Choice Aggregation technical study.
3. The Town Council of the Town of Portola Valley may choose to participate on an inter-jurisdictional Community Choice Aggregation Steering Committee (if one is

formed) and may authorize staff to participate in the preparation of the Community Choice Aggregation technical study.

4. Adoption of this resolution in no way binds or otherwise obligates the Town of Portola Valley to participate in Community Choice Aggregation, including the expenditure of taxpayer funds for any purpose related the study of Community Choice Aggregation, unless otherwise authorized by a vote of the Town Council.

REGULARLY PASSED AND ADOPTED this 25th day of March, 2015.

Jeff Aalfs, Mayor

ATTEST

Sharon Hanlon, Town Clerk

From: Jim Eggemeyer [<mailto:jeggemeyer@smcgov.org>]

Sent: Thursday, March 12, 2015 3:31 PM

To: David Gutierrez

Cc: Carole Groom; Dave Pine; David Burruto; Gordon Tong; Kathryn Meola; Kirsten Pringle; Shawn Marshall

Subject: CCA Load Data Request From San Mateo County and Cities

Importance: High

Dear Mr. Gutierrez,

I have attached the required documents (Attestation and NDAs) to initiate the County of San Mateo's load data request pursuant to Tariff Schedules #11 (estimated annual generation revenues) and #16 (customer information) of E-CCAINFO and E-CCA. This request for 2 years of data includes the required paperwork from the county as the lead agency investigating Community Choice Aggregation (CCA) on behalf of unincorporated County of San Mateo and 19 of its cities, including: Town of Atherton, City of Belmont, City of Brisbane, City of Burlingame, Town of Colma, City of Daly City, City of East Palo Alto, City of Foster City, Town of Half Moon Bay, Town of Hillsborough, City of Menlo Park, City of Millbrae, City of Pacifica, City of Redwood City, City of San Bruno, City of San Carlos, City of San Mateo, City of South San Francisco, and the Town of Woodside.

Please be reminded that the data downloaded for line item #16 should have personally identifiable data removed including name, account/service address and phone number.

Please let us know ASAP if there are any questions with the attached documentation.

Thank you very much for your expeditious processing of this data request.

jke

Jim Eggemeyer

Director

County of San Mateo

Office of Sustainability

400 County Center, 1st Floor

Redwood City, CA 94063-1642

650-363-4189 T

650-363-1916 F

www.smcgov.org

green.smcgov.org



COUNTY OF SAN MATEO



Pacific Gas and Electric Company
 San Francisco, California
 U 39

Revised
 Cancellling Revised

Cal. P.U.C. Sheet No.
 Cal. P.U.C. Sheet No.

32786-E
 31430-E

ELECTRIC SCHEDULE E-CCAINFO Sheet 1
INFORMATION RELEASE TO COMMUNITY CHOICE AGGREGATORS (T)

APPLICABILITY: This schedule applies to: 1) Community Choice Aggregators (CCAs) who participate in Community Choice Aggregation Service (CCA Service), as defined in electric Rules 1 and 23; 2) communities who wish to explore CCA program implementation, and 3) eligible entities under California Public Utilities Code Section 331.1 that are considering CCA service.

TERRITORY: The entire PG&E service territory.

RATES: 1. Aggregate monthly usage (kWh) by rate schedule
 No charge for the first request

PG&E will provide the CCA with energy consumption (kWh) for the most recent 12 months of completed information for each customer class for a given period of time and a given city.

PG&E will aggregate monthly usage by rate schedule.

Additional requests for this information will be provided at the CCA's expense. (See Item 6, below.)

2. Annual proportional share of energy efficiency funds for a CCA's proposed territory as defined in the CPUC's energy efficiency policy manual..... No charge
3. System wide residential and nonresidential load shapes by climate band for the most recent year for which PG&E has completed information..... No charge
4. Standard system average load profiles by rate class also referred to as Dynamic Load Profiles & Static Load Profiles posted to PG&E's website Available at no charge at PG&E's website
5. Quarterly or monthly aggregated participation data already tracked for CPUC reports (for energy efficiency programs).
 Available at no charge at PG&E's website
6. Aggregate monthly usage (kWh) by rate schedule, first request is at no charge (See Item 1, above)
 Per request.....\$207.00
7. Aggregate monthly usage (kWh) by zip code within a city code
 Per request.....\$207.00
8. Public Goods Charge customer payment by city code
 Per request.....\$350.00
9. Number of service agreements in each rate schedule within a CCA's territory or proposed territory
 Per request.....\$207.00

(Continued)

Advice Letter No: 4270-E
 Decision No.

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed August 29, 2013
 Effective August 29, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-CCAINFO
 INFORMATION RELEASE TO COMMUNITY CHOICE AGGREGATORS

Sheet 2

RATES:
 (Cont'd.)

- 10. Mapping of customer rate schedule to rate class No charge
- 11. Estimated annual generation revenues by CCA territory
 Per request \$207.00
- 12. Estimation of peak coincident and non-coincident demands
 Items 1 and 3 provided to customer
- 13. Fitting CCA annual usage to climate band load shapes; estimation of
 peak coincident and non-coincident demands
 Per request \$696.00
- 14. Total annual kWh loads of bundled and direct access customers on
 a monthly basis and secondly on a rate schedule basis within the
 CCA's territory
 Per request \$920.00
- 15. Aggregated residential annual kWh usage for a particular year in a
 format by tier for each rate schedule

 For the TOU rates, provide further separation by summer/winter
 peak, partial peak, and off peak periods and summer/winter period
 Per request \$920.00
- 16. **Customer-specific information from the current billing periods as well
 as prior 12 months consisting of the following billing information:
 meter number, service agreement number, name on agreement,
 service address with zip code, mailing address with zip code,
 telephone number, email address where available, monthly kWh
 usage, monthly maximum demand where available, Baseline Zone,
 CARE participation, End Use Code (Heat Source), Service Voltage,
 Medical Baseline, Meter Cycle, Bill Cycle, Balanced Payment Plan
 and other plans, HP Load and Number of Units, monthly rate
 schedule for all accounts within the CCA's territory, per request. In
 addition, PG&E will provide the CCA the following additional
 information regarding customers currently enrolled in its CCA
 service: current and historical billing information for non CCA
 services provided by PG&E or other service providers(provided on a
 cd rom/zipped file)** (T)
 Per request \$920.00
- 17. Customer-specific information consisting of: service agreement
 number, monthly interval meter data where available, and rate
 schedule for all accounts within the CCA's territory, per request
 (provided on a cd rom/zipped file)
 Per request \$920.00

(Continued)



ELECTRIC SCHEDULE E-CCAINFO
 INFORMATION RELEASE TO COMMUNITY CHOICE AGGREGATORS

Sheet 3
 (T)

**SPECIAL
 CONDITIONS:**

1. Pursuant to Public Utilities Code Sections 331.1 and 366.2, a Community Choice Aggregator (CCA), as defined in Rule 1 and Rule 23, shall have the right to aggregate the electric load of end-use electric customers within its jurisdiction for the purpose of providing electric procurement service for such customers.
2. The 15/15 Rule will be applied to all data provided to the CCA, prior to the meeting of requirements under Special Condition 4. The 15/15 Rule was adopted by the CPUC in the Direct Access Proceeding (CPUC Decision 97-10-031) to protect customer confidentiality. The 15/15 rule requires that any aggregated information provided by the Utilities must be made up of at least 15 customers and a single customer's load must be less than 15 percent of an assigned category. If the number of customers in the compiled data is below 15, or if a single customer's load is more than 15 percent of the total data, categories must be combined before the information is released. The Rule further requires that if the 15/15 Rule is triggered for a second time after the data has been screened once already using the 15/15 Rule, the customer be dropped from the information provided. In addition to the 15/15 Rule, the CPUC further determined that no information about customers with demands above 500 kW should be included in the distributed information.
3. Aggregated information provided will include Direct Access service agreements (accounts).
4. Customer-specific information or aggregated information that violates the 15/15 Rule, as listed above will be provided when the CCA has met all of the following conditions:
 - a. Signed Non-Disclosure Agreement.
 - b. Executed an Attestation stating that the city, county or other eligible agency is investigating, pursuing or implementing CCA, and
 - c. Any registration or other requirements as imposed by the CPUC.

(Continued)

Advice Letter No: 4270-E
 Decision No.

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed August 29, 2013
 Effective August 29, 2013
 Resolution No. _____



Pacific Gas and Electric Company
 San Francisco, California
 U 39

Revised
 Cancelling Original

Cal. P.U.C. Sheet No.
 Cal. P.U.C. Sheet No.

32789-E
 25521-E

ELECTRIC SCHEDULE E-CCAINFO
 INFORMATION RELEASE TO COMMUNITY CHOICE AGGREGATORS

Sheet 4
 (T)

SPECIAL
 CONDITIONS:
 (Cont'd.)

5. Definitions:
- a. Community Choice Aggregator ("CCA") – Pursuant to Public Utilities Code Section 331.1 a CCA is defined as "any city, county, or city and county whose governing board elects to combine the loads of its residents, businesses, and municipal facilities in a communitywide electricity buyers' program.
 - b. Rate Class – Defined as residential, small commercial/industrial, medium commercial/industrial, large commercial/industrial, agricultural, public street and highway lighting.
 - c. Rate Schedule – As listed in PG&E's Tariff Book, for example E-1, A-1, E-19 and E-20.
 - d. Service Agreement – Defined as the customer's service identification number linking the customer's rate schedule with the meter.

Advice Letter No: 4270-E
 Decision No.

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed August 29, 2013
 Effective August 29, 2013
 Resolution No. _____



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Brandi de Garneau, Sustainability & Special Projects Manager
Nick Pegueros, Town Manager

DATE: March 25, 2015

RE: **Authorization for Town Staff to Request PG&E Load Data for the Purpose of Further Exploring Community Choice Aggregation (CCA) Options**

RECOMMENDATION

The recommendation is that the Town Council authorize Town staff to request PG&E load data for the purpose of further exploring Community Choice Aggregation (CCA) options. Town Staff would submit a request to PG&E for meter-level load data redacted of personally identifiable information.

BACKGROUND

Over the past three months, the County of San Mateo has spearheaded an effort to explore the possibility of establishing a county-wide Community Choice Aggregation Program (CCA). CCA's are opportunities for local governments to make decisions on the local level regarding what type of electricity is procured on behalf of their constituents and to further direct how the profits of those sales are directed. CCA's do not replace PG&E. PG&E continues to provide all service, maintenance, and billing functions for CCA customers. For Portola Valley, a CCA provides the possibility that electricity consumed by town residents is a mix of renewable to traditional that is higher than what is offered by PG&E under their standard blend. It is staff's conclusion that a CCA has the potential to singlehandedly reduce the town's CO₂ emissions in a meaningful way.

DISCUSSION

Concurrent to the Town's participation in the county-wide CCA effort, Town staff recommends pulling the load data from PG&E so that alternatives to the county-wide CCA can be more fully explored. It is staff's understanding that the sheer number of public agencies studying CCAs has overwhelmed PG&E and turnaround time on load data requests is approaching four months. To ensure that the Town has the data necessary to explore other CCA options, the recommendation is to submit the load data request now via the attached Attestation Form (Attachment 1). The load data will be redacted of personally identifiable information and would only be provided to a consultant for technical analysis and financial feasibility of a CCA with the authorization of the Town Council and completion of a Non-Disclosure Agreement (Attachment 2).

FISCAL IMPACT

PG&E charges a fee of \$920 for load data requests and may charge an additional fee to remove the personally identifiable information. Technical and financial feasibility analysis using the data would not be conducted without prior authorization from the Town Council at which time any cost implications would be more fully discussed.

ATTACHMENTS

1. Attestation Form
2. Non-Disclosure Agreement



Pacific Gas and Electric Company
San Francisco, California
U 39

Revised
Original
Cancelling

Cal. P.U.C. Sheet No. 31432-E
Cal. P.U.C. Sheet No. 23061-E

Electric Sample Form No. 79-1030

Declaration by Mayor or Chief County Administrator Regarding Investigation Pursuit
or Implementation of Community Choice Aggrega

**Please Refer to Attached
Sample Form**

Advice Letter No: 4009-E
Decision No.

Issued by
Brian K. Cherry
Vice President
Regulation and Rates

Date Filed March 5, 2012
Effective December 20, 2012
Resolution No. E-4523



DECLARATION BY MAYOR OR CHIEF COUNTY ADMINISTRATOR REGARDING INVESTIGATION, PURSUIT OR IMPLEMENTATION OF COMMUNITY CHOICE AGGREGATION

I, _____ [name], state as follows:

1. I am the mayor, chief county administrator, or chief executive officer of _____
_____ [name of city, county, or public agency,].
2. I am authorized to make this declaration on behalf of _____
_____ [check appropriate box]
 - a city, or
 - a county, or
 - an eligible public agency

which is investigating, pursuing or implementing community choice aggregation as a community choice aggregator as defined by Section 331.1 of the California Public Utilities Code ("CCA" or "Potential CCA").

3. I understand that all of the confidential information provided by PG&E to the city, county, or public agency indicated above is subject to the terms and conditions of the Nondisclosure Agreement between these two entities and is provided for the sole purpose of enabling the city, county or public agency to investigate, pursue or implement community choice aggregation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this _____ day of _____, 20____, at _____, _____ [city, state].

[Signature]



Pacific Gas and Electric Company
San Francisco, California
U 39

Revised
Cancelling Revised

Cal. P.U.C. Sheet No.
Cal. P.U.C. Sheet No.

32646-E*
32235-E

Electric Sample Form No. 79-1031
Community Choice Aggregator Non-Disclosure Agreement

**Please Refer to Attached
Sample Form**

Advice Letter No: 4221-E
Decision No. 12-11-015
D.12-08-045, D.11-07-056
1C7

Issued by
Brian K. Cherry
Vice President
Regulatory Relations

Date Filed May 2, 2013
Effective May 2, 2013
Resolution No. _____



COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

This Non-Disclosure Agreement (“Agreement”) is entered into by and between Pacific Gas and Electric Company (“Utility”) and _____
 _____ [name]
 _____, a _____ [describe political entity]
 _____ (“CCA”) as of _____ (“Effective Date”). This Agreement is executed pursuant to California Public Utilities Commission (“CPUC”) Order Instituted Rulemaking (“OIR”) 03-10-003, California Public Utilities Code (“PU Code”) Section 366.2 et seq., and applicable Utility tariffs (as modified hereafter from time to time). As used herein Utility and CCA may each be referred to individually as a “Party” and collectively as “Parties.”

The CPUC has determined that CCA/Community may obtain specified confidential customer information from Utility pursuant to Tariff Schedules E-CCAINFO-Information (as modified hereafter from time to time) (“E-CCAINFO”) as a community choice aggregator, as defined by PU Code Section 331.1, solely in order to investigate, pursue or implement community choice aggregation pursuant to PU Code Section 366.2, et seq. or confidential customer electric and gas consumption data to implement energy efficiency programs pursuant to PU Code section 381.1. The provisions of this Agreement and E-CCAINFO govern the disclosure of Utility’s confidential customer information to CCA/Community (“Disclosure Provisions”) under Schedules E-CCAINFO and E-CCA.

The Parties hereby mutually agree that:

1. Subject to the terms and conditions of this Agreement, current proprietary and confidential information of Utility regarding customers of Utility (“Utility Customers”) may be disclosed to CCA from time to time in connection herewith as provided by the Disclosure Provisions and solely for the purpose of investigating, pursuing or implementing community choice aggregation pursuant to PU Code Section 366.2, et seq. as a community choice aggregator or to implement energy efficiency programs pursuant to PU Code section 381.1. Such disclosure is subject to the following legal continuing representations and warranties by CCA:
 - (a) CCA represents and warrants that, pursuant to PU Code Section 331.1,
 - (1) it is either (i) a city, county, or other entity as defined in PU Code Section 331.1 whose governing board has elected to combine the loads of its residents, businesses, and municipal facilities in a community wide electricity buyers program or (ii) a city, county, or other entity as defined in PU Code Section 331.1 that intends to actively investigate or pursue delivery of electric service to customers located within the geographic territory of the CCA, and
 - (2) that to investigate, pursue or implement community choice aggregation under PU Code Section 366.2 et seq., or to implement energy efficiency programs pursuant to PU Code section 381.1;

COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

- (b) CCA represents and warrants that it has all necessary authority to enter into this Agreement, and that it is a binding enforceable Agreement according to its terms;
 - (c) CCA represents and warrants that the authorized representative(s) executing this Agreement is authorized to execute this Agreement on behalf of the CCA; and
 - (d) CCA confirms its understanding that the information of Utility Customers is of a highly sensitive confidential and proprietary nature, and that such information will be used as contemplated under the Disclosure Provisions solely for the purposes of investigating, pursuing or implementing Community Choice Aggregation under PU Code Section 366.2 as a community choice aggregator or to implement energy efficiency programs pursuant to PU Code section 381.1, and that any other use of the information may permit Utility to suspend providing further information hereunder.
 - (e) CCA represents and warrants that it will implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to community choice aggregation or energy efficiency purposes without the customer's prior consent to that use.
2. The confidential and proprietary information disclosed to CCA in connection herewith may include, without limitation, the following billing information about Utility Customers: Customer-specific information from the current billing periods as well as prior 12 months consisting of: service agreement number, name on agreement, service address with zip code, mailing address with zip code, telephone number, meter number, monthly kWh usage, monthly maximum demand where available, electrical or gas consumption data as defined in PU Code Section 8380, other data detailing electricity or gas needs and patterns of usage, Baseline Zone, CARE participation, End Use Code (Heat Source) Service Voltage, Medical Baseline, Meter Cycle, Bill Cycle, Balanced Payment Plan and other plans, HP Load and Number of Units and monthly rate schedule for all accounts within the CCA's territory. In addition, PG&E will provide the CCA the following additional information regarding customers currently enrolled in its CCA service: current and historical billing information for non-CCA services provided by PG&E or other electric service providers (collectively, "Confidential Information"). Confidential Information shall also include specifically any copies, drafts, revisions, analyses, summaries, extracts, memoranda, reports and other materials prepared by CCA or its representatives that are derived from or based on Confidential Information disclosed by Utility, regardless of the form of media in which it is prepared, recorded or retained.

COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

3. Except for electric and gas usage information provided to CCA pursuant to this Agreement, Confidential Information does not include information that CCA proves (a) was properly in the possession of CCA at the time of disclosure; (b) is or becomes publicly known through no fault of CCA, its employees or representatives; or (c) was independently developed by CCA, its employees or representatives without access to any Confidential Information.
4. From the Effective Date, no portion of the Confidential Information may be disclosed, disseminated or appropriated by CCA, or used for any purpose other than to investigate, pursue or implement community choice aggregation under PU Code Section 366.2 et seq. as a community choice aggregator or to implement energy efficiency programs pursuant to PU Code section 381.1 as permitted under this Agreement and the Disclosure Provisions.
5. CCA shall, at all times and in perpetuity, keep the Confidential Information in the strictest confidence and shall take all reasonable measures to prevent unauthorized or improper disclosure or use of Confidential Information. CCA shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure and prohibits the use of the data for a secondary commercial purpose not related to community choice aggregation or energy efficiency. Specifically, CCA shall restrict access to Confidential Information, and to materials prepared in connection therewith, to those employees or representatives of CCA who have a “need to know” such Confidential Information in the course of their duties with respect to the CCA program and who agree to be bound by the nondisclosure and confidentiality obligations of this Agreement, provided, however, that, an Energy Service Provider, agent, or any other entity, including entities that provide both direct access (as codified in Assembly Bill No. 1890, Stats. 1996, ch. 854) and community choice aggregation services shall limit their utilization of the information provided to the purposes for which it has been provided and shall not utilize such information, directly or indirectly, in providing other services, including but not limited to Direct Access services, in order to effectuate the obligations of this Agreement. Prior to disclosing any Confidential Information to its employees or representatives, CCA shall require such employees or representatives to whom Confidential Information is to be disclosed to review this Agreement and to agree in writing to be bound by the terms of this Agreement by signing the “Non-Disclosure Agreement for CCA Employees or Representatives” form attached as Exhibit A hereto. CCA shall provide Utility with copies of the signed Exhibit A forms at Utility request. CCA shall also provide Utility with a list of the names, titles, and addresses for all persons or entities to which Confidential Information is disclosed in connection herewith (“Disclosure List”). This Disclosure List shall be updated by CCA on a regular basis, and will be provided to Utility once each quarter at a minimum.

COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

6. CCA shall be liable for the actions of, or any disclosure or use by, its employees or representatives contrary to this Agreement; however, such liability shall not limit or prevent any actions by Utility directly against such employees or representatives for improper disclosure and/or use. In no event shall CCA or its employees or representatives take any actions related to Confidential Information that are inconsistent with holding Confidential Information in strict confidence. CCA shall immediately notify Utility in writing if it becomes aware of the possibility of any misuse or misappropriation of the Confidential Information by CCA or any of its employees or representatives. However, nothing in this Agreement shall obligate the Utility to monitor or enforce the CCA's compliance with the terms of this Agreement.
7. CCA shall comply with the consumer protections concerning subsequent disclosure and use that are in Attachment B to CPUC Decision No. 12-08-045.
8. CCA acknowledges that disclosure or misappropriation of any Confidential Information could cause irreparable harm to Utility and/or Utility Customers, the amount of which may be difficult to assess. Accordingly, CCA hereby confirms that the Utility shall be entitled to apply to a court of competent jurisdiction or the CPUC for an injunction, specific performance or such other relief (without posting bond) as may be appropriate in the event of improper disclosure or misuse of its Confidential Information by CCA or its employees or representatives. Such right shall, however, be construed to be in addition to any other remedies available to the Utility, in law or equity.
9. In addition to all other remedies, CCA shall indemnify and hold harmless Utility, its affiliates, subsidiaries, parent company, officers, employees, or agents from and against and claims, actions, suits, liabilities, damages, losses, expenses and costs (including reasonable attorneys' fees, costs and disbursements) attributable to actions or non-actions of CCA and/or its employees and/or its representatives in connection with the use or disclosure of Confidential Information.
10. If, at any time, CCA ceases its investigation, pursuit or implementation of community choice aggregation pursuant to PU Code Section 366.2 et seq., CCA shall promptly return or destroy (with written notice to Utility itemizing the materials destroyed) all Confidential Information then in its possession at the request of Utility. Notwithstanding the foregoing, the nondisclosure obligations of this Agreement shall survive any termination of this Agreement.
11. This Agreement shall be binding on and inure to the benefit of the successors and permitted assigns of the Parties hereto. This Agreement shall not be assigned, however, without the prior written consent of the non-assigning Party, which consent

COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

may be withheld due to the confidential nature of the information, data and materials covered.

- 12. This Agreement sets forth the entire understanding of the Parties with respect to the subject matter hereof, and supersedes all prior discussions, negotiations, understandings, communications, correspondence and representations, whether oral or written. This Agreement shall not be amended, modified or waived except by an instrument in writing, signed by both Parties, and, specifically, shall not be modified or waived by course of performance, course of dealing or usage of trade. Any waiver of a right under this Agreement shall be in writing, but no such writing shall be deemed a subsequent waiver of that right, or any other right or remedy.
- 13. This Agreement shall be interpreted and enforced in accordance with the laws of the State of California, without reference to its principles on conflicts of laws.
- 14. This Agreement shall, at all times, be subject to such changes or modifications by the CPUC as it may from time to time direct in the exercise of its jurisdiction.

IN WITNESS WHEREOF, the authorized representatives of the Parties have executed this Agreement as of the Effective Date.

PACIFIC GAS AND ELECTRIC COMPANY

(Customer)

(Signature)

(Type/Print Name)

(Title)

(Date)

(Signature)

(Type/Print Name)

(Title)

(Date)

COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

EXHIBIT A NON-DISCLOSURE AGREEMENT FOR CCA EMPLOYEES OR REPRESENTATIVES

I, _____, declare under penalty of perjury that

(1) I am employed as _____ (title) at _____
_____ (employer and address); and

(2) I have personally reviewed the attached **COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT** relating to disclosure and use of Confidential Information (as defined therein) and I agree to be bound by its provisions.

Signed: _____
Print Name: _____
Dated: _____



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Honorable Mayor and Members of the Town Council

FROM: Leigh F. Prince, Town Attorney

DATE: March 19, 2015

RE: **Proposed Revisions to Title 2, Administration and Personnel, of the Portola Valley Municipal Code**

RECOMMENDATIONS

Staff recommends that the Town Council review, consider and provide feedback on the proposed revisions to Title 2, Administration and Personnel, of the Portola Valley Municipal Code as described in this report and attachments.

BACKGROUND

A number of months ago while reviewing the Portola Valley Municipal Code ("Municipal Code") relative to a separate issue I came across Municipal Code Section 2.08.010, Compensation of Town Clerk. I was surprised to find that this section, which was last updated in 1971, identifies the monthly compensation of the Town Clerk as Nine Hundred Dollars (\$900) per month. As such, Section 2.08.010 of the Municipal Code is out of date and does not reflect current practice. Upon review of the remainder of Title 2, a copy of which is attached as Attachment 1, I discovered that like Section 2.08.010 many of the sections were last updated in the late 1960s or 1970s and no longer reflected current practice or current law and would benefit from an update.

DISCUSSION

As its title indicates, Title 2 of the Municipal Code addresses administration and personnel, including both elected and appointed bodies of the Town as well as staff positions.

Council Meetings

Section 2.04.010 provides that the Council meets at 7:30 pm on the second and fourth Wednesday of each month. As part of this update process, the Council has the opportunity to change the meeting time should it so desire. The draft ordinance, attached hereto as Attachment 2, includes as a place holder a start time of 7:00 p.m.

Staff is requesting that the Council provide feedback on whether the current time is the preferred start time or if there is a desired alternative start time for Council meetings.

Section 2.04.020 provides that Council meetings are held at Town Hall. Staff is proposing to update this section to reflect that Council meetings, as indicated on Council agendas, are held in the Historic Schoolhouse.

Section 2.04.030, enacted in 1964, provides that the books and records of “city actions” are open to tax payers of the Town. Inspection of Town records is not limited to Town tax payers and is informed by the California Public Records Act. As such, staff proposes to update this section to identify the California Public Records Act as the benchmark for inspection of Town books and records.

Although not currently included in Title 2 (and not included in the draft ordinance), the Council may wish to use this opportunity to discuss compensation of Council members. Government Code Section 36516 allows the Council to enact an ordinance providing that each member of the Council shall receive a salary up to and including Three Hundred Dollars (\$300) per month. Staff is requesting that the Council provide direction relative to this issue.

Town Council Vacancies

Government Code Section 36512(b) provides that if a vacancy occurs on the Council, the Council shall within 60 days from the commencement of the vacancy either fill the vacancy by appointment or call a special election. Government Code Section 36512(c) provides that the Town may enact an ordinance that requires the Town to call a special election. Special elections must be held on the next regularly established election date not less than 114 days from the call of the special election. The person who is appointed or elected to fill the vacancy holds office for the remainder of the term of the individual leaving office.

Section 2.05.010 currently cites to Government Code Section 36512(c) and provides that a special election “shall be called.” However, Section 2.05.030 states that nothing in the chapter shall require the Council to call a special election. As such, the two sections are inconsistent.

Staff proposes to amend Chapter 2.05 to allow the Council to fill a vacancy either by appointment or special election. Depending upon the amount of time remaining in the term of the vacated office or the date of the next election, the Council may prefer to fill by appointment or by calling a special election or some combination thereof. Staff’s proposed revisions comply with the Government Code, eliminate inconsistencies and provide the Council greater flexibility in filling vacancies.

Town Clerk and Treasurer

Section 2.08.010 provides that the Town Clerk receives Nine Hundred Dollars (\$900) per month as compensation. Currently, the Town Clerk’s compensation is set in the Compensation Plan, which is approved by the Town Council. Staff proposes to update

this section to eliminate the reference to compensation and focus instead on the duties of this position.

Section 2.08.020 provides that the Town Treasurer is an uncompensated position. Currently, the Town Manager serves as the Town Treasurer and this is a compensated position. Staff proposes to update this section to eliminate the reference to compensation, identify that the Town Manager serves as the Town Treasurer and focus on the duties of the position.

Section 2.08.030 requires the Town Clerk and the Town Treasurer to each execute a Twenty-Five Thousand Dollar (\$25,000) bond before entering into Town service. No such bond is required for either position. The Town's liability insurance covers the errors and omissions of public officials. Staff proposes to delete this section from the Municipal Code.

Assessment and Tax Collection

Staff proposes as part of the global update of Title 2 to update Section 2.12.010 to simplify the language; the substance remains the same.

Architectural and Site Control Commission

Section 2.16.030 identifies the powers and duties of the Architectural and Site Control Commission ("ASCC"). The listed powers and duties do not accurately reflect the work of the ASCC and staff has proposed amendments that it believes more accurately reflect the ASCC's authority. For example, the ASCC does not study and make recommendations on all building permits. Section 18.61.010 specifies those building permits which are subject to ASCC review, including but not limited to, building permits for buildings or additions over 400 square feet, for all commercial buildings and for structures on parcels fronting arterial roads, expressways or freeways as shown on the Portola Valley General Plan. Staff proposes to update this section with a cross reference to Section 18.61.010.

Section 2.16.040 requires the ASCC to meet at least once a month. Staff is proposing to amend this section to mirror the language in Section 2.04.010 regarding Town Council meetings and identify the times that the ASCC currently meets and build in flexibility for cancelling and continuing meetings as appropriate.

Planning Commission

Section 2.20.020 identifies the powers and duties of the Planning Commission, including preparing a "master plan" and recommending changes to the Council at regular intervals. First, staff proposes to amend this section to replace "master plan" with General Plan. Second, staff proposes to extend the interval at which the Planning Commission is required to review the General Plan. Section 2.20.020(D) requires the Planning Commission to undertake the work of reviewing and recommending changes to the General Plan every two years. This time period is not legally mandated, is short for a long range planning document and has not happened in practice. There are certain sections of the General Plan for which the State has mandated review intervals; e.g. the Housing Element. The General Plan is a long term planning document which

often has a 20 year time horizon. The State Office of Planning and Research guidelines regarding general plans provides: "Most jurisdictions select 15 to 20 years as the long-term horizon for the general plan. The horizon does not mark an end point, but rather provides a general context in which to make shorter-term decisions. The local jurisdiction may choose a time horizon that serves its particular needs. Remember that planning is a continuous process; the general plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change." Staff is, therefore, proposing specifying a 10-year time horizon rather than two years for requiring review. Setting a 10-year review interval does not prohibit sooner reviews where necessary or requested by the Council.

Section 2.20.030 requires the Planning Commission to hold at least one regular public meeting each month. Staff is proposing to amend this section to mirror the language in Section 2.04.010 regarding Town Council meetings and identify the times that the Planning Commission currently meets and build in flexibility for cancelling and continuing meetings as appropriate.

For both the ASCC and the Planning Commission, although not currently included in Title 2 (and not included in the draft ordinance), the Council may wish to use this opportunity to discuss compensation of Commission members. Government Code Section 36506 allows the Council to enact an ordinance fixing compensation of appointive officers. Staff is requesting that the Council provide direction relative to this issue.

Holidays

Section 2.28.010, which was last updated in 2009, lists those State holidays which apply to the Town. The source for the listed holidays is Government Code Section 6700. With the exception of three holidays (Martin Luther King, Jr. Day, Cesar Chavez Day and Thanksgiving Day), the holidays listed in Government Code Section 6700 apply to the Town. The three excepted holidays must be adopted by the Town if they are to be applied to the Town. As the Town observes Martin Luther King, Jr. Day and Thanksgiving Day, these holidays are included in Section 2.28.010. The Town does not observe Cesar Chavez Day. Although Town offices are not necessarily closed on all of these State holidays, their observance can impact Town administration. For example, if there is a deadline for filing a document with the Town, then the State holiday must be accounted for in providing adequate time for filing.

Pursuant to Government Code Section 6702, public offices of the Town shall be closed on holidays enumerated in Section 6700, unless otherwise provide by ordinance. The Town is not closed on all holidays enumerated in 6700 or Section 2.28.010; therefore, Section 2.28.020 lists those holidays on which Town offices are closed.

Staff is seeking input from the Council on whether there is interest in updating Chapter 2.28 regarding holidays. One option, as proposed in the attached draft ordinance, would be to indicate that the State holidays listed in Government Code Section 6700, including Martin Luther King, Jr. Day and Thanksgiving Day, but not including Cesar Chavez Day, apply to the Town and Town offices will be closed on those days with the exception of Lincoln Day, Admission Day, Columbus Day and Veterans Day.

Essentially, the draft ordinance combines the two existing sections into one in an attempt to simplify.

General Municipal Elections

Section 2.32.010 establishes the election date in the Town. This section includes an incorrect citation to the Government Code and staff proposes to update the section to correct the citation and simplify the language. Staff also proposes to delete Sections 2.32.020 and 2.32.030 as these are no longer necessary because the change to odd-numbered election years was completed in the late 1980s.

Town staff researched the 1987 decision to hold elections in odd-numbered years. Staff reports and minutes do not shed light on the reasoning behind the decision. It may have been made so that local elections would not overwhelmed by national elections which occur in even-numbered years.

Because election timing may influence cost, staff contacted the County Election's Office and learned that there could be as much as a 30 cent savings per voter with an even-numbered year election. However, with the passage of AB 2028, the County will be conducting elections by all-mail ballot and the Town's costs for odd-numbered year elections may be lower than current estimates. As a result, Town staff recommends waiting until there is data on the cost difference between all-mail ballot election in even and odd-numbered years. If the Council does want to modify the ordinance to even-numbered year elections, there would need to be some modification of the terms of incumbent Council members to match the new election cycle.

Conflicts of Interest

California Fair Political Practices Commission Regulation 18730 provides that incorporation by reference of the terms of the regulation along with the designation of employees and the formulation of disclosure categories constitute the adoption and promulgation of a conflict of interest code. As a result, Chapter 2.36 regarding conflicts of interest could be simplified to remove sections that are addressed in Regulation 18730 and incorporated by reference. The draft ordinance proposes to remove those redundant sections. This approach maintains the sections on incorporation by reference, statements, savings clause and designation of public officials and employees and disclosure categories in the Municipal Code.

Informal Bidding

California Public Contract Code has been updated to increase the amount of projects that may be subject to an informal bidding process. As such the sections referencing the dollar amount are proposed for amendment to the higher limit.

FISCAL IMPACT

Other than the cost of the time to prepare the Ordinance, amending Title 2 is not anticipated to have any direct fiscal impacts. If the Town Council desires to modify the election schedule, there could be some cost savings; however, at this time staff is not recommending modifying the election schedule.

CONCLUSION

The Town Council will need to consider and discuss the proposed amendments to Title 2, Administration and Personnel, and provide staff with further direction regarding the specifics to be included in the Ordinance which will come back to the Council next month for a first reading.

ATTACHMENTS

1. Current Portola Valley Municipal Code Title 2, Administration and Personnel
2. Draft Ordinance of the Town Council of the Town of Portola Valley Amending Title 2 [Administration and Personnel] of the Portola Valley Municipal Code

TITLE 2 - ADMINISTRATION AND PERSONNEL

Chapters:

CHAPTER 2.04 - COUNCIL MEETINGS

Sections:

2.04.010 - Regular meetings.

The council shall meet in regular session the second and fourth Wednesday of each month at the hour of seven-thirty p.m., and may adjourn from time to time as in their judgment may seem proper.

(Ord. 2009-378 § 1, 2009; Ord. 1992-267 § 1, 1992; Ord. 1967-85 § 1, 1967; Ord. 1964-10 § 1, 1964)

2.04.020 - Place of meetings.

All meetings of the council shall be held in the Town Hall, 765 Portola Road, within the town of Portola Valley.

(Ord. 1975-140 § 1, 1975; Ord. 1964-30 § 1, 1964; Ord. 1964-10 § 2, 1964)

2.04.030 - Books and records.

The books and records of all city actions shall be open at all times during office hours, and any taxpayer of the town may inspect the same; provided, such taxpayer shall specify the book or record he desires to see, and such book or record shall not be taken from the office.

(Ord. 1964-10 § 3, 1964)

CHAPTER 2.05 - TOWN COUNCIL VACANCIES

Sections:

2.05.010 - Appointment.

As authorized by California Government Code Section 3651 2(c)(3) the town council may appoint a qualified individual to fill a vacancy on the town council until the date a special election is held to fill the remainder of the unexpired term. The special election shall be immediately called upon the appointment of a qualified individual to fill the vacancy. The date of the special election shall be controlled by the California Government Code. Notwithstanding the above, the council may not appoint someone to fill the vacancy, if doing so would result in the majority of the councilmembers being appointed.

(Ord. 1999-315 § 1 (part), 1999)

2.05.020 - Selection.

If the council desires to appoint a qualified individual to fill a vacancy, the council may determine, in its discretion, if and how interviews and selection will be conducted, as long as the process complies with all applicable laws and statutes including California Government Code Section 54950 et seq. (The "Brown Act").

(Ord. 1999-315 § 1 (part), 1999)

2.05.030 - Nonmandatory.

Nothing in this chapter shall require the council to choose to fill a vacancy until the time of a special election or to call a special election if the council chooses to appoint a qualified individual to serve the remainder of the unexpired term.

(Ord. 1999-315 § 1 (part), 1999)

CHAPTER 2.08 - TOWN CLERK AND TREASURER

Sections:

2.08.010 - Compensation of town clerk.

The clerk of the town shall receive compensation in the amount of nine hundred dollars per month, payable as follows: four hundred fifty dollars on the first and sixteenth day of each and every month during the term of her office. The first payment of salary of said rate shall be payable September 16, 1971, for the period September 1, 1971, to September 15, 1971.

(Ord. 1971-116 § 1, 1971: Ord. 1970-105 § 1, 1970: Ord. 1969-96 § 1, 1969: Ord. 1968-89 § 1, 1968: Ord. 1967-81 § 1, 1967: Ord. 1965-49 § 1, 1965: Ord. 1964-23 § 1, 1964: Ord. 1964-22 § 1, 1964: Ord. 1964-9 § 1, 1964: Ord. 1964-2 § 1, 1964)

2.08.020 - Town treasurer not be compensated.

The treasurer of the town shall receive no compensation.

(Ord. 1964-9 § 2, 1964: Ord. 1964-2 § 2, 1964)

2.08.030 - Town clerk and town treasurer—Bonds.

Before entering upon the duties of her office, the clerk shall execute a bond with the town, the bond to be in the penal sum of twenty-five thousand dollars, and before entering upon the duties of his office, the treasurer shall execute a bond with the town, the bond also to be in the penal sum of twenty-five thousand dollars. The form of each of the bonds shall conform with the provisions of the Government Code of the state.

(Ord. 1965-41 § 1, 1965: Ord. 1964-9 § 3, 1964: Ord. 1964-2 § 3, 1964)

CHAPTER 2.12 - ASSESSMENT AND TAX COLLECTION

Sections:

2.12.010 - Transfer of assessment and tax collection duties to county.

The council of the town elects to proceed under Title 5, Division 1, Part 2, Chapter 2, Article 1, Sections 51500 through 51520, of the Government Code of the state providing for the transfer of the assessment and tax collection duties ordinarily performed by the town assessor and tax collector, to the assessor and tax collector of the county.

(Ord. 1964-27 § 1, 1964)

2.12.020 - Duties of town treasurer reserved.

The duties of the town treasurer are reserved to him and are not included in the transfer and he shall, upon payment to him by the controller of the county of San Mateo of sums due the town, keep and disburse the same in the existing, or as hereafter established, customary practice and procedure of the town.

(Ord. 1964-27 § 2, 1964)

CHAPTER 2.16 - ARCHITECTURAL AND SITE CONTROL COMMISSION

Sections:

2.16.010 - Established.

The architectural and site control commission of the town shall be, and it is, established.

(Ord. 1965-40 § 1 (2405.20), 1965)

2.16.020 - Membership and term of office.

The architectural and site control commission of the town shall consist of five members. The members shall be appointed by the mayor with the concurrence of the council. The members shall serve four-year staggered terms. At the end of each member's term, the vacancy shall be noticed. In the event a vacancy occurs during the term of office, a new member may be appointed by the mayor to fill the unexpired term of the office in which the vacancy exists, with the concurrence of the council.

(Ord. 2006-362, § 1, 2006; Ord. 1965-40, § 1 (1405.21), 1965)

2.16.030 - Powers and duties.

The architectural and site control commission shall have the powers and duties to assist and advise the planning commission of the town, established by the ordinances of the town, which ordinances and powers and duties may be modified from time to time, and which shall include the following:

- A. Study and make recommendations for disposition of all building permits;
- B. Review and make recommendations on all requests for variances from the town ordinances;
- C. Study and make recommendations on problems and potential solutions on all applications for subdivisions and resubdivisions;
- D. Study and make recommendations on architectural design and landscaping of all nonresidential structures and areas in the town and along all town roads;
- E. Study and make recommendations on ordinances for grading, signs, private roads, and such other items as the planning commission shall direct;
- F. Hearing, and acting upon, abatements and appeals regarding violations of zoning ordinances and building codes;
- G. Supervision of such rulings of the planning commission as shall be directed.

(Ord. 1965-40 § 1 (2405.22), 1965)

2.16.040 - Meetings.

The architectural and site control commission shall hold at least one regular public meeting each month, and may establish its meeting schedule, procedure for conduct of meetings, and its meeting place as it deems necessary.

(Ord. 1965-40 § 1 (2405.23), 1965)

CHAPTER 2.20 - PLANNING COMMISSION

Sections:

2.20.010 - Created—Members.

Pursuant to the provisions of Section 65300 of the Government Code of the state, a planning commission consisting of five members is created.

(Ord. 1965-53 § 1, 1965; Ord. 1964-17 § 1, 1964)

2.20.020 - Powers and duties.

The planning commission shall have the powers and duties set forth in the Government Code and the general laws of the state, and as set forth in the ordinances of the council, which shall include the following:

- A. Prepare a master plan for the development of the town, for recommendation to the council;
- B. Recommend such ordinances and resolutions to the council as are necessary to implement the master plan;
- C. Supervise the land use in the town, by conducting necessary public hearings and acting upon applications for zoning amendments, conditional use permits, variances from the existing ordinances, subdivisions, resubdivisions, and building permits;
- D. Reappraise, redefine and submit changes, where necessary, in the master plan at regular intervals, not to exceed two years, to the council.

(Ord. 1965-40 § 1 (2405.11), 1965)

2.20.030 - Meetings.

The planning commission shall hold at least one regular public meeting each month, and may establish its meeting schedule, procedure for conduct of meetings, and its meeting place as it deems necessary.

(Ord. 1965-40 § 1 (2405.12), 1965)

CHAPTER 2.24 - EMERGENCY ORGANIZATION AND PROTECTION

Sections:

FOOTNOTE(S):

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Editor's note— Ord. 2014-404, § 1, adopted Sept. 24, 2014, amended chapter 2.24 in its entirety to read as herein set out. Former chapter 2.24, §§ 2.24.010—2.24.090, pertained to similar subject matter, and derived from Ord. 1984-200, § 1(2750)—(2758), adopted 1984; Ord. 1997-298, § 1(part), adopted 1998; Ord. 1998-307, §§ 1, 2, adopted 1998; and Ord. 1999-324, § 1, adopted 1999.

2.24.010 - Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons, property and environment within the town in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions with all other public agencies, corporations, organizations and affected private persons.

(Ord. 2014-404, § 1, 2014)

2.24.020 - Definitions.

- A. "Emergency" as used in this chapter, means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons, property and environment within or affecting the town caused by such conditions as air pollution, drought, earthquake, epidemic, fire, flood, human acts, plant or animal infestation or disease, riot, severe weather, sudden and severe energy shortage, technological interruptions, the governor's warning of an earthquake or volcanic prediction, or other conditions including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities, requiring the combined forces of other political subdivisions to combat.
- B. "Emergency services" means the preparation and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disaster. It shall not include preparation for any conditions relating to a labor controversy.
- C. "Local emergency" means the duly proclaimed, actual or threatened, existence of conditions of disaster or of extreme peril to the safety of persons, property and environment, within or affecting the territorial limits of the town, caused by such conditions as air pollution, drought, earthquake, epidemic, fire, flood, human acts, plant or animal infestation or disease, riot, severe weather, sudden and severe energy shortage, technological interruptions, the governor's warning of an earthquake or volcanic prediction, or other conditions including conditions resulting from war or imminent threat of war, which are, or are likely to be, beyond the control of town services, personnel, equipment and facilities and requiring the combined forces of other public agencies to combat. "Local emergency" does not include, nor does any provision of this chapter apply to, any conditions resulting from a labor controversy.
- D. "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons, property, and environment within or affecting the state caused by such conditions as air pollution, drought, earthquake, epidemic, fire, flood, human acts, plant or animal infestation or disease, riot, severe weather, sudden and severe energy shortage, technological interruptions, the governor's warning of an earthquake or volcanic prediction, or other conditions, which conditions, by reason of their magnitude, are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city, and require the combined forces of a mutual aid region or regions to combat. "State of emergency" does not include, nor does any provision of this chapter apply to, any conditions resulting from a labor controversy or conditions causing a "state of war emergency."
- E. "State of war emergency" means the condition which exists immediately, with or without a proclamation thereof by the governor, whenever this state or nation is attacked by an enemy of the United States or upon receipt by a state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

(Ord. 2014-404, § 1, 2014)

2.24.030 - Inclusion.

In accordance with Title II of the Americans with Disabilities Act ("ADA," Pub. L. 101-336), an integrated approach to emergency planning shall be taken to provide people with disabilities and others with access and functional needs the same opportunities to benefit from emergency programs, information, facilities, services and activities as people without disabilities.

(Ord. 2014-404, § 1, 2014)

2.24.040 - Emergency services organization.

All officers and employees, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2.24.090(C)(3) of this chapter,

be charged with duties incident to the protection of life, property and environment during such emergency, shall constitute the emergency organization of the town of Portola Valley.

(Ord. 2014-404, § 1, 2014)

2.24.050 - Disaster council membership.

The Portola Valley Disaster Council shall consist of the following:

1. The director of emergency services who shall be chair.
2. The public works director who shall be the vice chair.
3. The planning director.
4. The mayor, or as an alternate, the vice mayor, who shall be the liaison.
5. The assistant director of emergency services.
6. Such chiefs of emergency services as are provided for in a current emergency operations plan of this jurisdiction, adopted pursuant to this chapter.
7. Such representatives of volunteer, community based organizations, civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the town council.

(Ord. 2014-404, § 1, 2014)

2.24.060 - Disaster council powers and duties.

- A. It shall be the duty of the Portola Valley Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the town council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.
- B. The director of emergency services shall advise the disaster council with regard to the preparation and maintenance of the plan in whole or in part at times of a local emergency.
- C. The disaster council may provide direction on emergency response, planning and preparedness issues not mentioned above.
- D. The disaster council shall develop and maintain strategic emergency planning partnerships with other local agencies.
- E. The disaster council shall comply with the California Emergency Services Act and abide by the California Disaster and Civil Defense Master Mutual Aid Agreement.
- F. The disaster council, accredited by the State of California, is empowered to register and direct the activities of disaster service worker (DSW) volunteers within the sphere of influence of the town.
- G. The disaster council agrees to follow established rules and regulations relating to the various classes of disaster service workers, scope of duties of each class, and manner of registration pursuant to the provisions of Government Code Section 8585.5.
- H. The disaster council will also serve as the Portola Valley Citizen Corps Council with the following additional responsibilities:
 1. Approve DSW volunteer training and planning to ensure compliance with current DSW regulations and guidelines.
 2. The assistant director of emergency services will coordinate CERT training and exercises with Woodside Fire Protection District County Fire District, Ham Radio training with the Portola

Valley Emergency Preparedness Committee (EPC) and other DSW volunteer training, as identified.

- I. The disaster council shall meet upon call of the chair or, upon call of the vice chair (in the absence of the chair).

(Ord. 2014-404, § 1, 2014)

2.24.070 - Emergency operations plan.

A. The town of Portola Valley has adopted the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) as the preparedness, mitigation, response and recovery framework for the emergency operations plan.

B. The Portola Valley Disaster Council shall be responsible for the development of the emergency operations plan, and annexes as identified, which shall provide for the effective mobilization of all of the resources of this jurisdiction, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services and staff of the emergency organization.

C. The plan shall also identify the sources of outside support which might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, state and federal agencies, and the private sector.

D. Such plan shall take effect upon adoption by resolution of the town council.

(Ord. 2014-404, § 1, 2014)

2.24.080 - Director and assistant director of emergency services.

A. There is hereby created the office of director of emergency services. The town manager shall be the director of emergency services.

B. There is hereby created the office of assistant director of emergency services, who shall be appointed by the director.

(Ord. 2014-404, § 1, 2014)

2.24.090 - Powers and duties of the director and assistant director of emergency services.

A. The director of emergency services or acting director (if the director is unavailable) is hereby empowered:

1. To request the town council to proclaim the existence or threatened existence of a "local emergency" if the governing body is in session, or to issue such proclamation if the town council is not in session. Whenever a local emergency is proclaimed by the director, the town council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.
2. To request that the governor through appropriate channels proclaim a state of emergency when, in the opinion of the director, or acting director, the resources of the town are inadequate to cope with an emergency.
3. To represent or provide representation of the town in all dealings with public or private agencies pertaining to civil preparedness in the event of an emergency.
4. To control and direct the effort of this emergency organization for the accomplishment of the purposes of this chapter.

5. To direct cooperation between and coordination of services and staff of this emergency organization; and resolve questions of authority and responsibility that may arise between them.
- B. The assistant director shall, under the supervision of the director and with the assistance of disaster council representatives, prepare emergency plans and manage the emergency programs of this jurisdiction; and shall have such other powers and duties as may be assigned by the director.
- C. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the governor or the secretary of the California Office of Emergency Services, or the existence of a "state of war emergency," the director is hereby empowered to:
1. Make and issue rules and regulations on matters reasonably related to the protection of life, property and environment as affected by the emergency; provided, however, that the rules and regulations must be confirmed at the earliest practicable time by the town council;
 2. Obtain vital supplies, equipment and other properties found lacking and needed for the protection of the life, property and environment of the people, and bind the town for the fair value thereof and if required immediately, to commandeer the same for public use;
 3. Require emergency services of any town officer or employee and, in the event of the proclamation of a state of war emergency or a state of emergency by the governor in the region in which this town is located, to command the aid of as many members of this community as are deemed necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers;
 4. Requisition necessary personnel or material of any town department or agency;
 5. Execute all ordinary power as town manager, all of the special powers conferred by this chapter or by resolution or emergency plan adopted pursuant hereto, and all powers conferred upon the director by any statute, agreement approved by the town council, or by any other lawful authority.
- D. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform duties during an emergency. The order of succession shall be:
1. The public works director.
 2. The planning director.
 3. The administrative services director.
 4. The San Mateo County Sheriff's Office lieutenant for Portola Valley.
 5. The San Mateo County Sheriff's Office captain for South County.
 6. The mayor.
 7. The vice-mayor.
 8. The most recent past mayor currently serving on the council.
 9. The remaining councilmembers in order of seniority.

(Ord. 2014-404, § 1, 2014)

2.24.100 - Preservation of local government during an emergency—Succession.

In order to preserve local government during an emergency, the town council shall meet as soon as possible, ascertain the damage incurred as a result of the emergency, and fill vacancies with standby officers of the council, as prescribed by California Government Code Sections 8635 through 8644. Standby officers of the council are the former members of the council, beginning with the immediate past council members, by seniority, and then to prior years, beginning with the most recent. Questions

regarding the availability of councilmembers shall be decided by the remaining available members of said body.

(Ord. 2014-404, § 1, 2014)

2.24.110 - Violations—Penalty.

A. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and each such person, firm, or corporation is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

B. No person, firm, or corporation shall, during a period of emergency:

1. Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him or her by virtue of this chapter;
2. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or imperil the lives, property or environment of inhabitants of this town, or prevent, hinder or delay the defense or protection thereof;
3. Wear, carry or display, without authority, any means of identification specified by any emergency agency of the state, county or town.

(Ord. 2014-404, § 1, 2014)

2.24.120 - Expenditures.

Any expenditures made in connection with such emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants, property and environment within the town of Portola Valley.

(Ord. 2014-404, § 1, 2014)

CHAPTER 2.28 - HOLIDAYS

Sections:

FOOTNOTE(S):

--- (2) ---

Editor's note— Ord. 2009-381, § 1, adopted Sept. 9, 2009, amended chapter 2.28 in its entirety to read as herein set out. Former chapter 2.28, §§ 2.28.010 and 2.28.020, pertained to similar subject matter, and derived from Ord. 1976 § 1, adopted 1976; and Ord. 1976-146 §§ 2—4, adopted 1976.

2.28.010 - State holidays.

A. State holidays applicable to the town are:

1. Every Sunday.
2. January 1st.
3. The third Monday in January, known as "Martin Luther King, Jr. Day."

4. February 12th, known as "Lincoln Day."
 5. The third Monday in February.
 6. The last Monday in May.
 7. July 4th.
 8. The first Monday in September.
 9. September 9th, known as "Admission Day."
 10. The second Monday in October, known as "Columbus Day."
 11. November 11th, known as "Veterans Day."
 12. Thanksgiving Day.
 13. December 25th.
 14. Good Friday from twelve noon until three p.m.
- B. If January 1st, February 12th, July 4th, September 9th, November 11th, or December 25th falls upon a Sunday, the Monday following is a holiday.
- C. If January 1st, July 4th, or December 25th falls on a Saturday, the Friday preceding is a holiday.
- (Ord. 2009-381 § 1, 2009)

2.28.020 - Town holidays; town offices closed.

A. The offices of the town shall be closed on town holidays, with regard to the transaction of business in the public offices of the town, as follows:

1. January 1st.
 2. The third Monday in January, known as "Martin Luther King, Jr. Day."
 3. The third Monday in February, known as "President's Day."
 4. The last Monday in May, known as "Memorial Day."
 5. July 4th.
 6. The first Monday in September, known as "Labor Day."
 7. Thanksgiving Day.
 8. December 25th and January 1st.
- B. If January 1st, July 4th, or December 25th falls upon a Sunday, the Monday following is a holiday.
- C. If January 1st, July 4th, or December 25th falls on a Saturday, the Friday preceding is a holiday.
- D. Town hall may be closed on the day after Thanksgiving and on the intervening days between December 25th and January 1st, but these days shall not be considered holidays for the purposes of any other section of the Municipal Code.
- (Ord. 2009-381 § 1, 2009)

CHAPTER 2.32 - GENERAL MUNICIPAL ELECTIONS

Sections:

2.32.010 - Election date established.

The ordinance codified in this chapter is adopted pursuant to the provisions of Section 36503.5 of the Government Code of the state of California, and requires that general municipal elections of the town be held on the same day that is established for school district elections pursuant to the provisions of Section 2602 of the Elections Code of the state of California, to wit, on the first Tuesday after the first Monday in November of each odd-numbered year, beginning with the year 1987.

(Ord. 1987-220 § 1, 1987)

2.32.020 - Town officers—Duration of term.

Those town officers whose four-year terms of office would have, prior to the adoption of the ordinance codified in this chapter, expired on the Tuesday succeeding the second Tuesday in April of an even-numbered year, shall continue in office until no later than the fourth Tuesday after the day of the general municipal election established pursuant to Section 2.32.010, and until their successors are elected and qualified.

(Ord. 1987-220 § 2, 1987)

2.32.030 - Notice to voters required.

Within thirty days after this chapter becomes operative, the town clerk shall cause a notice to be mailed to all registered voters of the town informing them of the change in the election date; the notice shall also inform the voters that as a result of such change, elected town officeholders' terms in office will be changed.

(Ord. 1987-220 § 3, 1987)

CHAPTER 2.36 - CONFLICTS OF INTEREST

Sections:

2.36.010 - Incorporation by reference.

The terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached appendix in which public officials and employees are designated constitute the Conflict of Interest Code of the Town of Portola Valley, which is considered the "agency" within the purview of this code.

2.36.020 - Statements.

The persons holding the positions listed in the appendix shall file their statements of economic interest with the town clerk, who shall be and perform the duties of filing officer for the Town of Portola Valley. Statements of economic interest shall be maintained and available for inspection and reproduction pursuant to Government Code Section 81008.

2.36.030 - Savings clause.

Any change provided for in this Conflict of Interest Code shall not affect nor excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other Conflict of Interest Code; nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other Conflict of Interest Code.

2.36.040 - Disclosure obligations.

This code does not establish any additional disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200 and following. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix set out at the end of this chapter specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interest those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(Ord. 1998-314 § 1 (part), 1998)

2.36.050 - Statements of economic interests, place of filing.

All designated employees required to submit a statement of financial interests shall file the original with the town clerk, who shall retain it.

(Ord. 1998-314 § 1 (part), 1998)

2.36.060 - Statements of economic interests—Time of filing.

A. Initial Statements. All designated employees employed by the town on the effective date of this code as originally adopted by the town council shall file statements within thirty days after the effective date of the ordinance codified in this chapter unless an employee filed an annual statement during the year this chapter became effective. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within thirty days after the effective date of the amendment.

- B. Assuming Office Statements. All persons assuming designated positions after the effective date of this chapter shall file statements within thirty days after assuming the designated positions.
- C. Annual Statements. All persons who have designated positions shall file annual statements no later than April 1st.
- D. Leaving Office Statements. All persons who leave designated positions shall file statements within thirty days after leaving office.

(Ord. 1998-314 § 1 (part), 1998)

2.36.070 - Statements for persons who resign thirty days after appointment.

Persons who resign within twelve months following initial appointment or within thirty days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement. However, within thirty days of the date of a notice mailed by the town clerk, the individual shall do both of the following: (1) file a written resignation with the town council, and (2) file a written statement with the town clerk on a form prescribed by the Fair Political Practices Commission and signed under the penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(Ord. 1998-314 § 1 (part), 1998)

2.36.080 - Contents of and period covered by statements of economic interests.

- A. Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the twelve months prior to the effective date of this chapter.
- B. Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the twelve months prior to the date of assuming office, respectively.
- C. Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the chapter or the date of assuming office, whichever is later.
- D. Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(Ord. 1998-314 § 1 (part), 1998)

2.36.090 - Manner of reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the town clerk, and shall contain the information required by the Political Reform Act of 1974 and the regulations adopted pursuant thereto.

(Ord. 1998-314 § 1 (part), 1998)

2.36.100 - Prohibitions.

- A. No designated employee shall accept any honorarium.
- B. No designated employee shall accept any gifts in a given calendar year from a given source with a total value which is more than permitted by 2 Cal. Code of Regulations 18940.2.

(Ord. 1998-314 § 1 (part), 1998; Ord. No. 2002-345, § 1 (part), 2002)

2.36.110 - Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- A. Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars or more;
- C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars or more in value provided to, received by or promised to the designated employee within twelve months prior to the time when the decision is made;

- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred ninety dollars or more in value provided to, received by, or promised to the designated employee within twelve months prior to the time when the decision is made.

(Ord. 1998-314 § 1 (part), 1998)

2.36.120 - Legally required participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(Ord. 1998-314 § 1 (part), 1998)

2.36.130 - Manner of disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the town manager or town attorney, this determination and disclosure shall be made in writing to the legislative body; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(Ord. 1998-314 § 1 (part), 1998)

2.36.140 - Assistance of the commission and counsel.

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the town attorney, provided that nothing in this section requires or obligates the town attorney to issue any formal or informal opinion.

(Ord. 1998-314 § 1 (part), 1998)

2.36.150 - Violations.

This chapter has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 through 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

(Ord. 1998-314 § 1 (part), 1998)

APPENDIX TO CHAPTER 2.36

DESIGNATED POSITIONS AND DISCLOSURE OBLIGATIONS

DESIGNATED PUBLIC OFFICIALS

- Member of Town Council
- Planning Commissioner
- Town Manager
- Town Attorney

OTHER DESIGNATED EMPLOYEES, INCLUDING CONSULTANTS SERVING IN THESE POSITIONS

- Member of the Architectural and Site Control Committee
- Assistant to Town Manager
- Assistant to Town Attorney
- Town Engineer
- Public Works Director
- Town Planner
- Deputy Town Planner
- Town Geologist
- Consultant (if so determined)

DISCLOSURE CATEGORIES

Disclosure Category 1:	Full Disclosure - All investments, business positions, interests in real property and sources of income, including gifts, loans and travel payments.
Disclosure Category 2	Limited Disclosure - The Town Manager may determine in writing that a particular consultant is required to provide Limited Disclosure. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the Town Manager is public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

REQUIRED DISCLOSURES FOR DESIGNATED POSITIONS

Designated Position	
Member of Town Council	1
Planning Commissioner	1

Town Manager	1
Town Attorney	1
Member of the Architectural and Site Control Committee	1
Assistant to Town Manager	1
Assistant to Town Attorney	1
Town Engineer	1
Public Works Director	1
Town Planner	1
Deputy Town Planner	1
Town Geologist	1
Consultant	2

(Ord. 2014-401, § 1, 2014; Ord. 2011-389 § 1, 2011)

CHAPTER 2.38 - INFORMAL BIDDING

Sections:

2.38.010 - Scope.

This chapter governs the selection of contractors to perform public projects of one hundred twenty-five thousand dollars or less using informal bidding procedures. This dollar amount shall be automatically adjusted from time to time to reflect changes in the limits established by the state of California.

(Ord. 2011-391 § 1, 2011; Ord. 2000-327 § 1 (part), 2000)

2.38.020 - Definitions.

- A. "Commission" means the California Uniform Construction Cost Accounting Commission.
- B. "Construction trade journals" means the construction trade journals for the county of San Mateo as determined by the commission which shall receive mailed notice of all informal and formal construction contracts being bid for work within San Mateo County.
- C. Maintenance Work. For the purposes of this section, "maintenance work" includes the following:

1. Routine, recurring and usual work for preservation or protection of any publicly owned or publicly operated facility for its intended purposes;
2. Minor repainting;
3. Resurfacing of streets and highways at less than one inch;
4. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems;
5. Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of two hundred thirty thousand volts and higher.

D. "Public project" means the following:

1. Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility;
2. Painting or repainting of any publicly owned, leased, or operated facility;
3. In the case of a publicly owned utility system, "public project" shall include only construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of two hundred thirty thousand volts or higher;
4. "Public project" does not include maintenance work.

(Ord. 2000-327 § 1 (part), 2000)

2.38.030 - List of qualified contractors.

The town shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission.

(Ord. 2000-327 § 1 (part), 2000)

2.38.040 - Notice.

A. All contractors on the list for the category of work for which bids are sought or all construction trade journals, or both all contractors on the list for the category of work for which bids are sought and all construction trade journals shall be mailed a notice inviting informal bids unless the product or service is proprietary.

B. All mailing of notices to contractors and construction trade journals shall be completed not less than ten calendar days before bids are due.

C. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for the submission of bids.

(Ord. 2000-327 § 1 (part), 2000)

2.38.050 - Award of informal contracts.

The town council may delegate the authority to award informal contracts to the town engineer, town administrator, purchasing agent, or other appropriate person.

(Ord. 2000-327 § 1 (part), 2000)

2.38.060 - Exception.

If all bids received are in excess of one hundred twenty-five thousand dollars, the town council may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred thirty-seven thousand five hundred dollars or less, to the lowest responsible bidder, if it determines the cost estimate of the town was reasonable. These dollar amounts shall be automatically adjusted from time to time to reflect changes in the limits established by the state of California.

(Ord. 2011-391 § 1, 2011; Ord. 2000-327 § 1 (part), 2000)

ORDINANCE NUMBER _____**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY AMENDING TITLE 2 [ADMINISTRATION AND PERSONNEL] OF THE PORTOLA VALLEY MUNICIPAL CODE**

WHEREAS, the Town Council of the Town of Portola Valley (“Town”) desires to update Title 2 [Administration and Personnel] of the Portola Valley Municipal Code to accurately reflect current law and practice; and

WHEREAS, there have been changes in the law and in Town practice since many of the sections in Title 2 [Administration and Personnel] were last updated, many in the 1960s and 1970s.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. AMENDMENT OF CODE. Chapter 2.04 [Council Meetings] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

2.04.010 Regular Meetings

The Council shall meet in regular session on the second and fourth Wednesday of each month at the hour of 7:00 p.m., and may adjourn from time-to-time as in their judgment may seem proper.

2.04.020 Place of Meetings

Meetings of the Council shall be held in the Historic Schoolhouse, 765 Portola Road, Portola Valley, CA 94028.

2.04.030 Books and Records

The books and records of all Town actions shall be open at all times during office hours in compliance with the California Public Records Act (Government Code Section 6250 et seq.).

2. AMENDMENT OF CODE. Chapter 2.05 [Town Council Vacancies] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

2.05.010 Filling of Vacancy

As authorized by California Government Code Section 36512, within 60 days from the commencement of the vacancy, the Council shall either fill the vacancy by appointment or call a special election to fill the vacancy. If a special election is called, it shall be held on the next regularly established election date not less than 114 days from the call of

the special election. If the Council appoints a person to fill the vacancy until the special election, that person holds office only until the date of the special election. Nothing herein shall require the Council to fill a vacancy by appointment until the special election.

2.05.020 Appointment Process

If the Council desires to appoint a qualified individual to fill a vacancy, the Council may determine, in its discretion, if and how interviews and selection will be conducted, provided the process complies with all applicable laws and statutes, including the Brown Act (California Government Code Section 54950 et seq.).

2.05.030 Term

A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

3. AMENDMENT OF CODE. Section 2.08.010 [Compensation of town clerk] and Section 2.08.020 [Town treasurer will not be compensated] of Chapter 2.08 [Town Clerk and Treasurer] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code are hereby amended to read as follows:

2.08.010 Town Clerk

The Town Clerk shall be appointed by and be responsible to the Town Manager. The Town Clerk shall serve as clerk to the Council as well as the Town's election officer. The Town Clerk shall maintain the official records of the Council and perform such other duties as set forth in the general laws of the state.

2.08.020 Town Treasurer

The Town Manager shall serve as the Town Treasurer. The Town Treasurer shall maintain the accounts of the Town in accordance with the approved final budget and accepted municipal accounting procedures and shall perform such other duties as set forth in the general laws of the state.

4. DELETION OF CODE. Section 2.08.030 [Town clerk and town treasurer – Bonds] of Chapter 2.08 [Town Clerk and Treasurer] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code is hereby deleted in its entirety as the Town Clerk and Town Treasurer are not required to post a bond prior to entering service.

5. AMENDMENT OF CODE. Section 2.12.010 [Transfer of Assessment and Tax Collection Duties to County] of Chapter 2.12 [Assessment and Tax Collection] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code is hereby amended to read as follows:

2.12.010 Transfer of Assessment and Tax Collection Duties to County

The Council elects to proceed pursuant to Government Code Section 51500 et seq. providing for the transfer of the assessment and tax collection duties ordinarily

performed by the Town Assessor and Tax Collector to the San Mateo County Assessor and Tax Collector.

6. AMENDMENT OF CODE. Section 2.16.030 [Powers and duties] and Section 2.16.040 [Meetings] of Chapter 2.16 [Architectural and Site Control Commission] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code are hereby amended as follows:

2.16.030 Powers and Duties

The Architectural and Site Control Commission shall have the powers and duties necessary to assist and advise the Town Planning Commission, which may be modified from time to time. The Architectural and Site Control Commission powers and duties shall include the following:

- A. Study and make recommendations for the disposition of permits requiring architectural and site review pursuant to Section 18.64.010;
- B. Study and make recommendations on all requests for variances;
- C. Study and make recommendations on all applications for subdivisions and resubdivisions;
- D. Study and make recommendations on ordinances for grading, signs, private roads, and such other items as the Planning Commission shall direct;
- E. Hear and act upon abatements and appeals regarding violations of zoning ordinances and building codes;
- F. Supervise rulings of the Planning Commission as directed.

2.16.040 Meetings

The Architectural and Site Control Commission shall meet in regular session on the second and fourth Monday of each month at the hour of 7:00 p.m. in the Historic Schoolhouse, 765 Portola Road, Portola Valley, CA 94028, and may adjourn from time-to-time as in their judgement may seem proper.

7. AMENDMENT OF CODE. Section 2.20.020 [Powers and duties] and Section 2.20.030 [Meetings] of Chapter 2.20 [Planning Commission] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code are hereby amended to read as follows:

2.20.020 Powers and Duties

The Planning Commission shall have the powers and duties set forth in the Government Code and the general laws of the state, and as set forth in the ordinances of the Council, which shall include the following:

- A. Prepare a General Plan for the development of the Town, for recommendation to the Council;
- B. Recommend such ordinances and resolutions to the Council as are necessary to implement the General Plan;
- C. Supervise the land use in the Town, by conducting necessary public hearings and acting upon applications for zoning amendments, conditional use permits,

variances from the existing ordinances, subdivisions, resubdivisions, and building permits;

- D. Review, reappraise, redefine and submit changes, where necessary, to elements of the General Plan in accordance with the timeframes provided in State law or sooner as directed by Council, but such review shall occur no less than once every 10 years.

2.20.030 Meetings

The Planning Commission shall meet in regular session on the first and third Wednesday of each month at the hour of 7:00 p.m. in the Historic Schoolhouse, 765 Portola Road, Portola Valley, CA 94028, and may adjourn from time-to-time as in their judgement may seem proper.

8. AMENDMENT OF CODE. Section 2.28.010 [State holidays] of Chapter 2.28 [Holidays] of Title 2 [Administration and Personnel] is hereby amended to read as follows:

2.28.010 Holidays; Town Offices Closed

A. State holidays listed in Government Code Section 6700, including Martin Luther King, Jr. Day and Thanksgiving Day, but not including Cesar Chavez Day, apply to the Town. Town offices shall be closed on State holidays, with the exception of Lincoln Day, Admission Day, Columbus Day and Veterans Day.

B. If January 1st, July 4th or December 25th falls on a Sunday, the following Monday is a holiday. If January 1st, July 4th or December 25th falls on a Saturday, the preceding Friday is a holiday.

C. Town Hall may be closed the day after Thanksgiving and on the intervening days between December 25th and January 1st, but these days shall not be considered holidays for the purposes of other sections of the Municipal Code.

9. DELETION OF CODE. Section 2.28.020 [Town holidays, Town offices closed] of Chapter 2.28 [Holidays] of Title 2 [Administration and Personnel] is hereby deleted in its entirety.

10. AMENDMENT OF CODE. Section 2.32.010 [Election date established] of Chapter 2.32 [General Municipal Elections] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code is hereby amended to update the Government Code citation as follows:

2.32.010 Election Day Established

The general municipal elections of the Town shall be held on the same day that is established for School District elections as set forth in Elections Code Section 1302, the first Tuesday after the first Monday of March in each odd-numbered year, or the second Tuesday of April each year.

11. DELETION OF CODE. Section 2.32.020 [Town officers—Duration of term] and Section 2.32.030 [Notice to voters required] of Chapter 2.32 [General Municipal Elections] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code is hereby deleted as those Sections applied only to the initial implementation of the election day in 1987.

12. DELETION OF CODE. Sections 2.36.040 [Disclosure obligations], Section 2.36.050 [Statements of economic interest, place of filing]; Section 2.36.060 [Statements of economic interests—Time of filing]; 2.36.070 [Statements for persons who resign 30 days after appointment]; Section 2.36.080 [Contents of and period covered by statements of economic interests], Section 2.36.090 [Manner of reporting], 2.36.100 [Prohibitions]; 2.36.110 [Disqualification]; 2.36.120 [Legally required participation], 2.36.130 [Manner of disqualification], Section 2.36.140 [Assistance of the commission and council], and Section 2.36.150 [Violations] of Chapter 2.36 [Conflicts of Interest] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code are hereby deleted. By adopting 2 Cal. Code Regs Section 18730 by reference these provisions are included and do not need to be specifically called out in the Town's Municipal Code.

13. AMENDMENT OF CODE. Section 2.38.010 [Scope] and 2.38.060 [Exception] of Chapter 2.38 [Informal Bidding] of Title 2 [Administration] is hereby amended to read as follows:

2.38.010 Scope

This chapter governs the selection of contractors to perform public projects of One Hundred Seventy-Five Thousand Dollars (\$175,000) or less using informal bidding procedures. This dollar amount shall be automatically adjusted from time to time to reflect changes in the limits established by the State of California.

2.38.060 Exception

If all bids received are in excess of One Hundred Seventy-Five Thousand Dollars (\$175,000), the Council may, by adoption of a resolution by four-fifths vote, award the contract, at One Hundred Eighty-Seven Thousand Five Hundred Dollars (\$187,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the Town was reasonable. These dollar amounts shall be automatically adjusted from time to time to reflect changes in the limits established by the State of California.

14. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

15. ENVIRONMENTAL REVIEW. This ordinance is not a project for the purposes of the California Environmental Quality Act.

16. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Town Clerk

By: _____
Mayor

APPROVED AS TO FORM:

Town Attorney



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Honorable Mayor and Councilmembers

FROM: Leigh F. Prince, Town Attorney

DATE: March 19, 2015

RE: **In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket No. 13-238; 47 U.S.C. §1455**

RECOMMENDATION: Consider the letter received from Jeffrey Gee, the Mayor of Redwood City, requesting a financial contribution relative to an appeal of the Federal Communications Commission (FCC) ruling referenced above.

BACKGROUND: As outlined in the letter from Mr. Gee, there are four bases for the appeal of the FCC ruling: (1) no local control, (2) unreasonable interpretation of substantial change, (3) short time to act, and (4) the rules are too broad. There is a coalition of cities that has contributed to the appeal including, Redwood City, Ontario, Apple Valley, San Jose and Los Angeles and a number of cities from outside California including Bellevue, Washington; Boston, Massachusetts; and cities in Texas.

DISCUSSION: 47 U.S.C. §1455 (commonly referred to as Section 6409(a)) provides that “Notwithstanding section 704 of the Telecommunications Act of 1996...or any other provision of law, a ... local government may not deny, and shall approve, any eligible facilities request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” The FCC, aware that a number of the terms were undefined, provided guidance relative to the meaning of terms in Section 6409(a).

In particular, the FCC adopted the following definitions:

- Tower – any structure built for the sole or primary purpose of supporting any commission-licensed or authorized antennas and their associated facilities.
- Base station – includes structures other than towers that support or house an antenna, transceiver, or other associated equipment.

- Substantially changes –
 - For towers outside of the public rights-of-way, it increases the height by more than 20 feet or 10%, whichever is greater; for those towers in the rights-of-way and for all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater. The height of the tower is based upon the height as approved or as of the most recent modification prior to the passage to the Spectrum Act (2012), whichever is greater.
 - For towers outside of the public rights-of-way, it protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six feet.
 - It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
 - It entails any excavation or deployment outside the current site of the tower or base station.
 - It would defeat the existing concealment elements of the tower or base station.
 - It does not comply with conditions associated with the prior approval of the tower or base station unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding substantial change thresholds.

In regard to process, the FCC determined that an application must be approved within 60 days from filing. Nevertheless, the timeline may be tolled by mutual agreement. The local government may only require applicants to provide documentation that is reasonably related to determining whether the eligible facilities request meets the requirements of Section 6409(a).

In 2011, the Town of Portola Valley adopted Chapter 18.41 relative to wireless communication facilities. The approval of wireless communications facilities is a use permit process. One of the required application elements is a visual analysis to assess the effects on views and aesthetics from public areas and private residences, to address cumulative impacts of the proposed facilities or foreseeable wireless communications facilities, including foreseeable co-location facilities. Co-location is defined in the Town's zoning code as the use of a wireless communications facility by more than one personal wireless service provider that does not involve any substantial increase in the existing antenna tower or pole or other associated structures. Applications for co-location are treated as amendments to the use permit.

In light of Section 6409(a), which appears to be addressing co-location, approval of changes to existing wireless facilities would be required within 60 days rather than the 90 day review period provided in the Municipal Code based on a previous 2009 FCC

ruling.¹ Section 6409(a) and the FCC ruling define substantial increase, which may be different than what was considered for co-location in the use permit process. The application process for a modification to an existing facility would be limited from the use permit process defined in Municipal Code Chapter 18.41 to showing that change was not substantial and, therefore, must be approved.²

The FCC ruling and appeal have the potential to impact the ten wireless facilities in Town, which vary in height and width and include both towers and equipment mounted on utility poles. The ruling remains in place while the appeal is pending.

The attorney for the coalition appealing the FCC ruling, Gail Karish, provided an article (attached) that she prepared with pictures showing the potential for changes to existing wireless facilities that are not considered substantial under the FCC's current ruling. The photos in the article are more impactful than what was actually approved, especially with respect to the first photo, where a height half of what is depicted was approved by the FCC. One example she used in our conversation is how the FCC ruling could impact an approved faux tree. If the Town approved faux tree contemplated co-location of panels that perhaps might increase the height by 10 feet, under this ruling an increase in 20 feet would not be considered substantial and would have to be approved (provided it did not defeat the stealth element)—that result might be acceptable to the FCC, but may not be to the community.

The appeal that is being filed would not provide alternative language or definitions of these key terms. Instead, it is an administrative action in which the court reviews the validity of the FCC's ruling. The court could strike portions of the FCC's ruling and the FCC would then take up those issues again. Ms. Karish was confident that a worse outcome would not be possible if the court struck portions of the FCC ruling as unreasonable. For example, if a 20 foot increase in height was not reasonable, it would be highly unlikely for the FCC to approve something larger; or if 60 days before an application is deemed approved is unreasonable, it would be highly unlikely for "deemed" to remain (it is not in the 2009 FCC shot clock ruling) or a shorter time frame to be adopted. Nevertheless, there is no guarantee as to the outcome of the appeal.

FISCAL IMPACT

The fiscal impact is dependent upon what, if any amount, the Town desires to contribute to the appeal of the FCC ruling. Although the letter from the Mayor of Redwood City requests Fifteen Thousand Dollars (\$15,000), a smaller contribution could be made. Financial contribution to the appeal will not necessitate further participation by the Town other than to monitor the progress of the appeal and any other relevant proceedings. Such monitoring would likely be done regardless of contribution to the appeal so that the Town continues to be compliant with the law in processing wireless applications.

¹ The FCC found no conflict in these timelines because the 90 days applies to a "substantial increase in size" as opposed to a "substantial change."

² This Section and FCC ruling does not apply to applications for new facilities.

CONCLUSION

The Town Council will need to consider, discuss and decide on the request to make a financial contribution to the appeal of the FCC ruling.

ATTACHMENTS

1. Letter from Jeffrey Gee, Mayor of Redwood City
2. Article titled Wireless Industry Seeks to Limit Local Zoning Authority

Mayor Jeffrey Gee
Vice Mayor Rosanne Foust

Council Members
Alicia Aguirre
Ian Bain
Diane Howard
Barbara Pierce
John Seybert



Page 76
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Redwood City, CA 94063
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www.redwoodcity.org

March 3, 2015

Re: FCC Wireless Order Appeal Coalition

Dear Honorable San Mateo County Mayors:

I am writing to request that you consider joining the City of Redwood City and other local jurisdictions from across the nation in a coalition to appeal the FCC's latest rules preempting local authority over certain local land use decisions concerning wireless facilities. The FCC adopted rules late last year, In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket No. 13-238. Portions of the FCC rules just came into effect and the remainder will take effect in the coming months. The deadline for filing an appeal is March 9, 2015. The rules are intended to implement a federal statute adopted in 2012, and codified as 47 U.S.C. §1455 (commonly referred to as Section 6409(a)). The FCC suggests the rules accelerate broadband deployment. Our city strongly supports broadband and new technologies, but not at all costs. The City of Redwood City, along with other local jurisdictions believe the rules go too far and we owe it to our residents to protect local zoning and land use authority.

Last year, our city participated in the FCC rulemaking which led to these rules as part of a coalition of 16 cities and 4 associations representing local government interests. Though we believe filings by our coalition attorneys, Best Best & Krieger, LLP, presented a strong challenge to the FCC's proposed rules, the FCC adopted final rules that generally mirror the proposed rules, preempting local authority to apply local zoning laws and policies to the review of certain types of wireless facilities.

Some of the most disturbing aspects of the new FCC rules include the following:

- No local control. Local approval must be granted for any modification which falls within the FCC rules (that is anything that is not a "substantial change" according to the FCC rules). There is a reasonable argument that mandatory approval is inconsistent with the Tenth Amendment, the Due Process Clause, and Section 6409(a) itself.
- Unreasonable interpretation of "substantial change". The FCC standard for what constitutes a "substantial change" permits, among other things, an automatic 10 ft. x 6 ft. increase in the physical dimensions of any facility, whatever its current size might be, so long as the modification complies with safety codes and preserves any existing "stealth" features.

In other words, a city must approve any change up to that dimension. The FCC standard for what constitutes a “substantial change” is not reasonable.

- Short time to act. If a local government does not grant or deny a covered Sec. 6409(a) modification within 60 days, it is “deemed” granted by FCC rule. This does not provide local jurisdictions enough time to engage our communities and protect local land use and zoning authority.
- The rules are too broad. The rules permit modification of “small cells” and underlying support structures, not just cell towers.

In addition, wireless industry lobbyists are expressing a desire to see the scope of the rules broadened, according to recent telecommunications trade press reports.

The City of Redwood City feels strongly that local governments must take a firm stand to try to stop this unlawful federal encroachment on local authority at the request of the wireless industry, and for this reason we urge you to consider joining our appeal coalition. Right now in addition to the City of Redwood City, the coalition includes: Apple Valley, CA; Bellevue, WA; Boston, MA; San Jose, CA; Ontario, CA; Los Angeles, CA; McAllen, TX; and the Texas Coalition of Cities for Utility Issues (TCCFUI), an association representing more than 110 Texas cities.

Our coalition is seeking contributions of \$15,000 from individual communities. Contributions are capped and as more local jurisdictions join in, the individual out-of-pocket costs may go down. Recently, the City Council of the City of Redwood City approved Redwood City’s participation in an appeal of these rules and approved a contribution of \$15,000 toward the litigation. I urge you to join our effort to protect local control. To learn more about how your city may participate, please contact Gail Karish with Best Best & Krieger, LLP at 213-617-7491.

Should you have any questions please do not hesitate to contact me at 650-483-7412.

I trust you understand the importance of this matter and we look forward to your affirmative response to this request and join other local jurisdictions in supporting this appeal.

Sincerely,



Jeffrey Gee, Mayor

C: Members, City Council
Robert Bell, City Manager

WESTERN City

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Wireless Industry Seeks to Limit Local Zoning Authority

BY GAIL A. KARISH



Red clouds, Silver-John/Shutterstock.com; wireless facility, Richard A. McMillin/Shutterstock.com

Gail A. Karish is an attorney with the law firm of Best Best & Krieger LLP. She can be reached at Gail.Karish@bbklaw.com.

About Legal Notes

This column is provided as general information and not as legal advice. The law is constantly evolving, and attorneys can and do disagree about what the law requires. Local agencies interested in determining how the law applies in a particular situation should consult their local agency attorneys.

The wireless industry in the United States provides mobile telephone and data services (Internet and/or broadband access) and leads the world in network investment.¹ Yet industry lobbyists continue to advocate before Congress, state legislators and the Federal

Communications Commission (FCC) that a barrier to upgrading and expanding the industry's wireless infrastructure exists and must be cleared away — and that barrier is local zoning requirements.

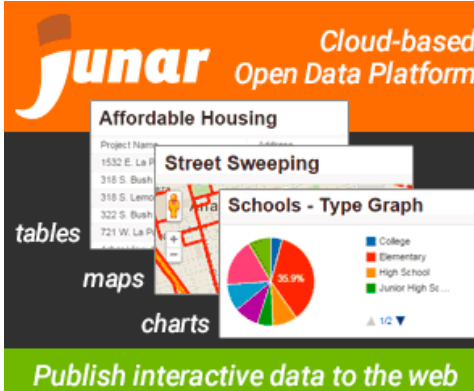
As *Western City* goes to press, the FCC is considering rules to implement federal legislation



Topics

- Community Services
- Economic Development & Redevelopment
- Environment, Energy & Climate Change
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designed to limit local authority over the siting of wireless facilities, such as placing new antennas and equipment on existing sites and towers or otherwise modifying or expanding existing wireless facilities.² If the FCC adopts the proposed version of these rules, generally referred to as the “proposed rules,” the wireless industry will gain more authority to demand or influence local changes to the visual character of communities throughout California and the nation. The proposed rules may also allow for:

- Potentially unsafe installations of the new antennas and equipment on existing sites and towers; and
- Other modifications or expansions to existing wireless facilities.

This article provides background on the sources of applicable law and current wireless issues at the federal, state and local government levels. It also explains why whenever changes are proposed it is important for local officials to express their views about how to improve the rules to preserve and protect local authority and discretion over issues of public safety and aesthetics related to wireless facility siting and maintenance in California cities.

Background

Cities must comply with various federal laws, FCC regulations and orders, California statutes and their own local ordinances as they consider the private installation and maintenance of wireless antennas and equipment on existing sites and towers. In 2012 Congress adopted the Middle Class Tax Relief and Job Creation Act,³ a statute best known for extending tax cuts and unemployment benefits. Buried in the law is Section 6409(a), which requires local government approval of certain wireless facilities installations even if local zoning laws or policies would otherwise preclude or limit their particular placement or location. Section 6409(a) is the first federal law passed in nearly two decades that directly affects a city’s zoning authority over wireless facilities. Some would argue that Section 6409(a) was added to the tax relief and job creation statute as a result of successful lobbying by the wireless industry. The FCC’s proposed rules will implement Section 6409(a) and apply to local jurisdictions throughout the nation — including all California cities.

A key question for the FCC in developing the proposed rules has been what types of facilities must be approved under Section 6409(a).⁴ The statute provides that “[n]otwithstanding ... any other provision of law, a state or local government *may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.*” An “eligible facilities request” is any request to modify an existing wireless tower or base station that involves collocating, removing or replacing transmission equipment. Although the formal comment period has ended, the FCC will accept input on the proposed rules until it issues the final rules and regulations. It is therefore not too late to voice concerns, and city officials have many reasons to participate in the rule-making process.

For example, the proposed rules as currently written would require cities to approve a 20-foot extension to any existing wireless facility — even if the modification makes a camouflaged facility plainly visible or adversely impacts a historical preservation district or an environmentally sensitive area. The extension may even unnecessarily intrude upon a residential neighborhood and negatively impact property values or alter an existing, non-conforming structure. The proposed rules do not even explicitly preserve local authority to protect people or property against unsafe installations. (See below. Photos courtesy of Engineering Analysis of Technical Issues Raised in the FCC’s Proceeding on Wireless Facilities Siting report, prepared by CTC Technology & Energy, and submitted as an exhibit to comments to the Federal Communications Commission made by a nationwide coalition of cities.)



The proposed rules would have a significant effect on residential areas. For example, an existing pole with wireless equipment is shown here, above, near a home in a quiet neighborhood. The proposed rules would allow a height increase of up to 20 feet to add antennas, which would require structural reinforcements that significantly increase the size and footprint of the facility (see rendering below of simulated addition). In this setting, 20 feet is not a minor modification.



Participating in the FCC's rule-making process is important for another reason — it *can* impact the outcome. Although the wireless industry may have succeeded in its recent lobbying efforts in Congress, it has also suffered defeats when local interests have made a strong showing to share their perspective and concerns.

For instance, in 2011 the FCC considered how to remove “barriers” to broadband deployment.⁵ The wireless industry pointed to local governments as a major barrier and included long lists of allegedly troublesome jurisdictions in agency filings. National associations representing local authorities and many *individual* cities and counties countered with an effective response. Ultimately no rules or further proceedings were adopted. Instead, the FCC convened an educational workshop on distributed antenna systems and small cell technologies. In 2009, responding to an industry petition seeking clarification of an existing federal statute,⁶ the FCC adopted what's commonly known as the “shot clock order,” which established a nationwide standard for the “reasonable period of time” for a city or county to process wireless applications.⁷ Local government opposition did not stop that order but it did help persuade the FCC to include requirements less draconian than the

industry had advocated.⁸

Similarly, in California during 2013 state legislation was introduced that would have put severe limits on city authority to regulate the placement of wireless facilities.⁹ A prompt and vigorous response by the League and its member cities, as well as other local government organizations, helped stop the legislation from passing — although it may be reintroduced this year.¹⁰

Rules Adopted in 1996 Already Serve Industry And Cities Well

Tensions between national infrastructure policy goals and local zoning control are common. How to balance the two is not a new debate. Where deployment of wireless facilities is concerned, the balance has usually tipped toward retaining local control and authority for cities. Congress considered seriously limiting local zoning authority in 1996 but after intense debate and heavy participation by cities, the Telecommunications Act enacted that year generally preserved local authority over wireless facilities siting.¹¹ Section 332(c)(7) of that statute preserves local zoning authority over “the placement, construction and modification of personal wireless service facilities,” but also subjects the authority to certain limitations.¹²

The wireless industry has prospered under the Section 332(c)(7) requirements that respect local zoning discretion. The industry has grown exponentially since 1996. It has made more than \$330 billion in cumulative wireless infrastructure investment and is projected to invest another \$34 to \$36 billion *per year* over the next five years.¹³ Between 1996 and 2012 the number of cell tower sites increased *tenfold*, from about 30,000 to more than 301,000.¹⁴

So why are new rules necessary? Common refrains claim that cities and counties are slow to act on requests for collocations and minor modifications to existing wireless facilities, and that this affects deployment of facilities needed for wireless broadband service and could slow the rollout of a nationwide public safety network. But collocations and minor modifications are typically favored by cities over new sites, and cities would be very unlikely to needlessly hold up deployment of improved public safety networks. Thus, the rationale for new rules is unclear.



This example illustrates the impact of the proposed rules on buildings with stealth (concealed) wireless facilities. The existing building, above, presently has wireless antennas that have been screened or painted to limit their visual impact. The proposed rules would allow the facility to add 20 feet to install additional wireless equipment, significantly altering the building’s visual appearance and height (see rendering of simulated addition, below).



Section 6409 and the Proposed Rule-Making

Section 6409(a) differs from the 1996 law because it mandates local government approvals, but it is unclear what exactly must be approved. Last year, the FCC's Wireless Bureau issued nonbinding "interpretative guidance" on Section 6409(a) that was considered favorable to the industry.¹⁵ The guidance raised many aesthetic, historical preservation, environmental and public safety concerns for local governments. As the FCC now considers the proposed rules based on that guidance, it has raised dozens of questions about the role of cities in responding to applications for siting or collocating new wireless facilities, including new antennas and equipment.¹⁶

These questions include:

- Should the FCC even make rules, or would there be benefits to giving cities and counties the first opportunity to implement Section 6409(a) without any federal rules?¹⁷
- How should key terms in the statute be defined? For example, should an existing wireless tower mean a structure built and used solely or primarily for wireless facilities (the classic wireless tower), or should it include *any* structure that might be used for wireless facilities such as a streetlight, utility pole, building or water tank — whether or not it currently hosts any wireless facilities?¹⁸
- What is a "substantial change" in the physical dimensions of a tower? This is a critical threshold in the statute, because under the proposed rules cities must approve a proposed tower modification that does not result in a substantial change. The proposed rules were based on a test adopted when the FCC implemented a different federal statute.¹⁹ Taking that approach here could, for instance, require city approval of a 20-foot extension to any existing wireless facility — including a streetlight or utility pole.
- Should the FCC impose limits on application requirements, fees or processes?²⁰
- Should the FCC deem an application "granted" if a city does not act within a specified period or would this remedy violate the U.S. Constitution?²¹
- Does the statute apply to local governments acting in their capacity as property owners?²²

In addition to the questions related to wireless facility siting, the FCC's rule-making contemplates whether further rules are needed to implement the FCC's shot clock order.²³ For example, the FCC asks what has been cities' and the industry's experience operating under the shot clock order and whether additional remedies are needed, such as deeming an application granted if a city hasn't acted on it before the shot clock deadline expires. The FCC's extensive questions suggest that its final rules *could* be more reasonable than its current proposals. But this won't happen if the agency hears only from the wireless industry as it considers adoption of the final version of the rules. The

FCC needs to be educated by city officials who deal with wireless facilities siting on a daily basis.

Conclusion

Wireless facilities siting raises political and legal issues that are becoming ever more complex. Cities already must comply with various federal laws, FCC regulations and orders, state statutes and their own local ordinances when wireless providers come before them for approvals to place new antennas and equipment on existing sites or otherwise modify or expand existing wireless facilities. Cities also often face public opposition to the wireless facilities and threats of litigation from wireless providers. All of these factors can impact the approval process and the proposed deployment. The proposed rules threaten to curtail or at least reduce city authority or discretion over wireless siting.

Effective defense of cities' interests in the FCC's rule-making requires a significant effort. The League (together with the California State Association of Counties and the California and Nevada Chapter of the National Association of Telecommunications Officers and Advisors) has already filed helpful comments on the proposed rules. (See the joint comments on the League web page devoted to federal issues at www.cacities.org/Policy-Advocacy/Federal-Priorities-and-Issues.) Although the formal filing deadlines have passed, it is not too late for city officials to write a letter and/or set up a meeting with FCC commissioners or staff to express their concerns about this potential federal intrusion on local land-use decisions — and seek to protect and preserve local authority over public safety and aesthetics in the community.

Footnotes:

1 See "THE U.S. WIRELESS INDUSTRY: Leading the World in Investment, Value, Innovation, and Competition," (November 2013), a report attached to an *ex parte* letter dated November 13, 2013 filed by CTIA – The Wireless Association to welcome new appointees to the Federal Communications Commission, Chairman Wheeler and Commissioner O'Reilly, available at http://files.ctia.org/pdf/filings/2013_CTIA_Investment_and_Innovation_Letter.pdf.

2 *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, FCC 13-122 (9/26/2013), available at <http://apps.fcc.gov/ecfs/document/view?id=7520945675>.

3 Pub.L. 112–96, H.R. 3630, 126 Stat. 156, enacted Feb 22, 2012.

4 47 U.S.C. § 1455(a).

5 *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting*, Notice of Inquiry, 26 FCC Rcd 5384 (2011).

6 47 USC § 332(c)(7).

7 The FCC established two time periods: 90 days for action upon a collocation request; and 150 days for action upon a new siting application. California jurisdictions are already subject to state or local rules that establish time limits for actions such as the Permit Streamlining Act. The "shot clock" applies "independent of the operation" of the local rules.

8 Local governments also challenged whether the FCC had the authority to make such an order but the FCC authority was upheld by the U.S. Supreme Court. *City of Arlington v. FCC*, 133 S. Ct. 997 (2013).

9 Under the proposed bill:

- A request for a modification of an existing wireless telecommunications facility that does not substantially change the physical dimensions of the facility must be approved.

- Eligible requests are broadly defined to include installations in the rights of way (on utility poles, for example) as well as sites outside the rights of way (a typical macro cell site).
- "Substantially change" is defined in a manner that could mandate local approval of very significant modifications to existing facilities. For example, a local authority could be compelled to allow a previously approved distributed antenna system (DAS) running down Main Street to place additional appurtenances "that would protrude from the edge of" the existing facilities for 20 feet in any direction.
- Unless an eligible application is deemed incomplete, it would be "deemed approved" if not acted upon within 45 days.
- Local authorities would not be able to consider whether the requested facilities are needed to fill in a gap in service coverage.

10 Officially the bill was "dead" as of Jan. 20, 2014, because that was the last day for any committee to hear and report to the floor on the bill per Rule 61(b)(2) of the Legislative Rules. However, the Legislature does have the ability to 'waive' a rule and if this is done then AB 162 can continue. Similar language can also be added to another bill in what is known as "gut & amend."

11 47 U.S.C. § 332(c)(7).

12 These limitations are:

- Regulations shall not unreasonably discriminate among providers of functionally equivalent services.
- Regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
- Requests for authorization must be acted on within a reasonable period of time after the request is filed, taking into account the nature and scope of such request.
- Decisions to deny a request shall be in writing and supported by substantial evidence contained in a written record.
- Regulation may not be based on the environmental effects of radio frequency (RF) emissions to the extent that such facilities comply with the FCC's regulations.

13 For historical investment data see "CTIA's Semi-Annual Wireless Industry Survey Results, December 1985 – December 2012," available at http://files.ctia.org/pdf/CTIA_Survey_YE_2012_Graphics-FINAL.pdf. For projections see Dr. Alan Pearce, et al., Wireless Broadband Infrastructure: A Catalyst for GDP and Job Growth 2013-2017 (2013), available at http://www.pcia.com/images/IAE_Infrastructure_and_Economy.pdf.

14 *Id.*

15 "Wireless Telecommunications Bureau Offers Guidance On Interpretation Of Section 6409(A) Of The Middle Class Tax Relief And Job Creation Act Of 2012," DA 12-2047, January 25, 2013, available at ftp://ftp.fcc.gov/pub/Daily_Releases/Daily_Business/2013/db0128/DA-12-2047A1.pdf

16 Sections IV and V of the notice address local zoning authority. The notice's first two sections do not directly target local zoning authority. They are relevant to a local government to the extent that the community does not impose its own environmental or historical-preservation requirements or regulate the placement of temporary towers, but instead relies on the FCC's processes and restrictions. Section II concerns whether the FCC should expedite its National Environmental Policy Act and National Historical Preservation review processes for DAS and small cells, including by categorically excluding these deployments from review. NPRM ¶¶ 36-67. Section III proposes to exempt from the Commission's antenna-structure-registration-notification requirements certain temporary antenna structures. Specifically, the FCC proposes to exempt an antenna structure if it: (i) will be in use for 60 days or less; (ii) requires notice of construction to the FCC; (iii) does not require marking or lighting pursuant to FAA regulations; (iv) will be less than 200 feet in height; and

(v) will involve minimal or no excavation. NPRM ¶¶ 78-89.

17 NPRM ¶¶ 95-100.

18 NPRM ¶ 108.

19 NPRM ¶ 118.

20 NPRM ¶ 131-134.

21 NPRM ¶ 137.

22 NPRM ¶ 129.

23 NPRM ¶¶ 144-162.

*This article appears in the [April 2014](#) issue of *Western City**

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TOWN COUNCIL WEEKLY DIGEST

Friday – March 13, 2015

1. Agenda (Action) – ASCC – Monday, March 9, 2015
2. Agenda (Action) – Town Council – Wednesday, March 11, 2015
3. Agenda (Special) – Parks & Recreation Committee – Wednesday, March 18, 2015
4. Agenda (Special) – Bicycle, Pedestrian & Traffic Safety Committee – Wednesday, March 18, 2015
5. Agenda (Cancellation) – Planning Commission – Wednesday, March 18, 2015
6. Town Hall Closure (8:00am – 1:00pm) for Staff Training – Monday, March 16, 2015
7. Memo from Sustainability & Special Projects Manager – Tentative Calendar of Town Events for 2015
8. Email from Lindsay Bowen re: Little League Opening Day at Ford Field, Saturday, March 14th, 9AM
9. Invitation to Council of Cities dinner meeting – Friday, March 27, 2015
10. Notice of Public Hearing re: Consideration of Adoption of LAFCo Adopted Budget for FY 2015/'16
11. Email from SamTrans re: Background and Experience of new General Manager Jim Harnett
12. Letter from Redwood City Mayor Jeffery Gee re: FCC Wireless Order Appeal Coalition
13. Invitation to attend the 14th Annual North Fair Oaks Community Festival – August 16, 2015
14. Memo from Town Manager, Nick Pegueros re: Weekly Update – Friday, March 13, 2015

Attached Separates (Council Only)

(placed in your town hall mailbox)

1. None



TOWN OF PORTOLA VALLEY
 ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
 Monday, March 9, 2015
Special Field Meeting (time and place as listed herein)
 7:30 PM – Regular ASCC Meeting
 Historic Schoolhouse
 765 Portola Road, Portola Valley, CA 94028

ACTION

SPECIAL ASCC FIELD MEETING*

4:00 p.m. Ford Field Access Easement (parking available at Ford Field) Field meeting for preliminary review of proposed driveway and bridge over the Ford Field access easement. (ASCC review to continue at Regular Meeting) **Project team presented proposal, walked the ASCC through the site, and responded to questions. Comments held for 3/9/15 evening meeting.**

7:30 PM – REGULAR AGENDA*

1. Call to Order: **7:30 p.m.**
2. Roll Call: Breen, Clark, Harrell, Koch, Ross (**Koch absent. Also present: Debbie Pedro Town Planner; Carol Borck Assistant Planner; Maryann Derwin Town Council Liaison; Denise Gilbert Planning Commission Liaison**)
3. Oral Communications: **None.**

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

4. Old Business:
 - a. Preliminary Architectural Review and Site Development Permit for a driveway and bridge over the Ford Field access easement, APN: 077-272-010 **ASCC provided comments and continued review to the 3/23/15 ASCC meeting.**
5. New Business:
 - a. Discussion of Outdoor Lighting Ordinance and Policies **Commission discussed potential updates to the Town lighting policies and directed staff to coordinate an information session with lighting consultant(s) to learn about the latest technology in lighting design**
6. Commission and Staff Reports:

Ross provided an update on the interior cove lighting solution at 7 Veronica. He stated that the measures taken by the lighting designer reduced the reflective light substantially.

Ross advised that he, along with staff and members of the conservation and trails committees, met with Alpine Hills Tennis and Swim Club on 3/6/15 to discuss the screen planting approach for the Town's right of way where the eucalyptus trees were removed.

Breen inquired about the status of the new residence project at 4185 Alpine Road. Borck advised that the story poles had not yet been corrected, but that the

project team was in the process of designing a more detailed landscape plan as directed by the ASCC.

7. Approval of Minutes: February 9, 2015 **Approved as submitted.**
8. Adjournment: **8:53 p.m.**

*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

PROPERTY OWNER ATTENDANCE. The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

WRITTEN MATERIALS. Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Assistant Planner at 650-851-1700, extension 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

This Notice is Posted in Compliance with the Government Code of the State of California.

Date: March 6, 2015

CheyAnne Brown
Planning Technician



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Meeting of the Town Council
 Wednesday, March 11, 2015
 Historic Schoolhouse
 765 Portola Road, Portola Valley, CA 94028

ACTION AGENDA

I. CALL TO ORDER AND ROLL CALL – 7:30 PM

Councilmember Wengert, Councilmember Richards, Councilmember Hughes, Vice Mayor Derwin and Mayor Aalfs

Mayor Aalfs absent

II. ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

None

III. CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

1. **Approval of Minutes** – Town Council Regular Meeting of February 11, 2015
Approved 4-0
2. **Approval of Minutes** – Town Council Regular Meeting of February 25, 2015
Approved as Amended 4-0
3. **Approval of Warrant List** – March 11, 2015
Approved 4-0
4. **Recommendation by Town Planner** – Adoption of a Resolution Supporting Priority Conservation Area (PCA) Designations within the Town of Portola Valley and its Sphere of Influence
 - (a) A Resolution of the Town Council of the Town of Portola Valley Supporting Priority Conservation Area Designations within the Town of Portola Valley and its Sphere of Influence (Resolution No. 2647-2015)

Approved as Amended 4-0

IV. REGULAR AGENDA

A. PRESENTATIONS –

1. **Request from Friends of Sausal Creek** – Request for analysis to Study the Daylighting of Sausal Creek

Council approved the request for Analysis to Study the Daylighting of Sausal Creek and directed staff to include in 2015-'16 budget to include sufficient funds for a facilitated master plan update, develop a charter for an Ad-Hoc Daylighting Task Force Committee and suggested composition of members, to be brought back to the Council in the near future.

B. COMMITTEE REPORTS & REQUESTS

1. **Council Liaison Reports** - *There are no written materials for this agenda item*

Councilmember Wengert - Trails & Paths Committee discussed its budget, opening of trails for equestrian use, continue to work on report to the Council, and work in front of Alpine Hills Swim & Tennis Club, replanting of area along Alpine Road.

Councilmember Richards – Planning Commission discussed the Priority Conservation Area Designations (PCA) within the Town and its sphere of influence.

Councilmember Hughes – Nature & Science Committee welcomed new member Michael Bray, and reviewed upcoming event dates. Parks & Recreation Committee did not have a quorum of members. Councilmember Hughes met with staff and PG&E to reassess undergrounding on Alpine Road and attended the second community meeting on ALPR's.

Vice Mayor Derwin – Water Conservation Committee is looking for volunteers for Earth Day, scheduled for March 28th. The ASCC continued review of bridge at Ford Field and directed staff to return with a discussion on outdoor lighting, in the near future.

C. PUBLIC HEARINGS –

1. **Public Hearing:** Proposed Portola Road Corridor Plan, Related General Plan Amendments, and Initial Study/Negative Declaration

- (a) A Resolution of the Town Council of the Town of Portola Valley Adopting the Negative Declaration for the Portola Road Corridor Plan and Related General Plan Amendments (Resolution No. 2648-2015)

Council approved the Resolution adopting the Negative Declaration for the Portola Road Corridor Plan 4-0

- (b) A Resolution of the Town Council of the Town of Portola Valley Approving the Portola Road Corridor Plan as an Element of the General Plan and Related General Plan Amendments (Resolution No. 2649-2015)

Council approved the Resolution approving the Portola Road Corridor Plan as an Element of the General Plan and Related General Plan Amendments 4-0

D. STAFF REPORTS AND RECOMMENDATIONS

1. **Recommendation by Town Planner and Town Clerk** – Agreement with Peelle Technologies for Parcel File Scanning Project, Software Upgrade to v9.2, and Installation of Laserfiche WebLink

Council Approved 4-0

E. Council Liaison Reports on Regional Agencies and Organizations - *There are no written materials for this agenda item*

Vice Mayor Derwin attended the League of California Cities, Peninsula Division dinner meeting, held on February 24th.

V. WRITTEN COMMUNICATIONS

1. **Town Council Digest** – February 27, 2015

#7 – Councilmember Wengert commented how nice the received “thank you” note was.

2. **Town Council Digest** – March 6, 2015

#9 – Town Manager noted MROSD's Planning and Natural Resource Committee met to discuss the rehabilitation of the Hawthorn property

#13 - Town Manager noted Town Attorney Prince is working on Title 2 of the Town's Municipal Code

VI. ADJOURNMENT: 9:30pm

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).



Town of Portola Valley
Special Parks & Recreation Committee Meeting
Wednesday, March 18, 2015 – 8:00 am
Conference Room at Town Hall
765 Portola Road, Portola Valley, CA

Note: Special meeting time and location

AGENDA

1. Call to Order
2. Oral Communications (*5 minutes*)
Persons wishing to address the Committee on any subject, not on the agenda, may do so now. Please note however, the Committee is not able to undertake extended discussion or action tonight on items not on the agenda. *Two minutes per person.*
3. Approval of Minutes: February 2, 2015
4. Report to Town Council (for March 25 council meeting)
5. Adjournment

Next Meeting: Monday, April 6, 2015



TOWN OF PORTOLA VALLEY
Special Bicycle, Pedestrian and Traffic
Safety Committee Meeting
Wednesday, March 18, 2015 – 8:15 AM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA

MEETING AGENDA

1. Roll Call
2. Oral Communications
3. Approve Minutes of the February 2015 meeting
4. Sheriff's Report –
 - 1) Accidents and Citations - *December 2014 and January & February 2015*
 - 2) Updated requests for Law enforcement presence, as required
5. Presentation: Cindy Welton, The Silicon Valley Bicycle Coalition on "Bicycle Safety Awareness"
6. Public Works Report:
7. General Items:
 - 1) Formation of Subcommittee to compose report on 2014 Committee activities for review at the April 2015 meeting
 - 2) Review of working guidelines – Pending feedback from the Town Council, as requested at the December 2014 BPTS meeting
 - 3) Budget Planning for FY 2015-'16
 - 4) Parking on Portola Road at Windy Hill Entrance
8. Update on Outreach, Events & Teaching Programs
 - 2015 Events
9. Other Business
 - Outreach to prospective new BPTS Membership
10. Time and date for April 2015 meeting
11. Adjournment



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: CheyAnne Brown, Planning Technician

DATE: March 13, 2015

RE: Cancellation of Planning Commission Meeting

The regular meeting of the Planning Commission scheduled for Wednesday, March 18, 2015 has been canceled. The next regular meeting of the Planning Commission is scheduled for Wednesday, April 1, 2015 at 7:30 p.m.

cc: Town Manager
Town Council
Town Planner
The Almanac
Barbara Templeton

This Notice is posted in compliance with Section 54955 of the Government Code of the State of California.

Date: March 13, 2015

CheyAnne Brown
Planning Technician



PORTOLA VALLEY TOWN HALL

**WILL BE CLOSED FOR
STAFF TRAINING**

**Monday, March 16, 2015
From 8:00 am – 1:00 pm**

**Town Hall will be open from
1:00 pm – 5:00 pm**

In Case of Emergency: Call 911



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Brandi de Garmeaux, Sustainability & Special Projects Manager

DATE: March 13, 2015

RE: Tentative Calendar of 2015 Town Events

Attached is a tentative calendar of Town events to be held throughout the 2015 calendar year. If you have any questions or concerns, please let me know.

Tentative Calendar of Town Events for 2015

Date	Event	Time	Who	Where
Sun, March 1	Annual Broom Pull	9 – 12 pm	Conservation	School House
Sat, March 28	PV/Woodside Earth Fair	11– 3 pm	Staff, Water Cons	Woodside Mounted Patrol Grounds
Sat, April 11	Maintaining Existing Landscaping During a Drought	10 am – 1 pm	CalWater, Water Cons	Town Center
Wed, April 15	Climate Salon	6:30 – 8:30 pm	Brook Coffee	Town Center
Sat, May 2	Neighborhood Clean-Up Day	8 – 11 am	GreenWaste	Town Center
Sat, May 16	Wildland Fire Drill	8:30 am – 1:30 pm	Staff & EPC	Town Center
Sat, May 16	Sudden Oak Death Training	10 am	Woodside	Woodside Town Hall
Sat, June 6	Town Picnic	9 – 3pm	Parks & Recreation	Town Center
Thur, June 18	Summer Concert	6 – 8 pm	Cultural Arts	Town Center
Sat, June 13	Horse Trail Ride	1 – 5 pm	Trails & Paths	Springdown
Sun, June 14	Horse Fair	1 – 5 pm	Trails & Paths	Springdown/ Town Center
Thur, July 16 or 23	Summer Concert	6 – 8 pm	Cultural Arts	Town Center
Sat, August 1	Neighborhood Clean-Up Day	8 – 11 am	GreenWaste	Town Center
Thur, August 20	Summer Concert	6 – 8 pm	Cultural Arts	Town Center
Sat, Sept 19	Flight Night	5 – 10 pm	Nature & Science	Town Center
Sat, October 3	Neighborhood Clean-Up Day	8 – 11 am	GreenWaste	Town Center
Sat, October 10	Household Hazardous Waste Collection	8 – 12 pm	SMC Enviro Health	To be determined
Fri, October 16	Star Party	6 – 11 pm	Nature & Science	Town Center
Mon, October 19	Mountain Lion Talk	~7 – 9 pm	Conservation	Town Center
Thur, October 29	Farmers' Harvest Festival	3 – 7 pm	Farmers' Market	Town Center
Fri, December 4	Volunteer Appreciation Party	6 – 9 pm	Staff	Town Center

Sharon Hanlon

Subject: Little League Opening Day @ Ford Park, Saturday 14 March, 9 a.m.

From: Lindsay Bowen [<mailto:llblosaltos@aol.com>]

Sent: Wednesday, March 11, 2015 3:10 PM

To: Nick Pegueros; Tony Macias; Howard Young; Sharon Hanlon; Scott Weber

Subject: Little League Opening Day @ Ford Park, Saturday 14 March, 9 a.m.

Hello Nick and Company,

Just an FYI about Opening Day. The field looks great. We have contracted with Woodside Partol for traffic control.

Thanks,
Lindsay



Dinner/Meeting Announcement

Date: Friday, March 27, 2015 at 5:30 p.m.

All council members are welcome to come and meet their colleagues at these dinner meetings. This is a wonderful opportunity to discuss issues facing cities within San Mateo County and share ideas with others.

Location

Amoura Restaurant
713 Linden Avenue
South San Francisco, CA 94080

Map and Directions Enclosed

Schedule

5:30 pm	Social Time
6:15 pm	Business Meeting
7:00 pm	Dinner
7:30 pm	Program
8:30 pm	Adjourn

Please contact Elizabeth Lewis at lizlew08@gmail.com if you wish to bring up an item for group discussion or give a committee report.

Buffet Dinner

\$45 per person

No host bar

RSVP by noon on Friday, March 20, 2015
Anita Palafox at (650) 829-6665 or anita.palafox@ssf.net

Checks Payable to: City of South San Francisco
Send the payment to this address:
City Manager's Office
C/O Anita Palafox, 400 Grand Avenue – 2nd Floor
South San Francisco, CA 94080

Council of Cities Business Meeting
Friday, March 27, 2015
6:15 p.m.

- ❖ Call to Order
- ❖ Roll Call and Introductions of Mayors, Council Members and Guests
- ❖ Welcome Remarks
- ❖ Approval of Minutes of Previous Meeting and Treasurer's Report
- ❖ Committee Reports
- ❖ Old Business
- ❖ New Business
- ❖ Announcements

Directions to Amoura Restaurant

From South

1. US-101 North toward San Francisco
2. At exit 425A, take ramp right and follow signs for Grand Ave
3. Turn right onto E Grand Ave
4. Turn left onto Grand Ave
5. Turn right onto Airport Blvd
6. Turn left onto Pine Ave. Economy Inn on the corner
7. Turn right onto Linden Ave
8. Arrive at **713 Linden Ave, South San Francisco, CA 94080**

From North

1. Take ramp for US-101 South toward San Jose
2. At exit 425A, take ramp right toward Grand Ave
3. Bear right onto Miller Ave
4. Turn right onto Linden Ave
5. Arrive at **713 Linden Ave, South San Francisco, CA 94080**

From Daly City

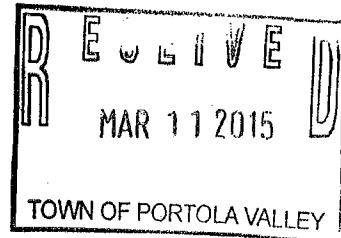
1. From CA-82 S, El Camino Real
2. Turn left onto A St
3. Turn right onto Hillside Blvd
4. Turn right to stay on Hillside Blvd
5. Turn right onto Linden Ave
6. Destination will be on the right **713 Linden Ave, South San Francisco, CA 94080**



LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

NOTICE OF PUBLIC HEARING BY THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION



NOTICE IS HEREBY GIVEN that the San Mateo Local Agency Formation Commission will hold a public hearing on March 18, 2015 at a meeting scheduled to begin at 2:30 p.m. in the Board of Supervisors Chambers, Hall of Justice and Records, 400 County Center, Redwood City, to consider the following items:

Consideration of Adoption of LAFCo Adopted Budget for Fiscal Year 2015-16 pursuant to Gov. Code Section 56381

At the hearing, the Commission will hear and consider oral and written testimony by any affected agency or interested person and the report of the Executive Officer. For more information, contact the LAFCo office, 455 County Center, Redwood City, California, 94063 or (650) 363-4224.

Dated: February 26, 2015

Martha Poyatos
Executive Officer

Sharon Hanlon

Subject: News: New General Manager Jim Hartnett Background and Experience
Attachments: image003.png; image006.png; image007.jpg; image008.jpg

From: Ackemann, Jayme [ackemannj@samtrans.com]
 Sent: Wednesday, March 11, 2015 6:05 PM
 To: Ackemann, Jayme
 Subject: News: New General Manager Jim Hartnett Background and Experience

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 [cid:image003.png@01D05C1D.EE87D270] [cid:image008.jpg@01D05C1D.F02EF2C0]
 [cid:image006.png@01D05C1D.EE87D270]

Media Contact: Jayme Ackemann, 650.508.7934 March 11, 2015

****NOTE**** Additional details regarding the new General Manager will be available shortly by visiting the Transit District websites.

New General Manager Jim Hartnett Background and Experience Jim Hartnett, 64, an attorney and Redwood City resident, served more than a decade on both the District and the Caltrain boards of directors and has served both boards as chair.

During his tenure, and with his considerable leadership, the services provided by both Caltrain and SamTrans were significantly redesigned and reinvented. The Caltrain Baby Bullet service launched during Hartnett's time on the board. When the board voted to partner with High Speed Rail, Hartnett authored an amendment requiring that any activities by HSR be consistent with Caltrain current and future rail service. He advocated successfully for a budget reserve policy.

He was appointed four years ago to the California High Speed Rail Authority Board of Directors, where he served most recently as vice chair. He has resigned from that board. He is considered a key figure in the reorientation of High Speed Rail to a more collaborative partnership on the Peninsula and was active in winning legislative support and funding for the program, specifically working with the Legislature to ensure High Speed Rail's early investment funds include the Caltrain Modernization Program.

He chaired the Dumbarton Rail Policy Committee, a partnership of representatives from San Mateo, Alameda and Santa Clara counties exploring the development of rail service across the San Francisco Bay.

He served 15 years on the Redwood City City Council, including terms as mayor and vice mayor.

During his service on the council, he mediated a dispute between the Port of Redwood City and Pacific Shores Center that allowed development of 1.3 million square feet of office space recently purchased by Google. He established a new leadership model with the City Manager, the Mayor and Vice Mayor. He led an effort to enact a recycled water program citywide that has resulted in significant reduction in water usage by the city. He advocated successfully for a city budget reserve policy.

Hartnett is married to Rosanne Foust, President and CEO of the San Mateo County Economic Development Association. He has two grown sons; Hartnett and Foust are raising two daughters, one in high school and one in her second year at the U.S. Naval Academy in Annapolis, Maryland.

Commenting on each of the three agencies he will lead, Hartnett said:

On Caltrain: "I want to create an environment in which Caltrain will continue to flourish and its success will be sustainable."

On SamTrans: "I want to make sure that it will continue to serve the needs of all the riders as we build a mobility network that meets the needs of emerging demand."

On the TA: "It is an agency where possibilities are born and supported and we have an obligation to the voters to ensure it continues and grows as a synergistic source of support for transit and transportation programs and our regional efforts."

On High Speed Rail: Hartnett cited his experience with High Speed Rail as an asset in leading an organization with a complex relationship with the statewide agency.

“I will be a strong advocate for Caltrain. I know the High Speed Rail organization well and understand the issues. I always looked upon my role on the High Speed Rail board as ensuring that organization was responsive to Peninsula issues,” he said.

When the Caltrain board voted to partner with High Speed Rail, Hartnett authored an amendment “that included language that we would support High Speed Rail only as long as it was consistent with Caltrain’s objectives.

“I have a long history of commitment to Caltrain, the region’s interests, and the three counties served by this system.”

###

About SamTrans: Funded in part by a half-cent sales tax, the San Mateo County Transit District also provides administrative support for Caltrain and the San Mateo County Transportation Authority. SamTrans has provided bus service to San Mateo County customers since 1976.

About Caltrain: Owned and operated by the Peninsula Corridor Joint Powers Board, Caltrain provides commuter rail service from San Francisco to San Jose, with limited commute service to Gilroy. Caltrain has enjoyed over three years of consecutive monthly ridership increases, surpassing more than 60,000 average weekday riders earlier this year. While the Joint Powers Board assumed operating responsibilities for the service in 1992, the railroad will celebrate 150 years of continuous passenger service in 2014. Planning for the next 150 years of Peninsula rail service, Caltrain is on pace to electrify the corridor by 2020, reducing diesel emissions by 97 percent by 2040 and adding more service to more stations.

About the TA: Created to administer Measure A, San Mateo County’s half-cent sales tax, the Transportation Authority provides funding for transportation and infrastructure improvement projects. In 2004, more than 75 percent of San Mateo County residents voted to reauthorize Measure A for an additional 25 years.

Like us on Facebook at: www.facebook.com/samtrans or and follow us on Twitter @SamTrans_News

Like us on Facebook at: www.facebook.com/caltrain and follow us on Twitter @Caltrain_News

Mayor Jeffrey Gee
Vice Mayor Rosanne Foust

Council Members
Alicia Aguirre
Ian Bain
Diane Howard
Barbara Pierce
John Seybert



March 3, 2015

Re: FCC Wireless Order Appeal Coalition

Dear Honorable San Mateo County Mayors:

I am writing to request that you consider joining the City of Redwood City and other local jurisdictions from across the nation in a coalition to appeal the FCC's latest rules preempting local authority over certain local land use decisions concerning wireless facilities. The FCC adopted rules late last year, In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket No. 13-238. Portions of the FCC rules just came into effect and the remainder will take effect in the coming months. The deadline for filing an appeal is March 9, 2015. The rules are intended to implement a federal statute adopted in 2012, and codified as 47 U.S.C. §1455 (commonly referred to as Section 6409(a)). The FCC suggests the rules accelerate broadband deployment. Our city strongly supports broadband and new technologies, but not at all costs. The City of Redwood City, along with other local jurisdictions believe the rules go too far and we owe it to our residents to protect local zoning and land use authority.

Last year, our city participated in the FCC rulemaking which led to these rules as part of a coalition of 16 cities and 4 associations representing local government interests. Though we believe filings by our coalition attorneys, Best Best & Krieger, LLP, presented a strong challenge to the FCC's proposed rules, the FCC adopted final rules that generally mirror the proposed rules, preempting local authority to apply local zoning laws and policies to the review of certain types of wireless facilities.

Some of the most disturbing aspects of the new FCC rules include the following:

- No local control. Local approval must be granted for any modification which falls within the FCC rules (that is anything that is not a "substantial change" according to the FCC rules). There is a reasonable argument that mandatory approval is inconsistent with the Tenth Amendment, the Due Process Clause, and Section 6409(a) itself.
- Unreasonable interpretation of "substantial change". The FCC standard for what constitutes a "substantial change" permits, among other things, an automatic 10 ft. x 6 ft. increase in the physical dimensions of any facility, whatever its current size might be, so long as the modification complies with safety codes and preserves any existing "stealth" features.

In other words, a city must approve any change up to that dimension. The FCC standard for what constitutes a “substantial change” is not reasonable.

- Short time to act. If a local government does not grant or deny a covered Sec. 6409(a) modification within 60 days, it is “deemed” granted by FCC rule. This does not provide local jurisdictions enough time to engage our communities and protect local land use and zoning authority.
- The rules are too broad. The rules permit modification of “small cells” and underlying support structures, not just cell towers.

In addition, wireless industry lobbyists are expressing a desire to see the scope of the rules broadened, according to recent telecommunications trade press reports.

The City of Redwood City feels strongly that local governments must take a firm stand to try to stop this unlawful federal encroachment on local authority at the request of the wireless industry, and for this reason we urge you to consider joining our appeal coalition. Right now in addition to the City of Redwood City, the coalition includes: Apple Valley, CA; Bellevue, WA; Boston, MA; San Jose, CA; Ontario, CA; Los Angeles, CA; McAllen, TX; and the Texas Coalition of Cities for Utility Issues (TCCFUI), an association representing more than 110 Texas cities.

Our coalition is seeking contributions of \$15,000 from individual communities. Contributions are capped and as more local jurisdictions join in, the individual out-of-pocket costs may go down. Recently, the City Council of the City of Redwood City approved Redwood City’s participation in an appeal of these rules and approved a contribution of \$15,000 toward the litigation. I urge you to join our effort to protect local control. To learn more about how your city may participate, please contact Gail Karish with Best Best & Krieger, LLP at 213-617-7491.

Should you have any questions please do not hesitate to contact me at 650-483-7412.

I trust you understand the importance of this matter and we look forward to your affirmative response to this request and join other local jurisdictions in supporting this appeal.

Sincerely,

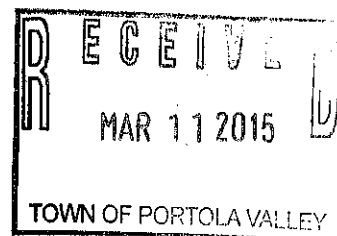


Jeffrey Gee, Mayor

C: Members, City Council
Robert Bell, City Manager



Sheriff's Office of San Mateo County
14th North Fair Oaks Community Festival
Sunday, August 16, 2015



March 4, 2015

The Honorable Jeff Alfs
Mayor
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

RE: 14TH ANNUAL NORTH FAIR OAKS COMMUNITY FESTIVAL

Dear Mayor Alfs:

We welcome you to join us at the **14th Annual North Fair Oaks Community Festival**, which will take place on **Sunday, August 16, 2015** on Middlefield Road between 1st and 5th Avenues in Redwood City.

The North Fair Oaks Community Festival is truly a unique, successful community event -- organized by parents, youth, local merchants, school staff, non-profit organizations and the faith community. The Festival creates community pride and revitalizes the neighborhood; provides information about family resources; has many hands-on youth and family activities in the art pavilion and sports clinics; and promotes goods and services to the 30,000 people expected at the event. We kick-off the festival with a parade and have two stages with live entertainment throughout the day.

You are invited to participate in the welcoming ceremony on the main stage at 1:00 PM. We will acknowledge all elected officials and diplomatic corps present and welcome you to stay for any portion of the festival to meet the community and partake of the many activities offered.

Logistical details and a VIP parking pass will be provided once you RSVP your attendance.

If you responded earlier to our invitation to participate in the Parade, we will be sending you additional information on those details two weeks before the festival.

RSVPs and any additional questions may be directed to our Festival Director, Catherine Tompkison at 650.368.2497 or catherine@northfair Oaks festival.org.

We hope you will be able to join us on August 16!

Warren Slocum
Supervisor

Greg Munks
Sheriff

3121 Middlefield Road, Redwood City, CA 94063
phone 650.368.2497 * fax 650.362.2497
info@northfair Oaks festival.org * www.northfair Oaks festival.org
a benefit for the San Mateo County Sheriff's Youth Programs



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council
FROM: Nick Pegueros, Town Manager
DATE: March 13, 2015
RE: Weekly Update

The purpose of this report is to provide a summary update on items/projects of interest for the week ended March 13, 2015.

1. **191 Meadowood Drive Noise Ordinance Violation** – On Monday, the Town received a report that extensive landscape clearing was occurring on the property at 191 Meadowood Drive. Upon investigation, it was determined that the contractor had violated the Town's noise ordinance by utilizing a wood chipper on Saturday. However, a site inspection by staff and a member of the Conservation Committee determined that the clearing was primarily maintenance and it did not appear that any "significant trees," as defined in the Municipal Code, were removed. The work was allowed to continue after staff met with the owner's representatives and contractor and provided them with information on Town requirements.
2. **Little League Opening Day** – Little League Opening Day is tomorrow, March 14th at 9AM. The Sheriff's Office has been notified of the event.
3. **Load Data Request for County's CCA Technical Analysis** – Staff is working with County Staff to resolve questions related to data privacy as raised by the Town. The intense interest in CCA's, however, has fueled a race to submit data requests to PG&E out of fears that the backlog of requests will delay new CCAs by a month or two. Therefore, in the frenzy to secure a place in the queue and with knowledge that Alameda County's request for load data would be submitted today, the County's consultants felt the need to submit the data request to PG&E yesterday. Since Portola Valley has outstanding questions on the privacy concerns, the Town was omitted from the request and staff is being told that we may have missed the boat on the data request. The consultant's action was taken without warning to the Town that we would be omitted if we failed to provide the requested authorizations by the morning of Thursday, March 12th.

TOWN COUNCIL WEEKLY DIGEST

Friday – March 20, 2015

1. Agenda – Sustainability Committee – Monday, March 23, 2015
2. Agenda – ASCC – Monday, March 23, 2015
3. Agenda – Finance Committee – Monday, March 23, 2015
4. Agenda – Historic Resources Committee – Monday, March 23, 2015
5. Agenda – Conservation Committee – Tuesday, March 24, 2015
6. Report from San Mateo County Sheriff's Office – Incident Log for 03/02/15 – 03/07/15
7. Letter from Mark Church, Chief Elections Officer for San Mateo County re: AB 2028 All-Mail Ballot Pilot Project Informational Meeting on March 26, 2015
8. Email from Adrienne Etherton, Executive Director of Sustainable San Mateo County re: Invitation to the 2015 Sustainability Awards
9. Email from Mina Lim, San Mateo County Manager's Office re: List of available seats that will be agendized at the April 24th City Selection Committee meeting
10. Letter from San Mateo County Central Labor Council re: Resolution Supporting a Labor Friendly Community Choice Aggregation Proposal for San Mateo County
11. Article from the New York Times re: A New Surveillance Tool Being Adopted by Police Departments
12. Invitation from Supervisor Adrienne Tissier re: 11th Annual San Mateo County Disaster Preparedness Day – Saturday, June 6, 2015
13. Memo from Town Manager, Nick Pegueros re: Weekly Update – Friday, March 20, 2015

Attached Separates (Council Only)

(placed in your town hall mailbox)

1. Quarterly Crime Activity Report (October – December, 2014) – San Mateo County Sheriff's Office
2. League of California Cities – Request for Nominations to the League Board of Directors or the Office of 2nd Vice President



TOWN OF PORTOLA VALLEY
Sustainability Committee Meeting
Monday, March 23, 2015 – 9:00 AM
Town Hall Conference Room
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call to order
2. Oral communications
3. Review Environmental Champion Nominations & Select Awardee(s)
4. Review & Adopt Budget for 2015-'16 Fiscal Year
5. Adjournment



**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, March 23, 2015
Special Joint Field Meeting (time and place as listed herein)
7:30 PM – Regular ASCC Meeting
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

SPECIAL JOINT ASCC/PLANNING COMMISSION FIELD MEETING*

4:00 p.m. 3 Buck Meadow Field meeting for preliminary review of proposed development of this Blue Oaks Subdivision Lot. (ASCC review to continue at Regular Meeting)

7:30 PM – REGULAR AGENDA*

1. Call to Order:

2. Roll Call: Breen, Clark, Harrell, Koch, Ross

3. Oral Communications:

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

4. Old Business:

a. Architectural Review and Site Development Permit for a driveway and bridge over the Ford Field access easement, APN: 077-272-010

b. Discussion of Options for Proposed Retaining Wall on Alpine Road

5. New Business:

a. Preliminary Architectural Review and Site Development Permit for a New Residence, Greenhouse, and Swimming Pool, 3 Buck Meadow Drive, Ross/Tamasi Residence, File #s: 52-2014 and X9H-687

6. Commission and Staff Reports:

a. Solar Path Lights at Schoolhouse

b. Replacement Radar Trailer

7. Approval of Minutes: March 9, 2015

8. Adjournment:

*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the

start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

PROPERTY OWNER ATTENDANCE. The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

WRITTEN MATERIALS. Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Assistant Planner at 650-851-1700, extension 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

This Notice is Posted in Compliance with the Government Code of the State of California.

Date: March 20, 2015

CheyAnne Brown
Planning Technician



TOWN OF PORTOLA VALLEY
Finance Committee
Monday, March 23, 2015 – 5:30 PM
Town Hall Conference Room
765 Portola Road, Portola Valley, CA

AGENDA

1. Call to Order
2. Oral Communication
3. Approve minutes from January 6, 2015 meeting
4. New Business
 - Unfunded Pension Liabilities – Funding Options
5. Set Date of Next Meeting – w/o May 18th
6. Adjournment

Attachments:

- 1) Draft Minutes 01/06/15
- 2) PERS Annual Review of Funding Levels and Risks 11/18/14
- 3) PERS Actuarial Report for Classic Employees as of 6/30/13
- 4) Portola Valley Payoff Amortization Bases Analysis
- 5) Article from Daily Post 12/30/14 “How much local governments owe”
- 6) Article from San Jose Mercury News 02/25/15 “Saratoga: Council votes to pay half of city’s unfunded pension liability”



Town of Portola Valley
Historic Resources Committee
Monday, March 23, 2015, 7:00 PM
Heritage Room at Town Center
765 Portola Road
Portola Valley, CA 94028

MEETING AGENDA

1. Roll Call – Anderson, Ashley, Bacon, Fowler, Lipman, Lund, Myrow
2. Oral Communications
3. Approval of Minutes, March 2014
4. Budget for 2015-2016
5. Request for petty cash authorization
6. Discussion of potential historic tour
7. Discussion of conversation of obsolete technology
8. Discussion of use of social media
9. Discussion of “cloud” possibilities for data
10. Update on historic properties: Allen-Woods, Catoctin, Lauriston, Jelich



TOWN OF PORTOLA VALLEY
Conservation Committee Meeting
Tuesday, March 24, 2015 – 7:30 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

MEETING AGENDA

1. Call to Order
2. Oral Communications
3. Approval of Minutes – February 24, 2015
4. Site Permits –
 New – None
 Tree Permits – None
5. Old Business
 - A. CC Table at Earth Fair
 - B. Presentation to Town Council 4/8/15
 - C. Backyard Habitat
 1. Soliciting new applicants
 2. Banner and flyer
 - D. Tip of the Month - Murphy
 - E. Mountain Lion Education – Chiariello
 - F. Native Plant Garden - Murphy
 - G. Self guided tour of TC native planting: Chiariello
 - H. Weed seedling info sheet - Heiple
 - I. Navigation guide to Conservation items on Town Website – Bourne, Eckstrom
 - J. Broom Pull debrief
6. New Business
 - A. American Rivers – fish assistance Los Trancos Creek
 Chris Alford - Director, California Instream Flow and Water Supply, American Rivers
 - B. Improve area in front of Old Schoolhouse
 - C. Drought plan for Right of Way trees
 - D. Mobilizing volunteer help for projects
7. Announcements
8. Adjournment



SHERIFF'S OFFICE

A TRADITION OF SERVICE SINCE 1856

San Mateo County Sheriff's Office (Headquarters Patrol) Press

Information on selected incidents and arrests are taken from initial Sheriff's Office case reports. Not all incidents are listed due to investigative restrictions and victim privacy rights.

Monday 03/02/15 to Sunday 03/07/15

Greg Munks
Sheriff

CASE NUMBER	DATE & TIME Reported	LOCATION	DESCRIPTION	FACTUAL CIRCUMSTANCES
15-2025	03/03/15 1:32PM	200 Blk. Willow Brook Drive Portola Valley	Traffic Accident – Minor Injury	Based on the statements of the witnesses, the physical damage to Party #1's bicycle, and the area of impact it was determined that Party #1 and Witness #1 were N/B on Willowbrook Drive. Party #1 encountered Witness #2 driving his vehicle S/B on Willowbrook Drive. Although Witness #2 had come to a complete stop and was waiting to make a left turn, Party #1 swerved to the right for an unknown reason. Party #1's front wheel struck the raised asphalt curb on the east shoulder and veered off the roadway. Party #1 then struck a landscape timber that was raised about 6" above ground and perpendicular to the roadway, causing damage to the front wheel of Party #1's bicycle. Party #1 sustained moderate injuries to his face and minor abrasions to both legs. He was

				treated by Woodside Fire and transported by Woodside Fire to Stanford Hospital.
15-2029	03/03/15 2:25PM	Friars Lane / La Honda Rd. Woodside	Traffic Accident – Minor Injury	Party #1 was traveling westbound S.R. 84, made an unsafe turning movement and collided into the dirt embankment. This caused his vehicle to overturn. Party #1's right hand was pinned between the roof and the roadway, until released by emergency personnel.
15-2042	03/03/15 11:59PM	300 Blk. Family Farm Rd. Portola Valley	Suspicious Circumstances	Deputies responded to a report of a possible prowler. Upon arrival, they met with the reporting party who stated that she and her boyfriend were arriving home when they passed a man walking near their house. Neither one of them recognized him, so they stopped to find out who he was and what he was doing there. The man then ran into a wooded area near their home. The deputies were unable to locate the subject.
15-2100	03/05/15 5:27PM	500 Blk. 7 th Ave. North Fair Oaks	Burglary	The victim stated that when she returned to her residence she saw that some of the kitchen drawers were open and she initially thought that her husband had left them open and didn't think anything of it. The victim stated that her family keeps a surveillance camera in the residence which she noticed had been unplugged and the plants near the camera were knocked down. The victim stated that she went into the master bedroom and saw the room was ransacked and believed someone had broken in. According to Betancourt she has no idea who might have committed this crime. Betancourt stated the safe has been in the residence for approximately three years and there has been no work on the interior of the residence done for quite some time. Betancourt said the only work had been re-plumbing and moving of a hot tub in the yard. The estimated loss is \$2500.00 in cash, loan documents and several of the family passports were missing. There are no

				suspects at this time.
15-2105	03/05/15 6:52PM	100 Blk. Northumberland Ave. North Fair Oaks	Obtain?Use Personal ID w/o Authorizaiton	While the victim was checking the balance to his banking account via online, he was alerted to a fraudulent charge. The charge was for \$498.61 dollars, made by unknown suspect(s). There is no suspect information at this time.
15-2115	03/06/15 2:26AM	San Mateo Ave. / Warrington Ave. North Fair Oaks	Sheriff's Office Felony Warrant	Angel Garcia from Redwood city was arrested for having an outstanding warrant in the amount of \$150,000. Garcia was transported and booked into the San Mateo County Jail.
15-2143	03/06/15 3:38PM	100 Blk. Woodside Rd. Woodside	Obtain/Use Personal ID w/o Authorization	The victims discovered that unknown suspects had filed a false tax return using their social security numbers. The names and locations of the suspects are unknown.
15-2156	03/07/15 12:34AM	San Mateo Ave. / Stanford Ave. North Fair Oaks	Sheriff's Office Felony Warrant	Gualberto Figueroa from Redwood city was arrested for having an outstanding no bail warrant. Figueroa was transported and booked into the San Mateo County Jail.
15-2158	03/07/15 2:07AM	3200 Blk. State Highway 82 North Fair Oaks	Warrant Arrest	Ebonie Nichols was issued a citation for having an active misdemeanor warrant out of Menlo Park Police Department in the amount of \$10,000.00.
15-2170	03/07/15 5:19PM	3300 Blk. Middlefield Rd. North Fair Oaks	-Mfg/Import/Sale/ Possession of Metal Knuckles -Possess Burglary Tools -Probation Violation	Deputies responded to the report of a suspicious occurrence. The reporting parties witnessed the suspect and her passenger, back into a pole with her gold Lexus and then flee the area. The reporting party later said she believed the suspect was trying to sell stolen property. The gold Lexus was last seen traveling east on 7th Ave from Middlefield Rd. Later the suspect and the passenger were contacted near the gold Lexus on 7th Ave. The suspect admitted to hitting the pole and driving the vehicle from the area. A records check of the suspect showed she was on an active San Mateo County

				<p>probation with search and seizure. A search of the vehicle yielded a metal window punch. The suspect admitted she knew the window punch was in the vehicle but that it was not hers. A search of the suspect's purse yielded a set of metal knuckles. The suspect later said the metal knuckles were for her protection. The suspect's probation officer was contacted and a probation hold was placed. The suspect, Melissa Krieger from Hayward was placed under arrest for Possession of Metal Knuckles, Possession of Burglary Tools and a probation violation. Krieger was transported and booked into the San Mateo County Jail.</p>
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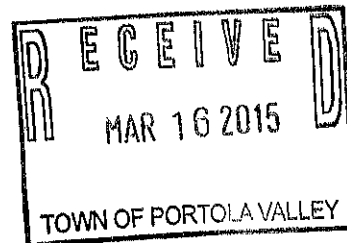
Mark Church

Chief Elections Officer & Assessor-County Clerk-Recorder

555 County Center
Redwood City, CA 94063
phone 650.363.4988 fax 650.363.1903
email mchurch@smcare.org
web www.smcare.org

March 12, 2015

Nick Pegueros
Town Manager
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028



**Re: AB 2028 All-Mail Ballot Pilot Project
Informational Meeting: March 26, 2015**

Dear Town Manager Pegueros,

As we begin thinking ahead to the next election, I want to share with you an exciting opportunity that will shape the future of all-mail balloting in the State of California. On August 15, 2014, Governor Brown signed into law Assembly Bill 2028 (Mullin) authorizing San Mateo County to join Yolo County in an all-mail ballot pilot program to conduct up to three elections wholly by mail.

The success of San Mateo County's all-mail ballot program will depend on the active support, leadership and participation of every city, school district and special district in the County.

San Mateo County's pilot program will provide a unique opportunity for all jurisdictions in our County to increase voter registration and participation while substantially reducing the costs of conducting local elections. Voters will benefit by being able to vote by mail while still having polling place voting options on Election Day.

Local jurisdictions will benefit because the planned election should be substantially less expensive to conduct than traditional elections, and those savings will be passed on to participating jurisdictions.

It is our plan that the November 3, 2015 Consolidated Municipal, School and Special District Election will be the first vote by mail election under this pilot program. I encourage all jurisdictions that will be holding elections to participate in the all-mail ballot election on November 3, 2015.

Subject: AB 2028 All-Mail Ballot Pilot Project

March 12, 2015

Page 2 of 3

The following are some key points and dates regarding the implementation of the AB 2028 All-Mail Ballot Pilot Project in San Mateo County:

- **Governing Body Resolution.** The governing body of the city, county or district, by resolution, authorizes the all-mail ballot election and notifies the Chief Elections Officer and Secretary of State of its intent to conduct an all-mail ballot election at least 88 days prior to the date of the election (August 7, 2015).
- **Polling Places.** On Election Day, there will be at least one polling place in each city where voters can request and cast a ballot if they still wish to vote in person. They can also turn in the vote-by-mail ballot at any polling place in the County on Election Day.
- **Early Ballot Drop Off.** Continuing our regular practice, we will have ballot drop off locations in each city and our voting centers beginning 28 days before the election to ensure voters have plenty of options in casting their ballot.
- **Postage.** All San Mateo County registered voters will receive a ballot in the mail along with a return envelope and prepaid postage. Thus, voters will not have to pay any costs for submitting a ballot by mail.
- **Election Cost.** Yolo County, the first county in California to conduct a vote by mail election under this pilot project, experienced a cost savings of 43%. San Mateo County is confident that participating jurisdictions will also experience substantial cost savings.

In order to assist you in this process and answer any questions you may have, our office will be working closely with every city, school district and special district in the County to ensure a clear understanding of the AB 2028 All-Mail Ballot Pilot Project, and the proposed all-mail ballot election scheduled to be conducted on November 3, 2015. In addition, members of my staff are available to attend public board meetings to report on the AB 2028 All-Mail Ballot Pilot Project and answer your questions. Additional information regarding AB 2028 may be found on our website www.shapethefuture.org.

You are invited to attend an informational meeting which has been scheduled as follows:

Thursday, March 26, 2015

10:00 a.m. to 11:00 a.m.

San Mateo County Registration and Elections Division

40 Tower Road

San Mateo, CA 94002

Subject: AB 2028 All-Mail Ballot Pilot Project

March 12, 2015

Page 3 of 3

San Mateo County has a long history of leadership in the State of California on the implementation of significant public policy matters affecting our citizens and communities throughout the state. Once again, with the passage of AB 2028 All-Mail Ballot Pilot Program, San Mateo County has been provided the unique opportunity of influencing and improving the manner in which elections are conducted throughout the state. Please join me in participating in this very exciting and important endeavor.

We look forward to working with you to conduct yet another successful election. If you have any questions, please do not hesitate to contact me at mchurch@smcare.org or (650) 363-4988 or Jim Irizarry, Assistant Assessor-County Clerk-Recorder, at jirizarry@smcare.org or (650) 363-4988.

Sincerely,

A handwritten signature in black ink that reads "Mark Church". The signature is written in a cursive, flowing style.

Mark Church

Enclosure: A Copy of Assembly Bill 2028



California
LEGISLATIVE INFORMATION

AB-2028 All-mailed ballot elections: San Mateo County. (2013-2014)

Assembly Bill No. 2028

CHAPTER 209

An act to amend Section 4001 of the Elections Code, relating to elections.

[Approved by Governor August 15, 2014. Filed with Secretary of State August 15, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, Mullin. All-mailed ballot elections: San Mateo County.

Existing law authorizes, as a pilot program, until December 31, 2017, elections in Yolo County, other than statewide primary or general elections, or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted wholly by mail if specified conditions are satisfied. If Yolo County conducts an all-mailed ballot election, existing law requires the county to report to the Legislature and the Secretary of State, as specified.

This bill would also authorize San Mateo County to conduct all-mailed ballot elections pursuant to these provisions. The bill would require that ballot dropoff locations be fixed in a manner so that the number of residents for each ballot dropoff location does not exceed 100,000 on the 88th day prior to the day of election if it would result in more dropoff locations, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4001 of the Elections Code is amended to read:

4001. (a) Notwithstanding Section 4000 or any other law, as a pilot program, elections in San Mateo County and Yolo County may be conducted wholly by mail if all of the following conditions are satisfied:

- (1) The governing body of the city, county, or district, by resolution, authorizes the all-mailed ballot election and notifies the Secretary of State of its intent to conduct an all-mailed ballot election at least 88 days prior to the date of the election.
- (2) The election does not occur on the same date as a statewide primary or general election or any other election conducted in an overlapping jurisdiction that is not consolidated and conducted wholly by mail pursuant to this section.
- (3) The election is not a special election to fill a vacancy in a state office, the Legislature, or Congress.
- (4) (A) At least one ballot dropoff location is provided per city or the ballot dropoff locations are fixed in a manner so that the number of residents for each ballot dropoff location does not exceed 100,000 on the 88th day prior to the day of election, whichever results in more dropoff locations. A ballot dropoff location shall be open during business hours to receive voted ballots beginning 28 days before the date of the election and until 8 p.m. on the day of the election.

Sharon Hanlon

From: Adrienne Etherton [<mailto:adrienne@sustainablesanmateo.org>]

Sent: Monday, March 16, 2015 2:44 PM

Subject: You're invited!

Friends, Colleagues and Community Leaders,

I hope you will join me at the 2015 Sustainability Awards on Thursday, March 26. Ticket sales end soon - [get yours today!](#) You can also support the cause, whether or not you can attend, by purchasing raffle tickets for a chance at a week-long getaway or a case of assorted wines. See below for details and feel free to contact me with any questions.

Thanks!
Adrienne

P.S. Sorry for any cross-posting. If you did *not* receive the email below, you're not on the SSMC email list - [sign up here](#) to join.

Adrienne Etherton
Executive Director, [Sustainable San Mateo County](#)
o: 650.638.2323 x. 321 | c: 650.477.7912

Join us for the [2015 Awards](#) Celebration March 26 - Get your tickets now through March 19!



**Sustainable
San Mateo County**
Economy. Equity. Environment.

You're Invited!

16th Annual

2015 Sustainability Awards

Thursday, March 26, 2015
College of San Mateo Bayview Dining Room

5:30–6:30 Wine and Beer Reception and Silent Auction
6:30 Dinner, Live Auction, Raffle and Award Presentations

Emcee and Auctioneer: State Senator JERRY HILL

Sustainability Awards

DEVIL'S CANYON BREWING COMPANY

GREENCITIZEN, INC.

PUENTE DE LA COSTA SUR

Ruth Peterson Award

TOM ROUNDS

Green Building Award

sponsored by AIA San Mateo County, RecycleWorks and SSMC

NUEVA SCHOOL AT BAY MEADOWS

Architects: LEDDY MAYTUM STACY ARCHITECTS

Builder: DEVCON CONSTRUCTION, INC. Owner: THE NUEVA SCHOOL

Green Building Honorable Mention

JOHNSTON'S SALTBOX, SAN CARLOS

Architect: GLASS ASSOCIATES, INC. Builder: THE MIDGLEN STUDIO

Owners: SEAN AND JENNIFER JOHNSTON

KAISER PERMANENTE REDWOOD CITY HOSPITAL

Architect: HOK ARCHITECTS Builder: RUDOLPH & SLETTEN

Owner: KAISER PERMANENTE

Join the conversation on social media! #SSMCawards
[Facebook.com/SustainableSanMateo](https://www.facebook.com/SustainableSanMateo) and [@SustainableSMC](https://twitter.com/SustainableSMC)

Get Your Tickets Today!

Ticket sales end this Thursday, March 19.

RAFFLE DRAWING

Support SSMC and you could win a week-long getaway!

Raffle Tickets: 1 for \$20, 3 for \$50 or 10 for \$100

One winner will receive a 7 night stay for 2 adults and up to 2 children at their choice of one of these four fabulous destinations:



Ridge on Sedona Golf Resort, Sedona AZ; Melia Club Resorts, Cancun and Cozumel MX; Grand Pacific Resorts, Whistler and Western BC; Welk's Desert Oasis Resort, Palm Springs, CA

Another winner will take home a case of great wines valued at over \$240.

Get Your Tickets Today!

*Raffle tickets available online through March 25 or on-site at the Awards event on March 26. Winning tickets will be drawn at the close of the event, but you do not need to be present to win. Purchase online through our RSVP page, choosing your ticket amounts in addition to or instead of your event ticket.

Thanks to our generous sponsors:

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Peninsula Coastal Region
We Plus You
Mills-Peninsula Health Services
Palo Alto Medical Foundation

Carol A. Tanzi, ASID, CID aka Goddess of Garbage

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The Cox Family; Bill Schulte

Friends:

Beth and Raj Bhatnagar; Cargill; International Brotherhood of Electrical Workers Local Union No. 617 (IBEW Local 617); MidPen Housing Corporation; Ricki and Doug McGlashan; REV; San Mateo County Economic Development Agency; TDC Environmental, LLC

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Sharon Hanlon

Importance: High

From: Mina Lim [<mailto:mlim@smcgov.org>]
Sent: Wednesday, March 18, 2015 5:52 PM
Subject: Letter of Interest
Importance: High

Honorable Mayors & Council Members

Below is a listing of all seats that will be on the April 24th City Selection Committee agenda (location TBD). The seat is available for reappointments an/or new appointments.

If you are interested in this seat, please follow these instructions for submitting your Letter of Interest.

1. Your letter must be on your **city's letterhead** (an email will not be accepted)
2. Your original signature **must be on the letter**
3. Letter of Interest must be either faxed (650-363-1916), email (mlim@smcgov.org) or sent by US mail to my attention
4. ALL Letters of Interest MUST be received no later than **Thursday, April 9th by 3:00 pm.**

List of seats:

1) Selection of one (1) Council Member to serve as the alternate member on the Local Agency Formation Committee (LAFCo) representing Cities (All cities are eligible) for a term of four (4) years beginning May 1, 2015 through May 31, 2019

Currently held by: Vacant (Previously held by Mike O'Neill, Pacifica)

If you have any questions, please do not hesitate to contact me!

Mina Lim
County Manager's Office/Board of Supervisors
650.363.4124

San Mateo County Central Labor Council

AFL-CIO ■ Organizing for Justice in Our Community
www.sanmateolaborcouncil.org

March 13, 2015

Portola Valley City Council
765 Portola Rd
Portola Valley, CA 94028

Dear City Council Members,

Enclosed please find the *Resolution Supporting a Labor Friendly Community Choice Aggregation Proposal for San Mateo County* which was adopted by the San Mateo County Central Labor Council on March 9, 2015.

We hope that you will consider the issues raised when studying the Community Choice Aggregation proposal.

If you have any questions or concerns, please feel free to call me.

Sincerely,



Shelley Kessler
Executive Secretary-Treasurer

Enclosure (1)

opeiu 3 AFL-CIO 174



AFL-CIO

RESOLUTION SUPPORTING A LABOR FRIENDLY COMMUNITY CHOICE AGGREGATION PROPOSAL FOR SAN MATEO COUNTY

WHEREAS, electric utilities have long been a source of unionized workers for working Californians: Union members are directly employed by the utilities, union members work for the contractors hired by utilities, and third party energy generators whose electricity is purchased by utilities sign project labor agreements to build their generation facilities; and

WHEREAS, in 2002, the California Legislature passed and Governor Gray Davis signed AB 117 creating the Community Choice Aggregation (CCA) concept which permits the procurement of electricity by local governments for its residents and businesses; and

WHEREAS, CCA agencies face a significant risk that consultants and venture capitalists will manipulate the newly established CCA agency for their own financial benefit and against the interest of workers and consumers; and

WHEREAS, the Marin CCA contracted to purchase power from a large fossil fuel company/energy trading company, headquartered in Texas. This company makes its money buying and selling electricity and seeks high profit margins by purchasing low cost, nonunion power from out of state; and

WHEREAS, despite repeated promises of local jobs and local build-out of renewable energy generation facilities, in the four years the Marin CCA has been purchasing out of state power, only one local renewable energy facility had been built in Marin and that facility was built non-union; and

WHEREAS, California law requires Utilities and CCAs to increase renewable generated electricity to constitute 33% of their portfolio by 2020. Consequently, every customer in California will receive the same amount of renewable energy from State certified renewable sources, whether they are served by existing Utilities or a new CCA; and

WHEREAS, the high demand for renewable energy is creating opportunities for work in the development of new renewable energy generation through the building of renewable energy generation facilities in California and labor is united in providing as much of this work to union members as is possible; and

WHEREAS, aggregation of energy customers will produce the good, green jobs desired ONLY IF specific elements are established in writing and the San Mateo County CCA agrees in advance to these objectives. Without each one of these elements, no good, green jobs will be created.

THEREFORE, BE IT RESOLVED, that the San Mateo County Central Labor Council hereby formally urges San Mateo County Board of Supervisors and those entities participating in the development of an San Mateo County CCA to adopt the following principles to ensure that the project will create fair wage, union jobs with benefits fulfilling a major goal of the green economy in the Bay Area:

Principles for Implementation of Labor Friendly Community Choice Aggregation

In order to ensure the greatest opportunity for workers to benefit from local electric customers investment in a Community Choice Aggregation agency and protect the interests of union members, the San Mateo Labor Council has determined that the following Principles must be established in writing PRIOR to Labor providing any support for a proposed San Mateo CCA. This includes identifying funding or likely funding sources required to successfully implement the CCA in advance.

1. Power Purchase Agreements (PPAs) from union generating companies/agencies:

The power procured by the CCA must be sourced from generators who employ union workers. Such generators should also be located in State. Today, dozens of utilities in California generate and purchase electricity generated here and California generates nearly 80% of all the electricity that it uses. This increases the buying power of the customers while using the Utilities' infrastructure and power generated and delivered by union workers.

2. PLAs Covering Renewable Energy Generation:

The CCA shall purchase renewable power from generating plants that have been built under a Project Labor Agreement or from plants that will be built under the CURE model. Currently, this is universal in California, where Utilities who generate and purchase green power do so from generating facilities that have been built under a CURE PLA. But funding for these new renewable generation projects must be in place before San Mateo County launches its CCA because no funding means no construction and no work. Instead, the new CCA will contract for out of state power and use Renewable Energy Certificates (RECs) to greenwash dirty, fossil fuel power.

3. PLAs Covering Energy Efficiency Work:

The San Mateo County CCA shall agree upfront to perform necessary energy efficient work on their customers' building under a Building Trades PLA. This work must create sufficient energy savings to pay for these improvements and the energy efficiency work must be performed under a Project Labor Agreement. A wide variety of financing strategies are available from Energy Service Companies (ESCOs) to Property Assessed Clean Energy (PACE). The work is performed by trained union workers ensuring high wage and benefits to the workforce; and

4. Community Benefits Agreements.

CCA projects that have community benefits provisions requiring local construction and local hiring should have priority over projects without such commitments.

The San Mateo CCA shall agree upfront to Community Benefit Agreements with provisions requiring local construction and local hiring have priority over projects without such commitments prioritize projects to assure workers residing in San Mateo County will benefit from the CCA: and

BE IT FURTHER RESOLVED, that upon adoption of these principles by San Mateo County Board of Supervisors, including identified financing for local renewable generation development in San Mateo County and throughout the State of California, the San Mateo Labor Council will support fully the implementation of the San Mateo County CCA; and

BE IT FINALLY RESOLVED, that the San Mateo County Board of Supervisors, all participating Cities and other entities should also endorse the principles for CCA creation to ensure that the jobs created will be the good, green jobs long promised by the green economy.

Adopted by the San Mateo County Central Labor Council on March 9, 2015

TECHNOLOGY

A Police Gadget Tracks Phones? Shhh! It's Secret

By MATT RICHTEL MARCH 15, 2015

A powerful new surveillance tool being adopted by police departments across the country comes with an unusual requirement: To buy it, law enforcement officials must sign a nondisclosure agreement preventing them from saying almost anything about the technology.

Any disclosure about the technology, which tracks cellphones and is often called StingRay, could allow criminals and terrorists to circumvent it, the F.B.I. has said in an affidavit. But the tool is adopted in such secrecy that communities are not always sure what they are buying or whether the technology could raise serious privacy concerns.

The confidentiality has elevated the stakes in a longstanding debate about the public disclosure of government practices versus law enforcement's desire to keep its methods confidential. While companies routinely require nondisclosure agreements for technical products, legal experts say these agreements raise questions and are unusual given the privacy and even constitutional issues at stake.

"It might be a totally legitimate business interest, or maybe they're trying to keep people from realizing there are bigger privacy problems," said Orin S. Kerr, a privacy law expert at George Washington University. "What's the secret that they're trying to hide?"

The issue led to a public dispute three weeks ago in Silicon Valley, where a sheriff asked county officials to spend \$502,000 on the technology. The Santa Clara County sheriff, Laurie Smith, said the technology allowed for locating cellphones — belonging to, say, terrorists or a missing person. But when asked for details, she offered no technical specifications and acknowledged she had not seen a product demonstration.

Buying the technology, she said, required the signing of a nondisclosure

agreement.

“So, just to be clear,” Joe Simitian, a county supervisor, said, “we are being asked to spend \$500,000 of taxpayers’ money and \$42,000 a year thereafter for a product for the name brand which we are not sure of, a product we have not seen, a demonstration we don’t have, and we have a nondisclosure requirement as a precondition. You want us to vote and spend money,” he continued, but “you can’t tell us more about it.”

The technology goes by various names, including StingRay, KingFish or, generically, cell site simulator. It is a rectangular device, small enough to fit into a suitcase, that intercepts a cellphone signal by acting like a cellphone tower.

The technology can also capture texts, calls, emails and other data, and prosecutors have received court approval to use it for such purposes.

Cell site simulators are catching on while law enforcement officials are adding other digital tools, like video cameras, license-plate readers, drones, programs that scan billions of phone records and gunshot detection sensors. Some of those tools have invited resistance from municipalities and legislators on privacy grounds.

The nondisclosure agreements for the cell site simulators are overseen by the Federal Bureau of Investigation and typically involve the Harris Corporation, a multibillion-dollar defense contractor and a maker of the technology. What has opponents particularly concerned about StingRay is that the technology, unlike other phone surveillance methods, can also scan all the cellphones in the area where it is being used, not just the target phone.

“It’s scanning the area. What is the government doing with that information?” said Linda Lye, a lawyer for the American Civil Liberties Union of Northern California, which in 2013 sued the Justice Department to force it to disclose more about the technology. In November, in a response to the lawsuit, the government said it had asked the courts to allow the technology to capture content, not just identify subscriber location.

The nondisclosure agreements make it hard to know how widely the technology has been adopted. But news reports from around the country indicate use by local and state police agencies stretching from Los Angeles to Wisconsin to New York, where the state police use it. Some departments have used it for several years. Money for the devices comes from individual agencies and sometimes, as in the case of Santa Clara County, from the federal government through Homeland Security

grants.

Christopher Allen, an F.B.I. spokesman, said “location information is a vital component” of law enforcement. The agency, he said, “does not keep repositories of cell tower data for any purpose other than in connection with a specific investigation.”

A fuller explanation of the F.B.I.'s position is provided in two publicly sworn affidavits about StingRay, including one filed in 2014 in Virginia. In the affidavit, a supervisory special agent, Bradley S. Morrison, said disclosure of the technology's specifications would let criminals, including terrorists, “thwart the use of this technology.”

“Disclosure of even minor details” could harm law enforcement, he said, by letting “adversaries” put together the pieces of the technology like assembling a “jigsaw puzzle.” He said the F.B.I. had entered into the nondisclosure agreements with local authorities for those reasons. In addition, he said, the technology is related to homeland security and is therefore subject to federal control.

In a second affidavit, given in 2011, the same special agent acknowledged that the device could gather identifying information from phones of bystanders. Such data “from all wireless devices in the immediate area of the F.B.I. device that subscribe to a particular provider may be incidentally recorded, including those of innocent, nontarget devices.”

But, he added, that information is purged to ensure privacy rights.

In December, two senators, Patrick J. Leahy and Charles E. Grassley, sent a letter expressing concerns about the scope of the F.B.I.'s StingRay use to Eric H. Holder Jr., the attorney general, and Jeh Johnson, the secretary of Homeland Security.

The Harris Corporation declined to comment, according to Jim Burke, a company spokesman. Harris, based in Melbourne, Fla., has \$5 billion in annual sales and specializes in communications technology, including battlefield radios.

Jon Michaels, a law professor at the University of California, Los Angeles, who studies government procurement, said Harris's role with the nondisclosure agreements gave the company tremendous power over privacy policies in the public arena.

“This is like the privatization of a legal regime,” he said. Referring to Harris, he said: “They get to call the shots.”

For instance, in Tucson, a journalist asking the Police Department about its StingRay use was given a copy of a nondisclosure agreement. “The City of Tucson shall not discuss, publish, release or disclose any information pertaining to the product,” it read, and then noted: “Without the prior written consent of Harris.”

The secrecy appears to have unintended consequences. A recent article in The Washington Post detailed how a man in Florida who was accused of armed robbery was located using StingRay.

As the case proceeded, a defense lawyer asked the police to explain how the technology worked. The police and prosecutors declined to produce the machine and, rather than meet a judge’s order that they do so, the state gave the defendant a plea bargain for petty theft.

At the meeting in Santa Clara County last month, the county supervisors voted 4 to 1 to authorize the purchase, but they also voted to require the adoption of a privacy policy.

(Sheriff Smith argued to the supervisors that she had adequately explained the technology and said she resented that Mr. Simitian’s questioning seemed to “suggest we are not mindful of people’s rights and the Constitution.”)

A few days later, the county asked Harris for a demonstration open to county supervisors. The company refused, Mr. Simitian said, noting that “only people with badges” would be permitted. Further, he said, the company declined to provide a copy of the nondisclosure agreement — at least until after the demonstration.

“Not only is there a nondisclosure agreement, for the time being, at least, we can’t even see the nondisclosure agreement,” Mr. Simitian said. “We may be able to see it later, I don’t know.”

A version of this article appears in print on March 16, 2015, on page A1 of the New York edition with the headline: A Police Gadget Tracks Phones? Shhh! It's Secret.

Adrienne J. Tissier

Member • Board of Supervisors • San Mateo County

March 9, 2015

Mr. Nick Pegueros
Town Manager
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028



Dear Mr. Pegueros:

I am pleased to invite the Town of Portola Valley to participate in the 11th Annual San Mateo County Disaster Preparedness Day on **Saturday, June 6, 2015, from 10:00 a.m. to 2:00 p.m., at the San Mateo County Fair**, located at the San Mateo County Event Center, 1346 Saratoga Avenue, in San Mateo.

Disaster Preparedness Day is a wonderful opportunity for families to watch public safety demonstrations and gather information from dozens of exhibitors on how to create a disaster preparedness kit and family communication plan during an emergency. This is also a great opportunity for cities and public safety agencies to showcase their disaster preparedness plans, initiatives and equipment.

Residents that arrive between 10 a.m. and 11 a.m. receive free parking and free admission to the County Fair. Last year, over 3,100 individuals passed through the event during the first hour, with attendance running well over 5,000 for the day. Attendees are offered free Family and Friends CPR classes and numerous presentations related to disaster preparedness.

We are kindly requesting your assistance in advertising this event by posting the enclosed color copies of the event flyers and make the black and white copies available in a public place. We will be sending a soft copy of the event flyer shortly which I hope that you will consider publicizing on your city's website and sending out to your residents on your e-newsletter.

If you have any questions, or if your city is interested in being an inside exhibitor at Disaster Preparedness Day, please contact Greg Burge in my office at 650-363-4572. If your city's public safety agency would like to display their equipment in the outdoors exhibitor area, please contact Jeff Norris of the Office of Emergency Services at (650) 363-4955.

We look forward to your participation at Disaster Preparedness Day again this year. Thank you in advance for your partnership.

Sincerely,

Supervisor Adrienne J. Tissier

400 County Center, Redwood City, California 94063

Direct Line (650) 363-4572 • Fax (650) 701-0564

Save the Date

San Mateo County

★ **11th Annual** ★

DISASTER

PREPAREDNESS DAY

Saturday, June 6, 2015

**10AM-2PM, San Mateo County Event Center
1346 Saratoga Avenue, San Mateo**

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MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council
FROM: Nick Pegueros, Town Manager
DATE: March 20, 2015
RE: Weekly Update

The purpose of this report is to provide a summary update on items/projects of interest for the week ended March 20, 2015.

1. **Drought Update** – The attached article discusses recent rules adopted by the State Water Resources Board to address the fourth year of drought. CalWater representatives will make a presentation to the Water Conservation Committee on April 1st, regarding their plan to implement the regulations.
2. **Lt. Mark Kuykendall Has Been Assigned to Portola Valley** - With the retirement of Lt. Tim Reid, the Sheriff's Office has assigned Lt. Mark Kuykendall to replace Lt. Reid effective April 27th. Lt. Kuykendall is familiar with Portola Valley from his work here several years ago while he was a deputy assigned to Woodside & Portola Valley. He will be in attendance at the April 8th Town Council meeting for the Council's discussion of the Automated License Plate Recognition system.
3. **County Discussion of Sea Level Rise, Flood, and Groundwater Management** – Brandi de Garmeaux and I attended a meeting at the County where options to form a county-wide initiative to address various water management issues were discussed. The consensus was that a joint effort on water management is a necessity and the challenge will now be to figure out how to move forward. The County's Public Works Director presented two viable options that will require further discussion.
4. **EPC Figured Out How to Stream the AM Radio to the Internet** – EPC member Ray Rothrock found a way to stream the AM Radio to the internet for the listening pleasure of residents in the comfort of their home, office, or while travelling abroad. Staff is working to order the necessary components to complete the process.

5. **Required “Workplace Harassment & Bullying Prevention Training” Complete** – All Town staff completed a three-hour State Mandated harassment in the workplace training session that was provided by the law firm that provides counsel to the Town on personnel issues.

California: New mandatory water conservation rules for lawns, hotels, restaurants

By Paul Rogers progers@mercurynews.com

Updated: 03/18/2015 06:13:17 AM PDT

MercuryNews.com

SACRAMENTO -- Acknowledging that California's water conservation efforts are falling short as the state descends into a fourth year of punishing drought, the administration of Gov. Jerry Brown on Tuesday imposed new mandatory water conservation rules that will affect millions of people -- from how homeowners water their lawns to how restaurants and hotels serve their guests.

"There have been some heroic efforts that people have taken, but we are not seeing the efforts to step up and ring the alarm bells that the situation warrants," said Felicia Marcus, chairwoman of the State Water Resources Control Board, which approved the measures in Sacramento. "We're going to need to go further if it doesn't rain."



File: A lawn sprinkler pumping free reclaimed water is used on the lawn of George and Amelia Puricelli, at their home in Pleasanton, Calif., on Wednesday,

But enforcing the rules, which could carry fines of up to \$500, will be left up to local cities, counties and water districts. And so far, very few have fined residents for wasting water.

Critics called the rules, which take effect April 15, a step in the right direction. But they said they are insufficient without more enforcement to avoid water shortages if the drought drags past this summer.

"At this point, we are failing. We are not meeting our goals," said Conner Everts, with the California Environmental Water

Caucus, a nonprofit group. "At what point do we accept that this might be the fourth year of a 10-year drought and plan for that?"

The past three years have been the driest three years in California history dating back to the Gold Rush. On Tuesday, the Sierra snowpack was at 13 percent of its historic average, and many of the state's largest reservoirs were far below normal. Meanwhile, 2014 was the hottest year in recorded history in California and around the globe.

In January 2014, the governor declared a statewide drought emergency and asked Californians to cut water use by 20 percent voluntarily. But the state's urban and suburban residents have fallen short of that goal, cutting water use by only 9.7 percent from June to January, compared with the prior year.

Specifically, the rules adopted Tuesday:

- Ban all restaurants, bars and hotels from serving water unless customers ask for it.
- Require all hotels and motels to provide signs in rooms telling guests that they have the option of choosing not to have towels and linens washed daily.
- Ban Californians from watering lawns and landscaping with potable water within 48 hours after measurable rainfall.
- Require cities, counties, water districts and private companies to limit lawn watering to two days a week if they aren't already limiting lawn and landscape watering to a certain number of days a

week. The rule applies to all 411 water providers with more than 3,000 customers in California, covering more than 95 percent of the state's population. But there is a loophole: If water providers are already limiting days of the week, even if it is to three or more days, they can continue with those rules and not restrict watering to two days a week.

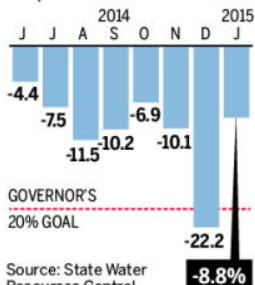
The lawn-watering provisions are expected to have the most impact. That's because outdoor irrigation makes up 44 percent of water use in California's urban and suburban communities, according to the state water board.

Conserving water

Californians have met Gov. Jerry Brown's 20 percent water conservation goal only one month since last summer.

Water usage

Compared with same month in 2013



Source: State Water Resources Control Board
BAY AREA NEWS GROUP

In the Bay Area, some water providers are already limiting lawn-watering days. Customers of the East Bay Municipal Utility District, which provides water to 1.3 million people in Alameda and Contra Costa counties, are limited to two days a week.

There is no enforcement, however. The district has a hotline to report violations, and it calls, visits or sends emails to violators. But it has no ordinance on its books to allow the agency to issue fines, said district spokeswoman Abby Figueroa.

That could change starting April 14, when the district will consider tougher rules. Those will include "excessive use" fees for residents who use considerably more water than the community average and perhaps sending staff out to enforce the rules.

In Santa Clara County, watering rules vary widely.

The San Jose Water Company, which provides water to 1 million residents, limits outdoor watering to odd or even days. People whose addresses end in even numbers are allowed to water only on even-numbered dates, and those with addresses ending in odd numbers are allowed to water only on odd-numbered dates. But the company is not fining violators.

Milpitas allows watering two days a week. San Francisco, Sunnyvale, Santa Clara and people served by San Jose's city water department do not have day-of-the-week restrictions.

The statewide rules passed Tuesday also require water providers to promptly notify property owners when they discover leaks. And they mandate that water providers report every month to the state water board which days of the week they have limited watering and whether they are penalizing violators.

Many Bay Area restaurants already are limiting water to diners.

At Delicious Crepes Bistro in Santa Clara, which serves vegan fare and whose mission statement promises to be environmentally friendly, the staff says it's already careful with wasting drinking water. When the drought became serious last year, the restaurant added a water-filled thermos on the counter and asked customers to serve themselves, with a sign on the wall saying "take only as much as you can drink." The glasses next to it hold only 12 ounces, the bistro's smallest glass.

"Originally, we poured water from a pitcher into bigger glasses," said Hanna Mityashina, 28, the cafe's manager. "We noticed when we reduced the size of the glasses, it reduces the consumption. We want to preserve water."

Next door at Chef Ming's, owner Diana Lee said serving water to customers is part of being a polite hostess. "When I go to a restaurant, I hope someone can give me water -- cold water or hot tea," she said. "Do you just say, 'Are you ready to order?'"

Lee said she hopes the law is flexible enough that she can ask customers if they want water -- and not just wait for customers to request it. Already, she said, when water is left on tables "I throw it on my plants because I feel so guilty."

Two of her customers, Marilyn Keever and Barbara Fairburn, said waiting for a water request is a good idea.

But Keever joked that she has an even better one: "If you ask for water, you have to drink the whole thing, or you'll be arrested, handcuffed and taken away."

Staff writer Julia Sulek contributed to this story.