



# TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Town Council  
 Wednesday, March 28, 2018  
 Historic Schoolhouse  
 765 Portola Road, Portola Valley, CA 94028

## REGULAR MEETING AGENDA

### 7:00 PM - CALL TO ORDER AND ROLL CALL

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

### 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.

### 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** – March 14, 2018 (3)
2. **Approval of Warrant List** – March 28, 2018 (12)
3. **Recommendation by Public Works Director** – Adoption of a Resolution for the 2017/2018 Street Resurfacing (25)  
 Project – Surface Seals Project No. 2018-PW01
  - (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 2017/2018 Street Resurfacing Project Surface Seals No. 2018-PW01 (Resolution No. \_\_)
4. **Recommendation by Town Manager** - Join the “Yes on 68” Effort (30)
5. **Recommendation by Town Manager** - Opposition to Two Potential Propositions (70)
6. **Recommendation by Town Manager** - Grand Jury Request, ALPR Policy Website Access (124)
7. **Recommendation by Interim Finance Director** - Budget Amendment to Support Future San Mateo County Sheriff Gun Buyback Programs (131)

### REGULAR AGENDA

### COMMITTEE REPORTS & REQUESTS

8. **Discussion** – Town Center Master Plan - Architect Study Session (132)

### STAFF REPORTS AND RECOMMENDATIONS

### PUBLIC HEARING

9. **PUBLIC HEARING - Recommendation by Town Attorney** – Introduction of Proposed Ordinance adding (133)  
 Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adoption of Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption.)
  - (a) First Reading, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.39 [Cannabis Land Uses] and Amending Section 8.12.010 [Definitions of Nuisance] of the Portola Valley Municipal Code and Adoption of Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission Recommended Adoption) (Ordinance No. \_\_)

### 10. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS (167)

Council arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

**11. Town Manager Report (168)**

**WRITTEN COMMUNICATIONS**

**12. Town Council Digest – March 16, 2018 (169)**

**13. Town Council Digest – March 23, 2018 (180)**

**ADJOURN TO CLOSED SESSION (186)**

**14. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION**

Government Code § 54956.9(c): One Case

**REPORT OUT OF CLOSED SESSION**

**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).

**PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 963, MARCH 14, 2018**

**CALL TO ORDER AND ROLL CALL**

Mayor Richards called the Town Council's Regular meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Mary Ann Moise Derwin, Jeff Aalfs, Craig Hughes; Vice Mayor Ann Wengert; Mayor John Richards

Absent: None

Others: Jeremy Dennis, Town Manager  
Cara Silver, Town Attorney  
Ali Taghavi, Communications & Sustainability Management Analyst  
Sharon Hanlon, Town Clerk

**ORAL COMMUNICATIONS**

Danielle Lacampagne, and Becky Dodson, with Citizens for a San Mateo County Gun Buyback introduced themselves and the history of how the gun buyback committee came about. She said Redwood City, San Mateo, and Belmont donated \$5,000 each, and San Carlos provided a \$50,000 matching fund. She said Woodside provided \$10,000 with a matching fund of up to \$5,000 for money raised by children.

**CONSENT AGENDA** [7:03 p.m.]

- (1) Approval of Minutes – Town Council Regular Meeting of February 28, 2018.
- (2) Approval of Warrant List – March 14, 2018, in the amount of \$82,770.63.
- (3) Recommendation of Town Manager – Support for Future Gun Buyback Programs. *[Removed from Consent Agenda.]*
- (4) Recommendation from Public Works Director – Designation of Authorized Representatives for Disaster Assistance from the Governor's Office of Emergency Services
  - (a) Adoption of a Resolution Designation of Applicant's Agent Resolution for Non-State Agencies (Resolution No. 2754-2018)

Councilmember Hughes moved to approve Items 1, 2, and 4 of the Consent Agenda. Seconded by Councilmember Aalfs the motion carried 5-0, by roll call vote.

- (3) Recommendation of Town Manager – Support for Future Gun Buyback Programs.

Mayor Richards expressed his support of the project.

In response to Councilmember Hughes' question, Town Attorney Silver said the issue is agendized as a Consent Agenda item, so it is within the Council's purview to direct the Town Manager to make an appropriation. She said if a budget amendment is necessary, that could be brought back to the Council at another time.

Mayor Richards asked for clarification of how the matching funds work. Ms. Lacampagne said the Mayor of Woodside discussed interacting with children to do fundraising. Councilmember Derwin said she

believed the kids were up to the challenge. Councilmember Aalfs said he is meeting with the School District tomorrow and can bring up the issue.

Councilmember Hughes moved to support the Gun Buyback Program by donating \$10,000, plus an up to \$5,000 match for money raised by the youth of Portola Valley. Seconded by Councilmember Derwin the motion carried 5-0, by roll call vote.

## **REGULAR AGENDA**

### **STAFF REPORTS AND RECOMMENDATIONS**

- (5) Recommendation from Assistant to the Town Manager – Request for 2017-18 Budget Amendment for Development of Town Center Microgrid Proposal

Councilmember Aalfs explained this item is a follow-up to last month's study session on the microgrid proposal. Representatives from GridScape and Clean Coalition were present at tonight's meeting to answer any questions. He said they have asked for funding to develop a design and proposal -- \$5,000 to GridScape for an analysis of the Town's usage and \$10,000 to Clean Coalition, who will act as the Town's consultants to review the developing requirements, determine the appropriateness of the design, and review the proposal. The request is for a \$15,000 budget amendment for consultant services, as detailed in the staff report.

Vice Mayor Wengert asked regarding the timeline of the proposal. She said this could be almost an implicit approval of a potentially larger project and she was hesitant to approve that forward momentum before making sure there is enough time for the Town to consider this proposal in the context of others that may require capital on a short-term basis.

Councilmember Aalfs asked if there was a significant lag time between the budget proposal and the start of the project for the Fremont fire station. Frank Bishop of GridScape said the longest part of that cycle was the permitting process because it was the first in the state. He said he understands Portola Valley wants to get this started fairly quickly and they can structure the timing to meet the Town's financial calendar.

Councilmember Hughes asked if the next step after these two pieces of work would be choosing a contractor and getting permits or if more design work would be required. Mr. Bishop said they would likely do the work, but they had discussed subcontracting with the electrician that did a lot of the work in 2008. He said they would typically take a deposit up front and start the permit process, getting the subs organized, etc. Councilmember Hughes asked if this fee for consultant services covered all of the design work. Mr. Bishop said it did.

Mayor Richards invited public comment. Hearing none, Mayor Richards brought the item back to the Council for discussion.

Town Manager Dennis asked if the Town received the proposal from GridScape in the next six to eight weeks, but the Council chose not to fund a microgrid project in the next fiscal year, what the value would be of the product a year from now. Mr. Bishop said unless there were physical changes to the plant, the cost of the work would be the same; however, the prices of some of the components may change.

Town Manager Dennis asked regarding the drivers of cost, other than construction. Mr. Bishop said the battery is the largest physical asset cost.

Vice Mayor Wengert said the Town Center Master Planning process is about to begin, the budget will be developed at the same time, and the Finance Committee will be working on the capital budget. She said those three different areas would converge a bit, all with capital demands, uses, or suggested expenditures that will need to be considered in the aggregate.

The Council discussed the length of time the proposal would be valid and the various factors that could affect future costs and fees. Mr. Bishop said they want to first get the document to the Council for review, eight weeks from now. Councilmember Aalfs said a decision could be made on that proposal as part of the capital planning process and they would have a decision prior to July, when the budget is established. Vice Mayor Wengert asked Town Manager Dennis if the capital planning process would be advanced enough for the beginning of the next budget year to factor in the Town Center and other potential uses. Town Manager Dennis said he was comfortable that it fits in fine and doesn't change the process, and it is just an additional element that will be included. Vice Mayor Wengert said her concern is that this is a large expenditure and will take out a fair amount of bandwidth next year, and she does not want there is undue pressure to move forward without fully vetting all of the alternatives. Mayor Richards said if the Town can't move forward for any reason, perhaps too much of a burden taken up by other resources, then it will just become a rebid issue. Councilmember Aalfs said if they receive a bid on May 15 and it is good for four months, that is enough time to make the decision. Vice Mayor Wengert said her concern is there will not be a full answer ready by the end of four months, particularly considering things seem to slow down for everyone in the summer. She said she did not want to hold up the process or constrain the vendors, but wanted the bid to remain the same for a reasonable amount of time. She would prefer to go a couple of months into the fall, allowing time for the variables of the Town Center Master Plan team and the Finance Committee work to match up. Councilmember Hughes suggested the proposal could include a price good through September 1, for example, and another price for September 1 through December 31.

Town Manager Dennis said he is anticipating the Town Center Master Plan process will be aligned enough so that the five-year plan will include those elements. He said Larry Strain would be attending the next Council meeting. He said scheduling the Master Plan Committee will take some time. He said they might not have the opportunity to fully go through the process with that Committee in time for the five-year, and if there are timely elements that need to be brought to Council for deliberation, it might come later. Vice Mayor Wengert said it would be up the Council to manage those processes to move them forward in a systematic way, so they are comparing the same things at the same time. Town Manager Dennis said there should also be a discussion about any item on the five-year plan that involves significant labor, taking into consideration how expensive construction is right now.

Councilmember Derwin moved to authorize a budget amendment for \$15,000 in fiscal year 2017/18 for consultant services for the development of a Town Center Microgrid proposal with the proposal being valid for four months from the date of receipt. Seconded by Councilmember Hughes; the motion carried 5-0.

(6) Recommendation from Communications & Sustainability Management Analyst – Selecting a Name for Portola Valley's Accela Application

Communications & Sustainability Management Analyst Ali Taghavi presented the background of the Accela project and presented potential app names to the Council, as detailed in the staff report.

Mayor Richards invited questions from the Council.

Councilmember Derwin asked if it was thought this app would mostly be used for people to lodge small complaints. Town Manager Dennis said he expected there to be an increase in the amount of code enforcement reports, service requests, etc. He said it would also provide an opportunity for two-way communication and more positive communication on a variety of issues.

Mr. Taghavi explained some of the features of the app such as class registration. Town Manager Dennis said the app is set up so that requests/reports and directed to the appropriate staff member.

In response to Councilmember Derwin's question, Mr. Taghavi said the code enforcement complaints could be anonymous.

In response to Vice Mayor Wengert's question, Mr. Taghavi said his name choice would be "PV Connect."

In response to Councilmember Hughes' question, Mr. Taghavi said they did discuss referencing historical Town landmarks in the app name, but in an effort to be crisp and concise, and so that the app is easily found in an app store, they preferred using PV. Town Manager Dennis said in surveying dozens of names in different apps, all included the name of the town or city.

Vice Mayor Wengert moved to name the Accela app "PV Connect." Seconded by Councilmember Hughes; the motion carried 5-0.

Councilmember Hughes suggested staff consult with experienced people for tips about presenting the app in app stores.

(7) Report by Town Manager – Portola Valley – Community Conversation about Housing

Town Manager Dennis introduced Peggy Jensen, Deputy County Manager of the County of San Mateo, part of the Home For All team. He said Ms. Jensen played a large part in the planning efforts for the very successful Community Meeting on Housing.

Town Manager Dennis explained the background of the issue and the Council's desire to understand the community's and residents' thoughts around housing issues and if staff should be doing more. Concurrent with those discussions, he said the County of San Mateo put aside money to support cities' efforts related to housing conversations. He said Portola Valley was one of four cities to receive a grant and that effort has been primarily around the community engagement piece.

Town Manager Dennis said nearly 70 residents, employers, and employees attended the Community Meeting on Housing event. He shared with the Council a slide presentation of the event, describing the various activities. He said the discussions were lively and very positive.

Town Manager Dennis said there were four primary themes heard from the tables – the importance of the cherished rural environment in Portola Valley; discussions about this family-oriented community where children who grew up here cannot afford to live here; maintenance of a vital workforce and location of emergency personnel; and Portola Valley residents' creative solution-making talent. Town Manager Dennis said there was a lot of interest in the ADUs and affiliated housing program.

Town Manager Dennis said next steps that were discussed included sending mailers to residents about the event, a page on the Town's website, future events, ADU workshops, business roundtables with a housing component, design, and staff sharing at board meetings of institutions such as The Priory, Alpine Hills, the school district, etc. He said it is important to keep the energy going related to what occurred at the community meeting. He said they also want to continue conversations around elements in the Housing Strategic Plan, such as tying into the business roundtable, if there are institutions who want to learn more about the affiliated housing program.

Councilmember Hughes said that he learned that during morning rush hour more cars are coming into Portola Valley than are leaving. He said there are more people working in Town than probably perceived. He said this is not a residential community that people commute out of and mostly people are coming here to work in residents' houses.

Councilmember Derwin said there is an interest in ADUs on smaller lots. She asked how to begin that conversation. Town Manager Dennis said he has been impressed with the number of calls received from residents in the last week asking questions around these issues. He said they are looking at potentially May to start rolling out conversations about lots smaller than one acre.

Vice Mayor Wengert agreed that the ADUs really lit up the subject for most people. She said the discussion will be about potentially substantial changes to the current zoning to allow for more housing solutions.

Mayor Richards agreed now was the time because there is a regional conversation about ADUs.

Vice Mayor Wengert suggested engaging the affiliated housing partners. She said as these items are being prioritized, the expanded definition of the ADU and the affiliated housing should be top of the list.

Vice Mayor Wengert asked if there would be another community meeting and where it would fit in. Ms. Jensen said most of the towns and cities they're working with are having two events. She said if ADUs are something the Town would like to work on, with a similar format in terms of information presentation, conversation, and compilation of community input, then they could work with staff on that. Town Manager Dennis said calls have been coming in with very specific questions, things that have not necessarily been contemplated in the past. He is advising these callers that the callers need to show up and talk about their specific situations and how it could be solved for them. Ms. Jensen said that each of the tables at the community meeting were designed to have a specific mix of people with different perspectives. She said a lot of it was about sitting and listening to others, learning from that, and recognizing there are a lot of people in the community with a variety of different opinions. She said they would do a similar thing with second units so that people could hear things and ultimately respect different perspectives, ideally coming to some common conclusions.

Town Manager Dennis thanked Interim Planning Director Cassidy and Communications & Sustainability Management Analyst Taghavi for the time they put into this, and Home for All for their outstanding support. He thanked Councilmember Derwin and Vice Mayor Wengert for the time and effort they put into moving this forward and having a successful event. Ms. Jensen thanked the Council for their participation.

(8) Recommendation from Town Manager – Council Priorities Study Session, FY 2018-19

Town Manager Dennis presented a brief presentation and staff's recommendations that the Town Council accept a status update on the current Council Priorities for 2017-18 and provide staff with initial feedback on their priorities for the Fiscal Year 2018-19, as detailed in the staff report.

Mayor Richards invited questions from the Council.

Vice Mayor Wengert asked if the Council had provided Town Manager Dennis the order of these four priorities. Councilmember Hughes said he recalled that those four top-level items were called out but not prioritized. Councilmember Hughes said items on the list of projects were slotted under those four headings.

Town Manager Dennis said the items listed in the progress update sheet that are ongoing, underway, or delayed should be reviewed as to how they should fit into the 2018-19 priority list. He said some of the ongoing items may be finished by this year and some are always ongoing. Town Manager Dennis said Housing and the Town Center Master Plan were not included on the list but have been ongoing for a couple of years.

Vice Mayor Wengert suggested Housing should indicate moving beyond planning and more toward implementation of some of the initiatives.

Councilmember Derwin suggested Resident Resiliency should include planning for a fire – what was learned from the wine country fire, fire management of the property, evacuation drills, etc. Town Manager Dennis said 2(a)(i) Emergency preparation outreach work, would incorporate some of that. He said a significant dialogue has been started with the Fire Protection District. He said a big product will be presented soon related to communication issues. He said he and Assistant to the Town Manager de

Garmeaux recently spoke with approximately 80 Sequoia residents about SMC Alert and plan to continue with those types of outreach efforts.

Councilmember Derwin said, regarding reviewing the needs of youth, the ideas for that need to come from the youth. Town Manager Dennis said that section includes things like support of a new committee and if the CAC or Parks & Recreation Committee should have more events to support those needs. He said there are more children in Town and their needs are different. He said that may mean something such as coordination with the Library or things haven't yet been considered.

Town Manager Dennis went through the progress update of the items on the 2017-18 Priorities list.

Councilmember Hughes said he preferred the category of Master Planning generally, which includes elements of rural character – such as pedestrian study, changing the ADU rules, the Town Center project, Open Space planning, and microgrid. He said the goal is maintaining the rural character, but also includes adapting and figuring out the coordinated planning. Mayor Richards said that should be built into how the Town communicates with new people in Town, current residents, and people with grandiose development ideas. He said it will require ongoing communication by people in Town. Vice Mayor Wengert said it is very much part of Master Planning. Mayor Richards said the attitude part of it is also very important.

Town Manager Dennis said there are many items listed under Master Planning, and obviously, they cannot all be completed in a year. He said these are staff's recommendations of things to start thinking about. He said, for example, perhaps certain elements of the General Plan could be tweaked. He said Assistant to the Town Manager de Garmeaux is anxious to do a Sustainability update because a lot has happened in the world of sustainability and the State requires the Town to show that comprehensive updates are being done periodically.

Mayor Richards said it would be helpful to have a list of when each element was last reviewed. Councilmember Hughes this would likely be an ongoing discussion as they go through the budget process.

In response to Councilmember Derwin's question regarding 2(b)(ii), Town Manager Dennis said the Conservation Committee started looking at the Spring Down Preserve, trying to create more than just a few plantings. He said he was particularly intrigued and thought about how that could be done in some of the other more used preserves, and said it has been an exciting effort. He said something needs to be put in place to reflect back on so they can better estimate what the budgetary and staffing requirements will be, and also to understand how the properties are intended to be used instead of just buying open space that sits there. He said the Town has a considerable amount of money available for the purchase of open space. He said he suggested to the Committee Chair to think about a plan instead of simply waiting for property to come available.

Town Manager Dennis said the Town continuously has issues related to multimodal use with regard to trails. He suggested the Trails Committee be given the opportunity to look at some of those issues.

Town Manager Dennis said facilities, buildings, and field maintenance costs currently get folded into Public Works Director Young budget in different places and are not easily teased out. He asked for a recommendation from the Council to tease that out more so that expenses are not buried in the budget.

Town Manager Dennis said software, for example, is becoming more important and being able to have something called an operational budget that supports what the Town does would be helpful. He said there could be conversations about how that gets funded.

Councilmember Hughes said community events or face-to-face engagement should be included. He said the Parks & Recreation Committee is looking at a lot of interesting things to potentially do next year. He said it would be good to have something on the list to help support the Committees' efforts in that. Vice



Mayor Wengert said several of the items under 2(b) Master Planning could fall under a category such as a committee engagement/community engagement.

Town Manager Dennis said there are a number of entities in Town that touch community engagement activity – Parks & Recreation, CAC, Library, Arts Guild, Garden Club – that don't talk to one another. He said he discussed with Town Clerk Hanlon about putting together an All-Committee meeting, probably in the fall, to get everyone together.

Town Manager Dennis said the Town website could use some modernization and is a little cluttered in places.

Town Manager Dennis said there are always new social media that people get excited about. He said there is an appetite for that sort of engagement and it might be that Snapchat and Instagram and other social media outlets should be considered.

Town Manager Dennis said the staff is planning to revive the Town newsletter. He said a draft version is currently circulating internally through staff. He said they hope to launch it about the time of the budget. He said they are thinking about putting it out a couple of times a year around meaty issues such as the budget.

Vice Mayor Wengert said staffing should be on the priorities list.

Town Manager Dennis said Assistant to the Town Manager de Garreaux is working on refining a package of elements around sustainability.

The Commission preferred the format of the 2017-18 priorities list, to include the categories of Housing, Committee/Community Engagement, and Town Operations. Town Manager Dennis will bring a revised priorities list to the Council for review.

#### (9) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Hughes – Attended a Bicycle, Pedestrian & Traffic Safety Committee meeting where they discussed potentially opening a currently no-bike trail for children to be able to bicycle back and forth to school, possibly during limited time windows.

Councilmember Derwin – Attended a C/CAG Legislative and Regular Committee meeting. She reported that the Repeal SB-1 efforts are ongoing and the lobbyist thinks there will be enough signatures to have it on the ballot in November. She encouraged the Council to promote a no vote on it. She said they also discussed C/CAG's opposition to SB-827, Planning, and Zoning: Transit-Rich Housing Bonus, unless amended. She said they are supporting the Parks and Water Bond, Prop. 68. They filled two seats on BPAC with incumbents. She said there was a presentation by Carpool in San Mateo County. She said it is going well, but they are having trouble getting drivers and are considering increasing the incentives. They also heard a presentation by Commute.org. They reported there are 18 members on their JPA, and only three cities are not members – Portola Valley, Woodside, and Menlo Park. She suggested that the Councilmember Hughes research Commute.org. Councilmember Derwin was elected Chair of C/CAG. She announced C/CAG's "Floods, Drought, Rising Seas, Oh My!", a discussion on water management issues, on Friday, March 30, 2018. Councilmember Derwin attended the March 12 ASCC meeting where they approved a new residence on 207 Westridge Drive and approved granting relief for an existing non-conforming fence at 5 Grove Court. She said they reviewed the revised Outdoor Lighting Ordinance and Lighting Design Guidelines, which may come to the Council April 25.

Councilmember Aalfs – Will meet with the Portola Valley School Board on March 15 to talk about the two campuses.

Vice Mayor Wengert – Attended a Parks and Recreation Committee meeting with Mayor Richards. She said there are 10 Committee members. She said it was an enthusiastic meeting where they discussed their mission and past and future events ideas. They are trying to do a fall picnic. She attended a San Francisco Airport Roundtable new membership ad-hoc committee meeting. She said there was no consensus regarding allowing Santa Cruz a voting seat. She attended the Roundtable Technical Working Group meeting on March 8. She attended a meeting with staff and representatives of GreenWaste to review the franchise contract agreement that expires in 2020.

Mayor Richards – Attended Emergency Preparedness Committee where they discussed the 2018 goals and annual training drills. He said they are hosting a Communications Radio Day on June 23. Woodside Fire wildlife fire training is on May 3 in Portola Valley. He attended a Cultural Arts Committee meeting where they discussed the Dengler Exhibit at The Sequoias, a children's photo exhibit, a pottery night on April 19, and sponsorships for Town events.

(10) Town Manager Report – Town Manager Dennis reported that Sunrise Trail was closed due to a resident encounter with a mountain lion earlier this week. He said Fish and Game and Public Works Director Young walked the trail and found no signs of habitation and the trail will be reopened tomorrow, but with warning signs. He reported that a Neighborhood Watch Captain's Meeting is scheduled for March 15 and Selena Brown from Woodside Fire Protection will talk about CERPP. Town Manager Dennis reported that Capt. Corpus will schedule another "Coffee with the Deputies" event in late-April and may do a Scan/Resident Safety seminar at some point. Town Manager Dennis attended a Friends of the Library meeting on March 13 where they discussed facility management and coordination, and how to ensure the Friends, the Library, and staff talk to one another about priorities. He said the fields are open and look great. He thanked Justin Bixby for the work he did. He attended the GreenWaste franchise contract meeting. Town Manager Dennis said there is an upcoming discussion with the Sheriff's office on their contract. He reported there is a Finance Committee meeting scheduled for April 9. He visited The Sequoias with Assistant to the Town Manager de Garmeaux and discussed emergency communications and other more general topics. He reported th

at the Town playing fields are now open. Town Manager Dennis said the Town received a report from the San Mateo County Grand Jury regarding ALPRs and access to information on the Town's website.

#### **WRITTEN COMMUNICATIONS** [9:28 p.m.]

(11) Town Council Digest – March 2, 2018

#8 – Memo from Town Clerk regarding AB 1661 Anti-Harassment Training, Friday, March 2, 2018. Councilmember Derwin asked how many will be attending this training.

#10 – Invitation to March Council of Cities Dinner Meeting – Daly City Hosting – Friday, March 23, 2018. Councilmember Derwin will attend the March Council of Cities meeting.

#11 -- Press Release: Peninsula Clean Energy's ECO100 Now Green-E Certified – March 1, 2018. Councilmember Aalfs asked if the report was posted to the PV Forum. Town Manager Dennis will check on this.

(12) Town Council Digest – March 9, 2018

#2 – Invitation from HEART of San Mateo County re: May Fundraiser – Thursday, May 24, 2018. Councilmember Derwin will attend the HEART fundraiser in May and encouraged fellow Councilmembers to attend. Vice Mayor Wenger will consider attending.

#### **ADJOURNMENT** [9:33 p.m.]

Mayor Richards adjourned the meeting.

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Mayor

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Town Clerk

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

03/28/18

Date: 03/20/2018

Time: 2:07 pm

Page: 1

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

ACCELA	Resident Transparency Tool	19594	03/28/2018	
			03/28/2018	
2633 CAMINO RAMON	0770		03/28/2018	0.00
SAN RAMON	BOA	52528	03/28/2018	0.00
CA 94583	ACC38074			7,500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4214	Miscellaneous Consultants	7,500.00	0.00

Check No.	52528	Total:	7,500.00
Total for	ACCELA		7,500.00

ARRANGED4COMFORT	Ergo Standing Mat, C. Brown	19586	03/28/2018	
			03/28/2018	
790 LAUREL STREET #10	0502		03/28/2018	0.00
SAN CARLOS	BOA	52529	03/28/2018	0.00
CA 94070	18-5034-SH			91.80

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4312	Office Equipment	91.80	0.00

Check No.	52529	Total:	91.80
Total for	ARRANGED4COMFORT		91.80

AT&T	February Statements	19552	03/28/2018	
			03/28/2018	
P.O. BOX 9011	441		03/28/2018	0.00
CAROL STREAM	BOA	52530	03/28/2018	0.00
IL 60197-9011				281.96

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	281.96	0.00

Check No.	52530	Total:	281.96
Total for	AT&T		281.96

JESAI BANCROFT	Earth Fair Face Painter	19582	03/28/2018	
		00006522	03/28/2018	
PO BOX 5285	0768		03/28/2018	0.00
LACEY	BOA	52531	03/28/2018	0.00
WA 98509				325.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4335	Sustainability	325.00	325.00

Check No.	52531	Total:	325.00
Total for	JESAI BANCROFT		325.00

BANK OF AMERICA	February Statement	19589	03/28/2018	
Bank Card Center			03/28/2018	
P.O. BOX 53155	0022		03/28/2018	0.00
PHOENIX	BOA	52532	03/28/2018	0.00
AZ 85072-3155				4,960.49

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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

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	488.57	0.00
05-64-4308	Office Supplies	60.86	0.00
05-64-4311	Software & Licensing	241.96	0.00
05-64-4312	Office Equipment	2,030.61	0.00
05-64-4326	Education & Training	635.00	0.00
05-64-4335	Sustainability	397.29	0.00
05-64-4336	Miscellaneous	766.89	0.00
05-64-4337	Bank Fees	122.25	0.00
05-66-4341	Community Hall	217.06	0.00

Check No.	52532	Total:	4,960.49
Total for	BANK OF AMERICA		4,960.49

CALIFORNIA WATER SERVICE CO	Water Service 2/9/18-3/8/18	19601	03/28/2018	
			03/28/2018	
3525 ALAMEDA DE LAS PULGAS	0011		03/28/2018	0.00
MENLO PARK	BOA	52533	03/28/2018	0.00
CA 94025844				3,411.70

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	3,411.70	0.00

Check No.	52533	Total:	3,411.70
Total for	CALIFORNIA WATER SERVICE CC		3,411.70

CALPERS	March Unfunded Liability	19574	03/28/2018	
FISCAL SERVICES DIVISION			03/28/2018	
ATTN: RETIREMENT PROG ACCTG	0107		03/28/2018	0.00
SACRAMENTO	BOA	52534	03/28/2018	0.00
CA 94229-2703	100000015217727			1,577.88

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4080	Retirement - PERS	1,577.88	0.00

CALPERS	January Retirement	19578	03/28/2018	
FISCAL SERVICES DIVISION			03/28/2018	
ATTN: RETIREMENT PROG ACCTG	0107		03/28/2018	0.00
SACRAMENTO	BOA	52534	03/28/2018	0.00
CA 94229-2703				18,679.54

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2522	PERS Payroll	1,704.67	0.00
05-00-2556	Arrears Svc Cr	107.38	0.00
05-50-4080	Retirement - PERS	16,867.49	0.00

Check No.	52534	Total:	20,257.42
Total for	CALPERS		20,257.42

ARLY CASSIDY	Reim for Conference-Cassidy	19569	03/28/2018	
			03/28/2018	
	0638		03/28/2018	0.00
	BOA	52535	03/28/2018	0.00
				50.00

GL Number	Description	Invoice Amount	Amount Relieved
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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

05-64-4326	Education & Training	50.00	0.00	
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Check No.	52535	Total:	50.00
Total for	ARLY CASSIDY		50.00

CITY OF DALY CITY	Dinner/Mtg., Derwin	19553	03/28/2018	
ATTN: ROSE PADILLA	474		03/28/2018	0.00
DALY CITY	BOA	52536	03/28/2018	0.00
CA 94015				50.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4327	Educ/Train: Council & Commissn	50.00	0.00

Check No.	52536	Total:	50.00
Total for	CITY OF DALY CITY		50.00

CITY OF REDWOOD CITY (IT)	February IT Support	19575	03/28/2018	
P.O. BOX 3629	586		03/28/2018	0.00
REDWOOD CITY	BOA	52537	03/28/2018	0.00
CA 94064	BR47351			2,250.30

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4216	IT & Website Consultants	2,250.30	0.00

Check No.	52537	Total:	2,250.30
Total for	CITY OF REDWOOD CITY (IT)		2,250.30

COBALT CONSTRUCTION CO.	Ref Dep, 501 Portola 16C/E	19554	03/28/2018	
105 SERRA WAY #196	0699		03/28/2018	0.00
MILPITAS	BOA	52538	03/28/2018	0.00
CA 95035				1,000.00

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

Check No.	52538	Total:	1,000.00
Total for	COBALT CONSTRUCTION CO.		1,000.00

DENISE CORWIN	Refund Deposit-171 Trinity	19555	03/28/2018	
171 TRINITY LANE	2144		03/28/2018	0.00
PORTOLA VALLEY	BOA	52539	03/28/2018	0.00
CA 94028				2,728.43

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	2,728.43	0.00

Check No.	52539	Total:	2,728.43
Total for	DENISE CORWIN		2,728.43

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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

CAROLINE DALLMAN	Reim-coffee Comm Event 3/3/18	19571	03/28/2018	
			03/28/2018	
OFFICE OF SUSTAINABILITY	2146		03/28/2018	0.00
REDWOOD CITY	BOA	52540	03/28/2018	0.00
CA 94063				190.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4335	Sustainability	190.00	0.00

Check No.	52540	Total:	190.00
Total for	CAROLINE DALLMAN		190.00

MARK DEEM	Refund Deposit-357 Westridge	19556	03/28/2018	
			03/28/2018	
357 WESTRIDGE DRIVE	0514		03/28/2018	0.00
PORTOLA VALLEY	BOA	52541	03/28/2018	0.00
CA 94028				2,415.09

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	2,415.09	0.00

Check No.	52541	Total:	2,415.09
Total for	MARK DEEM		2,415.09

DAVID DOUGLASS	Refund Deposit, 18 Redberry	19581	03/28/2018	
	Surety Deposit		03/28/2018	
18 REDBERRY RIDGE	0710		03/28/2018	0.00
PORTOLA VALLEY	BOA	52542	03/28/2018	0.00
CA 94028				66,440.63

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	1,440.63	0.00
96-54-4207	Deposit Refunds, Other Charges	65,000.00	0.00

Check No.	52542	Total:	66,440.63
Total for	DAVID DOUGLASS		66,440.63

ECS IMAGING	Document Scanning-Planning	19557	03/28/2018	
			03/28/2018	
5905 BROCKTON AVE	1466		03/28/2018	0.00
RIVERSIDE	BOA	52543	03/28/2018	0.00
CA 92506	12921			2,835.77

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4208	GIS Mapping	2,835.77	0.00

Check No.	52543	Total:	2,835.77
Total for	ECS IMAGING		2,835.77

SUZANNE EYRE	Refund Deposit, 207 Grove	19580	03/28/2018	
			03/28/2018	
207 GROVE DRIVE	0314		03/28/2018	0.00
PORTOLA VALLEY	BOA	52544	03/28/2018	0.00
CA 94028				1,000.00

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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

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

Check No.	52544	Total:	1,000.00
Total for	SUZANNE EYRE		1,000.00

FEDEX	Shipping Charges, Annual Tax	19583	03/28/2018	
	IRS Forms		03/28/2018	
P.O. BOX 7221	0066		03/28/2018	0.00
PASADENA	BOA	52545	03/28/2018	0.00
CA 91109-7321	6-120-21173			47.33

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	47.33	0.00

Check No.	52545	Total:	47.33
Total for	FEDEX		47.33

GREEN HALO SYSTEMS	Hosting/Access, March 2018	19588	03/28/2018	
			03/28/2018	
2431 ZANKER ROAD	0654		03/28/2018	0.00
SAN JOSE	BOA	52546	03/28/2018	0.00
CA 95131	1609			114.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Software & Licensing	114.00	0.00

Check No.	52546	Total:	114.00
Total for	GREEN HALO SYSTEMS		114.00

HILLYARD, INC	Janitorial Supplies	19572	03/28/2018	
			03/28/2018	
P.O. BOX 843025	531		03/28/2018	0.00
KANSAS CITY	BOA	52547	03/28/2018	0.00
MO 64184-3025	602914630			42.55

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	14.18	0.00
05-66-4341	Community Hall	14.18	0.00
25-66-4340	Building Maint Equip & Supp	14.19	0.00

HILLYARD, INC	Janitorial Supplies	19595	03/28/2018	
			03/28/2018	
P.O. BOX 843025	531		03/28/2018	0.00
KANSAS CITY	BOA	52547	03/28/2018	0.00
MO 64184-3025	602899043, 602899042			909.84

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	303.28	0.00
05-66-4341	Community Hall	303.28	0.00
25-66-4340	Building Maint Equip & Supp	303.28	0.00

Check No.	52547	Total:	952.39
Total for	HILLYARD, INC		952.39



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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

HORIZON	Fields Lawn Maintenance	19592	03/28/2018	
			03/28/2018	
P.O. BOX 52758	0289		03/28/2018	0.00
PHOENIX	BOA	52548	03/28/2018	0.00
AZ 85072-2758	1N331010			476.31

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	476.31	0.00

HORIZON	Muck Boots, J. Bixby	19598	03/28/2018	
			03/28/2018	
P.O. BOX 52758	0289		03/28/2018	0.00
PHOENIX	BOA	52548	03/28/2018	0.00
AZ 85072-2758	1N331965			161.66

GL Number	Description	Invoice Amount	Amount Relieved
05-60-4267	Tools & Equipment	161.66	0.00

Check No.	52548	Total:	637.97
Total for	HORIZON		637.97

J.W. ENTERPRISES	Portable Lavs, 3/15/15-4/11/18	19590	03/28/2018	
			03/28/2018	
1689 MORSE AVE	829		03/28/2018	0.00
VENTURA	BOA	52549	03/28/2018	0.00
CA 93003	206916			242.40

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4244	Portable Lavatories	242.40	0.00

Check No.	52549	Total:	242.40
Total for	J.W. ENTERPRISES		242.40

JORGENSON SIEGEL MCCLURE & FLEGEL	February Statement	19558	03/28/2018	
			03/28/2018	
1100 ALMA STREET	0089		03/28/2018	0.00
MENLO PARK	BOA	52550	03/28/2018	0.00
CA 94025				11,009.74

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4182	Town Attorney	10,182.24	0.00
96-54-4186	Attorney - Charges to Appls	827.50	0.00

Check No.	52550	Total:	11,009.74
Total for	JORGENSON SIEGEL MCCLURE &		11,009.74

LADERA GARDEN CENTER	Flower Arrangements, D. Pedro/ D. Boyce	19576	03/28/2018	
			03/28/2018	
3130 LADERA COUNTRY SHOPPER	0490		03/28/2018	0.00
PORTOLA VALLEY	BOA	52551	03/28/2018	0.00
CA 94028	15383, 15409			140.43

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	140.43	0.00

Check No.	52551	Total:	140.43
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Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Total for LADERA GARDEN CENTER 140.43

LYNX TECHNOLOGIES, INC	GIS Hosting Fee, February	19559	03/28/2018	
			03/28/2018	
1350 41ST AVENUE	0294		03/28/2018	0.00
CAPITOLA	BOA	52552	03/28/2018	0.00
CA 95010	8398			250.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Software & Licensinq	250.00	0.00

Check No. 52552 Total: 250.00

Total for LYNX TECHNOLOGIES, INC 250.00

MCF CONSTRUCTION	Refund Deposit-369 Wayside Rd	19560	03/28/2018	
			03/28/2018	
9847 WESBOURNE WAY	2145		03/28/2018	0.00
GRANITE BAY	BOA	52553	03/28/2018	0.00
CA 95746				1,000.00

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

Check No. 52553 Total: 1,000.00

Total for MCF CONSTRUCTION 1,000.00

O. NELSON & SON, INC.	Springdown Pond Enhancements	19591	03/28/2018	
			03/28/2018	
3345 TRIPP ROAD	634		03/28/2018	0.00
WOODSIDE	BOA	52554	03/28/2018	0.00
CA 94062	200			2,839.00

GL Number	Description	Invoice Amount	Amount Relieved
15-68-4414	CIP Spring Down OpSpa Imp	2,839.00	0.00

O. NELSON & SON, INC.	Remove Fallen Oak, Alpine and Willowbrook	19596	03/28/2018	
			03/28/2018	
3345 TRIPP ROAD	634		03/28/2018	0.00
WOODSIDE	BOA	52554	03/28/2018	0.00
CA 94062	205			5,200.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4264	ROW Tree Trimming & Mowing	5,200.00	0.00

O. NELSON & SON, INC.	Alpine Rd Corridor, Restore Wood Fence	19597	03/28/2018	
			03/28/2018	
3345 TRIPP ROAD	634		03/28/2018	0.00
WOODSIDE	BOA	52554	03/28/2018	0.00
CA 94062	203			6,595.89

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4264	ROW Tree Trimming & Mowing	6,595.89	0.00

Check No. 52554 Total: 14,634.89

Total for O. NELSON & SON, INC. 14,634.89

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Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
OVERLAND CONTRACTING	Refund Deposit, TMobile	19561	03/28/2018	
	Refund Dep-TMobile 3530 Alpine		03/28/2018	
C/O JOHN MCGAUGHEY	2141		03/28/2018	0.00
WALNUT CREEK	BOA	52555	03/28/2018	0.00
CA 94597				7,886.19

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	3,664.38	0.00
96-54-4207	Deposit Refunds, Other Charges	4,221.81	0.00

Check No.	52555	Total:	7,886.19
Total for	OVERLAND CONTRACTING		7,886.19

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
PERS HEALTH	April Health	19585	03/28/2018	
			03/28/2018	
VIA EFT	0108		03/28/2018	0.00
	BOA	52556	03/28/2018	0.00
				11,926.24

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	11,926.24	0.00

Check No.	52556	Total:	11,926.24
Total for	PERS HEALTH		11,926.24

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
PETTY CASH	Petty Cash Reimbursement	19602	03/28/2018	
			03/28/2018	
765 PORTOLA ROAD	993		03/28/2018	0.00
PORTOLA VALLEY	BOA	52557	03/28/2018	0.00
CA 94028				1,311.57

GL Number	Description	Invoice Amount	Amount Relieved
05-60-4267	Tools & Equipment	98.06	0.00
05-64-4308	Office Supplies	59.98	0.00
05-64-4326	Education & Training	248.19	0.00
05-64-4328	Mileage Reimbursement	285.52	0.00
05-64-4336	Miscellaneous	619.82	0.00

Check No.	52557	Total:	1,311.57
Total for	PETTY CASH		1,311.57

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
PG&E	February Statements	19570	03/28/2018	
			03/28/2018	
BOX 997300	0109		03/28/2018	0.00
SACRAMENTO	BOA	52558	03/28/2018	0.00
CA 95899-7300				1,450.89

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	1,450.89	0.00

Check No.	52558	Total:	1,450.89
Total for	PG&E		1,450.89

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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

PLATINUM FACILITY SERVICES	Home for All Event, Cleanup	19599	03/28/2018	
			03/28/2018	
1530 OAKLAND RD., #150	402		03/28/2018	0.00
SAN JOSE	BOA	52559	03/28/2018	0.00
CA 95112	31346			70.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	70.00	0.00

Check No.	52559	Total:	70.00
Total for	PLATINUM FACILITY SERVICES		70.00

PORTOLA VALLEY HARDWARE	Jan/Feb Statement	19593	03/28/2018	
			03/28/2018	
112 PORTOLA VALLEY ROAD	0114		03/28/2018	0.00
PORTOLA VALLEY	BOA	52560	03/28/2018	0.00
CA 94028				763.02

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	199.29	0.00
05-60-4267	Tools & Equipment	314.53	0.00
05-66-4340	Building Maint Equip & Supp	58.00	0.00
05-70-4486	CIP16/17 Equipment	47.83	0.00
20-60-4270	Trail Surface Rehabilitation	126.55	0.00
25-66-4340	Building Maint Equip & Supp	16.82	0.00

Check No.	52560	Total:	763.02
Total for	PORTOLA VALLEY HARDWARE		763.02

DARCI REIMUND	Refund Deposit-155 Grove Dr	19562	03/28/2018	
			03/28/2018	
155 GROVE DRIVE	0178		03/28/2018	0.00
PORTOLA VALLEY	BOA	52561	03/28/2018	0.00
CA 94028				1,122.15

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,122.15	0.00

Check No.	52561	Total:	1,122.15
Total for	DARCI REIMUND		1,122.15

ROBERTS MARKET	Plan Dir Interviews-Meals	19563	03/28/2018	
			03/28/2018	
3015 WOODSIDE ROAD	1236		03/28/2018	0.00
WOODSIDE	BOA	52562	03/28/2018	0.00
CA 94062				75.82

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	75.82	0.00

Check No.	52562	Total:	75.82
Total for	ROBERTS MARKET		75.82

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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

SABER ROOFING INC	Refund Deposit, 25 Antonio	19579	03/28/2018	
			03/28/2018	
2995 WOODSIDE ROAD	577		03/28/2018	0.00
WOODSIDE	BOA	52563	03/28/2018	0.00
CA 94062				1,000.00

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

Check No.	52563	Total:	1,000.00
Total for	SABER ROOFING INC		1,000.00

AMITABH SHARMA	Refund Deposit-15 Kiowa Ct	19564	03/28/2018	
			03/28/2018	
15 KIOWA COURT	2142		03/28/2018	0.00
PORTOLA VALLEY	BOA	52564	03/28/2018	0.00
CA 94028				2,100.31

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	2,100.31	0.00

Check No.	52564	Total:	2,100.31
Total for	AMITABH SHARMA		2,100.31

SHARP BUSINESS SYSTEMS	February Copies	19577	03/28/2018	
			03/28/2018	
DEPT. LA 21510	0199		03/28/2018	0.00
PASADENA	BOA	52565	03/28/2018	0.00
CA 91185-1510	C976411-541			283.18

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	283.18	0.00

Check No.	52565	Total:	283.18
Total for	SHARP BUSINESS SYSTEMS		283.18

JOHN SHON	Refund Deposit-40 Saddleback	19565	03/28/2018	
			03/28/2018	
40 SADDLEBACK	2143		03/28/2018	0.00
PORTOLA VALLEY	BOA	52566	03/28/2018	0.00
CA 94028				1,528.76

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,528.76	0.00

Check No.	52566	Total:	1,528.76
Total for	JOHN SHON		1,528.76

SMALL BUSINESS BENEFIT PLAN TR	April Dental & Vision	19567	03/28/2018	
			03/28/2018	
	0132		03/28/2018	0.00
BELMONT	BOA	52567	03/28/2018	0.00
CA 94002-0156				2,575.30

GL Number	Description	Invoice Amount	Amount Relieved
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INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

03/28/18

Date: 03/20/2018

Time: 2:07 pm

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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

05-50-4090	Health Ins Dental & Vision	2,575.30	0.00	
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Check No.	52567	Total:	2,575.30
Total for	SMALL BUSINESS BENEFIT PLAN		2,575.30

STAPLES CREDIT PLAN	Office Supplies 2/7-3/2/18	19584	03/28/2018	
DEPT. 31 - 0000306219	430		03/28/2018	0.00
PHOENIX	BOA	52568	03/28/2018	0.00
AZ 85062-8004				581.42

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	581.42	0.00

Check No.	52568	Total:	581.42
Total for	STAPLES CREDIT PLAN		581.42

STATE COMP INSURANCE FUND	2016 Audit Statement	19573	03/28/2018	
PO BOX 748170	0122		03/28/2018	0.00
LOS ANGELES	BOA	52569	03/28/2018	0.00
CA 90074-8170				8,380.38

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4094	Worker's Compensation	8,380.38	0.00

Check No.	52569	Total:	8,380.38
Total for	STATE COMP INSURANCE FUND		8,380.38

ALI TAGHAVI	Reimbursement, Home For All Event/Neighborhood Watch	19600	03/28/2018	
	0747		03/28/2018	0.00
	BOA	52570	03/28/2018	0.00
				184.67

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	184.67	0.00

Check No.	52570	Total:	184.67
Total for	ALI TAGHAVI		184.67

THOMAS FOGARTY	Deposit Refund Fogarty Winery	19568	03/28/2018	
WINERY & VINEYARDS	756		03/28/2018	0.00
PORTOLA VALLEY	BOA	52571	03/28/2018	0.00
CA 94028				2,925.20

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	2,925.20	0.00

Check No.	52571	Total:	2,925.20
Total for	THOMAS FOGARTY		2,925.20

**INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST**

03/28/18

Date: 03/20/2018

Time: 2:07 pm

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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
DAVID TOOLE	Refund Deposit-250 Alamos	19566	03/28/2018	
			03/28/2018	
250 ALAMOS ROAD	0689		03/28/2018	0.00
PORTOLA VALLEY	BOA	52572	03/28/2018	0.00
CA 94028				5,990.42

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	5,990.42	0.00

Check No.	52572	Total:	5,990.42
Total for	DAVID TOOLE		5,990.42

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
TYLER TECHNOLOGIES INC	Pervasive Software Install, M.	19587	03/28/2018	
	Arana		03/28/2018	
P.O. BOX 203556	0240		03/28/2018	0.00
DALLAS	BOA	52573	03/28/2018	0.00
TX 75247-8142	025-216434			140.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Software & Licensing	140.00	0.00

Check No.	52573	Total:	140.00
Total for	TYLER TECHNOLOGIES INC		140.00

Total Invoices:	51	Grand Total:	195,113.26
		Less Credit Memos:	0.00
		Net Total:	195,113.26
		Less Hand Check Total:	0.00
		Outstanding Invoice Total:	195,113.26

**TOWN OF PORTOLA VALLEY**  
**Warrant Disbursement Journal**  
**March 28, 2018**

Claims totaling \$195,113.26 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 \_\_\_\_\_

\_\_\_\_\_  
Jeremy Dennis, 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

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**TO:** Mayor and Members of the Town Council

**FROM:** Howard Young, Public Works Director

**DATE:** March 28, 2018

**RE:** **2017/2018 Street Resurfacing Project- Surface Seals**  
**Project #2018-PW01**

## **RECOMMENDATION**

1. Adopt the attached resolution approving plans and specifications for the 2017/2018 Street Resurfacing project and calling for sealed bids for this project.
2. Appropriate \$28,000 to the Gas Tax (Fund 20) CIP 17/18 Street Resurfacing to budget for the new SB1 revenue proceeds.
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 \$558,000. This would include authorization to add to (or subtract from) 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.

## **BACKGROUND AND DISCUSSION**

Regular and strategic maintenance of the Town's roads is a cost-effective way to provide greater safety and usability for road users and extend the life of the roadway system. Each year the Town completes a road maintenance project that incorporates treatments as appropriate. The preparation of construction documents for this year's street resurfacing program is completed. This project will include extensive repair to the roadway base and apply a preventative maintenance surface seal on sections of residential roads as listed on Exhibit A. Also included are two additive bid alternate road lists which can be selected if the budget allows. Bid award will be based on the base bid amount.

The street sections 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 April 2, 2018
Bid Opening:	Week of April 23, 2018
Town Manager awards contract:	Week of April 30, 2018
Construction begins:	Week of May 21, 2018
Construction completed:	Week of June 30, 2018

### **FISCAL IMPACT**

The estimated cost of the base bid of this street resurfacing project is \$545,000 including a 10% construction contingency. The base bid estimate cost does not include the additive bid alternates. Additive bid alternate one is estimated at \$64,000, and additive bid alternate two is estimated to be \$43,200 with contingency. The additive bid alternates or portions of, will only be executed if the project budget allows. As part of developing estimated costs, recent bid results from the region were also considered. Good market conditions last year for contractors and the amount of available projects to bid on resulted in fewer bidders. It appears that those market conditions may continue into this year, signaling potential rising costs and material demands.

The adopted 2017/2018 budget for the Annual Street Resurfacing project is \$530,000. An additional \$28,000 in SB1 funding contributes to this project for a total of **\$558,000**. The additional appropriation of the SB1 funds to the Gas Tax (fund 20) CIP 17/18 Street Resurfacing budget is recommended as part of this report.

For SB1 related funds, a project street list containing 5 streets was adopted by resolution by the Town Council on October 11, 2017 and submitted to the State. Those streets are incorporated into this project. The SB1 amount represents an estimated partial amount collected by the State to date since its approval.

### **ATTACHMENTS**

1. Street sections for base bid and additive bid alternates
2. Resolution

**APPROVED** – Jeremy Dennis, Town Manager



## 2017/2018 Street Resurfacing Project Street sections for base bid and additive bid alternates

	Bid item	Road	Section	Engineers estimate with 10% contingency
<b>1</b>	<b>Base Bid 1</b>			<b>\$ 545,000.00</b>
		* Cheyenne Point	Entire length	
		Deer Park Lane	Entire length	
		Favonio road	Entire length	
		Hillbrook Drive	Upper Half	
		Kiowa Court	Entire length	
		Larguita Lane	Entire length	
		La Sandra Way	Entire length	
		Mapache court	Entire length	
		Meadowood Drive	Entire length	
		* Nathhorst Avenue (East)	Entire length	
		* Nathhorst Avenue (West)	Entire length	
		* Paloma Road	Entire length	
		Paso Del Arroyo	Entire length	
		Prado Court	Entire length	
		Ramoso Road	Entire length	
		* Sioux Way	Entire length	
		Veronica Place	Town Portion	
	* = SB1 funding related road			
<b>2</b>	<b>Additive Bid Alternate 1</b>			<b>\$ 64,000.00</b>
		Arapahoe Court	Entire length	
		Bolivar Lane	Entire length	
		Cresta Vista Lane	Entire length	
		Oak Forest Court	Entire length	
<b>3</b>	<b>Additive Bid Alternate 2</b>			<b>\$ 43,200.00</b>
		Meadowcreek Court	Entire length	
		Stonegate Road	Entire length	
		Zapata Way	Entire length	

RESOLUTION NO. \_\_\_\_\_ - 2018

A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PORTOLA VALLEY  
APPROVING PLANS AND SPECIFICATIONS AND  
CALLING FOR BIDS FOR THE  
2017/2018 STREET RESURFACING PROJECT – SURFACE SEALS  
No. 2018-PW01

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 the work in the Town of Portola Valley known as the 2017/2018 Street Resurfacing Project – Surface Seals No. 2018-PW01.

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 of the work and improvements will be done under the direction of and to the satisfaction of the Public Works Director; and all of the work shall be done in accordance with the plans and specifications.

Section 3. Not less than the prevailing rate of per diem wages and holiday and overtime work shall be paid for any work proposed to be performed in the performance of the public work under the 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 the work and improvements 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, if the bidder does not, after the contract has been awarded, and within the time specified in the plans and specifications, enter into a contract with the Town, in the form set forth in the specifications. The faithful performance of the contract 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 the bid.

Section 6. The sealed proposals or bids shall be delivered to the Public Works Director of the Town as stated on the Notice Inviting Bids, 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 28<sup>nd</sup> day of March 2018.

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Mayor

ATTEST:

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Town Clerk



# TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Jeremy Dennis, Town Manager

**DATE:** March 28, 2018

**RE:** Join the “Yes on 68” effort

## **RECOMMENDATION**

Town Staff recommends that the Town Council join the Yes on 68 Coalition

## **DISCUSSION**

### **Proposition 68 – Parks, Environment and Water Bond (June 2018)**

Proposition 68 (Attachment 1) would authorize \$4 billion in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects. Assuming a 3.5 percent interest rate over a 30-year period, the bond issue would generate \$2.53 billion in interest, meaning the state would spend \$6.53 billion to pay off the bond issue.

At a minimum, every Bay Area city is anticipated to receive \$200,000 from the Proposition.

Attached are materials on the Yes on 68 effort (Attachment 2).

## **FISCAL IMPACT**

None.

## **ATTACHMENTS**

- 1. SB 5 – Prop 68**
- 2. Yes on 68 Campaign**

**Approved by:** Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read 'Jeremy Dennis', written in a cursive style.



**SB-5 California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.** (2017-2018)

SHARE THIS:  

Date Published: 10/16/2017 02:00 PM

**Senate Bill No. 5**

CHAPTER 852

An act to add Sections 5096.611 and 75089.5 to, and to add Division 45 (commencing with Section 80000) to, the Public Resources Code, and to add Section 79772.5 to the Water Code, relating to a drought, water, parks, climate, coastal protection, and outdoor access for all program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 5, De León. California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, approved by the voters as Proposition 40 at the March 5, 2002, statewide primary election, authorizes the issuance of bonds in the amount of \$2,600,000,000, for the purpose of financing a program for the acquisition, development, restoration, protection, rehabilitation, stabilization, reconstruction, preservation, and interpretation of park, coastal, agricultural land, air, and historical resources.

This bill would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. The bill, upon voter approval, would reallocate \$100,000,000 of the unissued bonds authorized for the purposes of Propositions 1, 40, and 84 to finance the purposes of a drought, water, parks, climate, coastal protection, and outdoor access for all program.

The bill would provide for the submission of these provisions to the voters at the June 5, 2018, statewide primary direct election.

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

**SECTION 1.** Section 5096.611 is added to the Public Resources Code, to read:

**5096.611.** Notwithstanding any other law, two million five hundred fifty-seven thousand dollars (\$2,557,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 5096.610, and eight hundred thousand dollars (\$800,000) of the unissued bonds authorized for the purposes of subdivisions (b) and (c) of Section 5096.652 from the amount allocated pursuant to subdivision (d) of Section 5096.610 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000).

**SEC. 2.** Section 75089.5 is added to the Public Resources Code, to read:

**75089.5.** Notwithstanding any other law, twelve million dollars (\$12,000,000) of the unissued bonds authorized for the purpose of subdivision (a) of Section 75063, three hundred fifteen thousand dollars (\$315,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 75063, and four million three hundred twenty-eight thousand dollars (\$4,328,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 75065 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000).

**SEC. 3.** Division 45 (commencing with Section 80000) is added to the Public Resources Code, to read:

**DIVISION 45. California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018**

**CHAPTER 1. General Provisions**

**80000.** This division shall be known, and may be cited, as the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

**80001.** (a) The people of California find and declare all of the following:

(1) From California's beautiful rivers, streams, coastal shorelines, and other waterways, to our federal, state, local, and regional parks and outdoor settings, to our vast network of trails connecting people with natural landscapes, Californians value the rich diversity of outdoor experiences afforded to this state and its citizens.

(2) Demand for local parks has exceeded available funding by a factor of 8 to 1, with particularly high demand in urban, disadvantaged communities.

(3) Many Californians across the state lack access to safe parks, wildlife, trails, and recreation areas, which limits their ability to experience the outdoors, improve their physical and emotional health, exercise, and connect with their communities.

(4) Investments to create and improve parks and recreation areas, and to create trail networks that provide access from neighborhoods to parks, wildlife, and recreational opportunities, will help ensure all Californians have access to safe places to exercise and enjoy recreational activities.

(5) The California Center for Public Health Advocacy estimates that inactivity and obesity cost California over forty billion dollars (\$40,000,000,000) annually, through increased health care costs and lost productivity due to obesity-related illnesses, and that even modest increases in physical activity would result in significant savings. Investments in infrastructure improvements such as biking and walking trails and pathways, whether in urban or natural areas, are cost-effective ways to promote physical activity.

(6) Continued investments in the state's parks, wildlife and ecological areas, trails, and natural resources, and greening urban areas will help mitigate the effects of climate change, making cities more livable, and will protect California's natural resources for future generations.

(7) California's outdoor recreation economy represents an eighty-seven-billion-dollar (\$87,000,000,000) industry, providing over 700,000 jobs and billions of dollars in local and state revenues.



(8) California's state, local, and regional park system infrastructure and national park system infrastructure are aging, and a significant infusion of capital is required to protect this investment.

(9) There has been a historic underinvestment in parks, trails, and outdoor infrastructure in disadvantaged areas and many communities throughout California.

(10) Tourism is a growing industry in California and remains an economic driver for the more rural parts of the state.

(11) California's highly variable hydrology puts at risk the state's supply of clean and safe water. In recent years, California has experienced both the state's worst drought and also the wettest winter in recorded history.

(12) Extreme weather changes such as prolonged drought, intense heat events, and a changing snowpack are real climate impacts happening right now in California, and these changes increase the need to safeguard water supply for the quality of life for all Californians.

(13) Every Californian should have access to clean, safe, and reliable drinking water.

(14) California's water infrastructure continues to age and deteriorate.

(15) Encouraging water conservation and recycling are commonsense actions to improve California's water future.

(16) Successfully implementing the Sustainable Groundwater Management Act in collaboration with local government and communities is a key state priority.

(17) Flooding can devastate communities and infrastructure.

(18) Protecting and restoring lakes, rivers, streams, and the state's diverse ecosystems is a critical part of the state's water future and ensures the quality of life for all Californians.

(19) This division provides funding to implement the California Water Action Plan.

(20) Periodic investments are needed to protect, restore, and enhance our natural resources and parks to ensure all Californians have safe, clean, and reliable drinking water, prevent pollution and disruption of our water supplies, prepare for future droughts and floods, and protect and restore our natural resources for the benefit and enjoyment of our children and future generations.

(b) It is the intent of the people of California that all of the following shall occur in the implementation of this division:

(1) The investment of public funds pursuant to this division will result in public benefits that address the most critical statewide needs and priorities for public funding.

(2) In the appropriation and expenditure of funding authorized by this division, priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit.

(3) To the extent practicable, a project that receives moneys pursuant to this division will include signage informing the public that the project received funds from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

(4) To the extent practicable, when developing program guidelines for urban recreation projects and habitat protection or restoration projects, administering entities are encouraged to give favorable consideration to projects that provide urban recreation and protect or restore natural resources. Additionally, the entities may pool funding for these projects.

(5) To the extent practicable, a project that receives moneys pursuant to this division will provide workforce education and training, contractor, and job opportunities for disadvantaged communities.

(6) To the extent practicable, priority for funding pursuant to this division will be given to local parks projects that have obtained all required permits and entitlements and a commitment of matching funds, if required.

(7) To the extent practicable, administering entities should measure or require measurement of greenhouse gas emissions reductions and carbon sequestrations associated with projects that receive moneys pursuant to this division.

(8) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the public agencies that receive funds pursuant to this division will consider a range of actions that include, but are not limited to, the following: Page 34

(A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

(B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.

(C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

(9) To the extent practicable, priority for grant funding under this division will be given to a project that advances solutions to prevent displacement if a potential unintended consequence associated with park creation pursuant to the project is an increase in the cost of housing.

**80002.** As used in this division, the following terms have the following meanings:

(a) "Committee" means the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee created by Section 80162.

(b) "Community access" means engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income communities, to natural or cultural resources, community education, or recreational amenities.

(c) "Conservation actions on private lands" means projects with willing landowners that involve the adaptive flexible management or protection of natural resources in response to changing conditions and threats to habitat and wildlife. The actions may include the acquisition of conservation interests or fee interests in the land. These projects result in habitat conditions on private lands that, when managed dynamically over time, contribute to the long-term health and resiliency of vital ecosystems and enhance wildlife populations.

(d) "Department" means the Department of Parks and Recreation.

(e) "Disadvantaged community" means a community with a median household income less than 80 percent of the statewide average.

(f) "Fund" means the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund, created by Section 80032.

(g) "Heavily urbanized city" means a city with a population of 300,000 or more.

(h) "Heavily urbanized county" means a county with a population of 3,000,000 or more.

(i) "Interpretation" includes, but is not limited to, a visitor-serving amenity that enhances the ability to understand and appreciate the significance and value of natural, historical, and cultural resources and that may utilize educational materials in multiple languages, digital information, and the expertise of a naturalist or other skilled specialist.

(j) "Nonprofit organization" means a nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code.

(k) "Preservation" means rehabilitation, stabilization, restoration, conservation, development, and reconstruction, or any combination of those activities.

(l) "Protection" means those actions necessary to prevent harm or damage to persons, property, or natural, cultural, and historic resources, actions to improve access to public open-space areas, or actions to allow the continued use and enjoyment of property or natural, cultural, and historic resources, and includes site monitoring, acquisition, development, restoration, preservation, and interpretation.

(m) "Restoration" means the improvement of physical structures or facilities and, in the case of natural systems and landscape features, includes, but is not limited to, projects for the control of erosion, stormwater capture and storage or to otherwise reduce stormwater pollution, the control and elimination of invasive species, the planting of native species, the removal of waste and debris, prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, improving instream, riparian, or managed wetland habitat conditions, and other plant and wildlife habitat improvement to increase the natural system value of the property or coastal or ocean resource. Restoration also includes activities described in subdivision (b) of Section 79737 of the Water Code. Restoration projects shall include the planning, monitoring, and reporting necessary to ensure successful implementation of the project objectives.

(n) "Severely disadvantaged community" means a community with a median household income less than 60 percent of the statewide average.

**80004.** An amount that equals not more than 5 percent of the funds allocated for a grant program pursuant to this division may be used to pay the administrative costs of that program.

**80006.** (a) Except as provided in subdivision (b), up to 10 percent of funds allocated for each program funded by this division may be expended, including, but not limited to, by grants, for planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program. This section shall not otherwise restrict funds ordinarily used by an agency for "preliminary plans," "working drawings," and "construction" as defined in the annual Budget Act for a capital outlay project or grant project. Planning may include feasibility studies for environmental site cleanup that would further the purpose of a project that is eligible for funding under this division. Monitoring may include measuring greenhouse gas emissions reductions and carbon sequestration associated with program expenditures under this division.

(b) Funds used for planning projects that benefit disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

**80008.** (a) (1) Except as provided in paragraph (2), at least 20 percent of the funds available pursuant to each chapter of this division shall be allocated for projects serving severely disadvantaged communities.

(2) At least 15 percent of the funds available pursuant to Chapter 9 (commencing with Section 80120) and Chapter 10 (commencing with Section 80130) shall be allocated for projects serving severely disadvantaged communities.

(b) (1) Except as provided in subdivision (c), up to 10 percent of the funds available pursuant to each chapter of this division may be allocated for technical assistance to disadvantaged communities. The agency administering the moneys shall operate a multidisciplinary technical assistance program for disadvantaged communities.

(2) Funds used for providing technical assistance to disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

(c) (1) Up to 5 percent of funds available pursuant to each chapter of this division shall, to the extent permissible under the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) and with the concurrence of the Director of Finance, be allocated for community access projects that include, but are not limited to, the following:

(A) Transportation.

(B) Physical activity programming.

(C) Resource interpretation.

(D) Multilingual translation.

(E) Natural science.

(F) Workforce development and career pathways.

(G) Education.

(H) Communication related to water, parks, climate, coastal protection, and other outdoor pursuits.

(2) This subdivision does not apply to Chapter 11.1 (commencing with Section 80141) and Chapter 12 (commencing with Section 80150).

**80010.** Before disbursing grants pursuant to this division, each state agency that receives funding to administer a competitive grant program under this division shall do the following:

(a) (1) Develop and adopt project solicitation and evaluation guidelines. The guidelines shall include monitoring and reporting requirements and may include a limitation on the dollar amount of grants to be awarded. If the state agency has previously developed and adopted project solicitation and evaluation guidelines that comply with the requirements of this subdivision, it may use those guidelines.

(2) Guidelines adopted pursuant to this subdivision shall encourage, where feasible, inclusion of the following project components:

(A) Efficient use and conservation of water supplies.

(B) Use of recycled water.

(C) The capture of stormwater to reduce stormwater runoff, reduce water pollution, or recharge groundwater supplies, or a combination thereof.

(D) Provision of safe and reliable drinking water supplies to park and open-space visitors.

(b) Conduct three public meetings to consider public comments before finalizing the guidelines. The state agency shall publish the draft solicitation and evaluation guidelines on its Internet Web site at least 30 days before the public meetings. One meeting shall be conducted at a location in northern California, one meeting shall be conducted at a location in the central valley of California, and one meeting shall be conducted at a location in southern California.

(c) For statewide competitive grant programs, submit the guidelines to the Secretary of the Natural Resources Agency. The Secretary of the Natural Resources Agency shall verify that the guidelines are consistent with applicable statutes and for all the purposes enumerated in this division. The Secretary of the Natural Resources Agency shall post an electronic form of the guidelines submitted by state agencies and the subsequent verifications on the Natural Resources Agency's Internet Web site.

(d) Upon adoption, transmit copies of the guidelines to the fiscal committees and the appropriate policy committees of the Legislature.

(e) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the development and adoption of program guidelines and selection criteria adopted pursuant to this division.

**80012.** (a) The Department of Finance shall provide for an independent audit of expenditures pursuant to this division. The Secretary of the Natural Resources Agency shall publish a list of all program and project expenditures pursuant to this division not less than annually, in written form, and shall post an electronic form of the list on the agency's Internet Web site in a downloadable spreadsheet format. The spreadsheet shall include information about the location and footprint of each funded project, the project's objectives, the status of the project, anticipated outcomes, any matching moneys provided for the project by the grant recipient, and the applicable chapter of this division pursuant to which the grant recipient received moneys.

(b) If an audit, required by statute, of any entity that receives funding authorized by this division is conducted pursuant to state law and reveals any impropriety, the California State Auditor or the Controller may conduct a full audit of any or all of the activities of that entity.

(c) The state agency issuing any grant with funding authorized by this division shall require adequate reporting of the expenditures of the funding from the grant.

(d) The costs associated with the publications, audits, statewide bond tracking, cash management, and related oversight activities provided for in this section shall be funded from this division. These costs shall be shared proportionally by each program through this division. Actual costs incurred to administer nongrant programs authorized by this division shall be paid from the funds authorized in this division.

**80014.** If any moneys allocated pursuant to this division are not encumbered or expended by the recipient entity within the time period specified by the administering agency, the unexpended moneys shall revert to the administering agency for allocation consistent with the applicable chapter.

**80016.** To the extent feasible, a project whose application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5, shall be given preference for receipt of a grant under this division.

**80018.** To the extent feasible, a project that includes water efficiencies, stormwater capture for infiltration or reuse, or carbon sequestration features in the project design may be given priority for grant funding under this division.

**80020.** Moneys allocated pursuant to this division shall not be used to fulfill any mitigation requirements imposed by law.

**80022.** (a) To the extent feasible in implementing this division and except as provided in subdivision (b), a state agency receiving funding under this division shall seek to achieve wildlife conservation objectives through projects on public lands or voluntary projects on private lands. Projects on private lands shall be evaluated based on the durability of the benefits created by the investment. Funds may be used for payments for the protection or creation of measurable habitat improvements or other improvements to the condition of endangered or threatened species, including through the development and implementation of habitat credit exchanges.

(b) This section shall not apply to Chapter 2 (commencing with Section 80050), Chapter 3 (commencing with Section 80060), Chapter 5 (commencing with Section 80080), Chapter 6 (commencing with Section 80090), Chapter 11 (commencing with Section 80140), Chapter 11.5 (commencing with Section 80145), or Chapter 12 (commencing with Section 80150).

**80024.** A state agency that receives funding to administer a grant program under this division shall report to the Legislature by January 1, 2027, on its expenditures pursuant to this division and the public benefits received from those expenditures.

**80026.** A state conservancy receiving funding pursuant to this division shall endeavor to allocate funds that are complementary, but not duplicative, of authorized expenditures made pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014.

**80028.** Funds provided pursuant to this division, and any appropriation or transfer of those funds, shall not be deemed to be a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

**80030.** For grants awarded for projects that serve a disadvantaged community, the administering entity may provide advanced payments in the amount of 25 percent of the grant award to the recipient to initiate the project in a timely manner. The administering entity shall adopt additional requirements for the recipient of the grant regarding the use of the advanced payments to ensure that the moneys are used properly.

**80032.** (a) The proceeds of bonds issued and sold pursuant to this division, exclusive of refunding bonds issued and sold pursuant to Section 80172, shall be deposited in the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund, which is hereby created in the State Treasury.

(b) Proceeds of bonds issued and sold pursuant to this division shall be allocated according to the following schedule:

(1) Two billion eight hundred thirty million dollars (\$2,830,000,000) for purposes of Chapter 2 (commencing with Section 80050), Chapter 3 (commencing with Section 80060), Chapter 4 (commencing with Section 80070),

(2) Two hundred fifty million dollars (\$250,000,000) for Chapter 11 (commencing with Section 80140).

(3) Eighty million dollars (\$80,000,000) for Chapter 11.1 (commencing with Section 80141).

(4) Five hundred fifty million dollars (\$550,000,000) for Chapter 11.5 (commencing with Section 80145).

(5) Three hundred ninety million dollars (\$390,000,000) for Chapter 11.6 (commencing with Section 80146).

**80034.** The Legislature may enact legislation necessary to implement programs funded by this division.

## **CHAPTER 2. Investments in Environmental and Social Equity, Enhancing California's Disadvantaged Communities**

**80050.** (a) The sum of seven hundred twenty-five million dollars (\$725,000,000) shall be available to the department, upon appropriation by the Legislature, for the creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008's competitive grant program described in Chapter 3.3 (commencing with Section 5640) of Division 5.

(b) When developing or revising criteria or guidelines for the grant program, the department may give additional consideration to projects that incorporate stormwater capture and storage or otherwise reduce stormwater pollution.

(c) The department shall perform its due diligence by conducting a rigorous prequalification process to determine the fiscal and operational capacity of a potential grant recipient to manage a project to do both of the following:

(1) Maximize the project's public benefit.

(2) Implement the project in a timely manner.

**80051.** Of the amount available pursuant to subdivision (a) of Section 80050, not less than 20 percent shall be available for the rehabilitation, repurposing, or substantial improvement of existing park infrastructure in communities of the state that will lead to increased use and enhanced user experiences.

**80052.** (a) Of the amount available pursuant to subdivision (a) of Section 80050, to correct historic underinvestments in the central valley, Inland Empire, gateway, rural, and desert communities, the sum of forty-eight million dollars (\$48,000,000) shall be available for local park creation and improvement grants to the communities identified by the department as park deficient within those areas for active recreational projects, including aquatic centers, to encourage youth health, fitness, and recreational pursuits. Projects that include the partial or full donation of land, materials, or volunteer services and that demonstrate collaborations of multiple entities and the leveraging of scarce resources may be given consideration. Entities that receive a grant under this section may also be eligible to receive other grants under subdivision (a) of Section 80050.

(b) Of the amount subject to this section, twenty-two million dollars (\$22,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to desert community towns in the County of San Bernardino, incorporated after 1990, with a population estimate of less than 22,000 according to the United States Census Bureau Population Estimates as of July 1, 2016, that have adopted a master plan as of 2008 that includes recommendations for the development of public facilities that will assist in achieving active recreational projects, including aquatic and fitness centers.

## **CHAPTER 3. Investments in Protecting, Enhancing, and Accessing California's Local and Regional Outdoor Spaces**

**80060.** For purposes of this chapter, "district" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780) of Division 5, or any authority formed pursuant to Division 26 (commencing with Section 35100). With respect to any community or unincorporated region that is not included within a district, and in which no city or county provides parks or recreational areas or facilities, "district" also means any other entity, including, but not limited to, a district operating multiple-use parklands pursuant to Division 20 (commencing with Section 71000) of the Water Code.

**80061.** (a) The sum of two hundred million dollars (\$200,000,000) shall be available to the department, upon appropriation by the Legislature, for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients shall be encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors.

(b) The sum of fifteen million dollars (\$15,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population. For purposes of this subdivision, "urbanized county" means a county with a population of 500,000 or more. An entity eligible to receive funds under this subdivision shall also be eligible to receive funds available under subdivision (a).

(c) Unless the project has been identified as serving a severely disadvantaged community, an entity that receives an award pursuant to this section shall be required to provide a match of 20 percent as a local share.

**80062.** (a) (1) The department shall allocate 60 percent of the funds available pursuant to subdivision (a) of Section 80061 to cities and districts, other than a regional park district, regional park and open-space district, open-space authority, or regional open-space district. Each city's and district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated and unincorporated areas within the county, except that each city or district shall be entitled to a minimum allocation of two hundred thousand dollars (\$200,000). If the boundary of a city overlaps the boundary of a district, the population in the overlapping area shall be attributed to each jurisdiction in proportion to the extent to which each operates and manages parks and recreational areas and facilities for that population. If the boundary of a city overlaps the boundary of a district, and in the area of overlap the city does not operate and manage parks and recreational areas and facilities, all grant funds for that area shall be allocated to the district.

(2) On or before April 1, 2020, a city and a district that are subject to paragraph (1), and whose boundaries overlap, shall collaboratively develop and submit to the department a specific plan for allocating the grant funds in accordance with the formula specified in paragraph (1). If, by that date, the plan has not been developed and submitted to the department, the director shall determine the allocation of the grant funds between the affected jurisdictions.

(b) (1) The department shall allocate 40 percent of the funds available pursuant to subdivision (a) of Section 80061 to counties and regional park districts, regional park and open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), and regional open-space districts formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5.

(2) Each county's allocation under paragraph (1) shall be in the same ratio that the county's population is to the total state population, except that each county shall be entitled to a minimum allocation of four hundred thousand dollars (\$400,000).

(3) In any county that embraces all or part of the territory of a regional park district, regional park and open-space district, open-space authority, or regional open-space district, and whose board of directors is not the county board of supervisors, the amount allocated to the county shall be apportioned between that district and the county in proportion to the population of the county that is included within the territory of the district and the population of the county that is outside the territory of the district.

(c) For the purpose of making the calculations required by this section, population shall be determined by the department, in cooperation with the Department of Finance, on the basis of the most recent verifiable census data and other verifiable population data that the department may require to be furnished by the applicant city, county, or district.

(d) The Legislature intends all recipients of funds pursuant to subdivision (a) of Section 80061 to use those funds to supplement local revenues in existence on the effective date of the act adding this division. To receive an allocation pursuant to subdivision (a) of Section 80061, the recipient shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. For purposes of this subdivision, the Controller may request fiscal data from recipients for the preceding three fiscal years. Each recipient shall furnish the data to the Controller no later than 120 days after receiving the request from the Controller.

**80063.** (a) The director of the department shall prepare and adopt criteria and procedures for evaluating applications for grants allocated pursuant to subdivision (a) of Section 80061. The application shall be accompanied by certification that the project is consistent with the park and recreation element of the applicable city or county general plan or the district park recreation plan, as the case may be.

(b) To utilize available grant funds as effectively as possible, overlapping and adjoining jurisdictions and applicants with similar objectives are encouraged to combine projects and submit a joint application. A recipient may allocate all or a portion of its per capita share for a regional or state project.

**80065.** (a) The sum of thirty million dollars (\$30,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to regional park districts, counties, and regional open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), joint powers authorities, and eligible nonprofit organizations on a competitive grant basis to create, expand, improve, rehabilitate, or restore parks and park facilities, including, but not limited to, trails, regional trail networks, regional sports complexes, low-cost accommodations in park facilities, and visitor, outdoor, and interpretive facilities serving youth and communities of color.

(b) In awarding moneys, the department shall encourage applicants seeking funds for acquisition projects to perform projects in conjunction with new or enhanced public use and public access opportunities.

(c) Preference may be given to multiuse trail projects over single-use trail projects.

(d) Notwithstanding paragraph (a), of the amount subject to this section, the sum of five million dollars (\$5,000,000) shall be available for projects in units of the state parks system that are managed by nonprofit organizations that have entered into operating agreements with the department.

**80066.** The sum of forty million dollars (\$40,000,000) shall be available to the department, upon appropriation by the Legislature, for grants, awarded proportionally based on populations served, to local agencies that have obtained voter approval between November 1, 2012, through November 30, 2018, inclusive, for revenue enhancement measures aimed at improving and enhancing local or regional park infrastructure. A recipient of a grant under this section shall receive at least two hundred fifty thousand dollars (\$250,000) for the purposes of the revenue enhancement measure.

#### **CHAPTER 4. Restoring California's Natural, Historic, and Cultural Legacy**

**80070.** The sum of two hundred eighteen million dollars (\$218,000,000) shall be available to the department, upon appropriation by the Legislature, for restoration, preservation, and protection of existing state park facilities and units. Eligible project types include, but are not limited to, the following:

(a) Protection of natural resources to provide climate resilience, water supply, and water quality benefits.

(b) Enhancement of access to state park facilities and units, including protection and improvement of lands adjacent to state park facilities to improve access or management efficiency.

(c) The provision of low-cost overnight accommodations in ways that enhance access and recreational opportunities for disadvantaged community residents and low-income park visitors.

(d) Implementation of projects that address the department's backlog of deferred maintenance.

**80071.** The department, in expending the funding available under this chapter, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, and nongovernmental organizations to maximize leveraging opportunities to enhance tourism, visitation, and visitor experiences.

**80072.** Of the amount made available pursuant to Section 80070, ten million dollars (\$10,000,000) shall be available for enterprise projects that facilitate new or enhanced park use and user experiences and increase revenue generation to support operations of the department.

**80073.** (a) Of the amount made available pursuant to Section 80070, five million dollars (\$5,000,000) shall be available for grants to local agencies that operate a unit of the state park system to address urgent need for the restoration of aging infrastructure.



(b) For the purpose of awarding a grant under this section, a local cost share of not less than 25 percent of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for a disadvantaged community.

**80074.** Of the amount made available pursuant to Section 80070, eighteen million dollars (\$18,000,000) shall be available to the Division of Fairs and Expositions of the Department of Food and Agriculture to provide for facility improvements for county fairs, district agricultural associations, including the Sixth District Agricultural Association, as described in Section 4101 of the Food and Agricultural Code, and the Forty-Fifth District Agricultural Association, citrus fruit fairs, and the California Exposition and State Fair.

**80075.** Of the amount made available pursuant to Section 80070, thirty million dollars (\$30,000,000) shall be available to the department to provide for lower cost coastal accommodation project development in units of the state park system.

**80076.** Of the amount made available pursuant to Section 80070, not less than twenty-five million dollars (\$25,000,000) shall be available to the department for the protection, restoration, and enhancement of the natural resource values of the state park system, which may include all of the following:

(a) Protection and improvement of water quality and biological health in streams, aquifers, and estuarine ecosystems.

(b) Protection and restoration of natural resources and ecosystems representative of California's diverse landscapes, including landform, habitat, and biological community restoration.

(c) Acquisition, rehabilitation, restoration, protection, and expansion of wildlife corridors, including projects to improve connectivity and reduce barriers between habitat areas.

(d) Improvements of native ecosystem resilience and adaptation to climate change.

(e) Enhancement of the health of redwood forests in order to accelerate old growth characteristics, maximize carbon sequestration, improve water quality, and build climate resilience.

(f) Protection and enhancement of tribal cultural resources.

**80077.** (a) In expending funds made available pursuant to Section 80070, and giving first priority to the department's criteria for expenditure of funds for deferred maintenance including infrastructure needs to protect public safety, the department shall use best efforts to expend at least ten million dollars (\$10,000,000) in each of the following regions for state park units and properties deferred maintenance projects and projects that may increase tourism and visitor experiences in those regions:

(1) Central Valley, from the City of Sacramento to the base of the Tehachapi Mountains.

(2) Central Coast.

(3) East Bay.

(4) County of Imperial and the Coachella Valley.

(5) Inland Empire.

(b) To the extent the department is unable to allocate funds for parks deferred maintenance in the regions identified in this section, it shall report to the appropriate policy and fiscal committees of the Legislature on the reasons it is unable to do so.

#### **CHAPTER 5. Trails and Greenway Investment**

**80080.** (a) The sum of thirty million dollars (\$30,000,000) shall be available to the Natural Resources Agency, working in cooperation with the department, upon appropriation by the Legislature, for competitive grants to local agencies, state conservancies, federally recognized Native American tribes, nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, joint powers authorities, and nonprofit organizations to provide nonmotorized infrastructure development and enhancements that promote new or alternate access to parks, waterways,

(b) Of the amount made available pursuant to this section, up to 25 percent may be made available to communities for innovative transportation projects that provide new and expanded outdoor experiences to disadvantaged youth.

(c) Alignment, development, and improvement of nonmotorized infrastructure and trails that lead to safer interconnectivity among parks, waterways, and natural areas may be encouraged.

(d) The Natural Resources Agency is encouraged, when designing guidelines for grants awarded under this chapter, to utilize existing program guidelines, including, if applicable, guidelines that have been established for the California Recreational Trails Act (Article 6 (commencing with Section 5070) of Chapter 1 of Division 5) and, to the extent possible, to design guidelines that are consistent with the California Recreational Trails Plan, as described in Article 6 (commencing with Section 5070) of Chapter 1 of Division 5.

**80081.** Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

#### **CHAPTER 6. Rural Recreation, Tourism, and Economic Enrichment Investment**

**80090.** (a) The sum of twenty-five million dollars (\$25,000,000) shall be available to the department, upon appropriation by the Legislature, to administer a competitive grant program for cities, counties, and districts in nonurbanized areas, that are eligible for a grant under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620) of Division 5). Notwithstanding subdivisions (c) and (e) of Section 5621 and for the purposes of this section, the definition of "nonurbanized area" shall be updated by the department to reflect current population levels. A nonurbanized area shall include counties with populations of less than 500,000 people and low population densities per square mile, as determined by the department. In awarding the grants, the department may consider the following factors:

(1) Whether the project would provide new recreational opportunities in rural communities that have demonstrated deficiencies and lack of outdoor infrastructure in support of economic and health-related goals.

(2) Whether the project proposes to acquire and develop lands to enhance residential recreation while promoting the quality of tourism experiences and the economic vitality of the community. These enhancements may include accessibility for individuals with disabilities, trails, bikeways, regional or destination-oriented recreational amenities, and visitor centers.

(3) Whether the project includes collaboration between public and nonprofit organizations, including, but not limited to, nonprofit land trusts, to facilitate public access to privately owned lands for regional trail development for wildlife viewing, recreation, or outdoor experiences for youth.

(b) Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

#### **CHAPTER 7. California River Recreation, Creek, and Waterway Improvements Program**

**80100.** (a) The sum of one hundred sixty-two million dollars (\$162,000,000) shall be available, upon appropriation by the Legislature, for grants pursuant to the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750) of Division 5) and the Urban Streams Restoration Program pursuant to Section 7048 of the Water Code. Eligible projects shall include, but are not limited to, projects that protect and enhance urban creeks.

(1) (A) Of the amount made available pursuant to this subdivision, thirty-seven million five hundred thousand dollars (\$37,500,000) shall be available to the Santa Monica Mountains Conservancy. Notwithstanding subdivision (c) of Section 5753, of that amount, fifteen million dollars (\$15,000,000) shall be available for projects within the San Fernando Valley that protect or enhance the Los Angeles River watershed and its tributaries or headwaters, pursuant to Division 23 (commencing with Section 33000).

(B) Of the amount made available pursuant to this subdivision, thirty-seven million five hundred thousand dollars (\$37,500,000) shall be available to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

(C) Funds allocated pursuant to this paragraph shall be expended pursuant to Section 79508 of the Water Code and Division 22.8 (commencing with Section 32600) and Division 23 (commencing with Section 33000).

(2) Of the amount made available pursuant to this subdivision, sixteen million dollars (\$16,000,000) shall be available to the Santa Ana River Conservancy Program pursuant to Chapter 4.6 (commencing with Section 31170) of Division 21. To the extent possible, the conservancy shall distribute funds equitably geographically along the Santa Ana River.

(3) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available to the Lower American River Conservancy Program pursuant to Chapter 10.5 (commencing with Section 5845) of Division 5.

(4) Of the amount made available pursuant to this subdivision, three million dollars (\$3,000,000) shall be available to the Natural Resources Agency for projects supporting the preservation of the Los Gatos Creek and Upper Guadalupe River Watersheds and the protection of associated redwoods.

(5) Of the amount made available pursuant to this subdivision, three million dollars (\$3,000,000) shall be available to the Natural Resources Agency for projects supporting a comprehensive regional use management plan for the Russian River to reduce conflict and promote water supply improvements, habitat restoration and protection, cooperative public recreation, and commercial activity.

(6) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available to the State Coastal Conservancy for river parkway projects along the Santa Margarita River in San Diego County.

(7) Of the amount made available pursuant to this subdivision, five million dollars (\$5,000,000) shall be available to the Natural Resources Agency for improvements in and around Clear Lake and its watershed that demonstrate a comprehensive local and regional approach to restoration, public recreation, and management of the lake and its surrounding resources and recreation areas.

(8) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available for purposes of the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750)).

(9) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be made available to the Department of Water Resources, upon appropriation by the Legislature, to implement the Urban Streams Restoration Program, established pursuant to Section 7048 of the Water Code.

(10) Of the amount made available pursuant to this subdivision, twenty million dollars (\$20,000,000) shall be available to the Natural Resources Agency for river parkway projects along the Los Angeles River in the City of Glendale that include connectivity to parks and open space in neighboring communities.

(b) Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

(c) To maximize cooperation and leverage resources, the Natural Resources Agency may give priority to projects that include partnerships among federal, state, and local agencies and to projects proposed by nonprofit organizations, including, but not limited to, nonprofit land trusts, and grants that may complement a natural community conservation plan.

**80101.** To the maximum extent feasible, the Natural Resources Agency is encouraged, when developing guidelines for grants awarded under this chapter, to utilize existing programs where communities enter into partnerships with state agencies for multibenefit projects to enhance and restore waterways, including, but not limited to, the Riverine Stewardship Technical Assistance program.

#### **CHAPTER 8. State Conservancy, Wildlife Conservation Board, and Authority Funding**

**80110.** The sum of seven hundred sixty-seven million dollars (\$767,000,000) shall be available, upon appropriation by the Legislature, as described in this chapter.

(a) Thirty million dollars (\$30,000,000) shall be available to the Salton Sea Authority for capital outlay projects that provide air quality and habitat benefits and that implement the Natural Resources Agency's Salton Sea Management Program. Of this amount, not less than ten million dollars (\$10,000,000) shall be available to the

(b) One hundred eighty million dollars (\$180,000,000) shall be available to the following conservancies according to their governing statutes for their specified purposes in accordance with the following schedule:

- (1) Baldwin Hills Conservancy, six million dollars (\$6,000,000).
- (2) California Tahoe Conservancy, twenty-seven million dollars (\$27,000,000).
- (3) Coachella Valley Mountains Conservancy, seven million dollars (\$7,000,000).
- (4) Sacramento-San Joaquin Delta Conservancy, twelve million dollars (\$12,000,000).
- (5) San Diego River Conservancy, twelve million dollars (\$12,000,000).
- (6) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, thirty million dollars (\$30,000,000).
- (7) San Joaquin River Conservancy, six million dollars (\$6,000,000).
- (8) Santa Monica Mountains Conservancy, thirty million dollars (\$30,000,000).
- (9) Sierra Nevada Conservancy, thirty million dollars (\$30,000,000).
- (10) State Coastal Conservancy, twenty million dollars (\$20,000,000) for grants pursuant to Section 66704.5 of the Government Code for the purpose of San Francisco Bay restoration in accordance with the San Francisco Bay Restoration Authority Act (Title 7.25 (commencing with Section 66700) of the Government Code). Notwithstanding subdivision (e) of Section 66704.5 of the Government Code, the State Coastal Conservancy shall establish a matching grant requirement for a grant awarded pursuant to this paragraph.

(c) One hundred thirty-seven million dollars (\$137,000,000) shall be available to the Wildlife Conservation Board.

**80111.** The amount available to the Wildlife Conservation Board pursuant to subdivision (c) of Section 80110 is allocated as follows:

(a) Five million dollars (\$5,000,000) shall be available for the development of regional conservation investment strategies that are not otherwise funded pursuant to Section 800 of the Streets and Highways Code or any other law.

(b) At least fifty-two million dollars (\$52,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that furthers the implementation of natural community conservation plans adopted pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code) to help resolve resource conflicts by balancing communitywide conservation, planning, and economic activities or other large-scale habitat conservation plans that resolve resource conflicts with provisions for conservation, planning, and economic activities. Funding pursuant to this paragraph shall not be used to offset mitigation obligations otherwise required, but may be used as part of a funding partnership to enhance, expand, or augment conservation efforts required by mitigation.

(c) Up to ten million dollars (\$10,000,000) may be granted to the University of California Natural Reserve System for matching grants for acquisition of land, construction and development of research facilities to improve the management of natural lands, for preservation of California's wildlife resources, and to further research related to climate change. The Wildlife Conservation Board shall establish a matching grant requirement for grants awarded pursuant to this subdivision.

(d) The remainder of the amount available shall be available to the Wildlife Conservation Board to provide funding for the following projects:

- (1) Projects to protect and enhance national recreation areas serving heavily urbanized areas or, in coordination with the State Lands Commission, to acquire an interest in federal public lands that may be proposed for sale or disposal.
- (2) Projects according to the Wildlife Conservation Board's governing statutes for its specified purposes.

**80112.** A receiving entity listed in subdivision (b) of Section 80110 shall develop and adopt a strategic master plan that identifies priorities and specific criteria for selecting projects for funding. The strategic plan shall include strategies for providing public access to conserved lands wherever feasible and be consistent with project goals and objectives.

**80113.** Entities, in expending the funding available under this chapter, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, joint powers authorities, and nongovernmental organizations to acquire open space and create urban greenway corridors.

**80114.** (a) Of the amount made available pursuant to Section 80110, two hundred million dollars (\$200,000,000) shall be available to the Natural Resources Agency for implementation of voluntary agreements that provide multibenefit water quality, water supply, and watershed protection and restoration for the watersheds of the state to achieve the objectives of integrating regulatory and voluntary efforts, implementing an updated State Water Resources Control Boards' San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan, and ensuring ecological benefits. Expenditure of funds provided in this section shall be in accordance with the following:

(1) For the purposes of this section, watershed restoration includes activities to fund wetland habitat, salmon, steelhead, and fishery benefits, improve and restore river health, modernize stream crossings, culverts, and bridges, reconnect historical flood plains, install or improve fish screens, provide fish passages, restore river channels, restore or enhance riparian, aquatic, and terrestrial habitat, improve ecological functions, acquire from willing sellers conservation easements for riparian buffer strips, improve local watershed management, predation management, hatchery management, and remove sediment or trash.

(2) For purposes of this section, funds may be used for projects that measurably enhance streamflows at a time and location necessary to provide fisheries or ecosystem benefits or improvements that improve upon existing flow conditions. Project types that may be eligible include, but are not limited to, water transactions such as lease, purchase, or exchange, change of use petitions to benefit fish and wildlife, surface storage to be used to enhance streamflow, forbearance of water rights, changes in water management, groundwater storage and conjunctive use, habitat restoration projects that reshape the stream hydrograph, water efficiency generally, irrigation efficiency and water infrastructure improvements that save water and enable reshaping of the stream hydrograph, reconnecting flood flows with restored flood plains, and reservoir reoperations both at existing and new storage sites.

(b) The funds authorized by this section shall be available for direct expenditures and local assistance grants by the Natural Resources Agency, in consultation with the Department of Fish and Wildlife, that satisfy all of the following:

(1) Implement voluntary agreements executed by the Department of Fish and Wildlife with federal and state agencies, local government, water districts and agencies, and nongovernmental organizations that improve ecological flows and habitat for species, create water supply and regulatory certainty for water users, and foster a collaborative approach to facilitate implementation of the State Water Resources Control Board's Bay-Delta Water Quality Control Plan.

(2) Implement a voluntary agreement submitted by the Department of Fish and Wildlife to the State Water Resources Control Board on or before June 1, 2018, for consideration.

(3) Implement a voluntary agreement that is of statewide significance, restores natural aquatic or riparian functions or wetlands habitat for birds and aquatic species, protects or promotes the restoration of endangered or threatened species, enhances the reliability of water supplies on a regional or interregional basis, and provides significant regional or statewide economic benefits.

(c) Funds provided by this section shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities.

(d) If the Department of Fish and Wildlife submits a voluntary agreement that satisfies paragraph (2) of subdivision (b), unencumbered funds available pursuant to this section to implement that voluntary agreement shall no longer be available 15 years after the date the State Water Resources Control Board approves the submitted agreement, at which point funds remaining available pursuant to this section shall become available to the Natural Resources Agency for the purposes of Sections 79732 and 79736 of the Water Code. If no voluntary agreements are submitted on or before June 1, 2018, any remaining funds shall be available to the Natural

**80115.** Of the amount made available pursuant to Section 80110, fifty million dollars (\$50,000,000) shall be available to the Department of Fish and Wildlife for capital improvements that address the Department of Fish and Wildlife's backlog of deferred maintenance. Where practical, the Department of Fish and Wildlife shall partner with nonprofit organizations and nongovernmental organizations to inform the expenditure of these funds, enhance visitor experience, and where feasible, increase engagement with youth and disadvantaged communities.

**80116.** Of the amount made available pursuant to Section 80110, one hundred seventy million dollars (\$170,000,000) shall be available to the Natural Resources Agency for restoration activities identified in the Salton Sea Management Program Phase I: 10 Year Plan, dated March 2017, the final management plan report, and any subsequent revisions to this plan.

#### **CHAPTER 9. Ocean, Bay, and Coastal Protection**

**80120.** The sum of one hundred seventy-five million dollars (\$175,000,000) shall be available, upon appropriation by the Legislature, to fund projects that enhance and protect coastal and ocean resources, as follows:

(a) The sum of thirty-five million dollars (\$35,000,000) shall be available for deposit into the California Ocean Protection Trust Fund for grants consistent with Section 35650. Priority shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems with a focus on the state's system of marine protected areas and sustainable fisheries.

(b) The sum of thirty million dollars (\$30,000,000) shall be available to the State Coastal Conservancy to provide for lower cost coastal accommodation grants and project development to public agencies and nonprofit organizations.

(c) The sum of eighty-five million dollars (\$85,000,000) shall be available to the State Coastal Conservancy for the protection of beaches, bays, wetlands, and coastal watershed resources pursuant to Division 21 (commencing with Section 31000). This shall include the acquisition of, or conservation easements on, land in or adjacent to the California coastal zone with open space, recreational, biological, cultural, scenic, or agricultural values, or lands adjacent to marine protected areas, including marine conservation areas, whose preservation will contribute to the ecological quality of those marine protected areas. This shall also include the protection of coastal agricultural resources pursuant to Section 31150 and projects to complete the California Coastal Trail pursuant to Section 31408.

(d) Twenty-five percent of the amount available pursuant to subdivision (c) shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(e) The sum of twenty million dollars (\$20,000,000) shall be available to the State Coastal Conservancy for grants and expenditures for the protection, restoration, and improvement of coastal forest watersheds, including managed forest lands, forest reserve areas, redwood forests, and other forest types. Eligible project types shall include projects that improve water quality and supply, increase coastal watershed storage capacity, reduce fire risk, provide habitat for fish and wildlife, or improve coastal forest health.

(f) The sum of five million dollars (\$5,000,000) shall be available to the State Coastal Conservancy for acquisition of parcels that will allow for protection and restoration of coastal dune, wetland, upland, and forest habitat associated with estuarine lagoons and designated wildlife areas.

**80121.** In implementing Section 80120, the administering entity may give special consideration to the acquisition of lands that are in deferred certification areas of local coastal plans or that complement natural community conservation plans.

#### **CHAPTER 10. Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation**

**80130.** The sum of four hundred forty-three million dollars (\$443,000,000) shall be available, upon appropriation by the Legislature, as competitive grants for projects that plan, develop, and implement climate adaptation and resiliency projects. Eligible projects shall improve a community's ability to adapt to the unavoidable impacts of climate change, improve and protect coastal and rural economies, agricultural viability, wildlife corridors, or

**80131.** In implementing Section 80130, special consideration may be given to the acquisition of lands that are in deferred certification areas of local coastal plans.

**80132.** (a) Of the amount made available pursuant to Section 80130, eighteen million dollars (\$18,000,000) shall be available to the Wildlife Conservation Board for direct expenditures pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code) and for grants for any of the following:

(1) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space, including projects to improve connectivity and reduce barriers between habitat areas. In awarding grants pursuant to this paragraph, the Wildlife Conservation Board shall give priority to projects that protect wildlife corridors, including wildlife corridors threatened by urban development.

(2) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that promote the recovery of threatened and endangered species.

(3) Projects to improve climate adaptation and resilience of natural systems.

(4) Projects to protect and improve existing open-space corridors and trail linkages related to utility, transportation, or water infrastructure that provide habitat connectivity and public access or trails.

(5) Projects for wildlife rehabilitation facilities after consultation with the Department of Fish and Wildlife.

(6) Projects to control invasive plants or insects that degrade wildlife corridors or habitat linkages, inhibit the recovery of threatened or endangered species, or reduce the climate resilience of a natural system.

(7) Projects to enhance wildlife habitat, recognizing the highly variable habitat needs required by fish and wildlife. Eligible projects include acquisition of water or water rights from willing sellers, acquisition of land that includes water rights or contractual rights to water, short- or long-term water transfers and leases, projects that provide water for fish and wildlife, projects that improve aquatic or riparian habitat conditions, or projects to benefit salmon and steelhead.

(8) Implementation of conservation actions and habitat enhancement actions that measurably advance the conservation objectives of regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(9) Provision of hunting and other wildlife-dependent recreational opportunities to the public through voluntary agreement with private landowners, including opportunities pursuant to Section 1572 of the Fish and Game Code.

(b) In implementing this section, the Wildlife Conservation Board may provide matching grants for incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms. A matching grant shall not exceed 50 percent of the total cost of the incentive program.

(c) Of the amount made available pursuant to Section 80130, thirty million dollars (\$30,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space to improve connectivity and reduce barriers between habitat areas and to protect and restore habitat associated with the Pacific Flyway. In awarding grants pursuant to this subdivision, priority may be given to projects that protect wildlife corridors. Of the amount described in this subdivision, ten million dollars (\$10,000,000) shall be available for the California Waterfowl Habitat Program.

(d) Of the amount made available pursuant to Section 80130, not less than twenty-five million dollars (\$25,000,000) shall be available to the Department of Fish and Wildlife for projects to restore rivers and streams in support of fisheries and wildlife, including, but not limited to, reconnection of rivers with their flood plains, riparian and side-channel habitat restoration activities described in subdivision (b) of Section 79737 of the Water Code, and restoration and protection of upper watershed forests and meadow systems that are important for fish and wildlife resources. Subdivision (f) of Section 79738 of the Water Code applies to this subdivision. Of the amount available pursuant to this subdivision, at least five million dollars (\$5,000,000) shall be available for restoration projects in the Klamath-Trinity watershed for the benefit of salmon and steelhead. Priority shall be given to projects supported by multistakeholder public or private partnerships, or both, using a science-based

(e) (1) Of the amount made available pursuant to Section 80130, not less than sixty million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board for construction, repair, modification, or removal of transportation or water resources infrastructure to improve wildlife or fish passage.

(2) Of the amount subject to paragraph (1), at least thirty million dollars (\$30,000,000) shall be available to the Department of Fish and Wildlife for restoration of Southern California Steelhead habitat consistent with the Department of Fish and Wildlife's Steelhead Restoration and Management Plan and the National Marine Fisheries Service's Southern California Steelhead Recovery Plan. Projects that remove significant barriers to steelhead migration and include other habitat restoration and associated infrastructure improvements shall be the highest priority.

(f) Of the amount made available pursuant to Section 80130, not less than sixty million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board for the protection, restoration, and improvement of upper watershed lands in the Sierra Nevada and Cascade Mountains, including forest lands, meadows, wetlands, chaparral, and riparian habitat, in order to protect and improve water supply and water quality, improve forest health, reduce wildfire danger, mitigate the effects of wildfires on water quality and supply, increase flood protection, or to protect or restore riparian or aquatic resources.

(g) Of the amount made available pursuant to Section 80130, at least thirty million dollars (\$30,000,000) shall be available to the Department of Fish and Wildlife to improve conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas, and estuaries. Eligible projects include acquisition of water from willing sellers, acquisition of land that includes water rights or contractual rights to water, short- or long-term water transfers or leases, provision of water for fish and wildlife, or improvement of aquatic or riparian habitat conditions. In implementing this section, the Department of Fish and Wildlife may provide grants under the Fisheries Restoration Grant Program with priority given to coastal waters.

(h) The Wildlife Conservation Board shall update its strategic master plan that identifies priorities and specific criteria for selecting projects pursuant to subdivision (a).

(i) Activities funded pursuant to this section shall be consistent with the state's climate adaptation strategy, as provided in Section 71153, and the statewide objectives provided in Section 71154.

**80133.** (a) Of the amount made available pursuant to Section 80130, forty million dollars (\$40,000,000) shall be available for deposit into the California Ocean Protection Trust Fund, established pursuant to Section 35650, for projects that assist coastal communities, including those reliant on commercial fisheries, with adaptation to climate change, including projects that address ocean acidification, sea level rise, or habitat restoration and protection, including, but not limited to, the protection of coastal habitat associated with the Pacific Flyway.

(b) Thirty-five percent of the amount available pursuant to this section shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(c) Twelve percent of the amount available pursuant to this section shall be available to the State Coastal Conservancy to fund a conservation program at West Coyote Hills.

(d) The remainder of the amount available pursuant to this section shall be available pursuant to Section 31113.

**80134.** (a) Of the amount made available pursuant to Section 80130, thirty million dollars (\$30,000,000) shall be available to plan, develop, and implement innovative farm and ranch management practices and protections that improve climate adaptation and resiliency by improving the soil health, carbon sequestration, and habitat of California's farm and ranch lands and affiliated habitat, including working lands, open space, or riparian corridors, and that increase water retention and absorption, habitat values, species protection, and economic viability to reduce development pressure.

(b) Of the amount subject to this section, the sum of ten million dollars (\$10,000,000) shall be available to the Department of Food and Agriculture for grants to promote practices on farms and ranches that improve agricultural and open-space soil health, carbon soil sequestration, erosion control, water quality, and water retention.

(c) (1) Of the amount subject to this section, the sum of twenty million dollars (\$20,000,000) shall be available to the Department of Conservation to protect, restore, or enhance working lands and riparian corridors through



(2) Up to fifty percent of the funds available pursuant to this subdivision may be allocated to the Department of Conservation for watershed restoration and conservation projects on agricultural lands pursuant to Section 9084.

**80135.** (a) Of the amount made available pursuant to Section 80130, fifty million dollars (\$50,000,000) shall be available to the Department of Forestry and Fire Protection, except as provided in subdivision (c), for projects that provide ecological restoration of forests. Projects may include, but are not limited to, forest restoration activities that include hazardous fuel reduction, postfire watershed rehabilitation, prescribed or managed burns, acquisition of forest conservation easements or fee interests, and forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances. The Department of Forestry and Fire Protection shall achieve geographic balance with the moneys allocated pursuant to this section and may, where appropriate, include activities on lands owned by the United States.

(b) Not less than 30 percent of the amount available pursuant to this section shall be allocated for urban forestry projects pursuant to Section 4799.12. The Department of Forestry and Fire Protection shall allocate no less than 50 percent of the moneys allocated pursuant to this subdivision for the expansion of the urban forestry program to previously underserved local entities in order to achieve geographic balance.

(c) Of the amount subject to this section, 50 percent shall be allocated directly to the Sierra Nevada Conservancy to administer projects pursuant to this section for purposes of implementing the Sierra Nevada Watershed Improvement Program. For purposes of this section, the Sierra Nevada Conservancy may allocate funds to the California Tahoe Conservancy for projects within the jurisdiction of the California Tahoe Conservancy.

**80136.** Of the amount made available pursuant to Section 80130, forty million dollars (\$40,000,000) shall be available to the California Conservation Corps for projects to rehabilitate or improve local and state parks, restore watersheds and riparian zones, regional and community-level fuel load reduction, compost application and food waste management, resources conservation and restoration projects, and for facility or equipment acquisition, development, restoration, and rehabilitation. Not less than 50 percent of the amount available pursuant to this section shall be allocated for grants to certified local community conservation corps, as defined in Section 14507.5.

**80137.** (a) Of the amount made available pursuant to Section 80130, sixty million dollars (\$60,000,000) shall be made available to the Natural Resources Agency for competitive grants to local agencies, nonprofit organizations, nongovernmental land conservation organizations, federally recognized Native American tribes, or nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, to do any of the following:

- (1) Restore, protect, and acquire Native American, natural, cultural, and historic resources within the state.
- (2) Convert and repurpose properties or parts of properties that served as the site of a fossil fuel powerplant that had been retired on the effective date of this division, or were scheduled to be retired prior to January 1, 2021, to create permanently protected open space, tourism, and park opportunities through fee title or conservation easements.
- (3) Enhance visitor experiences through development, expansion, and improvement of science centers operated by foundations or other nonprofit organizations in heavily urbanized areas.
- (4) Enhance park, water, and natural resource values through improved recreation, tourism, and natural resource investments in those areas of the state not within the jurisdiction of a state conservancy.
- (5) Promote, develop, and improve any of the following:
  - (A) Community, civic, or athletic venues.
  - (B) Cultural or visitor centers that recognize that contributions of California's ethnic communities or celebrate the unique traditions of these communities, including those of Asian and Hispanic descent.
  - (C) Visitor centers or nonprofit aquariums that educate the public about natural landscapes, aquatic species, or wildlife migratory patterns.

## CHAPTER 11. Clean Drinking Water and Drought Preparedness

**80140.** (a) The sum of two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, for the purposes described in Chapter 5 (commencing with Section 79720) of Division 26.7 of the Water Code.

(b) Of the funds authorized by subdivision (a), thirty million dollars (\$30,000,000) shall be available for grants to regional water supply projects within the San Joaquin River hydrologic unit that diversify local water supplies by providing local surface water to communities that are dependent on contaminated groundwater, reduce municipal groundwater pumping, and benefit agricultural and municipal water supplies.

### CHAPTER 11.1. Groundwater Sustainability

**80141.** (a) The sum of eighty million dollars (\$80,000,000) shall be available, upon appropriation by the Legislature, to the state board for competitive grants for projects for treatment and remediation activities that prevent or reduce the contamination of groundwater that serves as a source of drinking water.

(b) Projects shall be prioritized based upon the following criteria:

(1) The threat posed by groundwater contamination to the affected community's overall drinking water supplies, including an urgent need for treatment of alternative supplies or increased water imports if groundwater is not available due to contamination. For the purposes of this paragraph, treatment includes ongoing operation and maintenance of existing facilities.

(2) The potential for groundwater contamination to spread and impair drinking water supply and water storage for nearby population areas.

(3) The potential of the project, if fully implemented, to enhance local water supply reliability.

(4) The potential of the project to maximize opportunities to recharge vulnerable, high-use groundwater basins and optimize groundwater supplies.

(5) The project addresses contamination at a site for which the courts or the appropriate regulatory authority has not yet identified responsible parties, or where the identified responsible parties are unwilling or unable to pay for the total cost of cleanup, including water supply reliability improvement for critical urban water supplies in designated superfund areas with groundwater contamination listed on the National Priorities List established pursuant to Section 105(a)(8)(B) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9605(a)(8)(B)).

(c) Funding authorized by this chapter shall not be used to pay any share of the costs of remediation recovered from parties responsible for the contamination of a groundwater storage aquifer, but may be used to pay costs that cannot be recovered from responsible parties. Parties that receive funding for remediating groundwater storage aquifers shall exercise reasonable efforts to recover the costs of groundwater cleanup from the parties responsible for the contamination. Funds recovered from responsible parties may only be used to fund treatment and remediation activities including operations and maintenance.

(d) The contaminants that may be addressed with funding pursuant to this chapter may include, but shall not be limited to, nitrates, perchlorate, MTBE (methyl tertiary butyl ether), arsenic, selenium, hexavalent chromium, mercury, PCE (perchloroethylene), TCE (trichloroethylene), DCE (dichloroethene), DCA (dichloroethane), 1,2,3-TCP (trichloropropane), carbon tetrachloride, 1,4-dioxane, 1,4-dioxacyclohexane, nitrosodimethylamine, bromide, iron, manganese, and uranium.

(e) A project that receives funding pursuant to this chapter shall be selected by a competitive grant process with added consideration for those projects that leverage private, federal, or local funding.

(f) For the purposes of awarding funding under this chapter, a local cost share of not less than 50 percent of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for projects that directly benefit a disadvantaged community or an economically distressed area.

(g) The state board may assess the capacity of a community to pay for the operation and maintenance of a facility to be funded by a grant awarded under this chapter.

(h) At least 10 percent of the funds available pursuant to this chapter shall be allocated for projects serving severely disadvantaged communities.

(i) Funding authorized by this chapter may include funding for technical assistance to disadvantaged communities. The agency administering this funding shall operate a multidisciplinary technical assistance program for small and disadvantaged communities.

(j) Subdivisions (a) and (b) of Section 16727 of the Government Code do not apply to this chapter.

#### **CHAPTER 11.5. Flood Protection and Repair**

**80145.** (a) The sum of five hundred fifty million dollars (\$550,000,000) shall be available, upon appropriation by the Legislature, for flood protection and repair.

(1) (A) Of the funds available pursuant to this subdivision, three hundred fifty million dollars (\$350,000,000) shall be available to the Department of Water Resources for flood protection facilities, levee improvements, and related investments that protect persons and property from flood damage in the Central Valley. The Department of Water Resources may require that moneys provided under this paragraph be matched by local and regional public agencies.

(B) Of the amount subject to this paragraph, fifty million dollars (\$50,000,000) shall be available for levee repairs and restoration within the Sacramento-San Joaquin Delta.

(C) Of the amount subject to this paragraph, three hundred million dollars (\$300,000,000) shall be available for multibenefit projects that achieve public safety improvements and measurable fish and wildlife enhancement. The Department of Water Resources shall coordinate the expenditure of multibenefit funds with the Central Valley Flood Protection Board and the Department of Fish and Wildlife. Eligible projects include, but are not limited to, levee setbacks, creation or enhancement of flood plains or bypasses, groundwater recharge projects in flood plains, and land acquisition and easements necessary for these projects.

(2) Of the funds available pursuant to this subdivision, one hundred million dollars (\$100,000,000) shall be available for the purposes of stormwater, mudslide, and other flash-flood-related protections.

(3) Of the amount made available pursuant to this subdivision, one hundred million dollars (\$100,000,000) shall be available to the Natural Resources Agency for competitive grants for the purposes of multibenefit projects in urbanized areas to address flooding. Eligible projects shall include, but are not limited to, stormwater capture and reuse, planning and implementation of low-impact development, restoration of urban streams and watersheds, and increasing permeable surfaces to help reduce flooding.

(4) Funding made available pursuant to paragraphs (2) and (3) shall support projects that protect persons and property from flood damage. Unless the project has been identified as serving a disadvantaged community, an entity that receives an award pursuant to paragraphs (2) or (3) shall be required to provide a match of 25 percent as a local share.

(b) Funds provided by this chapter shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.

#### **CHAPTER 11.6. Regional Sustainability for Drought and Groundwater, and Water Recycling**

**80146.** (a) The sum of two hundred ninety million dollars (\$290,000,000) shall be available, upon appropriation by the Legislature, for drought and groundwater investments to achieve regional sustainability. Expenditure of these funds may include planning, design, and implementation projects through competitive grants and loans for investments in groundwater recharge with surface water, stormwater, recycled water, and other conjunctive use projects, and projects to prevent or clean up contamination of groundwater that serves as a source of drinking water.

(b) Of the funds made available pursuant to this section, fifty million dollars (\$50,000,000) shall be available pursuant to Chapter 10 (commencing with Section 79770) of Division 26.7 of the Water Code for the purposes described in Section 79775 of the Water Code.

**80147.** (a) The sum of one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, pursuant to Chapter 9 (commencing with Section 79765) of Division 26.7 of the Water Code, except

that the provisions of Section 79143 of the Water Code shall not apply to a loan or grant awarded under this section.

(b) Of the funds made available pursuant to this section, up to twenty million dollars (\$20,000,000) shall be available for the State Water Efficiency and Enhancement Program administered by the Department of Food and Agriculture.

#### **CHAPTER 12. Advance Payment for Water Projects**

**80150.** (a) Within 90 days of notice that a grant under this division for projects included and implemented in an integrated regional water management plan has been awarded, the regional water management group shall provide the administering agency with a list of projects to be funded with the grant funds where the project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community. The list shall specify how the projects are consistent with the adopted integrated regional water management plan and shall include all of the following information:

- (1) Descriptive information concerning each project identified.
- (2) The names of the entities that will receive the funding for each project, including, but not limited to, an identification as to whether the project proponent or proponents are nonprofit organizations or a disadvantaged community.
- (3) The budget of each project.
- (4) The anticipated schedule for each project.

(b) Within 60 days of receiving the project information pursuant to subdivision (a), the administering agency may provide advance payment of 50 percent of the grant award for those projects that satisfy both of the following criteria:

- (1) The project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community.
- (2) The grant award for the project is less than one million dollars (\$1,000,000).

(c) Funds advanced pursuant to subdivision (b) shall comply with the following requirements:

- (1) The recipient shall place the funds in a noninterest-bearing account until expended.
- (2) The funds shall be spent within six months of the date of receipt, unless the administering agency waives this requirement.
- (3) The recipient shall, on a quarterly basis, provide an accountability report to the administering agency regarding the expenditure and use of any advance grant funds that provides, at a minimum, the following information:

- (A) An itemization as to how advance payment funds provided under this section have been expended.
- (B) A project itemization as to how any remaining advance payment funds provided under this section will be expended over the period specified in paragraph (2).
- (C) A description of whether the funds are placed in a noninterest-bearing account, and if so, the date that occurred and the dates of withdrawals of funds from that account, if applicable.

- (4) If funds are not expended, the unused portion of the grant shall be returned to the administering agency within 60 days after project completion or the end of the grant performance period, whichever is earlier.
- (5) The administering agency may adopt additional requirements for the recipient regarding the use of the advance payment to ensure that the funds are used properly.

#### **CHAPTER 13. Fiscal Provisions**

**80160.** (a) Bonds in the total amount of four billion dollars (\$4,000,000,000), and any additional bonds authorized, issued, and appropriated in accordance with this division pursuant to other provisions of law, not including the amount of any refunding bonds issued in accordance with Section 80172, may be issued and sold

to provide a fund to be used for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, issued, and delivered, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

**80161.** The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, and all of the provisions of that law apply to the bonds and to this division.

**80162.** (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this division, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee is hereby created. For purposes of this division, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee is the "committee" as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the Director of Finance, the Treasurer, and the Controller. Notwithstanding any other law, any member may designate a representative to act as that member in his or her place for all purposes, as though the member were personally present.

(c) The Treasurer shall serve as the chairperson of the committee.

(d) A majority of the committee may act for the committee.

**80163.** The committee shall determine whether or not it is necessary or desirable to issue bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

**80164.** For purposes of the State General Obligation Bond Law, "board," as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

**80165.** There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

**80166.** Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this division, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out the provisions of Section 80169, appropriated without regard to fiscal years.

**80167.** The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, including other authorized forms of interim financing that include, but are not limited to, commercial paper, in accordance with Section 16312 of the Government Code for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 80172, less any amount loaned and not yet repaid pursuant to this section and withdrawn from the General Fund pursuant to Section 80169 and not yet returned to the General Fund. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this division.

**80168.** Notwithstanding any other provision of this division, or of the State General Obligation Bond Law, if the Treasurer sells bonds that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

**80169.** For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 80172, less any amount loaned pursuant to Section 80167 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in accordance with this division. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

**80170.** All moneys deposited in the fund that are derived from premium and accrued interest on bonds sold pursuant to this division shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay the cost of bond issuance prior to any transfer to the General Fund.

**80171.** Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid or reimbursed out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be allocated proportionally to each program funded through this division by the applicable bond sale.

**80172.** The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

**80173.** The proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

**SEC. 4.** Section 79772.5 is added to the Water Code, to read:

**79772.5.** Notwithstanding any other law, eighty million dollars (\$80,000,000) of the unissued bonds authorized for the purposes of Section 79772 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000) of the Public Resources Code.

**SEC. 5.** Sections 1 to 4, inclusive, of this act shall take effect upon the approval by the voters of the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, as set forth in Section 3 of this act, including changes to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, as set forth in Section 1 of this act, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, as set forth in Section 2 of this act, and the Water Quality, Supply, and Infrastructure Improvement Act of 2014, as set forth in Section 4 of this act.

**SEC. 6.** Sections 1 to 4, inclusive, of this act shall be submitted to the voters at the June 5, 2018, statewide primary direct election in accordance with provisions of the Government Code and the Elections Code governing the submission of a statewide measure to the voters.

**SEC. 7.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

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In order to fund a California drought, water, parks, climate, coastal protection, and outdoor access for all program at the earliest possible date, it is necessary that this act take effect immediately.



## In Uncertain Times, California Must Lead the Way.

**OUR STATE** is facing frequent and severe droughts, wildfires, the impacts of climate change, and a lack of support from the federal government to protect our water and natural areas. Now more than ever, California must take responsibility to protect our own unique natural resources and ensure every Californian has access to clean drinking water and safe places for kids to play.



**PROPOSITION 68, THE CLEAN WATER AND SAFE PARKS ACT** is a general obligation bond that invests \$4 billion in the coming years to address some of California's most important water, park, and natural resource needs. The state legislature passed the California Clean Water & Parks Act (SB5) with bipartisan support, and it will appear on the June statewide ballot.



### BROAD COALITION SUPPORT FOR YES ON 68

Prop 68 is supported by a broad, bipartisan coalition of conservation groups, local park advocates, water experts, and business organizations, that all care about the critical impact of water and parks on our health, economy, and California's way of life.



**ENSURING CLEAN DRINKING WATER. SECURING FUTURE WATER SUPPLIES.**

Proposition 68 will help keep toxic pollutants out of our water supplies, clean up groundwater, and protect land around the rivers, lakes, and streams that are the sources of our drinking water.

**PREPARING CALIFORNIA FOR THE NEXT DROUGHT. USING LOCAL WATER**

**MORE EFFICIENTLY.** Proposition 68 will help California deal with droughts and wildfires that could become more frequent and severe with climate change. It takes a smart, efficient approach to ensure clean, safe drinking water—capturing and recycling more water locally, and making local water systems more effective with proven cost-saving solutions.

**CLEAN WATER FOR EVERY COMMUNITY. SAFE PARKS FOR EVERY CHILD.** Today, there are underserved communities in California where families cannot turn on the tap and get safe water to drink. And many communities lack parks and safe places for kids to play and grow. Prop 68 addresses these inequities by cleaning up contaminated local water supplies and making important investments in neighborhood parks in underserved areas.



**This June, Californians can help to ensure clean, safe drinking water and protect natural resources in uncertain times.**



Paid for by Californians for Clean Water and Safe Parks, sponsored by Conservation Groups. Committee major funding from Committee for Clean Water Natural Resources and Parks, Yes on Proposition 68, Conservation Action Fund for clean water and parks, sponsored by environmental organizations and The Nature Conservancy.



### Ensuring Clean Drinking Water

- + Cleans up and protects our drinking water supplies
- + Protects streams and rivers that provide drinking water from pollution



### Safe Parks for Every Child

- + Improves the safety of neighborhood parks throughout California
- + Helps ensure every California community has access to quality parks



### Preparing for the Next Drought

- + Smart, proven, efficient solutions to secure future water supplies
- + Restores groundwater, which was severely drained in the last drought



### Protecting Our Coastline and Natural Areas

- + Increases access to our coast and beaches
- + Restores and protects our natural areas and implements wildfire protection measures



### Helping Communities That Lack Clean Water

- + Keeps toxic pollution out of our drinking water
- + Provides safe drinking water to communities with contaminated water



### Increasing Local Water Supplies

- + Cleans up groundwater and funds water recycling projects
- + Captures more stormwater and prevents flooding



## Investment Priorities

### ENSURING CLEAN DRINKING WATER

- + \$250 million for clean drinking water and drought preparedness
- + \$80 million for groundwater cleanup
- + \$290 million for regional water sustainability, including \$50 million for groundwater sustainability planning
- + \$100 million to enhance water supplies by recycling water and helping farms conserve water

### PROTECTING LOCAL COMMUNITIES FROM FLOOD

- + \$550 million for flood protection and repair, including \$350 million for flood protection, \$100 million for stormwater, mudslide, and other flood-related protections, and \$100 million for urban multibenefit flood projects

### PROTECTING CALIFORNIA'S RIVERS, LAKES AND STREAMS

- + \$162 million for river parkways and urban streams restoration
- + \$30 million to connect habitat areas, including \$10 million for the California Waterfowl Habitat Program
- + \$25 million to restore rivers and streams in support of fisheries and wildlife, including \$5 million for salmon and steelhead projects in Klamath-Trinity watershed
- + \$60 million to improve wildlife and fish passage, including \$30 million for Southern California steelhead habitat
- + \$60 million for upper watersheds protection in the Sierra Nevada and Cascades
- + \$30 million to improve conditions for fish and wildlife in streams

### PROTECTING COAST, BEACHES, BAYS, AND OCEANS

- + \$175 million for coastal and ocean resource protection of beaches, bays, wetlands, lagoons, and coastal watersheds and wildlife areas
- + \$40 million to assist coastal communities in adapting to climate change
- + \$20 million for San Francisco Bay restoration

### SAFE PARKS FOR EVERY CHILD

- + \$725 million for parks in neighborhoods with the greatest need
- + \$285 million to cities, counties, and local park and open space districts to make local parks safer and improve facilities
- + \$218 million to repair and improve state parks

### IMPROVING RESILIENCE TO CLIMATE CHANGE

- + \$30 million for innovative farm practices that improve climate resilience
- + \$50 million for forest restoration, fire protection and management for wildfire and climate change
- + \$40 million to restore natural and community resources, including conversion of fossil fuel power plants to green space
- + \$20 million for green infrastructure projects that benefit disadvantaged communities

### CONSERVING AND PROTECTING NATURAL AREAS

- + \$160 million to state conservancies, including \$87 million for rivers, lakes and streams, and \$73 million for open green space
- + \$200 million to restore the Salton Sea and prevent toxic air pollution
- + \$137 million to the Wildlife Conservation Board, including \$5 million for regional conservation investment strategies, \$52 million for Natural Community Conservation Plan projects, and up to \$10 million to the UC Natural Reserve System
- + \$200 million to implement habitat restoration
- + \$50 million to repair and improve state fish and wildlife areas

### PROMOTING RECREATION AND TOURISM AND SUPPORTING CONSERVATION JOBS

- + \$25 million in grants for rural recreation, tourism and economic enrichment programs
- + \$30 million to improve access to parks, waterways, natural areas, and outdoor recreation areas, including expanding outdoor experiences for disadvantaged youth
- + \$40 million for state and local conservation corps for restoration projects and equipment
- + \$18 million for wildlife and land conservation

Paid for by Californians for Clean Water and Safe Parks, sponsored by Conservation Groups. Committee major funding from Committee for Clean Water Natural Resources and Parks, Yes on Proposition 68, Conservation Action Fund for clean water and parks, sponsored by environmental organizations and The Nature Conservancy.

**NOTABLE ENDORSEMENTS**

Governor Jerry Brown  
Senator Kevin de León, President pro Tempore  
Assembly Member Anthony Rendon, Speaker  
Assembly Member Eduardo Garcia  
Lieutenant Governor Gavin Newsom  
Mayor Antonio Villaraigosa  
California Democratic Party  
State Building & Construction Trades Council of California  
American Heart Association  
American Lung Association  
Association of California Water Agencies  
Audubon California  
Big Sur Land Trust  
California Association of Local Conservation Corps  
California Chamber of Commerce  
California Council of Land Trusts  
Environmental Defense Fund  
Heal the Bay  
Humane Society of the United States  
League of California Cities  
Peninsula Open Space Trust  
Save the Bay  
Save the Redwoods League  
Sempervirens Fund  
Sierra Club California  
Silicon Valley Leadership Group  
Sonoma Land Trust  
State Parks Foundation  
The Nature Conservancy  
The Wildlands Conservancy  
TreePeople  
The Trust for Public Land



This list connotes organizations supporting original legislation and/or bond measure.



**ENVIRONMENTAL & CONSERVATION ORGANIZATIONS**

- 5 Gyres Institute
- 7<sup>th</sup> Generation Advisors
- American River Natural History Association
- Arroyo Seco Foundation
- Arroyos and Foothills Conservancy
- Audubon California
- Audubon Center at Debs Park
- Batiquitos Lagoon Foundation
- Bay Area Open Space Council
- Bay Area Ridge Trail Council
- Bear Yuba Land Trust
- Big Sur Land Trust
- Biocitizen Inc.
- Bolsa Chica Land Trust
- Buena Vista Audubon Society
- California Association of Local Conservation Corps
- California Association of Resource Conservation Districts
- California Climate & Agriculture Network
- California Coastkeeper Alliance
- California Council of Land Trusts
- California Invasive Plant Council
- California League of Conservation Voters
- California Outdoor Recreation Partners
- California Rangeland Conservancy
- California ReLeaf
- California Trout
- California Urban Forests Council
- California Urban Streams Partnership
- California Waterfowl Association
- California Wilderness Coalition
- Californians Against Waste
- Carbon Cycle Institute
- Cayucos Land Conservancy
- Center for Climate Change and Health
- Center for Sustainable Neighborhoods
- Citizens for Los Angeles Wildlife
- Climate Resolve
- ClimatePlan
- Committee for Green Foothills
- Community Nature Connection
- Conservation Corps Long Beach
- Conservation Corps North Bay
- Defenders of Wildlife
- Ecology Center
- Endangered Habitats League
- Environmental Defense Center
- Environmental Defense Council
- Environmental Defense Fund
- Environmental Working Group
- Escondido Creek Conservancy
- Fresno EOC Local Conservation Corps
- Friends of Harbors, Beaches, and Parks
- Friends of Runyon Canyon Foundation
- Friends of the Earth
- Friends of the LA River
- Fund for Animals
- Greenbelt Alliance
- Heal the Bay
- Hills for Everyone
- Kerncrest Audubon Society
- LA Compost
- LA Conservation Corps
- Laguna Greenbelt
- Land Trust of Santa Cruz County
- League to Save Lake Tahoe
- Los Angeles Audubon Society



Los Angeles Neighborhood Land Trust  
Marin Carbon Project  
Marin Conservation League  
Mendocino Land Trust  
Mojave Desert Land Trust  
Mono Lake Committee  
Mountains Restoration Trust  
Mujeres de la Tierra  
Natural Resources Defense Council  
Naturalist For You  
Nature For All  
Ocean Conservancy  
Outdoor Outreach  
Pacific Forest Trust  
Pacific Institute  
Pacoima Beautiful  
Palos Verdes Peninsula Land Conservancy  
Pathways for Wildlife  
Peninsula Open Space Trust  
People for Parks  
Placer Land Trust  
Planning and Conservation League  
Preserve Calavera  
Protect American River Canyons  
Rails-to-Trails  
River LA  
Sacramento Regional Conservation Corps  
Salton Sea Authority  
San Fernando Valley Audubon Society  
San Francisco Conservation Corps San Gabriel  
Valley Conservation Corps

San Jose Conservation Corps  
Santa Barbara Audubon Society  
Santa Clara River Conservancy  
Save Mt. Diablo  
Save the Bay  
Save the Redwoods League  
Sempervirens Fund  
Sequoia Riverlands Trust  
Shasta Land Trust  
Sierra Cascade Land Trust Council  
Sierra Club California  
Sierra Harvest  
Sierra Nevada Journeys  
Silicon Valley Land Conservancy  
Sonoma Land Trust  
Stewards of the Coast and Redwoods  
Student Conservation Association  
Surfrider Foundation  
Sustainable Conservation  
Sustainable Silicon Valley  
The Conservation Fund  
The Greenlining Institute  
The Nature Conservancy  
The Sierra Fund  
TreePeople  
Tri-Valley Conservancy  
Trout Unlimited  
Truckee Donner Land Trust  
Trust for Public Land  
Volcan Mountain Foundation  
Wildcoast

**PARK DISTRICTS & ORGANIZATIONS**

Almanor Recreation and Park District  
Auburn Area Recreation and Park District

California Association of Park and Recreation  
Commissioners



California Association of Park and Recreation  
Indemnity  
California Park & Recreation Society  
City of Corona Parks and Recreation  
Commission  
City of Davis Parks and Community Services  
City of Orinda Parks and Recreation  
Department  
Department of Recreation Administration, CSU  
Fresno  
Desert Recreation District  
Dunsmuir Recreation and Parks District  
East Bay Regional Park District  
Fair Oaks Recreation and Park District  
Friends of Boeddeker Park  
Friends of California Citrus Park  
Friends of Corte Madera Creek Waterhed  
Friends of Jackson Park  
Jurupa Community Services District  
Livermore Area Recreation and Park District  
Los Angeles Parks Foundation  
McFarland Recreation and Park District  
Mendocino Coast Recreation and Park District  
MidPeninsula Regional Open Space District

Monte Rio Recreation and Park District  
Mountains Recreation & Conservation Authority  
Mt. Shasta Recreation and Parks District  
Napa County Regional Park and Open Space  
District  
National Parks Conservation Association  
North County Recreation and Park District  
Paradise Recreation and Park District  
Pogo Park  
Rancho Simi Recreation and Parks District  
Rio Linda Elverta Recreation and Park District  
San Francisco Parks Alliance  
San Francisco Recreation and Parks  
Department  
San Mateo County Parks  
Santa Clara County Parks  
Santa Clara Valley Open Space Authority  
Sonoma County Regional Parks  
State Parks Foundation  
State Parks Partners Coalition  
Town of Moraga Parks and Recreation  
Department  
Weed Recreation and Parks District

**COMMUNITY-BASED & LOW-INCOME ADVOCACY GROUPS**

Alma Family Services  
Asian Pacific Islander Forward Movement  
Aztlan Athletics  
California Bicycle Coalition  
California Rural Legal Assistance Foundation  
California Food Policy Advocates  
California Walks  
Community Conservation Solutions  
Community Health Councils  
Community Hiking Club

Community Nature Connection  
Empresa Performing Arts Foundation  
From Lot to Spot  
Green Schoolyards America  
GRID Alternatives Greater Los Angeles  
Housing California  
Kounkuey Design Initiative  
Leadership Counsel for Justice & Accountability  
Leadership for Urban Renewal Network  
Los Angeles Neighborhood Initiative



Move LA  
PolicyLink  
Prevention Institute  
Safe Routes to School National Partnership  
Self-Help Enterprises  
Sonoma County Bicycle Coalition

Southeast Asian Community Alliance  
Strategic Actions for a Just Economy (SAJE)  
TransForm  
TRUST South LA  
Wishtoyo Chumash Foundation  
Women's MTB Experience

**HEALTH ORGANIZATIONS**

American Heart Association  
American Lung Association  
Californians for Pesticide Reform  
LA Food Policy Council

Pesticide Action Network Plastic Pollution  
Coalition  
Public Health Advocates

**ANIMAL RIGHTS GROUPS**

American Society for the Prevention of Cruelty  
to Animals  
Humane Society of the United States

San Diego Humane Society  
San Francisco Society for the Prevention of  
Cruelty to Animals

**WATER AGENCIES, DISTRICTS & ORGANIZATIONS**

Association of California Water Agencies  
California Watershed Network  
Clean Water Action California  
Community Water Center  
Grasslands Water District  
Inland Empire Utilities Agency  
Los Angeles Water Keeper  
Orange County Sanitation District

Orange County Water District  
San Diego County Water Authority  
Southern California Water Coalition  
The Watershed Project  
WateReuse California  
Watershed Conservation Authority  
Wholly H2O  
Yuba County Water Agency

**BUSINESS ORGANIZATIONS**

Association of Professional Landscape  
Designers California Chapter  
Building Owners and Managers of California  
California Business Properties Association  
California Chamber of Commerce

California Fairs Alliance  
Hermann Design Group, Inc.  
Landscape Designers Association  
National Association of Industrial and Office  
Properties





Sierra Business Council

Silicon Valley Leadership Group

**FAITH-BASED ORGANIZATIONS**

Lutheran Office of Public Policy

Lutheran Church of the Incarnation, Davis

**LABOR GROUPS**

State Building & Construction Trades Council of California

Los Angeles/Orange County Building & Construction Trades Council

**MUSEUMS**

San Diego Natural History Museum

Natural History Museum of Los Angeles County

California Association of Museums

**LOCAL BUSINESSES**

Citizen Film Inc.

Groundwork Richmond

PGADesign (Landscape Architects)

Sacred Space Garden Design

**AGRICULTURAL ORGANIZATIONS**

American Farmland Trust, California

California Climate and Agriculture Network

Community Alliance with Family Farmers

Marin Agricultural Land Trust

Sonoma County Agricultural Preservation and

Open Space District

Wild Farm Alliance

**GOVERNMENT AGENCIES, GROUPS & MUNICIPALITIES**

California Democratic Party

City of Chino

City of Duarte

City of El Monte

City of Emeryville

City of Fortuna

City of Hawaiian Gardens

City of King

City of Lakewood

City of La Puente

City of Malibu

City of Monrovia

City of Oakland

City of Orland

City of Poway

City of Redondo Beach

City of San Francisco

City of San Jose



City of San Rafael  
City of Santa Monica  
City of Walnut Creek  
City of Wasco  
County of San Francisco  
League of California Cities  
League of Women Voters California

Sacramento County Board of Supervisors  
San Mateo County Democratic Central  
Committee  
Sonoma County Board of Supervisors  
Suisun City  
Town of Mammoth Lakes  
Town of Yucca Valley  
Transportation Agency for Monterey County

**ELECTED OFFICIALS**

Artesia City Councilmember Ali Sajjad Taj  
Brisbane City Councilmember Randy Breault  
Ceres City Councilmember Ken Lane  
Cloverdale City Councilmember Joseph Palla  
Governor Jerry Brown, State of California  
Lieutenant Governor, Gavin Newsom  
Los Angeles City Councilmember Paul Koretz  
Los Angeles City Councilmember David Ryu  
Mayor Tom Butt, City of Richmond  
Menlo Park City Councilmember Kirsten Keith  
Piedmont City Councilmember Jennifer  
Cavanaugh

Scotts Valley City Councilmember Stephany  
Aguilar  
South Gate City Councilmember Jorge Morales  
South San Francisco City Councilmember  
Richard Garbarino  
Supervisor Das Williams, Santa Barbara  
County  
Supervisor Joan Hartmann, Santa Barbara  
County  
Supervisor John M. Gioia, Contra Costa County  
Walnut Creek City Councilmember Cindy Silva  
Watsonville City Councilmember Oscar Rios

**CALIFORNIA STATE SENATE**

Senator Kevin de León, Pro Tem  
Senator Benjamin Allen  
Senator Toni G. Atkins  
Senator Jim Beall  
Senator Steven Bradford  
Senator Bill Dodd  
Senator Cathleen Galgiani  
Senator Steven M. Glazer  
Senator Ed Hernandez  
Senator Robert M. Hertzberg  
Senator Ben Hueso

Senator Hannah-Beth Jackson  
Senator Ricardo Lara  
Senator Connie M. Leyva  
Senator Mike McGuire  
Senator Tony Mendoza  
Senator Holly J. Mitchell  
Senator Bill Monning  
Senator Josh Newman  
Senator Richard Pan  
Senator Anthony J. Portantino  
Senator Richard D. Roth



Senator Nancy Skinner  
Senator Henry I. Stern

Senator Bob Wieckowski  
Senator Scott D. Wiener

**CALIFORNIA STATE ASSEMBLY**

Assembly Member Anthony Rendon, Speaker  
Assembly Member Cecilia M. Aguiar-Curry  
Assembly Member Dr. Joaquin Arambula  
Assembly Member Catherine B. Baker  
Assembly Member Marc Berman  
Assembly Member Richard Bloom  
Assembly Member Rob Bonta  
Assembly Member Autumn R. Burke  
Assembly Member Anna M. Caballero  
Assembly Member Ian C. Calderon  
Assembly Member Sabrina Cervantes  
Assembly Member Ed Chau  
Assembly Member David Chiu  
Assembly Member Kansen Chu  
Assembly Member Ken Cooley  
Assembly Member Tom Daly  
Assembly Member Susan Talamantes Eggman  
Assembly Member Heath Flora  
Assembly Member Vince Fong  
Assembly Member Jim Frazier  
Assembly Member Laura Friedman  
Assembly Member Cristina Garcia  
Assembly Member Eduardo Garcia  
Assembly Member Mike A. Gipson  
Assembly Member Todd Gloria  
Assembly Member Lorena S. Gonzalez Fletcher  
Assembly Member Adam Gray

Assembly Member Timothy S. Grayson  
Assembly Member Chris R. Holden  
Assembly Member Jacqui Irwin  
Assembly Member Byron Jones-Sawyer, Sr.  
Assembly Member Ash Kalra  
Assembly Member Marc Levine  
Assembly Member Monique Limón  
Assembly Member Evan Low  
Assembly Member Chad Mayes  
Assembly Member Kevin McCarty  
Assembly Member Jose Medina  
Assembly Member Kevin Mullin  
Assembly Member Al Muratsuchi  
Assembly Member Adrin Nazarian  
Assembly Member Patrick O'Donnell  
Assembly Member Sharon Quirk-Silva  
Assembly Member Eloise Gómez Reyes  
Assembly Member Freddie Rodriguez  
Assembly Member Blanca E. Rubio  
Assembly Member Rudy Salas, Jr.  
Assembly Member Miguel Santiago  
Assembly Member Mark Stone  
Assembly Member Tony Thurmond  
Assembly Member Philip Y. Ting  
Assembly Member Shirley N. Weber  
Assembly Member Jim Wood

**PROMINENT INDIVIDUALS**



Supporters List

*March 7, 2018*

Bruce Saito; Executive Director, California Conservation Corps  
Mayor Antonio Villaraigosa  
Tom LaBonge; Former Los Angeles Council Member - Emeritus  
Ronald O. Loveridge; Former Mayor of Riverside

Tim Wendler; 2001 Los Angeles City Council Candidate, Environmental Engineer  
Samuel V. Lankford; California Tourism, Recreation & Parks Expert





Please complete and send this form via email to [Endorse@Yes68CA.com](mailto:Endorse@Yes68CA.com) or fax to 916.720.0331

## Join Our Coalition

Name

Organization

### JOIN & ENDORSE AS:

*(check one)*

- Individual   
  Organization   
  Both

### CONTACT FOR FOLLOW UP:

Name *(if different)*

Phone number

Email address

By completing this form, you or your organization may be listed as an endorser of Proposition 68. We also encourage you to take action and join our active grassroots campaign by letting us know how you can help below.

### LET US KNOW HOW YOU CAN HELP CALIFORNIA LEAD THE WAY: *(check all that apply)*

- |  |  |
|--|--|
| <input type="radio"/> Help secure additional endorsements                                    | <input type="radio"/> Join a regional organizing committee   |
| <input type="radio"/> Join our online campaign   | <i>(select your region)</i>  |
| <input type="radio"/> Communicate with your organization's members                           | <input checked="" type="radio"/> NorCal <input checked="" type="radio"/> Bay Area<br><input checked="" type="radio"/> Los Angeles Area <input checked="" type="radio"/> San Diego<br><input checked="" type="radio"/> Sierra <input checked="" type="radio"/> Central Valley<br><input checked="" type="radio"/> Central Coast <input checked="" type="radio"/> Other <i>(fill-in below)</i> |
| <input type="radio"/> Help with fundraising  |  |
| <input type="radio"/> Organize volunteer phone banks, events and other grassroots activities | <input type="text"/>   |

**PROPOSITION 68** is a general obligation bond that invests \$4 billion in the coming years to address some of California's most critical water and natural resource needs. The state legislature passed the California Clean Water & Safe Parks Act (SB5) with bipartisan support and it will appear on the June 5, 2018 statewide ballot.

Paid for by Californians for Clean Water and Safe Parks, sponsored by Conservation Groups. Committee major funding from Committee for Clean Water Natural Resources and Parks, Yes on Proposition 68, Conservation Action Fund for clean water and parks, sponsored by environmental organizations and The Nature Conservancy.



# TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Jeremy Dennis, Town Manager

**DATE:** March 28, 2018

**RE:** Opposition to Two Potential Propositions

## **RECOMMENDATION**

Town Staff recommends that the Town Council:

1. Oppose the Tax Fairness, Transparency and Accountability Act of 2018
2. Oppose the efforts to repeal Senate Bill 1, and join the Coalition to Protect Local Transpiration Improvements
3. Authorize Mayor and/or Town Manager to submit letters in opposition, should they become necessary

## **DISCUSSION**

### **Tax Fairness, Transparency and Accountability Act of 2018**

The Tax Fairness, Transparency and Accountability Act of 2018 (Attachment 1), is currently being circulated by the Business Roundtable and its supporters for inclusion on the November 2018 ballot.

The Act would place a new 2/3 vote hurdle on municipalities that wish to levy any new local tax, fee or charge of any kind, or to increase any existing tax or expand its scope. Additionally, the Act would limit local authority to place such measure on a local ballot by requiring all tax measure be consolidated with a regularly scheduled general election for members of the local municipality's body.

Essentially, the Act would expand current Proposition 218 limits to every other tax, fee, or charge a municipality could levy.

Town Staff strenuously opposes such an effort:

1. Grouping taxes, fees and charges in such a way obscures the significant differences between each of them. For instances, a tax is used for general purposes, but fees and charges are for specific services and/or are used to cover the cost of providing a service.
2. The Town's ability to adapt to new needs and services would be severely limited, and it would take substantially longer to provide basic services
3. Flexibility make decisions on how best to deploy the Town's financial resources would be significantly limited as well, as any revenue source created after passage of the Act would require legally binding limitations on how revenue could be spent

If the Act were to pass, it would fundamentally alter the Town's ability to manage its financial resources and lengthen the time to deliver services to residents.

### **Effort to Repeal Senate Bill 1**

Senate Bill 1, passed last year by the Legislature and signed into law by Governor Brown, created a new funding source for the State's transportation and road networks. The new source is made up of various increases in gas taxes, commercial vehicle weight fees, local transactions and use taxes that will ultimately generate \$54 billion over the next decade.

The Town of Portola Valley is a recipient of these funds, and they will be used to ensure the continued high-quality of the Town's road network.

The "Yes on Prop 69/No on Repeal of SB 1" coalition has been formed to promote the positive impacts of SB 1 and oppose any effort to repeal the bill (Attachment 2).

Town Staff recommends that the Council vote to join the Coalition.

### **FISCAL IMPACT**

None.

### **ATTACHMENTS**

1. **The Tax Fairness, Transparency and Accountability Act of 2018 and LAO analysis**
2. **Yes on Prop 69/No on Repeal of SB 1 Coalition information**
3. **SB 1 information**

**Approved by:** Jeremy Dennis, Town Manager



## **Tax Fairness, Transparency and Accountability Act of 2018**

### **Summary:**

This measure (AG 1700-50 Amd #1), currently under circulation for signatures and proposed for the November ballot, would drastically limit local revenue authority, while making comparatively minor modifications to state authority. For cities and other local agencies, it applies retroactively and voids any local measure approved by local voters on or after January 1, 2018, but prior to the effective date of this act, that does not comply with the provisions of the act, and:

### **Restricting Local Tax Authority:**

- a) Eliminates local authority to impose a tax for general purposes by majority vote and instead requires all local proposed tax increases subject to a two-thirds vote. This proposal also requires two-thirds approval of all members of the local legislative body before a tax can be placed on the ballot.
- b) Requires a two-thirds vote to “extend” a tax to new territory, a new class of payor, or expanded base. For cities, this would limit all future annexations by requiring a separate two-thirds vote of the affected residents prior to applying any existing city tax. Other limitations may apply to a local interpretation that an existing local tax applies to a business or product.
- c) Expands the definition of a tax to include payments voluntarily made in exchange for a benefit received, which may cover local franchise fees.
- d) Prohibits any tax to be placed on the ballot unless it either specifically identifies by binding and enforceable limitation how it can be spent, with any change requiring reapproval by the electorate, or states in a separate stand-alone segment of the ballot that the tax revenue is intended for “unrestricted revenue purposes.”
- e) Requires tax measures to be consolidated with the regularly scheduled general election for members of the governing body, unless an emergency is declared by a unanimous vote of the governing body.
- f) Expands the application of this act to include actions and “legal authority” that may be “enforced” or “implemented” by a local government.
- g) Requires a tax imposed by initiative to also be subject to a two-thirds vote, to address concerns over the *Upland* decision.
- h) Clarifies a levy, charge, or exaction retained by and payable to a non-governmental entity is a tax, if the local agency limits in any way the use of the proceeds, to address concerns over the *Schmeer* decision.
- i) Exempts existing school bond (55% vote) construction authority from the application of the bill.

### **Restricting Local Fee Authority:**

Restricts the ability of a local government to impose fees or charges, other than those subject to Prop. 218, by:

- a) Prohibiting a fee or charge from being imposed, increased or extended unless approved by two-thirds vote of the legislative body.
- b) Authorizing a referendum on decisions of a legislative body to impose, increase or extend a fee or charge triggered by petitions signed by 5% of affected voters.
- c) Requiring a fee or charge proposed by initiative to be subject to a two-thirds vote of the electorate.
- d) Narrows the legal threshold from “reasonable” to “actual” costs for fees applied to local services, permits, licenses, etc. Further, the measure authorizes new avenues to



challenge “actual” costs by enabling a payor to also second-guess in court whether they are “reasonable.” Opens up further litigation and debate by replacing the existing standard that fees and charges bear a “fair and reasonable relationship to the payors burdens and benefits” with a more rigorous “proportional to the costs created by the payor” standard.

- e) Increases the legal burden of proof for local agencies from “preponderance of evidence” (more likely than not) to “clear and convincing evidence” (high probability) to establish that a levy, charge or other exaction is: (1) not a tax, (2) the amount is no more than necessary to cover the actual costs, and (3) the revenue is not being used for other than its stated purpose.

Provisions Applicable to State Actions:

- a) Requires a tax contained in a regulation adopted by a state agency must be approved by two-third vote of the Legislature (unless the Legislature adopted a state tax that authorized the action of the state agency). This change is responsive to the recent *Chamber of Commerce* decision on cap and trade revenues.
- b) Unlike the retroactive provisions that apply to local government, the application of this Act to the state is only prospective.
- c) Requires a fee contained in a regulation adopted by a state agency to be approved by majority vote of the Legislature.
- d) Imposes the same burden of proof changes applied to local governments.

**Background:** This initiative is sponsored by the California Business Roundtable, an organization that claims membership from some of the state’s largest companies including, Wells Fargo, Albertsons, KB Home, Blackstone Group, Chevron, Farmers Insurance, Granite Construction and others. <http://www.cbirt.org/members/>.

The initiative contains over three pages of findings and statements maintaining that the state’s tax burden is high compared to other states, including state revenue growth of 68 percent since 2009. Concerns are also raised over employee pensions increasing costs and other issues affecting the economy and business climate.

One paragraph among the three pages declares one of the purposes of the measure is to overturn “loopholes” created by *Cannabis Coalition v. City of Upland* (concern that voters could enact special taxes via initiative by majority vote); *Chamber of Commerce v. Air Resources Board* (a recent case lost by the Chamber which alleged that the state Cap and Trade Program was an illegal tax) and *Schmeer v. Los Angeles* (which held that a locally imposed-grocer retained bag fee was not a tax). This measure, however, has much broader impacts than such fixes.

**California Business Roundtable Membership List**

- |  |   |
|--|---|
| 1. Albertsons (Grocery)                              | 18. Sidley Austin LLP (Law Firm)                                      |
| 2. Grimmway Farms (Agriculture)                      | 19. California Resources Corporation<br>(Oil/Energy)                  |
| 3. Andeavor (Oil/Energy)                             | 20. State Farm (Insurance)  |
| 4. KB Home (Builders)                                | 21. Dart Container Corporation<br>(Foodservice Packaging Producer)    |
| 5. Anthem Blue Cross (Health)                        | 22. Sutter Health (Health)  |
| 6. Health Net, Inc. (Health)                         | 23. DLA Piper (Law Firm)  |
| 7. Automobile Club of Southern<br>California (Auto)  | 24. Union Pacific (Rail)  |
| 8. Kaiser Permanente (Health)                        | 25. Eli Lilly (Pharmaceutical)  |
| 9. Bain and Company (Management<br>Consulting Firms) | 26. Valero (Oil/Energy)   |
| 10. Majestic Realty Co. (Developer)                  | 27. Enterprise Rent-a-car<br>(Transportation)                         |
| 11. Blackstone Group (Investment Firm)               | 28. Wells Fargo Bank & Company<br>(Bank)                              |
| 12. McKinsey & Company (Marketing<br>Consultant)     | 29. Farmers Group, Inc. (Insurance)                                   |
| 13. Chevron (Oil/Energy)                             | 30. Western National Group (Apartment<br>Property Management Company) |
| 14. Pepsico (Food and Beverage)                      | 31. Granite Construction, Inc.<br>(Construction)                      |
| 15. C.J. Segerstrom & Sons (Real<br>Estate)          |   |
| 16. Sempra Energy (Energy)                           |   |
| 17. Comcast (Telecoms)                               |   |

Members of the Wine Institute can be found [here](#).

**Contributions to CALIFORNIANS FOR ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT SPENDING** as of February 12, 2018.

NAME OF CONTRIBUTOR		CITY	STATE/ZIP	
WINE INSTITUTE		SAN FRANCISCO	CA / 94105	
ID NUMBER	EMPLOYER	OCCUPATION		
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #
\$150,000.00	INITIAL	2/2/2018	2/9/2018	2214123-INC2

NAME OF CONTRIBUTOR		CITY	STATE/ZIP	
CALIFORNIA BUSINESS ROUNDTABLE ISSUES PAC		SAN RAFAEL	CA / 94901	
ID NUMBER	EMPLOYER	OCCUPATION		
1264590				
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #
\$50,000.00	INITIAL	1/24/2018	2/7/2018	2213956-NON1

January 26, 2018  
Initiative 17-0050 (Amdt. #1)

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**EXPANDS REQUIREMENT FOR SUPERMAJORITY APPROVAL TO ENACT NEW REVENUE MEASURES. INITIATIVE CONSTITUTIONAL AMENDMENT.** For new revenue measures, broadens definition of state taxes that would require approval by two-thirds supermajority vote of Legislature. For local governments, requires two-thirds approval of electorate to raise new taxes or governing body to raise new fees. Requires that state and local laws enacting new taxes specify how revenues can be spent. Heightens legal threshold for state and local governments to prove that fees passed without two-thirds approval are not taxes. Invalidates local taxes imposed in 2018, unless taxes meet criteria adopted by this measure. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Likely minor decrease in annual state revenues and potentially substantial decrease in annual local revenues, depending upon future actions of the Legislature, local governing bodies, voters, and the courts.** (17-0050.)



January 11, 2018

RECEIVED

JAN 11 2018

Hon. Xavier Becerra  
 Attorney General  
 1300 I Street, 17<sup>th</sup> Floor  
 Sacramento, California 95814

INITIATIVE COORDINATOR  
 ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson  
 Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative concerning state and local government taxes and fees (A.G. File No. 17-0050, Amendment No. 1).

## BACKGROUND

### State Government

**Taxes and Fees.** The state levies various taxes to fund over 80 percent of the state budget. The remainder of the budget is funded through various fees and other charges. Examples include: (1) charges for a specific government service or product, such as a driver's license; (2) charges relating to regulatory activities; (3) charges for entering state property, such as a state park; and (4) judicial fines, penalties, and other charges.

**Vote Thresholds for Changing State Taxes and Fees.** Under the State Constitution, state tax increases require approval by two-thirds of each house of the Legislature. The Legislature needs approval by only a majority of each house in order to levy fees and other charges. Voters, on the other hand, can levy state taxes or fees via initiative by a majority vote of the statewide electorate. The Legislature can reduce or change taxes with a majority vote of each house, provided the change does not increase taxes on any taxpayer. If a bill increases a tax on any taxpayer, the bill requires a two-thirds vote of both houses of the Legislature—even if the bill results in an overall state revenue loss.

### Local Governments

**Taxes and Fees.** The largest local government tax is the property tax, followed by local sales taxes, utility taxes, hotel taxes, and other taxes. In addition to these taxes, local governments levy a variety of fees and other charges. Examples include parking meter fees, building permit fees, regulatory fees, and judicial fines and penalties.

Legislative Analyst's Office  
 California Legislature  
 Mac Taylor • Legislative Analyst  
 925 L Street, Suite 1000 • Sacramento CA 95814  
 (916) 445-4656 • FAX 324-4281

***Vote Threshold for Changing Local Taxes and Fees.*** In order to increase taxes, the State Constitution generally requires that local governments secure a two-thirds vote of their governing body—for example, a city council or county board of supervisors—as well as approval of the electorate in that local jurisdiction. “General taxes”—that is, taxes levied by cities and counties for any purpose—may be approved by a majority vote of the electorate. On the other hand, “special taxes”—that is, any taxes levied by schools or special districts or taxes levied by cities and counties for specified purposes—require a two-thirds vote of the electorate. Citizen initiatives that increase taxes must secure the same vote of the electorate—majority vote for general taxes and two-thirds vote for special taxes—as those placed on the ballot by local governing bodies.

Fee increases, on the other hand, generally may be approved by a majority vote of the local governing body and do not require voter approval. (Exceptions include certain property-related fees which require voter approval.) Citizen initiatives changing fees must be approved by a majority vote of the electorate.

## PROPOSAL

This measure amends the State Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges.

### Taxes

***Expands Definition of Tax.*** The measure amends the State Constitution to expand the definition of taxes to include some charges that state and local governments currently treat as nontax levies. As a result, the measure would increase the number of revenue proposals subject to the higher state and local vote requirements for taxes. Specifically, regulatory fees and fees charged for a government service or product would have to more closely approximate the payer’s actual costs in order to remain fees. Certain charges retained by or payable to nongovernmental entities would also be considered taxes under the measure. In addition, certain charges imposed for a benefit or privilege granted the payer but not granted to those not charged would no longer be considered fees.

***Increases Vote Thresholds for Some Local Taxes.*** The measure increases the vote thresholds for increasing some local taxes. Specifically, the measure requires that increases in local general taxes be approved by a two-thirds vote of the electorate whether sought by local governments or by citizen initiative. Any local government tax approved between January 1, 2018 and the effective date of this measure would be nullified unless it complies with the measure’s new vote threshold and other rules described below.

***Allowable Uses of Revenues Must Be Specified in Certain Cases.*** The measure requires tax measures to include a statement of how the revenues can be spent. If the revenue is to be used for general purposes, the law must state that the revenue can be used for “unrestricted general revenue purposes.” These requirements would apply to increases in state and local taxes. In the case of local government taxes, the measure requires that a statement of allowable uses be included in the ballot question presented to voters. Any change to the statement of allowable uses of revenue would have to be passed by (1) a two-thirds majority of both houses of the

Legislature in the case of state taxes, (2) a two-thirds vote of the local governing body and two-thirds vote of the electorate in the case of local government taxes, or (3) a two-thirds vote of the electorate in the case of local citizen initiative taxes.

### **Local Government Fees**

*Increases Vote Thresholds for Certain Local Government Fees.* The measure requires that increased fees and other charges be approved by either a two-thirds vote of a local governing body in the case of local government fees or a two-thirds vote of the electorate in the case of local citizen initiative fees. The measure also provides that fees and other charges levied by a local governing body may be overturned via referendum. (The measure would not change vote thresholds and rules for developer fees and property assessments imposed on parcels.)

### **Other Provisions**

*State Regulations Containing Tax or Charge Must Be Approved by Legislature.* Under the measure, state regulations containing increased taxes or fees would not take effect unless the Legislature passes a law approving the regulation. (This requirement would not apply to regulations implementing laws that were already approved by the Legislature.) If the regulation contains a tax, the bill allowing the regulation to remain in place must be passed by a two-thirds majority of both houses of the Legislature. The measure allows emergency regulations to take effect for up to 120 days without approval of the Legislature.

### **FISCAL EFFECTS**

*Reduced State Tax Revenue.* By increasing the number of revenue measures subject to a two-thirds vote of both houses of the Legislature, the measure makes it harder for the Legislature to increase certain state revenues. The amount of reduced state revenue under the measure would depend on various factors, including future court decisions that could change the number of revenue measures subject to the higher vote requirements. The fiscal effects also would depend on future decisions made by the Legislature. For example, requirements for legislative approval of regulations that increase taxes or fees could result in reduced revenue depending upon future votes of the Legislature. That reduced revenue could be particularly notable for some state programs largely funded by fees. Due to the uncertainty of these factors, we cannot estimate the amount of reduced state revenue but the fiscal effects on state government likely would be minor relative to the size of the state budget.

*Reduced Local Government Tax and Fee Revenue.* By expanding the definition of taxes and increasing vote thresholds for certain taxes and fees, the measure makes it harder for local governments and initiative proponents to increase local revenues. The amount of reduced local government revenues would also depend on various factors, including the extent to which local governments would substitute developer fees and other majority-vote revenue sources for the revenue sources subject to a higher vote threshold under the measure. Roughly half of recently enacted sales, business, hotel, and utility general tax measures would have failed if the measure's increased vote threshold requirements were in effect, suggesting that the reduction in local tax revenue could be substantial.

Hon. Xavier Becerra

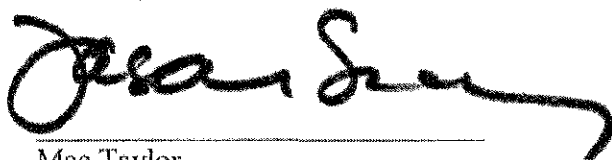
4

January 11, 2018

**Summary of Fiscal Effects**

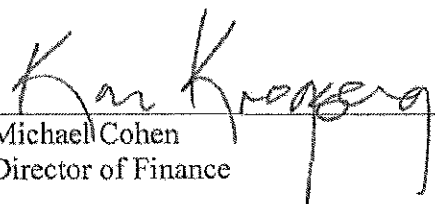
- Likely minor decrease in annual state revenues and potentially substantial decrease in annual local revenues, depending upon future actions of the Legislature, local governing bodies, voters, and the courts.

Sincerely,



Mac Taylor  
Legislative Analyst

to



Michael Cohen  
Director of Finance

17 - 0050 Amdt. #

December 22, 2017**VIA PERSONAL DELIVERY**

Hon. Xavier Becerra  
Attorney General of California  
1300 I Street, 17th Floor, P.O. Box 944255  
Sacramento, CA 95814

**RECEIVED**

DEC 22 2017

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Initiative Constitutional  
Amendment (A.G. No. 17-0050) - Amended Language

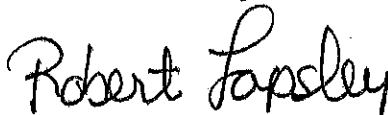
Dear Ms. Johansson:

Pursuant to Section 9002(b) of the California Elections Code, please find attached hereto amendments to the above-captioned initiative measure. I hereby request that a title and summary be prepared for the initiative measure using the amended language. My address as a registered voter, the required proponent affidavits pursuant to Sections 9001 and 9608 of the California Elections Code, and a check for \$2,000.00 were included with the original submission.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-6752).

Thank you for your assistance.

Sincerely,



Robert Lapsley, Proponent

Enclosure: Proposed Initiative Constitutional Amendment



[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

***Section 1. Title.***

This Act shall be known, and may be cited as, the Tax Fairness, Transparency and Accountability Act of 2018.

***Section 2. Findings & Declarations.***

(a) State and local governments' appetite for new revenue adds to the rapidly rising costs of living that Californians face for housing, childcare, gasoline, food, energy, healthcare, and education. Compared to 2009, state revenues from taxes and other sources are set to grow by 68 percent— \$72 billion, or the equivalent of more than an additional \$7,200 annually for a family of four. Comparable growth in local government charges such as employee pensions adds considerably more to this total. This growing burden of taxes and other charges is hurting hardworking Californians who find themselves living paycheck to paycheck, and being forced to make tough choices between paying for housing, food, or healthcare.

(b) Californians are already among the highest taxed people in the country and already pay among the highest tax rates in the nation for the state personal income tax, sales taxes, and gasoline tax. From the most recent data from the US Census Bureau, California state and local government general revenues collected in 2015 from taxes, fees, charges, and other non-utility local sources were the highest in the nation at \$419 billion, making them the 9<sup>th</sup> highest on a per capita basis at \$8,385 per person. With 12 percent of the national population, US Census Bureau data shows that Californians in 2016 paid 17 percent of all taxes collected by the states including 13 percent of all general sales taxes, 15 percent of all vehicle license fees, 16 percent of all property taxes, 22 percent of all corporation taxes, 23 percent of all personal income taxes, and 29 percent of all occupation and business license fees.

(c) Californians have tried repeatedly to force greater accountability upon government before revenues can be increased. Voter-approved ballot measures such as Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010) required state and local governments to make their case to the voters on the need for increased government revenues.

(d) Through these measures, voters also tried to keep government honest and transparent about why new revenues and charges are needed and how they will be used. For too long, politicians, state and local governments, and special interests have promised that taxpayer money will be spent for a specific purpose, only to divert its use once the money starts coming in. Revenues that were supposed to improve education instead have been diverted to general salary and benefit increases. Revenues that were promised to improve and expand government services were instead diverted to pay down debts created by past government decisions. Recent major transportation improvements have seen cost overruns more than double their original estimate. Polling by the nonpartisan Public Policy Institute of California showed 88 percent of Californians believe state government wastes a lot or some of the money we pay in taxes and charges.

(e) Contrary to the voters' intent, voter approval of government revenue increases and spending accountability measures have been weakened by the Legislature, the courts, and special interests, making it easier to raise government revenues in a myriad of ways by only a simple majority of the Legislature or with no vote by the public who is expected to pay the costs.

(f) Worse, court-created loopholes have enabled governments and their surrogates to become less transparent about how the funds taken from taxpayers are raised and spent. Loopholes have been created which are used by the Legislature, local governments and even special interest groups to: (1) pass vaguely-worded statutes allowing unelected bureaucrats to impose new fees and other charges on their own that increase the costs of goods and services in the state; (2) impose new taxes and other charges by hiding them and simply calling them by another name or even using the term "something else;" (3) shelter the revenues from voter approval by running the revenues through a nonprofit organization or another third party; and (4) encourage "divide and tax" by making it easier to raise taxes or charges on only a part of the population through simple majority votes in low turnout elections.

### ***Section 3. Statement of Purpose.***

(a) In enacting this measure, the voters reassert their right to require a two-thirds vote of the Legislature at the state level, and two-thirds of voters at the local level, for increases in state and local taxes, no matter how they are labeled nor how or by whom they are proposed. The

voters also intend that government remain accountable to the voters for how the taxes, fees, charges, and other government revenues extracted from Californians are spent.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a two-thirds vote of the Legislature to ensure that the purposes for such tax, fee, or other charge are broadly supported and transparently debated.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes, fees, charges, or other government revenues with the rapidly increasing costs Californians are already paying for housing, food, gasoline, energy, healthcare, education, and other basic costs of living.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is to force transparency and accountability on how state and local revenues are utilized, so that revenues are used for their promised purposes, and not diverted to other uses.

(e) Furthermore, the purpose and intent of the voters in enacting this measure is to require that the public be allowed to vote on any and all local taxes that were created or increased by regulation or other bureaucratic action.

(f) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, and *Schmeer v. Los Angeles County*.

**Section 4. Section 3 of Article XIII A of the California Constitution is amended, to read:**

SECTION 3.

(a) Every levy, charge, or exaction of any kind imposed, adopted, created, or established by state law is either a tax or an exempt charge.

(b) (a) Any change in state statute law which results in any taxpayer paying a higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed.

~~(c) (b)~~ As used in this section, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed, adopted, created, or established ~~by the State~~ state law that is not an exempt charge, except the following:

~~(d)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.

~~(1)~~ ~~(2)~~ A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

~~(2)~~ ~~(3)~~ A reasonable charge imposed ~~for the reasonable~~ not to exceed the actual regulatory costs to the State ~~incident to~~ for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, imposing assessments on a business by a tourism marketing district, and the administrative enforcement and adjudication thereof.

~~(3)~~ ~~(4)~~ A charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

~~(4)~~ ~~(5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or ~~the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.~~

~~(e)~~ Any tax adopted after January 1, 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

~~(e)~~ As used in this section, "state law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. Because subdivision (f) of Section 9 of Article IX of this Constitution requires that the University of California shall be entirely

independent of all political or sectarian influence, "state law" does not include acts of the Regents of the University of California.

(f)(1) A levy, charge, or exaction of any kind imposed, adopted, created, or established by state law and which is retained by or payable to a non-government entity remains subject to this section if a state law also limits in any way how the non-government entity can use the levy, charge, or exaction.

(2) The characterization of a levy, charge, or exaction of any kind imposed, adopted, created, or established by state law as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(g) No new, increased, or extended tax shall be valid or given any effect unless:

(1) The state law creating, increasing, or extending the tax contains a specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in the separate, stand-alone section required by paragraph (2).

(2) A true and impartial statement of facts explicitly and affirmatively identifying each tax and the specific limitation on how the revenue therefrom can be spent is set forth in the state law as a separate, stand-alone section containing no other information.

(3) The revenue from the tax is not used for any purpose other than those identified pursuant to this subdivision.

(h) The specific and legally binding and enforceable limitation on how the revenue from a tax can be spent shall only be changed by a state law which is adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature.

(i) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction of any kind is an exempt charge and is not a tax, that the amount is reasonable and no more than necessary to cover the reasonable actual costs of the governmental activity service or product or regulatory task, that an exempt charge is not used for any purpose other than its stated purpose, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens

on, or benefits received from, the governmental activity is proportional based on the service or product provided to the payor as described in paragraph (1) of subdivision (d), or is proportional to the costs to the State created by the payor for performing the regulatory tasks described in paragraph (2) of subdivision (d).

**Section 5. Section 3.1 is added to Article XIII A of the California Constitution, to read:**

**SECTION 3.1.**

(a) No new, increased, or extended levy, charge, or exaction of any kind that is contained in, or authorized by, a new or amended regulation shall be given any force or effect unless and until the Legislature by statute approves the levy, charge, or exaction as provided in this section.

(b) If the levy, charge, or exaction is a tax as defined in Section 3 of this article, then it must be approved by not less than two-thirds of all members elected to each of the two houses of the Legislature. If the levy, charge, or exaction is an exempt charge as defined in Section 3 of this article, then it must be approved by not less than a majority of all members elected to each of the two houses of the Legislature.

(c) The Legislature shall not vote to approve any levy, charge, or exaction of any kind subject to this section until after the regulation containing the levy, charge, or exaction is approved in its final form by the Office of Administrative Law or any alternative or successor agency. No regulation containing or authorizing a levy, charge, or exaction subject to this section shall be filed with the Secretary of State or published in the California Code of Regulations, or any alternative or successor publication, until the levy, charge, or exaction is approved by the Legislature in compliance with this section.

(d) An emergency regulation, including any readoption thereof, that contains or authorizes any new, increased, or extended levy, charge, or exaction of any kind shall not remain in effect longer than 120 days without approval of the levy, charge, or exaction by the Legislature pursuant to this section.

(e) This section shall not apply to any new, increased, or extended levy, charge, or exaction of any kind that is contained in, or authorized by, a new or amended regulation promulgated pursuant to a state tax that was adopted in compliance with Section 3.

(f) For purposes of this section, "regulation" has the same meaning as found in Section 11342.600 of the Government Code, and "emergency" has the same meaning as found in Section 11342.545 of the Government Code, as those sections read on January 1, 2017.

(g) Nothing in this section shall be interpreted as a grant of authority to tax to any executive branch agency or department.

**Section 6. Section 1 of Article XIII C of the California Constitution is amended, to read:**

SECTION 1.

Definitions. As used in this article:

(a) "Article XIII D assessment, fee, or charge" means an assessment, fee, or charge subject to Article XIII D. "General tax" means any tax imposed for general governmental purposes.

(b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or the electorate of any of the preceding entities when exercising the initiative power.

(c) "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.~~

~~(d) (e) As used in this article, "tax" means every any levy, charge, or exaction of any kind imposed, adopted, created, or established by a local government law that is not an exempt charge or Article XIII D assessment, fee, or charge, except the following:~~

~~(e) "Exempt charge" means only the following:~~

~~(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.~~

~~(1) (2) A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.~~

~~(2)~~ (3) A reasonable charge imposed for the reasonable not to exceed the actual regulatory costs to ~~the~~ a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3)~~ (4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4)~~ (5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5)~~ (6) A charge imposed as a condition of property development, or an assessment imposed upon a business by a tourism marketing district.

~~(6)~~ (7) An Article XIII D assessment, fee, or charge Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g)~~ "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(h)~~ (1) A levy, charge, or exaction of any kind imposed, adopted, created, or established by a local law and which is retained by or payable to a non-government entity remains subject to this section and Section 2 if a local law also limits in any way how the non-government entity can use the levy, charge, or exaction.

~~(2)~~ The characterization of a levy, charge, or exaction of any kind imposed, adopted, created, or established by a local law as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

~~(i)~~ The local government bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction of any kind is an exempt charge and



not a tax, that the amount is reasonable and no more than necessary to cover the reasonable actual costs of the governmental activity service or product or regulatory task, that an exempt charge is not used for any purpose other than its stated purpose, and that the manner in which those costs are allocated to a payor is proportional based on the service or product provided to the payor as described in paragraph (1) of subdivision (e), or is proportional to the costs to the local government created by the payor for performing the regulatory tasks described in paragraph (2) of subdivision (e) bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

*Section 7. Section 2 of Article XIII C of the California Constitution is amended, to read:*

SECTION 2.

Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) ~~All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.~~

(b) ~~No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.~~

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~

(a) Every levy, charge, or exaction of any kind imposed, adopted, created, or established by local law is either a tax, an exempt charge, or an Article XIII D assessment, fee, or charge.

(b) (d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall

not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(c) The governing body of a local government shall only submit a tax to the electorate of the local government by an act passed by not less than two-thirds of all members elected to the governing body. Any tax so submitted shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(d) The governing body of a local government shall not impose, extend, or increase any exempt charge unless and until the act containing the exempt charge is passed by not less than two-thirds of all members elected to the governing body. An exempt charge imposed, extended, or increased by a governing body shall be subject to referendum pursuant to the same signature requirement applicable to statewide referendum measures.

(e) No initiative in any local government may impose, extend, or increase any exempt charge unless and until the exempt charge is submitted to the electorate and approved by a two-thirds vote.

(f) No new, increased, or extended tax shall be valid or given any effect unless:

(1) The act creating, increasing, or extending the tax contains a specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from a tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in the separate, stand-alone section required by paragraph (2), and included in the ballot question presented to voters.

(2) A true and impartial statement of facts explicitly and affirmatively identifying each tax and the specific limitation on how the revenue therefrom can be spent is set forth in the act as a separate, stand-alone section containing no other information.

(3) The revenue from the tax is not used for any purpose other than those specifically identified pursuant this subdivision.

(g) A change in how the revenue from a tax can be spent shall be treated as a new tax and shall be approved in accordance with the requirements of this section.

(h) An Article XIII D assessment, fee, or charge can be extended, imposed, or created pursuant to Article XIII D.

(i) In order to preserve the right of voters to vote on all local taxes as provided for in this section, all of the following shall apply:

(1) Any imposition, increase, or extension of a local government tax that was voted on by the electorate of the local government after January 1, 2018, but prior to the effective date of this subdivision, and which does not satisfy all of the requirements of paragraph (2), shall cease to be imposed, extended, increased, or collected unless and until the tax is approved in strict compliance with all the requirements of paragraph (2).

(2)(A) The tax imposition, increase, or extension was approved by two-thirds of the local government's electorate.

(B) The act imposing, increasing, or extending the tax strictly complies with subdivision (f).

(C) The ballot question presented to voters for the tax imposition, increase, or extension strictly complies with subdivision (f).

**Section 8. Section 5 is added to Article XIII C of the California Constitution, to read:**

**SECTION 5.**

(a) This article and Section 4 of Article XIII A shall apply to all local lawmaking power, whether exercised by a governing body or by the electorate acting through the initiative power.

(b) Nothing in this article or Section 3 of Article XIII A shall be interpreted as altering the voter approval requirements for bonded indebtedness described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

**Section 9. Section 3 of Article XIII D of the California Constitution is amended, to read:**

**SECTION 3.**

Property Taxes, Assessments, Fees and Charges Limited.

(a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any ~~special~~ non-ad valorem tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

***Section 10. Liberal Construction.***

This Act shall be liberally construed in order to effectuate its purposes.

***Section 11. Conflicting Measures.***

(a)(1) In the event that this initiative measure and another initiative measure or measures relating to state or local vote requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) Notwithstanding paragraph (1), this initiative measure shall not be deemed to be in conflict with any other initiative measure that requires statewide voter approval of the creation, increase, extension, or continued imposition of any tax.

(b) If this initiative measure is approved by the voters but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

***Section 12. Severability.***

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

***Section 13. Legal Defense.***

If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

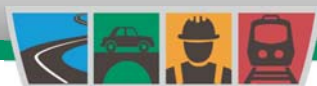
(c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

***Section 14. Effective Date.***

Notwithstanding any other provision of the California Constitution, this act shall take effect the day after its approval by the voters.

## GET THE FACTS

Prop 69 requires transportation funds be spent on priorities like fixing local roads, highways, bridges and other transportation projects.



## YES ON PROP 69

**Prop 69** will prohibit the state Legislature from borrowing or diverting these revenues for non-transportation purposes. This will ensure that all revenues from SB 1 can only be used for transportation improvement purposes.

**YES on Prop 69** will extend constitutional protections to the revenues generated by SB 1 that aren't currently

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## This is what a vote Yes on Prop 69 means for Californians

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**Will not raise taxes one cent**

Proposition 69 **protects existing taxes and fees** we are already paying. It does not raise taxes.



**Protects transportation funds and benefits every CA community**

Passing Proposition 69 **protects revenues dedicated to every city, county and transportation agency in the state** for repairing local roads and improving public transportation.

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## Promotes jobs and a stronger economy

Ensuring transportation revenues are dedicated to transportation projects will support hundreds of thousands of good paying jobs and will boost our economy by improving the transportation network that gets employees to work and goods and services to the market.

**M**  
account

GET THE FACTS  
OUR MEMBERS

NEWSROOM

JOIN OUR  
COALITION







## Safety Improvements

Repairing aging and deteriorating bridges, tunnels, and overpasses, as well as highways, freeways and local streets and roads



Paving over cracked and crumbling roads



## Filling Potholes



Adding new lanes and making repairs to remove bottlenecks that cause congestion



## Upgrading Public Transportation

Including expanding investing in light-rail, buses and other transit that reduce congestion and improve air quality

# JOIN THE COALITION:

JOIN AS AN INDIVIDUAL

JOIN AS AN ORGANIZATION

JOIN AS AN ELECTED OFFICIAL

First

Last

ZIP

**JOIN US**



**GET THE FACTS**  
**OUR MEMBERS**  
**NEWSROOM**  
**CONTACT US**



 [PRIVACY POLICY](#)

Paid for by the Coalition to Protect Local Transportation Improvements, Yes on Prop. 69, sponsored by business, labor, local governments, transportation advocates and taxpayers

Committee Major Funding from  
California Alliance for Jobs  
League of California Cities  
Funding details at [www.fppc.ca.gov](http://www.fppc.ca.gov)



## NO ON REPEAL OF SB 1

### NOVEMBER 2018 BALLOT MEASURE WOULD REPEAL SB 1 AND ROB OUR COMMUNITIES OF VITAL ROAD SAFETY AND TRANSPORTATION IMPROVEMENT PROJECTS.

Certain politicians are currently collecting signatures to try to repeal the Road Repair and Accountability Act of 2017 (SB 1) and stop critical investments in future transportation improvement projects. Our broad coalition opposes this measure because its passage would:



**Jeopardize public safety.** This measure would halt roadway improvements at the state and local level that will save lives and increase safety for the traveling public. According to the National Highway Traffic Safety Administration, poor roadways were a contributing factor in more than half of the 3,623 roadway fatalities on California roads in 2016.

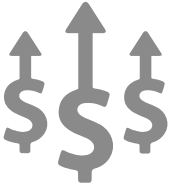


**Stop transportation improvement projects already underway in every community.** This measure would eliminate funds already flowing to every city and county to fix potholes, make safety improvements, ease traffic congestion, upgrade bridges, and

improve public transportation. 4,000 local transportation improvement projects are already underway across the state thanks to SB 1. Page 101



**Make traffic congestion worse.** Our freeways and major thoroughfares are among the most congested in the nation, and Californians spend too much time stuck in traffic away from family and work. This measure would stop projects that will reduce traffic congestion.



**Cost drivers and taxpayers more money in the long-run.** The average driver spends \$739 per year on front end alignments, body damage, shocks, tires and other repairs because of bad roads and bridges. Additionally, it costs eight times more to fix a road than to maintain it. By delaying or stopping projects, this measure will cost motorists more money in the long run.



**Hurt job creation and our economy.** Reliable transportation infrastructure is critical to get Californians to work, move goods and services to the market, and support our economy. This measure would eliminate more than 680,000 good-paying jobs and nearly \$183 billion in economic growth that will be created fixing our roads over the next decade.

# JOIN THE COALITION:

Yes, I support Proposition 69

Yes, I oppose the repeal of SB 1

First

Last

Email

ZIP

**JOIN US**



YES ON PROP 69  
NO ON REPEAL OF SB 1  
MYTHS AND FACTS  
CONTACT US



🔒 PRIVACY POLICY

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## COALITION LIST

# We Support Safer Roads and Protecting Local Transportation Improvements

We Support Prop 69 and Oppose the SB 1 Repeal

### Senior

- Congress of California Seniors

### Social Justice

- California State Conference NAACP

### Environment

- Planning and Conservation League
- TransForm

### Public Interest

- Sonoma County Alliance

### Business

- CalAsian Chamber of Commerce
- California Trucking Association
- Chamber of Commerce of the Santa Barbara Region
- East Bay Leadership Council
- Greater Merced Chamber of Commerce

### Local Government

- California State Association of Counties (CSAC)
- League of California Cities
- California Association of Councils of Governments (CALCOG)
- California Contract Cities Association
- City/County Association of Governments of San Mateo County
- City of Alameda



- Greater San Fernando Valley Chamber of Commerce
- Los Angeles Area Chamber of Commerce
- Los Angeles County Business Federation (LA BizFed)
- Orange County Business Council
- Oxnard Chamber of Commerce
- San Gabriel Valley Economic Partnership
- San Rafael Chamber of Commerce
- Santa Cruz Area Chamber of Commerce
- Santa Cruz County Business Council
- Silicon Valley Leadership Group
- South Gate Chamber of Commerce
- City of Clayton
- City of Cloverdale
- City of Delano
- City of Downey
- City of Duarte
- City of El Cerrito
- City of Fortuna
- City of Hawaiian Gardens
- City of King City
- City of Malibu
- City of Manteca
- City of Martinez
- City of Salinas
- City of San Rafael
- City of Santa Cruz
- City of Santa Monica
- City of Suisun City
- City of Union City
- City of Waterford

## Labor

- State Building & Construction Trades Council of California
- AFSCME California PEOPLE
- AFSCME District Council 36
- California Nevada Conference of Operating Engineers
- California State Council of Laborers
- Laborers International Union of North America Local 1184
- Northern California Carpenters Regional Council
- Gateway Cities Council of Governments
- Humboldt County Association of Governments
- Los Angeles County Division, League of California Cities
- Marin County Council of Mayors and Councilmembers
- Peninsula Division, League of California Cities
- San Benito County Board of Supervisors
- Sonoma County Mayors' and Councilmembers' Association
- Stanislaus Council of Governments
- Town of Yountville
- Urban Counties of California

## Infrastructure/Transportation

- California Alliance for Jobs
- Alameda Corridor – East Construction Authority (ACE)
- American Council of Engineering Companies – California
- American Society of Civil Engineers – California
- Associated General Contractors – California

## Individual Businesses

- Brosamer & Wall, Inc.
- BYD America
- Ghilotti Bros., Inc.
- Granite Construction Inc.
- HNTB Corporation

- Associated General Contractors – San Diego
- California Asphalt Pavement Association (CalAPA)
- California Construction & Industrial Materials Association (CalCIMA)
- California Nevada Cement Association
- California Transit Association
- Coastal Rail Santa Cruz
- Golden Gate Bridge, Highway and Transportation District
- Golden State Gateway Coalition
- Lake Area Planning Council
- Los Angeles County Metropolitan Transportation Authority
- Northern California Chapter, National Electrical Contractors Association (NECA)
- Placer County Transportation Planning Agency
- Santa Cruz County Regional Transportation Commission
- Sonoma County Transportation Authority
- Sonoma-Marín Area Rail Transit District (SMART)
- Southern California Contractors Association
- Southern California Partnership for Jobs
- Southwest Concrete Pavement Association
- Transportation Authority for Monterey County
- Transportation California
- United Contractors
- Knife River Construction
- MuniServices, an Avenu company
- Nossaman LLP
- Reliance Business Park
- Surfa Slick, LLC
- Teichert Construction
- Teichert Materials
- Way Sine LLC



# JOIN THE COALITION:

Yes, I support Proposition 69

Yes, I oppose the repeal of SB 1

First

Last

Email

ZIP

**JOIN US**



YES ON PROP 69  
NO ON REPEAL OF SB 1  
MYTHS AND FACTS  
CONTACT US



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## **Shared Revenue Estimates: State Revenue Allocations to Cities and Counties Local Streets and Roads Estimates: 2017-18, 2018-19 Including Highway Users Tax Account (HUTA) and Road Maintenance and Rehabilitation Account (RMRA)**

The state of California imposes per-gallon excise taxes on gasoline and diesel fuel, sales taxes on gasoline and diesel fuel and registration taxes on motor vehicles with allocations dedicated to transportation purposes. These allocations flow through the Highway Users Tax Account (HUTA), the familiar gasoline tax revenues that have been in place for decades, and the Road Maintenance and Rehabilitation Account which allocates much of the revenue from the Road Repair and Accountability Act of 2017 (SB1 Beall).

California taxes on motor vehicle fuels include the gasoline tax, diesel fuel tax, and the use fuel tax. Taxes on aircraft jet fuel are transferred to the state Aeronautics Account. Taxes on fuel used for other motor vehicles are transferred to the state Highway Users Tax Account include:

- The “gasoline tax” and “diesel fuel tax” imposed on the use of vehicle fuels at the rate of 13 cent per gallon for diesel fuel and 18 cent per gallon for gasoline, which includes the 9 cent per gallon rate added by Proposition 111 (1994).
- The “use fuel tax” is imposed on vendors and users of motor vehicle fuels that are not taxed under either the gasoline or diesel fuel tax, such as liquefied petroleum gas, ethanol, methanol and natural gas (both liquid and gaseous) for use on state highways. Use Fuel Tax rates vary depending on the type of fuel.
- Variable rate per gallon gasoline diesel fuel excise taxes imposed in 2010-11 in a complicated arrangement known as the “fuel tax swap.” The fuel tax swap replaced the previous Proposition 42 sales tax on gasoline.

Other transportation taxes are allocated to cities and counties through the Road Maintenance and Rehabilitation Account (RMRA) which allocates revenue from the Road Repair and Accountability Act of 2017 (SB1 Beall) to local streets and roads and other transportation uses. Revenue allocated through the RMRA includes:

- An additional 12 cent per gallon increase to the gasoline excise tax effective November 1, 2017.
- An additional 20 cent per gallon increase to the diesel fuel excise tax effective November 1, 2017 with half of the revenues going to the state Trade Corridor Enhancement Account (TCEA) and half to the RMRA.
- An additional vehicle registration tax called the “Transportation Improvement Fee” with rates based on the value of the motor vehicle effective January 1, 2018.
- An additional \$100 vehicle registration tax on zero emissions vehicles of model year 2020 or later effective July 1, 2020.

The Road Repair and Accountability Act of 2017 (SB1 Beall) also adopted annual inflationary adjustments to all per-gallon motor vehicle fuel excise taxes including the rates allocated through the Highway Users Tax Account (HUTA).

# Highway Users Tax Account (HUTA)

## Revenue Allocations – Streets & Highways Code Sec 2103-2108 “HUTA”

Cities and counties receive revenue from the motor vehicle fuel taxes imposed pursuant to Revenue and Taxation Code Section 7360(a) and (b) through the Highway User Tax Account under the following formulas outlined in the Streets and Highways code and illustrated in Figure 1.

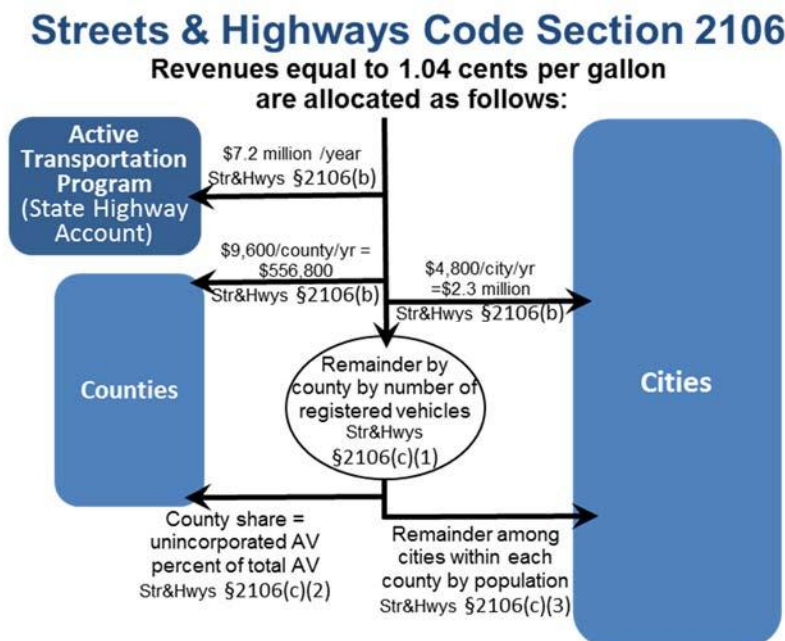
**Section 2104.** Section 2104 allocates funds to counties with designated allotments for engineering and administration, snow removal, heavy rainfall / storm damage as well as county streets, roads and public mass transit guideways and facilities.

**Section 2105.** Section 2105(a) allocates 11.5 percent of the tax revenues in excess of 9 cents per gallon (i.e. the Proposition 111 rate) monthly among counties based on population.

Section 2105(b) allocates 11.5 percent of the tax revenues in excess of 9 cents per gallon (i.e. the Proposition 111 rate) monthly among cities based on population.

**Section 2106.** Revenues equal to 1.04 cents per gallon are allocated as follows:

- a. \$7.2 million per year to the State Bicycle Transportation Account.
- b. \$400 per month to each city (about \$2.3 million per year)
- c. \$800 per month to each county (\$556,800 per year)
- d. The residual amount to each county and the cities in that county based on registered vehicles. In each county, from this amount, the county receives an allotment based on the share of assessed value of the county which is in the unincorporated area. The remainder is allocated to the cities within the county based on population.



**Section 2107.** This section provides monthly allocations to cities of 1.315 cents per gallon of gasoline, 1.8 cents per gallon of diesel, and 2.59 cents per liquefied petroleum gas (LPG), as follows.

- a. Each city with snow removal costs in excess of \$5,000 is allocated 50 percent of the cost exceeding \$5,000.
- b. The remainder is allocated to cities based on population.

**Section 2107.5.** These funds (about \$2.6 million per year) are allocated to cities annually in July based on population as follows:

<b>Streets &amp; Highway Code §2107.5</b>	
<b>City Population</b>	<b>Annual Allocation</b>
over 500,000	\$ 20,000
100,000 to 500,000	\$ 10,000
50,000 to 99,999	\$ 7,500
25,000 to 49,999	\$ 6,000
20,000 to 24,999	\$ 5,000
15,000 to 19,999	\$ 4,000
10,000 to 14,999	\$ 3,000
5,000 to 9,999	\$ 2,000
less than 5,000	\$ 1,000

Section 2107.5 funds must be used for engineering costs and administrative expenses related to city streets. Cities with populations under 10,000 may also expend the moneys for street construction or acquisition of street rights-of-way.

## Section 2103 HUTA and the 2010 Gasoline Sales Tax – Excise Tax Swap

In March 2010 as a part of a special budget session called by Governor Schwarzenegger, the Legislature enacted a swap of state sales taxes on gasoline for a gasoline excise tax. Intended to be “revenue neutral,” the fuel tax swap provided the Legislature with greater flexibility in the use of funds, in particular relieving the general fund from the cost of state transportation debt service payments. The fuel tax swap:

1. Repealed the state sales tax on gasoline (local rates including the Bradley Burns are NOT affected);
2. Increased the excise tax on gasoline by 17.322 cents and added an annual adjustment mechanism intended to ensure the new excise tax provides, over time, the same amount of revenues expected from the sales tax on gas (no more, no less);
3. Increased the sales tax on diesel by 1.75 percent and allocates 75 percent to local transit agencies and 25 percent to state transit programs. The excise tax on diesel is reduced from 18 cents to 13.6 cents. Sales tax revenues from diesel must go to transit funding.
4. Provided for a specific allocation of the funds among state and local transportation needs.

Revenues from the new Section 2103 excise tax rate are now allocated as follows:

1. State transportation debt service;
2. Remainder allocated:
  - a. 44% to the State Transportation Improvement Program (STIP);
  - b. 12% State Highway Operation and Protection Program (SHOPP);
  - c. 44% evenly split between cities and counties using current HUTA formulas.

Section 2103 funds are allocated to cities on a per capita basis and to counties 75% based on the proportion of registered vehicles and 25% based on the proportion of maintained county road miles.

The law includes expressed legislative intent to fully replace the local streets and road funds cities and counties would have received under Proposition 42 state sales tax on gasoline with allocations from the new higher motor vehicle excise tax (HUTA) rate.

However, the swap created certain revenue effects related to the timing and receipt of revenues. In particular, the law provides that the new excise tax rate be adjusted annually by the BOE to garner an amount of revenues equal to what Prop42 would have provided in the prior year. Thus, the annual Sec 2103 funds are always “looking backward.” If the Section 2103 amounts generate less than Prop42 would have, the difference will not be made up until the following year.

In the years following the swap, there have been a number of snafus and changes in interpretation of the Section 2103 allocation. In FY2011-12 SCO allocated more money to cities and counties and did not fully backfill state transportation programs for weight fees that were used for debt service and loans that those funds would have otherwise received. This was contrary to the Legislature’s intention, but the statute was not clear. The statute was clarified in the 2013 budget to clarify the original intent of the weight fee swap to fully backfill state transportation funds. [Streets & Highways Code 2103 (a)(1)(D)].

In February of 2018, the Board of Equalization will again make an adjustment to the variable fuel tax rate effective the following July 1. ***The agency by agency estimates in this report are based on statewide estimates which take into account this rate change.*** This will be the last BOE adjustment to this rate which, per a provision of SB1, will go to 17.3 cents per gallon and be adjusted annually for inflation thereafter.

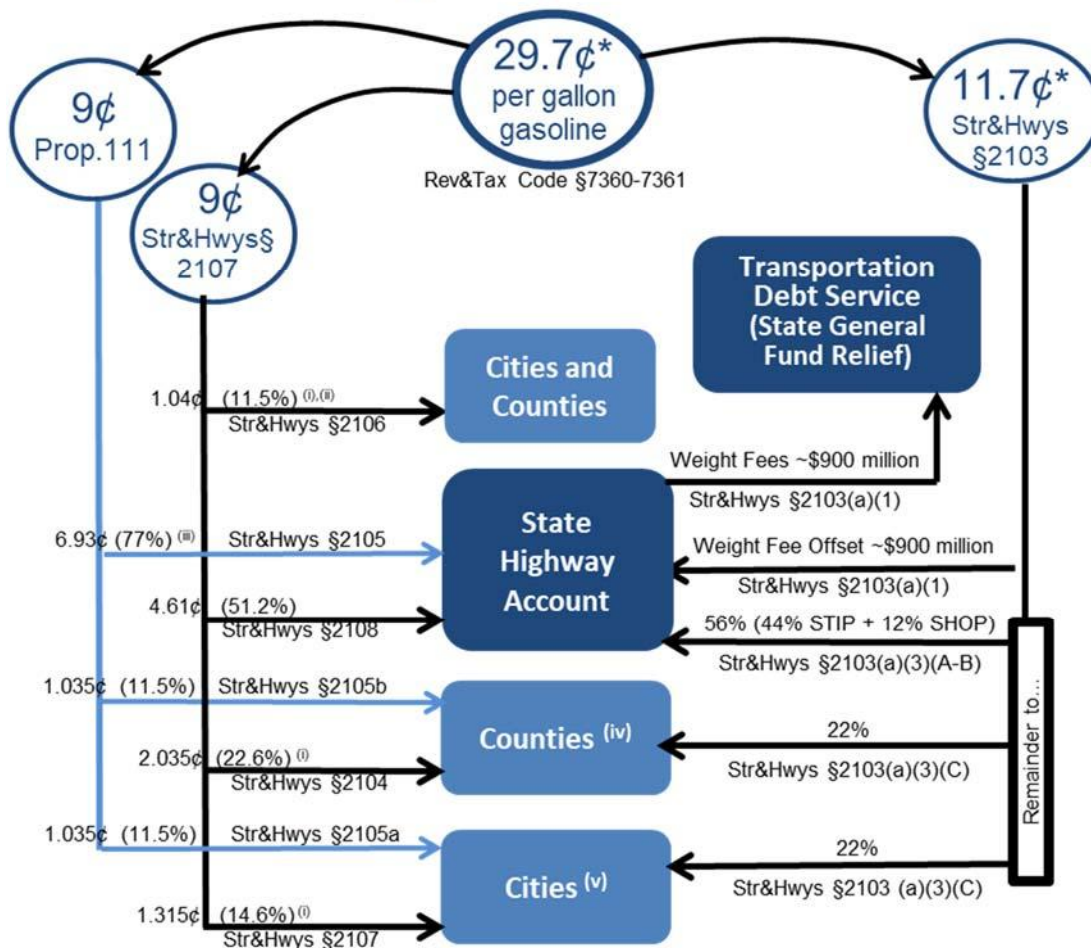
This 2017 increase will only slightly mitigate the dramatic negative trend of fuel tax revenues allocated to cities, counties and the State Highway Account. The Section 2103 Local Streets and Roads allocation to cities and counties has declined from \$864 million in 2013-14 to \$693 million in 2014-15 to \$332 million in FY2015-16 and an estimated \$156 million in FY2016-17. The administration projects it to recover slightly to \$262.4 million in 2017-18.

<b>Price-Based (Fuel Tax Swap) Rates</b>		
<b>Effective Date</b>	<b>Variable Rate</b>	<b>Total Rate / Gallon</b>
July 1, 2010	\$0.173	\$0.353
July 1, 2011	\$0.177	\$0.357
July 1, 2012	\$0.180	\$0.360
July 1, 2013	\$0.215	\$0.395
July 1, 2014	\$0.180	\$0.360
July 1, 2015	\$0.120	\$0.300
July 1, 2016	\$0.098	\$0.278
July 1, 2017	\$0.117	\$0.297
July 1, 2018	?	?
July 1, 2019	\$0.173	\$0.353 <sup>1</sup>

<sup>1</sup> Per SB1 (Beall) The Road Repair and Accountability Act of 2017, the variable rate will be reset at 17.3 cents per gallon on July 1, 2019 and will subsequently be adjusted annually for inflation. The complicated and problematic annual rate adjustment procedure under the fuel tax swap will end.



## Allocation of Highway User Tax Revenues



\*This is the current rate through June 30, 2018. In February 2018, the BOE will announce a rate adjustment effective July 1, 2018. Effective July 1, 2019 the §2103 rate is reset to 17.3 cents per gallon and adjusted annually for inflation thereafter. For current rates see [https://www.boe.ca.gov/sptaxprog/tax\\_rates\\_stfd.htm](https://www.boe.ca.gov/sptaxprog/tax_rates_stfd.htm)

(i) The 4.39¢ local share of diesel fuel tax is allocated 1.8¢ to counties and 2.59¢ to cities.

(ii) Str&Hwy Code §2106 funds are distributed based on registered vehicles, assessed property valuation, and population.

(iii) A portion of funds in State Highway Account is allocated among counties and cities for Regional Transportation Improvement Programs.

(iv) County apportionments are based on numbers of registered vehicles and county road mileage.

### Changes to HUTA Allocated Rates, Including the Variable Rate by the Road Repair and Accountability Act of 2017 (SB1 Beall)

In addition to increasing various fuel and motor vehicle registration taxes, the Road Repair and Accountability Act of 2017 (SB1 Beall) will reset the price-based gasoline excise tax to its 2010 year original 17.3 cent per gallon rate on July 1, 2019 and eliminate henceforth the complicated and problematic price-based rate adjustment

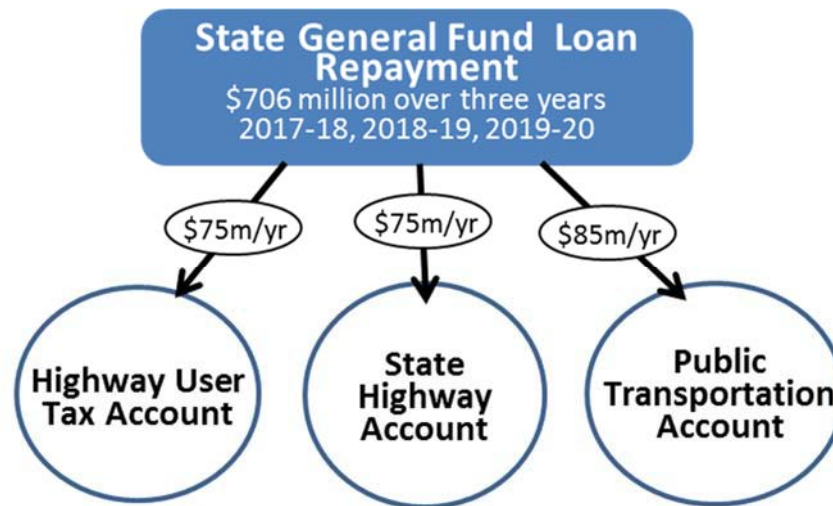
procedure implemented annually by the Board of Equalization (BOE). ***There will be one more price-based rate adjustment by the BOE to the rate effective July 1, 2018 for the FY2018-19 year.***

With regard to diesel fuel taxes, SB1 eliminated upon its enactment the price-based adjustment mechanism applied to the diesel fuel tax rate. The diesel fuel tax rate will remain at its current 16 cents per gallon until July 1, 2020.

On July 1, 2020, and every July 1 thereafter, the gasoline and diesel fuel excise tax rates including the 18 cent per gallon base rate, the 17.3 percent per gallon rate, the diesel fuel excise tax rate and vehicle registration taxes will be increased by the change in the California Consumer Price Index.

### Three Year State General Fund Loan Repayment Funds

SB1 stipulates the repayment of \$706 million by the state General Fund to transportation funds over three fiscal years: 2017-18, 2018-19, and 2019-20. The Governor and Legislature have been repaying transportation funds for previous borrowings for several years. Thus far the repayments have gone to other transportation programs that were owed. Under SB1, \$75 million will be allocated to local streets and roads from these loan repayments in each of these three years. These funds will be allocated half to cities and half to counties with the city funds allocated among cities on a per capita basis, the county funds allocated among counties based on numbers of registered vehicles and county road mileage. These revenues should be treated as HUTA.<sup>2</sup>



### Use of Funds: HUTA

The use of local Motor Vehicle Fuel Tax funds is restricted by Article XIX of the California State Constitution and by Streets and Highways Code Section 2101. All Motor Vehicle Fuel Tax funds allocated from the Highway Users Tax Account must be expended for the following:

- (a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

<sup>2</sup> Note that the “loan repayment” is between the state general fund and state transportation funds. From an accounting standpoint this is NOT a debt repayment to local agencies, it is simply revenue.

(b) The research and planning for exclusive public mass transit guideways (and their related fixed facilities), the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(c) The construction and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways.

(d) The payment of principal and interest on voter-approved bonds issued for the purposes specified above.

## Road Maintenance and Rehabilitation Account (RMRA)

### Revenue Allocations – Streets & Highways Code Sec 2031 “RMRA”

The Road Repair and Accountability Act of 2017 (SB1 Beall) is a significant new investment in California’s transportation systems of about \$5.2 billion per year. The Act increases per gallon fuel excise taxes, diesel fuel sales taxes and vehicle registration taxes, stabilizes the problematic price-based fuel tax rates and provides for inflationary adjustments to rates in future years. The Act will more than double local streets and road funds allocated through the Highway Users Tax Account, allocating funds from new taxes through a new “Road Maintenance and Rehabilitation Account (RMRA).

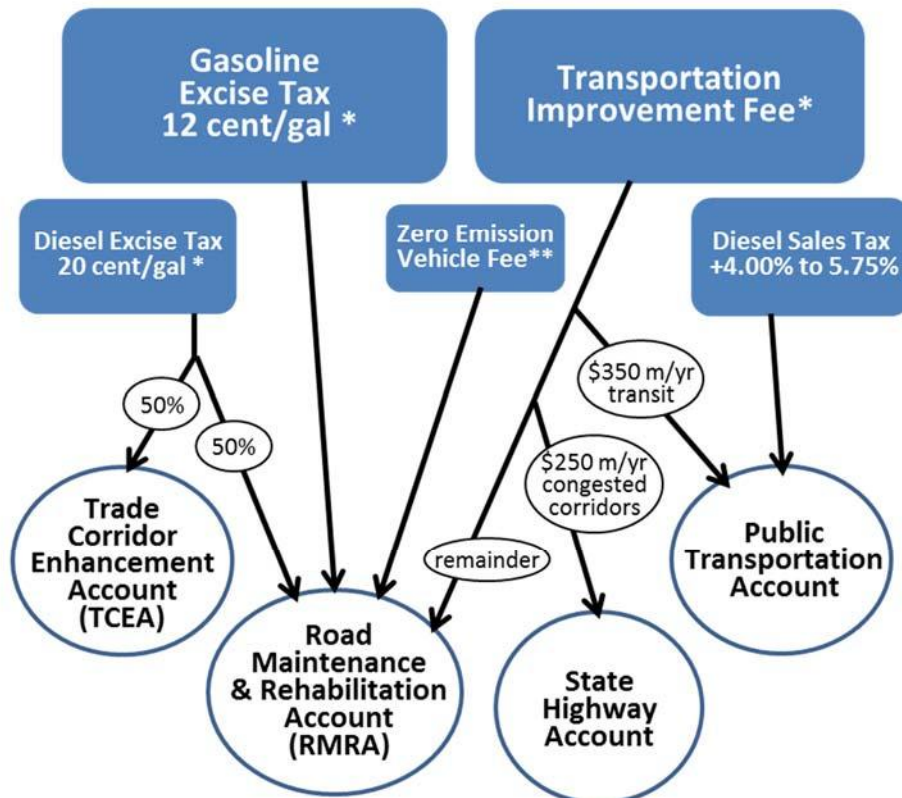
The RMRA receives funds<sup>3</sup> from the following new taxes imposed under the Road Repair and Accountability Act of 2017:

- A 12 cent per gallon increase to the gasoline excise tax effective November 1, 2017.
- A 20 cent per gallon increase to the diesel fuel excise tax effective November 1, 2017, half of which will be allocated to Trade Corridors Enhancement Account (TCEA) with the remaining half to the RMRA.
- A new vehicle registration tax called the “transportation improvement fee,” effective January 1, 2018, based on the market value of the vehicle.
- An additional new \$100 vehicle registration tax on zero emission vehicles model year 2020 and later effective July 1, 2020.
- Annual rate increases to these taxes beginning July 1, 2020 (July 1, 2021 for the ZEV fee), and every July 1 thereafter for the change in the California Consumer Price Index. The first adjustment to be made on July 1, 2020 will cover CPI change for two years: November 1, 2017 through November 12, 2019.

Transportation Improvement Fee	
(Vehicle Registration Tax)	
SB1 (2017) Rev&Tax §11050	
Vehicle Value	Fee
Under \$5,000.....	\$25
\$5,000-\$24,999.....	\$50
\$25,000-\$34,999.....	\$100
\$35,000-\$59,999.....	\$150
\$60,000 and over.....	\$175

<sup>3</sup> In addition, funds from a 4 percent increase in the diesel sales tax to 5.75 percent from the prior 1.75 percent effective November 1, 2017 are allocated to the Public Transportation Account.

## Road Maintenance and Rehabilitation Account Revenues



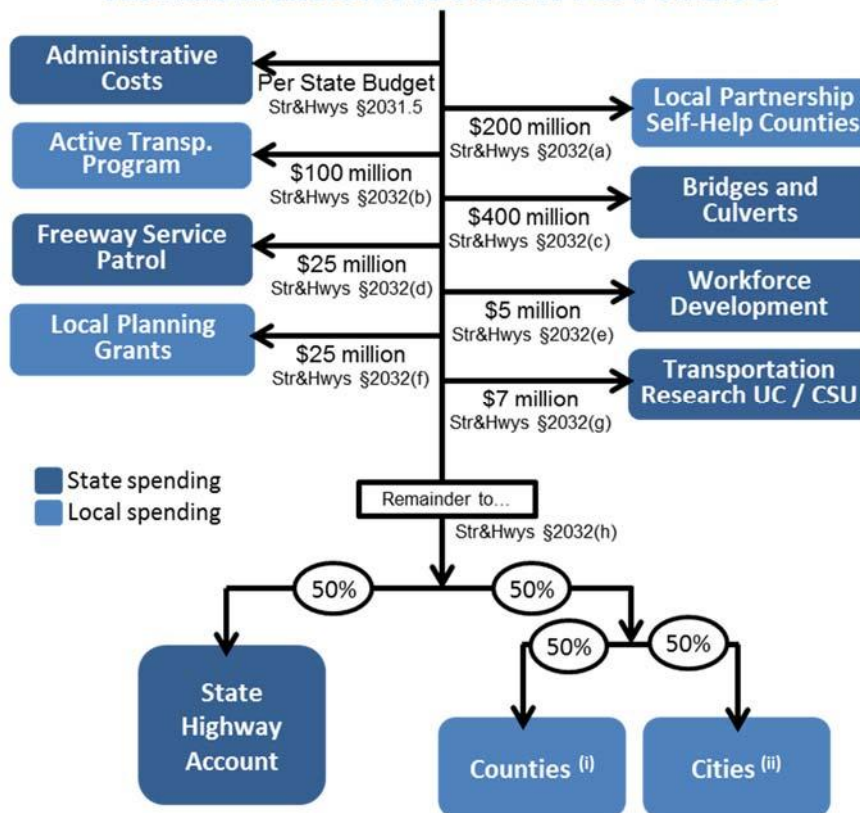
\* adjusted for inflation annually beginning 7/1/2020

\*\* effective 7/1/2020 adjusted for inflation annually beginning 7/1/2021

The Road Repair and Accountability Act directs the State Controller to allocate, on a monthly basis, fifty percent of the revenues in the RMRA to the State Highway Operation and Protection Program (SHOP) in the State Highway Account and half to cities and counties. But there are a series of specific program allocations, subject to appropriation in the annual state budget, to be taken out first:

1. Administrative costs.
2. \$200 million for the State-Local-Partnership Program for existing and aspiring self-help jurisdictions.
3. \$100 million annually for the Active Transportation Program for the purpose of encouraging increased use of active modes of transportation, such as biking and walking.
4. \$400 million for state bridge and culvert maintenance and rehabilitation.
5. \$25 million for the state's Freeway Service Patrol program.
6. \$5 million for five years through FY 2021-22 for pre-apprenticeship training programs of the California Workforce Development Board.
7. \$25 million for local planning grants to encourage local and regional planning.
8. \$7 million for transportation research and transportation-related workforce education, training, and development including \$5 million to the University of California and \$2 million to the California State University.

## Allocation of Road Maintenance and Rehabilitation Account Revenues



(i) County apportionments are based on numbers of registered vehicles and county road mileage.  
(ii) City apportionments are based on population.

### Use of Funds: RMRA [Streets and Highways Code Section 2030]

The use of RMRA local streets and roads funds is similar but, not identical, to HUTA use rules. Pursuant to Streets and Highways Code Section 2030, RMRA local streets and roads allocations must be used for projects “that include, but are not limited to,” the following

- Road maintenance and rehabilitation
- Safety projects
- Railroad grade separations
- Traffic control devices
- Complete street components, “including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and storm-water capture projects in conjunction with any other allowable project.”

RMRA funds may also be used to satisfy a match requirement in order to obtain state or federal funds for eligible projects.

SB1 also contains non-obligatory intent language regarding the use of funds. “To the extent possible and cost effective,” cities and counties are to use a use:

- advanced recycling techniques that reduce greenhouse gas emissions;
- automotive technologies, ZEV fueling, infrastructure-to-vehicle;
- communications autonomous vehicle systems;
- resiliency re climate change, fires, floods, sea level rise; and
- complete street elements, access for bicycles, pedestrians.

If a city or county has an average Pavement Condition Index that meets or exceeds 80, the city or county may spend its RMRA funds on transportation priorities other than these. [Streets and Highways Code Sec 2037]

### **Maintenance of Effort: RMRA** [Streets and Highways Code Sec 2036]

The Road Repair and Accountability Act contains a local agency maintenance of effort (MOE) requirement that applies to funds allocated through the RMRA. The Act states that the MOE requirement is to ensure that these new roads funds do not supplant existing levels of city and county general revenue spending on streets and roads. The MOE for the receipt of RMRA funds state that a city or county must maintain general fund spending for street, road, and highway purposes at no less than average of 2009–10, 2010–11, and 2011–12 years. In making this calculation an agency may exclude one-time funds. A city or county that fails to comply in a particular year may make it up with in additional expenditures in the following year.

The Act provides that the State Controller may perform audits to ensure compliance with these MOE rules. If the State Controller determines that a city or county has not met it's MOE, the agency will be required to reimburse the state for the funds it received during that fiscal year. However, a city or county that fails to comply in a particular fiscal year may expend during that fiscal year and the following fiscal year a total amount that is sufficient to comply. Any funds withheld or returned as a result of a failure to comply will be reapportioned to the other counties and cities whose expenditures are in compliance.

For further guidance, see the State Controller's *"Guidelines Relating to Gas Tax Expenditures for Cities and Counties."*

### **Spending Plans and Reports: RMRA** [Streets and Highways Code Sec 2034]

The Road Repair and Accountability Act stipulates that, prior to receiving RMRA funds in a fiscal year, a city or county must submit to the California Transportation Commission (CTC) a project list pursuant to an adopted budget. The list must include for each project: description, location, schedule, useful life. [Streets and Highways Code Sec 2034(a)]

The Road Repair and Accountability Act also requires that a city or county submit to the CTC an annual report of project completion in order to receive RMRA funds. The report must include descriptions of all projects for which RMRA funds were expended including: description, location, funds expended, completion date, estimated useful life of the project.

There are no additional use or reporting requirements on Highway Users Tax Account funds (Streets and Highways Code Sec 2103-2107) or on the three year transportation loan repayment funds.

## Local Streets and Roads (HUTA and RMRA) Revenue Estimates for FY2016-17, Projections for FY2017-18 and FY2018-19

City by city and county by county estimates were generated using a model reflecting the local allocation formulas, latest population figures used by the State Controller for allocations and state Department of Finance (DOF) estimates of statewide HUTA and RMRA tax revenues provided in the Governor's 2017-18 budget proposal and in analyses of SB1(Beall), The Road Repair and Accountability Act of 2017.

### HUTA

The Streets and Highways Code Section 2104-2107 allocations are based on the base 18 cent per gallon rate that does not change. As a result, those allocations are more stable, although they are now declining with fuel efficiency and increasing use of alternative transportation fuels. Statewide fuel consumption (gallons) has been relatively flat in recent years. The latest estimates by the State Department of Finance (January 2018) indicate that FY2017-18 allocations to cities and counties from the Section 2104-2107 base HUTA will increase about 2.0 percent over FY2016-17 actuals. FY2018-19 allocations of Section 2104-2107 base HUTA are projected to *decline* by about 0.5 percent.

Revenue from the price-based rate allocated pursuant to Streets and Highways Code Section 2103 are affected by the complex fuel tax swap adjustment procedure which has caused wide swings. These allocations have trended downward, even in excess of expectations through FY2016-17, but are now forecast to increase in FY2017-18 and FY2018-19. The significant downturns in revenue for many years into FY2016-17 were largely due to falling gasoline prices and consumption as well as "true ups" under the fuel tax swap system. The State Department of Finance estimates that Section 2103 HUTA allocations will increase dramatically from a low in FY2016-17, increasing by about 50.0 percent in FY2017-18 over the prior year and in FY2018-19 by 93 percent over the prior year. **Total FY2018-19 city and county HUTA allocations are projected to increase 16.8 percent** from the FY2017-18 current year.

In combination, the new estimated city and county HUTA allocations for FY2017-18 are 4.0 percent lower than estimated in the adopted FY2017-18 budget which reflect the estimated released with the 2017 May Revision and the last update of this report in May 2017.

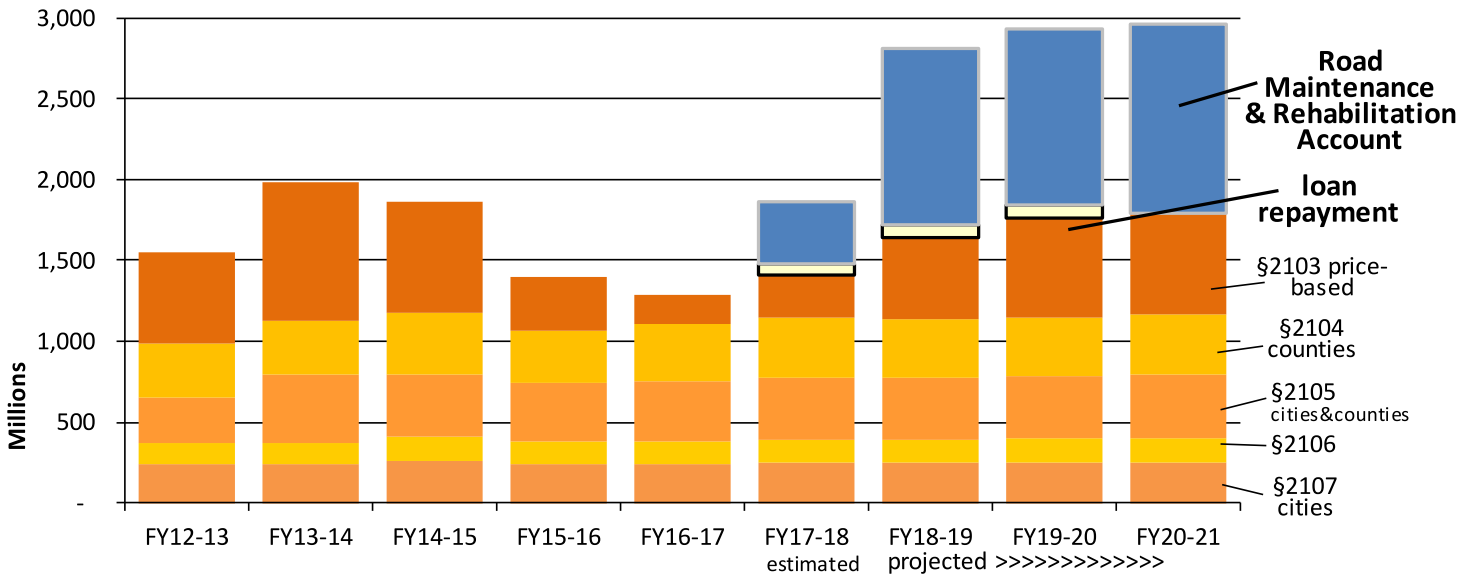
### RMRA

The new Road Repair and Accountability Act taxes that will provide funding to cities and counties through the Revenues to the Road Maintenance and Rehabilitation Account (RMRA) began on November 1, 2017 when the new per-gallon fuel excise taxes took effect. On January 1, 2018, the new vehicle registration tax, the "Transportation Improvement Fee," took effect. So recipients of the new SB1 funds, including cities and counties, will not see a full year of funding from these new taxes until FY2018-19. The zero emission vehicle registration tax begins on July 1, 2020.

The attached revenue estimates take into account a partial year of RMRA funding in FY2017-18 and a full year in FY2018-19. The estimates, released with the Governor's Proposed 2018-19 Budget, take into account the various allocations of RMRA revenues to administrative costs and specified programs prior to disbursement to city and county local streets and roads.

In addition to the new RMRA funds from the Road Repair and Accountability Act, the tables also show a column for the estimated amount each city or county will receive from the general fund loan repayment in FY2017-18 and FY2018-19.

**California Local Streets and Roads Program - State Funds to Cities and Counties**



mjgc

**ATTACHMENTS:**

- A) Local Streets and Roads - Projected Individual City Revenues – FY2017-18
- B) Local Streets and Roads - Projected Individual City Revenues – FY2018-19
- C) Local Streets and Roads - Projected Individual City Revenues – FY2019-20\*
- D) Local Streets and Roads - Projected Individual County Revenues – FY2017-18
- E) Local Streets and Roads - Projected Individual County Revenues – FY2018-19
- F) Local Streets and Roads - Projected Individual County Revenues – FY2019-20\*

*\*coming soon.*



# Local Streets and Roads - Projected FY2017-18 Revenues

Based on State Dept of Finance statewide revenue projections as of January 11, 2018  
 Estimated 11 Jan 2018

new SBI

new SBI

	Highway Users Tax Acct (HUTA) (1) Streets & Highways Code				Loan Repayment (6)	TOTAL HUTA	Road Maintnc Rehab Acct(7)	TOTAL
	Sec2103 (5)	Sec2105 (3)	Sec2106 (3)	Sec2107 (3)				
<b>SAN MATEO COUNTY</b>								
ATHERTON	28,463	41,409	33,435	51,059	2,000	164,492	40,766	205,259
BELMONT	109,878	159,856	115,343	197,106	6,000	619,552	157,374	776,926
BRISBANE	18,803	27,355	23,717	33,730	1,000	109,972	26,930	136,903
BURLINGAME	120,048	174,651	125,574	215,349	6,000	675,896	171,940	847,835
COLMA	5,997	8,724	10,833	10,757	1,000	39,024	8,589	47,613
DALY CITY	435,175	633,115	442,609	780,645	10,000	2,425,783	623,285	3,049,067
EAST PALO ALTO	120,812	175,764	126,343	216,721	6,000	680,131	173,035	853,166
FOSTER CITY	132,300	192,477	137,901	237,328	6,000	743,777	189,489	933,266
HALF MOON BAY	50,137	72,941	55,240	89,938	3,000	285,570	71,809	357,379
HILLSBOROUGH	46,800	68,087	51,883	83,952	3,000	267,083	67,030	334,113
MENLO PARK	142,036	206,641	147,696	254,793	6,000	797,717	203,433	1,001,149
MILLBRAE	92,254	134,215	97,612	165,491	5,000	520,910	132,132	653,041
PACIFICA	151,808	220,858	157,526	272,322	6,000	851,854	217,428	1,069,283
PORTOLA VALLEY	18,743	27,268	23,656	33,622	1,000	109,641	26,845	136,486
REDWOOD CITY	340,858	495,898	347,721	611,454	7,500	1,900,745	488,199	2,388,944
SAN BRUNO	180,362	262,400	186,254	323,545	6,000	1,010,054	258,326	1,268,380
SAN CARLOS	116,715	169,803	122,221	209,370	6,000	657,431	167,166	824,597
SAN MATEO	411,836	599,161	419,129	738,779	10,000	2,296,483	589,858	2,886,341
SOUTH SAN FRANCISCO	260,622	379,167	267,000	467,521	7,500	1,456,216	373,280	1,829,495
WOODSIDE	22,562	32,824	27,498	40,473	2,000	131,798	32,314	164,112
<b>SANTA BARBARA COUNTY</b>								
BUELLTON	20,423	29,713	19,609	36,637	2,000	114,213	29,252	143,465
CARPINTERIA	55,520	80,774	45,059	99,596	3,000	299,799	79,520	379,319
GOLETA	126,467	183,990	96,504	226,864	6,000	675,930	181,133	857,063
GUADALUPE	29,522	42,950	26,207	52,959	2,000	162,067	42,283	204,350
LOMPOC	175,373	255,141	131,966	314,595	6,000	933,144	251,180	1,184,324
SANTA BARBARA	370,572	539,127	273,509	664,755	7,500	1,961,259	530,756	2,492,015
SANTA MARIA	423,201	615,695	311,672	759,165	10,000	2,240,555	606,135	2,846,690
SOLVANG	22,271	32,401	20,949	39,951	2,000	123,931	31,898	155,829

ATTACHMENT D

## Local Streets and Roads - Projected FY2017-18 Revenues

Based on State Dept of Finance statewide revenue projections as of January 11, 2018

Estimated 11 Jan 2018

	Highway Users Tax Acct <sup>(1)</sup>		Streets & Highways Code		new SB1 Loan Repayment <sup>(3)</sup>	TOTAL HUTA	new SB1 Road Maintnc Rehab Acct <sup>(4)</sup>	TOTAL Annual
	Sec2103 <sup>(2)</sup>	Sec2104	Sec2105	Sec2106				
ALAMEDA COUNTY	4,055,403	13,858,827	6,276,692	390,896	1,157,800	25,739,618	5,808,405	31,548,023
ALPINE COUNTY	76,719	288,012	136,860	22,696	21,903	546,190	109,882	656,072
AMADOR COUNTY	373,862	664,896	500,575	188,069	106,736	1,834,138	535,469	2,369,607
BUTTE COUNTY	1,322,406	2,506,001	1,770,610	415,686	377,541	6,392,244	1,894,034	8,286,278
CALAVERAS COUNTY	568,333	916,139	760,959	310,781	162,257	2,718,469	814,003	3,532,472
COLUSA COUNTY	445,865	610,392	596,982	109,063	127,292	1,889,594	638,596	2,528,190
CONTRA COSTA COUNTY	3,386,265	11,121,150	5,291,004	890,805	966,764	21,655,988	4,850,024	26,506,012
DEL NORTE COUNTY	230,114	311,718	308,106	106,091	65,696	1,021,725	329,583	1,351,308
EL DORADO COUNTY	1,199,693	3,451,336	1,872,531	799,797	342,507	7,665,864	1,718,276	9,384,140
FRESNO COUNTY	4,092,526	8,746,107	5,479,608	78,378	1,168,398	19,565,017	5,861,574	25,426,591
GLENN COUNTY	541,923	735,668	725,597	130,975	154,717	2,288,880	776,176	3,065,056
HUMBOLDT COUNTY	1,051,361	1,693,829	1,407,700	399,053	300,159	4,852,102	1,505,826	6,357,928
IMPERIAL COUNTY	1,858,051	2,327,107	2,487,802	379,046	530,466	7,582,472	2,661,219	10,243,691
INYO COUNTY	653,197	968,746	874,585	115,980	186,485	2,798,993	535,549	3,734,542
KERN COUNTY	3,826,182	8,003,461	5,122,993	1,811,487	1,092,359	19,856,482	5,480,100	25,336,582
KINGS COUNTY	805,643	1,222,507	1,078,700	199,041	230,007	3,535,898	1,153,892	4,689,790
LAKE COUNTY	564,561	949,784	755,908	314,810	161,180	2,746,243	808,600	3,554,843
LASSEN COUNTY	549,962	944,391	736,361	122,738	157,012	2,510,464	787,691	3,298,155
LOS ANGELES COUNTY	24,591,450	83,560,988	37,895,854	2,472,457	7,020,753	155,541,502	35,221,432	190,762,934
MADERA COUNTY	1,167,905	1,520,096	1,563,743	442,488	333,432	5,027,664	1,672,747	6,700,411
MARIN COUNTY	917,504	2,598,019	1,274,643	295,752	261,943	5,347,861	1,314,107	6,661,968
MARIPOSA COUNTY	363,638	593,690	486,887	129,956	103,817	1,677,988	520,826	2,198,814
MENDOCINO COUNTY	845,319	1,285,904	1,131,823	389,799	241,335	3,894,180	1,210,719	5,104,899
MERCED COUNTY	1,544,423	2,421,704	2,067,875	531,354	440,926	7,006,282	2,212,020	9,218,302
MODOC COUNTY	534,311	867,157	715,405	60,367	152,543	2,329,783	765,274	3,095,057
MONO COUNTY	395,429	794,615	529,452	30,230	112,893	1,862,619	566,358	2,428,977
MONTEREY COUNTY	1,746,940	4,115,062	2,339,032	828,532	498,744	9,528,310	2,502,078	12,030,388
NAPA COUNTY	646,407	1,558,426	865,494	316,895	184,546	3,571,768	925,825	4,497,593
NEVADA COUNTY	659,607	1,658,089	883,168	308,298	188,315	3,697,477	944,731	4,642,208
ORANGE COUNTY	8,359,650	29,696,638	13,355,950	624,842	2,386,644	54,423,724	11,973,220	66,396,944
PLACER COUNTY	1,747,883	5,619,896	2,818,246	778,256	499,013	11,463,294	2,503,429	13,966,723
PLUMAS COUNTY	437,762	1,082,324	586,133	146,458	124,979	2,377,656	626,990	3,004,646
RIVERSIDE COUNTY	6,837,460	20,864,045	9,748,779	1,268,218	1,952,065	40,670,567	9,793,042	50,463,609
SACRAMENTO COUNTY	4,975,498	14,028,320	7,093,147	2,074,968	1,420,483	29,592,416	7,126,223	36,718,639
SAN BENITO COUNTY	415,310	702,594	556,071	151,935	118,569	1,944,479	594,833	2,539,312
SAN BERNARDINO COUNT	6,578,754	20,155,397	9,409,943	1,207,621	1,878,206	39,229,921	9,422,508	48,652,429
SAN DIEGO COUNTY	9,446,554	30,763,293	14,326,453	1,761,482	2,696,950	58,994,732	13,529,953	72,524,685
SAN FRANCISCO COUNTY	1,906,077	5,233,412	2,552,106	9,600	544,177	10,245,372	2,730,005	12,975,377
SAN JOAQUIN COUNTY	2,738,217	6,929,446	3,666,283	800,169	781,749	14,915,864	3,921,848	18,837,712
SAN LUIS OBISPO COUNT	1,556,658	3,251,891	2,084,258	626,769	444,419	7,963,995	2,229,545	10,193,540
SAN MATEO COUNTY	2,316,329	7,830,984	3,591,434	322,506	661,302	14,722,555	3,317,594	18,040,149
SANTA BARBARA COUNTY	1,572,305	4,245,050	2,224,232	804,537	448,886	9,925,020	2,251,955	11,546,965
SANTA CLARA COUNTY	5,108,726	17,377,072	7,777,162	279,108	1,458,519	32,000,587	7,317,041	39,317,628
SANTA CRUZ COUNTY	1,051,534	2,802,633	1,519,365	646,721	300,208	6,320,461	1,506,073	7,826,534
SHASTA COUNTY	1,216,462	2,423,906	1,628,759	389,712	347,295	6,006,134	1,742,295	7,748,429
SIERRA COUNTY	213,436	414,099	285,775	33,022	60,935	1,007,267	305,696	1,312,963
SISKIYOU COUNTY	876,528	1,489,321	1,173,610	197,299	250,245	3,987,003	1,255,419	5,242,422
SOLANO COUNTY	1,490,726	4,368,538	2,007,102	188,106	425,596	8,480,068	2,135,112	10,615,180
SONOMA COUNTY	2,210,469	5,564,951	3,142,557	1,569,471	631,079	13,118,527	3,165,973	16,284,500
STANISLAUS COUNTY	2,189,756	5,201,103	2,931,932	659,660	625,166	11,607,617	3,136,308	14,743,925
SUTTER COUNTY	674,584	1,102,887	903,222	187,852	192,591	3,061,136	966,182	4,027,318
TEHAMA COUNTY	762,280	997,728	1,020,641	246,136	217,628	3,244,413	1,091,786	4,336,199
TRINITY COUNTY	407,249	697,951	545,278	96,617	116,268	1,863,363	583,288	2,446,651
TULARE COUNTY	2,658,287	4,191,456	3,559,263	646,857	758,930	11,814,793	3,807,367	15,622,160
TUOLUMNE COUNTY	532,444	1,052,036	712,905	313,126	152,010	2,762,521	762,600	3,525,121
VENTURA COUNTY	2,576,279	8,411,391	3,958,627	575,722	735,517	16,257,536	3,689,910	19,947,446
YOLO COUNTY	943,768	2,059,196	1,263,640	163,745	269,442	4,699,791	1,351,724	6,051,515
YUBA COUNTY	534,515	794,620	715,678	260,822	152,602	2,458,237	765,566	3,223,803
<b>Total</b>	<b>\$ 131,350,500</b>	<b>\$ 369,646,000</b>	<b>\$ 191,095,500</b>	<b>\$ 29,622,857</b>	<b>\$ 37,500,000</b>	<b>\$ 759,214,857</b>	<b>\$ 188,128,500</b>	<b>\$ 947,343,355</b>

### Notes:

1. The Highway Users Tax is also known as the "Motor Vehicle Fuel Tax", the "Gasoline Excise Tax" and "Article XIX Revenues."
2. Str&HwysCode § 2103 allocations replace the former Prop42 revenues. This is the price-based fuel tax rate, adjusted annually by the BOE until 2019.
3. Pursuant to the Road Repair and Accountability Act of 2017, the state general fund will repay loans from transportation funds totalling \$706 million over three years and in monthly installments beginning FY2017-18. Local streets and roads will be paid \$225 million: \$75 million in each year, half to cities, half to counties. See Gov Code Sec 16321.
4. Road Maintenance and Rehabilitation Account (RMRA - Streets and Highways Code Sec 2030 et sec.) includes funds from the following taxes enacted by the Road Repair and Accountability Act of 2017: the 12 cent gasoline excise tax, 20 cent diesel fuel excise tax, transportation improvement fees and transportation loan repayments. FY2017-18 is a partial year of funding from these new sources. The first full year of funding will be FY2018-19.

# Local Streets and Roads - Projected FY2018-19 Revenues

Source: CSAC

Based on State Dept of Finance statewide revenue projections as of January 11, 2018

Estimated 11 Jan 2018

	Highway Users Tax Acct <sup>(1)</sup> Streets & Highways Code				new SB1		new SB1		TOTAL Annual
	Sec2103 <sup>(2)</sup>	Sec2104	Sec2105	Sec2106	Loan Repayment <sup>(3)</sup>	TOTAL HUTA	Road Maintnc Rehab Acct <sup>(4)</sup>		
ALAMEDA COUNTY	7,808,049	13,768,972	6,236,913	388,487	1,157,800	29,360,221	16,912,401	46,272,622	
ALPINE COUNTY	147,711	287,958	136,819	22,613	21,903	617,004	319,946	936,950	
AMADOR COUNTY	719,813	660,960	497,545	186,941	106,736	2,171,995	1,559,131	3,731,126	
BUTTE COUNTY	2,546,087	2,490,130	1,759,892	413,120	377,541	7,586,770	5,514,880	13,101,650	
CALAVERAS COUNTY	1,094,237	910,917	756,352	308,879	162,257	3,232,642	2,370,141	5,602,783	
COLUSA COUNTY	858,443	609,857	593,368	108,434	127,292	2,297,394	1,859,406	4,156,800	
CONTRA COSTA COUNTY	6,519,728	11,049,345	5,257,649	885,238	966,764	24,678,724	14,121,872	38,800,596	
DEL NORTE COUNTY	443,048	309,849	306,241	105,482	65,696	1,230,316	959,651	2,189,967	
EL DORADO COUNTY	2,309,822	3,435,878	1,863,781	794,804	342,507	8,746,792	5,003,124	13,749,916	
FRESNO COUNTY	7,879,523	8,691,235	5,446,440	77,944	1,168,398	23,263,540	17,067,216	40,330,756	
GLENN COUNTY	1,043,388	735,001	721,205	130,208	154,717	2,784,519	2,260,000	5,044,519	
HUMBOLDT COUNTY	2,024,233	1,683,348	1,399,179	396,592	300,159	5,803,511	4,384,532	10,188,043	
IMPERIAL COUNTY	3,577,389	2,323,635	2,472,743	376,712	530,466	9,280,945	7,748,702	17,029,647	
INYO COUNTY	1,257,629	968,242	869,291	115,308	186,485	3,396,955	2,724,050	6,121,005	
KERN COUNTY	7,366,720	7,952,657	5,091,983	1,800,103	1,092,359	23,303,822	15,956,474	39,260,296	
KINGS COUNTY	1,551,140	1,214,691	1,072,170	197,844	230,007	4,265,852	3,359,802	7,625,654	
LAKE COUNTY	1,086,975	943,775	751,333	312,882	161,180	3,256,145	2,354,411	5,610,556	
LASSEN COUNTY	1,058,867	943,734	731,904	122,023	157,012	3,013,540	2,293,529	5,307,069	
LOS ANGELES COUNTY	47,347,021	83,020,010	37,655,912	2,456,898	7,020,753	177,500,594	102,554,664	280,055,258	
MADERA COUNTY	2,248,619	1,510,480	1,554,278	439,753	333,432	6,086,562	4,870,557	10,957,119	
MARIN COUNTY	1,766,511	2,581,387	1,266,696	293,944	261,943	6,170,481	3,826,301	9,996,782	
MARIPOSA COUNTY	700,129	593,188	483,939	129,196	103,817	2,010,269	1,516,495	3,526,764	
MENDOCINO COUNTY	1,627,530	1,278,007	1,124,972	387,397	241,335	4,659,241	3,525,266	8,184,507	
MERCED COUNTY	2,973,546	2,406,095	2,055,358	528,058	440,926	8,403,983	6,440,765	14,844,748	
MODOC COUNTY	1,028,732	866,909	711,075	60,047	152,543	2,819,306	2,228,256	5,047,562	
MONO COUNTY	761,337	794,300	526,247	30,099	112,893	2,224,876	1,649,073	3,873,949	
MONTEREY COUNTY	3,363,462	4,088,568	2,324,873	823,358	498,744	11,099,005	7,285,331	18,384,336	
NAPA COUNTY	1,244,557	1,548,491	860,255	314,953	184,546	4,152,802	2,695,737	6,848,539	
NEVADA COUNTY	1,269,971	1,649,212	877,822	306,411	188,315	4,291,731	2,750,785	7,042,516	
ORANGE COUNTY	16,095,208	29,503,766	13,271,115	620,955	2,386,644	61,877,688	34,862,566	96,740,254	
PLACER COUNTY	3,365,278	5,591,117	2,803,818	773,400	499,013	13,032,626	7,289,265	20,321,891	
PLUMAS COUNTY	842,842	1,081,734	582,585	145,594	124,979	2,777,734	1,825,615	4,603,349	
RIVERSIDE COUNTY	13,164,467	20,729,288	9,687,256	1,260,266	1,952,065	46,793,342	28,514,518	75,307,860	
SACRAMENTO COUNTY	9,579,548	13,937,277	7,048,270	2,061,920	1,420,483	34,047,498	20,749,508	54,797,006	
SAN BENITO COUNTY	799,615	698,194	552,705	151,035	118,569	2,320,118	1,731,983	4,052,101	
SAN BERNARDINO COUNTY	12,666,370	20,030,739	9,352,991	1,200,052	1,878,206	45,128,358	27,435,630	72,563,988	
SAN DIEGO COUNTY	18,187,874	30,563,970	14,235,747	1,750,415	2,696,950	67,434,956	39,395,326	106,830,282	
SAN FRANCISCO COUNTY	3,669,856	5,199,563	2,536,657	9,600	544,177	11,959,853	7,948,988	19,908,841	
SAN JOAQUIN COUNTY	5,272,012	6,884,541	3,644,090	795,174	781,749	17,377,566	11,419,291	28,796,857	
SAN LUIS OBISPO COUNTY	2,997,104	3,231,074	2,071,641	622,871	444,419	9,367,109	6,491,792	15,858,901	
SAN MATEO COUNTY	4,459,733	7,780,219	3,568,695	320,529	661,302	16,790,478	9,659,877	26,450,355	
SANTA BARBARA COUNTY	3,027,229	4,217,839	2,210,340	799,515	448,886	10,703,809	6,557,043	17,260,852	
SANTA CLARA COUNTY	9,836,060	17,264,284	7,727,798	277,405	1,458,519	36,564,066	21,305,116	57,869,182	
SANTA CRUZ COUNTY	2,024,565	2,784,943	1,510,009	642,696	300,208	7,262,421	4,385,251	11,647,672	
SHASTA COUNTY	2,342,110	2,409,343	1,618,900	387,311	347,295	7,104,959	5,073,060	12,178,019	
SIERRA COUNTY	410,937	413,996	284,046	32,874	60,935	1,202,788	890,098	2,092,886	
SISKIYOU COUNTY	1,687,619	1,488,144	1,166,506	196,113	250,245	4,788,627	3,655,419	8,444,046	
SOLANO COUNTY	2,870,161	4,340,276	1,994,432	186,978	425,596	9,817,443	6,216,830	16,034,273	
SONOMA COUNTY	4,255,915	5,529,246	3,122,920	1,559,616	631,079	15,098,776	9,218,403	24,317,179	
STANISLAUS COUNTY	4,216,036	5,167,430	2,914,185	655,553	625,166	13,578,370	9,132,025	22,710,395	
SUTTER COUNTY	1,298,807	1,095,849	897,754	186,726	192,591	3,671,727	2,813,245	6,484,972	
TEHAMA COUNTY	1,467,652	996,412	1,014,462	244,642	217,628	3,940,796	3,178,967	7,119,763	
TRINITY COUNTY	784,095	697,588	541,978	96,067	116,268	2,235,996	1,698,366	3,934,362	
TULARE COUNTY	5,118,120	4,164,728	3,537,718	642,831	758,930	14,222,327	11,085,957	25,308,284	
TUOLUMNE COUNTY	1,025,138	1,046,720	708,590	311,209	152,010	3,243,667	2,220,470	5,464,137	
VENTURA COUNTY	4,960,226	8,357,186	3,933,719	572,146	735,517	18,558,794	10,743,955	29,302,749	
YOLO COUNTY	1,817,079	2,045,943	1,255,991	162,771	269,442	5,551,226	3,935,832	9,487,058	
YUBA COUNTY	1,029,125	789,763	711,346	259,235	152,602	2,942,071	2,229,108	5,171,179	
<b>Total</b>	<b>\$ 252,895,000</b>	<b>\$ 367,358,000</b>	<b>\$ 189,912,500</b>	<b>\$ 29,439,227</b>	<b>\$ 37,500,000</b>	<b>\$ 877,104,727</b>	<b>\$ 547,776,000</b>	<b>\$ 1,424,880,728</b>	

**Notes:**

1. The Highway Users Tax is also known as the "Motor Vehicle Fuel Tax", the "Gasoline Excise Tax" and "Article XIX Revenues."

2. Str&HwysCode § 2103 allocations replace the former Prop42 revenues. This is the price-based fuel tax rate, adjusted annually by the BOE until 2019.

3. Pursuant to the Road Repair and Accountability Act of 2017, the state general fund will repay loans from transportation funds totalling \$706 million over three years and in monthly installments beginning FY2017-18. Local streets and roads will be paid \$225 million: \$75 million in each year, half to cities, half to counties. See Gov Code Sec 16321.

4. Road Maintenance and Rehabilitation Account (RMRA - Streets and Highways Code Sec 2030 et sec.) includes funds from the following taxes enacted by the Road Repair and Accountability Act of 2017: the 12 cent gasoline excise tax, 20 cent diesel fuel excise tax, transportation improvement fees and transportation loan repayments. FY2017-18 is a partial year of funding from these new sources. The first full year of funding will be FY2018-19.



# TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Jeremy Dennis, Town Manager

**DATE:** March 28, 2018

**RE:** Grand Jury Request, ALPR policy website access

## **RECOMMENDATION**

Town staff recommends that the San Mateo County Grand Jury's request for an updated website with ALPR policy information be approved

## **BACKGROUND**

in 2017, the San Mateo County Grand Jury provided each city in the County a copy of their report on ALPRs entitled "A Delicate Balance – Privacy vs Protection". The Town responded to their requests in the report (Attachment 1).

On March 1, 2018, the San Mateo County Grand Jury sent a letter to the Town requesting that the Town consider making certain ALPR-related information available via our website (Attachment 2).

## **DISCUSSION**

The Grand Jury made the following request:

1. "Will you create an easily accessible and simply written informational webpage, available from the Police Bureau webpage on your website, which lists the types of surveillance tools (such as ALPRs) and investigative tools (such as ShotSpotter and body worn cameras) used by law enforcement in your town or city? At a minimum, such a webpage shall include these details about each tool:
  - a. What is the use and purpose of the technology, such as assisting in ongoing criminal investigations, locating missing children, or locating stolen vehicles?

- b. Who is authorized to collect or access the data collected?
  - c. How the system is monitored to ensure that the data are secure?
  - d. Who owns the surveillance technology?
  - e. What measures were taken to ensure the accuracy of the data?
  - f. How long the data will be retained?
2. If creating a webpage is not possible, will you provide a link from your town or city's website to the Sheriff's Office policy on automated license plate readers?"

The staff believes that it can create a page on the Town's website with the information requested in #1.

The Town Manager spoke with Vigilant Solutions, the operator of the cloud-based ALPR storage system, in regards to question 1E above. The system is rated at a 90% accuracy, and it is standard practice for a deputy reviewing data to independently confirm that the information captured by a camera is accurate.

#### **FISCAL IMPACT**

None.

#### **ATTACHMENTS**

1. **Response to 2016-17 San Mateo County Grand Jury Report "A Delicate Balance – Privacy vs. Protection"**
2. **February 28, 2018 Grand Jury letter**

**Approved by:** Jeremy Dennis, Town Manager



# TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

July 27, 2017

Grand Jury Foreperson  
c/o Court Executive Officer  
400 County Center  
Redwood City, CA 94063-1655

**Re: Response to Grand Jury Report  
A Delicate Balance: Privacy vs. Protection**

Dear Grand Jury Foreperson:

The Town Council for the Town of Portola Valley ("Town") has reviewed the recommendations in the Grand Jury Report "A Delicate Balance: Privacy vs. Protection" and approved the following responses at the public meeting on July 26, 2017:

#### Recommendation No. 1

In addition to providing a conspicuous link to usage and privacy policies on operator websites (as required by law for ALPRs), all law enforcement agencies in the County should create an easily accessible and simply written information webpage by December 31, 2017, which lists the types of surveillance tools (such as ALPRs) and investigative tools (such as ShotSpotter and body worn cameras) utilized by the agency. At a minimum, such a webpage shall include these details about each tool:

- What is the use and purpose of the technology, such as assisting in ongoing criminal investigations, locating missing children, or locating stolen vehicles
- Who is authorized to collect or access the data collected
- How the system is monitored to ensure that the data are secure
- Who owns the surveillance technology
- What measures were taken to ensure the accuracy of the data
- How long the data will be retained

#### Response No. 1

The Town contracts with the San Mateo County Sheriff's Department for law enforcement services. Therefore, the Town is not in a position to implement this recommendation. The Town will cooperate with the Sheriff's Department, as necessary, to implement the recommendation. Additionally, after a robust public process, on April 26, 2017, the Town Council of the Town of Portola Valley adopted Ordinance No 2017-418 adding Chapter 9.02, Public Safety Information, to the Town's Municipal Code. This ordinance, which addresses the use and retention of ALPR data, and related materials are readily available on the Town's website.

Recommendation No. 2

All law enforcement agencies in the County shall increase the number and types of opportunities for community members to voice support for or opposition to any proposed addition of new surveillance technologies including, but not limited to:

- Surveying residents to better understand their concerns about law enforcement's use of surveillance tools and address those concerns in public meetings, Town Halls, Neighborhood Watch sessions and other local gatherings.
- Using social media platforms such as Nextdoor© to keep residents engaged and informed about surveillance technologies and its uses in your community.

Response No. 2

The Town contracts with the San Mateo County Sheriff's Department for law enforcement services. Therefore, the Town is not in a position to implement this recommendation. The Town will cooperate with the Sheriff's Department, as necessary, to implement the recommendation. Additionally, after a robust public process, on April 26, 2017, the Town Council of the Town of Portola Valley adopted Ordinance No 2017-418 adding Chapter 9.02, Public Safety Information, to the Town's Municipal Code. The robust public process included a number of public meetings over a two-year period prior to adoption of the use of ALPR technology in town.

Recommendation No. 3

Staff shall bring to the city or town council (in the case of a police department or police bureau) or the Board of Supervisors (in the case of the Sheriff's Office) a policy or ordinance for consideration at a public meeting by December 31, 2017. Such ordinances or policies should require, at a minimum:

- Plans to acquire new surveillance technology be announced at public meetings and other forums to ensure that the community is aware and engaged when new technology is under consideration.
- Any "use policies" related to surveillance technology be readily available and easy to access on the city or County websites.
- Oversight and accountability be supported by posting periodic reports on the effectiveness of the surveillance tools used in the community.

Response No. 3

The Town contracts with the San Mateo County Sheriff's Department for law enforcement services. Therefore, the Town is not in a position to implement this recommendation. The Town will cooperate with the Sheriff's Department, as necessary, to implement the recommendation. Additionally, after a robust public process, on April 26, 2017, the Town Council of the Town of Portola Valley adopted Ordinance No 2017-418 adding Chapter 9.02, Public Safety Information, to the Town's Municipal Code. The robust public process included a number of public meetings over a two-year period prior to adoption of the use of ALPR technology in town.

The Town thanks the Grand Jury for bringing this issue to our attention in an informative and thorough manner. Please let me know if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Hughes', written in a cursive style.

Craig Hughes  
Mayor

cc: Town Council  
Town Manager  
Town Attorney





## 2017-2018 Grand Jury

COUNTY OF SAN MATEO  
 Hall of Justice  
 400 County Center  
 Redwood City, CA 94063-1655  
 (650) 261-5066; Fax (650) 261-5147  
 Email: grandjury@sanmateocourt.org

**Sent Via Email c/o Town Manager:** jdennis@portolavalley.net

February 28, 2018

Town Council  
 Town of Portola Valley  
 765 Portola Road  
 Portola Valley, CA 94028

Dear Councilmembers:

The Grand jury has reviewed your responses to its recommendations in the report "A Delicate Balance: Privacy vs. Protection," published in 2017, and found at:  
[https://www.sanmateocourt.org/documents/grand\\_jury/2016/surveillance.pdf](https://www.sanmateocourt.org/documents/grand_jury/2016/surveillance.pdf).

Although you contract for law enforcement services with the San Mateo County Sheriff's Office, the Grand jury recommends that you provide information about surveillance technology used in your city or town on your town or city website. Residents who are curious about the types of surveillance tools used in their neighborhood might not think to look on the San Mateo County Sheriff's Office website for the details.

The Grand jury would like more information and asks you to respond these questions, based on the recommendations in the Grand jury report:

1. Will you create an easily accessible and simply written informational webpage, available from the Police Bureau webpage on your website, which lists the types of surveillance tools (such as ALPRs) and investigative tools (such as ShotSpotter and body worn cameras) used by law enforcement in your town or city? At a minimum, such a webpage shall include these details about each tool:
  - a. What is the use and purpose of the technology, such as assisting in ongoing criminal investigations, locating missing children, or locating stolen vehicles?
  - b. Who is authorized to collect or access the data collected?
  - c. How the system is monitored to ensure that the data are secure?
  - d. Who owns the surveillance technology?
  - e. What measures were taken to ensure the accuracy of the data?
  - f. How long the data will be retained?
  
2. If creating a webpage is not possible, will you provide a link from your town or city's website to the Sheriff's Office policy on automated license plate readers?

We appreciate your kind attention to this request and would ask that you respond no later than March 15, 2018 to:

Charlene Kresevich, Grand Jury Assistant  
400 County Center, 2nd Floor  
Redwood City, CA 94063  
Email: [grandjury@sanmateocourt.org](mailto:grandjury@sanmateocourt.org)  
Phone: (650) 261-5066  
Fax: (650) 261-5147

Thank you,

Continuity Committee  
2017-2018 San Mateo County Civil Grand Jury



# TOWN OF PORTOLA VALLEY

## STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Starla Jerome-Robinson, Interim Finance Director

**DATE:** March 28, 2018

**RE:** Budget Amendment to Support Future San Mateo County Sheriff Gun Buy Back Programs

### RECOMMENDATION

Staff recommends that the Town Council authorize a \$15,000 budget amendment in fiscal year 2017-18 to support future Gun Buy-Back programs.

### BACKGROUND

The Town Council discussed ways for the Council to opine on gun-related issues at the recent March 14, 2018 meeting.

Specifically addressed was the success of the three gun buy-back programs supported by the San Mateo County Sheriff's Office over the last five years. Council directed staff to return with a budget amendment to provide financial support by the Town of Portola Valley for future gun buy-back programs.

### DISCUSSION

The objective of the budget amendment is to appropriate \$15,000 to the fiscal year 2017-18 operating budget. The additional budget will be used to support gun buy-back programs that might occur during the remainder of the fiscal year. Of the total \$15,000, Council proposed committing \$10,000 from general fund reserves, plus authorizing up to an additional \$5,000 to match funds raised by the youth of Portola Valley.

If approved the total appropriation will be \$15,000.

### FISCAL IMPACT

The budget amendment of \$15,000 will be funded from the general fund unreserved fund balance.

**Approved by:** Jeremy Dennis, Town Manag

A handwritten signature in black ink, appearing to read 'Jeremy Dennis', is written over the 'Approved by' line.

#8

There are no written materials for Town Center Master Plan -  
Architect Study Session



## TOWN OF PORTOLA VALLEY

### STAFF REPORT

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**TO:** Mayor and Members of Town Council

**FROM:** Cara E. Silver, Town Attorney

**DATE:** March 28, 2018

**RE:** Introduction of Proposed Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adoption of Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption.)

#### **RECOMMENDATION**

Staff recommends that the Town Council:

1. Introduce for First Reading the attached proposed ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code (Attachment A) and
2. Adopt a finding that the ordinance is exempt from the California Environmental Quality Act.

#### **EXECUTIVE SUMMARY**

The proposed ordinance divides cannabis activities into three major areas: (1) permitted personal use; (2) permitted small scale cannabis cultivation and (3) prohibited other commercial cannabis activity.

Consistent with State law, the proposed ordinance permits personal cultivation, both inside and outside, up to the legally permitted six plants, and places certain restrictions on personal cultivation. In addition, the ordinance permits the transportation of cannabis on public roads and the lawful delivery of cannabis to a customer within the Town, provided a State permit is obtained by the delivery services. Finally, subject to restrictions the ordinance permits commercial cultivation of up to twelve plants provided both a State permit and a local Commercial Cannabis permit are obtained. The ordinance bans all other commercial cannabis activity, including dispensaries.

For small scale commercial cannabis cultivation, the proposed ordinance provides a discretionary permitting scheme, standard operating conditions (including an additional conditional of approval concerning public safety/security), an appeal process, development criteria and operating requirements, revocation process and enforcement provisions.

## **BACKGROUND**

In 2016, the California voters passed Proposition 64 or the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”). Proposition 64 was approved by 57% of the voters statewide, 63% of the voters in San Mateo County and 68% of the voters in Portola Valley.

### State Regulatory Background

In 2015, the California Legislature established a regulatory framework for medical cannabis activities under the Medical Marijuana Regulation and Safety Act (“MMRSA”). The MMRSA permitted patients 18 years of age and older or 14 years of age and older with parental/guardian permission to use medical marijuana. A year later, in November 2016, California voters approved Proposition 64 which established a similar set of regulations for nonmedical cannabis activities. The AUMA took effect on November 9, 2016 and made it legal for persons 21 years of age or older to: smoke or ingest marijuana or marijuana products; possess, process, transport, purchase, obtain or give away to persons of 21 years of age or older 28.5 grams of marijuana or eight grams of concentrated marijuana; and possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use.

Senate Bill 94 (“SB 94”), which was signed by Governor Brown on June 27, 2017 and became effective immediately, unifies the medical and non-medical marijuana regulations by repealing the MCRSA and inserting certain of its licensing provisions into the AUMA. The two combined are now referred to as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). SB 94 also modifies terminology and marijuana is now referred to as cannabis.

SB 94 permits local jurisdictions to enact and enforce “reasonable regulations” of commercial cannabis activities within their communities, including a complete prohibition. Thus, in order to obtain a State license for either medical or nonmedical commercial cannabis activity, an applicant must comply with local regulations. If a local entity is silent on cannabis, a State applicant could arguably engage in commercial cannabis activity within the Town with only a State license. Attachment B contains a list of actions taken by San Mateo cities as of December 2017.

Most recently, Assembly Bill 133 (“AB 133”) allowed vertical integration which was not allowed before unless the licensed premises were separate and distinct. Under AB 133, an applicant may be issued multiple State licenses (e.g. cultivation, manufacturing, testing, retail) for one single physical location.

Under MAUCRSA, the California Department of Food and Agriculture (CDFA) is the licensing agency for commercial cannabis cultivation and the Bureau of Cannabis Control is the licensing agency for distributors, retailers, microbusinesses, temporary cannabis events, and testing laboratories, MAUCRSA provides that the Bureau must begin issuing licenses on January 1, 2018. Both agencies have promulgated emergency regulations and plan on issuing temporary licenses which will be valid for 120 days. Two 90-day extensions will be available only if the temporary licensee has applied for an annual license. Temporary licenses will not be available as of January 1, 2019.

#### Recent Change in Federal Enforcement Policy

In 2013, Attorney General Cole issued a memorandum to all United States attorneys that prosecutors and law enforcement should de-prioritize the use of funds to enforce marijuana prohibition under the Controlled Substances Act. Under the Cole memorandum, while marijuana remained an illegal drug under the Controlled Substances Act, whether to bring criminal charges was generally left to the States. More recently, on January 4, 2018, Attorney General Sessions rescinded the Cole memorandum and instead “directed the Department of Justice to enforce the laws enacted by Congress and to follow well-established principles when pursuing prosecutions related to marijuana activities.” (Attachment C.) At this point it is not clear whether this will in fact increase federal enforcement of cannabis activities, particularly in States that have legalized it.

#### County of San Mateo Cannabis Regulation

Since voter approval of the AUMA, the County of San Mateo has been engaged in an effort to develop a regional approach to regulating marijuana. Town staff has participated in a number of those meetings. The conversation around potential regulations has focused on addressing issues that might impact the health, safety and general welfare of communities such as odor, water and power usage, fire safety and security. On December 12, 2017, the County adopted its Cannabis Ordinance. The County ordinance permits one year licenses for mixed-light (i.e. greenhouse) cultivation and greenhouse nursery cultivation operations. Licensed commercial cultivation will only be permitted in areas designated as “Agriculture” on the San Mateo County General Plan and on land where commercial agricultural use has been conducted for the three (3) years preceding the effective date of the ordinance. All greenhouse structures associated with cultivation must be setback a minimum of 100 feet from property lines, and a minimum of 300 feet from residences and businesses on surrounding properties. All parcels on which cultivation is proposed must also be setback a minimum of 1,000 feet from any parcels designated for residential use by the San Mateo County General Plan (or the general plan of a neighboring city), any school providing education to K-12 grades, youth center, playground, and any alcohol or drug treatment facility. In January 2018, the SMC Marijuana Moratorium Coalition filed a lawsuit against the County arguing that the County should have prepared an Environmental Impact Report (EIR) for the ordinance, rather than rely on a Mitigated Negative Declaration. This lawsuit is still pending.

### Town Council Direction and Formation of Planning Commission Subcommittee

On December 9, 2016, the Town Council held a study session regarding Proposition 64 or the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”). On October 25, 2017, the Council conducted a public hearing on AUMA and considered staff’s recommendation to adopt a 45-day interim urgency ordinance prohibiting all commercial cannabis land uses and all personal outdoor cultivation, but not prohibiting personal medical marijuana use, medical marijuana delivery or personal indoor cultivation. At that hearing, Council voted 5-0 to reject the moratorium and instead directed the Planning Commission to review the City’s existing regulations and determine the need for a local cannabis ordinance.

On December 6, 2017, the Planning Commission conducted a study session on cannabis updates. To help expedite the evaluation of the municipal code and its application to possible scenarios for commercial cannabis activities, staff recommended the formation of an ad-hoc subcommittee comprised of 2 Planning Commissioners supported by staff including the Planning Director, Public Works Director, Fire Marshal, and Town Attorney. Commissioners Targ and Goulden were appointed to the subcommittee. The goal of the subcommittee was to examine the entire range of potential applications and fully vet what may ultimately come before the Planning Commission and Town Council. Beginning in November, 2017, the subcommittee met to develop an ordinance. The attached proposed ordinance reflects the work of the subcommittee.

On February 7, 2018, the full Planning Commission reviewed the proposed ordinance recommended by the subcommittee. The Planning Commission was in general agreement on the overall structure and use restrictions contained in the ordinance. In addition, the Planning Commission provided additional comments and feedback and requested staff to return with a modified ordinance. On February 21, 2018, the Planning Commission conducted a second hearing and recommended the following major changes to the ordinance: (1) that commercial cannabis may be grown in any residentially zoned property [subject to regulation]; (2) cannabis may not be grown in ordinary public view; (3) Triangle Park added as a sensitive receptor; (4) no more than 10 permits may be in effect at any one time; and (5) permit holder must own premises where cannabis is grown. Attachment A incorporates these changes.

## **DISCUSSION**

It is important to note that State and local jurisdictions have different regulatory focus relative to cannabis activities. State authority is limited to the activity itself (e.g. cultivation, manufacture, retail sales, etc.) while cities and counties can provide further regulatory oversight including but not limited to zoning, site development, noise, traffic, aesthetics, and sustainable practices.

### The Town’s Existing Regulations

Portola Valley currently does not have any explicit regulation over cannabis-related



activity. Therefore, commercial cannabis land use activities would either be a permitted use, an accessory use or be subject to a conditional use permit approved by the Planning Commission. As described in the October 18, 2017 Town Attorney report to the Town Council, most cannabis activity would be subject to a Conditional Use Permit under the Town's current zoning regulations.

The Town's Conditional Use Permit ordinance (Chapter 18.72 of the PVMC) was first adopted in 1967 and last updated in 2011, to address wireless communications facilities. Using the current CUP ordinance to review and process commercial cannabis applications may lead to unintended results. A case-by-case approach could create uncertainty for applicants as well as neighbors.

As a threshold matter, the subcommittee and Planning Commission reviewed the Town's existing regulations and recommended that a cannabis specific ordinance be adopted to provide clarity to both the public and applicants.

### Summary of Proposed Ordinance

The ordinance divides cannabis activities into three major areas: (1) permitted personal use; (2) permitted small scale cannabis cultivation and (3) prohibited other commercial cannabis activity.

Consistent with State law the proposed ordinance permits personal cultivation, both inside and outside, up to the legally permitted six plants, and places certain restrictions on personal cultivation. In addition, the ordinance permits the transportation of cannabis on public roads and the lawful delivery of cannabis to a customer within the Town, provided a State permit is obtained by the delivery services. Finally, subject to restrictions the ordinance permits commercial cultivation of up to twelve plants provided both a State permit and a local Commercial Cannabis permit is obtained. The ordinance bans all other commercial cannabis activity, including dispensaries.

For small scale commercial cannabis cultivation, the proposed ordinance provides a discretionary permitting scheme, standard operating conditions (including an additional conditional of approval concerning public safety/security), an appeal process, development criteria and operating requirements, revocation process and enforcement provisions.

To assist with enforcement, the proposed ordinance in many respects was modeled after the County's ordinance<sup>1</sup>. The ordinance also incorporates many of the State

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<sup>1</sup> The Town's ordinance differs from the County ordinance in several respects. First, the Town's ordinance requires a discretionary permit, while the County's ordinance authorizes a ministerial permit. The Planning Commission determined a discretionary permit was preferable from a land use standpoint in that unique circumstances could be evaluated on a case by case basis. The discretionary permit also permits the use of the limited CEQA exemption authorized under State law, unlike a ministerial permit scheme which may

mandated requirements. While this is redundant, staff believes redundancy, especially in critical areas, is prudent given that the State's licensing scheme is untested.

A summary of the cannabis related activities allowed by State law compared to the activities permitted under the proposed ordinance follows. A table summarizing the key provisions of the ordinance is contained in Attachment D.

### ***Personal Residential Cultivation***

#### **State Law**

The AUMA makes it legal for persons 21 years of age or older to cultivate up to six living marijuana plants for personal use. The plants can be grown indoors or outdoors. Local agencies may reasonably regulate, but not ban, personal indoor cultivation within a person's private, residential property. Indoor cultivation includes cultivation in a greenhouse on the same property as the residence that is not physically part of the home, as long as it is fully enclosed, secure and not visible from a public space. A local agency may regulate or ban personal outdoor cultivation.

#### **Proposed Ordinance**

The ordinance permits both indoor and outdoor cultivation, subject to reasonable regulations, provided no more than a total of 6 plants are grown on any one site.

### ***Delivery***

#### **State Law**

A local agency may ban or regulate delivery businesses (the brick and mortar) within its boundaries, but may not ban a delivery service from using public streets to deliver cannabis products. Accordingly, the ordinance permits this (delivery) use provided a State permit is obtained. Online research indicates several delivery services are currently operating and have delivery available in Portola Valley. Fifty percent of all medical marijuana is conducted via a delivery service and that number is expected to increase. Deliveries can be made by a State licensed retailer. State law requires the customer requesting delivery (but not the business or driver) to maintain a copy of the delivery request.

#### **Proposed Ordinance**

The ordinance permits deliveries to be made within Town, provided a State permit is obtained. Further the ordinance clarifies that the delivery service may not have a storefront or other distribution location in Town. The Committee discussed that since State law limits the Town from banning use of its streets for cannabis related

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require additional CEQA review. Also, the County's ordinance only permits indoor/greenhouse cultivation while the Town's ordinance permits outdoor cultivation consistent with the rural character aspects of the General Plan. Finally, the Town's ordinance does not contain as many operating requirements largely because of the smaller scale of the permitted operations.

transportation it would be difficult to enforce an ordinance banning local deliveries.

### ***Dispensaries, Distribution, Warehousing, Testing and Manufacturing***

#### **State Law**

Under State law, retail dispensaries and other commercial uses (i.e., distribution, warehousing, testing manufacturing) may not be within 600 feet of a school or child care center. Planning staff has reviewed the location where retail dispensaries would be possible by looking at its commercial zoning districts and the 600-foot radius from a school or child care center as required by the AUMA. There are two zoning districts – community commercial and administrative professional -- in which retail dispensaries could be located, in principle, under state law.

#### **Proposed Ordinance**

The Planning Commission discussed the merits of permitting cannabis retail activity. Ultimately, the subcommittee decided that retail activity should be banned. The recommendation is based upon several reasons including that the one location available for cannabis retail activity is immediately adjacent to Triangle Park, which is close to Corte Madera School. Triangle Park in many ways is an informal, but “functional part” of Corte Madera School. Children from both Corte Madera School and the Woodside Priory congregate at Triangle Park after school and the location is used as an after school pick-up location. Therefore, the same rationale for disallowing a dispensary to be located within 600 feet of a school was found to apply to Triangle Park, as well. Additional concerns related to increased traffic and safety, compounded by the absence of other licensed facilities in proximity, also weighed against permitting a dispensary in town.

Existing zoning does not currently support testing, warehousing and manufacturing uses and the subcommittee did not see a need to change the zoning ordinance.

### ***Commercial Cultivation***

#### **State Law**

The Department of Agriculture is responsible for licensing the cultivation of cannabis. Premises licensed by the State shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. Attachment C shows a map of the areas (in blue) that are within 600 feet of a school, day care or youth center. The State cannot issue a license to an applicant whose operations would violate local law.

#### **Cannabis Regulations Proposed by the Subcommittee**

The proposed ordinance permits up to twelve cannabis plants in any residential zone subject to a discretionary permit. The subcommittee and Planning Commission, with

input from the Woodside Fire Protection District Fire Marshal and the San Mateo County Sheriff Department, ultimately determined that the commercial cultivation of cannabis is in many ways dissimilar from the cultivation of other agricultural products. Differentiating characteristics include: (1) security related (and administrative) issues caused by the high cash value and restricted nature of the crop; (2) ongoing, intensive use of water as compared to other plants; (3) risk of fire (and inspection related issues) associated with the use of artificial light and electric power for indoor cultivation; (4) negative impacts on young people; (5) strong odor; (6) limited area available for cultivation in the proximate area; and (7) uncertain legal status and level of anticipated enforcement. The Commission also considered the “small government” ethos that does not expect the Planning Commission to over-regulate certain aspects of commercial operations and the rural character embodied in the General Plan. While the subcommittee’s original recommendation was to limit commercial cultivation to the RE and MR residential zones the full Commission voted to expand this to all residential zones.

On-site sales and processing are not permitted. The person holding the permit must live in Portola Valley (with one person affiliated with the permittee living at the licensed premises) and the local permit would be subject to the conditional use permit findings in addition to other findings (see discussion below).

The subcommittee also took note of recent Colorado legislation limiting residential medicinal cultivation of cannabis to 12 plants.

#### Cannabis Permit Process and Operational Issues

The proposed ordinance establishes a new discretionary permit called a Cannabis Permit. The permits would be good for one year to align with the State permit duration. To qualify for a permit the proposed cultivation activity must meet the Zoning Code’s Conditional Use Permit findings (Municipal Code Section 18.72.130); be no more objectionable than the listed activities with respect to public safety, security, environmental impacts, level of noise, traffic, odors, glare and other impacts normally associated with other listed uses; comply with the development criteria and operating requirements of the new Cannabis ordinance; the applicant must have a State-approved track and trace account and the activity complies with the Cannabis ordinance and State law. (Cannabis Ordinance Section 18.39.070 (B).)

The Planning Commission shall conduct a hearing on the permit and make the initial decision. The decision is appealable to the City Council. The permit is renewable if the applicant files an application within 60 days before the local permit expires. The renewal application is acted on by the Planning Director who must file an informational report on all renewals to the Planning Commission. The Planning Commission may elect to “call up” for hearing any renewal and the Planning Commission’s decision is appealable to the Town Council. (Cannabis Ordinance Sections 18.39. 070 and -18.39.100.) During the first year, the Town may issue up to five permits and thereafter no more than ten

permits may be in effect at any one time.

In terms of operational requirements, the Subcommittee examined requirements imposed by the State, the County and other local jurisdictions. State law prevents commercial cannabis activities from occurring within 600 feet of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued (referred to as “sensitive receptors”), unless a licensing authority or a local jurisdiction specifies a different radius. The Commission found the buffer requirement to play an important role in screening out the most impactful activity. However, the Commission found the definition of “youth center” too limiting and/or amenable to ambiguity.<sup>2</sup> To remedy this it recommended adding public parks, including Triangle Park, to the definition of sensitive receptors and also including a non-exclusive list of sensitive receptor locations in the ordinance itself. In preparing the illustrative list of sensitive receptors, staff elected to include Alpine Swim & Tennis Club on the list even though Windmill school has relocated. This was due to the large number of children who use the facilities.

In addition, the Commission discussed the need for surveillance and security. On the one hand, the subcommittee recognized there might be an increased risk of crime given the all cash nature of the cannabis industry. On the other hand, the Commission wondered if 12 plants would pose a crime risk and also expressed concern about the increased presence of armed security and increased lighting. On balance, the Commission recommended a site specific plan be developed for each site.

### Enforcement

The proposed ordinance provides cannabis violations be enforced through the Town’s standard code enforcement process, and also adds an odor provision be added to the Town’s nuisance Code. (Ordinance Section 13.39.180.) The Commission questioned whether enforcement could be applied subjectively, and staff emphasized that it applies a “reasonable person standard.”

### **Taxation**

Personal cultivation and use is exempt from taxation. Medical marijuana is also currently exempt from State tax. The State imposes a 15% tax on cannabis sales and a flat fee as follows on cultivation:

- \$9.25 per dry-weight ounce of cannabis flower;
- \$2.75 per dry-weight ounce of cannabis leaves; and
- \$1.29 per ounce of fresh cannabis plant.

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<sup>2</sup> State law defines “youth center” to mean “any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.” Health & Safety Code Section 11353.1.

Cities are free to tax commercial cannabis operations that occur within the local jurisdiction. The Public Health Institute is working with localities to develop a uniform tax model. Some are concerned that such high tax rates could incentivize retailers to enter the black market to avoid taxation. If the Town wished to impose a tax, any Town imposed tax would be in addition to the above described taxes. A general tax must be voted on in November of even years.

### ***Environmental Review***

Under Business and Professions Code Section 26055(h), the adoption of an ordinance by a local jurisdiction requiring discretionary review and approval of permits and licenses for commercial cannabis activity is exempt from review under the California Environmental Quality Act (CEQA) (until July 1, 2019). In addition, given the modest changes to the City's existing zoning regulations, this project is exempt from the California Environmental Quality Act pursuant to Section 15378 of the CEQA Guidelines.

#### Attachments:

- A. Proposed Cannabis Ordinance
- B. Other Local Agencies Actions Relative to Cannabis
- C. January 4, 2018 Attorney General Sessions Memorandum
- D. Cannabis Ordinance Summary Table
- E. Public Correspondence received

Reviewed by: Jeremy Dennis, Town Manager



ORDINANCE NO. \_\_\_\_\_

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADDING CHAPTER 18.39 [CANNABIS LAND USES] TO TITLE 18 [ZONING] AND AMENDING SECTION 8.12.010 [DEFINITION OF NUISANCE] OF CHAPTER 8.12 [NUISANCE ABATEMENT] OF TITLE 8 [HEALTH & SAFETY] OF THE PORTOLA VALLEY MUNICIPAL CODE**

**WHEREAS**, Proposition 64 or the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) took effect on November 9, 2016 and made it legal for persons 21 years of age or older to smoke or ingest marijuana or marijuana products; possess, process, transport, purchase, obtain or give away to persons of 21 years of age or older 28.5 grams of marijuana or eight grams of concentrated marijuana; and possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use; and

**WHEREAS**, the AUMA allows local governments to impose reasonable regulations on indoor cultivation and to regulate or ban outdoor cultivation or other cannabis land uses; and

**WHEREAS**, Senate Bill 94 took effect on June 27, 2017 and blended together the non-medical marijuana regulations in the AUMA and the Medical Cannabis Regulation and Safety Act (“MCRSA”) to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and

**WHEREAS**, after a study session on December 6, 2018, the Planning Commission of the Town of Portola Valley (“Town”) formed a subcommittee consisting of Commissioner Targ and Commissioner Gould to help Town staff prepare an ordinance relative to the reasonable regulation and/or ban of cannabis land uses;

**WHEREAS**, on February 7 and 28, 2018, the Planning Commission held public hearings to review the draft ordinance regarding cannabis land uses at which all interested persons had the opportunity to appear and after considering the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received, the Planning Commission voted to recommend that the Town Council approve the ordinance; and

**WHEREAS**, on March 28, 2018, the Town Council held a public hearing to review the proposed ordinance regarding cannabis land uses at which all interested persons had the opportunity to appear and after considering the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received and the Planning Commission recommendation, the Town Council voted to approve the ordinance.

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

1. ADDITION OF CODE. Chapter 18.39 [Cannabis Land Uses] is hereby added to Title 18 [Zoning] of the Portola Valley Municipal Code to read as follows:

### **Chapter 18.39 Cannabis Land Uses**

<b>18.39.010</b>	<b>Purpose</b>
<b>18.39.020</b>	<b>Definitions</b>
<b>18.39.030</b>	<b>Prohibited and Permitted Cannabis Activities</b>
<b>18.39.040</b>	<b>Specific Non-Commercial Cannabis Activities Allowed</b>
<b>18.39.050</b>	<b>Town Commercial Cannabis Activity Permit Required</b>
<b>18.39.060</b>	<b>Commercial Cannabis Activity Application Requirements</b>
<b>18.39.070</b>	<b>Review of Commercial Cannabis Activity Permits</b>
<b>18.39.080</b>	<b>Grounds for Denial of an Application</b>
<b>18.39.090</b>	<b>Appeal to Town Council</b>
<b>18.39.100</b>	<b>Permit Renewal</b>
<b>18.39.110</b>	<b>Permit Nontransferable</b>
<b>18.39.120</b>	<b>Fees</b>
<b>18.39.130</b>	<b>Taxes</b>
<b>18.39.140</b>	<b>Commercial Cannabis Development Criteria and Operating Requirements</b>
<b>18.39.150</b>	<b>Record Retention</b>
<b>18.39.160</b>	<b>Track and Trace Program</b>
<b>18.39.170</b>	<b>Revocation or Suspension of Permit</b>
<b>18.39.180</b>	<b>Enforcement and Penalties</b>

#### **18.39.010 Purpose**

Proposition 64 or the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) took effect on November 9, 2016 and made it legal for persons 21 years of age or older to smoke or ingest marijuana or marijuana products; possess, process, transport, purchase, obtain or give away to persons of 21 years of age or older 28.5 grams of marijuana or eight grams of concentrated marijuana; and possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. Senate Bill 94 took effect on June 27, 2017 and blended together the non-medical marijuana regulations in the AUMA and the Medical Cannabis Regulation and Safety Act (“MCRSA”) to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). Pursuant to these laws, local agencies may impose reasonable regulations on indoor cultivation and regulate or ban outdoor cultivation or other cannabis land uses. The purpose of this Chapter is to implement reasonable regulations for cannabis land uses that protect the health, safety and welfare of the Town.

#### **18.39.020 Definitions**

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth herein:



- A. "Applicant" means a Person who meets the residency requirements of Section 18.39.140(B) and who has applied for a Permit under this Chapter.
- B. "Application" means that form approved by the Town Planning and Building Director and provided by the Department in accordance with this Chapter for the purpose of seeking a Permit.
- C. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, Cannabis does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- D. "Cannabis Products" has the same meaning as in California Health and Safety Code Section 11018.1 as may be amended from time to time.
- E. "Commercial Cannabis Activity" includes the Cultivation, Manufacturing, Distribution, Processing, warehousing, storing, Testing, packaging, labeling, transportation, delivery, Retail Sale of Cannabis and Cannabis Products or Cannabis events as provided for in this Chapter or under State rule, law, or regulation.
- F. "Cultivation" means any activity involving the planting, growing, fertilizing, irrigating, harvesting, drying, curing, grading, trimming, and/or storing of Cannabis whether in or outdoors and the related sale of such cultivated Cannabis.
- G. "Customer" means a natural person 21 years of age or over or a natural person 18 years of age or older who possesses a physician's recommendation or a natural person 14 years of age or older with parental/guardian permission.
- H. "Department" means the Town of Portola Valley Planning and Building Department.
- I. "Distribution" means the procurement, sale, and transport of Cannabis and Cannabis Products between Permittees.
- J. "Indoor Cultivation" means Cultivation indoors using exclusively artificial lighting.
- K. "Manufacturing" means compounding, converting, producing, deriving, or preparing, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, Cannabis or Cannabis Products.

L. "Mixed-Light Cultivation" means Cultivation using light deprivation and/or any combination of natural and supplemental artificial lighting. Greenhouses and similar structures or spaces of sufficient size to permit entry enclosed with a nonporous covering or light deprivation systems are included in this category. This category does not include structures constructed of porous cloth or other porous material(s).

M. "Outdoor Cultivation" means Cultivation using no artificial lighting conducted in the ground, in containers outdoors, or in structures constructed of porous material(s).

O. "Permit" or "Cannabis Permit" means a permit issued by the Town for Commercial Cannabis Activity permitted pursuant to this Chapter.

P. "Permittee" means any Applicant issued a Permit under this Chapter.

Q. "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company (LLC), estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

R. "Premises" means the property specified in the Application that is owned by the Applicant/ Permittee where the Commercial Cannabis Activity will be or is conducted. The Application shall specify the area of land on the property and/or the structure or structures where Commercial Cannabis Activity will be or is conducted. The Premises shall be a contiguous area and shall only be occupied by one Permittee.

S. "Retail Sale" means any transaction whereby, for any consideration, Cannabis or Cannabis Products is sold to a Customer, and includes the delivery of Cannabis or Cannabis Products.

T. "Sensitive Receptor" means schools providing education to K-12 grades, day care centers, Youth Centers, public parks, including but not limited to the following: Windmill School (900 Portola Road); Creekside Learning Lab (884 B-1 Portola Road); Christ Church (815 Portola Road); Ormondale School (200 Shawnee Pass); Corte Madera School (4575 Alpine Road); Woodside Priory School (302 Portola Road); Ladera Church (3300 Alpine Road); Town Hall Campus (765 Portola Road); Rossotti Field (3919 Alpine Road); Ford Field (3399 Alpine Road); Alpine Hills Swim & Tennis Club (4139 Alpine Road); Triangle Park (Portola/Alpine Roads).

U. "State" means the State of California.

V. "State Permit" means a permit to conduct Commercial Cannabis Activity issued by the State.

W. “Testing” means the testing of Cannabis or Cannabis Products by an authorized laboratory, facility, entity, or Person.

X. “Youth Center” shall have the same meaning as defined by California Health and Safety Code Section 11353.1 and shall also include publicly owned facilities and properties that support activities for youth and children.

### **18.39.030 Prohibited and Permitted Commercial Cannabis Activities**

A. Prohibited. Unless expressly authorized by this Chapter, no Commercial Cannabis Activities for either medical or personal purposes are allowed in the Town of Portola Valley. The intent of this Chapter is only to permit cultivation of up to 12 commercial cannabis plants on any single property in any residential zoning district. No Permit for Commercial Cannabis Activity shall be issued for any other purpose or in any other zoning district, including but not limited to land zoned O-A or C-C.

B. Permitted with State and Local Permit. Only the following Commercial Cannabis activity may occur in the Town of Portola Valley pursuant to valid State and Town Permits:

1. Commercial Cultivation of Cannabis. Commercial cultivation of up to a maximum of twelve cannabis plants may be conducted subject to a Cannabis Permit only on residentially zoned lands.

C. Permitted with State Permit. The following Commercial Cannabis activities may occur in the Town of Portola Valley pursuant to a valid State Permit:

1. Transportation of Cannabis on public roads as expressly authorized under California Business and Professions Code Section 26080(b).

2. Lawful delivery of Cannabis to a Customer on public roads; however, no physical location for such delivery service shall be permitted within the Town of Portola Valley.

### **18.39.040 Specific Non-Commercial Cannabis Activities Allowed**

The following are exempt from the permitting requirements of this Chapter:

A. Personal Indoor Cultivation. A natural person 21 years of age or older who engages in Cannabis Cultivation, subject to the cultivation limit in subsection C below, exclusively for personal use inside a private residence or inside a permitted accessory structure to a private residence located upon the grounds of a private residence as authorized by California Health and Safety Code Section 11362.1.

B. Personal Outdoor Cultivation. A natural person 21 years of age or older who engages in Cannabis Cultivation, subject to the Cultivation limit subject to the cultivation limit in subsection C below, exclusively for personal use outside a private residence as authorized by California Health and Safety Code Section 11362.1. Notwithstanding the foregoing, any personal outdoor Cultivation shall be in compliance with the following requirements:

1. Shall not be in ordinary public view from public rights of way, publicly owned or maintained trails and public parks;
2. Shall be at least 600 feet away from any Sensitive Receptor. The 600 feet shall be measured in a straight line from the closest property line of the Sensitive Receptor to the actual Cultivation site; and
3. The odor from Cultivation must not be detectible off the grounds of the private residence or from any place accessible to the public.

C. Cultivation Limit. For both personal indoor Cultivation and personal outdoor Cultivation, not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time. No Cannabis may be grown within the minimum setback required for the zoning district.

#### **18.39.050 Town Commercial Cannabis Activity Permit Required**

A. Any Person who intends to engage in a permitted Commercial Cannabis Activity in the Town shall obtain a Cannabis Permit in accordance with this Chapter for each Premises in the Town where proposed Commercial Cannabis Activity is to occur. A Cannabis Permit from the Town is not valid and the Commercial Cannabis Activity may not commence unless and until the Applicant obtains a valid license from the State for the same Commercial Cannabis Activity permitted by the Town. An Applicant shall provide a copy of the State license to the Department prior to commencing Cultivation.

B. Any Cannabis Permit issued under this Chapter does not provide any protection or immunity for any Person from State or federal laws, or from prosecution pursuant to any applicable State or federal laws.

#### **18.39.060 Commercial Cannabis Activity Application Requirements**

A. Each Application shall be filed with the Town, under penalty of perjury on the form provided and in the manner required by the Department.

B. An Application shall not be deemed complete until all required Application fees have been paid, and all questions, comments and/or requests for information have been addressed to the satisfaction of the Planning and Building Director.

#### **18.39.070 Review of Commercial Cannabis Activity Permits**

A. Processing of Application. The Department will review the Application. The Department will provide a copy of the Application for review and comment to the San Mateo County Sheriff's Department and the Woodside Fire Protection District. The proposed Premises may be subject to an inspection by the Department, the Sheriff's Department and Fire District prior to the public hearing on the Application, which will not be set until the Department determines that the Application is complete. If the Department determines the Application is incomplete, the Department will provide notice to the Applicant, who shall have 30 days to complete all deficiencies. If the Applicant fails to complete the deficiencies within the 30-day period, the Application shall be deemed

abandoned. The Applicant may reapply at any time following an abandoned Application. The Department will not refund any fees for incomplete or abandoned Applications.

B. Commercial Cannabis Permit Required. A Cannabis Permit shall be required for Commercial Cannabis Cultivation. The application procedures for the Cannabis Permit shall be as provided for in Chapter 18.72 of this title. The Planning Commission may grant a Cannabis Permit if it makes the following findings:

1. The proposed activity complies with the findings set forth in 18.72.130 (Conditional Use Permit findings).

2. The proposed activity is no more objectionable than the conditionally permitted uses allowed in the underlying residential zone with respect to public safety, security, environmental impacts, level of noise, traffic, odors, glare and other impacts normally associated with other listed uses.

4. The proposed activity complies with all of the development criteria and operating requirements in Section 18.39.140.

5. The Applicant has an established account in a State-approved track and trace in accordance with Section 18.39.160.

6. The proposed activity complies with the requirements set forth in this Chapter and State law.

C. Duration of Permit. Each Permit shall be granted for a one-year period and shall expire one year after the date of its issuance. Nothing herein is intended to limit the number of times an Applicant may apply to renew the Cannabis Permit issued by the Town.

D. Permit Conditions. In addition to any conditions imposed by the Planning Commission, all Permits shall include statements conveying the following information, displayed prominently on the Permit itself:

1. A warning that Permittees, supervisors, employees, and any other Persons involved in Commercial Cannabis Activities may be subject to prosecution under State or federal laws; and

2. An acknowledgment that, by accepting the Permit and engaging in a Commercial Cannabis Activity, the Permittee has released the Town and its officers, insurers, sureties, agents, Town Council members, attorneys, employees, and representatives from and against any all liability, and will defend and indemnify them, for any monetary damages related to or arising from issuance of the Permit, authorizing Permittee to engage in an authorized Commercial Cannabis Activity, enforcement of requirements or conditions related to the Permit, and/or revocation of the Permit.

3. All Cannabis Permits shall be valid only while the Permittee is in possession of a valid State license for the same cannabis activity authorized by the Town issued Cannabis Permit.

### **18.39.080 Grounds for Denial of an Application**

A. The Planning Commission shall deny an Application for a Commercial Cannabis Permit for any of the following reasons:

1. The Planning Commission is unable to make the findings in Section 18.39.070(B) above.

2. The Applicant made a knowingly false statement of a material fact in the Application or knowingly omitted a material fact from the Application;
3. The proposed Commercial Cannabis Activities do not fully comply with the requirements of this Chapter or any State law or regulation;
4. The Applicant failed to provide all information required in the Application and/or failed to allow a pre-inspection of the proposed Premises;
5. An Applicant is subject to prosecution or has been convicted or sanctioned for an offense or violation set forth under California Business & Professions Code Section 26057(b)(4), (b)(6);
6. An Applicant has been sanctioned by the State or any other licensing authority for unauthorized Commercial Cannabis Activities or has had a State Permit or any other Permit for Commercial Cannabis Activities suspended or revoked in the three (3) years immediately preceding the date the Application is filed; or
7. Any other valid reason in the Planning Commission's reasonable discretion.

B. Notice of the decision to deny an Application specifying the reason(s) for the denial shall be provided in writing to the Applicant. The Applicant may appeal denial of its Application to the Town Council as set forth below in Section 18.39.090. No new Application(s) for a Permit on Premises where an Application has been denied shall be accepted for a period of one (1) year from the date of denial.

#### **18.39.090 Appeal to Town Council**

Action of the Planning Commission in approving or disapproving the grant of a Cannabis Permit may be appealed to the Town Council in accordance with Sections 18.78.010 through 18.78.110 or the Town Council may elect to review the action of the Planning Commission in accordance with the provisions of Section 18.78.120.

#### **18.39.100 Permit Renewal**

A. To renew a Permit, a completed Permit renewal Application on a form approved by the Planning and Building Director and renewal fee shall be received by the Department no fewer than sixty (60) calendar days before the expiration of the Permit. The Permit renewal Application shall not be deemed complete until all renewal fees have been paid. Upon receipt of a complete Permit renewal Application, the Department shall notify all adjacent property owners of the submittal at least 30 days prior to the issuance of the renewal.

B. In the event the Permit is not renewed prior to the expiration date, it shall be deemed expired and the Permittee must cease all Commercial Cannabis Activity until such time that the Permittee is issued a new Permit in accordance with this Chapter. The Permittee will be subject to enforcement actions pursuant to Chapter 1.12, Code Compliance, for continuing operations after a Permit has expired without a renewal.

C. Permit renewal applications are subject to review and decision by the Planning and Building Director. The Planning and Building Direction, however, has discretion to elevate any Permit renewal Application to the Planning Commission for review and decision. The

Planning and Building Director shall deny any request for a Permit renewal for any of the following reasons:

1. The Permit renewal Application is filed fewer than sixty (60) calendar days before expiration of the Permit;
2. The Permittee does not fully comply with the requirements of this Chapter or any State rule, law, or regulation;
3. The Permittee has failed to provide all information required in the Permit renewal application and/or has failed to allow a requested inspection of the Premises;
4. The Permittee has any outstanding taxes, fees, or fines owed to the Department or to the Town;
5. The Permit is suspended or revoked at the time of the request for Permit renewal;
6. The Permittee is subject to prosecution or has been convicted or sanctioned for an offense or violation set forth under California Business & Professions Code Section 26057(b)(4), (b)(6);
7. The Permittee has been sanctioned by the State or any other licensing authority for unauthorized Commercial Cannabis Activities or has had a State Permit or any other Permit, permit, or authorization for Commercial Cannabis Activity suspended or revoked between the time the original Permit was issued and the filing of the request for Permit renewal; or
8. The Permittee no longer has his or her primary domicile in the Town.

D. If a request for a Permit renewal is denied, a new Application may be filed pursuant to this Chapter. However, no new Application(s) for a Permit on Premises where an Application to renew a Permit has been denied shall be accepted for a period of six (6) months from the date of denial.

E. Notice of the decision to deny or approve a request for a Permit renewal specifying the reason(s) for the denial shall be provided in writing to the Permittee. The Permittee may appeal the denial of a request for a Permit renewal to the Planning Commission.

F. The Planning and Building Director shall provide an informational item to the Planning Commission regarding any and all Permit renewals prior to the effective date of the renewal. The informational report shall include, but not be limited to, any comments received on the Permittee's Commercial Cannabis Activities within the year prior to the renewal Application. The Planning Commission may request that a public hearing be conducted on any Permit renewal Application. The public hearing shall be conducted de novo pursuant to the criteria set forth in this section. The Planning Commission's decision shall be appealable to the Town Council. Any appeal to the Town Council shall be subject to a de novo public hearing pursuant to the criteria set forth in this section.

#### **18.39.110 Permit Nontransferable**

A. A Permit issued under this Chapter does not create any interest of value, is not transferable, and automatically terminates upon attempt to transfer of ownership of the Permit. Any change in the Permittee's ownership requires a new Application pursuant to Section 18.39.070. In the event a new Permit is not issued by the Town prior to transfer

of ownership, the Permit shall be deemed revoked and any activities on the Premises for which the Permit was issued must cease all Commercial Cannabis Activity until such time that the new owner is issued a new Permit from the Department. The Permittee and all owners of the Premises will be subject to enforcement actions pursuant to Chapter 1.12, Code Compliance, for continuing operations after a Permit has expired without a renewal.

B. A Permit is issued to and covers only the Permittee with respect to the Premises identified on the Permit. The Permit does not run with the land.

#### **18.39.120 Fees**

The filing of an initial Application and/or an Application for renewal of a Permit shall be accompanied by payment of such fees as the Town Council may establish to recover the cost of administration and enforcement of this Chapter. Such fees are non-refundable. Applicants and Permittees are responsible for the costs of inspections, investigations, and any other activity required pursuant to this Chapter. All fees and costs specified by this Chapter shall be established by resolution of the Town Council and may be amended from time to time.

#### **18.39.130 Taxes**

All Permittees shall comply with any Town-imposed Commercial Cannabis Activity taxes that may be enacted.

#### **18.39.140 Commercial Cannabis Development Criteria and Operating Requirements**

A. A maximum of 12 plants may be grown on the Premises for commercial purposes.

B. Permittee must have his or her primary domicile in the Town of Portola Valley.

1. If the Premises is owned by an individual, that individual must satisfy the residency requirements of this Chapter and must own the Premises.

2. If the Premises is not owned by an individual, the residency requirement specified in this Chapter shall be met by the Permittee's chief executive officer, a member of the Permittee's board of directors or a Person with an aggregate ownership interest of 20 percent or more in the Permittee.

3. The residency requirement specified in this section shall be maintained during the term of the Permit.

C. Property Setbacks. Commercial Cannabis shall not be grown in the zoning setbacks for the Premises.

D. All Premises shall also be located a minimum of 600 feet from any Sensitive Receptor. The 600 foot distance shall be measured in a straight line from the closest property line of the residentially designated or otherwise protected site to the closest property line of the parcel with the Cannabis Cultivation.



E. Surveillance and Security. Commercial Cannabis Activity shall comply with security requirements acceptable to the Department on an individual project basis. The security requirements may include provisions for perimeter fencing plan (compliant with Municipal Code Chapter 18.43, Fences), interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.

F. Ventilation. All Premises shall be equipped with odor control filtration and ventilation system(s) to control odors and mold to the reasonable satisfaction of the Planning and Building Director.

G. Inspections. Premises shall be subject to inspections by, without limitation, the Department, the Town of Portola Valley, County of San Mateo, the Woodside Fire Protection District, and any or agency, office or similar department thereof. Agents or employees of such agencies shall have unrestricted access to the Premises, including, without limitation, all rooms, buildings, structures, facilities, and limited access areas, for the purpose of conducting inspections. If a Permittee refuses or interferes with an inspection, the Permittee will be subject to enforcement efforts pursuant to Chapter 1.12, Code Enforcement and the Town may order the immediate cessation of all Commercial Cannabis Activities on the Premises.

H. Display of Permit. The current Permit, State Permit, and an emergency contact phone number shall be maintained on the Premises at all times and shall be immediately accessible upon request of any entity conducting an inspection.

I. No Consumption on Premises. Consumption of Commercial Cannabis shall not be allowed within 100 feet of the commercial Cultivation area. This provision is not intended to prohibit personal use by the owner or occupant of the Premises.

J. Parking Requirements. Adequate on-site parking and delivery drop off and pick up zones shall be provided. No off-site parking shall be used in conjunction with the Commercial Cannabis Activity.

K. Notification to Department. A Permittee shall provide the Department with notice in writing, either by mail or e-mail to the attention of the Planning and Building Director, within 24 hours of the following:

1. A criminal conviction rendered against the Permittee;
2. A civil penalty or judgment rendered against the Permittee;
3. Notice of revocation of a State Permit or other local authorization to conduct Commercial Cannabis Activities;
4. The Permittee becomes aware of, or has reason to suspect, a diversion, theft, loss, or any other criminal activity involving its Commercial Cannabis Activities.

L. Cultivation Types Allowed. The following State Permit types, as defined by California Business and Professions Code Section 26061, will be permitted in the Town, subject to issuance of a Commercial Cannabis Permit:

1. "Specialty Cottage Outdoor" is an outdoor Cultivation site with up to 12 mature plants.
2. "Specialty Cottage Indoor" is an indoor Cultivation site with up to 12 mature plants.
3. "Specialty Cottage Mixed-Light Tier 1 and 2" is a mixed-light Cultivation site with up to 12 mature plants.

M. Number of Permits. The Town may issue up to 5 new permits during the first year of this ordinance. During the second year following the effective date of this ordinance, and each year thereafter, the Town may issue up to five new permits provided that there shall be no more than 10 issued Permits in effect at any one time. There may not be more than one Permit issued per Premises.

N. Building Requirements. All structures used for Cultivation, including greenhouse or similar structures shall comply with all applicable State or local building and design review regulations, zoning, and land use requirements.

O. Fire Code Requirements. A Permittee shall prepare and implement a fire prevention plan, which shall include, at minimum, emergency vehicle access to the Premises vegetation management, and fire break maintenance around all structures. The plan for compliance with this Section shall be proposed at the Application stage and shall not be approved without the concurrence of the Woodside Fire Protection District Fire Marshall.

P. Lighting. All lighting visible from the exterior of the Cultivation area shall comply with the dark sky lighting requirements. Light shall not escape at a level that is visible from neighboring properties or the public right of way.

Q. Runoff and Storm water. Runoff containing sediment or other waste or byproducts, including, without limitation, fertilizers and pesticides, shall not be allowed to drain to the storm drain system, waterways, or adjacent lands, and shall additionally comply with all applicable State and federal regulations. A plan for compliance with this Section shall be proposed at the Application stage and included as a condition of approval.

R. Wastewater Discharge. Permittees shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof. All domestic wastewater shall be disposed of in a permanent sanitary sewer or on-site wastewater treatment system (OWTS) with demonstrated adequate capacity. A plan for compliance with this Section shall be proposed at the Application stage. The plan must, at minimum, identify the amount of wastewater, excess irrigation, and domestic wastewater anticipated, as well as treatment and disposal facilities.

S. Pest Prevention. All Cannabis and Cannabis Products shall be kept commercially clean in respect to established pests of general distribution so that exposure to such pests is under effective control. Permittees shall comply with all applicable State and federal pesticide laws and regulations, including, without limitation, those enforced by the State Department of Pesticide Regulation. A plan for compliance with this Section shall be

proposed at the Application stage. The plan must, at minimum, include the product name and active ingredient(s) of all pesticides to be applied to Cannabis during any stage of plant growth and integrated pest management protocols, including chemical, biological, and cultural methods the Permittee anticipates using to control or prevent the introduction of pests on the Cultivation Site.

T. Energy Use. Electrical power, including, without limitation, for illumination, heating, cooling, and ventilation, shall be provided by 100% renewable energy source or on-site zero net energy renewable source. A plan for compliance with this Section shall be proposed at the Application stage.

U. Noise Limits. Noise generated at the Premises shall comply with the Town's Noise Control requirements.

V. Hazardous Materials. No hazardous materials shall be used in conjunction with the Cultivation of cannabis at the Premises.

W. Waste Management. All Cannabis waste must be properly stored and secured to prevent access by the public. All garbage and refuse on the Cultivation Site shall be accumulated or stored in nonabsorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. No garbage and refuse generated in conjunction with the Cultivation of cannabis shall be allowed to accumulate for more than seven (7) calendar days, and shall be properly disposed of before the end of the seventh (7th) day. All non-Cannabis waste, including, without limitation, refuse, garbage, green waste, and recyclables, must be disposed of in accordance with Town and State codes, laws and regulations. A plan for compliance with this Section shall be proposed at the Application stage. The plan must address the storing, handling, and disposing of all waste by-products of Cultivation and, at minimum, characterize the anticipated amount and types of waste generated, identify the designated holding area(s) for Cannabis waste, and describe the operational measures that are proposed to manage, track/identify, and dispose of Cannabis waste in compliance with County and State standards.

X. Water Usage. Permittees must identify a water supply source adequate to meet all Cultivation uses on a sustainable basis for the Premises, provide the Department with proposed conservation measures, demonstrate that Permittee is in compliance with all statutes, regulations, and requirements of the State Water Resources Control Board, Division of Water Rights, and allow the Department and/or other County departments access to the Premises to monitor water usage. Domestic water sources must be from a source permitted by the Town. A plan for compliance with this Section shall be proposed at the Application stage.

Y. Insurance Requirements: A Permittee shall maintain insurance in the amounts and of the types that are acceptable to the Town Manager or his or her designee. The Town of Portola Valley shall be named as additional insured on all city-required insurance policies.

Z. Indemnity: To the extent permitted by law, the Applicant shall indemnify, defend and hold harmless the Town, its Town Council, its officers, attorneys, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the activity subject of the Cannabis Permit, including (without limitation) reimbursing the Town for its actual attorneys’ fees and costs incurred in defense of the litigation. The Town may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

#### **18.39.150 Record Retention**

A. A Permittee shall keep and maintain the following records for at least seven (7) years from the date of permit issuance by the Town:

1. Financial records including, without limitation, bank statements, sales invoices, receipts, tax records, and all records required by the California State Board of Equalization, other State of California agencies, the Department, or other County departments;

2. Personnel records, including each employee’s full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;

3. Training records, including, without limitation, the content of the training provided and the names of the employees that received the training;

4. Contracts with other Permittees;

5. Limited-access area logs and copies of current versions of any applicable plans required under this Chapter, including, without limitation, security plan, waste disposal plan, water management plan, water conservation plan, access restriction procedures, record keeping policy, odor and ventilation measures, energy usage plan, fire prevention plan, parking plan, and pest management plan; and

6. State permits, and other local Permits or authorizations to conduct Commercial Cannabis Activity.

B. A Permittee shall provide all books and records for review by the Department or its designee upon request. Records shall be kept in a manner that allows the Department, or its designee, to review the records in either hard copy or electronic form, whichever the Department requests. A Permittee may contract with a third party to provide custodial or management services of the records; however, such a contract shall not relieve the Permittee of its responsibilities under this Chapter.

#### **18.39.160 Track and Trace Program**

A. A Permittee must have an established account in a State-approved track and trace system prior to engaging in any Commercial Cannabis Activities. A Permittee may use any track and trace program approved by State agencies and shall comply with all State laws, rules, and regulations relating to track and trace, including, without limitation, system unique identifier (UID) requirements, user requirements, reporting requirements, and inventory requirements.

B. The Permittee is responsible for the accuracy and completeness of all data and information entered into the track and trace system. Data entered into the track and trace system must be accurate. Inaccuracies, if not corrected, may result in enforcement action against the Permittee.

C. The Permittee shall designate at least one track and trace system administrator who shall complete initial training prior to accessing the system and participate in ongoing training as required by the Department, the State, and/or their respective agents/designees. The designated administrator must maintain an accurate and complete list of any other track and trace system administrators and users and update the list immediately when changes occur.

D. It is a violation of this Chapter for any Person to intentionally misrepresent or falsify information entered into the track and trace system. The Permittee shall monitor all notifications from the track and trace system and resolve all the issues included in the notification in the time frame specified in the notification. A Permittee shall not dismiss a notification from the track and trace system until the Permittee resolves the issues identified in the notification.

#### **18.39.170 Revocation or Suspension of Permit**

A. Any of the following shall be grounds for revocation or suspension of a Permit:

1. Failure to comply with the terms and conditions of the Permit.
2. Any act or omission that violates the requirements of this Chapter, the County Code, or State rule, law, or regulation.
3. Any act or omission that results in the denial, revocation, or suspension of the Permittee's State Permit.
4. The Permit was granted on the basis of false material information, written or oral, provided knowingly or negligently by the Permittee.
5. Conduct of Commercial Cannabis Activities in a manner that constitutes a nuisance, where the Permittee has failed to comply with reasonable conditions to abate the nuisance.
6. The Permittee no longer meets the residency requirements of this chapter.

B. Revocation or suspension proceedings shall be conducted in accordance with Chapter 1.12, Code Compliance.

#### **18.39.180 Enforcement and Penalties**

A. Any activity in violation of this Chapter is hereby deemed a per se nuisance.

B. As part of any code compliance efforts, any Permittee found to be in violation of this Chapter shall be assessed in addition to the cost of code compliance a penalty in the amount of three times (3x) the amount of the Permit fee.

C. The remedies in this Chapter are in addition to and do not supersede or limit any and all other remedies provided by law. The remedies provided in this Chapter are cumulative and not exclusive.

2. AMENDMENT OF CODE. Subsection Q is hereby added to Section 8.12.010 [Definition of nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] is amended to read as follows:

“Q. A Commercial Cannabis Activity emitting odors that are detectible off site.”

3. ANNUAL REVIEW. For five years following adoption of this Ordinance, the Planning Commission shall conduct an annual review of this Ordinance. This annual review shall include the number of applications received, the number of permits issued, the number of complaints received and an assessment of whether modifications to the ordinance are required. Following the first annual review, in the Council’s reasonable discretion, the Council may direct the Planning Commission to extend the time periods for the review or to eliminate such review altogether.

4. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The Town Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act (“CEQA”) because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

5. 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.

6. EFFECTIVE DATE AND 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.

INTRODUCTED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST

APPROVED

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Town Clerk

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Mayor

APPROVED AS TO FORM

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Town Attorney

## Proposition 64 - Summary of Regulations for San Mateo County Towns/Cities

## San Mateo County

City	Commercial Cultivation Allowed? Manufacturing and Testing Allowed? Distribution and Retail Allowed?	Ban or Regulate Personal Outdoor Cultivation?	Any Regulation on Personal Indoor Cultivation?	Ban or Regulate Medicinal Cannabis Business?	Enact Local Taxes and/or Fees on Cannabis Business?
Atherton	None at this time.	None at this time.	None at this time.	None at this time.	None at this time.
Belmont	Ordinance introduced on 9/12/17 (and to be referred to Planning Commission) to prohibit commercial cannabis businesses (both medical and recreational).	Allowed under proposed Code Section 15-113 only if it is in compliance with the parameters established by Health and Safety Code Section 11362.2 and the following local requirements: (1) Odor from cultivation must not be detectible off the grounds of the private residence or from any place accessible to the public. (2) Cultivation complies with and does not contribute to violation of State Housing Law, California Building Standards Codes, Code of Regs Title 25, and City property maintenance standards. (3) Cultivation does not displace required parking. (4) Cultivation is at all times a secondary use to an occupied private residence.	Same as Personal Outdoor Cultivation (previous column).	Prohibited under proposed Code Section 15-111.	None at this time.
Brisbane	Ordinance introduced on 9/7/17.  Cannot be located within 600 ft. of a school, day care, or youth center. (This is State law, not a local requirement.)  When licensing starts with the State, must have a valid State license.  Closed to the general public. Deliveries and pick-ups prohibited between 7:00 p.m. and 8:00 a.m.  Odor to be contained on the property.  All business activities to occur within the building. No display, production, distribution, etc. visible from exterior of building.  Commercial burglar alarm monitoring system, and a video surveillance system. Notify police of security breach and change in ownership.  Labels and packages to meet all State and Federal labeling requirements.  Inspections at any time by the Police Chief (scheduled in advance).  Obtain use permit depending on the use and the district. Lab testing in SPCRO district allowed by right.	Cannabis cultivation area defined as "measured by the aggregate area of vegetative growth of live cannabis plants on the premises."  No more than 6 mature or 12 immature plants per qualified patient at any residence. Multiple qualified patients at one residence, 25 plants.  Lighting and electricity requirements.  No gas products to be used.  No exterior evidence including odor, view, or other indication of cannabis cultivation or processing.  Area cannot affect the health or safety of nearby residents.  Cannot grow on any other property in City.	Cannabis cultivation area defined as "measured by the interior dimensions of the room or structure."  No more than 6 living plants cultivated in the interior or exterior but: a. must occur in one cannabis cultivation area not exceeding 100 square feet. b. Cultivation and processing area in compliance with Building Code. c. Interior areas restricted to one room or within a self-contained outside accessory structure that is secured, locked, and fully enclosed. Can't violate an ordinance or zoning restrictions, and can't be covered or constructed with plastic or cloth. If in a garage, can't result in a reduction of required off-street parking for the residence. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not used primarily for personal cannabis cultivation or processing. d. Exterior areas enclosed by a secure, opaque, solide fence or wall at least 6 ft. in height, consistent with fence regs in Title 17. Lockable gate or gates locked at all times when not in the immediate area. Can't violate an ordinance or zoning restrictions, and can't be covered or constructed with plastic or cloth.  Lighting and electricity requirements.  No gas products to be used.	Regulate - see first column for restrictions	None at this time.
Burlingame	None at this time	Not allowed.	None at this time.	None at this time.	None at this time.



City	Commercial Cultivation Allowed? Manufacturing and Testing Allowed? Distribution and Retail Allowed?	Ban or Regulate Personal Outdoor Cultivation?	Any Regulation on Personal Indoor Cultivation?	Ban or Regulate Medicinal Cannabis Business?	Enact Local Taxes and/or Fees on Cannabis Business?
Colma	Not allowed.	Not allowed.	Prohibited, but if a complete prohibition is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, unless issued an indoor cultivation permit by the Planning Department.	Cultivation of medical marijuana subject to same requirements as personal indoor cultivation.  Medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment or provider prohibited.	None at this time.
Daly City	Not allowed.	None at this time.	None at this time.	Not allowed.	None at this time.
East Palo Alto	Not allowed.	Moratorium in place prohibiting. Study sessions being conducted.	Moratorium in place prohibiting. Study sessions being conducted.	Not allowed.	None at this time.
Foster City	Moratorium in place prohibiting.	Moratorium in place prohibiting.	Moratorium in place prohibiting.	Moratorium in place prohibiting.	None at this time.
Half Moon Bay	Not allowed at this time.	None at this time.	None at this time.	Not allowed.	None at this time.
Hillsborough	Permanent urgency ordinance adopted November 13, 2017	Not allowed. Defined home business permits as precluding commercial cannabis uses.	Not allowed. Defined home business permits as precluding commercial cannabis uses.	Permanent urgency ordinance adopted November 13, 2017	None at this time.
Menlo Park	Adopted moratorium banning all cannabis use except for medical delivery and indoor cultivation. Moratorium expires on September 29, 2019	Yes	No	Yes	No
Millbrae	Not allowed.	Not allowed.	Not allowed, except that persons over 21 can obtain an indoor cultivation permit from the City's Planning Department to plant, grow, cultivate, harvest, dry, cure, grade, trim, and process up to six plants for their own,	Not allowed.	None at this time.
Pacifica	Marijuana manufacturing, testing in certain locations (with approved use permit).  Marijuana Operation Overlay District created to regulate number of businesses.	Indoor or outdoor cultivation of marijuana for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in the code.  Personal outdoor cultivation prohibited if property directly abuts any School, Day Care Center, or Youth Center.  Contained within an area that is fully enclosed by a solid, locked, fence with a height of not less than six feet, shall not encroach upon or otherwise touch adjacent property lines and/or fences, and all portions of any marijuana plant shall maintain minimum setbacks.  Cannot use gas products such as, but not limited to, carbon dioxide, butane, propane, or natural gas on the property for purposes of marijuana cultivation, and pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.  No artificial light or affect health and safety of neighbors/residents.	Indoor or outdoor cultivation of marijuana for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in the code.  Six living plants inside residence or accessory structure, fully enclosed and secured		Adopted ballot measure to establish a tax on marijuana operations at the election to be held on 11/7/17
Portola Valley	Town Council elected not to adopt moratorium but existing zoning regulations and state buffer significantly limit most cannabis related activities in majority of Town	No	No	No	No

City	Commercial Cultivation Allowed? Manufacturing and Testing Allowed? Distribution and Retail Allowed?	Ban or Regulate Personal Outdoor Cultivation?	Any Regulation on Personal Indoor Cultivation?	Ban or Regulate Medicinal Cannabis Business?	Enact Local Taxes and/or Fees on Cannabis Business?
Redwood City	<p>Phased approach to cannabis regulations.</p> <p>Adopted Zoning Ordinance banning all medicinal and recreational commercial cannabis activity, except for deliveries from facilities located outside city limits.</p> <p>Council direction to return next year with proposed regulations allowing delivery only retain facility located within city limits.</p>	Zoning Ordinance bans personal outdoor cultivation.	Zoning Ordinance allows personal indoor cultivation of up to six plants, subject to all applicable state and local laws, including building, electrical fire, and water codes and regulations.	Not allowed except for deliveries.	Apply business license fees to cannabis businesses delivering to RWC. Council direction to prepare cannabis excise tax and to develop cost-recovery fee for regulating cannabis businesses for next year.
San Bruno	Urgency Ordinance extended (expires October 2018). Not allowed.	Not allowed.	Indoor cultivation of marijuana is limited to residential districts, is limited to six (6) plants per residence, and must be entirely for the personal use of a resident of the residence who is twenty-one (21) years of age or older.	Not allowed.	
San Carlos	Occur as a nursery or a component of a microbusiness. Cultivation is to occur indoors and not visible from any public right-of-way. Artificial lighting or mixed lighting.		Indoor cultivation of marijuana is limited to residential districts, is limited to six (6) plants per residence. Cannot be visible from the public right-of-way.	Not allowed	
San Mateo		<p>Not allowed.</p> <p>Smoking banned in multi-family buildings (rental or ownership), if there are shared walls or ventilation systems. Edibles not permitted in multi-family or single-family residences.</p>	Ordinance prohibiting cultivation, processing, or sale of marijuana.	Smoking banned in multi-family buildings (rental or ownership), if there are shared walls or ventilation systems. Edibles not permitted in multi-family or single-family residences.	
South San Francisco	Study sessions held. Moratorium banning all commercial activity extended until 11/8/18.	Ban personal outdoor cultivation	None yet.	Currently banned, under existing moratorium.	None at this time.
Woodside	Moratorium in place prohibiting.	Moratorium in place prohibiting.	Moratorium in place prohibiting.	Moratorium in place prohibiting.	None at this time.

City	Commercial Cultivation Allowed? Manufacturing and Testing Allowed? Distribution and Retail Allowed?	Ban or Regulate Personal Outdoor Cultivation?	Any Regulation on Personal Indoor Cultivation?	Ban or Regulate Medicinal Cannabis Business?	Enact Local Taxes and/or Fees on Cannabis Business?
<b>Cities from Other Counties</b>					
City	Commercial Cultivation Allowed? Manufacturing and Testing Allowed? Distribution and Retail Allowed?	Ban or Regulate Personal Outdoor Cultivation?	Any Regulation on Personal Indoor Cultivation?	Ban or Regulate Medicinal Cannabis Business?	Enact Local Taxes and/or Fees on Cannabis Business?
Cupertino	Moratorium extended for another year	Moratorium extended for another year	Moratorium extended for another year	Moratorium extended for another year	
Los Gatos	Ordinance banning all cannabis sales	Ordinance banning outdoor cultivation	Ordinance banning personal indoor cultivation	Ordinance banning	
Palo Alto	Temporary moratorium ban.			Temporary moratorium ban.	
San Jose		Ordinance banning outdoor cultivation			
Saratoga	Ordinance banning all cannabis sales	Ordinance banning outdoor cultivation			
Sunnyvale	Non-medical commercial activity banned				



Office of the Attorney General  
Washington, D. C. 20530

January 4, 2018

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: Jefferson B. Sessions, III  
Attorney General

SUBJECT: Marijuana Enforcement

In the Controlled Substances Act, Congress has generally prohibited the cultivation, distribution, and possession of marijuana. 21 U.S.C. § 801 *et seq.* It has established significant penalties for these crimes. 21 U.S.C. § 841 *et seq.* These activities also may serve as the basis for the prosecution of other crimes, such as those prohibited by the money laundering statutes, the unlicensed money transmitter statute, and the Bank Secrecy Act. 18 U.S.C. §§ 1956-57, 1960; 31 U.S.C. § 5318. These statutes reflect Congress's determination that marijuana is a dangerous drug and that marijuana activity is a serious crime.

In deciding which marijuana activities to prosecute under these laws with the Department's finite resources, prosecutors should follow the well-established principles that govern all federal prosecutions. Attorney General Benjamin Civiletti originally set forth these principles in 1980, and they have been refined over time, as reflected in chapter 9-27.000 of the U.S. Attorneys' Manual. These principles require federal prosecutors deciding which cases to prosecute to weigh all relevant considerations, including federal law enforcement priorities set by the Attorney General, the seriousness of the crime, the deterrent effect of criminal prosecution, and the cumulative impact of particular crimes on the community.

Given the Department's well-established general principles, previous nationwide guidance specific to marijuana enforcement is unnecessary and is rescinded, effective immediately.<sup>1</sup> This memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion in accordance with all applicable laws, regulations, and appropriations. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal.

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<sup>1</sup> Previous guidance includes: David W. Ogden, Deputy Att'y Gen., Memorandum for Selected United States Attorneys: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana (Oct. 19, 2009); James M. Cole, Deputy Att'y Gen., Memorandum for United States Attorneys: Guidance Regarding the Ogden Memo in Jurisdictions Seeking to Authorize Marijuana for Medical Use (June 29, 2011); James M. Cole, Deputy Att'y Gen., Memorandum for All United States Attorneys: Guidance Regarding Marijuana Enforcement (Aug. 29, 2013); James M. Cole, Deputy Att'y Gen., Memorandum for All United States Attorneys: Guidance Regarding Marijuana Related Financial Crimes (Feb. 14, 2014); and Monty Wilkinson, Director of the Executive Office for U.S. Att'ys, Policy Statement Regarding Marijuana Issues in Indian Country (Oct. 28, 2014).

Table 1: Summary of Portola Valley's Cannabis Ordinance

Type of Cannabis Activity	Permitted in Portola Valley?	No. of Plants	State Permit required	Local Permit required	Zoning Districts Permitted	Buffer	Setbacks	Public Safety Conditions	Odor Conditions	Residency Required	Environmental Conditions
Personal Use - Cultivation Inside	Yes	6	No	No	Residential	None	None	None	None	Yes	No
Personal Use - Cultivation Outside	Yes	6	No	No	Residential	600 feet from sensitive receptors	Cannot be grown in setbacks. Shall not be visible from ROW, public trails and parks	None	Must not be detectible off site or from any place accessible to the public	Yes	No
Delivery Service	Yes	N/A	Yes	No	N/A		None	Track and Trace required by State	N/A	No	No
Commercial--Cultivation	Yes	12	Yes	Yes	Residential	600 feet from sensitive receptor	Cannot be grown in setbacks	Security Plan may be required. Track and Trace	Ventilation required for indoor cultivation. No off site odors.	Yes	Yes
Commercial--Dispensary	No	N/A	Yes	Yes	None		N/A	N/A	N/A	N/A	N/A
Commercial-Other (distribution, warehousing, testing and manufacturing)	No	N/A	Yes	Yes	None		N/A	N/A	N/A	N/A	N/A

**Arly Cassidy**

---

**From:** William J. Clancey [REDACTED]  
**Sent:** Tuesday, March 20, 2018 10:38 AM  
**To:** Arly Cassidy  
**Subject:** Cannabis Ordinance

This appears to be a reasonable and fair plan. I don't use the drug, but support these regulations.

Bill Clancey  
[REDACTED]

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[On Wednesday, March 28<sup>th</sup> at 7 pm](#), the Town Council will consider adopting a Cannabis Ordinance. The Ordinance is the result of several public hearings held by the Planning Commission on proposed regulations for commercial cannabis activities within the Town limits. The proposed Ordinance divides cannabis activities into three major areas:

1. Permitted Personal Use -- The proposed Ordinance permits personal cultivation, both inside and outside, up to the State permitted six plants, and places certain restrictions on personal cultivation. In addition, the Ordinance permits the transportation of cannabis on public roads and the lawful delivery of cannabis to a customer within the Town, provided a State permit is obtained by the delivery services.
2. Permitted Small Scale Cannabis Cultivation – The Ordinance permits commercial cultivation of up to twelve plants on residentially zoned parcels provided both a State permit and a local Commercial Cannabis permit are obtained and certain buffers are observed.
3. Prohibited Other Commercial Cannabis Activity –The Ordinance bans all other commercial cannabis activity, including dispensaries.

#10

There are no written materials for Council Liaison Committee and Regional Agencies Reports

#11

There are no written materials for Town Manager Report



## **TOWN COUNCIL WEEKLY DIGEST**

**Friday – March 16, 2018**

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1. Agenda (Action) – Town Council – Wednesday, March 14, 2018
2. Agenda (Cancellation) – Sustainability & Environmental Resources Committee – Monday, March 19, 2018
3. Agenda – Trails & Paths Committee – Tuesday, March 20, 2018
4. Agenda (Cancellation) – Planning Commission – Wednesday, March 21, 2018
5. Notice of Town Hall Closure for Emergency Preparation Exercise – Thursday, March 22, 2018  
8:00 AM to 1:00 PM
6. Emails to Town Council from Nilu Jenks re: Citizens for a San Mateo County Gun Buyback

**Attached Separates (Council Only)**  
*(placed in your town hall mailbox)*

1. Letter from San Mateo Supervisor David Canepa re: Invitation to “A World United” – Saturday, March 31, 2018



# TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Town Council  
 Wednesday, March 14, 2018  
 Historic Schoolhouse  
 765 Portola Road, Portola Valley, CA 94028

## ACTION AGENDA

### **7:00 PM - CALL TO ORDER AND ROLL CALL**

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

*All Present*

### **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.

***Representatives from Citizens for a San Mateo County Gun Buyback Program requested Council support***

### **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** – February 28, 2018
2. **Approval of Warrant List** – March 14, 2018
3. **Recommendation from Town Manager** – Support for Future Gun Buyback Programs

***Council voted to support the Gun Buyback Program by donating \$10,000, plus an up to \$5,000 match for money raised by the youth of Portola Valley***

4. **Recommendation from Public Works Director** - Designation of Authorized Representatives for Disaster Assistance from the Governor's Office of Emergency Services
  - (a) Adoption of a Resolution Designation of Applicant's Agent Resolution for Non-State Agencies (Resolution No. 2754-2018)

***Items 1, 2 and 4 Approved 5-0***

### **REGULAR AGENDA**

### **STAFF REPORTS AND RECOMMENDATIONS**

5. **Recommendation from Assistant to the Town Manager** – Request for 2017-18 Budget Amendment for Development of Town Center Microgrid Proposal

***Council approved the development of a Town Center Microgrid proposal. The proposal will be valid for four weeks from date of receipt 5-0***

6. **Recommendation from Communications & Sustainability Management Analyst** – Selecting a Name for Portola Valley's Accela Application

***Council selected "PV Connect" for the naming of the Accela app 5-0***

7. **Report by Town Manager** – Portola Valley - Community Conversation about Housing

***Town Manager noted the success of the Community Meeting on Housing. A second Community Housing Meeting will be scheduled in the near future, focusing on ADU's or another specific topic if desired***

**8. Recommendation from Town Manager – Council Priorities Study Session, FY 2018-19**

***Council directed staff to add Housing as an individual topic, as well as Committee/Community Engagement, and Town Operations***

***Following discussion, the Town Manager will return with a revised priorities list for Council review***

**9. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Council arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

***Councilmember Hughes –  
Attended a Bicycle, Pedestrian & Traffic Safety Committee.***

***Councilmember Derwin –  
Attended a C/CAG Legislative and Regular Committee meeting, and the ASCC meeting held on March 12<sup>th</sup>.***

***Councilmember Aalfs -  
Will meet with the Portola Valley School Board on March 15<sup>th</sup>.***

***Vice Mayor Wengert -  
Attended a Parks & Recreation Committee meeting and a San Francisco Airport Roundtable meeting. Attended a meeting with staff and representatives of GreenWaste to review franchise contract agreement that expires in 2020.***

***Mayor Richards -  
Attended Emergency Preparedness Committee and Cultural Arts Committee meetings.***

**10. Town Manager Report**

Sunrise Trail was closed due to a resident encounter with a mountain lion earlier this week. A Neighborhood Watch Captain's Meeting is scheduled for March 15<sup>th</sup>. Captain Corpus will schedule another "Coffee with the Deputies" in late April. Attended a Friends of the Library meeting, and GreenWaste franchise contract meeting, Sheriff's Contract review and a visit to The Sequoias with Assistant to the Town Manager. Town playing Fields are now open. There is a Finance Committee meeting scheduled for April 9<sup>th</sup>. The Town received a report from the San Mateo County Grand Jury regarding ALPRs and access to information on the Town's website.

**WRITTEN COMMUNICATIONS**

**11. Town Council Digest –** March 2, 2018 – #11 Councilmember Aalfs asked if the report was posted to the PV Forum  
# 8 Councilmember Derwin asked how many will be attending this training  
#10 Councilmember Derwin will attend the March Council of Cities meeting

**12. Town Council Digest –** March 9, 2018 - #2 Councilmember Derwin will attend the HEART fundraiser in May and encouraged fellow Councilmembers to attend. Vice Mayor Wengert will consider attending.

**ADJOURNMENT: 9:33 pm**

**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



**TOWN OF PORTOLA VALLEY**  
**Sustainability & Environmental Resources**  
**Committee Meeting**  
**Monday, March 19, 2018 10:30AM to 12:30 PM**  
**NOTICE OF CANCELLATION**

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**SUSTAINABILITY & ENVIRONMENTAL  
RESOURCES COMMITTEE**

**MEETING CANCELLATION NOTICE**

**The regular meeting of the Sustainability & Environmental Resources Committee, scheduled for Monday, March 19, 2018, has been canceled.**



**TOWN OF PORTOLA VALLEY**  
**Trails and Paths Committee**  
**Tuesday, March 20, 2018 8:15 AM**  
**Historic Schoolhouse at Town Center**  
**765 Portola Road, Portola Valley, CA**

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**MEETING AGENDA**

- 1. Call to Order**
- 2. Oral Communications**
- 3. Approval of Minutes – February 20, 2018**
- 4. Old Business**
  - a. **Monthly Trail Conditions, Work, and Budget Update:** (Discussion)
    - Veronica and Ranch Signage
    - Hayfields trail
  - b. **Trail Conditions Audit:** Project update (Discussion)
  - c. **Committee Annual Report and Plan:** project update (Discussion)
- 5. New Business**
  - a. **Committee Trail Work Volunteer Organization:** <https://www.trailcenter.org> - partnering with Palo Alto based volunteer organization to address trail needs (Discussion)
  - b. **Bicycle, Pedestrian & Traffic Safety Committee:** Old Spanish Trail for bicycles to / from school (Discussion)
  - c. **Site Development Plans:** (Discussion, as filed and applicable)
  - d. **Accolades:** (Discussion, if any applicable)
- 6. Other Business**
- 7. Adjournment**

**Enclosures:**

Minutes from February 20, 2018  
Trail Work Map & Memo – February 2018  
Financial Review – February 2018



**TOWN OF PORTOLA VALLEY**  
**7:00 PM – Regular Meeting of the Planning Commission**  
**Wednesday, March 21, 2018**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA 94028**

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## **NOTICE OF MEETING CANCELLATION**

### **PORTOLA VALLEY PLANNING COMMISSION MEETING REGULARLY SCHEDULED FOR Wednesday, March 21, 2018**

Notice is hereby given that the Portola Valley Planning Commission meeting regularly scheduled for Wednesday, March 21, 2018 has been cancelled.

The next regular meeting of the Portola Valley Planning Commission is scheduled for Wednesday, April 4, 2018 at 7:00 PM, in the Historic Schoolhouse, located at 765 Portola Road, Portola Valley, CA.



# PORTOLA VALLEY TOWN HALL

**Will Be Closed:**  
**Thursday, March 22, 2018**  
**8 AM – 1 PM**

**For:**  
**EMERGENCY PREPARATION**  
**EXERCISE**

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

*In Case of Emergency: Call 9-1-1*

Tue 3/13/2018 11:09 PM

Nilu H. Jenks

Re: Citizens for a San Mateo County Gun Buyback

To: Craig Hughes <chughes@portolavalley.net>; JohnRichards-DG <JRichards@portolavalley.net>; Jeff Aalfs <JAalfs@portolavalley.net>; AnnWengert-DG <AWengert@portolavalley.net>; MaryannMoise-DG <Mderwin@portolavalley.net>; Town Center [TownCenter@portolavalley.net](mailto:TownCenter@portolavalley.net)

Dear Portola Valley Town Council:

I am writing to let you know that Danielle LaCampagne and Becky Dodson from Citizens for a San Mateo County Gun Buyback will be attending your town council meeting tomorrow night. They will be available to answer any questions you may have. While the Sheriff's Office will be implementing, staffing, and promoting the event, we are coordinating all of the fundraising efforts for the gun buyback event.

Here are today's updates including from tonight's council meetings where we attended and spoke about our efforts:

- Woodside Town Council committed \$10,000 to fund the buyback event with an additional \$5,000 matching fund set aside for students of Woodside. They will match any fundraising by Woodside students for this gun buyback program.
- Belmont City Council committed \$5,000 to our efforts.
- Menlo Park has added funding the buyback event at \$5,000 as an informational item for their 3/27 city council meeting.
- \$25,000/\$50,000 of San Carlos' matching grant fund remains available. I have included San Carlos' press release at the bottom of this e-mail.

Thank you for your time and consideration.

Sincerely,  
Nilu Jenks with Citizens for a San Mateo County Gun Buyback

City of San Carlos News Release: Gun Buyback Program  
Date: 03/13/2018 4:59 PM

### **San Carlos News Release**

For More Information, Call:  
Jeff Maltbie

### **San Carlos to Partner With Cities and County in Gun Buyback Program**

San Carlos, CA – In an effort to enhance public safety and partner with San Carlos residents, the Sheriff's Office and neighboring communities, the San Carlos City Council approved a contribution of \$50,000 to help fund a San Mateo County Gun Buyback program. The Sheriff's Office manages the program, which will be funded by contributions from private donations, cities, and the county. The fundraising effort is being spearheaded by the Citizens for a San Mateo County Gun Buyback. Those wishing to donate to the event should contact Danielle Lacampagne with Citizens for a San Mateo County Gun Buyback at [dlacampagne@yahoo.com](mailto:dlacampagne@yahoo.com).

In his letter introducing the program, Sheriff Carlos Bolanos expressed his excitement to participate in the program to ensure the successful removal of many guns from circulation and to make the communities of San Mateo County safer for those who live and work here. The Sheriff's Office last hosted a gun buyback



event in 2013, which resulted in the destruction of more than 600 firearms from throughout San Mateo County. The program will provide a safe, no-questions-asked opportunity for any individual to surrender firearms in exchange for a cash payment of \$100 for each handgun or long gun and \$200 for each assault-type weapon. The Sheriff's Office will destroy all surrendered firearms.

Following the City Council meeting, representatives from the Citizens for a San Mateo County Gun Buyback stated that they are "thrilled by San Carlos' generous decision to allocate \$50,000 in matching funds for this important event. We plan on continuing our work to raise funds to provide an avenue for safe and responsible disposal of unwanted firearms in our community. We believe that gun buybacks make our county a safer place to work and live, and we hope that other cities will join San Carlos' call to action."

Council member Ron Collins stated, "My hope is that our commitment will encourage other cities to contribute more to this worthwhile program. Since our ultimate goal is to have fewer guns in circulation, this is the right thing to do." Council member Mark Olbert commented, "Reducing the number of guns makes it harder for criminals to arm themselves, and makes it harder for those suffering from depression or other illness to harm themselves. I'm very pleased San Carlos is playing such a significant role in Sheriff Bolanos' county-wide gun buyback program."

The event is expected to take place sometime in early May at a local, public venue. Specific event information will be forthcoming as details become available.

Tue 3/13/2018 11:09 PM

Nilu H. Jenks

Re: Citizens for a San Mateo County Gun Buyback

To: Craig Hughes <chughes@portolavalley.net>; JohnRichards-DG <JRichards@portolavalley.net>; Jeff Aalfs <JAalfs@portolavalley.net>; AnnWengert-DG <AWengert@portolavalley.net>; MaryannMoise-DG <Mderwin@portolavalley.net>; Town Center [TownCenter@portolavalley.net](mailto:TownCenter@portolavalley.net)

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The event is expected to take place sometime in early May at a local, public venue. Specific event information will be forthcoming as details become available.

## **TOWN COUNCIL WEEKLY DIGEST**

**Friday – March 23, 2018**

---

1. Agenda – Architectural Site Control Commission – Monday, March 26, 2018
2. Agenda – Conservation Committee – Tuesday, March 27, 2018
3. 2018-19 Budget Calendar
4. Mandated Official Harassment Training for Elected Officials and Department Level Employees: AB 1661

### **Attached Separates (Council Only)** *(placed in your town hall mailbox)*

1. HIP Housing invitation to the 2018 Self Sufficiency Graduation
2. Fundraising request letter from State Senator Cathleen Galgiani



# TOWN OF PORTOLA VALLEY

Meetings of the Architectural Site Control Commission (ASCC)  
 Monday, March 26, 2018  
 7:00 PM – Regular ASCC Meeting  
 Historic Schoolhouse  
 765 Portola Road, Portola Valley, CA 94028

## REGULAR MEETING AGENDA

### **7:00 PM - CALL TO ORDER AND ROLL CALL**

Commissioners Breen, Ross, Wilson, Vice Chair Koch and Chair Sill

### **ORAL COMMUNICATIONS**

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

### **NEW BUSINESS**

1. Proposed Amendments to the Accessory Dwelling Unit Ordinance (Staff: A. Cassidy)
2. Proposed Amendments to the Definitions and Yards Ordinances of the Municipal Code (Staff: A. Cassidy)

### **COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS**

3. News Digest: Planning Issues of the Day

### **APPROVAL OF MINUTES**

4. ASCC Meeting of March 12, 2018

### **ADJOURNMENT**

#### **AVAILABILITY OF INFORMATION**

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.

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. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall.

#### **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 Planning Department 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.

#### **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 Architectural and Site Control Commission at, or prior to, the Public Hearing(s).



**TOWN OF PORTOLA VALLEY  
Conservation Committee Meeting  
Tuesday, March 27, 2018 –7:30 PM  
Historic Schoolhouse  
765 Portola Road, Portola Valley, CA**

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**REGULAR MEETING AGENDA**

1. Call Meeting to Order
2. Oral Communications
3. Approval of February 27, 2018, minutes
4. Current Site Visits:
  - A. CalWater Station on Golden Oak?
5. Tree Permits:
6. Old Business
  - A. Oversight of Significant Town Owned Open Space properties - update all of Council presentation
    1. Comprehensive Plan
    2. Springdown Preserve
      1. Comprehensive care calendar
      2. Management Plan/Request for Funds
      3. Monarch butterfly habitat
      4. Naming pond
    3. Frog Pond – last report January ‘18
    4. Ford Field – last report August ‘17
    5. Town Center – last report September ‘17
      1. Oak Grove incorporated here
    6. Rossotti’s Field and ROW – first report pending
  - B. Repository site for documents - Magill
  - C. Tip of the Month - Magill
  - D. What’s blooming now – Plunder
  - E. Kudos of the month – Murphy
  - F. BYH - DeStaebler
  - G. Committee/Town cooperation
    1. Public Works
    2. Sustainability and Environmental Resources Committee
      1. Garden Tour Sunday April 15, 2018
        - a. Postponed to 2019
    3. Trails - Bourne
    4. Open space - Chiariello
  - H. Weed seedling info sheet photos labeled – Plunder will be ready for approval at March meeting
  - I. Broom Pull - Sunday, March 4, 2018 – debrief
    1. Mini pull for Priory
  - J. Earth Fair Saturday, April 28, 2018
    1. Table
    2. Springdown Preserve guided tours

K. Rodenticide

1. Turn in Day October (sooner?)
2. Timetable for decreased Town use

7. New Business

A. Budget

8. Adjournment

Next meeting 4/24/18, 7:30 pm, Old Schoolhouse



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

**TO:** Chairs and Members of the Town Commissions and Committees

**FROM:** Starla Jerome-Robinson, Interim Finance Director

**DATE:** March 21, 2018

**RE:** **2018-19 Budget Calendar**

It's time to begin the budget planning process for the Town of Portola Valley's next fiscal year (July 1, 2018 – June 30, 2019). Budget worksheets are being distributed via email to Town staff, consultants, and each committee's chair. **Budget discussions should be agendized by committees/commissions in April.** Per the Committee Handbook, Committees should prepare their budget request and by motion and affirmative vote approve its submittal to the Town Manager.

The information submitted on these sheets will initially be reviewed and evaluated by Town staff. A recommended budget will then be forwarded to the Finance Committee for their review. Their comments and recommendations will be forwarded to the Town Council in a proposed budget. After review and public hearing, the Council will then adopt the budget in June.

<b>2018-19 BUDGET SCHEDULE</b>	
March 21, 2018	Memorandum and Budget Worksheets distributed to Town Council, Commissions/Committees, Consultants and Town staff
Mid-April 2018	Budget Worksheets reviewed and prepared by Committees, consultants and staff
Late April 2018	Budget Worksheets finalized by Committees/Commissions, consultants and staff
<b>Tuesday, May 1, 2018</b>	<b>Deadline for Budget Worksheets! Submit directly to Starla Jerome-Robinson (<a href="mailto:srobinson@portolavalley.net">srobinson@portolavalley.net</a>)</b>
Mid to late May 2018	Requests reviewed by staff, Recommended Budget prepared
Week of May 28 <sup>th</sup>	Recommended Budget forwarded to Finance Committee
1 <sup>st</sup> week of June 2018	Finance Committee Meeting
2 <sup>nd</sup> week of June 2018	Presentation of Proposed Budget to Town Council
4 <sup>th</sup> week of June 2018	Public Hearing on Proposed Budget, Adoption of Final Budget

If you have any questions, please feel free to contact me directly at 851-1700 (ext 229) or via email at [srobinson@portolavalley.net](mailto:srobinson@portolavalley.net). Please note that the Adopted Budget for 2017-18 is available for review at [www.portolavalley.net](http://www.portolavalley.net) (via Town Government tab, then Town Finance).





## Mandated Official Harassment Training for Elected Officials and Department Level Employees: AB 1661

### Invitation to Live Training -

**Tuesday, June 5, 2018 9:00AM – 1:00PM**

- 9AM-11AM – Harassment Training
- 11AM-1PM – Ethics Training

**Location:**

Jennings Pavilion at Holbrook-Palmer Park (*Hosted by Town of Atherton*)  
150 Watkins Ave  
Atherton, CA 94027

This training meets the requirements of Government Code section 12950.1, the newly amended in 2016 DFEH regulations, and the newly enacted AB 1661, which require public employers to provide harassment prevention training and education to supervisory employees and certain elected officials every two years thereafter. This webinar also meets the requirements of AB 2053, which requires that harassment prevention training must also address how to prevent "abusive conduct" in the workplace.

**Who Should Attend?**

Lead Workers | Supervisors | Managers | Elected Officials

A light breakfast will be served at 8:45AM. Lunch will be served at 11:45AM.

Cost of attendance is TBD and will be determined once we have a final headcount.

**Contact Info:**

Sharon Hanlon, Town Clerk  
650.851.1700 ext.210  
[shanlon@portolavalley.net](mailto:shanlon@portolavalley.net)

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There are no written materials for Closed Session