



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, February 24, 2010

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

Councilmember Derwin, Vice Mayor Driscoll, Councilmember Richards, Mayor Toben, Councilmember Wengert

ORAL COMMUNICATIONS

(Time Estimate – 5 Minutes)

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

(Time Estimate – 5 Minutes)

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 – Regular Town Council Meeting of February 10, 2010
- (2) Approval of Warrant List – February 24, 2010

REGULAR AGENDA

(Time Estimate – 90 Minutes)

- (3) Recommendation by Public Works Director – Request to Approve an Agreement between the Town of Portola Valley and Stanford University for the Alpine Road C-1 Trail Project
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving the Proposed Mitigated Negative Declaration for the Alpine C-1 Trail Project and Approving and Authorizing Execution of an Agreement Between the Town of Portola Valley and Stanford University for the Alpine Road C-1 Trail Project (Resolution No. ___)
- (4) Discussion and Council Action – Proposed Tennis and Sport Court Rules and Instruction Program
- (5) PUBLIC HEARING – Consider joining the CaliforniaFIRST Program for the Financing of Water and Energy Efficiency and Renewable Energy Retrofit Projects and Approval of Association of Bay Area Government (ABAG) to Apply for State Energy Program Grant Funds
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing the Town to Join the CaliforniaFIRST program; authorizing the California Statewide Communities Development Authority to accept Applications from Property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the Town; and Authorizing related actions (Resolution No. ___)
 - (b) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing Sacramento County as the lead collaborative applicant to apply for State Energy Program grant funds available from the California Energy Commission on behalf of the Town of Portola Valley (Resolution No. ___)
 - (c) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving, Authorizing and Directing Execution of California Communities Joint Powers Agreement (Resolution No. ___)
 - (d) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing the Association of Bay Area Governments to apply for State Energy Program Grant Funds available from the California Energy Commission on behalf of the Town of Portola Valley (Resolution No. ___)

(6) Recommendation by Planning Manager and Sustainability and Resource Efficiency Coordinator - Introduction of Ordinances Adding Chapter 15.30 [Indoor Water Conservation] and Chapter 15.32 [Water Conservation in Landscaping To Title 15 [Buildings and Construction] of the Portola Valley Municipal Code

- (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 15.32 [Water Conservation in Landscaping] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code (Ordinance No. __)
- (b) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 15.30 [Indoor Water Conservation] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code (Ordinance No. __)

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(Time Estimate – 30 Minutes)

(7) Discussion – Proposed reorganization of the Climate Protection Task Force

(8) **Reports from Commission and Committee Liaisons**

There are no written materials for this item.

WRITTEN COMMUNICATIONS

(Time Estimate – 10 Minutes)

(9) Town Council Weekly Digest – February 12, 2010

(10) Town Council Weekly Digest – February 19, 2010

CLOSED SESSION

(11) **REAL ESTATE NEGOTIATIONS**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Parcel # 076-261-010, 900 Portola Road

Negotiators – Town Attorney and Mayor

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).

TOWN COUNCIL MEETING NO. 784, FEBRUARY 10, 2010

ROLL CALL

Mayor Toben called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Derwin, Driscoll, Richards and Wengert, and Mayor Toben
Absent: None
Others: Town Attorney Sloan, Town Manager Howard, Asst. Town Manager McDougall and Town Clerk Hanlon

URGENCY ITEM

Ms. Howard said a drainage pipe replacement was urgently needed on Shawnee Pass at Cervantes Road. She asked that the item be added to the agenda. By motion of Councilmember Derwin, seconded by Councilmember Driscoll, the item was added as item #7b by a vote of 5-0.

RE-ORDER AGENDA ITEMS

Mayor Toben said representatives from Corte Madera School asked that agenda item #8 be moved up on the agenda. He suggested taking it up after item #5.

ORAL COMMUNICATIONS

Jim Simpson said the Town had allowed the completion of a fence project at 4 Grove Ct., which cut through his property at the property line and interfered with an easement that had been in place since 1948. Fence posts had already been placed through the property line that adversely impacted access to his garage. A stop work order had been placed as a result of his complaint. He just received a letter indicating that the stop work order had been lifted and that the property owners could proceed with the project as originally planned. That would adversely impact his property, the value of his property, access to his garage, and the easement. It was a common driveway, and the property owners wanted to fence it off. They would allow access through a gate that they provided that would adversely impact access to his own front door. They had 2-3 gates that he would have to negotiate just to get to his front walkway to his front door. He was not in agreement with the project and suspected that some posts would be put in on his property tomorrow.

Jon Silver, Portola Road, said Mr. Simpson's concerns should be added to the agenda as an urgency item. What happened with it was crucial to public welfare. The staff had looked at it, and the staff was wrong. He showed the Council photographs of posts placed in the walkway at the Simpson property by the easement. Those posts were taken out only after Ms. Lambert issued a stop work order on the project. The item should be added to the agenda, and staff should be directed to review the decision to lift the stop work order.

Ms. Sloan said this issue came to staff's attention several months ago. One of the partners in her office was the trust/estate attorney for the Simpsons, and she was unable to be involved. The Town hired Larry Anderson who concluded that the property owners should be able to proceed because they had a permit. The stop work order was an attempt to work things out. She noted that John Richards also had a conflict because he designed the fence for the house. She suggested the Council ask for something in writing from staff or Mr. Anderson. Ms. Howard added that she understood that the facts had been reviewed, and it was determined that the portion of the fence they were moving forward with was on their property.

Jon Silver said Ms. Lambert issued a stop work order. Since then, there was a field trip to the property. The Town Historian had not been consulted, and he was shocked. To ensure that nothing bad happened here, the Council needed to take action to get the stop work order back in place. It had been a one-sided discussion with special legal counsel and the property owners. Others who had asked to be kept informed weren't. He said he would present the Council with a written trail on this matter.

Bill Lane, Westridge, said the Council was giving far more than five minutes to this subject under oral communications. That set a precedent for others in the community with deep concerns on controversial subjects to take more than five minutes under the oral communications portion of the agenda.

Danna Breen (ASCC) said she had been very involved with this case when there was an application. She was dismayed that there had been some resolution without her being aware of it.

Mayor Toben said the Council had no legal briefing or background on the issue. While a request from the public to add an item as an urgency item was unprecedented, he did not feel the Council could ignore the request. One alternative was to refer this back to the staff for immediate and urgent consideration. The property owner should be: 1) informed that there had been an appeal from members of the public suggesting that this matter had not been satisfactorily resolved; and 2) put on notice that if he/she proceeded, there was some risk that the work undertaken could be required to be removed. Councilmember Wengert said she attended a meeting as all of this was unfolding last year. It had a very significant history with strong feelings on both sides of the issue. She felt whatever actions Town staff had taken had been done only after a very thorough analysis of the history and options with the advice of counsel. She did not feel re-opening the issue as an urgency item was appropriate in this long-standing issue. Councilmember Driscoll asked if there was an imminent danger that an historic resource would be destroyed. It appeared that the posts could just be removed and the area restored relatively easily. He did not know anything about the access issue. Councilmember Derwin said she was sympathetic but had nothing to work with. Mayor Toben concurred, noting that there was no motion to add the item as an urgent matter.

CONSENT AGENDA [7:50 p.m.]

By motion of Councilmember Driscoll, seconded by Councilmember Wengert, the items listed below were approved with the following roll call vote:

Ayes: Councilmembers Derwin, Driscoll, Richards and Wengert, and Mayor Toben

Noes: None

- (2) Warrant List of February 10, 2010, in the amount \$151,558.93.
- (3) Resolution No. 2473-2010 Continuing the Supplemental Law Enforcement Services Fund Through Citizens Options for Public Safety Program and Maintaining a Separate Budget Account for 2009-2010 Fiscal Year, per Asst. Town Manager's memo of 2/10/2010.

REGULAR AGENDA

- (1) Minutes of the Town Council Meeting of 1/27/10 (Removed from Consent Agenda)

Councilmember Richards and Mayor Toben submitted changes to the minutes of the 1/27/10 meeting. By motion and second, the minutes were approved as amended by a vote of 4-0, with Councilmember Driscoll abstaining.

- (4) Public Hearing: Adoption of Amended Fees for Town Center Community Hall and Activity Rooms Rental [7:55 p.m.]

Ms. McDougall reviewed her memo of 2/10/10 on the amended fees for rental of the Town Center Community Hall and activity rooms. After the report was written, she discovered that the cost for the annual audit required by Hasso Plattner should have been added in. This year, the cost of the audit was \$7,100, which should be added to the 2010 cost of \$27,825. Responding to Councilmember Wengert, she said most of the events held in 2009 were small parties held on the weekend with a handful taking place on Friday. Responding to Councilmember Wengert, she said costs for the meeting room rental was based on the overall level of fee increase for the Community Hall. On the maintenance costs for 2010, she confirmed

for Councilmember Wengert that the only utility cost identified was for water. At some point, staff wanted to calculate an appropriate percentage of water use, which was difficult because there was one meter. Referring to Exhibit A, she said the rates shown for Woodside's Liberty Hall were the minimum fee for up to three hours; there was an additional charge of \$25/hour thereafter. Responding to Councilmember Derwin, she said for Valley Presbyterian Church, the cost for memorials included the organists, minister, secretary's time, and any staff time. The Town did not have staff costs for memorials.

Responding to Councilmember Wengert, Ms. McDougall said Exhibit B included a list of the events held in 2009; bookings would increase in 2010. Additional revenue would come from allowing people to book the Community Hall up to a year in advance; currently it was 9 months in advance. Changing it to a year should encourage more weddings and more revenue.

Mayor Toben asked for public comments, there were none, and the public hearing was closed.

Councilmember Driscoll said he was not sure the case had been made that the Town was much cheaper than other alternatives. But, he wanted the Town to get a fair return for the rental of the space. He could go along with staff's recommendation. Councilmember Richards [*inaudible*] said for the small meeting rooms, the Town's proposed fees were quite a bit higher. Other than that, it seemed fairly consistent.

Councilmember Wengert said having 18 events for the first year was a pretty strong track record. She also felt there would be more interest in the facilities from people outside the community. She supported the recommended changes, noting that the rates could be re-addressed if rooms weren't being rented, etc.

Councilmember Derwin was concerned about the fees for memorials jumping from \$100 to \$1,000. She thought it should be phased in. Responding to Councilmember Derwin, Ms. McDougall said if approved, the rates would take effect 3/1/2010. People who had already booked spaces would be grandfathered in. Responding to Councilmember Derwin, she noted that three of the four memorials scheduled were for out-of-towners.

Mayor Toben said the proposed fee schedule was relatively well publicized, and he was unaware of any objections to the increases. Secondly, the numbers suggested that the proposed fees would help cover maintenance costs that included not only cleaning but also periodic painting, the audit, occasionally refinishing the floors, etc. The proposal was moving closer to a cost recovery scheme. With respect to the comparables, he said Atherton's Holbrook Palmer Park was available at a much higher price for Atherton residents than the Community Hall in Town. Holbrook was no better space, and they charged a lot more. It was apples and oranges, but he felt it was a reasonable analysis that yielded a reasonable result.

Councilmember Wengert moved adoption of Resolution 2474-2010 Approving Facility Rental Rates as set forth in Exhibit C of the staff report. Councilmember Derwin seconded the motion. She said she could support the motion but was uncomfortable with the steep fee hike for memorials. Mayor Toben called for the vote, and the resolution passed by a vote of 5-0.

(5) Placement of Tiles at Town Center [8:10 p.m.]

Mayor Toben said Sue Thomas from the Cultural Arts Committee (CAC) recently asked the Council to consider installing/placing tiles created by Portola Valley students in the 1970s at Town Center sites. He noted that the Committee submitted a memo that included pictures of the tiles and proposed locations. He introduced members of the Cultural Arts Committee present.

Deidre Clark, Co-Chair CAC, discussed the Committee's goals and importance of building community. Robin Toews, teacher, discussed the history of the tiles, storage sites over the years, depictions on the tiles, and cleaning and restoration of the tiles

Sue Thomas, Co-chair CAC, reviewed the Committee's memo and discussed the proposed placement of the tiles. Referring to the e-mail from the Town Center architects dated 2/9/10, she said she was remiss in not anticipating the concerns and was sorry not to have received that input sooner than yesterday. She said

the Committee was very open to placement. One of the reasons for placing them by the water fountain was to address concerns about vandalism. The way the courtyard was set up, the exposure would be less invasive. They would be under an overhang and viewed by people going in and out of the bathrooms. They could also be seen from the library and administration building. She confirmed for Mayor Toben that the Committee was not locked into any particular location for each of the tile installations. She suggested 1-2 Councilmembers view the tiles up close in the art room. With the way they were made, she felt they would look lovely on the wood of these buildings even though some felt the buildings should stand alone. Referring to the schematic, she said the Committee felt a dedication plaque would be an appropriate way to speak about the teachers involved in making the tiles.

Councilmember Driscoll thought the tiles might last longer if they were indoors rather than outdoors. Ms. Toews said the tiles had been outdoors and held up very well. Responding to Councilmember Derwin, Ms. Thomas said the frames could be changed, re-sanded, re-stained, etc. She added that a potential new member of the Committee was a wood worker/sculptor. Responding to Mayor Toben, she said the Committee considered placing the tiles inside the classrooms. But, they didn't seem to punch out inside like they did outside. Inside, they didn't look like they belonged there. Also, CAC felt they would get more exposure outside—especially in the area depicted in the schematic.

Mayor Toben said the Council had a proposal from the Committee to install these artifacts in a specific location. The Council could approve the installation as presented. An alternative was to have additional conversation about alternative locations; the Committee was open to additional input. That would also respond to the e-mail from the architects, who expressed some reservations about the location of the tiles. He read the concerns expressed in the e-mail about placing the tiles on the building exteriors. Ms. Thomas said what was proposed was a beginning. The most important thing was to have the tiles placed somewhere on the outside of the buildings. She welcomed input from the architects or Councilmembers.

Mayor Toben asked for public comment.

Danna Breen asked if the exterior of the Schoolhouse had been considered as a location. She felt it was a charming idea, and the tiles were wonderful. But, having been one who sat on the ASCC and ADT that painstakingly studied every detail of the buildings, she would like to see the Council refer the matter to the ASCC or some kind of reconvening of the ADT group. She was concerned about the cumulative effect of projects, plaques, etc.

Yvonne Tryce (CAC) said she would like to see the tiles installed. The one with the wildflowers tied in nature with the art beautifully. That would be ideal between the two classrooms on the east side of the building. She saved that particular piece in the old building in her classroom because she was afraid it would get thrown away.

Ms. Toews noted that the tiles were not gaudy or garish and blended in beautifully with the old Corte Madera School. They were an addition that enriched rather than took away from any part of the building and had been done so carefully.

Councilmember Driscoll said he liked the position of #1 and #2 shown on the schematic; those two perfectly fit that space by the fountain. He could also support the positions of #4 and #5 but found #3 too cramped. That happened to be the one with the wildflowers, which might make more sense by Ms. Tryce's classroom. The architect was concerned about too much clutter. By spreading them out around the building a little more, that would reduce the sensation of clutter. He would be happy to participate in further discussions.

Councilmember Derwin agreed that they could be scattered out a little bit. They could also be on the website along with the history; something printed could also be on display in the office. Councilmember Richards [*inaudible*] liked Councilmember Driscoll's suggestion and encouraged talking more with the architects. They might come up with another solution that was even better. Councilmember Wengert said the tiles personalized the buildings in a way that was important. She liked the idea of having someone on the committee who could work with the architects on the mounting. She also preferred consistent heights and mounting #1 and #2 above the fountain with the flowers back by the classrooms.

After discussion, Mayor Toben asked staff to schedule a meeting with Councilmembers Driscoll and Derwin, Mr. Strain, CAC members, Danna Breen and Ms. Howard and bring back a recommendation.

(8) Request to Use Town Center Tennis/Sports Courts [Items re-ordered on agenda][8:40 p.m.]

Ms. McDougall reviewed the staff report of 2/10/10 on the request from Corte Madera School to use the tennis/sports courts March 15 to May 28, Monday through Friday from 3:15 to 5:30 p.m. Responding to Councilmember Derwin, she said she notified one of the individuals who was quite active with basketball about the request and had not heard any opposition. Responding to Councilmember Derwin, Dan Flahavan said the tennis program had grown to around 40 since he started 17 years ago. The players were spread between 6th, 7th and 8th grades. He described the levels of play, noting that many of the players went on to play in high school.

Responding to Councilmember Driscoll, Ms. McDougall said the tennis subcommittee and she met with a few people in the community who had been very involved in tennis issues during the design of the Town Center. The consensus was that drop-in local tennis players usually played in the morning.

Mayor Toben asked for public comment.

Deirdre Clark said this would be a good use of the courts. It would get the kids to come and use the courts more often and properly.

Wendi Haskell, tennis sub-committee, said Mr. Flahavan ran an incredibly organized and exciting program. His kids were very respectful of whatever facility they used, and he always stressed safety and respect for the facility. She also loved to see collaboration between the schools and the Town.

Councilmember Wengert said this would be a great first step and a win-win as the Town developed more programs. Starting with the schools was the best way to start. Councilmember Richards agreed it would be a great use of the courts. Councilmember Derwin supported the proposal and hoped it would bring kids to the Town Center. It was important to engage children in sports/exercise. Councilmember Driscoll also supported the request. Mayor Toben said any opportunity to partner with the School District was a win for everyone. The School District had been one of the Town's strongest allies in times when the Town really needed the District, such as providing space for the library during the Town Center construction. They were staunch supporters of making the Town Center the third campus of the School District. He was 100% behind this and thanked Mr. Flahavan for his efforts.

Councilmember Driscoll moved to approve use of the tennis/sport courts for the dates/times specified. Councilmember Wengert seconded, and the motion carried 5-0. Councilmember Driscoll asked Mr. Flahavan to remind the children that they needed to be careful about noise because there were houses next door.

(9) Commercial Flight Patterns and Arrival Protocol Over Southern San Mateo County [8:50 p.m.]

Mayor Toben reviewed his memo of 2/3/10 on a potential request to Congresswoman Anna Eshoo to intervene with regard to patterns of commercial air traffic over southern San Mateo County. Responding to Councilmember Wengert, he said there was data on how many inbound flights were utilizing OTA, but it was a moving target. The latest representation was that one-quarter of oceanic arrivals were using OTA. Certain airlines had already adopted to a substantial degree the OTA technology, and there appeared to be the ability for certain airlines to opt in and integrate the technology. It was very difficult to get information on: a) what the procedure was for implementation; b) when an airline stated to the FAA that they now intended to use full OTA technology, partial OTA, or no OTA; c) what preconditions, if any, must be met on the part of the airline; d) environmental impacts, etc. For the San Francisco application of this technology, it was being implemented on flights coming in from 200 miles west of the airport. He understood that it was not being utilized for flights coming from the north down from Pt. Reyes or from the south up from Big Sur. Responding to Councilmember Derwin, he reviewed the reasons for requesting Congresswoman Eshoo's

involvement as set forth in his memo (p. 5).

Jean Lane, Westridge, said she started to notice that planes were flying lower and making a lot more noise back in 1995. She became involved with the Airport Roundtable and went to the meetings. She was given a number so she could phone in complaints about airplanes making a lot of noise over homes. Mayor Toben had spent a lot of time going to these meetings as had other Councilmembers and residents. She had copies of all the letters she wrote and records of all the meetings she went to. They were supposed to be coming in from the Pacific and western areas at 8,000 feet; most of them came in at 6,000 feet. She thought the Town and the Town of Woodside should talk to Congresswoman Eshoo. These tailored arrivals allowed planes to stay high and then come down, but they didn't. The planes were lower than they needed to be.

Councilmember Richards [*inaudible*] said a public group such as the Roundtable didn't work and that should be communicated. He was in favor of requesting Congresswoman Eshoo's involvement. Based on the level of detail of the documentation, Councilmember Derwin agreed. Councilmember Driscoll described his impressions of the Roundtable when he was liaison back in the mid to late 1990s. He felt the Town's concerns had been ignored and that the Town should say something.

With all the other issues that required the Council's attention, Councilmember Wengert questioned where this issue should fall in the list of priorities. She agreed that agreements and promises had been made that were clearly not being met. She could support writing a letter, but she did not think there would be a lot of support from the other communities to do the same thing. She also did not want it to chew up too much of the Mayor's time. If there had been an agreement that was not being met and there was a lack of clarity, she always favored fighting against something that was supposed to be done that wasn't being done. But, she did not want the Town to become too caught up in it so that it detracted from other issues the Council would be tackling.

Mayor Toben said the Town hired a noise consultant last year to help with the Noise Element and noise ordinance. He contacted him and let him know that the Town had a CD that was loaded with impenetrable arrival altitude data. Woodside Councilmember Dave Burow, a first class engineer, couldn't make any sense of it at all. The data purported to establish that what the Town experienced with OTA was no worse than what was experienced without OTA. As an intermediate step, the Council could invite some input from the noise consultant or someone he recommended who could verify whether there was a real claim and that the way they were parsing noise was not the way the Town's residents experienced noise. It might involve some outlay of funds, but it would equip the Town with some more facts to bolster the case that the Town was serious about this. He added that the noise consultant indicated he couldn't provide an estimate without seeing the CD first. Responding to Councilmember Driscoll, he said he strongly doubted whether the Town of Woodside would assist with funding. Councilmember Burow was sympathetic and attentive, but none of the other Woodside councilmembers had expressed any interest in this issue.

Mayor Toben noted that the Airport Roundtable was created because there was an acute problem of deafening noise in the immediate vicinity of the airport. He felt they did outstanding work in mitigating that noise. Councilmember Driscoll said when he was involved, the Roundtable felt there were still problems, and those problems were far more severe than the Town's problems. Mayor Toben agreed that the history suggested that the Town had to pound the table hard in order to be heard.

After discussion, Councilmembers agreed that a "first pass" look at the CD by a consultant should be funded. Councilmember Wengert said she wanted to spend a minimum amount to look at the data. If it was ambiguous or less significant than anticipated, the Council could decide how to proceed.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(6) Adoption of Amended Policies for Use of Town Facilities [*Items re-ordered on agenda*] [9:12 p.m.]

Ms. McDougall reviewed the staff report of 2/10/10 on the amended policies for use of the Community Hall and activity rooms. Referring to the table in Exhibit A, she said the user types shown were examples, and

there could be others that would fall into the categories shown. Referring to page 2, she said she did not think the County Health Department would sponsor health discussions by licensed medical doctors. The Town would seek the County's endorsement with a letter about the health discussion. With respect to memorials (p. 3), she said there might be an occasion where the family might want a memorial service for someone who lived in Portola Valley but moved away. Staff recommended removing "at the time of death" from the policy.

Responding to Councilmember Richards, Ms. McDougall said there were 195 chairs available for the whole facility (p. 8). On the Cleaning the Facility section, she confirmed that the Town had brooms and dust mops for cleaning the wood floors; the Town staff did the wet mopping. Ms. Howard suggested the section specify that dry mops should be used. Mayor Toben said some of the provisions were more important than others. The provision against having a beer keg in the Community Hall was clearly an important provision. He suggested all caps and bolding it and the provision about dry mops to make it stand out. Ms. McDougall said staff would also look at the forms that went out to the applicants to ensure the wording was consistent and that "no wet mopping of the Community Hall floor" was included.

Responding to Councilmember Derwin on the cost of insurance (p. 3), Ms. McDougall said for a birthday party in the Coffeeberry room that lasted 3 hours, the insurance was \$83.32. For a wedding, it would typically be around \$247. The cost was greater for any event where alcohol was served. It also went up depending on how many participants there were. Responding to Councilmember Derwin on damage to date, she said overall, it was going pretty well. There were a couple of gouges in the floor of the Community Hall. Also, when people pulled tape off the wall, it pulled the paint off. The only kind of tape permitted was the blue painter's tape. Generally, people seemed to be taking great care, and there weren't any real problems with the restrooms. Ms. Howard felt it was a wise decision to limit the use to a resident or someone sponsored by a resident. The resident now had to acknowledge that they would be partially responsible for damage. Responding to Councilmember Derwin, Ms. McDougall said most of the events were on the weekend or after hours, and compliance with the rules was mostly done on the honor system. Youth and teen events (p. 6) were often sponsored by the School District, and they had a vested interest in helping the Town with compliance. The current policy was one adult per 25 or 30 minors, and that had been reduced to one adult for every 15 youth/teens.

On the damage deposit (p. 4), Ms. McDougall said it was a refundable deposit that was paid at the time the room was reserved. Following the event, staff inspected the room for damage. If a cleaning service had to be called in, the cost of that service would be withheld from the deposit. Responding to Councilmember Wengert, she said the amount of the deposit was based on the room as indicated in the staff report (p. 3). Fortunately, there had not been any damage that exceeded the deposit. There had been only 1-2 instances where anything had to be withheld.

Councilmember Driscoll was concerned about the inability to use the facility twice on a weekend. Someone might need a place for a memorial in a space that was vacant on a Sunday because there had been an event Friday evening. He hoped requests like that could be accommodated—especially if the family was willing to pay staff overtime to check the room out. Ms. Howard noted that the policy allowed for additional weekend events (p. 3). With respect to the alcohol section (p. 7), Councilmember Driscoll thought it could be stronger. He suggested including a provision that indicated the person responsible for the party could be responsible for the actions of inebriated drivers when they left. Ms. Sloan confirmed that was the law. Councilmember Driscoll said he would like to see that restated in the policy. He wanted it to be very clear that if they were serving alcohol, they were assuming liability for more than just someone bumping into a window in the Community Hall; they were taking the liability for all of their guests for the rest of the evening. With respect to cleaning the facility, he said the Blues and BBQ people did a very nice job of putting all the trash in the trashcans. During the night, the crews emptied the trashcans. He suggested including something about covered cans and/or properly secured cans. Ms. McDougall said she would add some language.

Councilmember Richards moved to adopt the amended policies for use of the Community Hall and activity rooms. Councilmember Derwin seconded, and the motion carried 5-0.

(7) Suspension of Collection of Construction Traffic Road Fees [9:30 p.m.]

Ms. Sloan reviewed her memo of 2/3/10 and recommendation to suspend collection of construction traffic road fees for the reasons set forth. Responding to Councilmember Driscoll, Ms. Howard said Measure A funds were from the County. Responding to Mayor Toben, she confirmed that the State had suspended payment of gas tax funds but were supposed to start paying it again. Responding to Councilmember Derwin, Ms. Sloan said the suspension of the fees would take effect as soon as the Council adopted the resolution. There were no applications in the pipeline that this would apply to.

Responding to Mayor Toben, Ms. Sloan said the case cited in her memo involved several issues; it was a CEQA case as well. City attorneys didn't feel that the court focused on this particular issue. Additionally, Kern County clearly enacted a fee on the use of the road. The fees that the Town had were about an activity (i.e., construction) taking place where someone came in for a permit. It was a higher level of scrutiny that allowed the Town to impose more mitigation. Nevertheless, the court clearly said you could not charge for using the roads under the Vehicle Code. Responding to Mayor Toben, she confirmed that there was no decision of any court with formal jurisdiction over the Town and the CA Supreme Court had not weighed in. That was another reason to suspend the fees rather than repeal the whole ordinance. It was possible that another city would be challenged, and there would be another decision in the first district court of appeal or by the CA Supreme Court.

Councilmember Wengert moved adoption of Resolution No. 2475-2010 Suspending the Collection of Construction Traffic Road Fees Pursuant to Municipal Code Chapter 10.72. Councilmember Richards seconded, and the motion carried 5-0.

(7b) Urgent Storm Drainage Pipe Replacement [Added as urgency item] [9:37 p.m.]

Ms. Howard reviewed Mr. Young's memo of 2/10/10 and request that the Council authorize the Town Manager to enter into an agreement with Sanco Pipelines for the repair. She said the repair was needed as soon as possible and that the schools hoped to have it done next week when they would be closed. Responding to Councilmember Derwin, she said part of the money would come from the storm damage budget and part from the contingency budget or culvert/street budget. Responding to Councilmember Richards, she said staff had worked with Sanco Pipelines quite extensively. Additionally, O'Nelson and Son wanted to change their bid to \$19,000 after they found out there was a lower bid.

Councilmember Driscoll moved adoption of Resolution No. 2476-2010 Authorizing the Town Manager to Execute an Agreement Between the Town and Sanco Pipelines, Inc. Councilmember Derwin seconded, and the motion carried 5-0.

(10) Reports from Commission and Committee Liaisons [9:40 p.m.]

(a) Parks and Rec

Councilmember Wengert said the Committee discussed the use of the tennis courts by Corte Madera School. The tennis subcommittee was also in the process of refining their next recommendation on youth programs. Additionally, there was discussion of how the Town might begin the Ford Field renovations; the Little League might be interested in spearheading the fundraising efforts if certain changes were made to the design that better met their requirements.

(b) Spring Down Ad-hoc Committee

Councilmember Wengert said the first meeting would be held 2/11/10.

(c) Planning Commission

Councilmember Richards said the Commission heard complaints during oral communications from residents about the garage on Grove Drive. The Commission discussed: a) a project on Antonio Ct. that included

12,000 cy of grading and restoration of a 4-acre meadow to a native state; and b) re-issuance of the Nextel antenna CUP at the Priory site requested by TowerCo, a tower management company.

(d) ASCC

Councilmember Derwin said there was a very large turnout at the meeting at which the Grove Drive garage, T-Mobile wireless facility at Peak Lane and the Lefteroff project were discussed. The Grove Drive project was agendaized for the March 11, 2010, ASCC meeting. For the T-Mobile CUP, they discussed the "monopine" option, power backup, health of surrounding trees, the Town's authority to regulate these facilities, changes in technology, etc. It would next go to the Planning Commission. On the Lefteroff project, there were a number of problems at the site including erosion, and there would be a field meeting.

(e) Council of Cities Meeting

Councilmember Derwin said Jackie Speier gave a sobering talk on the healthcare legislation and other issues.

(f) Library JPA

Councilmember Derwin said the meeting was held at the remodeled Foster City Library. They discussed the library user on-line policy. In the mid-year financial report, the 2010-2011 budget would have a \$1.1 million shortfall, and they were working on closing that gap.

(g) Historic Resources Committee

Councilmember Derwin said the Council would be receiving a letter from the Town Historian about the historic Woods estate. Ms. Lund would like it listed in the Historic Element before something happened to it but was unable to make contact with the trustee. Ms. Howard said a letter would be sent to the official owner of the property expressing the Town's concern about the property and asking that the Town be included in the planning process. After discussion, Councilmember Driscoll said he would follow up.

(h) Trails Committee

Councilmember Driscoll said the Committee was still concerned about the delay in getting the trail around the back of the Town Center property. They also wanted a hitching post for horses in the redwood grove in the back. They would also like to see the Town put up "Entering horse country" signs at the entrances to the Town. Mr. Young would follow up on available signs.

Councilmember Driscoll said he, Danna Breen and the Public Works director had been asked to look at the oak trees above the soccer field. The consensus was that the trees were very close together and needed to be thinned out a lot. White x's had been placed on the trees that would be removed in the next couple of weeks. Ms. Howard noted that there was a memo in the digest dated 2/5/10 from the Public Works Director on the trees.

(i) Nature and Science Committee

Mayor Toben said there would be another Star Party on 4/17/10. There would also be a "Living with Nature" event put on with the Conservation Committee. There was also discussion about moving the Chilean Woodchoppers Cottage to some space adjacent to the parking lot at 555 Portola Road and turning it into a nature center that could house some of the Town's artifacts. Councilmembers discussed the condition of the cottage, cost of relocation, maintenance, potential staffing, etc.

WRITTEN COMMUNICATIONS [10:15 p.m.]

(11) Town Council 1/29/10 Weekly Digest: None

(12) Town Council 2/5/10 Weekly Digest

(a) Traffic Lane Striping

Responding to Councilmember Richards, Ms. Howard said in his memo of 2/5/10, Mr. Young sought direction from the Council on whether he should proceed with his recommendation. Council agreed with the recommendation to widen the road shoulders as discussed.

(b) PG&E Net Energy Metering (NEM) Options

Responding to Councilmember Derwin, Ms. Howard said an explanation of NEM had been prepared by the SuRE Coordinator and was posted on the PV forum.

ADJOURNMENT: 10:19 p.m.

Mayor

Town Clerk

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

ABAG PLAN CORPORATION	Period 01/24-01/30, Douglas	10503	02/24/2010	
			02/24/2010	
PO BOX 2050	0006		02/24/2010	
OAKLAND	BOA	42977	02/24/2010	0.00
CA 94604-2050	9181100131			17,178.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4182	Town Attorney	17,178.00	0.00

Check No.	42977	Total:	17,178.00
Total for	ABAG PLAN CORPORATION		17,178.00

ACTION SIGN SYSTEMS INC	Bench Plaques	10504	02/24/2010	
			02/24/2010	
1200 INDUSTRIAL ROAD	0270		02/24/2010	
SAN CARLOS	BOA	42978	02/24/2010	0.00
CA 94070-4129	17673			2,473.86

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4420	Town Center Construction	2,473.86	0.00

Check No.	42978	Total:	2,473.86
Total for	ACTION SIGN SYSTEMS INC		2,473.86

ALMANAC	January Advertising	10474	02/24/2010	
			02/24/2010	
PO BOX 1610	0048		02/24/2010	
MENLO PARK	BOA	42979	02/24/2010	0.00
CA 94302				174.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4320	Advertising	174.00	0.00

Check No.	42979	Total:	174.00
Total for	ALMANAC		174.00

AT&T	January Statements	10505	02/24/2010	
			02/24/2010	
PO BOX 989048	441		02/24/2010	
WEST SACRAMENTO	BOA	42980	02/24/2010	0.00
CA 95798-9048				249.24

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	249.24	0.00

Check No.	42980	Total:	249.24
Total for	AT&T		249.24

DARRELL BROOKS	Class Registration Refund	10476	02/24/2010	
			02/24/2010	
633 OLD LA HONDA ROAD	453		02/24/2010	
WOODSIDE	BOA	42981	02/24/2010	0.00
CA 94062				25.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	25.00	0.00

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State/Province	Zip/Postal	Invoice Number		Check Amount

Check No.	42981	Total:	25.00
Total for	DARRELL BROOKS		25.00

CALBIG	Membership Dues	10477	02/24/2010	
c/o Michael Gorman			02/24/2010	
COUNTY OF SAN MATEO	462		02/24/2010	
REDWOOD CITY	BOA	42982	02/24/2010	0.00
CA 94063				25.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	25.00	0.00

Check No.	42982	Total:	25.00
Total for	CALBIG		25.00

CLEANSTREET	January Litter/Street Clean	10507	02/24/2010	
			02/24/2010	
1937 W. 169TH STREET	0034		02/24/2010	
GARDENA	BOA	42983	02/24/2010	0.00
CA 90247-5254	59457			1,425.55

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4262	Street Sweeping & ROW Mowing	814.65	0.00
20-60-4266	Litter Clean Up Program	810.90	0.00

Check No.	42983	Total:	1,425.55
Total for	CLEANSTREET		1,425.55

COAST LANDSCAPE MGMT, INC	Mainline Repairs	10508	02/24/2010	
			02/24/2010	
1474 BERGER DRIVE	949		02/24/2010	
SAN JOSE	BOA	42984	02/24/2010	0.00
CA 95112	79530			550.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	550.00	0.00

Check No.	42984	Total:	550.00
Total for	COAST LANDSCAPE MGMT, INC		550.00

AMY DEBENEDICTIS	Instructor Dues Winter 2010	10495	02/24/2010	
			02/24/2010	
819 LAUREL AVENUE	2130		02/24/2010	
MENLO PARK	BOA	42985	02/24/2010	0.00
CA 94025				1,116.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,116.00	0.00

Check No.	42985	Total:	1,116.00
Total for	AMY DEBENEDICTIS		1,116.00

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Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
DELL MARKETING L.P.	Wireless Laptop Mouse	10506	02/24/2010	
c/o DELL USA L.P.			02/24/2010	
P.O. BOX 910916	0194		02/24/2010	
PASADENA	BOA	42986	02/24/2010	0.00
CA 91110-0916	XDN2RTN38			26.21

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4312	Office Equipment	26.21	0.00

Check No.	42986	Total:	26.21
Total for	DELL MARKETING L.P.		26.21

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
JEANNIE GOLDMAN	Instructor Dues winter part 2	10496	02/24/2010	
			02/24/2010	
741 MANZANITA ROAD	706		02/24/2010	
WOODSIDE	BOA	42987	02/24/2010	0.00
CA 94062				1,176.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,176.00	0.00

Check No.	42987	Total:	1,176.00
Total for	JEANNIE GOLDMAN		1,176.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
GRAGG PAVING	Emergency Repair	10509	02/24/2010	
		5827	02/24/2010	
P.O. BOX 5246	730		02/24/2010	
REDWOOD CITY	BOA	42988	02/24/2010	0.00
CA 94063	1014			650.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4260	Public Road Surface & Drainage	650.00	0.00

Check No.	42988	Total:	650.00
Total for	GRAGG PAVING		650.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
GRANITE ROCK COMPANY	Plastic Sandbags	10478	02/24/2010	
		5821	02/24/2010	
P.O. BOX 50001	0322		02/24/2010	
WATSONVILLE	BOA	42989	02/24/2010	0.00
CA 95077-5001	557602			764.75

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	764.75	0.00

Check No.	42989	Total:	764.75
Total for	GRANITE ROCK COMPANY		764.75

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Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
NANCY HAHN	Community Hall Deposit Refund	10497	02/24/2010	
			02/24/2010	
36 MELANIE LANE	848		02/24/2010	
ATHERTON	BOA	42990	02/24/2010	0.00
CA 94027				500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4226	Facility Deposit Refunds	500.00	0.00

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

Check No.	42990	Total:	500.00
Total for	NANCY HAHN		500.00

HIGHWAY TECHNOLOGIES, INC	Trail Signs/Road Maint Signs	10510	02/24/2010	
			02/24/2010	
P.O. BOX 51581	0067		02/24/2010	
LOS ANGELES	BOA	42991	02/24/2010	0.00
CA 90051-5881	65045626-001			255.86

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4268	Street Signs & Striping	255.86	0.00

Check No.	42991	Total:	255.86
Total for	HIGHWAY TECHNOLOGIES, INC		255.86

HORIZON	Turf-Gro Seed and Fertilizer	10493	02/24/2010	
			02/24/2010	
P.O. BOX 52758	0289		02/24/2010	
PHOENIX	BOA	42992	02/24/2010	0.00
AZ 85072-2758	15706746-00			76.16

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	76.16	0.00

Check No.	42992	Total:	76.16
Total for	HORIZON		76.16

INT'L CODE COUNCIL, INC.	Governmental Member dues	10479	02/24/2010	
			02/24/2010	
ATTN: MEMBERSHIP	0243		02/24/2010	
BIRMINGHAM	BOA	42993	02/24/2010	0.00
AL 35213	2766999			100.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	100.00	0.00

Check No.	42993	Total:	100.00
Total for	INT'L CODE COUNCIL, INC.		100.00

JORGENSON SIEGEL MCCLURE & FLEGEL	January Statement	10511	02/24/2010	
			02/24/2010	
1100 ALMA STREET	0089		02/24/2010	
MENLO PARK	BOA	42994	02/24/2010	0.00
CA 94025				6,236.25

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4182	Town Attorney	5,291.25	0.00
96-54-4186	Attorney - Charges to Appls	945.00	0.00

Check No.	42994	Total:	6,236.25
Total for	JORGENSON SIEGEL MCCLURE &		6,236.25

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State/Province Zip/Postal	Invoice Number			Check Amount

WEI KELLY	Instructor Dues Winter 2010	10498	02/24/2010	
			02/24/2010	
696 SAND HILL CIRCLE	428		02/24/2010	
MENLO PARK	BOA	42995	02/24/2010	0.00
CA 94025				1,428.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,428.00	0.00

Check No.	42995	Total:	1,428.00
Total for	WEI KELLY		1,428.00

KUTZMANN & ASSOCIATES	January Plan Check	10490	02/24/2010	
			02/24/2010	
39355 CALIFORNIA STREET	0090		02/24/2010	
FREMONT	BOA	42996	02/24/2010	0.00
CA 94538				1,575.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4200	Plan Check Services	1,575.00	0.00

Check No.	42996	Total:	1,575.00
Total for	KUTZMANN & ASSOCIATES		1,575.00

MARY LACHAPELLE	Reg fees due, Fall 2009	10480	02/24/2010	
			02/24/2010	
1135 MADISON AVENUE	858		02/24/2010	
REDWOOD CITY	BOA	42997	02/24/2010	0.00
CA 94061				187.20

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	187.20	0.00

Check No.	42997	Total:	187.20
Total for	MARY LACHAPELLE		187.20

LESLIE LAMBERT	January Mileage	10481	02/24/2010	
			02/24/2010	
80 CHESTER CIRCLE	0291		02/24/2010	
LOS ALTOS	BOA	42998	02/24/2010	0.00
CA 94022				98.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4328	Mileage Reirbursement	98.00	0.00

Check No.	42998	Total:	98.00
Total for	LESLIE LAMBERT		98.00

NEXTEL COMMUNICATIONS	January Statements	10494	02/24/2010	
			02/24/2010	
P.O. BOX 4181	0200		02/24/2010	
CAROL STREAM	BOA	42999	02/24/2010	0.00
IL 60197-4181	944745522-070			153.65

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	153.65	0.00

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

Check No. 42999 Total: 153.65

Total for NEXTEL COMMUNICATIONS 153.65

LYNN J NOBLE	January Transcription	10482	02/24/2010	
			02/24/2010	
P.O. BOX 342	0103		02/24/2010	
LOS GATOS	BOA	43000	02/24/2010	0.00
CA 95031-0342				1,125.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4188	Transcription Services	1,125.00	0.00

Check No. 43000 Total: 1,125.00

Total for LYNN J NOBLE 1,125.00

NOLTE ASSOCIATES INC.	Applicant Charges	10483	02/24/2010	
			02/24/2010	
2495 NATOMAS PARK DRIVE	0104		02/24/2010	
SACRAMENTO	BOA	43001	02/24/2010	0.00
CA 95833-2935	10040314			3,747.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	3,747.00	0.00

NOLTE ASSOCIATES INC.	Applicant Charges	10512	02/24/2010	
			02/24/2010	
2495 NATOMAS PARK DRIVE	0104		02/24/2010	
SACRAMENTO	BOA	43001	02/24/2010	0.00
CA 95833-2935	10050188			396.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	396.00	0.00

Check No. 43001 Total: 4,143.00

Total for NOLTE ASSOCIATES INC. 4,143.00

OFFICE DEPOT	HP Printer Toner/Supplies	10484	02/24/2010	
			02/24/2010	
P.O. BOX 70025	0105		02/24/2010	
LOS ANGELES	BOA	43002	02/24/2010	0.00
CA 90074-0025	507197153001			247.07

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	247.07	0.00

Check No. 43002 Total: 247.07

Total for OFFICE DEPOT 247.07

OFFICE EQUIPMENT FINANCE SERV	February Copier Lease	10485	02/24/2010	
			02/24/2010	
P. O. BOX 790448	472		02/24/2010	
ST. LOUIS	BOA	43003	02/24/2010	0.00
MO 63179	143312809			396.91

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4312	Office Equipment	396.91	0.00

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State/Province	Zip/Postal	Invoice Number		Check Amount

Check No.	43003	Total:	396.91
Total for	OFFICE EQUIPMENT FINANCE SE		396.91

PEELLE TECHNOLOGIES, INC	Doc Scanning/Digitization	10486	02/24/2010	
197 EAST HAMILTON AVE	961		02/24/2010	
CAMPBELL	BOA	43004	02/24/2010	0.00
CA 95008	TOPV1502			2,595.12
GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4208	GIS Mapping	2,595.12	0.00	

Check No.	43004	Total:	2,595.12
Total for	PEELLE TECHNOLOGIES, INC		2,595.12

SIERRA PACIFIC TURF SUPPLY INC	Field Top Grass	10487	02/24/2010	
P.O. BOX 84	842		02/24/2010	
CAMPBELL	BOA	43005	02/24/2010	0.00
CA 95009	0319908-IN			252.86
GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4240	Parks & Fields Maintenance	252.86	0.00	

Check No.	43005	Total:	252.86
Total for	SIERRA PACIFIC TURF SUPPLY IN		252.86

CHRIS SIMPSON	Community Hall Refund Deposit	10499	02/24/2010	
3 GROVE COURT	436		02/24/2010	
PORTOLA VALLEY	BOA	43006	02/24/2010	0.00
CA 94028				500.00
GL Number	Description	Invoice Amount	Amount Relieved	
05-56-4226	Facility Deposit Refunds	500.00	0.00	

Check No.	43006	Total:	500.00
Total for	CHRIS SIMPSON		500.00

STAPLES	January Statement	10500	02/24/2010	
DEPT. 31 - 0000306219	430		02/24/2010	
DES MOINES	BOA	43007	02/24/2010	0.00
IA 50368-9020				275.37
GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4308	Office Supplies	275.37	0.00	

Check No.	43007	Total:	275.37
Total for	STAPLES		275.37

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
02/24/2010

Date: 02/18/2010
Time: 10:06 am
Page: 8

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	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
BRAD AND BRANDY STROH	Refund class reg fees overpmt	10488	02/24/2010	
			02/24/2010	
25 SADDLEBACK	841		02/24/2010	
PORTOLA VALLEY	BOA	43008	02/24/2010	0.00
CA 94028				25.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4246	Instructors & Class Refunds	25.00	0.00

Check No.	43008	Total:	25.00
Total for	BRAD AND BRANDY STROH		25.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
SUMMIT SPRINGS DESIGN	Town Center Picnic Tables	10513	02/24/2010	
		5798	02/24/2010	
2001 KINGS MOUNTAIN ROAD	0124		02/24/2010	
WOODSIDE	BOA	43009	02/24/2010	0.00
CA 94062				7,400.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4419	CIP2009/10 TC Improvements	7,400.00	0.00

Check No.	43009	Total:	7,400.00
Total for	SUMMIT SPRINGS DESIGN		7,400.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
SWRCB	Stormwater Program	10514	02/24/2010	
ACCOUNTING OFFICE			02/24/2010	
ATTN: AFRS	599		02/24/2010	
SACRAMENTO	BOA	43010	02/24/2010	0.00
CA 95812-1888	SW-0012576			549.00

GL Number	Description	Invoice Amount	Amount Relieved
05-62-4288	NPDES Stormwater Program	549.00	0.00

Check No.	43010	Total:	549.00
Total for	SWRCB		549.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
TOWNSEND MGMT, INC	January Applicant Charges	10491	02/24/2010	
			02/24/2010	
P.O. BOX 24442	609		02/24/2010	
SAN FRANCISCO	BOA	43011	02/24/2010	0.00
CA 94124				760.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	760.00	0.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
TOWNSEND MGMT, INC	2009 ARRA Street Insp	10515	02/24/2010	
			02/24/2010	
P.O. BOX 24442	609		02/24/2010	
SAN FRANCISCO	BOA	43011	02/24/2010	0.00
CA 94124	200050-01-10			1,500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4503	CIP Street Design Future FY	1,500.00	0.00

Check No.	43011	Total:	2,260.00
Total for	TOWNSEND MGMT, INC		2,260.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
02/24/2010

Date: 02/18/2010
Time: 10:06 am
Page: 9

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
YVONNE TRYCE	Instructor Dues winter 2010 #2	10501	02/24/2010	
			02/24/2010	
90 JOAQUIN ROAD	512		02/24/2010	
PORTOLA VALLEY	BOA	43012	02/24/2010	0.00
CA 94028				200.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	200.00	0.00

Check No.	43012	Total:	200.00
Total for	YVONNE TRYCE		200.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
JACQUES ULLMAN	Community Hall Refund Deposit	10502	02/24/2010	
			02/24/2010	
423 A LITHO STREET	425		02/24/2010	
SAUSALITO	BOA	43013	02/24/2010	0.00
CA 94965				500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	500.00	0.00

Check No.	43013	Total:	500.00
Total for	JACQUES ULLMAN		500.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
US POSTAL SERVICE	Replenish Postage Meter	10489	02/24/2010	
		5826	02/24/2010	
U.S. POSTAL SERVICE CMRS-FP	0127		02/24/2010	
LOS ANGELES	BOA	43014	02/24/2010	0.00
CA 90096-4707				2,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4316	Postage	2,000.00	0.00

Check No.	43014	Total:	2,000.00
Total for	US POSTAL SERVICE		2,000.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
WOLFPACK INSURANCE	March Invoice	10492	02/24/2010	
			02/24/2010	
SMALL BUSINESS BENEFIT PLAN	0132		02/24/2010	
BELMONT	BOA	43015	02/24/2010	0.00
CA 94402				2,138.40

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	2,138.40	0.00

Check No.	43015	Total:	2,138.40
Total for	WOLFPACK INSURANCE		2,138.40

Total Invoices:	41	Grand Total:	61,051.46
		Less Credit Memos:	0.00
		Net Total:	61,051.46
		Less Hand Check Total:	0.00
		Outstanding Invoice Total:	61,051.46

TOWN OF PORTOLA VALLEY

Warrant Disbursement Journal

February 24, 2010

Claims totaling \$61,051.46 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.

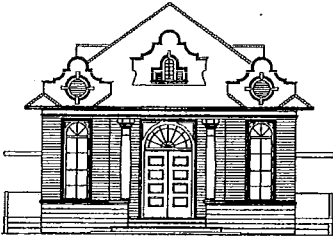
Date _____

Angela Howard, Treasurer

Motion having been duly made and seconded, the above claims are hereby approved and allowed for payment.
Signed and sealed this (Date) _____

Sharon Hanlon, Town Clerk

Mayor



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council
FROM: Howard Young, Public Works Director
DATE: February 24, 2010
RE: **Alpine Road C-1 Trail Agreement with Stanford University**

Recommendation:

Adopt a resolution adopting the Mitigated Negative Declaration for the C-1 Trail Project and approving the agreement with Stanford University for Stanford to fund the permitting, design and construction of the C-1 Trail project. In addition, authorize the Town Manager to enter into professional services agreements with the projects existing consultants to perform the scheduled and budgeted permitting, design work, and construction support services. All contract documents will be reviewed by the Town Attorney.

Background:

Stanford is required by the County of Santa Clara to construct or fund improvements for a trail within the Town identified as the C-1 trail in Santa Clara County's trails master plan, and to dedicate easements over Stanford lands for portions of those improvements. The purpose of the offer is for Stanford to satisfy conditions within their General Use Permit requirements imposed by Santa Clara County that allowed Stanford to expand development. In February 2006, Stanford University sent the Town a formal offer to construct and pay up to \$2,800,000 for improvements to the existing paved trail on Alpine Road (known as the Dwight Crowder Memorial Path) from Arastradero Road to the Town limits bordering Ladera (approximately 1 mile). The plans also include construction of a retaining wall along the creek bank. The alignment of the trail was based on comments, field meetings, and reviews with the Trails and Path Committee, members of the Conservation Committee, Council Liaisons, Town Geologist, Town Planner, and staff. Full size project plans are available at Town Hall for review.

This project was azenized for discussion at previous Council meetings held on June 27, 2007 and August 12, 2009. In summary:

1. It was determined that the Town would finalize the plans, construct, and manage the project with the understanding that all costs would be borne by Stanford.
2. The Council was in favor of moving forward with an agreement with Stanford, the alignment was acceptable, and no additional public outreach was necessary before moving ahead, other than the public meeting for the approval of the written agreement. The final plans would require a site development permit, which would go through ASCC and Planning Commission public hearings.

Analysis:

The attached agreement (Exhibit 1) has been reviewed and approved by Stanford, the Town Attorney, and staff. The preliminary plans were also submitted to Santa Clara County for comments to which Stanford has responded. Copies of the plans are available at Town Hall for review. The agreement finalizes conditions for the design, construction, and funding of the C-1 trail. In summary, the agreement addresses: finalizing the design, deposits by Stanford, schedule, cost estimate, administration, and termination.


Most importantly, the agreement establishes a payment method. The agreement calls for specific deposits to be made by Stanford in advance before each specified item or project milestone is begun. The deposits would ensure that the Town does not have to advance any of its own funds for the project and that Stanford would pay for all staff, consultant fees, and the construction of the project.

The importance of executing an agreement now is that it allows for deposits to the Town to begin so that permitting and completion of design can move forward. The Town would work with Stanford's existing consultant staff that Stanford started the project with. Exhibit G of the agreement depicts the staff's cost estimate. Stanford's current remaining cost allocation for this project after including increases for the Building Cost Index is \$2,919,045. The Town's Public Works Director and Stanford's Director of Design and Construction will work together to coordinate when each item is completed and when the next phase of deposits will occur. No funds will be expended unless deposits are received.

There was litigation concerning this project titled *Committee for Green Foothills v. County of Santa Clara*. Stanford's obligation under this agreement is predicated on the condition that final judgment is in favor of Santa Clara County and Stanford by June 1, 2013. On February 11, staff was informed by the Town Attorney that the court case was resolved in favor of Santa Clara County and Stanford.

When the construction plans and specifications are complete, they will be brought forth to the Town Council and Stanford for approval to publicly advertise and call for sealed bids. The agreement calls for the project to be completed by December 31, 2013.

The Town Planner has reviewed the plans and has prepared a proposed Mitigated Negative Declaration (attached Exhibit 2) in compliance with the California Environmental Quality Act (CEQA). It was submitted to the State Clearing House and Planning Unit with no comments returned. A complete copy is available at Town Hall.

Approved: 
Angela Howard, Town Manager

Attachments: Exhibit 1 - Agreement
Exhibit 2 - Mitigated Negative Declaration

RESOLUTION NO. ____

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION FOR THE ALPINE C-1 TRAIL PROJECT AND APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF PORTOLA VALLEY AND STANFORD UNIVERSITY FOR THE ALPINE ROAD C-1 TRAIL PROJECT

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act ("CEQA"), an Initial Study and a proposed Mitigated Negative Declaration evaluating the potential impacts of the proposed Alpine Road C-1 Trail Project was prepared and circulated for review and comment; and

WHEREAS, the Town Council of the Town of Portola Valley has read and considered that Agreement ("Agreement") between the Town and Stanford University.

NOW, THEREFORE, the Town Council of the Town does **RESOLVE** as follows:

1. A Mitigated Negative Declaration for the proposed Alpine Road C-1 Trail Project is adopted.
2. Public interest and convenience require the Town of Portola Valley to enter into the Agreement described above.
3. The Town of Portola Valley hereby approves the Agreement and the Mayor is hereby authorized on behalf of the Town of Portola Valley to execute the Agreement between the Town of Portola Valley and Stanford University.
4. In order to implement the Agreement, the Town Council hereby authorizes the Town Manager to enter into professional services agreements with the projects existing consultants to perform the scheduled and budgeted permitting, design work and construction support services.

PASSED AND ADOPTED this ____ day of February, 2010.

By: _____
Mayor

ATTEST:

Town Clerk

Exhibit 1

C-1 Trails
Agreement

AGREEMENT REGARDING THE PORTOLA VALLEY TRAIL PROJECT

This Agreement Regarding the Portola Valley Trail Project (the “*Agreement*”) is entered into by and between The Board of Trustees of The Leland Stanford Junior University, a body having corporate powers under the laws of the State of California (“*Stanford*”) and the Town of Portola Valley, a municipal corporation (“*Town*”). It is effective as of the date it is executed by the Town.

RECITALS

A. Under the terms of the Agreement for Trail Easements, Construction, Management and Maintenance and Grant of Trail Easements between Stanford and the County of Santa Clara (the “*County*”), executed by the County on January 3, 2006 (the “*Trail Agreement*”), Stanford is required to offer to fund improvements to an existing trail within the Town, identified as the C-1 trail in the County’s Trails Master Plan, up to a total amount not to exceed \$2,800,000.00 (as adjusted per Section 4.e of the Trail Agreement), and to dedicate easements over Stanford’s lands for portions of those improvements. These obligations are subject to certain terms and conditions specified in the Trail Agreement.

B. In accordance with Section 4.b of the Trail Agreement, Stanford offered the Town a choice of three funding mechanisms. The Town elected the funding mechanism set forth in this Agreement (which is generally the funding mechanism specified in clause (iii) of Section 4.b). This Agreement is intended to satisfy the condition in Section 4.d of the Trail Agreement that the parties enter into a written agreement as a condition precedent to Stanford’s funding obligation.

C. The Town has (i) prepared a Mitigated Negative Declaration in compliance with the California Environmental Quality Act, (ii) issued a Notice of Intent to Adopt a Mitigated Negative Declaration and (iii) established a public review period extending from November 28, 2007, through January 3, 2008, all as required by law. No comments were received during the public review period. The Town Council adopted the Mitigated Negative Declaration prior to approving and authorizing the execution of this Agreement.

D. Sections where terms used in this Agreement are defined are set forth in Rider 1.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties agree as follows:

1.0 The Project. The Portola Valley C-1 Trail Project (the “*Project*”) is a public works project of the Town consisting of the construction and improvement of a trail and associated landscaping and other features, as more particularly described in the plans and specifications prepared for the Town by BKF Engineers dated November 16, 2007 and detailed in the attached Exhibit A (the “*Plans*”). The Project also includes the mitigation measures and other conditions set forth on the attached Exhibit B (collectively, the “*Mitigation Measures*”). Section 4.c of the Trail Agreement requires the County’s Director of Parks and Recreation to approve the Plans. Although this approval has not been obtained, letters regarding the Plans

have been exchanged between the County's Director of Parks and Recreation and Stanford and the Town. Copies of these letters are attached as Exhibit C.

2.0 Town's Obligations for Design and Construction. The Town is solely responsible for designing and constructing the Project, including without limitation causing the Mitigation Measures to be satisfied, and for obtaining any required permits, subject to Stanford's obligation to pay for all costs of design, approval and construction of the Project. Subject to the terms and provisions of this Agreement, the Town will cause the Project to be (a) constructed in a good and workmanlike manner in compliance with all applicable laws and the Plans and (b) completed no later than December 31, 2013 (provided Stanford has timely provided funding to the Town to proceed with the various tasks set forth in the Preliminary Schedule and Stanford has given the Town the go ahead to put the Project out for bid in sufficient time to complete construction within the projected number of working days as shown in the Preliminary Schedule). The Town shall promptly notify Stanford of any changes to the Plans or schedule, whether due to unforeseen construction conditions or any other reason. All significant changes to the Plans are subject to the prior written approval of the County's Director of Parks and Recreation. The Town will keep any lands owned by Stanford free and clear of mechanic's or other liens attributable to design and construction of the Project. The Town will give Stanford at least ten (10) days written notice prior to commencement of work on Stanford's land, so that Stanford may post and record a notice of non-responsibility. The Town will require its general contractor to (i) comply with the Town's environmental safety policies, (ii) name Stanford and its trustees, officers, directors, employees and agents as additional indemnitees in any contractual indemnity provision in favor of the Town and (iii) carry insurance as set forth below. In addition, the Town shall give Stanford not less than sixty (60) days notice of any excavation contemplated on any portion of the Project. The Town will retain an archaeological consultant. When such consultant deems it necessary to investigate the possible presence of, or to protect, archaeological artifacts, such consultant shall have the authority to temporarily halt the excavation work in the area subject to such investigation. Stanford and the Town shall comply with the consultant's requests and state law regarding the protection, removal or reburial of human remains and archaeological artifacts. These costs are part of the Project costs. The Town shall deliver to Stanford copies of any written reports prepared by The Town's archeological consultant. Any archaeological artifacts discovered on the Project on Stanford land shall belong to Stanford. Stanford shall not be liable for any damages or other liability that may result from cessation of excavation, or other compliance with the provisions of this section, provided, however any additional costs incurred relating to such cessation of work or compliance with the provisions of this section shall be considered part of the "Project Cost" as hereinafter defined.

2.1 CGL Insurance. The Town will require its General Contractor to carry commercial general liability insurance, written on an occurrence (not claims-made) basis, with combined single limits of not less than \$2,000,000 (exclusive of defense costs) each occurrence, covering all operations of the general contractor on behalf of the Town, including operations under all subcontracts, and providing insurance for bodily injury, including without limitation personal injury, sickness, disease or death of any persons, and injury to or destruction of property, including loss of use resulting therefrom, and including coverage for: (1) premises, operations and mobile equipment; (2) completed operations and products liability; (3) blanket contractual liability insuring the obligations assumed by the general contractor and all subcontractors; (4) broad form property damage; (5) explosion, collapse and underground

hazards; (6) personal injury liability (including sexual harassment and discrimination); and (7) independent contractors; and

2.2 Automobile Insurance. The Town will require its general contractor to carry automobile liability insurance (bodily injury and property damage liability), including coverage for all owned, hired, borrowed and non-owned vehicles and equipment used by the general contractor, with combined single limits of not less than \$2,000,000 for each accident, exclusive of defense costs.

The policies shall: (A) name Stanford and its trustees, officers, directors, employees and agents as additional insureds; (B) provide that the coverage afforded thereby shall be primary coverage; (C) contain cross-liability or severability of interests endorsements; (D) be issued by insurance companies authorized to sell insurance in California, have ratings of at least B+/Class VII in the most recent edition of Best's Insurance Reports; and (E) require that no cancellation, non-renewal or reduction in coverage occur without the insurer giving at least 30 days' advance written notice to Stanford. At least ten days prior to any entry onto Stanford's lands for the commencement of construction, the Town shall deliver to Stanford certificates of insurance evidencing that all required insurance coverage is in full force and effect. Except as otherwise specified above, the general contractor shall maintain all required insurance coverage in full force and effect until final completion and acceptance of the Project.

3.0 Easement. Within 60 days after construction is completed the parties shall execute and acknowledge an Easement Agreement in the form attached as Exhibit D (the "**Easement**"). Promptly after full execution, Stanford shall record the Easement in the Official Records of Santa Clara County. Stanford will issue a Permit to Enter Stanford's land for the purpose of effectuating this Agreement in the form attached as Exhibit E.

4.0 Reporting. The Town will report to Stanford on a regular basis as permitting and construction proceeds, and at least by May 1 each year so that Stanford will be able to comply with its obligation under Section 4.g of the Trail Agreement to report annually to the County's Director of Parks and Recreation, no later than July 1 of each year, on the status of the funding offer, the commencement and progress of construction during the prior calendar year and the estimated date of completion once the Project is underway. The Town will permit Stanford to observe the Project during construction, subject to safety requirements imposed by the Town's general contractor. However, Stanford has no obligation to observe, and Stanford's exercise of this right, or of any other rights under this Agreement (or any advice or assistance it provides), will not shift any liability to Stanford.

5.0 Payment of Costs by Stanford. Stanford shall pay all costs incurred by the Town for the Project, including construction costs, costs to comply with CEQA or to implement mitigation measures, staff and consulting costs for entering into this Agreement, putting the Project out to bid, administering and inspecting the Project, archaeological consulting and related work, and all other costs relating to the design and construction of the Project (the "**Project Cost**"). Stanford has expended \$248,404 in pre-construction costs for the design of the project, including \$29,425 paid to Portola Valley for pre-construction work to date, effectively reducing the original amount of \$2,800,000 to \$2,551,596. In no event shall Stanford be obligated to pay for additional costs in excess of \$2,551,596 as increased annually beginning on January 1, 2007

by the increase during the prior calendar year of construction costs as determined by the Engineering News Record Building Cost Index for San Francisco (BCI for SF), without Stanford's prior written approval ("*Maximum Project Cost*"). The Town and Stanford agree that the BCI for SF on January 1, 2006 was 4817.11, and the BCI for SF on January 1, 2009 was 5510.81. The amount of the Maximum Project Cost as of January 1, 2009 based on this adjustment (approximately 14.4%) is \$2,919,045.

6.0 Schedule and Cost Estimate. Attached as Exhibit F is a preliminary permitting and construction schedule (the "*Preliminary Schedule*"). Attached hereto as Exhibit G is a preliminary Project Cost estimate, inclusive of all soft and hard costs to be paid by Stanford (the "*Preliminary Cost Estimate*"). When the Town has selected a general contractor, it will deliver to Stanford the general contractor's proposed critical path construction schedule and final construction cost, as well as a schedule of values showing the construction funding requirements for the Project spread over the proposed schedule. If the proposed critical path schedule materially varies from the Preliminary Schedule, or the final construction cost materially varies from the Preliminary Cost Estimate, the Town will explain to Stanford the reasons for such variance. In no event will the critical path construction schedule show a final completion date later than December 31, 2013, provided Stanford has timely provided funding to the Town to proceed with the various tasks set forth in the Preliminary Schedule and Stanford has given the Town the go ahead to put the Project out for bid in sufficient time to complete construction within the projected number of working days as shown in the Preliminary Schedule. If the proposed final construction cost is estimated to exceed the Maximum Project Cost, then the Town and Stanford shall consult as to schedule adjustments or Project modifications that would achieve a total cost less than the Maximum Construction Cost, and/or consider alternative funding sources for the excess cost. Any significant modification to the Project Plans is subject to the prior written approval of the County's Director of Parks and Recreation.

7.0 Timing and Conditions of Stanford's Payments. Subject to satisfaction of each of the conditions set forth below, Stanford shall pay the Town the Project Cost, in partial payments up to the amounts, and at the times, set forth below, except that Stanford's obligations to pay under paragraphs 7.1.2 and 7.2 are subject to the provisions of paragraph 12.

7.1 Pre-Construction.

7.1.1 On June 10, 2009 Stanford paid Town for the costs the Town had already incurred before the date of this Agreement, after submission of appropriate documentation. The amount paid of \$29,425 is part of the Project Cost and has already been deducted in arriving at the Maximum Project Cost. Working with the Town, Stanford expended \$248,404 in preliminary design and engineering costs, including funds paid to the Town, which also has been deducted in arriving at the Maximum Construction Cost.

7.1.2 Upon execution of this Agreement, Stanford will pay a deposit in the amount of \$61,600 to the Town to proceed with permitting work as generally described in Item 1 as shown in the Preliminary Cost Estimate. Upon approval of Stanford to proceed with the additional tasks described in Items 2-4 of the Preliminary Cost Estimate, Stanford shall make additional deposits for the remaining pre-constructions costs, including design, permitting, public bidding, and other activities as and when required to proceed with such tasks and to obtain

approval of the project by the Town Council, not to exceed the total estimated cost of \$336,500. The Town shall not be obligated to advance any funds for the Project but shall pay all Project Costs from the deposit(s) made by Stanford. If Stanford does not comply with its obligations to pay for appropriate costs under this Agreement, the Town is relieved of its obligation to continue work on the Project and shall not be responsible for any delays in completing the Project resulting from lack of timely funding by Stanford. The Town shall periodically provide Stanford with such documentation as is reasonably requested by Stanford to evidence payment of pre-construction costs by the Town from the deposit(s).

7.2 *Construction.* Once the appropriate approvals are in place and there is agreement between Stanford and the Town to construct the Project, the Town will work with Stanford to finalize the plans and, if acceptable to the Town Council and Stanford, put the contract out to bid. Prior to the Town awarding the construction contract to the successful bidder, the parties shall mutually determine a payment schedule for Stanford to deposit the Project Costs for construction with the Town. Such schedule shall provide that the Town shall not be required to advance any sums to pay for the Project Cost. Construction costs include fees/costs paid to contractors, staff for management and inspection, and any bonds and maintenance during the warranty period (and up to three years for vegetation replacement) and an additional maintenance fund of \$100,000 payable to the Town for long term maintenance of the Trail. The Town shall provide Stanford with copies of paid statements, or other documentation reasonably acceptable to Stanford, evidencing the amounts paid out of the deposit(s). If actual costs for work will exceed the Maximum Project Cost due to unforeseen conditions, change orders or the actual construction bids received by the Town, Stanford has the right to request reconsideration or modification of the work to reduce the costs and Stanford and the Town will meet in good faith to work out appropriate changes in a timely manner that will not affect the construction schedule. Stanford retains the right to cancel the project at any time before any construction work is undertaken but shall be responsible to reimburse the Town for costs already incurred in accordance with the agreed schedule.

7.3 *Town's Covenants.* In accordance with Section 4.d of the Trail Agreement and as a condition precedent to Stanford's obligations to fund the Project under this Agreement, the Town agrees as follows: (a) to complete construction of the Project by December 31, 2013 (provided Stanford has timely provided funding to the Town to proceed with the various tasks set forth in the Preliminary Schedule and Stanford has given the Town the go ahead to put the Project out for bid in sufficient time to complete construction within the projected number of working days as shown in the Preliminary Schedule); (b) to maintain any funds advanced by Stanford in a segregated fund and to withdraw funds only for the purposes permitted under this Agreement; and (c) to maintain, manage, operate and repair the Trail System at least in accordance with trail maintenance standards applied by the Town to similar trails within the Town. If construction is not completed, if this Agreement is terminated as set forth in this Agreement or if the project is completed, then the Town promptly will reimburse to Stanford any amounts paid by Stanford but not expended by the Town and/or obligation incurred for the Project as of the earlier of the date the Project is abandoned or this Agreement is terminated.

7.4 *Signage.* The Town shall install signs or plaques near each end of the Project of reasonable design and size and in compliance with Town ordinances informing the public of Stanford's participation in the Project. Each sign or plaque regarding Stanford's

participation shall contain the following wording, “Portola Valley Trail [or other name adopted by the Town] donated by Stanford University.”

8.0 Alternative Dispute Resolution. Any dispute arising under this Agreement shall be referred to binding arbitration as provided herein.

8.1 JAMS. Either party may commence arbitration. The arbitration shall be administered by JAMS pursuant to its Comprehensive Arbitration Rules and Procedures. The arbitration shall be by a single arbitrator appointed jointly by the parties. If the parties cannot agree on an arbitrator within ten days of the service of the notice commencing the arbitration, the arbitrator shall be named by the process utilized by JAMS. The decisions and awards of the arbitrator(s) shall be final and binding on the parties and may be confirmed, vacated, modified or corrected only as provided in sections 1285 *et seq.* of the Code of Civil Procedure

8.2 Neutral. The arbitrator shall be neutral and shall not have been employed or retained by either party during the ten year preceding commencement of the arbitration. The parties shall not engage in any *ex parte* communication with any arbitrator.

8.3 Attorneys’ Fees. In his or her discretion, the arbitrator may award attorneys’ fees and costs to the prevailing party.

9.0 Representations.

9.1 Representations by Stanford. Stanford represents that it is authorized and empowered to enter into this Agreement and that it is enforceable by the Town and that Robert C. Reidy has been duly authorized by Stanford to execute this Agreement on its behalf.

9.2 Representations by Town. The Town represents that it is authorized and empowered to enter into this Agreement, that it is enforceable by Stanford, and that the Mayor has been duly authorized by the Town Council to execute this Agreement.

10.0 Administration.

10.1 Town. The Director of Public Works (“**Director**”), currently Howard Young, shall represent the Town with regard to this Agreement and the Project. The Director shall be the recipient of all communications to the Town from Stanford and shall communicate to Stanford on behalf of the Town with regard to this Agreement and the Project.

10.2 Stanford. Stanford shall provide to the Director by written notice, from time to time, the names of a contact person employed by Stanford Management Company (“**Stanford’s Representative(s)**”). Until further notice, Stanford’s Representative shall be its Director of Design & Construction, currently Jim Inglis. Stanford’s Representative shall represent Stanford with regard to this Agreement and the Project. Stanford’s Representative shall be the recipient of all communications to Stanford from the Town and shall communicate to the Town on behalf of Stanford with regard to this Agreement and the Project.

10.3 No Personal Liability. This Agreement shall not create any personal liability of any individual to the parties herein for any action or inaction related to their duties as set forth herein.

11.0 Notice. All notices required or provided for under this Agreement shall be in writing and shall be delivered personally or by overnight courier service or sent by certified or registered mail, return receipt requested. Any notice given by (a) personal delivery, (b) recognized overnight national courier service or (c) registered or certified mail, return receipt requested, shall be deemed to have been duly given and received upon receipt. Notices to the parties shall be addressed as follows:

Town: Director of Public Works
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Fax: (650) 851-4677
Email: hyoung@portolavalley.net

with a copy to: Town Manager
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Fax: (650) 851-4677
Email: ahoward@portolavalley.net

with a copy to: Town Attorney
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Fax: (650) 324-0227
Email: ss@jsmf.com

Stanford: Director of Design & Construction
Stanford University
Office of Stanford Real Estate
2755 Sand Hill Road, Suite 100
Menlo Park, CA 94025
Fax: (650) 854-9268
Email: jinglis@stanford.edu

with a copy to: General Counsel
Office of the General Counsel
Building 170, 3rd Floor, Main Quad, PO Box 20386
Stanford, CA 94305
Fax: (650) 723-4323
Email: zumwalt@stanford.edu

As a courtesy, each notice also shall be sent by fax or email, but the failure to do so shall not invalidate the notice given or constitute a breach of this Agreement. Similarly, the copies of the notice provided to the persons shown above are provided solely as a courtesy and the failure to provide one or more copies shall not invalidate the notice given or constitute a breach of this Agreement.

Any notice so delivered shall be effective upon the date of personal delivery or, in the case of mailing to the person identified above as the recipient of notices for the party to whom notice is given, on the date of delivery as shown on the U.S. Postal Service return receipt. Any party may change its address for notice by giving ten days' notice of such change in the manner provided in this paragraph.

12.0 Conditions Precedent; Termination.

12.1 *Conditions Precedent.* Stanford's obligations under this Agreement to authorize construction to proceed are expressly conditioned upon entry of final judgment (including all appeals) in favor of Santa Clara County and Stanford, or such other order of the court that is acceptable to Stanford in its sole and absolute discretion, in the mandamus proceeding styled *Committee for Green Foothills v. County of Santa Clara*, case no. CV065186 now pending in the California Supreme Court. If this condition is not satisfied by June 1, 2013, Stanford may elect to terminate this Agreement by written notice to the Town, provided Stanford has not previously authorized the Town to proceed with construction. Further, in the event any other litigation or challenge is brought or threatened against Stanford or the County with respect to the Trail Agreement, or Stanford or the Town with respect to this Agreement, and the same is not resolved to the satisfaction of Stanford in its sole and absolute discretion (and/or the Town in its sole and absolute discretion as to any action threatened or brought against the Town with respect to this Agreement) on or before June 1, 2013, then either party also may elect to terminate this Agreement by written notice to the other party, provided construction has not already commenced with the authorization of Stanford. The parties' respective obligations under this Agreement will not commence until expiration of the period to challenge this Agreement under CEQA.

12.2 *Termination.* If either party elects to terminate this Agreement as provided in Section 12.1, both parties shall be released from any further obligations hereunder and the Town, upon receipt of written request by Stanford and payment of costs of copying, shall deliver to Stanford copies of all work product, either from the Town or any third parties, for which Stanford has paid the Town. Notwithstanding the termination of this Agreement, Stanford shall pay for all Project costs expended or for which the Town is obligated to pay as of the date of termination and the Town shall return any funds except those properly expended or incurred as of the date of the termination under this Agreement.

12.3 *Agreement Terminable.* Section 4.c of the Trail Agreement requires the County's Director of Parks and Recreation to approve the Plans. If such approval in writing is not received by Stanford and the Town within ninety (90) days of the effective date of this Agreement, this Agreement shall be immediately terminable by either party and all provisions of Section 12.2 shall apply.

13.0 Force Majeure. The time for performance by either party of its obligations under this Agreement (other than for payment of money) shall be excused during any period of Permitted Delay. "*Permitted Delay*" means delay beyond the reasonable control of the party claiming the delay, specifically excluding a party's financial inability to perform, that the party claiming the delay demonstrates completely precludes the timely performance, during the period of delay, of the particular obligation for which the party is seeking to be excused, including, but not limited to the following: (a) acts of God including but not limited to earthquakes, floods, fire, weather conditions that are abnormal for the period of time and could not have been reasonably anticipated, and other natural calamities; (b) civil commotion; (c) riots; (d) strikes, picketing or other labor disputes; (e) shortage of materials or supplies; (f) damage to work in progress by reason of fire, floods or other casualties; (g) failure, delay or inability of the other party to act; (h) vandalism; (i) moratoria or other delays caused by restrictions imposed or mandated by governmental entities; or (j) legal or administrative action related to the construction of the Project, or another third party action or claims that challenge, prevent or delay construction, including, but not limited to, failure of any jurisdiction to issue required permits, approvals or permission and litigation brought by third parties to stop construction of the Project or challenging approval of this Agreement or the Town's decision to enter into this Agreement. This Section 13 is in addition to the Party's rights to terminate under Section 12. Notwithstanding the above, the date for resolution of the litigation referred to in Section 12, June 1, 2013, is firm and will not be extended by force majeure, but may be extended only by mutual written agreement.

14.0 Extension of Completion Date. Under the Trail Agreement, the date of completion may be extended for two years if two of the following agree: the County, the Town and Stanford. This Agreement hereby constitutes the agreement of two of the parties, the Town and Stanford to extend the time for completion by two years, to December 31, 2013. The Town agrees to do all things necessary to document its agreement to the satisfaction of Stanford and the County. All references in this Agreement to December 31, 2013 are to the date extended by virtue of this Agreement.

15.0 No Third Party Beneficiaries. This Agreement is for the benefit of the named parties only and is not intended, and shall not be construed to be for the benefit of any third party. In particular, this Agreement expressly is not for the benefit of any public utility, governmental or other entity that owns any facility or improvement, including utility facilities, the relocation of which is necessary, required or desirable for the Project. This Agreement is not intended to benefit the owners of any such facilities or improvements or any other third party or to relieve such owners or any third parties from any obligation under law or under any franchise or other agreement with the Town that requires such owners or third parties to pay for the cost of relocating facilities or improvements made necessary by this Project, or any other public works project.

16.0 Exhibits. The following Exhibits are attached to this Agreement and by this reference incorporated herein as if set forth in full.

- Exhibit A** Plans for the Project
- Exhibit B** Mitigation Measures and Other Conditions
- Exhibit C** Letters to and from the County's Director of Parks and Recreation and Stanford and the Town
- Exhibit D** Form of Easement Agreement
- Exhibit E** Permit to Enter
- Exhibit F** Preliminary Schedule
- Exhibit G** Preliminary Cost Estimate

The parties have executed this Agreement on the dates set forth below.

THE BOARD OF TRUSTEES OF

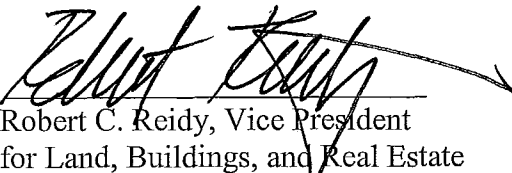
TOWN OF PORTOLA VALLEY

THE LELAND STANFORD JUNIOR UNIVERSITY a body having corporate powers under the laws of the State of California

By: _____
Mayor

By: Stanford Management Company

Attest: _____
Town Clerk

By: 
Robert C. Reidy, Vice President
for Land, Buildings, and Real Estate

DATED: February 17, 2010

DATED: _____, 2010

RIDER 1 - DEFINED TERMS

Agreement as defined in the Preamble.

County as defined in Recital A.

Director as defined in Section 10.1.

Easement as defined in Section 3.0.

Maximum Project Cost as defined in Section 5.0

Mitigation Measures as defined in Section 1.0.

Permitted Delay as defined in Section 13.0.

Plans as defined in Section 1.0.

Preliminary Cost Estimate as defined in Section 6.0.

Preliminary Schedule as defined in Section 6.0.

Project as defined in Section 1.0.

Project Cost as defined in Section 5.0

Stanford as defined in the Preamble.

Stanford's Representative(s) as defined in Section 10.2.

Town as defined in the Preamble.

Trail Agreement as defined in Recital A.

Exhibit A

Preliminary Project Plans

**Sheets 1 – 33
Dated 11/16/07**

Exhibit A

**Project Plans
Sheets 1-33**

**Due to the number of sheets, the full size project plans are on
file at the Town Clerks office for review**

Exhibit B

Mitigation Measures

Page 1-7

Exhibit B – Mitigation Measures

Required Mitigation Measures for the Proposed C-1 Trail, Town of Portola Valley

(The mitigation measures have been excerpted from the Initial Study dated 11/26/07)

Significance Criteria

According to the Town of Portola Valley Significant Effects Guidelines, a project will normally have a significant effect on the environment if it will:

- Substantially affect a rare or endangered species of animal or plant or the habitat of the species, or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

Potential Impacts

Three aspects of the proposed project reconstruction have the potential to result in adverse impacts to sensitive species: 1) relocation of portions of the trail, 2) creek bank stabilization in Segment 3 of the trail, and 3) removal of mature trees and vegetation.

Relocation of portions of the trail

Dusky-footed woodrat nests are located in the area where the trail will be relocated away from the road. Disturbance of these nests could result in a significant impact to a Species of Special Concern.

Mitigation Measure for Dusky-footed Woodrat

- Avoidance of dusky footed woodrat nests during the breeding season is not feasible as the breeding season for the dusky footed woodrat is long (February through September). Prior to project construction, a qualified biological monitor shall survey the project site to see if nests are still present and occupied. If possible, the nests will be avoided and stakes and caution tape will be installed within 3 feet of the nest. However, if a nest is in an area that needs to be cleared, the nest will be disassembled by hand with close attention paid to see if and when any occupants leave. Nest material will be moved out of the construction area, and deposited in an area outside of the project disturbance area. (Note: *Individual woodrats often use multiple nests – hopefully if one nest is disturbed and then dismantled, the resident woodrats will simply move to another nest. However, some displaced woodrats will not go into other nest. These will take refuge in the abundant vegetation until they can construct new nests. A slight increase in predation on woodrats is expected as a result of the C1 project, but this will not decrease the chance of long-term population persistence.*)

This mitigation measure will reduce potential impacts to the dusky-footed woodrat to a less-than-significant level.

Creek Bank Stabilization in Segment 3 of the trail

The proposed project includes engineering work to stabilize a portion of the creek that is presently eroding.

This work would require construction on top of the creek bank and within the channel. Construction would remove mature, riparian vegetation. After construction, there would be a filled slope within the creek channel, vegetated with native riparian species, and rootwad and boulders placed in the creek to protect the new slope.

If flowing water is present in the creek at the time of construction, cofferdams would need to be placed in the creek for dewatering at the construction site.

These construction activities could result in a significant impact to steelhead. Once construction is complete, there would not be additional impacts to steelhead, and the potential for harm to steelhead from creek bank erosion would be reduced compared to existing conditions.

Mitigation Measures for Aquatic and Riparian Habitat

- Disturbance or removal of woody vegetation shall not exceed the minimum necessary to gain access to the stream. No riparian trees will be removed unless their removal is necessary for access to the facilities. Bulldozer/backhoe-type equipment will not be used to remove woody vegetation unless the root masses of such vegetation interfere with construction activities. The root zone of existing woody vegetation will be left undisturbed wherever possible.
- Less destructive techniques of pruning tree branches in the lower 8 feet shall be used where possible to accommodate project activities. Understory riparian vegetation such as blackberries, willows, tules, etc., will be pruned only as needed to accommodate project activities. All removed vegetation will be dispersed on site or placed, under the direction of a qualified biologist, to enhance habitat and streamside environment.
- Any rock slope protection and boulder spurs shall be sized to withstand a 100-year flow event.
- Maintenance of revegetated sites shall continue for at least three growing seasons to allow the vegetation to reestablish. Remediation plans will be prepared and implemented in the event of a planting failure. Success of a mitigation project will be measured as 100 percent or greater replacement after 3 years to meet CDFG standards.

- If new plants do not successfully establish after one calendar year of project completion, additional revegetative efforts shall be undertaken. Success will be determined as 85% regeneration after 2 years. The minimum target for the revegetation plan will be to have no net loss of riparian habitat.

Mitigation Measures for California Red-legged Frog and Western Pond Turtle

While it is unlikely that California red-legged frog or Western Pond Turtle would be found at the project site, there is a chance that these protected species could be affected. This could result in a potentially significant impact and the following mitigation measure shall apply:

- A biological monitor shall instruct the construction crew on identification of species of special concern, with instructions for notification should one be identified. The biological monitor shall also conduct periodic inspections of the project site. Should an individual be located, construction activities shall cease until the individual disperses from the project site. In addition, if a California red-legged frog is located, U.S. Fish and Wildlife would be notified.

Mitigation Measures Related to Cofferd/Diversion Dams and Culverts

If creek bank stabilization construction is feasible only when water is flowing in Los Trancos Creek, the following mitigation measures shall apply:

- Adequate sediment and turbidity control measures shall be implemented. One or more fences of filter fabric will be constructed across stream channels downstream of the lowermost cofferdams to reduce turbidity and sedimentation downstream of the stream construction sites during removal of cofferdams and until water clarity is re-established once streamflow is re-introduced to the stream channel in the work area.
- When diversion dams and culverts are placed on the streambed, only washed gravels with at least a 0.5-in diameter shall be used in the stream channel. Clean gravels may be left in the channel as a source of spawning material.
- All available streamflow shall at all times be allowed to pass downstream to maintain aquatic life.
- Diversion dams shall be constructed in the shallowest, most regular streambed available to encompass the project area and minimize the distance of stream and amount of fish habitat disrupted.
- Construction of diversion dams shall cause little or no siltation and be sufficient to prevent seepage of water into the work area. A fence constructed of filter fabric will be placed across the stream channel downstream of the cofferdam locations to capture suspended sediment from cofferdam construction.

- The sections of the creek where the reengineering shall occur will be isolated with block nets, so that fish can be captured and relocated, prior to diversion dam construction and subsequent dewatering. Block nets will extend across the entire wetted channel.
- Block net mesh shall be sized to ensure that salmonids do not enter the areas proposed for dewatering between passes with the electrofisher. (Note: *An electrofisher is an industry standard piece of equipment. It applies an electric field to small volumes of water – thereby stunning the animals present in the volume. The stunned animals can be captured, counted, and moved with relative ease. When operating an electrofisher, the operator repeatedly moves the electrodes through limited portions of the waterway – each time the electrodes move through a specific area is called a pass -in single pass surveys for example, each portion of the waterway being sampled is electrofished only once, for depletion sampling, each portion of the waterway is sampled until no more fishes are encountered – typically 3 to 5 passes-).*
- Block nets shall not be removed until construction of cofferdams and culvert installation are completed.
- Diversion dams shall be placed immediately downstream of the upper block net and immediately upstream of the lower block net. The water at these locations will be shallow to allow for dam placement. This constitutes a total distance of approximately 300 feet to be partitioned off by the coffer dams on Los Trancos Creek, depending on the water conditions on the time of construction.
- Sandbags and gravel bags shall be used to construct the dams. A visquine plastic cover will be placed under the dam and over the upstream face of the upper dam and over the downstream face of the lower dam. Particular care will be taken to fill gaps around the culvert to minimize leakage. The thickness of the dam will be a minimum of four sandbags wide, with the bags laid lengthwise across the width of the channel.
- When the cofferdams are removed, the bags filled with sand shall not be emptied within the 100-year flood channel.
- If feasible cofferdam construction shall take place by hand. No mechanized equipment will be used in the stream channel during cofferdam construction.
- Culverts used in diverting water shall be sized to allow juvenile fish passage.
- Culvert outlets will be directed at instream locations greater than 1 foot in depth and preferably with nearby instream cover.

- Culvert inlets shall be cleared of debris daily once the diversion structure is installed.
- Normal flows shall be restored upon completion of work by removing cofferdams.
- If possible, cofferdams shall be removed by hand. The dam will be removed so that surface elevations of water impounded above the cofferdam will not be reduced at a rate greater than 1 inch per hour. This will minimize the risk of beaching and stranding fish as the area upstream becomes dewatered.
- Before the cofferdams are removed, any disturbed streambed within the work area where sediment has been pushed into the streambed shall be covered with gravel and cobbles in the size range of undisturbed streambed in the vicinity of the work area.

Mitigation Measures related to Fish Relocation

If creek bank stabilization construction is feasible only when water is flowing in Los Trancos Creek, the following mitigation measures shall apply:

- Steelhead **swim** under seines used on irregular streambeds, thus avoiding capture. Steelhead also use instream cover that cannot be adequately accessed with seines. Therefore, fish shall be captured by electrofishing instream setting.
- All captured fish shall be allowed to recover from electrofishing before being returned to the stream.
- All captured native fish shall be placed in suitable habitat either upstream or downstream of the project area. Suitable habitat will include instream escape cover and pools greater than one foot deep. Fish will be placed in the deepest pools in the vicinity. Fish will be transported in livecars. Otherwise, buckets of water will be used. (Note: *Livecars are containers specifically designed to transport live fishes. These are typically insulated, or have cooling elements, and have an aerator*).
- All non-native fish encountered shall be removed from the aquatic system.

Removal of mature trees and vegetation

The proposed project would require removal of approximately seven protected trees, as well as other smaller trees and vegetation. As a result, active nests of raptors and migratory birds, and active maternal roosts of sensitive bats, could be disturbed, resulting in a potentially significant impact.

Mitigation Measures for Tree Removal

- If the project construction would begin between February 1 and August 30, a biological monitor shall conduct a pre-construction survey for breeding raptors, migratory birds, and bats which may be affected by the project. If active nest sites are located, appropriate construction setbacks from nest sites shall be required. No construction activities shall occur within the construction setback during the nesting season of the affected species.
- Protected trees shall be replaced at a minimum of a 3:1 ratio, in a manner consistent with the Town's Site Development and Tree Protection ordinance.

Other items as applicable:

Air Quality

Construction activities will utilize the "Basic Control Measures" recommended by Bay Area Air Quality Management District (BAAQMD) in order to minimize dust.

Biological Resources

The project includes engineering work to stabilize a portion of the creek bank that is currently eroding into the channel. This work will require construction on top of the creek bank and within the channel. After construction, there will be a filled slope within the creek channel, vegetated with native riparian species, and root wad and boulders placed in the creek to protect the new slope. The proposed engineering work designed by Balance Hydrologics to provide creek bank stabilization will be implemented.

A Section 404 permit will be obtained from the U.S. Army Corps of Engineers for the disturbance of jurisdictional waters due to the bank stabilization in Los Trancos Creek, as well as a Section 401 Water Certification from the Regional Water Quality Control Board. Also, a Streambed Alteration Agreement from California Department of Fish and Game will be obtained. Endangered Species Act compliance will be administered through the Section 404 process.

The proposed project will comply with Portola Valley's Site Development and Tree Protection ordinance with respect to protected trees and requirements for removal.

Hazards and Hazardous Materials

Construction activities will involve the use of hazardous materials such as diesel fuel, which will be handled with standard industry best management practices.

Hydrology and Water Quality

The hydrologic analysis prepared by Balance Hydrologics evaluates geomorphic conditions, streambed stability, and bank and/or channel stabilization at four areas along the proposed trail. The proposed reengineering includes stabilization of existing creek bank conditions in Segment 3. The proposal will stabilize an existing concern in the

creek, while taking into account the hydrology of the creek. During construction, there will be disturbance of the creek banks, which could result in sedimentation. While this sedimentation will not result in a “substantial” change to the water quality in the area or violate water standards, a Storm Water Pollution Prevention Plan will be prepared if necessary. A storm water construction permit will be obtained from the state by filing a NOI. A SWPPP will be prepared that discusses the monitoring and testing that is required to determine or measure impacts to water quality. The Town will monitor/observe site conditions and mitigate any impacts by implementing protective measures.

EXHIBIT C

Letters Between the County's Director of Parks and Recreation and Stanford and the Town



County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org

January 22, 2010

Mr. Larry Horton
Senior Associate Vice President
Director of Government & Community Relations
Office of Public Affairs
Building 170, 1st floor
Stanford, CA 94305-2040

Re: Review of C-1 Trail Construction Plans

Dear Mr. Horton,

Santa Clara County Parks and Recreation Department staff has completed review of the draft C-1 Trail construction documents submitted for approval by Stanford University. The plans address the segment of the trail within the jurisdictional lands of the Town of Portola Valley in accordance with Section 4b of the Agreement for Trail, Easements, Construction, Management and Maintenance and Grant of Easements, January 6, 2006. The agreement requires the County's Director of Parks and Recreation to approve the plans. The subject trail is identified in the Santa 1995 Clara Countywide Trails Master Plan (SCCTMP) as a bicycle and hiking trail.

The SCCTMP also developed a set of Interjurisdictional Trail Design Guidelines to assist local jurisdictions with implementing the plan to ensure consistency in trail design and implementation among the participating agencies. These guidelines can be accessed on the Santa Clara County Parks website at www.parkhere.org.

The following are our comments related to the draft construction plans:

- 1) The trail as designed consists of an 8' wide asphaltic concrete paved surface (AC) with 2' wide Class II aggregate base (AB) shoulders for a trail width of 12'. Due to site constraints, shoulders are not consistently provided. The SCCTMP Interjurisdictional Design Guidelines recommend a 12' wide AC trail with 2' wide AB shoulders for a trail width of 16'. The trail section calls for 2" AC over 4" AB as recommended in the design guidelines.

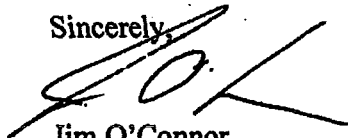


Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

- 2) Detail 3, Sheet CD-1 shows a four strand wire fence with metal posts. The notes on the detail call for wood posts, need to clarify which. The detail also does not show anchor posts (end/corner), footings for posts or pull post detail.
- 3) It is advised, per the CWIDG that a thickened aggregate base under the AC shoulders be provided if the path is ever to accommodate light vehicle traffic (e.g., maintenance vehicles).
- 4) It is apparent that the trail is constrained by trees and appropriate buffers from Alpine Road and Los Trancos Creek. If there are areas where the trail can be widened for distances of 300' or longer, consideration should be given to widening.
- 5) Plan notes indicate that existing AC is to be pulverized and re-used or removed. It is recommended that the contractor be held to CalTrans specifications on re-use of material to ensure that the appropriate size and gradation of the recycled material meet the specifications in order to meet compaction requirements. It is recommended that the material be removed and processed at a plant to meet the CalTrans specifications.
- 6) Since the path is only 8' wide AC, please try to include the 2' AB shoulders as much as possible, see sheets C-7 and c-8.
- 7) Since the path is only 8' wide, can the pedestrian bridge on sheet C-6 be widened from 6' wide to 8' wide for a consistent trail width?
- 8) On sheets C-7 and C-8, there appears to be a road crossing. Is this a public road? The plans show that the trail stop signs have been removed from the plan, but the "STOP" striping remains on the plans. There are no striping details in the plans.
- 9) Detail C-15, page 17 shows detail of embankment reinforcement with a retaining wall within 3' of the paved trail surface. Although the plan shows the fence, it is recommended to show the four strand wire fence on top of the wall on the section/detail. Top of wall is within three feet of AC path edge.

We are pleased to see the implementation of this important segment of the SCCTMP nearing completion. We further look forward to completion of the segment of the C-1 trail within the jurisdiction of Stanford University. If you have any questions about any of our comments on the plans, please contact Mark Frederick, Park Development Manager, at (408)355-2210 or by e mail at mark.frederick@prk.sccgov.org.

Sincerely,



Jim O'Connor
Acting Director

Cc: Lizanne Reynolds, Deputy County Counsel
Sylvia Gallegos, Deputy County Executive
Julie Mark, Deputy Director
Jane Mark Senior Park Planner
Tim Heffington, Senior Real Estate Agent



Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith



February 3, 2010

Mr. Jim O'Connor
Acting Director
County of Santa Clara
Parks and Recreation Department
298 Garden Hills Drive
Los Altos, California 95032-7669

Dear Mr. O'Connor:

This letter responds to your letter to Larry Horton of January 22, 2010, regarding plans for the C-1 trail in Portola Valley.

Charles Carter, Stanford's Director of Planning, following the advice in your letter, spoke to Mark Frederick about the nine comments in your letter.

Below are responses to each of the nine comments and a description of the design approach. Senior technical staff of the Town of Portola Valley and Stanford University jointly prepared these responses.

Design Approach

In developing plans for the Portola Valley segment of the Alpine Road trail, C1 in the Santa Clara County Countywide Trails Master Plan (SCCCTMP), Stanford sought to use widely accepted design standards to achieve the purposes for the trail described in the SCCCTMP. Early in the planning stages we also consulted with Santa Clara County Parks and Recreation. We understood that a trail designed to the standards of the jurisdiction in which it was located and meeting the SCCCTMP objectives would be acceptable. The Caltrans standard for a Class 1, off-street, multi-use path specifies 8'-12' of pavement with 2' wide shoulders. However, the existing paved trails in the Town of Portola Valley are 8' wide with no shoulders.

Note: "Sheets" below refers to the numbered sheets in the Portola Valley C-1 Trail Plans. The wording of the comments was copied verbatim from your letter of January 22, 2010.

COMMENT 1: The trail as designed consists of an 8' wide asphaltic concrete paved surface (AC) with 2' wide Class II aggregate base (AB) shoulders for a trail width of 12'. Due to site constraints, shoulders are not consistently provided. The SCCCTMP Interjurisdictional Design Guidelines recommend a 12' wide AC trail with 2' wide AB shoulders for a trail width of 16'. The trail section calls for 2" AC over 4" AB as recommended in the design guidelines.

RESPONSE TO COMMENT 1: See overall design approach above. The reduced trail width is more in keeping with the local community standards and fits more easily into the site which is frequently constrained by Los Trancos Creek and Alpine Road. Shoulders were included wherever constraints allowed.

COMMENT 2: Detail 3, Sheet CD-1 shows a four strand wire fence with metal posts. The notes on the detail call for wood posts, need to clarify which. The detail also does not show anchor posts (end/comer), footings for posts or pull post detail.

RESPONSE TO COMMENT 2: Metal posts will be used as shown in the detail.

COMMENT 3: It is advised, per the CWIDG that a thickened aggregate base under the AC shoulders be provided if the path is ever to accommodate light vehicle traffic (e.g., maintenance vehicles).

RESPONSE TO COMMENT 3: Given the proximity of the trail to Alpine Road, the Portola Valley Public Works Director agrees with the current design to accommodate occasional, light trucks for maintenance, consistent with other existing trails in Portola Valley.

COMMENT 4: It is apparent that the trail is constrained by trees and appropriate buffers from Alpine Road and Los Trancos Creek. If there are areas where the trail can be widened for distances of 300' or longer, consideration should be given to widening.

RESPONSE TO COMMENT 4: Portola Valley's preference, as stated above, was for the trail to be limited to a maximum width of 8'. Where there was sufficient room, some segments of the trail were relocated away from the road (see Sheets C-3, 5, 6, & 7).

COMMENT 5: Plan notes indicate that existing AC is to be pulverized and re-used or removed. It is recommended that the contractor be held to CalTrans specifications on re-use of material to ensure that the appropriate size and gradation of the recycled material meet the specifications in order to meet compaction requirements. It is recommended that the material be removed and processed at a plant to meet the CalTrans specifications.

RESPONSE TO COMMENT 5: The current design intent is for reuse on site of pulverized asphalt to enhance the existing subgrade condition. New material meeting Caltrans specifications is proposed to be placed and compacted for the new trail pavement section of 2" asphalt over 4" aggregate base.

COMMENT 6: Since the path is only 8' wide AC, please try to include the 2' AB shoulders as much as possible, see sheets C-7 and c-8.

RESPONSE TO COMMENT 6: We will review the site conditions and constraints to identify whether there are any additional areas where 2' shoulders can be accommodated.

Mr. Jim O'Connor
February 3, 2010
Page 3

COMMENT 7: Since the path is only 8' wide, can the pedestrian bridge on sheet C-6 be widened from 6' wide to 8' wide for a consistent trail width?

RESPONSE TO COMMENT 7: The bridge is consistent with other bridges in Portola Valley and can accommodate pedestrians, bikes and equestrians. See design approach above.

COMMENT 8: On sheets C-7 and C-8, there appears to be a road crossing. Is this a public road? The plans show that the trail stop signs have been removed from the plan, but the "STOP" striping remains on the plans. There are no striping details in the plans.

RESPONSE TO COMMENT 8: The crossings are at driveways to a public park and a private equestrian facility, not public streets or roads. Portola Valley prefers minimal signs and striping on pathways.

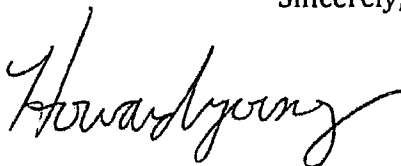
COMMENT 9: Detail C-15, page 17 shows detail of embankment reinforcement with a retaining wall within 3' of the paved trail surface. Although the plan shows the fence, it is recommended to show the four strand wire fence on top of the wall on the section/detail. Top of wall is within three feet of AC path edge.

RESPONSE TO COMMENT 9: A chain link fence is shown on Structural Sheet R-1. (A four-wire fence would not provide an adequate barrier.) Showing the fence in the additional, referenced section may be required in response to plan check comments, but would not impact the design.

The Portola Valley Town Council will take up the C-1 trail issue at a public meeting in February. Your letter of January 22, 2010 and this response will be included in the materials submitted to the Council.

Thank you and your staff for the careful review of the plans for the C-1 trail in Portola Valley.

Sincerely,



Howard Young
Director of Public Works
Town of Portola Valley



Jim Inglis
Director of Design & Construction
Office of Real Estate
Stanford University

cc: Larry Horton, Robert Reidy, Ann Wengert, Debra Zumwalt

EXHIBIT D

Form of Easement Agreement

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

Town of Portola Valley

Portola Valley, CA

Attention: _____

EASEMENT AGREEMENT

For valuable consideration, receipt of which is acknowledged, THE BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY, a body having corporate powers under the laws of the State of California (“*Grantor*”), grants to the Town of Portola Valley, California, its successors and assigns (“*Town*”), the easements described below in certain parcels of real property owned by Grantor and located in the County of San Mateo, State of California, each of which is more particularly described and shown in the attached Exhibits, subject to the terms and conditions set forth in this Easement Agreement (the “*Agreement*”).

1. GRANT OF EASEMENTS FOR CONSTRUCTION AND USE OF TRAIL SYSTEM

1.1 Grant. Grantor grants to the Town, for use and enjoyment by the Town and the general public, an easement for pedestrians and bicyclists to use the trail system more particularly described on Exhibit A (the “*Trail System*”), and for the Town to construct, maintain, manage, operate, repair and replace the Trail System, within the parcels owned by Grantor and more particularly described on Exhibit B (the “*Easement*”). In the event Grantor has comments or concerns regarding the construction, use, maintenance, management, operation, repair or replacement of the Trail System or the Easement, the Town will meet with representatives of Grantor in a timely fashion to discuss such concerns and attempt in good faith to agree on a resolution.

1.2 Prohibited Uses. The Trail System shall not be used by motor vehicles and motorcycles, except that the Town may permit maintenance vehicles when necessary to maintain, repair or replace the Trail System and the Town shall use reasonable efforts to prevent and halt such use.

1.3 Maintenance. The Town shall construct the Trail System in a good and workmanlike manner in compliance with (a) all applicable laws and (b) the Agreement Regarding the Portola Valley Trail Project between Grantor and the Town effective as of _____, 2010 (the “*PV Trail Agreement*”). The Town shall maintain, manage, operate and repair the Trail System at least in accordance with trail maintenance standards applied by the Town to similar trails within the Town.

1.4 Relocation of Easement. The location of the Easement may be moved at any time at the option and expense of Grantor, and relocated to any new alignment if there are changed circumstances such as changes to the Alpine Road alignment, required protection of environmental resources or significant interference with Stanford’s plans for the use of its lands; provided that: (a) Grantor shall provide notice to the Town of its intent to relocate the Easement and shall consult with the Town in good faith regarding the new alignment; (b) any such relocated easement shall have essentially the same points

of entry and exit by pedestrians and bicyclists; and (c) the new alignment shall be generally consistent with the existing alignment. Except as provided in this Section 1.4, the Town shall never have any right to any particular location or configuration of the Easement. The relocation of the Easement shall not prevent Grantor from making any future relocation. Grantor at its expense shall construct on such relocated easement a trail system with substantially the same specifications and materials as the Trail System located on the Easement immediately prior to the relocation, except that all work shall be performed generally in accordance with the standards to which the original trail was built. If the relocation results in any increase in the costs of future maintenance or repair, Grantor shall reimburse the Town for such increased costs by payment of a mutually agreed amount or, failing agreement, of an amount determined by binding arbitration pursuant to the provisions of the Code of Civil Procedure. Any such relocation shall be deemed completed upon completion of construction of said trail system on the relocated easement. Each party shall execute and accept such documents as are necessary or convenient to document the relocation, as requested by the other party and Grantor shall prepare each requested document, unless the Town elects to prepare a document requested by it.

2. GENERAL PROVISIONS.

2.1 Reserved Rights. Grantor reserves the right to use the Easement for any and all purposes that are not inconsistent with, and do not unreasonably interfere with, use and enjoyment by the Town and the general public of the Easement as permitted herein, including without limitation crossing over the Easement and temporarily closing the Easement in connection with maintenance or improvement work on adjacent lands of Grantor. The Easement is subject to all rights, encumbrances and other matters of record prior to recordation of this Agreement.

2.2 Term; Termination. The Easement shall remain in full force and effect unless terminated in accordance with this Section 2.2. The Easement shall cease and terminate on the earlier of the occurrence of any of the following events, but only after notice and opportunity to cure as provided below: (a) breach by the Town of any material promise or obligation related to the Easement, including without limitation the obligations set forth in the PV Trail Agreement; (b) nonuse of such Easement or any portion thereof for the uses permitted herein for a period of two (2) consecutive years; or (c) performance of any act by the Town upon such Easement which is incompatible with the nature of such Easement, or the exercise or use of such Easement by the Town in a manner inconsistent with the intent of the parties as expressed in this Agreement of the PV Trail Agreement. Failure to exercise secondary or incidental rights expressly or impliedly conveyed hereby shall not be cause for termination. Examples of principal purposes are construction of the Trail System and use of the Trail System by pedestrians and bicyclists. Examples of secondary or incidental uses are maintenance, operation, repair and replacement of the Trail System within the Easement.

In the event Grantor determines that any of the above have occurred ("*Event of Termination*"), Grantor shall give notice to the Town, which shall have ninety (90) days after delivery of notice to cure the Event of Termination. If the nature of the Event of Termination is such that cure within ninety (90) days is not possible, but cure is possible in an extended but reasonable time period, the Town shall commence curing the Event of Termination within 90 days and shall diligently pursue the cure to completion. If the Town fails to cure the Event of Termination within 90 days or, if not possible, if the Town fails to commence the cure within 90 days or to complete it within such longer period as is reasonably required for the Town acting diligently to cure, then in either case Grantor shall have the right to terminate the Easement (or if the Event of Termination was the non-use of a portion of an Easement, to terminate that portion of the Easement) and all right, title and interest of the Town, its successors and assigns, in and to such Easement (or portion thereof) shall terminate and revert to Grantor, its successors and assigns. Upon termination of such Easement (or portion thereof), the Town shall make, execute, acknowledge, and deliver to Grantor a quitclaim of all right, title, and interest herein conveyed to the

Town as to the Easement (or portion thereof) so terminated. If the Event of Termination is the non-use of the Easement caused by damage to the Trail System, the two year period shall be tolled for a reasonable period required for repair work, but not to exceed one year. If the Event of Termination is the non-use of the Easement or a portion of it, Grantor shall provide the Town with the notice the evidence of non-use on which it relies and the cure shall be the delivery to Grantor by the Town of contrary evidence within the time allowed. If such contrary evidence is not provided timely by the Town, it shall be deemed to have failed to cure the Event of Termination. If such contrary evidence is provided timely, the parties shall meet to discuss in good faith whether the requisite period of non-use actually occurred. If the parties cannot agree, they may submit the matter to binding arbitration by mutual agreement or pursue other remedies, and the Easement or portion of it alleged to have not been used for the requisite period shall continue in effect until a final resolution has been reached by agreement, arbitration or litigation.

2.3 Successors and Assigns. The provisions of this Agreement shall be binding upon and shall inure to the benefit of and shall apply to the respective successors and assigns of Grantor and the Town, and shall run with and be binding on the land on which the Easement is located. All references in this Grant to *Grantor* or *Town* shall be deemed to refer to and include the successors and assigns thereof.

2.4 Notice. Whenever in this Agreement a party is required to give notice, the party shall give written notice delivered to the other party at the following address:

Town: Director of Public Works
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Fax: (650) 851-4677
Email: hyoung@portolavalley.net

Grantor: General Counsel
Stanford University
Office of the General Counsel
Building 170, 3rd Floor, Main Quad
PO Box 20386
Stanford, CA 94305
Fax: (650) 723-4323
Email: zumwalt@stanford.edu

Delivery shall be by messenger or by a recognized overnight courier (e.g. Federal Express or UPS), return receipt requested. Notice shall be deemed given when delivered and documented by a declaration under penalty of perjury by the messenger or the return receipt of the overnight courier.

2.5 Acceptance by Town. By accepting this Agreement and authorizing it to be recorded, the Town accepts the terms of this Agreement and agrees to abide by them. This Agreement is expressly conditioned upon inclusion of the terms of this Section 2.5 in the Acceptance of this Agreement authorizing recordation of this Agreement and recorded concurrently with it.

IN WITNESS WHEREOF Grantor has executed this Agreement.

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR UNIVERSITY

By: _____

(print name)

Its: _____

Dated: _____, 2008

STATE OF _____)
) ss.
COUNTY OF _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal)

EXHIBIT A

Description of Trail System

EXHIBIT B

Description of Parcels Over Which Easement is Granted

[TBD. The Easement generally will be ten (10) feet on either side of a center line identified on an as-built survey acceptable to both parties.]

ACCEPTANCE BY TOWN

EXHIBIT E

DATE:
PROJECT: Portola Valley Trail

PERMIT TO ENTER

Permission is hereby granted to the TOWN of PORTOLA VALLEY, hereinafter referred to as TOWN, to enter upon OWNER'S lands, as outlined on the map attached hereto and by this reference made a part hereof, for the purpose of constructing the Portola Valley Trail Project. The rights and privileges hereby granted to TOWN, may, at the option of the TOWN, be exercised by any authorized agent or contractor of TOWN.

By acceptance of this Permit to Enter, it is expressly understood and agreed by and between the parties that TOWN and its contractors shall enter upon OWNER'S land and perform its work in accordance with the Agreement Regarding The Portola Valley Trail Project between TOWN and OWNER.

OWNER: THE BOARD OF TRUSTEES OF
THE LELAND STANFORD JUNIOR UNIVERSITY

By: _____

Its: _____

TOWN OF PORTOLA VALLEY:

By: _____

Its: _____

Exhibit F

Preliminary Schedule

Exhibit F
Preliminary Schedule
C-1 Trail
(Working Days)

ID	Task Name	Duration									
			-1	1	2	3	4	5	6	7	
1	C-1 Trail project total elapsed working days	310 days									
2	Permit assembly and review	35 days									
3	Submit enviromental permits to agencies	120 days									
4	Finalize Design	40 days									
5	Design approval / Building permit	10 days									
6	Bid package assembly	10 days									
7	Bidding	30 days									
8	Award Bid	10 days									
9	Notice to Proceed	15 days									
10	Construction (Creek work allowed June 15-Oct 15 only)	100 days									

Project: PV schedule
Date: Mon 12/7/09

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	

Exhibit G

Preliminary Cost Estimate

Exhibit G
Preliminary Cost Estimate
C-1 Trail

Item	Description	
	Town of Portola Valley Project cost Estimate	
	Construction Soft Costs	
1	Intialize enviromental permits	\$ 61,600
2	Final Permits	\$ 110,990
3	Finalize Design / Engineering	\$ 135,300
4	Bidding	\$ 28,600
5	Construction	\$ 254,239
	Total Soft costs including 10% contingency:	\$ 590,729
	Construction Hard Costs	
6	Total Construction Hard costs including 10% contingency	\$ 2,043,475
	Allowances for:	
7	Maintenance Fund	\$ 100,000
8	3 year Landscape Maintenance / 5 year Biological Monitoring	\$ 100,000
	Portola Valley Project Estimate Total	\$ 2,834,204
	*Preliminary cost estimate excludes \$29,429 previously paid to Town by Stanford	
	*Preliminary cost estimate does not include \$248,404 previously spent by Stanford for preconstruction costs	

	Stanford budget allocation	
	Stanford's orginal project budget allocation / obligation	\$ 2,800,000
	Stanford's stated expended pre-construction costs including reimbursemnts to Town	\$ 248,404
	Stanford's remaining budget due to expended pre-construction cost	\$ 2,551,596
	Stanford's adjusted remaining cost allocation after 14.4% Building Cost Index	\$ 2,919,045

	Summary	
	Portola Valley Project estimate	\$ 2,834,204
	Stanford current cost allocation	\$ 2,919,045
	Difference	\$ (84,841)

Exhibit 2

Mitigated Negative Declaration

(A complete copy is available at Town Hall)

Xc: Town Planner



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

January 11, 2008

Leslie Lambert
City of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Subject: CI Trail Project
SCH#: 2007122029

Dear Leslie Lambert:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on January 9, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

RECEIVED

JAN 16 2008

SPANGLE ASSOC.

JAN 15 2008

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007122029
Project Title CI Trail Project
Lead Agency Portola Valley, City of

Type MN Mitigated Negative Declaration
Description D

Project includes removal of an old asphalt path along Alpine Road and construction of a new asphalt path 8 ft wide with 2 ft shoulders. The trail is approximately 5,500 ft in length. The trail extends from the intersection of Arastradero Road with Alpine Road to the northerly town limits at the Ladera Oaks Tennis and Swim Club. The route of the path is largely changed to be closer to Los Trancos Creek. A bridge and creek bank protection measures are included. New plantings will be with plant materials that are native to the Portola Valley Area.

Lead Agency Contact

Name Leslie Lambert
Agency City of Portola Valley
Phone 650-851-1700 ext. 12 **Fax**
email
Address 765 Portola Road
City Portola Valley **State** CA **Zip** 94028

Project Location

County San Mateo
City Portola Valley
Region
Cross Streets Arastradero Road and ~1500 ft north of Westridge Drive

Parcel No.	Township	Range	Section	Base
-------------------	-----------------	--------------	----------------	-------------

Proximity to:

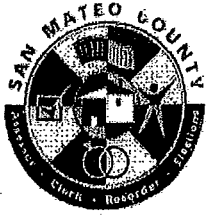
Highways IS 280
Airports
Railways
Waterways
Schools
Land Use Alpine Scenic Corridor (General Plan)

Project Issues Biological Resources

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; State Water Resources Control Board, Clean Water Program; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

12 agencies

Date Received 12/11/2007 **Start of Review** 12/11/2007 **End of Review** 01/09/2008



WARREN SLOCUM

Chief Elections Officer &
Assessor-County Clerk-Recorder

555 County Center, 1st Floor - Dept. County Clerk 2
Redwood City, Ca. 94063-1665
Phone: 650.363.4500
Website: www.smcare.org

POSTING CONFIRMATION LETTER

Date: 12-31-07

Subject: Return of Environmental Documents Filed and Posted for 30 days .
(Public Resources Code Section 21092.3 ●)

To: Town of Portola Valley
Name of Agency

File Number(s): (-1 Trail Project, Town of Portola Valley)

The attached document(s) was (were) received, filed and a copy was posted in the office of the County Clerk of San Mateo County on 11-29-07, and remained posted for thirty (30) calendar days.

WARREN SLOCUM
Assessor-County Clerk-Recorder
San Mateo County

By: W
County EIR Clerk

RECEIVED TOWN OF PORTOLA VALLEY

JAN 03 2008

JAN 02 2008

SPANGLE ASSOC.

RECEIVED

- Section 21092.3 states: "The notices required pursuant to Sections 21080.4 and 21092 for an Environmental Impact Report shall be posted in the office of the county clerk of each county in which the project will be located and shall remain posted for a period of 30 days. The notice required pursuant to Section 21092 for a negative declaration shall be so posted for a period of 20 days, unless otherwise required by law to be posted for 30 days. The county clerk shall post the notices within 24 hours of receipt".

F06C-1
Trans

FILED
SAN MATEO COUNTY

Town of Portola Valley
Notice of Intent to Adopt a Mitigated
Negative Declaration

NOV 29 2007

WARREN SLOCUM, County Clerk
By [Signature]
DEPUTY CLERK

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000 et sec.) that the following project will not have a significant effect on the environment.

Project Title: C-1 Trail Project, Town of Portola Valley

Contact Person: Leslie Lambert Phone Number: (650) 851-1700

Project Location: Trail is on the east side of Alpine Road from the northerly town boundary to the intersection of Arastradero Road with Alpine Road.

Project Description:

Project includes removal of an old asphalt path along Alpine Road and construction of a new asphalt path 8 ft wide with 2 ft. shoulders. The trail is approximately 5,500 ft in length. The trail extends from the intersection of Arastradero Road with Alpine Road to the northerly town limits at the Ladera Oaks Tennis and Swim Club. The route of the path is largely changed to be closer to Los Trancos Creek. A bridge and creek bank protection measures are included. New plantings will be with plant materials that are native to the Portola Valley Area.

Purpose of Notice: The purpose of this notice is to inform you that a mitigated negative declaration has been recommended for this project. Approval of a Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project is a separate action.

Address where document may be received: Portola Valley Town Hall, 765 Portola Road, Town of Portola Valley, CA 94028.

Public Review Period: Begins: November 28, 2007 Ends: January 3, 2008

Scheduled Public Hearings (date, time, place), if known: Tentatively, 1/9/08

Attachment to Notice of Completion & Environmental Document Transmittal

Project Description

C-1 Trail in Portola Valley, CA.

Project includes removal of an old asphalt path along Alpine Road and construction of a new asphalt path 8 ft wide with 2 ft. shoulders. The trail is approximately 5,500 ft in length. The trail extends from the intersection of Arastradero Road with Alpine Road to the northerly town limits at the Ladera Oaks Tennis and Swim Club. The route of the path is largely changed to be closer to Los Trancos Creek. A bridge and creek bank protection measures are included. New plantings will be with plant materials that are native to the Portola Valley Area.

Notice of Completion & Environmental Document Transmittal

Appendix C

For U.S. Mail: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH#

Project Title: Cl Trail Project

Lead Agency: Town of Portola Valley Contact Person: Leslie Lambert

Mailing Address: 765 Portola Road Phone: (650) 851-1700

City: Portola Valley Zip: 94028 County: San Mateo

Project Location:

County: San Mateo City/Nearest Community: Portola Valley Total Acres: _____

Cross Streets: Arastradero Rd. & appx 1500 ft. north of Westridge Dr Zip Code: 94028

Assessor's Parcel No. _____ Section: _____ Twp. _____ Range: _____ Base: _____

Within 2 miles: State Hwy#: IS 280 Waterways: _____

Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA:

- NOP
- Early Cons
- Neg Dec
- Mit Neg Dec
- Draft EIR
- Supplement to EIR
- Subsequent EIR
- Other: _____

NEPA:

- NOI
- EA
- Draft EIS
- FONSI

Other:

- Joint Document
- Final Document
- Other: _____

Local Action Type:

- General Plan Update
- General Plan Amendment
- General Plan Element
- Community Plan
- Specific Plan
- Master Plan
- Planned Unit Development
- Site Plan
- Rezone
- Prezone
- Use Permit
- Land Division (Subdivision, etc.)
- Annexation
- Redevelopment
- Coastal Permit
- Other: _____

Development Type:

- Residential: Units _____ Acres _____
- Office: Sq.ft. _____ Acres _____ Employees _____
- Commercial: Sq.ft. _____ Acres _____ Employees _____
- Industrial: Sq.ft. _____ Acres _____ Employees _____
- Educational _____
- Recreational Trail
- Water Facilities: Type _____ MGD _____
- Transportation: Type _____
- Mining: Mineral _____
- Power: Type _____ MW _____
- Waste Treatment: Type _____ MGD _____
- Hazardous Waste: Type _____
- Other: _____

Project Issues That May Have A Significant Or Potentially Significant Impact:

- Aesthetic/Visual
- Agricultural Land
- Air Quality
- Archeological/Historical
- Biological Resources
- Coastal Zone
- Drainage/Absorption
- Economic/Jobs
- Fiscal
- Flood Plain/Flooding
- Forest Land/Fire Hazard
- Geologic/Seismic
- Minerals
- Noise
- Population/Housing Balance
- Public Services/Facilities
- Recreation/Parks
- Schools/Universities
- Septic Systems
- Sewer Capacity
- Soil Erosion/Compaction/Grading
- Solid Waste
- Toxic/Hazardous
- Traffic/Circulation
- Vegetation
- Water Quality
- Water Supply/Groundwater
- Wetland/Riparian
- Growth Inducement
- Land Use
- Cumulative Effects
- Other _____

Present Land Use/Zoning/General Plan Designation: Alpine Scenic Corridor (General Plan)*

Project Description: (please use a separate page if necessary)

NOTE: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice or Preparation or previous draft document) please fill in.

Revised 2005

*Open Area (zoning)

Town of Portola Valley Mitigated Negative Declaration

A notice pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000 et seq.) that the following project:

C - 1 Trail, Town of Portola Valley

when implemented will not have a significant impact on the environment.

File Number: None

Owner: Town of Portola Valley, and Stanford University

Applicant: This is a Town project

Assessor's Parcel Number: 077-272-010, 077-272-020, 077-282-010

Project Description and Location:

Project includes removal of an old asphalt path along Alpine Road and construction of a new asphalt path 8 ft wide with 2 ft. shoulders. The trail is approximately 5,500 ft in length. The trail extends from the intersection of Arastradero Road with Alpine Road to the northerly town limits at the Ladera Oaks Tennis and Swim Club. The route of the path is largely changed to be closer to Los Trancos Creek. A bridge and creek bank protection measures are included. New plantings will be with plant materials that are native to the Portola Valley Area.

Findings and Basis for a Negative Declaration:

Town staff has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially;
2. The project will not have adverse impacts on the flora or fauna of the area;
3. The project will not degrade the aesthetic quality of the area;
4. The project will not have adverse impacts on traffic or land use;
5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.
 - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
 - c. Create impacts for a project which are individually limited, but cumulatively considerable.
 - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The Town of Portola Valley has, therefore, determined that the environmental impact of the project is insignificant.

The following mitigation measures are included in the project to avoid significant, unless mitigated, environmental impacts:

The Initial Study includes 31 mitigation measures to protect biological resources. These measures are designed to protect habitat both within Los Trancos Creek and within the riparian corridor. Please refer to the initial study for detailed descriptions that are found in Section 4, "Biological Resources."

The following responsible agencies were consulted when preparing the initial study:

None

Initial Study

Town staff has reviewed the environmental evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

Initial Study Review Period: November 28, 2007 to January 3, 2008

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the Town of Portola Valley, 765 Portola Road, Portola Valley, CA 94028, no later than 5:00 p.m. on: January 3, 2008

Date filed: November 26, 2007

General Information

1. Name and address of developer or project sponsor: _____

Jim Inglis, Director of Design & Construction ,

Office of Stanford Real Estate

2755 Sand Hill Rd./Menlo Park, California, 94025

2. Address of project:

Parallel to Alpine Rd. btw. the intersection of Alpine Rd. with Arastradero Rd. (at the south of the project) and the boundary btw. Town of Portola Valley and San Mateo County.

Assessor's block and lot number: N/A

3. Name, address, and telephone number of person to be contacted concerning this project:

George Mader

770 Menlo Park Ave. # 200

Menlo Park, CA, 94025

4. Indicate number of the permit application for the project to which this form pertains:

This is town project administered by the Town Council and will not receive an application number

5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

Section 404 (U.S. Army Corps of Engineers), Section 401 (Regional Water Quality Control Board, Streambed Alteration Agreement (California Department of Fish and Game).

6. Existing zoning district:

O-A (Open Area); R-E/2A/SD-2 (Residential Estate /2 acre minimum parcel size /slope-density standard SD - 2)

7. Proposed use of site (Project for which this form is filed):

Recreational trail.

Project Description

8. Site size: An approximately 5,600 feet trail (8' paved width with two gravel shoulders 2' width).

9. Square footage: Approximately 44,800 sqf of pavement that already exists in the same or in a close location.

10. Number of floors of construction: N/A

11. Amount of off-street parking provided: N/A

12. Attach plans. BKF plans submitted to George Mader, Town Planner.

13. Proposed scheduling: Tentatively scheduled for Town Council consideration on 1/9/08.

14. Associated projects: None

15. Anticipated incremental development: None

16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected.

N/A

17. If commercial indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.

N/A

18. If industrial, indicate type, estimated employment per shift, and loading facilities.

N/A

19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.

N/A

20. If the project involves a variance, conditional use or rezoning applications, state this and indicate clearly why the application is required.

N/A

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets if necessary).

	Yes	No
21. Change in existing features of any drainage courses, streams, lakes or hills, or substantial alteration of ground contours.	X	
22. Change in scenic views or vistas from existing residential areas or public lands or roads.		X
23. Change in pattern, scale or character of general area of project.		X
24. Significant amounts of solid waste or litter.		X
25. Change in dust, ash, smoke, fumes or odors in vicinity.		X
26. Change in lake, stream or groundwater quality or quantity, or alternation of existing drainage patterns.		X
27. Substantial change in existing noise or vibration levels in the vicinity.		X
28. Site on filled land or on slope of 10 percent or more.		X
29. Use of or disposal of potentially hazardous materials, such as toxic substances, flammable or explosives.		X
30. Substantial change in demand for municipal services (police, fire, schools, water, or sewer).		X
31. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)		X
32. Relationship to a larger project or series of projects.		X

Please provide further information for all items for which you checked yes:

Bank erosion control measures included in the project will affect the riparian habitat during construction but will positively change the existing erosion problem on the stream bank in Segment 3 of the new trail.

Environmental Setting

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

The existing site is a 8-foot-wide paved trail located between Alpine Road and Los Trancos Creek. Photos are provided on the Project Summary Map. The trail is located within areas of trees and shrubs.

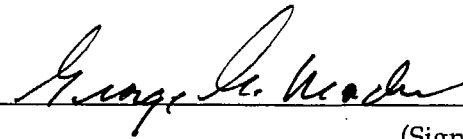
34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.) and scale of development (height, frontage, set-back, rear yard, etc.) Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

The project is reconstruction of an existing trail, with approximately one-third of the trail being relocated farther from Alpine Road. It is surrounded on the west side by Alpine Road, and on the east side by undeveloped land, equestrian uses, and Los Trancos Creek.

Certification

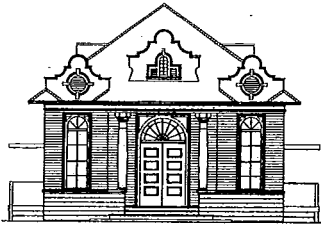
I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 11/26/07



(Signature)

For _____



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Council

FROM: Janet McDougall, Assistant Town Manager

DATE: February 24, 2010

RE: **Proposed Tennis and Sports Court Rules and Instruction Program**

Recommendation:

Adopt Court Rules; authorize staff to proceed with instruction program implementation including selection of a tennis pro.

Issue Statement and Discussion:

With completion of the tennis and all sports courts last year, a sub-committee of the Parks and Recreation Committee was formed to ensure that these newest Town resources are utilized to their fullest potential.

The sub-committee, comprised of Kathy Feldman, Wendi Haskell and Bob Pierce, has been working over the course of the last several months to develop rules of use for the new courts, as well as a program to offer tennis instruction to the Portola Valley community. Initially, the sub-committee had focused solely on programs for youth; however, scheduling challenges caused the group to modify the program to include adult instruction, as well. A copy of the sub-committee's proposed Court Rules is attached as Exhibit "A" and their proposal relating to the instructional program is attached as Exhibit "B".

While no formal public hearing on this issue has been conducted, there has been public outreach to ensure the proposed rules and program will have community support. This outreach included an initial meeting with members of the tennis community who were instrumental in ensuring the courts were reconstructed as part of the Town Center project. In addition, a notice was posted to the PV Forum announcing that a discussion of the tennis and all sport courts would take place at the November 16, 2009 Parks and Recreation Committee meeting. Several residents and others interested in the topic were on hand to represent various interests, including basketball and other games

relating to the all sports court. Subsequently, the Parks and Recreation Committee endorsed the concept of development of a tennis instruction program.

It should be noted that the program under consideration has been carefully developed to avoid instruction during the hours between 8:00 and 11:00 a.m., as this has been determined to be the peak time that local residents like to use the courts for drop-in, free play. It has also been designed to reach all ages between 5 and adult, which will enable staff and the sub-committee to determine the demand for instruction for various age groups. It is the sub-committee's hope that by starting small and examining trends, the program can meet with initial success that will allow for appropriate expansion over time, if warranted.

The initial program that has been developed involves the spring and summer months of 2010 only. The schedule for this period is attached as Exhibit "C". It should be noted that it may be necessary to make minor adjustments to the program, however, the time frames identified will be closely adhered to in an effort to maintain a cooperative spirit with other more casual court users.

Assuming the program is approved by the Council and implemented, an appropriate schedule for fall and winter instruction will be developed, based upon what is learned during the initial program start up.

The program, as developed, envisions/accomplishes the following:


1. Instructional classes would be advertised and administered in the same manner as classes that are held in the Community Hall. The Town will include the classes in the quarterly class schedule, will register participants, and will arrange for instructor payment.
2. Instruction will take place on one court only, leaving one tennis court and the all sports court open for use by others at all times.
3. Peak drop-in, free play hours between 8:00 a.m. and 11:00 a.m. are maintained.
4. The program, as outlined, will allow up to 64 adults and 96 youth, ages 5-16, to participate in group tennis instruction during this initial start-up period. (No private lessons are envisioned as part of this proposal.)
5. The schedule that has been developed does not conflict in any way with Corte Madera School's use of the courts that was recently approved by the Town Council.

If the proposal meets with the Council's approval, staff will work with the sub-committee to undertake an appropriate selection process to find and retain a tennis pro to provide instruction. The selection process will seek to identify a person (or persons) who can demonstrate a high degree of skill, appropriate teaching experience, and can offer the

instruction at a reasonable cost. The Town will retain 20% of the fees collected to help offset future court maintenance costs.

With respect to the Court Rules, staff is in agreement with the rules that have been included.

Approved:

A handwritten signature in cursive script that reads "Angela Howard".

Angela Howard, Town Manager

Attachments:

- Exhibit "A" – Proposed Court Rules
- "B" – Proposal From Tennis Sub-committee
- "C" – Instruction Schedule for Spring/Summer 2010

Exhibit "A"

Town of Portola Valley

Tennis & Sport Court Rules

- ✦ Courts marked for tennis are to be used for tennis only**

- ✦ Play on tennis courts is limited to 90 minutes when others are waiting**

- ✦ Basketball, badminton and other similar games may be played on the all-sport court**

- ✦ Skateboards, roller blades, dogs or black-soled (marring) shoes are prohibited on the courts**

- ✦ No food or glass containers on the courts**

Exhibit "B"

PORTOLA VALLEY

PARKS & RECREATION COMMITTEE

YOUTH & ADULT
TENNIS PROGRAM

TENNIS/SPORT COURT USAGE

FOR TIME PERIOD: APRIL THROUGH AUGUST, 2010

KATHY FELDMAN, WENDI HASKELL, BOB PIERCE
MONDAY, FEBRUARY 8TH, 2010

Pertaining to the Town of Portola Valley's Tennis/Sport Courts:

- A. It is the intent of this sub-committee, at least for the near future, to make all efforts to leave the courts unscheduled of any activities in the morning hours from 8:00am thru 11:00am each day.
- B. This Proposal is an initial effort to establish how well a tennis program, directed to all age groups, can work. This initial effort begins with adults in mid-April and goes through the first week in August, including children during the summer sessions.
- C. So long as it is the Town's desire, it is the intent of this sub-committee to continue to pursue, plan and execute the necessary efforts to continue to maintain tennis instruction/activities without interruption.
- D. So long as it is the Town's desire, it is the intent of this sub-committee to provide a more varied selection and variety of offerings in the future beyond August 6th through the remainder of the 2010 calendar year.
- E. Beginning March 14th, 2010, Day Light Savings Time will be in effect. For purposes of determining an average number of day light hours available for recreational and instructional use, the integer herein is 12 (hours per day).
- F. On a first-come, first-served basis, and with no organized activities planned:
 - On a daily basis, the single court used for instruction pursuant to this proposal remains available for public use: A minimum of 8 hrs. per day
 - One tennis court and the all sports court remain available for drop in play
- G. For purposes of choosing the appropriate person to instruct tennis, a Selection Committee has been assembled. It is comprised of the following people: Kathy Feldman (Chair, sub-committee); Wendi Haskell (sub-committee); Bob Pierce (sub-committee); Jon Myers (Chair, Parks & Recreation Committee); Janet McDougall (Assistant Manager, Town of Portola Valley); Ann Wengert, member of the Town Council).

SPRING

Session ONE

April 14th thru May 8th

Purpose: PVTC Spring Catalog Tennis Instruction Class #1
(Up to Four Persons Per Class)

Length: 4 Weeks

Courts Needed: 1 Court

Days Needed: 2 Days (Wednesday & Saturday)

Times Needed: Noontime – 2:00pm

Total Hours Used: 2 hours per day on 1 court

Session TWO

May 12th – June 5th

Purpose: PVTC's Spring Catalog Tennis Instruction Class #2
(Up to Four Persons Per Class)

Length: 4 Weeks

Courts Needed: 1 Court

Days Needed: 2 Days (Wednesday & Saturday)

Times Needed: Noontime to 2:00pm

Total Hours Used: 2 hours per day on 1 court

SUMMER

Sessions 1 & 2

July 5 – August 26

Purpose: PVTC Summer Catalog Tennis Instruction Class #3
Kinder thru 16 years old and adults
(Pro to determine program details)

Length: 4 Weeks per session

Courts Needed: 1 Court

Days Needed: 6 (Monday thru Saturday)

Times Needed: 11:00am – 3:00pm (4 hours per day)

Total Hours Used: Up to 4 hours per day court

Exhibit "C"

PROPOSED TENNIS INSTRUCTION START UP SCHEDULE April – August, 2010

SPRING

Adult Tennis Instruction – 4 Week Sessions, Once per Week
Group Lessons (Up to 4 adults)

1st Session

Wednesday	4/14 – 5/5	Noon – 1:00 p.m.
Wednesday	4/14 – 5/5	1:00 – 2:00 p.m.
Saturday	4/17 – 5/8	Noon – 1:00 p.m.
Saturday	4/17 – 5/8	1:00 – 2:00 p.m.

2nd Session

Wednesday	5/12 – 6/2	Noon – 1:00 p.m.
Wednesday	5/12 – 6/2	1:00 – 2:00 p.m.
Saturday	5/15 – 6/5	Noon – 1:00 p.m.
Saturday	5/15 – 6/5	1:00 – 2:00 p.m.

SUMMER

Adult Tennis Instruction – 4 Week Sessions, Once per Week Group Lessons (Up to 4 adults)

1st Session

Friday	7/9 – 7/30	Noon – 1:00 p.m.
Friday	7/9 – 7/30	1:00 – 2:00 p.m.
Saturday	7/10 – 7/31	Noon – 1:00 p.m.
Saturday	7/10 – 7/31	1:00 – 2:00 p.m.

2nd Session

Friday	8/6 – 8/27	Noon – 1:00 p.m.
Friday	8/6 – 8/27	1:00 – 2:00 p.m.
Saturday	8/7 – 8/28	Noon – 1:00 p.m.
Saturday	8/7 – 8/28	1:00 – 2:00 p.m.

Youth Tennis Instruction – 4 Week Sessions, Twice per Week Group Lessons (Up to 6 children)

1st Session

Mon./Wed.	7/5 – 7/28	11:00 -11:45 a.m.	5-6 yrs.
Mon./Wed.	7/5 – 7/28	Noon – 12:45 p.m.	7-9 yrs.
Mon./Wed.	7/5 – 7/28	1:00 – 1:45 p.m.	10-13 yrs.
Mon./Wed.	7/5 – 7/28	2:00 – 2:45 p.m.	14-16 yrs.
Tues./Thurs.	7/6 – 7/29	11:00 – 11:45 a.m.	5-6 yrs.
Tues./Thurs.	7/6 – 7/29	Noon – 12:45 p.m.	7-9 yrs.
Tues./Thurs	7/6 – 7/29	1:00 – 1:45 p.m.	10-13 yrs.
Tues./Thurs	7/6 – 7/29	2:00 – 2:45 p.m.	14-16 yrs.

2nd Session

Mon./Wed.	8/2 – 8/25	11:00 – 11:45 a.m.	5-6 yrs.
Mon./Wed.	8/2 – 8/25	Noon – 12:45 p.m.	7-9 yrs.
Mon./Wed.	8/2 – 8/25	1:00 – 1:45 p.m.	10-13 yrs.
Mon./Wed.	8/2 – 8/25	2:00 – 2:45 p.m.	14-16 yrs.
Tues./Thurs.	8/3 – 8/26	11:00 – 11:45 a.m.	5-6 yrs.
Tues./Thurs.	8/3 – 8/26	Noon – 12:45 p.m.	7-9 yrs.
Tues./Thurs.	8/3 – 8/26	1:00 – 1:45 p.m.	10-13 yrs.
Tues./Thurs	8/3 – 8/26	2:00 – 2:45 p.m.	14-16 yrs.

PROPOSED TENNIS INSTRUCTION PROGRAM
 SPRING/SUMMER 2010

SPRING

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			Adult noon-1:00 Adult 1:00-2:00 Corte Madera 3:15-5:30 M-F			Adult noon-1:00 Adult 1:00-2:00

SUMMER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	5/6 yrs. 11 – 11:45 7/9 yrs. 12 – 12:45 10/13 yrs. 1 – 1:45 14/16 yrs. 2 – 2:45	5/6 yrs. 11 – 11:45 7/9 yrs. 12 – 12:45 10/13 yrs. 1 – 1:45 14/16 yrs. 2 – 2:45	5/6 yrs. 11 – 11:45 7/9 yrs. 12 – 12:45 10/13 yrs. 1 – 1:45 14/16 yrs. 2 – 2:45	5/6 yrs. 11 – 11:45 7/9 yrs. 12 – 12:45 10/13 yrs. 1 – 1:45 14/16 yrs. 2 – 2:45	Adult noon-1:00 Adult 1:00-2:00	Adult noon-1:00 Adult 1:00-2:00

Note: Each session is four weeks in duration. Adults receive one hour of instruction per week. Youth receive instruction twice per week; each class is 45 minutes long, for a total of one and one-half hours of instruction each week.

Only one court is used for all instruction, leaving one tennis court and the all-sports court open at all times. Morning hours from 8:00 a.m. through noon are left open for drop-in, free play.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Brandi de Garmeaux, Sustainability & Resource Efficiency Coordinator

DATE: February 24, 2010

RE: Hold Public Hearing and Adopt Resolutions Authorizing the Town to Participate in the CaliforniaFIRST Program, to Join California Communities, and Authorizing Lead Agencies to Apply on Behalf of the Town for Energy Efficiency and Financing Program Grant Funds from the California Energy Commission

BACKGROUND:

On December 9, 2009, the Town Council authorized Acterra to act as the lead collaborative applicant to apply for Energy Efficiency and Conservation Block Grant Program funding on behalf of the Town. This funding will be used to implement Acterra's High Energy Home Assessment Program in Portola Valley.

In addition to distributing EECBG funding, the Department of Energy also distributed a separate pool of money to each state. In turn, the California Energy Commission (CEC) will distribute some of the money in the form of competitive grants. Because the CEC has determined that successful applicants will embark on ground breaking, large-scale programs, staff has been working with other cities and the County of San Mateo to develop regional programs that stimulate job creation and significantly reduce the region's greenhouse gas emissions. The summary below describes how staff has worked in conjunction with other jurisdictions, proposed regional grant programs and their likely implementation, and next steps.

SUMMARY:

In Spring 2009, San Mateo County and cities came together to discuss ways in which jurisdictions could efficiently promote energy efficiency and solar power generation within the residential building sector. The series of meetings developed into what is now referred to as the Regional Energy Action Program (REAP). With a goal to achieve at least a 20% energy reduction in 1,500 homes between March 2010 and February 2012, REAP intends to jumpstart the market of energy saving residential retrofit work throughout San Mateo County. More specifically, REAP aims to:

- Educate the public about benefits of residential energy efficiency
- Train and certify energy efficiency contractors
- Educate local building inspectors regarding energy efficiency retrofits
- Provide a financing mechanism to minimize property owner upfront costs for energy efficiency retrofits and solar panel installation

Two other regional efforts are underway to provide funding and assistance toward these goals: Retrofit Bay Area and CaliforniaFIRST.

Retrofit Bay Area: Bay Area Residential Retrofit Program

San Mateo County and its member cities are not the only jurisdictions planning energy efficiency audit and retrofit programs. On behalf of its member jurisdictions, the Association of Bay Area Governments (ABAG) has applied to the CEC for grant funds to create a comprehensive residential building energy retrofit program providing continuity throughout the Bay Area. The program is designed to provide regional marketing to stimulate residential energy efficiency retrofit demand, develop the nascent retrofit contractor workforce, develop a loading order to determine which improvements should be done first (e.g. weather stripping, then insulation, then solar panels, etc.), conduct regional reporting of improvements, and create a regional web-portal for those interested in energy efficiency improvements. This ABAG sponsored program does much of the heavy lifting for REAP and its member cities. REAP will take the program developed by ABAG and conduct more extensive local outreach among residents and contractors, ensuring that the goal of improving 1,500 homes in San Mateo County is met. The Retrofit Bay Area program is described in detail in Attachment 4 – Exhibit A.

CaliforniaFIRST

Sponsored by California Statewide Communities Development Authority (California Communities), the CaliforniaFIRST program provides a mechanism for residents to finance energy efficiency retrofits and solar panel installation through their property tax payments. If a property owner chooses to participate, the improvements would be financed by the proceeds from bonds issued by California Communities. California Communities will levy "contractual assessments" on the owner's property to repay the portion of the bonds issued to finance the improvements on that property. In addition, California Communities would handle all assessment administration, bond issuance, and bond administration functions.

San Mateo County has been selected as one of the 14 pilot counties (along with its member cities) to participate in CaliforniaFIRST. On behalf of all pilot jurisdictions, Sacramento County has partnered with CaliforniaFIRST to apply to the CEC grant program to request funding for two uses. First, to buy down the interest rates of the bonds issued for the pilot program. Since these are relatively new financial instruments, it is anticipated that the bond rate would be abnormally high. Grant funding will be used to subsidize the interest rate so that it is more affordable to the property owner. Second, the grant will be used to cover the one-time setup costs for each participating city and county. For Portola Valley, this fee would be \$10,000. The CaliforniaFIRST program is described in detail in Attachment 2 – Exhibit A.

The potential benefits to Portola Valley's property owners include:

- Financing of renewable energy, energy efficiency and water efficiency improvements to properties making it affordable to make home improvements and save energy.
- Only property owners who choose to participate in the program will have assessments imposed on their property. In other words, this is strictly a voluntary program.
- Under the CaliforniaFIRST Program, the assessment obligation will transfer with the property upon sale.

- The property owner can choose to pay off the assessments at any time, subject to applicable prepayment penalties which will be fully disclosed as part of the application process.
- By virtue of regional aggregation provided by the CaliforniaFIRST Program, small projects, both residential and commercial, can have access to the municipal bond market, which should provide lower borrowing costs.

The benefits to the Town include:

- No implied or inherent fiduciary responsibilities to repay the bonds issued by California Communities or to pay the assessments levied on the participating properties.
- California Communities handles all assessment administration, bond issuance and bond administration functions. They will also conduct a regional outreach program and develop a web portal for ease of obtaining information and ease of applying.
- Participating in this regional program will have minimal impact on staff time (assisting with outreach and some periodic meetings only).

Because California Communities will be the lead agency for the CaliforniaFIRST pilot program, the Town needs to become a member of this Joint Power Authority (JPA) if it wishes to participate. California Communities was formed by the League of California Cities and the California State Association of Counties and its membership is comprised of California cities and counties. One of the JPA's primary functions is to use economies of scale to put together pooled bond issues to finance local community development and capital improvement projects.

Although still in the early stages of program development, below is an approximate outline of how the process will work for a property owner interested in making energy efficiency improvements:

1. Homeowner chooses a certified energy audit contractor from the ABAG program website
2. Energy auditor inspects dwelling and makes retrofit recommendations
3. If she/he chooses to do so, a homeowner applies to CaliforniaFIRST website to finance some or all of the recommended improvements
4. CaliforniaFIRST approves application and issues a Notice to Proceed
5. Homeowner engages certified contractor to perform the work
6. After construction, homeowner requests funds from CaliforniaFIRST and homeowner pays contractor
7. Homeowner repays the loan through a property assessment over a specified period of time

The REAP in San Mateo County still has program details to work out. These include an additional local marketing of the program to contractors and homeowners, the creation of an advisory committee and training of contractors and building inspectors. Staff is actively involved in this process and will keep Council informed of the progress.

TOWN COUNCIL ACTIONS:

The following actions are required for Town participation in the CaliforniaFIRST and Retrofit Bay Area programs:

CaliforniaFIRST

- Hold a public hearing and adopt a resolution authorizing the Town to join the CaliforniaFIRST program and allowing California Communities to accept loan applications from property owners within Portola Valley and allow California Communities to levy contractual assessments on a resident's property should the resident wish to finance improvements on their property tax bill. Attached to this staff report as Exhibit A, is a resolution to be passed by California Communities, included only for information and not for Town Council action. The public hearing is a requirement of California Communities.
- Adopt a resolution authorizing Sacramento County to act as lead agency to apply for CEC grant funding for the CaliforniaFIRST Program.
- Adopt a resolution to join California Communities and execute a Joint Powers Agreement

ABAG: "Retrofit Bay Area"

- Adopt a resolution authorizing ABAG to act as the lead agency to apply for CEC grant funding for the Retrofit Bay Area Program.

FISCAL IMPACT:

The costs for the energy efficiency initiatives and renewable energy financing will not impact the Town. Implementing these efforts to reduce energy consumption will be paid for entirely through grant funding. San Mateo County has taken the lead in coordinating efforts countywide and has set aside a significant portion of their Energy Efficiency and Conservation Block Grant funding for this purpose. In addition, these funds will be supplemented by allocations from ABAG and CaliforniaFIRST as both SEP grants were awarded by the California Energy Commission on January 10, 2010. There will be no cost to the Town for participating in the CaliforniaFIRST Program as the SEP grant will cover the \$10,000 set up fee. See the table below for summary of the estimated amounts available to San Mateo County as a region:

Funding Source	Amount Available Countywide
Retrofit Bay Area (ABAG)	\$790,000
CaliforniaFIRST (California Communities)	\$370,000
San Mateo County EECBG	\$500,000
Countywide Total	\$1,660,000

Approved: _____


Angela Howard, Town Manager

Attachments

- Attachment 1: Resolution to Join CaliforniaFIRST and Exhibit A - Resolution Declaring Intentions
- Attachment 2: Resolution Authorizing Sacramento County as Lead Collaborative Applicant to Apply for CEC Grant Funding for the CaliforniaFIRST Program and Exhibit A - CaliforniaFIRST Collaborative Proposal Summary
- Attachment 3: Resolution to Join California Communities and Execute Joint Power Agreement and Exhibit A - California Communities Joint Powers Agreement
- Attachment 4: Resolution Authorizing ABAG to Apply for SEP Grant Funding for the Retrofit Bay Area Program and Exhibit A - Summary of Grant Proposal Submitted to the CEC
- Attachment 5: Status of Cities in San Mateo County - CaliforniaFIRST and Retrofit Bay Area Resolutions

RESOLUTION NO. _____-2010

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
AUTHORIZING THE TOWN TO JOIN THE CALIFORNIAFIRST PROGRAM;
AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT
AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT
CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL
ASSESSMENTS WITHIN THE TERRITORY OF THE TOWN; AND AUTHORIZING
RELATED ACTIONS**

WHEREAS, the California Statewide Communities Development Authority ("California Communities") is a joint exercise of powers authority the members of which include numerous cities and counties in the State of California, including the Town of Portola Valley ("Town"); and

WHEREAS, California Communities has established the CaliforniaFIRST Program to allow the financing of certain renewable energy, energy efficiency and water efficiency improvements ("Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") and the issuance of improvement bonds ("Bonds") under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) ("1915 Act") upon the security of the unpaid contractual assessments; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

WHEREAS, the Town desires to allow the owners of property within its jurisdiction ("Participating Property Owners") to participate in the CaliforniaFIRST Program and to allow California Communities to conduct assessment proceedings under Chapter 29 and to issue Bonds under the 1915 Act to finance the Improvements; and

WHEREAS, California Communities will conduct assessment proceedings under Chapter 29 and issue Bonds under the 1915 Act to finance Improvements;

WHEREAS, the Town Council considered at a public meeting the proposed form of Resolution of Intention to be adopted by California Communities in connection with such assessment proceedings ("ROI"), a copy of which is attached hereto as Exhibit A, and the territory within which assessments may be levied for the CaliforniaFIRST Program shall include all of the territory within the Town's official boundaries of record ("Proposed Boundaries"); and

WHEREAS, the Town will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program; and

ATTACHMENT 1

WHEREAS, pursuant to Government Code Section 6586.5, a notice of public hearing has been published once at least five days prior to the date hereof in a newspaper of general circulation in the Town of Portola Valley and a public hearing has been duly conducted by this Town Council concerning the significant public benefits of the CaliforniaFIRST Program and the financing of the Improvements;

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

1. On February 24, 2010, the Town Council held a public hearing and the Town Council hereby finds and declares that the issuance of bonds by California Communities in connection with the CaliforniaFIRST Program will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs and reductions in effective user charges levied by water and electricity providers within the boundaries of the Town.

2. In connection with the CaliforniaFIRST Program, the Town hereby consents to the conduct of special assessment proceedings by California Communities pursuant to Chapter 29 on any property within the Proposed Boundaries and the issuance of Bonds under the 1915 Act; provided, that

(a) Such proceedings are conducted pursuant to one or more Resolutions of Intention in substantially the form of the ROI;

(b) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(c) The Town will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program.

(d) The issuance of Bonds will occur following receipt of a final judgment in a validation action filed by California Communities pursuant to Code of Civil Procedure Section 860 that the Bonds are legal obligations of California Communities.

3. Pursuant to the requirements of Chapter 29, California Communities has prepared and will update from time to time the "Program Report" for the CaliforniaFIRST Program, and California Communities will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report.

4. The appropriate officials and staff of the Town are hereby authorized and directed to make applications for the CaliforniaFIRST program available to all property owners who wish to finance Improvements; provided, that California Communities shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the Town Manager from time to time, are hereby designated as the contact persons for California Communities in connection with the CaliforniaFIRST Program: Sustainability & Resource Efficiency Coordinator.

ATTACHMENT 1

5. The appropriate officials and staff of the Town are hereby authorized and directed to execute and deliver such closing certificates, requisitions, agreements and related documents as are reasonably required by California Communities in accordance with the Program Report to implement the CaliforniaFIRST Program for Participating Property Owners.

6. The California Communities fee in an amount not to exceed \$10,000, will be paid through the California Energy Commission SEP grant funds. California Communities will use this fee to pay for the costs of implementing the CaliforniaFIRST Program in the Town, including the payment of legal costs incurred in connection with judicial validation of the CaliforniaFIRST Program.

7. The Town Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

8. This Resolution shall take effect immediately upon its adoption. The Town Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of California Communities.

Regularly passed and adopted this 24th day of February, 2010 by the following vote:

Chair/Mayor

ATTEST:

Town Clerk

RESOLUTION NO. _____

**RESOLUTION DECLARING INTENTION TO FINANCE INSTALLATION OF
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY
EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS**

COUNTY OF _____

WHEREAS, the California Statewide Communities Development Authority ("California Communities") is authorized under the authority granted California Communities pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California in accordance with Chapter 29 of Part 3 of Division 7 of the Streets & Highways Code of the State of California ("Chapter 29") to authorize assessments to finance the installation of distributed generation renewable energy sources, energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, Chapter 29 authorizes California Communities to enter into contractual assessments to finance the installation of Authorized Improvements in the County of _____ (the "County"); and

WHEREAS, California Communities wishes to declare its intention to establish a CaliforniaFIRST program (the "CaliforniaFIRST Program") in the County, pursuant to which California Communities, subject to certain conditions set forth below, would enter into contractual assessments to finance the installation of Authorized Improvements in the County;

NOW, THEREFORE, BE IT RESOLVED by the California Statewide Communities Development Authority, as follows:

Section 1. Findings. California Communities hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the County.
- (c) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.
- (d) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.
- (e) A public purpose will be served by establishing a contractual assessment program, to be known as the CaliforniaFIRST Program, pursuant to which California Communities will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the County.

Section 2. Determination of Public Interest. California Communities hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate an area, which shall encompass the entire geographic territory within the boundaries of the County, within which California Communities and property owners within the County may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for California Communities to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

Section 3. Identification of Authorized Improvements. California Communities hereby declares that it proposes to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 below, as that Report may be amended from time to time.

Section 4. Identification of Boundaries. Contractual assessments may be entered into by property owners located within the entire geographic territory of the County; provided, however, that California Communities shall not enter into contractual assessments to finance the installation of Authorized Improvements with the owner of any property in the County unless requested to do so first by the County if the property is located in unincorporated territory or a city if the property is located in incorporated territory and after such city or the County, as applicable, has held a public hearing pursuant to Section 6586.5 of the Government Code of the State of California. The form of resolution pursuant to which cities may request California Communities to enter into contractual assessments to finance the installation of Authorized Improvements is attached as Exhibit A.

Section 5. Proposed Financing Arrangements. Under Chapter 29, California Communities may issue bonds pursuant to Chapter 29 that are payable by contractual assessments and California Communities may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any bonds issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29.

California Communities shall determine the creditworthiness of a property owner to participate in the financing of Authorized Improvements based on the criteria developed by the Program Manager in consultation with the CaliforniaFIRST Program financing team and on file with the Secretary.

In connection with bonds issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as shall be determined by California Communities at the time of the issuance and sale of the bonds. The provisions of Part 11.1 of the Improvement Bond Act of 1915 shall apply to the calling of the bonds. It is the intention of California Communities to create a special reserve fund for the bonds under Part 16 of the Improvement Bond Act of 1915. California Communities will not advance available surplus funds from its treasury to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that this determination shall not prevent California Communities from, in its sole discretion, so advancing funds. The bonds may be

refunded under Division 11.5 of the California Streets and Highways Code or other applicable laws permitting refunding of the bonds, upon the conditions specified by and at the determination of California Communities.

California Communities hereby authorizes the Program Manager, upon consultation with bond counsel and the CaliforniaFIRST Program underwriter, to provide for the issuance of bonds payable from contractual assessments.

In connection with the issuance of bonds payable from contractual assessments, California Communities expects to obligate itself, through a covenant with the owners of the bonds, to exercise its foreclosure rights with respect to delinquent contractual assessment installments under specified circumstances.

Section 6. Public Hearing. Pursuant to the Act, California Communities hereby orders that a public hearing be held before this Commission, at _____, on _____, _____, 2010 at _____ a.m., for the purposes of allowing interested persons to object to or inquire about the proposed program or any of its particulars. The public hearing may be continued from time to time as determined by the Commission for a time not exceeding a total of 180 days.

At the time of the hearing, the Report described in Section 8 below shall be summarized and the Commission shall afford all persons who are present an opportunity to comment upon, object to, or present evidence with regard to the proposed contractual assessment program, the extent of the area proposed to be included within the program, the terms and conditions of the draft Contract described in Section 8 below, or the proposed financing provisions. Following the public hearing, California Communities may adopt a resolution confirming the Report (the "Resolution Confirming Report") or may direct the Report's modification in any respect, or may abandon the proceedings.

The Commission hereby orders the Secretary to publish a notice of public hearing once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice will commence upon the first day of publication and terminate at the end of the fourteenth day. The first publication shall occur not later than 20 days before the date of the public hearing.

Section 7. Notice to Water and Electric Providers. Pursuant to Section 5898.24 of the Streets & Highways Code, the Commission hereby orders the Secretary to provide written notice of the proposed contractual assessment program within the County to all water and electric providers within the boundaries of the County not less than 60 days prior to adoption of the Resolution Confirming Report.

Section 8. Report. The Commission hereby directs the Program Manager for the CaliforniaFIRST Program to prepare and file with the Commission a report (the "Report") at or before the time of the public hearing described in Section 6 above containing all of the following:

(a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered, as set forth in Section 4 above.

(b) A draft contract (the "Contract") specifying the terms and conditions that would be agreed to by California Communities and a property owner within the County. The Contract may allow property owners to purchase directly the related equipment and materials for the

installation of the Authorized Improvements and to contract directly for the installation of such Authorized Improvements.

(c) A statement of California Communities' policies concerning contractual assessments including all of the following:

(1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.

(2) Identification of California Communities official authorized to enter into contractual assessments on behalf of California Communities.

(3) A maximum aggregate dollar amount of contractual assessments in the County.

(4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

(d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by California Communities through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the contractual assessment program among the consenting property owners and California Communities.

(e) A report on the results of the consultations with the County Auditor-Controller described in Section 10 below concerning the additional fees, if any, that will be charged to California Communities for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property, and a plan for financing the payment of those fees.

Section 9. Nature of Assessments. Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by California Communities, the assessments shall be collected in the same manner and at the same time as the general taxes of the County on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

Section 10. Consultations with County Auditor-Controller. California Communities hereby directs the Program Manager to enter into consultations with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to California Communities for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

Section 11. Preparation of Current Roll of Assessment. Pursuant to Section 5898.24(c), California Communities hereby designates the Program Manager (or his/her designee) as the responsible official for annually preparing the current roll of assessment

obligations by assessor's parcel number on property subject to a voluntary contractual assessment.

Section 12. Procedures for Responding to Inquiries. The Program Manager shall establish procedures to promptly respond to inquiries concerning current and future estimated liability for a voluntary contractual assessment.

Section 13. Professionals Appointed. California Communities hereby appoints Jones Hall, A Professional Law Corporation, San Francisco, California, as bond counsel to California Communities in connection with the CaliforniaFIRST Program. The Commission hereby authorizes and directs an Authorized Signatory of California Communities (as determined from time to time by the Commission by separate resolution) to enter into appropriate agreements with such firm for its services to California Communities in connection with the matters addressed in this Resolution.

Section 14. Set-Up Fees. The County and various cities within the County have advanced fees to California Communities to pay for certain costs of establishing the CaliforniaFIRST Program, some or all of which represent State Energy Program (SEP) funds. The Program Manager is hereby authorized and directed to return to the County and cities, as applicable, any fees paid to California Communities by the County and cities, as applicable, that do not represent SEP funds and that California Communities does not use to pay for the costs of establishing the CaliforniaFIRST Program.

Section 15. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the California Statewide Communities Development Authority this _____, 2010.

I, the undersigned, the duly appointed, and qualified member of the Commission of the California Statewide Communities Development Authority, DO HEREBY CERTIFY that the foregoing resolution was duly adopted by the Commission of said Authority at a duly called meeting of the Commission of said Authority held in accordance with law on _____, 2010.

By: _____
Member

EXHIBIT A

**FORM OF RESOLUTION AUTHORIZING CALIFORNIA COMMUNITIES TO CONDUCT
CONTRACTUAL ASSESSMENT PROCEEDINGS AND
LEVY CONTRACTUAL ASSESSMENTS**

RESOLUTION NO. _____-2010

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
AUTHORIZING SACRAMENTO COUNTY AS THE
LEAD COLLABORATIVE APPLICANT TO APPLY FOR STATE ENERGY
PROGRAM GRANT FUNDS AVAILABLE FROM THE CALIFORNIA ENERGY
COMMISSION ON BEHALF OF THE TOWN OF PORTOLA VALLEY**

WHEREAS, the Town of Portola Valley ("Town") recognizes that it is in the interest of the regional, state, and national economy to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency within our jurisdiction;

WHEREAS, State Energy Program ("SEP") funds are available through the California Energy Commission's SEP for grants to eligible local governments for energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by the American Recovery and Reinvestment Act of 2009 ("ARRA"); and

WHEREAS, SEP allows for cities, counties, or groups of cities and counties in California to apply for SEP funds on behalf of eligible local governments; and

WHEREAS, the Town is eligible for SEP funding under the California Energy Commission's SEP; and

WHEREAS, the Town is proposing to collaborate with Sacramento County to implement a program for financing the energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA, which program is described in Exhibit A for the purpose of qualifying for SEP funds from the California Energy Commission; and

WHEREAS, the Town has considered the application of the California Environmental Quality Act ("CEQA") to the approval of the program for financing energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA described in Exhibit A.

NOW, THEREFORE, , in compliance with the CEQA, the Town Council of the Town of Portola Valley hereby **RESOLVES** as follows:

1. Approval of the program for financing energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA described in Exhibit A is not a "project" under CEQA, because the program does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

ATTACHMENT 2

2. The Town Council authorizes Sacramento County to submit a collaborative application on its behalf to the California Energy Commission for up to \$16.5 million in SEP funds for the program for financing energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA described in Exhibit A.

3. If recommended for funding by the California Energy Commission, the Town of Portola Valley authorizes Sacramento County to accept a grant award on its behalf and to enter into all necessary contracts and agreements, and amendments thereto, on its behalf to implement and carry out the program for financing the project/s described in Exhibit A.

4. This Resolution shall take effect immediately upon its adoption.

Regularly passed and adopted this 24th day of February, 2010 by the following vote:

Chair/Mayor

ATTEST:

Town Clerk

California Energy Commission State Energy Program

CaliforniaFIRST Collaborative Proposal Summary of Proposal Scope & Budget Framework

Description of Program Proposal

Under the lead applicant, Sacramento County, the 14 counties eligible to participate in the pilot stage of the CaliforniaFIRST Program are collaborating on a proposal to the California Energy Commission State Energy Program for a grant of up to \$16.5 million. The grant funds will be used to offset initial fees associated with bond issuance, start-up costs for the 14 counties and all incorporated cities, an interest rate buy-down, local marketing/education/training/outreach, local coordination, and grant administration to support the launch of the CaliforniaFIRST municipal financing program.

CaliforniaFIRST Program County Participants and Proposal Collaborators

- | | | | |
|------------|-------------------|---------------|-----------|
| ✓ Alameda | ✓ Sacramento | ✓ San Mateo | ✓ Ventura |
| ✓ Fresno | ✓ San Benito | ✓ Santa Clara | ✓ Yolo |
| ✓ Kern | ✓ San Diego | ✓ Santa Cruz | |
| ✓ Monterey | ✓ San Luis Obispo | ✓ Solano | |

Budget Basics

1. CaliforniaFIRST financing costs and fees (~\$6M)

Guided by California Communities and the CaliforniaFIRST Program Administrator Renewable Funding, this program element will:

- buy-down the interest rate on the initial round(s) of projects financed by the CaliforniaFIRST Program,
- cover fixed costs associated with initial bond counsel, bond disclosure, fiscal agent and bond rating,
- cover legal and validation costs, and
- cover the deployment of technology (web portal) to support local programs.

2. Grant/Contract Administration & Steering Committee Liaison: (~\$1.5M)

On behalf of the applicant agency, grant/contractor administration duties include gathering relevant reporting information from all partner jurisdictions and CaliforniaFIRST, financial oversight and invoicing, contract administration, tracking, monitoring, and oversight of deliverables. In addition, the grant administrator will serve as the partner liaison between all participating steering committees to maintain coordination and consistency on the local marketing efforts between parties as well as provide marketing and contract technical assistance, training, and advice to participating agencies. The Grant Administrator will also coordinate local efforts with those programs funded under the California Comprehensive Residential Building Retrofit Program.

3. Regional Program Coordination & Marketing: (~\$8.5M)

In line with the overall project goals, funding has been budgeted on a regional basis to each of the four primary program regions in the following amounts, based on total number of Counties:

- Capitol Region (Sacramento/Yolo): \$1,800,000
- Central Valley Region (Fresno/Kern): \$1,150,000
- Bay Area Region: (Alameda/San Mateo/Santa Clara/Solano): \$2,300,000
- Central Coast Region: (Monterey/Santa Cruz/San Benito/San Luis Obispo): \$2,300,000
- Mid Coast Region: (Ventura): \$575,000
- Southern California Region: (San Diego): \$575,000

This final program element serves to provide each region with the resources necessary to help facilitate the rapid adoption of energy efficiency and renewable energy generation system installations throughout the target area by connecting property owners to any and all available on-the-ground or proposed resources, and services, providing a streamlined framework for easy navigation, reduced out-of-pocket expenses, and overall increased cost effectiveness for both participants and the program overall. The focus of the program will be to create region-wide (or county-wide, where appropriate) cooperative project design, implementation, marketing, and coordination to maximize economies of scale, take advantage of overlapping markets, and ultimately allow each dollar to go further to benefit all parties.

Financing Costs and Fees

A. Financing Costs

As Program Administrator of the California Communities CaliforniaFIRST Program, Renewable Funding will coordinate and provide program administration, financing, and legal services to support a robust statewide municipal financing program. Specific financing costs are concentrated at the start of the program and result in increased fees to a program participant, and therefore a higher effective interest rate. In order to lower the interest rate, the SEP funds will be used to cover bond disclosure counsel, bond rating fees, and a bond fiscal agent. In addition, a direct interest rate buy-down will be employed to achieve a bond rate that is equivalent to an A-rated bond, which is likely to be the bond rating later in the program.

B. Set-up Fees

A funding request equivalent to the city and county set-up fees will be included in the proposal. The costs for initial legal work and validation proceedings will be covered by this request. Additionally, the costs of establishing county web portals, importing local assessor's data, and maintaining the website will be part of this funding request.

Suggested Major Marketing Program Coordination & Marketing Program Elements

A. Agency Coordination / Steering Committee Participation

In recognition of the additional coordination time required to get new programs off the ground, individual counties may elect to include a modest amount of staff time for agency representatives to participate in the program steering committee and other activities to drive marketing program design, educational/marketing material development, form and protocol development, etc. By investing this time at the onset, we are able to develop a self-sustaining program for the long term. County agencies (that is, auditor/tax collector/controller) will receive a small percentage, incorporated into each loan, to cover regular ongoing program administration costs associated with maintaining the tax roll and collecting annual assessments in years beyond the grant term. Some jurisdictions may instead wish to contribute this time as project leveraged funds/resources to increase overall program cost effectiveness based on their individual needs and resources. Regional partnership may also elect to use a portion of the resources from this program element toward informal or formalized staff/personnel training within their jurisdictions.

B. Education / Outreach/ Marketing

Successful program adoption requires thoughtful design, convenient procedures, and a robust program education component to encourage and energize program participation. Achieving this goal, the project team will create clear, consistent, and thematic program branding imagery, educational and recruitment tools such as program brochures. The program will be supported by the CaliforniaFIRST web portal and links to new and existing partner and complementary websites, frequently asked questions, applications, and/or other program materials. In addition, the project will engage a wide-stretching network of partners to promote, recruit, and disseminate program information utilizing existing mechanisms of door-to-door outreach, community event tabling, workshops and presentations, or other appropriate energy efficiency and complementary program participation activities. Major elements might include:

- ✓ Outreach Promotional Materials: Brochures, Door-hangers, Postcard Mailers, Bill Inserts, etc.
- ✓ Program Marketing Advertisements: Print Ads, Radio/TV Ads, PSA Production

ATTACHMENT 2 - EXHIBIT A

- ✓ Promotional Outreach Events, Trade Shows or Community Workshops
- ✓ Homeowner/Business/Contractor/Staff Training Seminars
- ✓ Sustainability Site Signage
- ✓ Green Building and/or LEED Certification Technical Assistance

C. Community Coordinator / Partner Liaison / Supplies

The community coordinator is envisioned to serve as the single point regional program coordinator to unify, inform, collaborate, and engage all program parties in relation to local coordination and marketing efforts; respond to public inquiries; facilitate the education, outreach, marketing, recruitment; and promote program adoption by the target community. In addition the coordinator is responsible for coordinating with the grant administrator, tracking/reporting necessary progress and metrics, meeting/exceeding grant milestones and targets, incorporating required complementary program components, and working with CaliforniaFIRST to assure QA/QC measures are applied to all participating properties. Specific tasks will be driven by the overall project goals as well as the specific needs of each region and may include:

- ✓ Coordination with Grant Administrator/Steering Committee Liaison
- ✓ Marketing Coordination with CaliforniaFIRST Municipal Finance District
- ✓ Facilitation of local Regional Steering Committee Members and Partners
- ✓ Assist with Implementation Strategy, Documents, Procedures & Protocols Development
- ✓ Guide Promotion, Marketing, Education, Recruitment & Program Information Dissemination
- ✓ Link Program Participants to Regional Energy Efficiency & Complementary Programs
- ✓ Connect to Concurrent Complementary Workforce Development Training/Graduates
- ✓ Administer Regional Program Budget, Competitive Bidding, Other Program Transparency Reqs
- ✓ Track and/or compile, Monitor & Evaluate Program Progress, Energy Savings, GHG Reductions Achieved, Partner Leveraged Funds and Ancillary Environmental Benefits

Sample County Budget

A sample budget based on the above framework is provided below. Please note that these amounts are subject to change based on the actual needs of each participating jurisdiction as well as feedback obtained regarding funder and partner thresholds for competitiveness.

Component	% Overall	Gross Benefit Per County	Net Benefit Per County
1. CaliforniaFIRST Costs & Fees	39%	\$ 428,571.43	-
2. Grant Administration & Technical Assistance	10%	\$ 107,142.86	-
3A. Steering Advisory Committee	10%	\$ 115,000.00	\$ 115,000.00
3B. Education, Outreach, Incentives, Marketing	23%	\$ 258,750.00	\$ 258,750.00
3C. Community Coordination	18%	\$ 201,250.00	\$ 201,250.00
Total	100%	\$ 1,110,714.29	\$ 575,000.00

Grant Development Team:

- County of Sacramento—Lead Agency (Applicant), will oversee grant writing, provide final edits and required signatures, and submit finalized proposal on behalf of entire collaborative team based on the approved proposed program scope and budget framework
- Ecology Action—Partner Grant Writer (Lead on Marketing), will develop narrative based on proposed program scope and budget framework, especially as it pertains to local coordination and marketing project administration, marketing/contract technical assistance, regional coordination, and marketing, to meet all grant requirements and maximize proposal competitiveness.
- Renewable Funding—Partner Grant Writer (Lead on Finance), will develop narrative based on proposed program scope and budget framework, especially for CaliforniaFIRST Program finance-related program elements, to meet all grant requirements and maximize proposal competitiveness.

RESOLUTION NO. _____-2010

**RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PORTOLA VALLEY APPROVING,
AUTHORIZING AND DIRECTING EXECUTION OF
CALIFORNIA COMMUNITIES JOINT POWERS AGREEMENT**

WHEREAS, the California Statewide Communities Development Authority ("California Communities") is a joint powers authority sponsored by the California State Association of Counties and the League of California Cities, the members of which include numerous cities and counties in the State of California, including San Mateo County; and

WHEREAS, California Communities mission is to provide local governments and private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California; and

WHEREAS, the Town of Portola Valley ("Town") desires to participate in the financing programs with the parties to the "Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority, dated as of June 1, 1988" ("Joint Powers Agreement"); and

WHEREAS, California Communities is sponsoring the development of California FIRST, a property-assessed clean energy financing program; and

WHEREAS, the Town proposes to participate in the California FIRST Program ("Program"), and the County of San Mateo plans to participate in the Program.

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

1. The Town Council of the Town of Portola Valley hereby approves and adopts the California Communities Joint Powers Agreement, attached hereto as Exhibit A and incorporated herein by this reference.
2. The Town Manager or designee is directed to execute the Joint Powers Agreement.
3. The Town Clerk shall forward a certified copy of this Resolution and an originally executed agreement to:

Angie Sessions
Orrick, Herington & Sutcliffe LLP
400 Capital Mall, Suite 3000
Sacramento, CA 95814

4. This Resolution shall take effect immediately upon its adoption.

ATTACHMENT 3

Regularly passed and adopted this 24th day of February, 2010 by the following vote:

Chair/Mayor

ATTEST:

Town Clerk

**AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT
RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY**

THIS AGREEMENT, dated as of June 1, 1988, by and among the parties executing this Agreement (all such parties, except those which have withdrawn in accordance with Section 13 hereof, being herein referred to as the "Program Participants"):

WITNESSETH

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the Government Code of the State of California (the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Program Participants is a "public agency" as that term is defined in Section 6500 of the Government Code of the State of California, and

WHEREAS, each of the Program Participants is empowered to promote economic development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, and the increase of the tax base, within its boundaries; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue industrial development bonds pursuant to the California Industrial Development Financing Act (Title 10 (commencing with Section 91500 of the Government Code of the State of California)) (the "Act") and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of law to promote economic development through the issuance of bonds, notes, or other evidences of indebtedness, or certificates of participation in leases or other agreements (all such instruments being herein collectively referred to as "Bonds"); and

WHEREAS, in order to promote economic development within the State of California, the County Supervisors Association of California ("CSAC"), together with the California Manufacturers Association, has established the Bonds for Industry program (the "Program").

ATTACHMENT 3 - EXHIBIT A

WHEREAS, in furtherance of the Program, certain California counties (collectively, the "Initial Participants") have entered into that certain Joint Exercise of Powers Agreement dated as of November 18, 1987 (the "Initial Agreement"), pursuant to which the California Counties Industrial Development Authority has been established as a separate entity under the Joint Exercise of Powers Act for the purposes and with the powers specified in the Initial Agreement; and

WHEREAS, the League of California Cities ("LCC") has determined to join as a sponsor of the Program and to actively participate in the administration of the Authority; and

WHEREAS, the Initial Participants have determined to specifically authorize the Authority to issue Bonds pursuant to Article 2 of the Joint Exercise of Powers Act ("Article 2") and Article 4 of the Joint Exercise of Powers Act ("Article 4"), as well as may be authorized by the Act or other applicable law; and

WHEREAS, the Initial Participants desire to rename the California Counties Industrial Development Authority to better reflect the additional sponsorship of the Program; and

WHEREAS, each of the Initial Participants has determined that it is in the public interest of the citizens within its boundaries, and to the benefit of such Initial Participant and the area and persons served by such Initial Participant, to amend and restate in its entirety the Initial Agreement in order to implement the provisions set forth above; and

WHEREAS, it is the desire of the Program Participants to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake projects within their respective jurisdictions that may be financed with Bonds issued pursuant to the Act, Article 2, Article 4, or other applicable provisions of law; and

WHEREAS, the projects undertaken will result in significant public benefits, including those public benefits set forth in Section 91502.1 of the Act, an increased level of economic activity, or an increased tax base, and will therefore serve and be of benefit to the inhabitants of the jurisdictions of the Program Participants;

NOW, THEREFORE, the Program Participants, for and in consideration of the mutual promises and agreements herein contained, do agree to restate and amend the Initial Agreement in its entirety to provide as follows:

Section 1. Purpose.

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act, relating to the joint exercise of powers common to public agencies, in this case being the Program Participants. The Program Participants each possess the powers referred to in the recitals hereof. The purpose of this Agreement is to establish an agency for, and with the purpose of, issuing Bonds to finance projects within the territorial limits of the Program Participants pursuant to the Act, Article 2, Article 4, or other applicable provisions of law; provided, however that nothing in this Agreement shall be construed as a limitation on the rights of the Program Participants to pursue economic development outside of this Agreement, including the rights to issue Bonds through industrial development authorities under the Act, or as otherwise permitted by law.

Within the various jurisdictions of the Program Participants such purpose will be accomplished and said powers exercised in the manner hereinafter set forth.

Section 2. Term.

This Agreement shall become effective as of the date hereof and shall continue in full force and effect for a period of forty (40) years from the date hereof, or until such time as it is terminated in writing by all the Program Participants; provided, however, that this Agreement shall not terminate or be terminated until the date on which all Bonds or other indebtedness issued or caused to be issued by the Authority shall have been retired, or full provision shall have been made for their retirement, including interest until their retirement date.

Section 3. Authority.

A. CREATION AND POWERS OF AUTHORITY.

(1) Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Statewide Communities Development Authority" (the "Authority"), and said Authority shall be a public entity separate and apart from the Program Participants. Its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any party to this Agreement.

B. COMMISSION.

The Authority shall be administered by a Commission (the "Commission") which shall consist of seven members, each

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serving in his or her individual capacity as a member of the Commission. The Commission shall be the administering agency of this Agreement, and, as such, shall be vested with the powers set forth herein, and shall execute and administer this Agreement in accordance with the purposes and functions provided herein.

Four members of the Commission shall be appointed by the governing body of CSAC and three members of the Commission shall be appointed by the governing body of LCC. Initial members of the Commission shall serve a term ending June 1, 1991. Successors to such members shall be selected in the manner in which the respective initial member was selected and shall serve a term of three years. Any appointment to fill an unexpired term, however, shall be for such unexpired term. The term of office specified above shall be applicable unless the term of office of the respective member is terminated as hereinafter provided, and provided that the term of any member shall not expire until a successor thereto has been appointed as provided herein.

Each of CSAC and LCC may appoint an alternate member of the Commission for each member of the Commission which it appoints. Such alternate member may act as a member of the Commission in place of and during the absence or disability of such regularly appointed member. All references in this Agreement to any member of the Commission shall be deemed to refer to and include the applicable alternate member when so acting in place of a regularly appointed member.

Each member or alternate member of the Commission may be removed and replaced at any time by the governing body by which such member was appointed. Any individual, including any member of the governing body or staff of CSAC or LCC, shall be eligible to serve as a member or alternate member of the Commission.

Members and alternate members of the Commission shall not receive any compensation for serving as such but shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a member or alternate member, if the Commission shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

C. OFFICERS; DUTIES; OFFICIAL BONDS.

The Commission shall elect a Chair, a Vice-Chair, and a Secretary of the Authority from among its members to serve for such term as shall be determined by the Commission. The Commission shall appoint one or more of its officers or

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employees to serve as treasurer, auditor, and controller of the Authority (the "Treasurer") pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve for such term as shall be determined by the Commission.

Subject to the applicable provisions of any resolution, indenture or other instrument or proceeding authorizing or securing Bonds (each such resolution, indenture, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, the Treasurer is designated as the depository of the Authority to have custody of all money of the Authority, from whatever source derived.

The Treasurer of the Authority shall have the powers, duties and responsibilities specified in Section 6505.5 of the Joint Exercise of Powers Act.

The Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond with the Secretary of the Authority in the amount specified by resolution of the Commission but in no event less than \$1,000. If and to the extent permitted by law, any such officer may satisfy this requirement by filing an official bond in at least said amount obtained in connection with another public office.

The Commission shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Commission shall have the power, by resolution, to the extent permitted by the Joint Exercise of Powers Act or any other applicable law, to delegate any of its functions to one or more of the members of the Commission or officers or agents of the Authority and to cause any of said members, officers or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Commission or the Authority.

D. MEETINGS OF THE COMMISSION.

(1) Regular Meetings.

The Commission shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Commission and a copy of such resolution shall be filed with each party hereto.

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(2) Special Meetings.

Special meetings of the Commission may be called in accordance with the provisions of Section 54956 of the Government Code of the State of California.

(3) Ralph M. Brown Act.

All meetings of the Commission, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California).

(4) Minutes.

The Secretary of the Authority shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Commission and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Commission.

(5) Quorum.

A majority of the members of the Commission which includes at least one member appointed by the governing body of each of CSAC and LCC shall constitute a quorum for the transaction of business. No action may be taken by the Commission except upon the affirmative vote of a majority of the members of the Commission which includes at least one member appointed by the governing body of each of CSAC and LCC, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Authority may adopt, from time to time, by resolution of the Commission such rules and regulations for the conduct of its meetings and affairs as may be required.

Section 4. Powers.

The Authority shall have any and all powers relating to economic development authorized by law to each of the parties hereto and separately to the public entity herein created, including, without limitation, the promotion of opportunities for the creation and retention of employment, the stimulation of economic activity, and the increase of the tax base, within the jurisdictions of such parties. Such powers shall include the common powers specified in this

ATTACHMENT 3 - EXHIBIT A

Agreement and may be exercised in the manner and according to the method provided in this Agreement. All such powers common to the parties are specified as powers of the Authority. The Authority is hereby authorized to do all acts necessary for the exercise of such powers, including, but not limited to, any or all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works or improvements; to acquire, hold or dispose of property wherever located; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services and other forms of assistance from persons, firms, corporations and any governmental entity; to sue and be sued in its own name; and generally to do any and all things necessary or convenient to the promotion of economic development, including without limitation the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, and the increase of the tax base, all as herein contemplated. Without limiting the generality of the foregoing, the Authority may issue or cause to be issued bonded and other indebtedness, and pledge any property or revenues as security to the extent permitted under the Joint Exercise of Powers Act, including Article 2 and Article 4, the Act or any other applicable provision of law.

The manner in which the Authority shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California county could exercise such powers and perform such duties until a California general law city shall become a Program Participant, at which time it shall be subject to the restrictions upon the manner in which a California general law city could exercise such powers and perform such duties. The manner in which the Authority shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

Section 5. Fiscal Year.

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by the Authority, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 1988.

Section 6. Disposition of Assets.

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2 hereof, after payment of all expenses and liabilities of the Authority, all property of the Authority both real and personal shall automatically vest in the Program Participants and shall thereafter remain the sole property of the Program Participants; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Program Participants.

Section 7. Bonds.

The Authority shall issue Bonds for the purpose of exercising its powers and raising the funds necessary to carry out its purposes under this Agreement. Said Bonds may, at the discretion of Authority, be issued in series.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing shall be used by the Authority. The fees and expenses of such counsel, consultants, advisors, and the expenses of CSAC, LCC, and the Commission shall be paid from the proceeds of the Bonds or any other unencumbered funds of the Authority available for such purpose.

Section 9. Local Approval.

A copy of the application for financing of a project shall be filed by the Authority with the Program Participant in whose jurisdiction the project is to be located. The Authority shall not issue Bonds with respect to any project unless the governing body of the Program Participant in whose jurisdiction the project is to be located, or its duly authorized designee, shall approve, conditionally or unconditionally, the project, including the issuance of Bonds therefor. Action to approve or disapprove a project shall be taken within 45 days of the filing with the Program Participant. Certification of approval or disapproval shall be made by the clerk of the governing body of the Program Participant, or by such other officer as may be designated by the applicable Program Participant, to the Authority.

Section 8. Bonds Only Limited and Special Obligations of Authority.

The Bonds, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Program Participant, CSAC, or LCC or pledge of the faith and credit of the Program Participants, CSAC, LCC, or the

Authority. The Bonds shall be only special obligations of the Authority, and the Authority shall under no circumstances be obligated to pay the Bonds or the respective project costs except from revenues and other funds pledged therefor. Neither the Program Participants, CSAC, LCC, nor the Authority shall be obligated to pay the principal of, premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Program Participants nor the faith and credit of CSAC, LCC, or the Authority shall be pledged to the payment of the principal of, premium, if any, or interest on the Bonds nor shall the Program Participants, CSAC, LCC, or the Authority in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Bond or Indenture shall be deemed to be a covenant or agreement of any member of the Commission, or any officer, agent or employee of the Authority in his individual capacity and neither the Commission of the Authority nor any officer thereof executing the Bonds shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

Section 10. Accounts and Reports.

All funds of the Authority shall be strictly accounted for. The Authority shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Bonds). The books and records of the Authority shall be open to inspection at all reasonable times by each Program Participant.

The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Agency by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each Program Participant and also with the county auditor of each county in which a Program Participant is located. Such report shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

In any Fiscal Year the Commission may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

The Treasurer of the Authority, within 120 days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such Fiscal Year to each of the Program Participants to the extent such activities are not covered by the reports of the trustees for the Bonds. The trustee appointed under each Indenture shall establish suitable funds, furnish financial reports and provide suitable accounting procedures to carry out the provisions of said Indenture. Said trustee may be given such duties in said Indenture as may be desirable to carry out this Agreement.

Section 11. Funds.

Subject to the applicable provisions of each Indenture, which may provide for a trustee to receive, have custody of and disburse Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to the accounting procedures developed under Section 10 hereof, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions or purposes of this Agreement.

Section 12. Notices.

Notices and other communications hereunder to the Program Participants shall be sufficient if delivered to the clerk of the governing body of each Program Participant.

Section 13. Withdrawal and Addition of Parties.

A Program Participant may withdraw from this Agreement upon written notice to the Commission; provided, however, that no such withdrawal shall result in the dissolution of the Authority so long as any Bonds remain outstanding under an Indenture. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Commission which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

Qualifying public agencies may be added as parties to this Agreement and become Program Participants upon: (i) the filing by such public agency of an executed counterpart of this Agreement, together with a certified copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (ii) adoption of a resolution of the Commission approving the addition of such public agency as a Program Participant. Upon satisfaction of such conditions, the Commission shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

Section 14. Indemnification.

To the full extent permitted by law, the Commission may authorize indemnification by the Authority of any person who is or was a member or alternate member of the Commission, or an officer, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a member or alternate member of the Commission, or an officer, employee or other agent of the Authority, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

Section 15. Contributions and Advances.

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Authority by the parties hereto for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Authority and the party making such advance at the time of such advance.

Section 16. Immunities.

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, all pension, relief, disability, workers' compensation, and other benefits which apply to the activity of officers, agents or employees of Program Participants when performing their

respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged as members of the Commission or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties extraterritorially under the provisions of this Agreement.

Section 17. Amendments.

Except as provided in Section 13 above, this Agreement shall not be amended, modified, or altered except by a written instrument duly executed by each of the Program Participants.

Section 18. Effectiveness.

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Program Participants at 9:00 a.m., California time, on the date that the Commission shall have received from each of the Initial Participants an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Participant approving this Agreement and the execution and delivery hereof.

Section 19. Partial Invalidity.

If anyone or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

Section 20. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no party may assign any right or obligation hereunder without the consent of the other parties.

Section 21. Miscellaneous.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

ATTACHMENT 3 - EXHIBIT A

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement is made in the State of California, under the Constitution and laws of such state and is to be so construed.

This Agreement is the complete and exclusive statement of the agreement among the parties hereto, which supercedes and merges all prior proposals, understandings, and other agreements, including, without limitation, the Initial Agreement, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

Program Participant:

[SEAL]

By _____

Name:

Title:

ATTEST:

By _____

Name:

Title:

RESOLUTION NO. _____-2010

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
APPROVING AND AUTHORIZING THE ASSOCIATION OF BAY AREA
GOVERNMENTS TO APPLY FOR STATE ENERGY PROGRAM GRANT FUNDS
AVAILABLE FROM THE CALIFORNIA ENERGY COMMISSION ON BEHALF OF
THE TOWN OR PORTOLA VALLEY**

WHEREAS, the Town of Portola Valley ("Town") recognizes that it is in the interest of the local, regional, state, and federal agencies to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency; and

WHEREAS, the Town has committed to an ongoing, coordinated effort to reduce the emissions that cause global warming, improve air quality, reduce waste, cut energy use and save money. The Town is committed to reducing community-wide greenhouse gas emissions to 1990 levels by the year 2020 and to 80% below 1990 levels by the year 2050.

WHEREAS, State Energy Program ("SEP") funds are available through the California Energy Commission's SEP Funding Opportunities for grants to eligible local governments for cost-effective energy efficiency projects; and

WHEREAS, the SEP allows for public agencies or non-profit entities to apply for funds on behalf of eligible local governments; and

WHEREAS, the Town is eligible for SEP funding under the California Energy Commission's SEP Program; and

WHEREAS, the Town has collaborated with the Association of Bay Area Governments ("ABAG") to submit a regional application to implement the energy efficiency project/s described in Exhibit A for the purpose of qualifying for SEP funds from the California Energy Commission; and

WHEREAS, the Town has considered the application of the California Environmental Quality Act (CEQA) requirements for the energy efficiency project/s described in Exhibit A; and

WHEREAS, the Town Council finds that the approval of the energy efficiency project described in Exhibit A is not a "project" under the California Environmental Quality Act.

NOW THEREFORE, The Town Council of the Town of Portola Valley does hereby **RESOLVE** as follows:

1. The Town Council hereby finds that adoption of this Resolution and the application to implement energy efficient project/s described in Exhibit A are not a "project" under the California Environmental Quality Act, because it does not involve any commitment to a specific

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project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

2. If recommended for funding by the California Energy Commission, the Town of Portola Valley authorizes ABAG to accept a grant award on its behalf and to enter into all necessary contracts and agreements, and amendments thereto, on its behalf to implement and carry out the project/s described in Exhibit A; and

3. The Town of Portola Valley recognizes the County of San Mateo as the lead local implementer for the program/s described in Exhibit A for all of the local governments in San Mateo County, and that ABAG as the fiscal agent, will disburse the funds to San Mateo County to implement and carry out the program/s described in Exhibit A.

4. This Resolution shall take effect immediately upon its adoption.

Regularly passed and adopted this 24th day of February 2010 by the following vote:

Chair/Mayor

ATTEST:

Town Clerk

State Energy Program Grant Summary

Association of Bay Area Governments: Retrofit Bay Area

The Association of Bay Area Governments (ABAG) has partnered with eight counties, and a highly qualified team of public and private partners to implement Retrofit Bay Area, a comprehensive community-scale building retrofit program. The assembled partners represent 103 local governments in California's second most populous region and a diversity of program expertise that draws together leadership at the local, state, and national level. The Retrofit Bay Area program will rapidly accelerate building energy retrofits across the region and achieve deep market penetration in focused neighborhoods. This program is designed to meet the economic and demographic diversity of the region that comprises nearly 20% of California's population.

ABAG will be the prime contractor and program administrator, accountable for overall program success and all reporting functions to the Energy Commission and DOE. ABAG will subcontract with eight lead local government agencies representing eight separate countywide programs in the Bay Area. Cities in each County will sign a memorandum of understanding (MOU) to actively coordinate with Retrofit Bay Area but will not receive ARRA SEP funds directly. Although Retrofit Bay Area will build regional infrastructure and share tools and resources, each countywide program will be separately administered. ABAG has obtained 80 letters of support from Bay Area local governments. ABAG will execute subcontract agreements with one lead agency in each county. The County of San Mateo will be the lead agency for participating cities in the County and will act as fiscal agent and lead program implementer. San Mateo County's estimated allocated funding is \$785,595 and the County along with participating cities will determine what the funding levels for cities will be in the County.

Retrofit Bay Area is a program which is uniquely positioned to offer accelerated program roll-out. The Bay Area is far ahead of other regions of California in enacting advanced building efficiency policies and programs and has led the state and nation in producing innovative and cutting-edge programs and policies. These include the Sonoma County Energy Independence Program and the Berkeley and San Francisco Residential Energy Conservation Ordinances (RECO). The Bay Area is also a leader in establishing large-scale PACE financing districts; seven of the nine counties are launching Property Assessed Clean Energy Bond (PACE) financing programs by the 2nd Quarter of 2010.

In addition, Sonoma County Transportation Authority and Alameda County's StopWaste.Org expect to have largely completed their planning process and initial development for comprehensive building retrofit programs before SEP funds become available which will benefit the Retrofit Bay Area Program and other regions. Also beneficial is the Bay Area's regional resource agencies, local governments and utilities have already collaborated closely and are well aligned in their commitment to implementing comprehensive building retrofit programs and funding at large scale.

Goals

The goals of Retrofit Bay Area mirror those of the American Recovery and Reinvestment Act (ARRA): (a) energy savings, (b) job creation/preservation, and (c) economic recovery. The proposed program has been designed in alignment with the guiding principles set out in the RFP#400-09-403, to create jobs and stimulate the economy through a comprehensive program to implement energy retrofits in existing residential buildings.

Retrofit Bay Area Impacts

Impact Metrics	2010-2011
Number of Jobs Created	1,739
Number of Single Family Homes retrofitted	15,000
Number of Multifamily Homes retrofitted	2,000
Reduction of annual purchased energy consumption	\$6.7 million and 390 billion BTUs
Total Economic Impact (\$ spent)	\$170,750,000

In addition, projects will be entered into the Build It Green’s GreenPoint Rated tracking system and Climate Calculator, a database that tracks environmental results of projects and quantifies reductions in greenhouse gas emissions attributable to direct energy savings (therms, kWh), water savings, and tons of waste diverted.

Objectives

To achieve these goals, Retrofit Bay Area has identified a set of three core program objectives that address the major barriers to market transformation and guide program design. These three objectives aim to spur comprehensive residential energy retrofits on a broad scale.

1. Provide Property Assessed Clean Energy (PACE) financing to address the high upfront cost of retrofits.

Energy retrofits require significant up-front capital investment, while payback occurs over many years. Financial incentives to offset up-front costs often do not reward whole-building and performance-based solutions. Long paybacks for major energy retrofits may leave property owners at risk of forfeiting part of their investment at time of sale. Lack of well-documented business case models and standardized analytical methodologies leave multifamily property owners ill-equipped to evaluate the technical and economic potential for retrofitting their properties.

Retrofit Bay Area will build on the regions existing investments into PACE financing and reduce or remove these barriers for a wide range of projects and population segments. Funding will not be used to directly fund local PACE programs.

2. Demonstrate more effective marketing and outreach methods to inform and motivate property owner participation.

Property owners are typically unaware of the benefits of comprehensive energy retrofits. Retrofit programs that rely primarily on economic arguments to drive participation ignore a broad range of behavioral factors and non-energy benefits that are known to strongly motivate or discourage action.

Retrofit Bay Area will bundle homeowner incentives (e.g., PACE financing, utility and local government rebates, tax credits, etc.) and employ an array of innovative outreach methods that reflect current behavioral science research; more effectively communicate current value propositions, and create new ones. Marketing and outreach messaging will strongly promote the California Energy Commission’s Tier 3 whole-house retrofits that address an integrative approach to comprehensive energy efficiencies.

Retrofit Bay Area will partner with other local agencies to identify and implement creative strategies to target economically disadvantaged areas and low-income neighborhoods throughout the region.

3. Streamline participant, contractor, and administration processes to reduce the high transaction costs and build a quality green workforce.

The whole-building performance-based approach to home energy retrofitting requires advanced building science training and substantial field experience at multiple stages including home audit, work scope development, and project management. Managing large numbers of small projects at scale requires well-developed systems and a high degree of specialization and business expertise. Lack of uniform guidelines, standards, and procedures impedes training and quality control efforts. In addition, delivery and incentive programs are typically far too costly due to the lack of modern IT systems to automate and streamline administrative functions.

Retrofit Bay Area will use new cutting-edge data and decision software tools to reduce transaction costs for both contractors and the program. These innovations can contribute greatly to the growth and maturity of the building performance industry that will be capable of delivering building energy performance with strong momentum toward a mass scale at more reasonable cost. At the same time, the program will raise public confidence and trust in the value of building performance retrofits through rigorous contractor training, public education, quality assurance, and credible evaluation and feedback. Contractor incentives will be used to ensure broad participation.

The Program elements fall into four categories:

- Innovative financing and rebates
- Green workforce development
- Advanced outreach and marketing programs
- Efficient implementation and delivery

By delivering these program elements, Retrofit Bay Area will achieve its stated objectives, reduce or remove primary market barriers, and contribute to Recovery Act goals by (a)

generating almost \$6.7 million in annual energy savings, (b) creating or preserving 1,739 jobs, and (c) contributing an economic impact of more than \$170 million.

Retrofit Bay Area will focus resources on Tier 2 and Tier 3 comprehensive home energy efficiency approaches, consistent with the Energy Commission's policy objectives, utility program design, recommendations from the Home Energy Retrofit Coordinating Committee (HERCC), and Home Performance with Energy Star best practices. Program design, homeowner incentives, and contractor incentives will all strongly encourage and promote Tier 3 strategies to move retrofits as rapidly as possible to whole-house approach.

The entire Retrofit Bay Area Comprehensive Residential Building Retrofit Program SEP application is available for review.

ATTACHMENT 5

Status of Cities in San Mateo County - CaliforniaFIRST and Retrofit Bay Area Resolutions

Local Agency	CA-FIRST Letter	ABAG Letter	CA-FIRST Reso	Notice of Public Hearing	CA-FIRST BID	CSCDA Membership	ABAG Resolution	Date
Atherton	X	X	2/17/2010	2/17/2010	2/17/2010	Member	2/17/2010	
Belmont	X	X	Submitted	Submitted	Submitted	Submitted	2/23/2010	1/12/2010
Brisbane	X	X	Passed	Passed	Passed	Passed	Passed	2/16/2010
Burlingame	X	X	Passed	Passed	Passed	Member	Passed	2/16/2010
Colma	X	X	Submitted	Submitted	Submitted	Submitted	Passed	1/20/2010
Daly City	X	X	Submitted	Submitted	Submitted	Member	Submitted	1/11/2010
East Palo Alto	X	X	3/2/2010	3/2/2010	Passed	Member	Passed	
Foster City	X	X	3/1/2010	3/1/2010	3/1/2010	Member	3/1/2010	
Half Moon Bay	X	X	Submitted	Submitted	Submitted	Member	Submitted	1/20/2010
Hillsborough	X	X	Submitted	Submitted	Submitted	Member	Submitted	1/11/2009
Menlo Park	X	X	Submitted	Submitted	Submitted	Submitted	Submitted	2/2/2010
Millbrae	X	X	Submitted	Submitted	Submitted	Member	Submitted	1/26/2010
Pacifica	X	X	3/8/2010	3/8/2010	2/22/2010	Member	2/22/2010	
Portola Valley	X	X	2/24/2010	2/24/2010	2/24/2010	2/24/2010	2/24/2010	
Redwood City	X	X	Submitted	Submitted	3/8/2010	Submitted	2/22/2010	1/11/2010
San Bruno	X		Submitted	Submitted	Submitted	Member	Submitted	1/26/2009
San Carlos	X	X	Submitted	Submitted	Submitted	Member	2/22/2010	2/8/2010
San Mateo	X	X	Submitted	Submitted	Submitted	Passed	Passed	1/19/2010
South San Francisco	X	X	Submitted	Submitted	Submitted	Member	Submitted	1/13/2010
Woodside	X	X	2/23/2010	2/23/2010	2/23/2010	2/23/2010	2/23/2010	
County	X	X	Submitted	Submitted	2/23/2010	Member	2/23/2010	12/15/2009

Black: Passed (need to send to County)
Blue: Submitted (Submitted to grant staff)



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Leslie Lambert, Planning Manager
Brandi de Garmeaux, Sustainability & Resource Efficiency Coordinator

DATE: February 24, 2010

RE: Water Conservation in Landscaping Ordinance and Indoor Water Conservation Ordinance

RECOMMENDATION:

Read title, waive further reading and introduce ordinances adding Chapter 15.32 [Water Conservation in Landscaping] to establish outdoor water conservation regulations and adding Chapter 15.30 [Indoor Water Conservation] to establish indoor water conservation regulations as a two-fold effort to increase water efficiency for the Town.

SUMMARY:

Attached for your reference is the Water Conservation Ordinance Development and Fact Sheet (Attachment "C"). This document provides a concise overview of the proposed Ordinances for easier interpretation of the proposal before you.

On October 31, 2008, the San Francisco Public Utilities Commission (SFPUC) made a unilateral decision to limit the water supply available from the San Francisco Regional Water System to the City of San Francisco and to the Bay Area Water Supply and Conservation Agency (BAWSCA) members, including the Town, until at least 2018. As a result, in absence of increased water conservation, water demands within the BAWSCA service area are projected to exceed available supplies by 2015.

In addition to needing to save water to live within current supplies, the BAWSCA agencies are also being required by new state regulations to conserve additional water and to enforce new outdoor water efficiency standards. Most pressing is the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881), which requires cities and counties to adopt the updated Department of Water Resources Model Water Efficient Landscape Ordinance (DWR Model Ordinance) or an equivalent ordinance which is "at least as effective" as the DWR Model Ordinance in conserving water. In the event cities and counties do not take such action, the DWR Model Ordinance is deemed **automatically adopted** by statute as of January 2010. Town staff has informed DWR that the Town is in the process of developing our own Water Conservation in Landscaping Ordinance and that it will be at least as effective as the DWR Model Ordinance in terms of conserving water.

In response to these new requirements, BAWSCA developed form Outdoor and Indoor Water Efficiency Ordinances through a regional, cooperative process including representatives from BAWSCA's member agencies and the associated land use jurisdictions in Alameda, Santa Clara, and San Mateo Counties. Adoption and implementation of the form ordinances – Water Conservation in Landscaping Ordinance (Landscape Ordinance) and Indoor Water Conservation Ordinance (Indoor Ordinance) – was identified as one mechanism by which cities and counties could augment current water conservation efforts to comply with the new state regulations, reduce future water demands, and live within current supplies.

The following jurisdictions have already adopted or are planning to adopt the Landscape Ordinance: Atherton, Brisbane, Burlingame, Daly City, Foster City, Hillsborough, Millbrae, Milpitas, Mountain View, Palo Alto, San Mateo, Stanford, Sunnyvale, and Westborough.

The following jurisdictions have already adopted or are planning to adopt the Indoor Ordinance: Burlingame, Daly City, Foster City, Hayward, Millbrae, Stanford, and Sunnyvale.

The Landscape Ordinance requires the installation of water efficient landscaping in all new development and permitted projects. The Landscaping Ordinance is designed to achieve a 25 percent savings on outdoor water use at applicable projects and is consistent with, or exceeds, the standards set forth in new state regulations and the DWR Model Ordinance. Furthermore, the Landscaping Ordinance provides the Town with a tool that can be used to comply with the new state regulations (e.g., requirements to adopt a water-efficient landscape ordinance by January 2010 and to reduce urban per capita consumption 20 percent by 2020) and will aid the Town in achieving the necessary water savings.

The Indoor Ordinance requires the installation of water efficient fixtures and appliances in all new development and permitted remodels. The Indoor Ordinance is designed to achieve a 20 percent savings on indoor water use at applicable projects and is consistent with, or exceeds, the standards set forth in new state regulations and changes to the Plumbing and Green Building Codes. Furthermore, the Indoor Ordinance provides the Town with a tool that can be used to comply with the new state regulations (e.g., requirements to reduce urban per capita consumption 20 percent by 2020) and will aid the Town in achieving the much needed water savings sooner than would otherwise occur by simply relying on the scope and timing of other regulations.

In December 2009, the Town formed a Water Conservation working group to review the DWR Model Ordinance and the BAWSCA Landscape Ordinance to determine which approach was best for the Town. The working group consisted of the Planning Manager, the Sustainability & Resource Efficiency Coordinator, Council Member Maryann Moise Derwin, Planning Commissioner Alex Von Feldt, ASCC Member Danna Breen, Conservation Committee Members Marge DeStaebler, Paul Heiple and Marianne Plunder.

It is important to note that the Water Conservation working group applauds the language in the Blue Oaks Planned Unit Development (PUD) as it relates to planting zones and strongly recommends that the language be included into the proposed Landscape Ordinance. The Blue Oaks PUD allows for the following: 1) 1,000 square feet maximum of irrigated lawn area. Only drought resistant varieties shall be used; and 2) 1,000 square feet maximum of ornamental planting including flower and vegetable gardens. All planting in this area shall be watered by drip irrigation. It appears that most landscape architects and designers have not only utilized

this as a requirement for the Blue Oaks subdivision, but have applied the requirements to projects in other areas of the Town.

This approach to minimize traditional irrigated lawn areas appears to be a trend that the ASCC and Conservation Committee are seeing more and more. The use of the Build It Green, GreenPoint Rated Checklist has also guided residents and their landscape architect and designers into this direction. As residents are looking more closely at their needs and the costs for water, the desire to establish a native grass meadow area appears to be attractive, thereby, requiring less mowing and less water.

The Water Conservation working group recommends that the Town adopt the BAWSCA Landscape Ordinance and Indoor Ordinance for the following reasons:

- The BAWSCA Landscape Ordinance is at least as effective as the DWR Model Ordinance, but is simpler for the applicant to use and easier for the Town to review/enforce because of the checklist format.
- The Town's water purveyor, CalWater, supports adoption of the BAWSCA Ordinances as a means to achieve the 20 percent water savings by 2020 as required under Senate Bill 7 (SB 7).
- The ASCC has found that applicants are already taking these measures, and as such, it won't cause a significant hardship.
- The measures outlined in the Landscape Ordinance coincide well with the Build It Green GreenPoint Rated (GPR) Checklist, but place additional emphasis on specific water conservation measures to reach the 20 percent water reduction target.
- The checklists can be used as a tool to encourage water conservation in existing buildings and prepare for mandatory requirements that will become effective in 2017.

The Water Conservation working group also reviewed the BAWSCA Indoor Ordinance and recommends concurrent adoption to achieve necessary reductions in indoor water use as outlined above. In addition, the Town's Deputy Building Official supports the adoption of the Indoor Ordinance as it will be easier to educate architects and designers about the new requirements through this process rather than during the next plumbing code change.

Description of the Landscape Ordinance

The Landscape Ordinance (Attachment "A") was developed through extensive research and as part of a multi-agency, multi-county stakeholder process that was facilitated by BAWSCA. The Landscape Ordinance was designed to be at least as effective as the DWR Model Ordinance in terms of achieving water savings. The Landscape Ordinance was also designed to be as simple as possible (i.e., facilitating a checklist format) (Attachment "D") to make the process more straightforward for the project applicant and to make it easier for Town staff to review a project for compliance.

The landscape parameters that are addressed in the Landscape Ordinance and the proposed efficiency standards are summarized below in Table 1. The areas of the Landscape Ordinance that coincide with the Build It Green, GreenPoint Rated (GPR) Checklist are indicated in the right column of the table.

TABLE 1: Proposed Landscape Efficiency Standards

Parameter	Tier 1	Tier 2	GPR
Applicability	<ul style="list-style-type: none"> New construction with landscaped area between 1,000 and 2,500 sq. ft., if permit or new or expanded water service required Rehabilitated landscaped area between 1,000 and 2,500 sq. ft., if permit or new or expanded water service required 	<ul style="list-style-type: none"> New construction with landscaped area greater than 2,500 sq. ft., if permit or new or expanded water service required Rehabilitated landscaped area greater than 2,500 sq. ft., if permit or new or expanded water service required 	
Turf Area	<ul style="list-style-type: none"> Less than 25% of landscaped area or no more than 1,000 sq. ft. Water Budget (optional) Turf areas must be greater than 8 feet wide No turf on slopes greater than 25% 	<ul style="list-style-type: none"> Less than 25% of landscaped area or no more than 1,000 sq. ft. Water Budget (optional) Turf areas must be greater than 8 feet wide No turf on slopes greater than 25% 	<p>C.4b</p> <p>C.4a (if slope ≤ 10%)</p>
Non-Turf Landscaped Area	<ul style="list-style-type: none"> 80% of non-turf area must be native or low water use Water Budget (optional) 	<ul style="list-style-type: none"> 80% of non-turf area must be native or low water use Water Budget (optional) 	C.3c
Hydrozones	<ul style="list-style-type: none"> Plants must be grouped in hydrozones 	<ul style="list-style-type: none"> Plants must be grouped in hydrozones 	C.1
Mulch	<ul style="list-style-type: none"> At least 2 inches of mulch required on all exposed soil surfaces 	<ul style="list-style-type: none"> At least 2 inches of mulch required on all exposed soil surfaces 	C.2
Overall Irrigation Efficiency	<ul style="list-style-type: none"> No overspray or runoff 70% Eto SLAs allowed 100% Eto 	<ul style="list-style-type: none"> No overspray or runoff 70% Eto SLAs allowed 100% Eto 	C.11a
Irrigation Systems	<ul style="list-style-type: none"> Irrigation system efficiency ≥70% Moisture sensor and/or rain sensor shutoffs Sprayheads not allowed in areas less than 8 ft wide -- 	<ul style="list-style-type: none"> Irrigation system efficiency ≥70% Moisture sensor and/or rain sensor shutoffs Sprayheads not allowed in areas less than 8 ft wide Automatic, self-adjusting irrigation controllers 	<p>C.6b</p> <p>BIG C.6b (if Smart - Controller)</p> <p>C.4a</p>
Irrigation Times	<ul style="list-style-type: none"> 8 PM to 10 AM 	<ul style="list-style-type: none"> 8 PM to 10 AM 	
Metering	<ul style="list-style-type: none"> -- 	<ul style="list-style-type: none"> Separate meter recommended for landscaped areas greater than 2,500 sq. ft. Separate meter required for landscaped areas greater than 5,000 sq. ft. 	<p>C.10</p> <p>C.10</p>
Swimming Pools and Spas	<ul style="list-style-type: none"> Covers recommended 	<ul style="list-style-type: none"> Covers recommended 	

TABLE 1: Continued

Parameter	Tier 1	Tier 2	GPR
Water Features	<ul style="list-style-type: none"> • Recirculating • Surface area considered high water use plant • Less than 10% of landscaped area 	<ul style="list-style-type: none"> • Recirculating • Surface area considered high water use plant • Less than 10% of landscaped area 	
Documentation	<ul style="list-style-type: none"> • Checklist • Landscape and Irrigation Design Plan • Water Budget (optional) 	<ul style="list-style-type: none"> • Checklist • Landscape and Irrigation Design Plan prepared by Certified or Authorized Professional • Water Budget (optional) prepared by Certified or Authorized Professional 	
Audits	<ul style="list-style-type: none"> • Post-installation audit 	<ul style="list-style-type: none"> • Post-installation audit conducted by Certified or Authorized Professional 	

The water budget parameters that are addressed in the Landscape Ordinance and the proposed values are summarized below in Table 2.

TABLE 2: Proposed Water Budget Parameters and Values

Parameter	Proposed Value
Landscape Coefficient	
High Water Use Plants	0.7 - 1.0
Medium Water Use Plants	0.4 - 0.6
Low Water Use Plants	0.0 - 0.3
Irrigation System Efficiency	≥ 70%
Effective Precipitation	25% of annual precipitation
Evapotranspiration Adjustment Factor	0.7 1.0 for SLAs

The requirements included in the Landscape Ordinance address common landscape parameters and the efficiency standards are consistent with the DWR Model Ordinance requirements. Staff will supply project applicants with information and resources to help them install water efficient landscaping and irrigation systems in compliance with the Landscape Ordinance.

For the following reasons, it has been determined that the Landscape Ordinance is at least as effective as the DWR Model Ordinance.

(1) The Landscape Ordinance will apply to more projects than the DWR Model Ordinance would. The Landscape Ordinance applies to all new development and rehabilitated landscapes that are greater than 1,000 sq. ft. and that require a landscape permit, plan check or design review, or new or expanded water service. The thresholds specified in the Landscape Ordinance are lower than the DWR Model Ordinance thresholds of 2,500 sq. ft. for non-residential accounts and developer-installed single family projects, and 5,000 sq. ft. for homeowner-installed projects. The impact of lowering the landscape size thresholds is that more landscapes will be subject to the Landscape Ordinance and therefore, will be designed to be more water efficient than they may otherwise have been pursuant to the DWR Model Ordinance, with the result of increased water savings.

(2) The Landscape Ordinance limits the allowable turf area to 25 percent of the irrigated area or 1,000 sq. ft. (whichever is smaller), unless the project applicant chooses to develop a water budget. Turf area restrictions result in lower water use landscape designs than a water budget based approach (i.e., the DWR Model Ordinance approach). By having a turf restriction as the default option, the Landscape Ordinance has been designed to minimize the use of turf in landscaping and result in increased water savings.

(3) The Landscape Ordinance requires that at least 80 percent of the plants in non-turf landscape areas shall be native plants, low-water using plants, or no-water using plants, unless the project applicant chooses to develop a water budget. The DWR Model Ordinance does not specify plant requirements as it is based on a water budget approach. By having low-water use plantings as a default requirement, the Landscape Ordinance has been designed to minimize the use of high-water using plants in landscaping and result in increased water savings. This is further supported by our Design Guidelines, specifically Landscape Criteria and Native Plants.

(4) The Landscape Ordinance requires dedicated irrigation meters at all accounts with landscaping that exceeds 5,000 sq. ft. The DWR Model Ordinance only requires separate meters for non-residential accounts that have irrigated landscaping in excess of 5,000 sq. ft. By requiring meters on all landscapes that are greater than 5,000 sq. ft., the Landscape Ordinance allows for better accounting of water use at large landscaped areas and provides data that the water purveyor, the local agency, and the property owner can cooperatively use to minimize high landscape water use at a given account.

(5) The Landscape Ordinance includes water budget parameters and values that are consistent with the DWR Model Ordinance. By using the same parameters as the DWR Model Ordinance for purposes of developing the water budget (e.g., plant factors, irrigation efficiency, etc), the Landscape Ordinance will necessarily be at least effective as the DWR Model Ordinance in terms of developing landscape water budgets and achieving water savings.

(6) The Landscape Ordinance includes landscape parameters that are consistent with the DWR Model Ordinance. The Landscape Ordinance includes the same values as the DWR Model Ordinance for, among other things, establishing slope restrictions and width restrictions for turf, limiting irrigation times, and establishing minimum mulch requirements. By adopting the same requirements as the DWR Model Ordinance, the Landscape Ordinance will necessarily be at least as effective as the DWR Model Ordinance in terms of achieving water savings.

(7) The Landscape Ordinance has been simplified relative to the DWR ordinance. The Landscape Ordinance is more simple and streamlined than the DWR Model Ordinance. As such, it will be easier for applicants to comply with the Landscape Ordinance and easier for the agency or water purveyor to implement and enforce the Landscape Ordinance. The Landscape Ordinance will therefore be at least as effective as the DWR Model Ordinance in terms of achieving water savings.

Description of the Indoor Ordinance

The Indoor Ordinance (Attachment “B”) has been designed to achieve a 20 percent water savings in indoor water use at all new development and permitted remodels relative to the current plumbing code and other building standards. In addition, the Indoor Ordinance also requires water efficient fixtures and appliances to be installed in all remodeled kitchens and bathrooms.

The Indoor Ordinance was developed through extensive research and as part of a multi-agency, multi-county stakeholder process that was facilitated by BAWSCA. The Indoor Ordinance was designed to be at least as effective as the new state regulations and changes to the Plumbing and Green Building Codes in terms of achieving water savings. The Indoor Ordinance was also designed to be as simple as possible (i.e., facilitating a checklist format) (Attachment “E”) to make the process straightforward for the project applicant and to make it easy for Town staff to review a project for compliance.

The parameters that are addressed in the Indoor Ordinance and the proposed efficiency standards are summarized below in Table 3. The areas of the Indoor Ordinance that coincide with the Build It Green, GreenPoint Rated (GPR) Checklist are indicated in the right column of the table.

TABLE 3: Indoor Water Efficiency Standards

Fixture	Residential	Non-Residential	GPR
Toilets	≤ 1.28 gpf, and ≥ 350 grams	≤ 1.28 gpf, and ≥ 350 grams	G.3
Urinals	≤ 0.5 gpf	≤ 0.5 gpf	
Showers	≤ 2.0 gpm	≤ 2.0 gpm	G.2a
Bathroom faucets	≤ 1.5 gpm	≤ 0.5 gpm	G.2b
Kitchen faucets	≤ 2.2 gpm	≤ 2.2 gpm	G.2c (if <2.0)
Clothes washers	≤ 6.0 Water Factor	≤ 6.0 Water Factor	M.2a (partial)
Dishwashers	≤ 6.5 gal/cycle, or Energy Star Qualified	Energy Star Qualified	M.1
Cooling towers	≥ 5 – 10 cycles, or ≥ 2.5 LSI	≥ 5 – 10 cycles, or ≥ 2.5 LSI	
Food steamers	--	Boiler less, or Self-contained	
Ice machines	--	≤ 25 gal/100 lbs ice, or Air-cooled	

TABLE 3: Continued

Fixture	Residential	Non-Residential	GPR
Pre-rinse spray valves	--	≤ 1.15 gpm	
Automatic vehicle wash facilities	--	≥ 50% of water that is recycled on site	
Commercial refrigeration	--	Closed loop, or Air-cooled	
Water Meters	Submeters for RMF, and Separate meter for outdoor if landscape >5000 sq. ft.	Submeters, and Separate meter for outdoor if landscape >5000 sq. ft.	C10

The water-efficient fixtures and appliances that comply with the standards set forth by the Indoor Ordinance are readily available on the market and their performance has been verified by third parties, where available (e.g., EPA Water Sense, EnergyStar, PG&E). In many cases, applicants may also be eligible for rebates for the purchase of water conserving fixtures and appliances (i.e., from the water agency and/or PG&E). These rebates are designed to help offset the cost of the more water-efficient models, making them more attractive options. Staff will supply project applicants with information regarding potential rebates and resources to help them select qualifying fixtures.

BACKGROUND:

There are two main reasons why the Landscape Ordinance and Indoor Ordinance were developed:

- (1) Without additional conservation, the water demand of the BAWSCA agencies is projected to exceed supplies by 2015

The SFPUC provides water to all of the BAWSCA member agencies. On October 31, 2008, the SFPUC made the unilateral decision to limit the water supply available from the San Francisco Regional Water System to the BAWSCA member agencies to 184 million gallons per day (MGD) until at least 2018. As a result, based on current projections, and in absence of increased water conservation, water demands within the BAWSCA service area will exceed available supplies by 2015.

- (2) The Landscape Ordinance and Indoor Ordinance provide tools for compliance with new state legislation and changes to the Plumbing and Building Codes that mandate changes to indoor and outdoor water use efficiency

There are efforts at the State level to reduce water consumption throughout California. The Governor has called for a 20 percent reduction in per capita water use by 2020, and, as described below, recent legislation adopted by the California State Legislature (changes to the Plumbing and Green Building Codes) target water-use efficiency to meet these goals.

The Landscape Ordinance and Indoor Ordinance are consistent with, or in some cases exceed, the standards set forth by these new regulations and provide the Town with a tool that can be used to comply with the new state regulations. Moreover, adoption and implementation of these Ordinances will assist the Town to reduce per capita consumption and to keep purchases from SFPUC below the interim supply limitation through 2018. As described below, solely relying on the scope and timing of the new state regulations alone will not achieve the necessary water savings that BAWSCA member agencies must realize in the near-term to remain within current supply limitations.

Assembly Bill 1881 (AB 1881 - State Model Water Efficient Landscape Ordinance): AB 1881 requires cities and counties, no later than January 1, 2010, to adopt the updated DWR Model Ordinance or an equivalent ordinance which is “at least as effective” as the DWR Model Ordinance in conserving water. In the event cities and counties do not take such action, the DWR Model Ordinance will be deemed to be **automatically adopted by statute**. By adopting the Landscape Ordinance, the Town will more specifically address the needs of the local community, while being at least as effective as the DWR Model Ordinance in conserving water.

California Green Building Standards Code: The Green Building Standards Code came into effect in August 2009, with the requirements for water savings becoming mandatory in 2011. The California Green Building Standards Code requires that, at a minimum, a water budget be developed for landscape irrigation at new development in accordance with methodology outlined in either the DWR Model Ordinance or pursuant to a locally adopted ordinance. The Landscape Ordinance is consistent with this requirement of the Green Building Standards Code.

The California Green Building Standards Code also requires a 20 percent reduction in potable indoor water use in all new construction, but does not mandate how those savings must be achieved.¹ Because the Green Building Standards Code does not provide concrete, prescriptive mechanisms for compliance with its 20 percent indoor water savings mandate, implementation of its requirements at the local level may be challenging. By comparison, the Indoor Ordinance provides prescriptive mechanisms by which project applicants can achieve the required 20 percent savings in indoor water use.

California Plumbing Code: While the updates to the 2007 California Plumbing Code are broad in scope, the only changes taking effect in 2014 that will directly impact the water efficiency of indoor fixtures are the mandatory installation of high efficiency toilets (“HETs”) and urinals (“HEUs”) in all projects requiring a building permit after January 1, 2014.²

The Indoor Ordinance will require installation of HETs and HEUs in advance of the Plumbing Code changes. However, waiting until 2014 for the Plumbing Code changes to be adopted represents a large opportunity cost in terms of lost water savings potential. Furthermore, because the Indoor Ordinance affects indoor fixtures and appliances that are not addressed by the Plumbing Code changes (e.g., high-efficiency showerheads, faucets, washing machines,

¹ The Green Building Standards Code does not expressly mandate the use of HETs and HEUs, or other high-efficiency fixtures to achieve the 20% water savings obligation. Rather, the Green Building Standards Code allows the building permit applicant to satisfy the water savings requirement by demonstrating either a 20% reduced flow rate on all plumbing fixtures, or a calculation demonstrating a 20% reduction in the “water use baseline” as provided in the code. Green Building Standards Code, § 603.2 (1)-(2).

² Section 17921.3(b)(1)-(2) of the Health and Safety Code requires, “[o]n and after January 1, 2014, all water closets, other than institutional water closets, sold or installed in this state shall be high-efficiency water closets.” Section 17921(g)(2) defines “high-efficiency water closet” to mean a dual flush or single flush water closet with an effective flush volume that does not exceed 1.28 gallons per flush and defines a “high-efficiency urinal” as one that uses no more than 0.5 gallons per flush.

and selected commercial fixtures), sole reliance on the Plumbing Code will not achieve the target water savings.

Senate Bill 7 (SB 7): Pursuant to SB 7, the state will have to reduce urban per capita water use by 20 percent no later than December 31, 2020, and by at least 10 percent no later than December 31, 2015. These water use reductions will be compared against a 10- to 15-year baseline period that ends between 2004 and 2010.

SB 7 does not require individual urban water suppliers to reduce per capita water usage by more than 20 percent. However, each supplier will have to reduce per capita daily water use by at least 5 percent, unless their baseline water use is less than **100 gallons per capita per day (gpcd)**. The Bear Gulch District, which includes Portola Valley, Woodside, Atherton, areas of Menlo Park and areas of unincorporated San Mateo County uses approximately **230 gpcd**. Urban water suppliers will have to meet their own, specified water use targets, which they can establish on an individual or regional basis, using one of four methods: (1) a 20 percent reduction in baseline per capita water use, (2) compliance with established performance standards (e.g., 55 gpcd for residential indoor water use), (3) a 5 percent reduction from the applicable state hydrologic region target set in the state's draft 20x2020 Water Conservation Plan³, or (4) a method that will be developed by DWR by December 31, 2010. By requiring new development to implement water-conserving measures, the Landscape Ordinance and Indoor Ordinance will assist the Town to comply with the water savings requirements of SB 7.

Senate Bill 407 (SB 407): Pursuant to SB 407, which was signed into law in October 11, 2009, any property that is remodeled on or after January 1, 2014 is required to replace all noncompliant plumbing fixtures with water-conserving plumbing fixtures.⁴ SB 407 also requires that all residential and commercial properties replace all noncompliant plumbing fixtures by 2017 and 2019, respectively.

By specifying the precise water-efficient fixtures that must be installed upon a remodel of a kitchen or bathroom, the Indoor Ordinance provides a tool for local agencies to comply with SB 407. Moreover, the Indoor Ordinance is designed to maximize water savings by addressing other indoor fixtures that are not addressed in SB 407. Waiting until at least 2014 for SB 407 to go into effect will result in several years of forgone water savings. Therefore, as with the Plumbing Code, mere reliance on SB 407 to affect indoor water use efficiency will not achieve the desired water savings.

ECONOMIC IMPACT:

For the Landscape Ordinance, there would be no additional requirements for new developments with less than 1,000 sq. ft. feet of irrigated landscape areas compared to existing requirements. Other exceptions would be considered and approved at the discretion of the Town. For projects that would be affected by the Landscape Ordinance, the main economic impact would be the added costs for the development of the Landscape Project Application, the participation from consultants (if required), and potentially from the installation of the landscaping and irrigation

³ 20X2020 Water Conservation Plan, Draft, April 30, 2009.

⁴ This law defines "water-conserving plumbing fixture" as "any fixture that is in compliance with current building standards applicable to newly constructed real property of the same type." In other words, SB 407 will require, at a minimum, the installation of HETs and HEUs in accordance with the requirements of the 2007 Plumbing Code.

systems. Whether the actual cost savings to customers from the reduced water use through implementation of the Landscape Ordinance would equal to or greater than the additional incurred cost is not yet quantified.

For projects that would be affected by the Indoor Ordinance, the main economic impact would be the added costs for purchase of the water-efficient fixtures and appliances, which in some cases are more expensive than high-water using fixtures. In many cases, however, rebates and other conservation incentives may be available to those customers to help offset the cost of the efficient fixtures and appliances. Whether the actual cost savings to customers from the reduced water use through implementation of the Indoor Ordinance would equal to or greater than the additional incurred cost is not yet quantified.

FISCAL IMPACT:

Additional staff time may be required to educate applicants on the new requirements and to review the Landscape Project Applications and Water Use Efficiency Checklists to ensure that requirements have been met. However, in order to meet its water reduction targets and comply with state regulations, the Town has taken a leadership role to invest in and foster water conservation. Staff will continue to look for opportunities to partner with other entities both regionally and at the State level and locally with CalWater to make water conservation as cost effective as possible.

Staff recommends that we revisit the water programs after a six-month period to assess the amount of time required for processing of applications. At that time, we may determine and if appropriate will recommend the establishment of a fee for processing of the applications.

Approved: _____


Angela Howard, Town Manager

Attachments

- Attachment "A": Water Conservation in Landscaping Ordinance (Landscape Ordinance)
- Attachment "B": [Indoor Water Conservation Ordinance (Indoor Ordinance)
- Attachment "C": Water Conservation Ordinance Development & Fact Sheet
- Attachment "D": Outdoor Water Use Efficiency Checklist
- Attachment "E": Indoor Water Use Efficiency Checklist

ORDINANCE NO. _____

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADDING CHAPTER 15.32 [WATER CONSERVATION IN LANDSCAPING] TO TITLE 15 [BUILDINGS AND CONSTRUCTION] OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, the Town of Portola Valley (“Town”) desires to add Chapter 15.32 [Water Conservation in Landscaping] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code to establish outdoor water conservation regulations.

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of Town.

WHEREAS, the California Water Conservation in Landscaping Act, also known as the State Landscape Model Ordinance (“Model Ordinance”), has been implemented by a Statewide Landscape Task Force which was overseen by the California Urban Water Conservation Council. The California Water Conservation in Landscaping Act was amended pursuant to AB 2717 and AB 1881.

WHEREAS, AB 1881 requires cities and counties, no later than January 1, 2010, to adopt the updated Model Ordinance or an equivalent document which is “at least as effective as” the Model Ordinance in conserving water. In the event cities and counties do not take such action, the State’s Model Ordinance will be deemed to be automatically adopted by statute.

WHEREAS, the Town has developed this Water Conservation In Landscaping Ordinance to meet the requirements and guidelines of the Model Ordinance and to address the unique physical characteristics, including average landscaped areas, within the Town’s jurisdiction in order to ensure that this Ordinance will be “at least as effective as” the Model Ordinance in conserving water.

WHEREAS, although this Water Conservation in Landscaping ordinance is more streamlined and simplified than the Model Ordinance, the Town finds that it is “at least as effective as” the Model Ordinance for the following reasons: (1) this Ordinance applies to more accounts than the Model Ordinance does because it lowers the size threshold for applicable landscapes from 2,500 square feet (or, in the case of single-family residences, from 5,000 square feet) to 1,000 square feet, to better reflect the typical landscaped areas located within this Town’s boundaries; (2) this Ordinance includes a default turf restriction of 25% of the irrigated area and requires that at least 80% of the plants in non-turf landscape areas be native plants, low-water using plants, or no-water using plants (unless the applicant elects to perform a water budget); and (3) this Ordinance expands the requirement for dedicated irrigation meters to all accounts with landscaping greater than 5,000 square feet. The Model Ordinance does not contain any such default turf restrictions or specified plant requirements and only requires dedicated irrigation meters on non-residential accounts with landscaping greater than 5,000 square feet.

WHEREAS, although this Water Conservation in Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the Town Council further finds that it is “at least as effective as” the Model Ordinance because this Ordinance includes water budget

parameters and values and landscape parameters that are consistent with the Model Ordinance. By using the same water budget parameters as the Model Ordinance (e.g., plant factors, irrigation efficiency), this Ordinance will be as effective as the Model Ordinance in developing landscape water budgets. By using the same landscape parameters as the Model Ordinance for, among other things, slope restrictions and width restrictions for turf, irrigation times, and minimum mulch requirements, this Ordinance will be at least as effective as the Model Ordinance in achieving water savings.

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

WHEREAS, the San Francisco Public Utilities Commission has imposed an interim water supply limitation on its wholesale customers, including local water suppliers, until at least 2018.

WHEREAS, current supply and demand projections for the Bay Area Water Supply and Conservation Agency ("BAWSCA") member agencies indicate that, in the absence of increased water conservation, water demands will exceed available water supplies in 2015 and implementation of water conserving ordinances is one mechanism by which agencies can reduce future water demands and remain within existing supplies.

WHEREAS, The Town Council finds and determines that this Ordinance is consistent with the provisions requiring reductions in outdoor water use for landscaping in the California Green Building Standards Code, as such provisions will be implemented in the coming years. Such requirements include the development of a water budget for landscape irrigation in accordance with methodology outlined in either the Model Ordinance or pursuant to a locally adopted ordinance.

WHEREAS, the State Legislature has identified the provision of a more reliable water supply and the protection, restoration and enhancement of the Delta ecosystem as a high priority for the state. Pursuant to this, in November 2009, the State Legislature passed Senate Bill 7 (7th Extraordinary Session) requiring certain urban water suppliers to reduce per capita urban water use by 20% by the year 2020. Accordingly, the Town Council finds that implementation of this Ordinance is consistent with the policies and goals established by the State Legislature in enacting SB 7 (7th Extraordinary Session).

WHEREAS, Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, policy, sanitary, and other ordinances and regulations not in conflict with general laws.

WHEREAS, pursuant to AB 1881, enforcement of this Ordinance will require supportive measures by California Water Service Company, the local water provider within these jurisdictions, so as to ensure the successful implementation and enforcement of this Ordinance.

WHEREAS, the adoption and enforcement of this Ordinance is necessary to manage the Town's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the Town. This Ordinance is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

NOW, THEREFORE, THE COUNCIL DOES ORDAIN AS FOLLOWS:

1. Addition to Code. Chapter 15.32 [Water Conservation in Landscaping] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code is hereby added to read as follows:

**CHAPTER 15.32
WATER CONSERVATION IN LANDSCAPING**

15.32.010	Applicability
15.32.020	Definitions
15.32.030	Water Conservation in Landscaping Requirements
15.32.040	Compliance with Ordinance
15.32.050	Landscape Project Application
15.32.060	Outdoor Water Use Efficiency Checklist
15.32.070	Water Budget Calculations
15.32.080	Landscape and Irrigation Design Plans
15.32.090	Landscape Audit Report
15.32.100	Landscape and Irrigation Maintenance Schedule
15.32.110	Stormwater Management
15.32.120	Provisions for Existing Landscapes Over One Acre in Size
15.32.130	Penalties

15.32.010 Applicability

- A. The provisions of this Ordinance shall apply to all of the following landscape projects:
- i. Tier 1 Landscapes: All new construction and rehabilitated landscapes with irrigated landscape areas between 1,000 square feet and 2,500 square feet requiring a building or landscape permit, plan check or design review, or requiring new or expanded water service.
 - ii. Tier 2 Landscapes: All new construction and rehabilitated landscapes with irrigated landscape areas equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review or requiring new or expanded water service.
 - iii. Existing landscapes, including existing cemeteries, shall only be subject to the provisions for existing landscapes provided for in Section XIII "Provisions for Existing Landscapes Over One Acre in Size;" and
 - iv. New and rehabilitated cemeteries shall only be subject to the provisions of Section VIII "Water Budget Calculations", Section X "Landscape Audit Report", and Section XI "Landscape and Irrigation Maintenance Schedule."

- B. The provisions of this Ordinance shall not apply to:
- i. New construction and rehabilitated landscapes with irrigated landscape areas less than 1,000 square feet or that do not require a building or landscape permit, plan check or design review, or new or expanded water service;
 - ii. Landscapes, or portions of landscapes, that are only irrigated for an establishment period;
 - iii. Registered local, state or federal historical sites where landscaping establishes a historical landscape style, as determined by a public board or commission responsible for architectural review or historic preservation;
 - iv. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system; or
 - v. Community gardens or plant collections, as part of botanical gardens and arboretums open to the public, agricultural uses, commercial nurseries and sod farms.

15.32.20 Definitions

- A. "Applied water" means the portion of water supplied by the irrigation system to the landscape.
- B. "Automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- C. "Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- D. "Certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the U.S. Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.
- E. "Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.
- F. "Certified professional" means a certified irrigation designer, a certified landscape irrigation auditor, a licensed landscape architect, a licensed landscape

contractor, a licensed professional engineer, or any other person authorized by the state to design a landscape.

- G. “Conversion factor (0.62)” means the number that converts inches per square foot to gallons. This conversion factor represents the amount of water that will fill one square-foot, to 1 inch of depth.
- H. “Drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- I. “Ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- J. “Effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
- K. “Establishment period” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
- L. “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section VIII “Water Budget Calculations.”
- M. “ET adjustment factor” (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes shall not exceed 0.8.
- N. “Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
- O. “Flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- P. “Hardscapes” means any durable material (pervious and non-pervious).
- Q. “Hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
- R. “Invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
- S. “Irrigation audit” means an in-depth evaluation of the performance of an irrigation system. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting

overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

- T. "Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this Ordinance is 70%. Greater irrigation efficiency can be expected from well-designed and maintained systems.
- U. "Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
- V. "Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.
- W. "Landscape architect" means a person who holds a license to practice landscape architecture in California as further defined by the California Business and Professions Code, Section 5615.
- X. "Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation), agricultural uses, commercial nurseries and sod farms.
- Y. "Landscape contractor" means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- Z. "Landscape project" means the total area comprising the landscape area, as defined in this Ordinance.
- AA. "Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- BB. "Local water purveyor" means any entity, including a public agency, city, county, district or private water company that provides retail water service.
- CC. "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers.
- DD. "Low water use plant" means a plant species whose water needs are compatible with local climate and soil conditions. Species classified as "very low water use" and "low water use" by *WUCOLS*, having a regionally adjusted *plant factor* of 0.0 through 0.3, shall be considered low water use plants.

- EE. "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section VIII "Water Budget Calculations."
- FF. "Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- GG. "Mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- HH. "Native plant" means a plant indigenous to a specific area of consideration. For the purposes of these guidelines, the term shall refer to plants indigenous to the coastal ranges of Central and Northern California, and more specifically to such plants that are suited to the ecology of the present or historic natural community(ies) of the project's vicinity.
- II. "New construction" means the construction of a new building or structure containing a landscape or other new land improvement, such as a park, playground, or greenbelt without an associated building.
- JJ. "No-water using plant" means a plant species with water needs that are compatible with local climate and soil conditions such that regular supplemental irrigation is not required to sustain the plant after it has become established.
- KK. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list.
- LL. "Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- MM. "Overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).
- NN. "Overspray" means the irrigation water which is delivered beyond the target area.
- OO. "Permit" means an authorizing document issued by the Town for new construction or rehabilitated landscapes.
- PP. "Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.
- QQ. "Plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants.
- RR. "Precipitation rate" means the rate of application of water measured in inches per hour.

- SS. "Project applicant" means the individual or entity submitting a Project Landscape Application required under Section VI, to request a permit, plan check, or design review from the Town or requesting new or expanded water service from the water district. A project applicant may be the property owner or his or her designee.
- TT. "Rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.
- UU. "Recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.
- VV. "Reference evapotranspiration" or "ET_o" means a standard measurement of environmental parameters which affect the water use of plants.
- WW. "Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, design review, or requires a new or expanded water service application.
- XX. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.
- YY. "Soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- ZZ. "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- AAA. "Sprinkler head" means a device which delivers water through a nozzle.
- BBB. "Station" means an area served by one valve or by a set of valves that operate simultaneously.
- CCC. "Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.
- DDD. "Valve" means a device used to control the flow of water in the irrigation system.
- EEE. "Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).
- FFF. "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

15.32.030 Water Conservation in Landscaping Requirements

- A. All owners of new construction and rehabilitated landscapes of applicable sizes shall: (1) complete the Landscape Project Application and (2) comply with the Landscape and Irrigation Maintenance Schedule requirements of this Ordinance.
- B. All owners of existing landscapes over one acre in size, even if installed before enactment of this Ordinance, shall: (1) comply with Town programs that may be instituted relating to irrigation audits, surveys and water use analysis, and (2) shall maintain landscape irrigation facilities to prevent water waste and runoff.

15.32.040 Compliance with Ordinance

- A. The Town shall:
 - i. Provide the project applicant with the Landscape Project Application requirements and the procedures for permits, plan checks, design reviews, or new or expanded water service;
 - ii. Review the Landscape Project Application submitted by the project applicant;
 - iii. Approve or deny the project applicant's Landscape Project Application submittal;
 - iv. Issue or approve a permit, plan check or design review that complies with the approved Landscape Project Application or approve a new or expanded water service application that complies with the approved Landscape Project Application;
 - v. Submit a copy of the complete Landscape Project Application to the local water purveyor or land use authority, as the case may be.
- B. The project applicant shall:
 - i. Prior to construction, submit all portions of the Landscape Project Application, except the Landscape Audit Report, to the Town; and
 - ii. After construction, submit the Landscape Audit Report portion of the Landscape Project Application to the Town.

15.32.050 Landscape Project Application

- A. The elements of a landscape must be designed to achieve water efficiency and will comply with the criteria described in this Ordinance. In completing the Landscape Project Application, project applicants may choose one of two options to demonstrate that the landscape meets the Ordinance's water efficiency goals. Regardless of which option is selected, the applicant must complete and comply with all other elements of the Ordinance. The options include:
- i. Planting restrictions:
 - a. 1,000 square feet maximum of irrigated lawn area. Only drought resistant varieties shall be used; and
 - b. 1,000 square feet maximum of ornamental planting including flower and vegetable gardens. All planting in this area shall be watered by drip irrigation.
 - ii. Water Budget Calculation option.
- B. The Landscape Project Application shall include the following elements:
- i. Project Information;
 - ii. Outdoor Water Use Efficiency Checklist;
 - iii. Water Budget Calculations, if applicant selects to use a water budget approach rather than comply with the turf area limitations or specified plant type restrictions;
 - iv. Landscape and Irrigation System Design Plans; and
 - v. Landscape Audit Report.

15.32.060 Outdoor Water Use Efficiency Checklist

The Town will develop an Outdoor Water Use Efficiency Checklist ("Checklist"), based on the criteria described below. For Tier 1 projects, either the project applicant or a landscape professional shall complete the Checklist and submit it to the Town along with the Landscape and Irrigation Design Plan. For Tier 2 projects, the Checklist shall be completed by a landscape professional and submit it to the Town along with the Landscape and Irrigation Design Plan.

- A. Plant Material
- i. Each hydrozone shall have plant materials with similar water use that are selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.

- ii. The turf area shall not be more than 25% of the landscape area, unless the project applicant develops a site-specific water budget and the ETWU of the landscape area does not exceed the MAWA.
- iii. Turf shall not be planted on slopes greater than 25% or in areas that are less than eight feet wide, unless irrigated with subsurface irrigation or a low volume irrigation system.
- iv. At least 80% of the plants in non-turf landscape areas shall be native plants, low-water using plants, or no-water using plants, unless the project applicant develops a site-specific water budget and the ETWU of the landscaped area does not exceed the MAWA.
- v. Fire-prone plant materials and highly flammable mulches should be avoided.
- vi. The use of invasive and/or noxious plant species is strongly discouraged.
- vii. The architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

B. Mulch

A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas, although a three-inch layer is recommended.

C. Irrigation System

An irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance.

- i. Dedicated landscape water meters shall be required for landscape areas greater than 5,000 square feet and are highly recommended for landscape areas greater than 2,500 square feet.
- ii. Tier 2 Landscapes are required to have automatic irrigation controllers that utilize either evapotranspiration or soil moisture sensor data for irrigation scheduling.
- iii. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems.
- iv. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions.
- v. Low volume irrigation required in mulched areas, in areas with slope greater than 25%, and within 24-inches of a non-permeable surface, or in

narrow or irregularly shaped areas that are less than eight feet in width in any direction.

- vi. Average irrigation efficiency is assumed to be 70%. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 70%.
- vii. Irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m., unless unfavorable weather prevents it or otherwise renders irrigation unnecessary.

D. Hydrozone

- i. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- ii. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- iii. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
- iv. Individual hydrozones that mix plants with different water uses may be allowed if a water budget is performed, and the plant factor calculation is based on the proportion of the respective plant water uses or the plant factor of the higher water using plant is used.

E. Water Features

- i. Recirculating water systems will be used for water features.
- ii. The surface area of a water feature will not exceed 10% of the landscape area and will be counted as a high-water using plant for purposes of a water budget calculation.
- iii. Pool and spa covers are highly recommended.

F. Soil Amendments

Soil amendments, such as compost, shall be incorporated according to the soil conditions at the project site and based on what is appropriate for the selected plants.

15.32.070 Water Budget Calculations

Project applicant may elect to complete a water budget calculation for the landscape project. A Tier 1 water budget may be developed and completed by the project applicant. A Tier 2 water budget calculation must be completed by a certified professional who is authorized to complete a water budget. Water budget calculations, if prepared, shall adhere to the following requirements:

- A. The plant factor used shall be from WUCOLS. The plant factor ranges from 0.0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
- B. All water features shall be included in the high water use hydrozone.
- C. All Special Landscape Areas (“SLA”) shall be identified and their water use included in the water budget calculations.
- D. The reference evapotranspiration adjustment factor (ETAF) for SLA shall not exceed 1.0. The ETAF for all other landscaped areas shall not exceed 0.7.
- E. Irrigation system efficiency shall be greater than or equal to 70%.
- F. Maximum Applied Water Allowance (MAWA) shall be calculated using the equation below:

$$MAWA = (ET_o) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

Where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ET_o = Reference Evapotranspiration (inches per year)
- 0.62 = Conversion Factor (to gallons)
- 0.7 = Reference Evapotranspiration Adjustment Factor (ETAF)
- LA = Landscape Area including SLA (square feet)
- 0.3 = Additional Water Allowance for SLA
- SLA = Special Landscape Area (square feet)

- G. The Town or project applicant may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate the MAWA:

$$MAWA = (ET_o - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

- H. Estimated Total Water Use (ETWU) will be calculated using the equation below. The sum of the ETWU calculated for all hydrozones will not exceed the MAWA.

$$ETWU = (ET_o)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

- ETWU = Estimated Total Water Use per year (gallons)
- ET_o = Reference Evapotranspiration (inches)
- PF = Plant Factor from WUCOLS (see Section 491)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)

0.62 = Conversion Factor
 IE = Irrigation Efficiency (minimum 0.70)

15.32.80 Landscape and Irrigation Design Plans

- A. Tier 1 Landscapes: The Landscape and Irrigation Design Plan may be prepared by, and bear the signature of, the project applicant, or that of a certified professional.
- B. Tier 2 Landscapes: The components of the Landscape and Irrigation Design Plan shall be prepared as follows:
- i. The landscape design portion shall be prepared by, and bear the signature of, a licensed landscape architect, licensed landscape contractor, or that of a certified professional who is authorized to design a landscape; and
 - ii. The irrigation design portion shall be prepared by, and bear the signature of, a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or that of a certified professional who is authorized to design an irrigation system.
- C. The landscape design portion of the Landscape and Irrigation Design Plan, at a minimum, shall:
- i. Delineate and label each hydrozone;
 - ii. Identify each hydrozone as low, moderate, high water, or mixed water use;
 - iii. Identify Special Landscape Areas (i.e., recreational areas; areas permanently and solely dedicated to edible plants; areas irrigated with recycled water);
 - iv. Identify type of mulch and application depth;
 - v. Identify type and surface area of water features;
 - vi. Identify hardscapes (pervious and non-pervious); and
 - vii. Contain the following statement: "I have complied with the criteria of the Water Conservation in Landscaping Ordinance and applied them for the efficient use of water in the Landscape and Irrigation Design Plan."
- D. The irrigation design portion of the Landscape and Irrigation Design Plan, at a minimum, shall contain:
- i. Location and size of separate water meters for landscape;

- ii. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- iii. Static water pressure at the point of connection to the public water supply;
- iv. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- v. Irrigation schedule;
- vi. The following statement: "I have complied with the criteria of the Water Conservation in Landscaping Ordinance and applied them accordingly for the efficient use of water in the Landscape and Irrigation Design Plan."

E. Grading

If the Landscape Project will be graded, then the grading shall be designed to minimize soil erosion, runoff, and water waste. All grading should be conducted to:

- i. Maintain all irrigation and normal rainfall within property lines and avoid drainage on to non-permeable hardscapes;
- ii. Avoid disruption of natural drainage patterns and undisturbed soil;
- iii. Avoid soil compaction in landscape areas; and
- iv. Be consistent with city and county grading requirements.

15.32.090 Landscape Audit Report

- A. Tier 1 Landscapes: Landscape irrigation audits for new or rehabilitated landscapes installed after the effective date of this Ordinance shall be conducted after the landscaping and irrigation systems have been installed. The audit may be conducted by the project applicant or by a certified landscape irrigation auditor.
- B. Tier 2 Landscapes: Landscape irrigation audits for new or rehabilitated landscapes installed after the effective date of this Ordinance shall be conducted by a certified landscape irrigation auditor after the landscaping and irrigation system have been installed.
- C. The Landscape Audit Report shall include, but is not limited to: inspection to confirm that the landscaping and irrigation system were installed as specified in the Landscape and Irrigation Design Plan, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule.
- D. The Landscape Audit Report shall include the following statement: "The landscape and irrigation system has been installed as specified in the Landscape

and Irrigation Design Plan and complies with the criteria of the Ordinance and the permit”.

- E. The Town shall administer on-going programs that may include, but not be limited to, post-installation landscape inspection, irrigation water use analysis, irrigation audits, irrigation surveys and water budget calculations to evaluate compliance with the MAWA.

15.32.100 Landscape and Irrigation Maintenance Schedule

- A. Landscapes shall be maintained to ensure water use efficiency.
- B. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas; and removing obstructions to emission devices.
- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- D. A Project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

15.32.110 Stormwater Management

Stormwater best management practices should be implemented into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration and should be consistent with Town and county stormwater management requirements.

15.32.120 Provisions for Existing Landscapes Over One Acre in Size

This section shall apply to all existing landscapes that were installed before the effective date of this Ordinance and are over one acre in size.

- A. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.
 - i. For landscapes that have a water meter, the Town shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the MAWA for existing landscapes. The MAWA for existing landscapes shall be calculated as:

$$\text{MAWA} = (0.8) (\text{ETo})(\text{LA})(0.62).$$

- ii. For landscapes that do not have a meter, the Town shall administer programs that may include, but not be limited to, irrigation surveys and

irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

- iii. All landscape irrigation audits for existing landscapes that are greater than one acre in size shall be conducted by a certified landscape irrigation auditor.

B. Water Waste Prevention.

The Town shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.

15.32.130 Penalties

Compliance with this Ordinance shall be conducted in accordance with Chapter 1.12 of the Town’s Municipal Code.

2. Environmental Review. This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) (“CEQA”) pursuant to Section 15307 and Section 15378(b)(2) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures to ensure that water resources are conserved by reducing water consumption through the establishment of a structure for planning, designing, installing, maintaining and managing water-efficient landscapes.

3. Severability. If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

4. Effective Date. This Ordinance shall become effective thirty (30) days from the date of its passage, and shall be posted within the Town in three (3) public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

By: _____
Mayor

ATTEST

Town Clerk

APPROVED AS TO FORM:

Town Attorney

ORDINANCE NO. _____-2010

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
PORTOLA VALLEY ADDING CHAPTER 15.30 [INDOOR WATER
CONSERVATION] TO TITLE 15 [BUILDINGS AND
CONSTRUCTION] OF THE PORTOLA VALLEY MUNICIPAL CODE**

WHEREAS, the Town of Portola Valley (“Town”) desires to add Chapter 15.30 [Indoor Water Conservation] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code to establish indoor water conservation regulations.

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the Town. The adoption and enforcement of this Ordinance is necessary to manage the Town’s potable water supply in the short- and long-term and to avoid or minimize the effects of drought and shortage within the Town.

WHEREAS, San Mateo County, in which the Town is located, is a semi-arid region and is largely dependent upon imported water supplies. Factors, such as drought, a growing population, climate change, and environmental and regulatory concerns affect the region’s water reliability and make it highly susceptible to water supply challenges.

WHEREAS, the more restrictive building standards for water conserving fixtures provided for in this Ordinance are reasonably necessary because of local climatic, geological or topographical conditions.

WHEREAS, careful water management requires active water conservation measures, not only in times of drought but at all times, in order to ensure a reliable minimum supply of water to meet current and future water supply needs.

WHEREAS, current supply and demand projections for the Bay Area Water Supply and Conservation Agency (“BAWSCA”) member agencies, including the Town, indicate that, in the absence of increased water conservation, water demands will exceed available water supplies in 2015 and implementation of water conserving ordinances is one mechanism by which agencies can reduce future water demands and remain within existing supplies.

WHEREAS, this Ordinance is consistent with the provisions requiring high efficiency water conserving fixtures and reductions in indoor water use in the 2007 California Plumbing Code and the California Green Building Standards Code, respectively, as such provisions will be implemented in the coming years. Implementation of this Ordinance is necessary to expedite the use of high efficiency water conserving fixtures and assist BAWSCA member agencies in achieving water savings.

WHEREAS, the State Legislature has identified the provision of a more reliable water supply and the protection, restoration and enhancement of the Delta ecosystem as a high priority for the State. Pursuant to this, in November 2009, the State Legislature passed Senate Bill 7 requiring certain urban water suppliers to reduce per capita urban water use by 20% by the year 2020. Implementation of this Ordinance is consistent with the policies and goals established by the State Legislature in enacting Senate Bill 7.

WHEREAS, the State Legislature has identified urban water conservation as a cost-effective approach to addressing water supply needs and determined that there are many water conservation practices that produce significant energy and water resource savings that should be encouraged as a matter of state policy. Pursuant to this finding, the State Legislature passed Senate Bill 407, requiring all residential and commercial property owners to replace existing plumbing fixtures with water-conserving fixtures by 2017 and 2019, respectively, and to upgrade existing plumbing fixtures upon any remodel initiated after January 1, 2014. Senate Bill 407 further authorizes the Town to enact local ordinances that promote compliant use of water efficient plumbing fixtures or which will result in a greater amount of water savings than those provided for in Senate Bill 407. This Ordinance is consistent with the mandates of Senate Bill 407 and will result in water savings.

WHEREAS, the Town's local water purveyor, CalWater Bear Gulch District has a long-standing policy of promoting efficient water management measures and practices and will work cooperatively with the Town to maximize effectiveness of the Ordinance.

NOW, THEREFORE, THE COUNCIL DOES ORDAIN AS FOLLOWS:

1. Addition to Code. Chapter 15.30 [Indoor Water Conservation] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code is hereby added to read as follows:

**CHAPTER 15.30
INDOOR WATER CONSERVATION**

15.30.010	Applicability
15.30.020	Definitions
15.30.030	Minimum Indoor Fixture Requirements
15.30.040	Application Requirements
15.30.050	Enforcement

15.30.010 Applicability

A. The provisions of this Ordinance shall apply to the following projects:

1. All new construction, regardless of building classification, requiring a building permit, plan check or design review, or requiring new or expanded water service.

2. All kitchen and bathroom remodels requiring a building permit, plan check, design review, new or expanded water service, except that the provisions of this Ordinance will only apply to the fixtures normally included in the kitchen or bathroom, as the case may be, to be remodeled.

B. This provisions of this Ordinance shall not apply to:

1. Existing buildings not requiring a building permit, plan check or design review.
2. Registered local, state or federal historical sites.

15.30.020 Definitions

A. “Certified professional” means a licensed contractor, architect or professional engineer.

B. “Energy Star Qualified” means that a given fixture meets the United States Environmental Protection Agency standard for an energy efficient product.

C. “LSI” means Langlier Saturation Index providing an indication of the degree of saturation of water with respect to calcium carbonate related to cooling tower efficiency.

D. “Local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.

E. “Project applicant” means the individual or entity submitting a project application which requires an Indoor Water Use Efficiency Checklist pursuant to this chapter.

F. “Water factor” means the number of gallons per cycle per cubic foot that a clothes washer uses.

15.30.030 Minimum Indoor Fixture Requirements

All new construction and applicable remodels will have, at a minimum, fixtures that comply with the efficiency standards listed below in the Indoor Water Use Efficiency Table.

INDOOR WATER USE EFFICIENCY TABLE

Fixture	Residential	Non-Residential
Toilets	≤ 1.28 gpf, and ≥ 350 grams	≤ 1.28 gpf, and ≥ 350 grams
Urinals	≤ 0.5 gpf	≤ 0.5 gpf
Showers	≤ 2.0 gpm	≤ 2.0 gpm
Bathroom faucets	≤ 1.5 gpm	≤ 0.5 gpm
Kitchen faucets	≤ 2.2 gpm	≤ 2.2 gpm
Clothes washers	≤ 6.0 Water Factor	≤ 6.0 Water Factor
Dishwashers	≤ 6.5 gal/cycle, or Energy Star Qualified	Energy Star Qualified
Cooling towers	≥ 5 - 10 cycles, or ≥ 2.5 LSI	≥ 5 - 10 cycles, or ≥ 2.5 LSI
Food steamers	--	Boiler less, or Self-contained
Ice machines	-- --	≤ 25 gal/100 lbs ice, or Air-cooled
Pre-rinse spray valves	--	≤ 1.15 gpm
Automatic vehicle wash facilities	--	≥ 50% of water that is recycled on site
Commercial refrigeration	--	Closed loop, or Air-cooled
Water Meters	Submeters for RMF, and Separate meter for outdoor if landscape >5000 sq. ft.	Submeters, and Separate meter for outdoor if landscape >5000 sq. ft.

"gal/cycle" means gallons per cycle; "gal/100 lbs ice" means gallons per hundred pounds of ice; "gpf" means gallons per flush; "gpm" means gallons per minute

15.30.040 Application Requirements

A. The Town shall:

1. Provide the project applicant with the Indoor Water Use Efficiency Checklist when it provides project applicant with the procedures for permits, plan checks, design reviews or new or expanded water service applications;

2. Review the Indoor Water Use Efficiency Checklist submitted by the project applicant;

3. Approve or deny the project applicant's Indoor Water Use Efficiency Checklist submittal;
4. Only upon approval of the Indoor Water Use Efficiency Checklist, issue a permit or approve the plan check, design review or new or expanded water service application;
5. Inspect the installation of the water efficient fixtures and appliances to verify that they have been installed and are performing at the required use levels; and
6. Submit a copy of the complete Indoor Water Use Efficiency Checklist to the local water purveyor.

B. The Project Applicant shall:

1. Meet the minimum water use efficiency standards for indoor fixtures and appliances provided for in the Indoor Water Use Efficiency Table and Checklist.
2. Submit all portions of the Indoor Water Use Efficiency Checklist to the local agency for approval that includes, at a minimum:
 - a. Project information;
 - b. Quantity and unit water use factors of all indoor fixtures and appliances relative to the standards listed in the Indoor Water Use Efficiency Table and Checklist;
 - c. Contains the following statement to be completed by the Project Applicant: "I certify that the subject project meets the specified requirements of the Indoor Water Use Efficiency Ordinance"; and
 - d. Bears the signature of the project applicant, or that of a certified professional.

15.30.050 Enforcement

Compliance with this chapter shall be conducted in accordance with chapter 1.12.

2. Environmental Review. This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) ("CEQA") pursuant to Section 15307 and Section 15378(b)(2) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it makes and implements policies and procedures for ensuring that water resources are conserved by reducing water consumption through the use of water efficient indoor plumbing fixtures.

3. Severability. If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected

thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

4. Effective Date; Posting. This Ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town in three (3) public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

By: _____

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

WATER CONSERVATION ORDINANCE DEVELOPMENT & FACT SHEET

Why did the Bay Area Water Supply & Conservation Agency (BAWSCA) Create the Water Conservation Ordinances?

Legal/Regulatory Drivers

- Assembly Bill 1881 (AB 1881): Water Conservation in Landscaping Act of 2006 - State requirement to adopt an ordinance at least as effective as the Department of Water Resources Model Water Efficient Landscape Ordinance (DWR Model Ordinance)
- Senate Bill 7 (SB 7): State requirement to reduce urban per capita water consumption 20% by 2020 and 10% by 2015 (passed in November 2009)

Indoor	Landscape
• Plumbing Code	• AB 1881
• 2008 CA Green Bldg Stds Code (effective 2011)	• 2008 CA Green Bldg Stds Code
• SB 7 (20 % by 2020)	• SB 7 (20 % by 2020)
• SB 407 (effective 2014)	• Local Ordinances

Bay Area Water Supply

- SFPUC limited amount of water supplied until 2018
- 10 million gallons per day projected shortfall by 2018 because of increased demand
- Additional supplies need to be identified to meet water needs to 2035
- Agencies that exceed their individual interim supply limitations will be subject to environmental surcharge fees, which will be set by the SFPUC

BAWSCA Water Conservation Implementation Plan

BAWSCA, in coordination with the member agencies, prepared a Water Conservation Implementation Plan (WCIP) in 2009 to identify additional water conservation measures that the member agencies could potentially implement to achieve the water savings necessary to maintain water demands within available supplies until at least 2018.

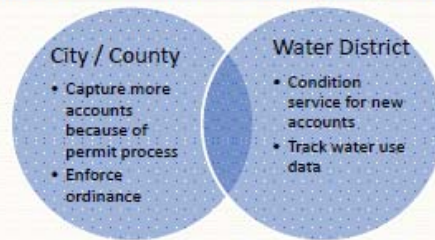
The 5 new measures recommended in the WCIP include:

1. Indoor Water Efficiency Ordinance
2. Outdoor Water Efficiency Ordinance
3. HET rebate program
4. Washing machine rebate program
5. Landscape Education classes

Results BAWSCA Hopes to Achieve from Indoor & Landscape Ordinances

- Same template ordinances for BAWSCA service area – creates consistency for designers/contractors
- Ordinances apply (at minimum) to ALL new development
- Ordinances designed to achieve target savings:
 - 20% indoor / 25% outdoor
- Consistent with and help satisfy requirements of:
 - 2007 Plumbing Code
 - 2008 CA Green Building Standards Code
 - AB 1881, SB 407 and SB 7
 - Local ordinances (*including LEED, Build it Green*)

Benefits Increase from Working Together Regionally



- Partnerships provide for coordinated implementation, consistency, information sharing, increased ability to enforce requirements, etc.
- Regional consistency increases opportunity for success in adoption, implementation, and enforcement

Support for BAWSCA Ordinances

California Water Service Company

California Water Service Company (CalWater), the water purveyor for Portola Valley, supports the adoption of the BAWSCA Indoor and Landscape Water Ordinances as the Ordinances will help CalWater to meet the water reduction requirements under SB 7 (20% by 2020).

Local Agencies Adopting BAWSCA Ordinances

Jurisdiction	BAWSCA – Landscape	BAWSCA – Indoor	State Ordinance	Own Ordinance	Notes
Atherton	X	X			BAWSCA 2.11.2010
Brisbane	X	X			Will adopt by March with minor changes
Colma				Landscape	Adopted own Landscape Ordinance; may amend to include checklist
Hillsborough	X				To Council first week in February with date of March/April; Landscape Only
Los Altos Hills				Landscape	Will adopt own Landscape Ordinance by May
Menlo Park	X				Presented to Council; no action was taken; headed toward BAWSCA
San Mateo County – Unincorporated			X		Waiting until Build It Green and BAWSCA compare checklists
Woodside					Addressing with Council in 30 days

**as of January 29, 2010*

According to BAWSCA – Plan to Adopt or Already Adopted

Jurisdiction	BAWSCA – Landscape	BAWSCA – Indoor
Burlingame	X	X
Daly City	X	X adopted
Foster City	X adopted	X adopted
Hayward		X adopted
Millbrae	X	X
Milpitas	X	
Mountain View	X	
Palo Alto	X	
San Mateo	X	
Stanford	X	X
Sunnyvale	X	X

**as of February 11, 2010*

Landscape Ordinance

Applicability

- Landscapes for ALL New Construction (including redevelopment), if permit or new water service is required
 - Tier 1: > 1,000 sq. ft.
 - Tier 2: > 2,500 sq. ft.
- Landscape renovations, if permit or water service (new water meter) is required

Exemptions

- Cemeteries
- Ecological restoration projects that do not require a permanent irrigation system
- Registered local, state or federal historical sites
- Special Landscape Areas
 - Golf courses
 - Recreational fields
 - Areas irrigated with recycled water or other non-potable sources (e.g., gray water)
 - Up to 1,000 sq. ft. of ornamental plants including flower and vegetable gardens

Description

- Requirements are outlined in list format on a short form
- Designed for applicant to input specific information or check a box, calculate water budget and prepare Landscape and Irrigation Design Plan
 - If landscape is greater than 2500 sq. ft., the Landscape and Irrigation Design Plan and water budget have to be prepared by “certified professional”

Advantages

- Simple
- Relatively easy to review/enforce
- Allows flexibility
- Transfers well to LEED or Build it Green approach
- “At least as effective” as AB 1881

BAWSCA Ordinance is “At Least as Effective” as AB 1881

- With lowered size threshold, more projects addressed by BAWSCA Ordinance
- Simplified BAWSCA ordinance is easier to implement
- Turf restrictions will reduce water use as compared to water budget approach

What are the Main Differences?

BAWSCA Ordinance	DWR Model Ordinance
<ul style="list-style-type: none"> • Landscape threshold size is 1000 sq. ft. 	<ul style="list-style-type: none"> • Landscape threshold size is either 2,500 or 5,000 sq. ft.
<ul style="list-style-type: none"> • Simplified documentation package <ul style="list-style-type: none"> ○ Only Tier 2 plans and audits must be prepared and signed by a “certified professional” 	<ul style="list-style-type: none"> • 6 part documentation package <ul style="list-style-type: none"> ○ All plans and audits must be prepared and signed by a “certified professional”
<ul style="list-style-type: none"> • Turf limitation, with water budget optional* 	<ul style="list-style-type: none"> • Water budget based
<ul style="list-style-type: none"> • Requires that at least 80% of the plants in non-turf landscape areas shall be native plants, low-water using plants or no-water using plants** 	<ul style="list-style-type: none"> • Does not specify plant requirements as it is based on a water budget approach
<ul style="list-style-type: none"> • Requires designated irrigation meters in landscaped areas that exceed 5,000 sq. ft. 	<ul style="list-style-type: none"> • Only requires separate meters for non-residential accounts that have irrigated landscaping in excess of 5,000 sq. ft.

*Ordinance limits the allowable turf area to 25% or 1,000 sq. ft. (whichever is smaller) of the irrigated area, unless the project applicant chooses to develop a water budget; turf area restrictions result in lower water use in landscape designs than a water budget based approach (i.e. the DWR Model Ordinance Approach).

**Unless the project applicant chooses to develop a water budget; by having low water-use plantings as a default requirement, the Indoor Ordinance has been designed to minimize the use of high-water using plants in landscaping and result in increased water savings

What is the same?

- Water budget parameters and values are consistent with DWR Model Ordinance
- Landscape parameters are consistent with DWR Model Ordinance (e.g., slope restrictions, width restrictions for turf, limiting irrigation times, and establishing minimum mulch requirements)

Indoor Ordinance

Applicability

- All new construction (residential and commercial)
- Remodels that include kitchens or bathrooms

Exemptions

- Existing Buildings
- Registered local, state or federal historical sites

Description

- Requirements are outlined in list format on a short form
- Designed for applicant to input specific information or check a box

Advantages

- Simple
- Easy to review/enforce
- Transfers well to LEED or Build it Green approach
- Prepares for upcoming legislation

Legislative Support

2008 CA Green Bldg Stds Code (effective 2011)	Provides prescriptive mechanism by which project applicants can achieve the required 20% savings in indoor water use and provides agencies with a tool to evaluate an applicant’s compliance with the Green Building Standards Code
SB 407 (effective 2014)	SB 407 requires any property that is remodeled on or after January 1, 2014 to replace all noncompliant plumbing fixtures with water-conserving plumbing fixtures. ¹ SB 407 also requires that all residential and commercial properties replace all noncompliant plumbing fixtures by 2017 and 2019, respectively. By specifying the precise water-efficient fixtures that must be installed upon a remodel, the Ordinance provides a simple tool for local agencies to comply with the requirements for SB 407
SB 7 (20 % by 2020)	Helps meet 20% reduction by 2020 and 10% reduction by 2015

¹ This law defines “water-conserving plumbing fixture” as “any fixture that is in compliance with current building standards applicable to newly constructed real property of the same type.” In other words, SB 407 will require, at a minimum, the installation of HETs and HEUs in accordance with the requirements of the 2007 Plumbing Code.

OUTDOOR WATER USE EFFICIENCY CHECKLIST

To Be Completed by Applicant

Page 1 of 2

I certify that the subject project meets the specified requirements of the Water Conservation in Landscaping Ordinance.

Signature _____

Date _____

Project Information

 Single Family Multi-Family Commercial Institutional Irrigation only Industrial Other:

Applicant Name (print): _____

Contact Phone #: _____

Project Site Address: _____

Agency Review

Project Area (sq.ft. or acre): _____

of Units: _____

of Meters: _____

(Pass) (Fail)

For a single-family project, or a single-family development project, enter this information on an average, per unit basis. For all other projects, input an aggregate value for the entire project.

Total Landscape Area (sq.ft.): _____

 Tier 1 (1,000 - 2,500 sq.ft.) Tier 2 (> 2,500 sq.ft.)

Turf Irrigated Area (sq.ft.): _____

Non-Turf Irrigated Area (sq.ft.): _____

Special Landscape Area (SLA) (sq.ft.): _____

Water Feature Surface Area (sq.ft.): _____

Landscape Parameter	Requirements	Project Compliance	Agency Review
Turf	Less than 25% of the landscape area is turf	<input type="checkbox"/> Yes <input type="checkbox"/> No, See Water Budget	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	All turf areas are > 8 feet wide	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	All turf is planted on slopes < 25%	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Non-Turf	At least 80% of non-turf area is native or low water use plants	<input type="checkbox"/> Yes <input type="checkbox"/> No, See Water Budget	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Hydrozones	Plants are grouped by Hydrozones	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Mulch	At least 2-inches of mulch on exposed soil surfaces	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Irrigation System Efficiency	70% ETo (100% ETo for SLAs)	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	No overspray or runoff	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Irrigation System Design	System efficiency > 70%	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Automatic, self-adjusting irrigation controllers	<input type="checkbox"/> No, not required for Tier 1 <input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Moisture sensor/rain sensor shutoffs	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	No sprayheads in < 8-ft wide area	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Irrigation Time	System only operates between 8 PM and 10 AM	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Metering	Separate irrigation meter	<input type="checkbox"/> No, not required because < 5,000 sq.ft. <input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Swimming Pools / Spas	Cover highly recommended	<input type="checkbox"/> Yes <input type="checkbox"/> No, not required	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Water Features	Recirculating	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Less than 10% of landscape area	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Documentation	Checklist	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Landscape and Irrigation Design Plan	<input type="checkbox"/> Prepared by applicant	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
		<input type="checkbox"/> Prepared by certified professional	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Water Budget (optional)	<input type="checkbox"/> Prepared by applicant	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)	
	<input type="checkbox"/> Prepared by certified professional	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)	
Audit	Post-installation audit completed	<input type="checkbox"/> Completed by applicant <input type="checkbox"/> Completed by certified professional	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)

OUTDOOR WATER USE EFFICIENCY CHECKLIST

To Be Completed by Agency

Auditor:

Materials Received and Reviewed:

- Outdoor Water Use Efficiency Checklist
- Water Budget
- Landscape Plan
- Post-Installation Audit

Date Reviewed:

- Follow up required (explain):

Date Resubmitted:

Date Approved:

Dedicated Irrigation Meter Required:

Meter sizing:

Material Distributed to Applicant

- Water Conservation in Landscaping Ordinance
- Outdoor Water Use Efficiency Checklist
- Water Budget Calculation Worksheets
- Plant List
- Other:

Measures Recommended to Applicant

- Drip irrigation
- Self-adjusting Irrigation Controller
- Plant palate
- Three (3) inches of mulch
- Soil amendment (e.g., compost)
- Grading
- Pool and/or spa cover
- Dedicated irrigation meter
- Other:

Comments:

Selected Definitions:

Tier 1	New construction and rehabilitated landscapes with irrigated landscape areas between 1,000 and 2,500 square feet requiring a building or landscape permit, plan check or design review, or new or expanded water service.
Tier 2	New construction and rehabilitated landscapes with irrigated landscape areas greater than 2,500 square feet requiring a building or landscape permit, plan check or design review.
ETo	Reference evapotranspiration means the quantity of water evaporated from a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of estimating water budgets so that regional differences in climate can be accommodated.
SLA	Special Landscaped Area. Includes edible plants, areas irrigated with recycled water, surface water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
Water Feature	A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).

INDOOR WATER USE EFFICIENCY CHECKLIST**To Be Completed by Applicant**

Page 1 of 2

I certify that the subject project meets the specified requirements of the Indoor Water Use Efficiency Ordinance.

Signature _____

Date _____

Project Information Single Family Multi-Family Commercial Institutional Irrigation only Industrial Other:

Applicant Name (print): _____

Contact Phone #: _____

Project Site Address: _____

Project Area (sq.ft. or acre): _____

of Units: _____

of Water Meters: _____

Fixture	Requirements			Number of Devices and Unit Water Use	Agency Review	
	Single-Family Residential	Multi-Family and Non-Residential	Units		(Pass)	(Fail)
Toilets	< 1.28 and ≥ 350	< 1.28 and ≥ 350	gpf grams		<input type="checkbox"/>	<input type="checkbox"/>
Urinals	--	≤ 0.5	gpf		<input type="checkbox"/>	<input type="checkbox"/>
Showers	≤ 2.0	≤ 2.0	gpm		<input type="checkbox"/>	<input type="checkbox"/>
Bathroom faucets	≤ 1.5	≤ 0.5	gpm		<input type="checkbox"/>	<input type="checkbox"/>
Kitchen faucets	≤ 2.2	≤ 2.2	gpm		<input type="checkbox"/>	<input type="checkbox"/>
Clothes washers	≤ 6.0	≤ 6.0	Water Factor		<input type="checkbox"/>	<input type="checkbox"/>
Dishwashers	≤ 6.5 or Energy Star	Energy Star	gal/cycle		<input type="checkbox"/>	<input type="checkbox"/>
Cooling towers	--	≥ 5 to 10 or ≥ 2.5	cycles LSI		<input type="checkbox"/>	<input type="checkbox"/>
Food steamers	--	Boilerless or Self-Contained	--		<input type="checkbox"/>	<input type="checkbox"/>
Ice machines	--	≤ 25 or Air-cooled	gal/100 lbs ice		<input type="checkbox"/>	<input type="checkbox"/>
Pre-rinse spray valves	≤ 1.15	≤ 1.15	gpm		<input type="checkbox"/>	<input type="checkbox"/>
Automatic vehicle wash facilities	--	> 50% of the water is recycled	--		<input type="checkbox"/>	<input type="checkbox"/>
Commercial refrigeration	--	Closed loop or Air-cooled	--		<input type="checkbox"/>	<input type="checkbox"/>
Water Meters	--	Submeters	--		<input type="checkbox"/>	<input type="checkbox"/>
	Separate meter for outdoor if landscape is greater than 5,000 sq.ft.	Separate meter for outdoor if landscape is greater than 5,000 sq.ft.	--		<input type="checkbox"/>	<input type="checkbox"/>

INDOOR WATER USE EFFICIENCY CHECKLIST

To Be Completed by Agency

Auditor:

Materials Received and Reviewed:

- Indoor Water Use Efficiency Checklist
- Project Plans

Date Reviewed:

- Follow up required (explain):

Date Resubmitted:

Date Approved:

Material Distributed to Applicant

- Indoor Water Use Efficiency Ordinance
- Information on qualifying fixtures and appliances
- Other:

Measures Recommended to Applicant

- On-demand/tankless water heater
- Leak detection methods
- Water-efficient landscaping
- Other:

Comments:

Selected Definitons:

gal/100 lbs ice	gallons per hundred pounds of ice
gal/cylce	gallons per cycle
gpf	gallons per flush
gpm	gallons per minute
LSI	Langlier Saturation Index
sq.ft.	square feet
>	greater than
≤	less than or equal to
≥	greater than or equal to



TO: Mayor and Members of the Town Council

FROM: Brandi de Garneau, Sustainability & Resource Efficiency Coordinator

DATE: February 24, 2010

RE: Reorganization of Climate Protection Task Force to Sustainability Committee

RECOMMENDATION:

Staff and the Council liaisons for the Climate Protection Task Force recommend that the Climate Protection Task Force be reorganized to focus specifically on the goal of reducing greenhouse gas (GHG) emissions in the residential sector.

SUMMARY:

The County of San Mateo (County) is in the process of completing a community-wide GHG emissions inventory for each of its cities. On January 26, 2010 staff received the community-wide emissions inventory for Portola Valley. The data from the County confirmed the conclusions from the preliminary inventory completed by the Climate Protection Task Force in October 2007: a significant portion of the town's emissions are attributable to the residential sector. Figure 1 shows the emissions by sector for the 2005 inventory completed by the County (staff will submit a full GHG emissions report to the Council later this year).

Staff and the Council liaisons for the Climate Protection Task Force recently met to discuss the inventory from the County and how best the Climate Protection Task Force could address reduction of emissions to meet the first target in 2010 (Assembly Bill 32: 2000 levels by 2010) and ensure the town is on track to meet subsequent targets. Staff and the Council liaisons recommend that the Climate Protection Task Force be reorganized to initially focus on the goal of reducing emissions in the residential sector and then look at other areas that are ripe for GHG reductions.

We are also proposing a new name for the Climate Protection Task Force – the Portola Valley Sustainability Committee. This name encompasses emissions reductions and allows for future work that is not directly related to climate protection. For this new committee, we will reach out to existing Climate Protection Task Force members and seek new volunteers. Based on extensive research of options for home performance assessments and marketing strategies for increasing resident participation, we recommend that the Sustainability Committee focus on the short-term goal of encouraging residents to complete green-ups. This goal as well as the proposed charter and timeline for the Sustainability Committee are outlined in Attachment 1.

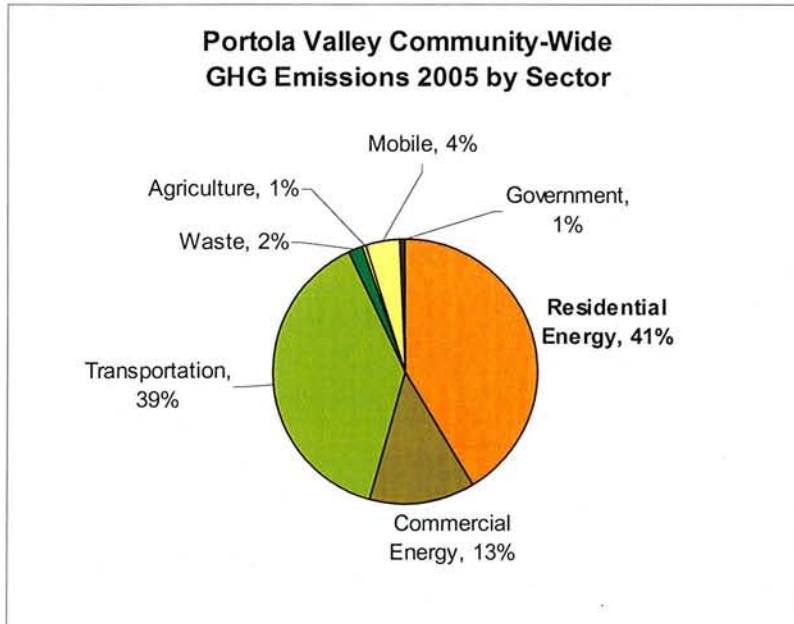


Figure 1

Staff will ensure that the Sustainability Committee incorporates existing programs when developing new programs – the Acterra Home Energy Home Assessment Program (HEHAP), the CaliforniaFIRST financing program and the Association of Bay Area Government's Retrofit Bay Area Retrofit. In addition, staff has requested that a representative from Acterra participate in the Sustainability Committee to ensure that the roll-out of the HEHAP is consistent with future programs and achieves maximum uptake.

As part of the Town Council's support for the new Sustainability Committee and the reduction of GHG emissions in the residential sector, staff recommends that Council Members commit to receiving a home performance assessment and completing a green-up as an early adopter.

Recommendation

1. It is recommended that the Town Council approve the reorganization of the Climate Protection Task Force into the Portola Valley Sustainability Committee as described in Attachment 1.

Approved: Angela Howard
Angela Howard, Town Manager

Attachments

- Attachment 1: Portola Valley Sustainability Committee Description & Proposed Charter

Portola Valley Sustainability Committee Description & Proposed Charter

Concept

- Target a number (to be determined) of green-ups to reduce greenhouse gas (GHG) emissions to meet 2010 reduction target (Assembly Bill 32: 200 levels by 2010)
 - Where we are: in the process of determining the number of green-ups needed to meet the reduction target
 - Then set goal: number of households to complete green-ups this year
 - Who's counting: determine method of tracking green-ups
- Bottom Up (residents to complete green-ups) and Top Down (informing residents what we're doing)
- Demonstrate efforts of "trusted messengers" who have completed green-ups (e.g., Maryann)

New Sustainability Committee – Reactivate & Re-energize the Climate Protection Task Force

- √ Develop new name for committee
- Develop committee charter
- Reach out to existing Climate Protection Task Force members
- Seek new volunteers as necessary
- Be clear about what we're asking of people – substantive, actionable items
- Develop outline of what group will do – write like a "course description"
 - Functions
 - Assignments
 - Skills/group associations needed
- Look at who else we can engage in this process
 - Acterra, Stanford dSchool, IDEO

Outline of Proposed Charter

- Sustainability Committee Mission
 - Primary mission: encourage a (to be determined) number of residents to complete green-ups by a certain date (to be determined)
 - Goal is to reduce GHG emissions by a certain amount to meet 2010 reduction target of 2000 levels by 2010
 - other ideas will be put in "parking lot" and reviewed periodically
 - Future mission: Look at other areas that are ripe for emissions reductions (waste, commercial energy) and develop programs to address those areas
- Name
 - Proposal: Portola Valley Sustainability Committee
 - Encompasses more than climate protection
- Timeline
 - February 24, 2010: Bring Sustainability Committee (Committee) to Council as a discussion item
 - Invite current Climate Protection Task Force (CPTF) members as soon as Council approves concept
 - March 10, 2010: Council approves Committee charter, appoints interested existing CPTF members & announces Sustainability Committee formation to public

- March 11, 2010: Announce accepting applications for Committee
- March 26, 2010: Applications due
- March 30, 2010: Sustainability Committee composed of existing CPTF members reviews applications
- March 31, 2010: Recommend Committee members to Mayor
- April 7, 2010: Mayor appoints new Committee members
- April 19, 2010: Deadline for determining number of green-ups needed
- April 20, 2010: First Meeting of Sustainability Committee
- Proposed Meeting Schedule – Tuesday @ 4:00 p.m. in the Buckeye Room
 - CPTF members meet to review applications - March 30, 2010
 - First official meeting - April 20, 2010 (Spring Break April 5 – 9)
 - May 4 and May 18, 2010
 - June 1 and June 15, 2010
 - Starting in July, meet every third Tuesday of the month (Committee will determine meeting date)
- Number of People
 - Minimum of 5; maximum to be determined
- Recruitment
 - Type of skills
 - Communications, marketing, statistical analysis, etc.
 - Geographic – neighborhoods, homeowners’ associations
 - Associations – churches, school groups
 - Agree to commitments below – meetings, research, green-up, neighborhood meetings
 - Advertise on PV Forum, Green Events List, Town Website, through homeowners’ associations
- Commitment
 - Term: one-year term – reappointed in January
 - Time: make a commitment to attending 75% of meetings
 - Important for continuity and group dynamics
 - If can’t commit to 75%, can contribute in other ways
 - Activities
 - Commit to learning about Acterra High Energy Home Assessment Program (HEHAP)
 - Commit to keeping up on information received on developing CaliforniaFIRST and Retrofit Bay Area program
 - Commit to getting a home performance assessment and completing a green-up (unless already done)
 - Commit to hosting at least one neighborhood/group meeting after green-up
- Draft of Sustainability Committee Schedule – “Course Description”
 - Meeting 1
 - Background on Sustainability Committee Mission
 - GHG emissions and reduction targets
 - Review Project Outline
 - Review Commitments
 - Discuss Metrics

- How will we measure progress toward goal?
 - Can we/do we want to create a case study?
 - Review Assignments for Meeting 2
 - Read *Fostering Sustainable Behavior*
 - Review cbsm.com website
 - Review Acterra HEHAP, CaliforniaFIRST and Retrofit Bay Area program descriptions
- Meeting 2
 - Review Fostering Sustainable Behavior – main concepts
 - Review cbsm website and introduce case studies
 - Review Acterra HEHAP, CaliforniaFIRST and Bay Area Retrofit Program
 - Develop timeline and plan for meeting Sustainability Committee goal
 - Identify barriers and benefits
 - First in group, then
 - Conduct focus groups
 - Develop pilot program
 - Test pilot program
 - If successful, launch program
 - If not, develop and test another pilot program

TOWN COUNCIL WEEKLY DIGEST

Friday – February 12, 2010

- ☐ 1. Card to Council and Staff from Richard Merk expressing appreciation for the Manzanita presented to him from the residents of Portola Valley – February 8, 2010
- ☐ 2. Note to Council from Jon Silver, along with revised letter regarding the fence at 4 Grove Court – February 11, 2010
- ☐ 3. E-mail to Council from Brandi de Garmeaux regarding participation in GreenWaste Materials Recovery Facility tour along with response from Ted Driscoll – February 8, 2010
- ☐ 4. Letter to Council from Barbara Boxer regarding the Temporary Assistance for Needy Families Emergency Contingency Fund – February 2, 2010
- ☐ 5. Letter to Council from the American Cancer Society, American Heart Association and American Lung Association regarding Senator Alex Padilla's communication regarding prohibiting and/or restricting the sale of tobacco near schools – January 26, 2010
- ☐ 6. Letter to Angela Howard from the Department of Housing and Community Development regarding Review of the Town of Portola Valley's Adopted Housing Element – February 10, 2010
- ☐ 7. Notice of Cancellation of the Parks and Recreation Committee Meeting scheduled for Monday, February 15, 2010
- ☐ 8. Notice of Cancellation of the Emergency Preparedness Committee Meeting scheduled for Thursday, February 18, 2010
- ☐ 9. Agenda – Ad-Hoc Spring Down Master Plan Committee – Thursday, February 11, 2010
- ☐ 10. Agenda – Regular Planning Commission Meeting – Wednesday, February 17, 2010
- ☐ 11. Agenda – Public Works Committee Meeting – Thursday, February 18, 2010
- ☐ 12. Action Agenda – Special ASCC Field Meeting – Monday, February 8, 2010
- ☐ 13. Action Agenda – Regular Town Council Meeting – Wednesday, February 10, 2010

Attached Separates (Council Only)

- ☐ 1. Invitation to attend Mayor Patrick Burt's State of the City Address on Monday, March 1, 2010
- ☐ 2. Invitation to attend National "Mayors for Meals" Day Campaign on Wednesday, March 24, 2010
- ☐ 3. The Sequoian – February 2010
- ☐ 4. League of Women Voters of the Bay Area Education Fund's "Bay Area Monitor" – February/March 2010
- ☐ 5. Comcast California – January 2010
- ☐ 6. Estuary News – February 2010

TOWN COUNCIL WEEKLY DIGEST

Friday – February 19, 2010

- ☐ 1. Memorandum to Town Council from Nancy Lund regarding Historic Allen/Woods house – February 15, 2010
- ☐ 2. Memorandum to Town Council from Susan Gold regarding Comments on the Open Space Definition – February 18, 2010
- ☐ 3. Memorandum to Town Council from Leslie Lambert and Memorandum to Leslie Lambert from Larry Anderson regarding Fence at 4 Grove Court – February 18, 2010
- ☐ 4. Memorandum to Town Council from Leslie Lambert regarding Wireless Communication Antenna Facilities – February 19, 2010
- ☐ 5. E-mail to Steve Toben from Malcolm Smith regarding Update on Saltworks Proposal from Redwood City Mayor Jeff Ira along with article entitled “Menlo Park Council Formally Opposes Cargill Proposal” from the Almanac on February 17, 2010
- ☐ 6. E-mail to Angela Howard from Jon Silver confirming a conversation of Thursday, February 11, 2010 regarding the fence project at 4 Grove Court – February 16, 2010
- ☐ 7. Letter to Governor Arnold Schwarzenegger from BART Director, Robert S. Allen, regarding 5-County Rail: BART around San Francisco Bay – February 13, 2010
- ☐ 8. Agenda – Special Field ASCC Meeting – Monday, February 22, 2010
- ☐ 9. Agenda – Open Space Acquisition Advisory Committee Special Meeting – Tuesday, February 23, 2010
- ☐ 10. Agenda – Conservation Committee Meeting – Tuesday, February 23, 2010
- ☐ 11. Agenda – Geologic Safety Committee Meeting – Wednesday, February 24, 2010
- ☐ 12. Agenda – Ad-Hoc Spring Down Master Plan Committee Meeting – Thursday, February 25, 2010
- ☐ 13. Action Agenda – Regular Planning Commission Meeting – Wednesday, February 17, 2010

Attached Separates (Council Only)

- ☐ 1. Invitation to participate in the Big Rumble 2010
- ☐ 2. Invitation to attend San Mateo County Women’s Hall of Fame honorees on Thursday, March 18, 2010
- ☐ 3. San Mateo County Mosquito and Vector Control’s Entomology Report – January 2010
- ☐ 4. Community Gatepath’s “Pathways” - Winter 2010