



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, January 25, 2012

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

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

ORAL COMMUNICATIONS

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

CONSENT AGENDA

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

- (1) **Approval of Minutes** – Regular Town Council Meeting of January 11, 2012 (3)
- (2) **Approval of Warrant List** – January 25, 2012 (14)

REGULAR AGENDA

- (3) **Discussion and Council Action** – Consider loan request from Wayside II Road Maintenance District for Street Paving Project and increase in Annual District Assessment (23)
- (4) **Recommendation by Interim Assistant Town Manager** – Proposed Revisions to the Employee Personnel Policy
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley with Revisions to the Employee Personnel Policy (Resolution No. __) (41)

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (5) **Appointment by Mayor** – 2012 Commissions and Committees (155)
- (6) **Appointment by Mayor** – 2012 Commission and Committee Council Liaisons (159)
- (7) **Reports from Commission and Committee Liaisons** (161)
There are no written materials for this item.

WRITTEN COMMUNICATIONS

- (8) **Town Council Weekly Digest** – January 13, 2012 (162)
- (9) **Town Council Weekly Digest** – January 20, 2012 (174)

CLOSED SESSION

- (10) **CONFERENCE WITH LABOR NEGOTIATIONS** (187)
Government Code Section 54957.6
Agency Designated Representatives: Heather Renschler of Ralph Andersen and Associates
Unrepresented Employee: Town Manager

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. 833 JANUARY 11, 2012

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

Present: Councilmembers Jeff Aalfs and Ann Wengert; Vice Mayor John Richards; Mayor Maryann Derwin

Absent: Councilmember Ted Driscoll

Others: Angela Howard, Town Manager
Barbara Powell, Interim Assistant Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney
Howard Young, Public Works Director
Karen Kristiansson Principal Planner, Spangle Associates

ORAL COMMUNICATIONS

None.

(1) PRESENTATION: Proclamation Honoring Nancy Lund, Town Historian

Mayor Derwin said that when Ms. Lund proposed the idea of a Town-wide gala to celebrate the Portola Valley School District's 150th anniversary about a year ago, it generated considerable discussion but few offers of help. However, she added, Ms. Lund persevered, and over the next nine or ten months, the small committee she formed grew to the point that it had volunteers from all over Town – The Sequoias, the school district, other Town committees – and even a Facebook presence. The event, which ASCC member Dana Breen called the “party of the year, or perhaps the decade,” was held on October 2, 2011.

To thank Ms. Lund, staff wrote a proclamation that Mayor Derwin read and presented to her.

(2) ASCC COMMISSIONER APPLICANT INTERVIEWS [7:35 p.m.]

Mayor Derwin indicated that two positions on the ASCC are open, and that the Councilmembers would interview each candidate individually, deliberate collectively later in the evening, and then make their decisions.

(a) Jeff Clark, incumbent, said that he's enjoyed his four years with the ASCC. An architect with a sole proprietorship based in Redwood City, he has lived in Portola Valley for nine years. He feels comfortable committing his time to volunteering with the ASCC. In response to Councilmember questions, he said:

- Issues tend to arise mostly among neighbors, either because they aren't talking to each other or animosity interferes with their ability to communicate.
- Among ASCC's strengths is good direction and support from staff. Thanks to staff, most applicants also understand the process they're going through.
- ASCC has been working the homeowners' associations at Westridge and The Ranch to clarify procedural issues; the HOAs have similar roles in reviewing projects.
- Considering the many commonalities between the ASCC and the Conservation Committee, he would like to see a stronger relationship between the two bodies.

- Development of basement space is one controversial area in which he agrees with governing regulations. He also supports native landscaping and discouraging lawns. He could not think of any regulations that are contrary to his own opinions.
- While it's good for the ASCC to test limits, it's also prudent to be mindful of residents' property rights.
- Procedures such as one used at The Ranch, whereby properties can't be sold until/ unless they are in compliance, might help improve owners' honoring agreements made during design reviews. However, such a procedure could trigger considerable pushback from realtors/brokers if the Town were to move in that direction.
- Based on his experience outside of Portola Valley, the ASCC process is on a par with other communities.
- When there are challenges to be resolved, he's inclined to facilitate compromises.

In closing, Mr. Clark reiterated that he's comfortable working with the ASCC and would be glad to stay on.

(b) Ralph Lewis, who said that he previously applied to serve on the ASCC, came away from that experience having learned a lot. He feels more confident now, he said. He's worked as a general contractor in the area for the past 13 years, moving with his family to the incorporated area in Los Trancos in 1999, and then to Portola Valley in 2007. He and his family are thoroughly engaged with the Town, from participating in the schools to playing/coaching sports to running on the trails. He enjoys his work because it enables him to do something unique and creative and to continually learn. Responding to questions from Councilmembers, he said:

- He understands construction from the perspective of an owner, a contractor and a neighbor, and thus is familiar with the Town's processes.
- He is well-acquainted with sustainability guidelines in the General Plan, from night-sky-friendly lighting to green building checklists to using native plants in landscaping.
- In terms of issues with neighbors that he's encountered as a general contractor, construction worker parking is probably the number one complaint.
- Although four projects he's worked on in Portola Valley over the years have come before the ASCC, his involvement is behind the scenes, because he believes homeowners should appear themselves at ASCC meetings. All of those homeowner experiences with the ASCC were positive.
- One of his projects that embodied Town values involved reconstructing a home on Russell Avenue that had practically burned to the ground. Rather than taking the easy way out by razing the structure and starting over, he worked with the owner to use the shell that remained to economically build a sustainable, durable home that used as much recycled material as they could recover.
- The ASCC definitely has influenced the look and feel of Portola Valley, monitoring and reviewing to guard against intrusive buildings; otherwise, Portola Valley would have huge glass houses with highly reflective roofs on the ridgeline.
- It's important for architects and contractors to get involved with homeowners early on to help the homeowners understand Town requirements and the ASCC process.

- The Town might consider such things as energy-efficient reflective roofing in cases where it wouldn't interfere with views, but even with a flatter real estate market (and values), loosening up regulations isn't necessarily a solution. In comparison to places such as Woodside and Palo Alto, Portola Valley's requirements are less complex although in some instances unique to the conditions and terrain.
- The most challenging part of the ASCC process probably would involve a project that technically meets criteria but doesn't suit the Town's ethos. In such cases, he'd approach the project one step at a time, because it might be overwhelming to try to tackle 10 problems simultaneously.
- As for potentially uncomfortable situations involving people he knows in the community coming to the ASCC, he can walk that line because he's flexible, willing to listen, speaks the truth and does what he says he will.

Mr. Lewis said he wants to serve on the ASCC because he loves building, wants to learn more by being more involved in the process, and would like being privy to different products coming on the market.

(c) Thomas Moran lived in Palo Alto 30 years before moving to Portola Valley four years ago. He soon came to appreciate how perceptive Town leaders have been in creating such a special place. Understanding that only ongoing work can sustain that environment, he wants to be part of preserving it. Being on the verge of retirement, he has the time to devote to ASCC. In terms of qualifications, he earned a master's in architecture and practiced for a few years before turning to a career in computer science. That field proved to be quite design-intensive, so it also gave him an opportunity to exercise design sensibilities. He worked at Xerox Palo Alto Research Center (PARC) and then IBM, where he learned a great deal collaborating with developers. Mr. Moran said he also would bring to the ASCC practicality, sensitivity, an understanding of the need for compromise, the importance of involving people to ensure that they have a sense of ownership, an awareness of the issues, and realization that there are many ways to resolve problems. During questioning by Councilmembers, he said:

- With experience on various task forces and other team efforts during his career, he's comfortable in a collaborative environment in which a variety of people bring many different ideas to the table. The ASCC interests him because the people involved strike him as insightful, fair and committed to upholding the Town's values.
- The most important techniques for working through thorny issues in a public sphere would involve getting people to appreciate the viewpoints of others and keeping the lines of communication open.
- When he built his home in Palo Alto, he functioned pretty much as his own architect and didn't have any particular difficulties working through the regulatory process or problems dealing with any project changes required.
- The ASCC serves as the mechanism whereby people can realize their dreams of living in Portola Valley in such a way that they don't destroy others' dreams.
- While Portola Valley homes are eclectic and share no particular style characteristics, what stands out is the way they fit into the environment they occupy and the fact that they not only respect that environment but often enhance it.

- Looking forward, challenges appear to be in the arenas of sustainability, green building and protection of resources – plus dealing with the aftermath of a disaster if and when one occurs.
- In terms of the tension between preservation and progress, technology tends to improve homes in the sense of what can be accomplished with functionally better materials that are also aesthetically appealing.

In closing, Mr. Moran reiterated that he brings a lot of design-related experience and understands the issues, is fair-minded and comfortable in a collaborative environment.

(d) Megan Koch said that she and her family are very passionate about Portola Valley, and that she has been involved in design for many years – including designing her Portola Valley home and several others. She's practiced interior design, studied environmental science, taught elementary school and feels she has a lot to offer the Town. She said that she's approachable and a good listener with excellent communication skills. Coming from a background that appreciates the environment and sustainability, she particularly values Portola Valley's natural beauty and would work to protect it. Although she understands residents' sense of rights to do what they want on property they own, she believes people can build the home of their dreams and still preserve that beauty.

- When she went through the ASCC process, she found onsite meetings the most productive. For example, the hands-on experience clarified setback requirements and elevation issues, and changes requested to appease a neighbor turned out to be wonderful. She enjoyed working in the system and finding out how to make things work and why various requirements actually improved the property.
- In addition to her home in Portola Valley, she built from the ground up at Lake Tahoe and in Hawaii, and has done many remodels. While living in Squaw Valley, she served a one-year term on the local architecture review board.
- She sees native planting gaining more respect and personally likes it because it requires so much less maintenance than traditional landscaping.
- As for defusing charged situations that might arise, she's calm, rational and a good listener who can draw out viewpoints and identify various options. In addition, she can turn to her experience in yoga for breathing techniques to cool down.
- She sometimes hears concerns about fencing regulations, but her contemporaries generally appreciate the aesthetic of the Town's mix of contemporary and traditional homes and wouldn't want to change it.
- While some newcomers may feel entitled to build as they wish on property they buy, Town regulations won't prevent them from having the home they love. Even if they don't check out in advance what they can and cannot do, they can tweak designs, adjust heights, tone down roofing, choose more appropriate materials, and find other options. When she built her home, she had issues with ordinances regarding equestrian trails (which she came to appreciate), and believes others find lighting regulations overly restrictive (but they let the entire community enjoy the night sky).

In closing, Ms. Koch said that she would bring great energy and excitement about Portola Valley to the ASCC, and would love working with a group of people who want to help achieve goals they share.

- (e) Darci Reimund was not present, but speaking on her behalf, her husband, Todd Reimund referred to a letter she had submitted and said that one of their passions is designing homes. They enjoy the area and living in Portola Valley. He said that he and his wife have gone through an ASCC review, which he described as a good and fair process. Sometimes it's difficult to accept change and sometimes neighbors have issues with one another, but those are among the reasons for having guidelines and a review process. It's helpful to bring together people who have conflicts and to help them understand the process.

Mayor Derwin said that the Council would come back to the ASCC issue during Item 8 on the agenda.

CONSENT AGENDA [8:54 p.m.]

- (3) Approval of Minutes: Regular Town Council Meeting of December 14, 2011 [*removed from Consent Agenda*]
- (4) Ratification of Warrant List: January 11, 2012 in the amount of \$109,737.34
- (5) Recommendation by Interim Assistant Town Manager: Disposal of Surplus Property
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing the Disposition of Surplus Property (Resolution No. 2541-2012)

By motion of Councilmember Aalfs, seconded by Vice Mayor Richards, Items 4 and 5 on the Consent Agenda were approved with the following roll call vote:

Aye: Councilmembers Aalfs and Wengert, Vice Mayor Richards, Mayor Derwin.

No: None.

REGULAR AGENDA

- (3) Approval of Minutes: Regular Town Council Meeting of December 14, 2011 [8:55 p.m.]

Councilmember Wengert moved to approve the minutes, as amended, of the Regular Town Council Meeting of December 14, 2011. Seconded by Councilmember Aalfs, the motion carried 4-0.

- (6) Discussion and Council Action: Report from Town Planner's office with an update from ABAG's comments on the Sustainable Communities Strategy (SCS) process and Town efforts to meet Housing Element Below-Market-Rate (BMR) requirements [9:02 p.m.]

The SCS is a new type of regional plan required by State law that's meant to combine land use and transportation plans to reduce greenhouse gas (GHG) emissions by 7% by 2020 and by 15% by 2035. The lead agencies involved – in this region, ABAG (the Association of Bay Area Governments) and MTC (the Metropolitan Transportation Commission) – are seeking comments on five alternatives from various local jurisdictions affected by the end of January 2012.

As Ms. Kristiansson explained, the January 4, 2012 staff report she prepared in concert with Town Planner Tom Vlasic describes the five alternatives. The first two use the initial ABAG/MTC assumptions of very strong population and employment growth – the Initial Vision Scenario (IVS) alternative, which the Council discussed at its meeting on April 27, 2011, and the Core Concentration alternative, which is similar to the IVS except that it concentrates development more along transit corridors than the IVS.

The other three alternatives, which are addressed in the most depth in the staff report, use lower, more realistic growth forecasts, Ms. Kristiansson said. These alternatives all assume approximately 770,000

new people and 995,000 new jobs over the 30 years of the plan. The alternatives were each assigned one of two transportation networks: 1) The “Transportation 2035 Network” – or “T2035” – is more “business as usual,” she said; keeping investment in maintenance, transit, roadway expansion, and bicycle/pedestrian improvements at today’s levels; or 2) “Core Capacity Transit Network.” Both options allocate about 80% of transportation funds for maintenance. T2035 allocates the remaining 20% between roadway and transit improvements, in contrast to the Core Capacity option, which includes a 46% increase in transit improvements and assumes revenue that is not available.

- The Focused Growth alternative concentrates the growth in locally designated areas along transit corridors throughout the Bay Area. It uses the Core Capacity option.
- The Constrained Core Concentration alternative, which also uses the Core Capacity option, concentrates growth along transit corridors in the Inner Bay Area, i.e., San Francisco/Oakland/San Jose.
- The Outward Growth alternative, using the T2035 option, focuses on the inland parts of the Bay Area, e.g., Livermore and Pleasanton.

As far as Portola Valley is concerned, Ms. Kristiansson said there isn’t much difference among the three scenarios. The Town’s housing forecast in all three is 240 new households over the 30 years of the plan, or eight per year, which is in line with Town’s projections to add six additional second units annually already. The employment forecast is very high, though, she said, ranging from 500 to 580 new jobs, in contrast to Town data estimating 188 new jobs over that time period.

To help jurisdictions assess the alternatives, ABAG/MTC provided a set of 10 performance measures. The most important among them, Ms. Kristiansson explained, relates to the volume of GHG emission reductions because that’s required by SB 375. She pointed out, too, that all three scenarios meet 7% reduction targets by 2020, but none reach the 15% target by 2035. Accordingly, MTC is already suggesting some measures beyond the SCS to reduce GHG emissions. Listed in the staff report, if implemented as policies, these measures – including such things as a “Smart Driving Campaign,” telecommuting, an electric vehicle strategy, vanpool incentives, bicycle network expansion – would further reduce GHG emissions by 6.5%.

She said that it would also make sense for the SCS to develop scenarios that increase employment density near transit centers.

Councilmember Aalfs asked how many second units are currently in Portola Valley, and how many of them are occupied. Ms. Kristiansson said that the numbers change with each Housing Element cycle. From the planning point of view, she explained that the bottom line is that the SCS scenario includes a housing number that works for the Town.

Addressing some of the extra measures cited to reduce GHG emissions:

- Mayor Derwin asked what a “Smart Driving Campaign” is. Ms. Kristiansson said that it’s basically an educational effort to encourage people to drive at lower speeds, slow more before coming to stops, reduce their start-and-stop numbers, etc. Several Councilmembers commented that Portola Valley has room for improvement on that score, and Councilmember Wengert pointed out that the Town has a higher-than-average vehicles-per-household count that could be another area to target for getting more cars off the road as well as helping drivers change behaviors to maximize fuel economy.
- Councilmember Wengert said that telecommuting is harder to identify. Several Councilmembers noted that people already telecommute as much as possible. Councilmember Aalfs said that telecommuting seems to be a trend everywhere, and it’s inevitable.

- Mayor Derwin pointed out that the Town is already working on getting electric vehicle charging stations. Councilmember Aalfs observed that the potential GHG reduction, at 1% over a 10-year period, seems very low. In fact, he said, it seems low for each of the items on the list of recommended measures. Ms. Kristiansson explained that the data come from an MTC model, which the agency said are very rough.
- Councilmember Wengert said that with so little employment concentration in Portola Valley, vanpool incentives probably wouldn't have much application except for school-related transit. Vice Mayor Richards agreed. The Sequoias already uses vans.
- Councilmember Wengert indicated that expanding the bicycling network is clearly an area worth pursuing. Councilmember Aalfs added that Safe Routes to School is another measure to pursue.

Mayor Derwin pointed out that popularizing the use of Zimride, a service that matches riders with drivers heading for the same destinations, would also help.

Referring to the alternative scenarios that Ms. Kristiansson described, Councilmember Aalfs said that Alternatives 3 and 4 (Focused Growth and Constrained Core Concentration, respectively) aren't realistic enough without significant policy shifts, in terms of zoning, and Alternative 5 (Outward Growth) is taking the same gross proportions of the last 20 years extending them into the future.

Ms. Kristiansson said that even the final scenario would be a first draft at figuring out how to make an SCS work, but the GHG emission-reduction goals for 2020 are achievable. The only real penalty she foresees lies in failing to realize an SCS vision would be if Housing Element numbers in various jurisdictions were skewed by the SCS data, while the major incentive would be in additional transportation funds for cities that most successfully implement SCS scenarios. Another incentive would be CEQA streamlining for SCS-related projects.

Councilmember Wengert said that the SCS job growth estimates for Portola Valley struck her because they don't match the reality. The Town isn't a commercial center, so it's unable to fuel the kind of job growth envisioned. Ms. Kristiansson said that this has been an ongoing issue, because every time the Town receives such projections, the Town responds with an explanation as to why the numbers are far too high, and the Town has only 2.5 acres of vacant commercial land. As for job data in the SCS scenarios for Portola Valley, Ms. Kristiansson said that she hasn't been able to get 2010 Census data yet, but she believes the MTC/ABAG numbers also include Ladera.

As for the Portola Valley response to the updated SCS scenarios, Ms. Kristiansson noted that the staff report includes nine points. In response to Councilmember Wengert, she explained that the Town doesn't have a forecast on household growth because of the second units, but she has a list of all the vacant parcels in Town that might be developed over the life of the SCS vision. She said the Town probably could accommodate the 240 units designated in the alternative scenarios. Ms. Kristiansson also said that Portola Valley has the lowest projection in the area.

Councilmember Wengert said it's important to let ABAG/MTC know that the Town considers all of the scenarios aggressive, and wants to emphasize to the agencies that the forecasts must reflect the reality that the economy is recovering much more slowly than predicted. She agreed with the emphasis on the fact that the job-creation expectations in the scenarios are extremely high – more than twice the Town's own estimates.

Councilmember Wengert suggested that in addition to indicating that the scenarios are overly aggressive and don't reflect economic realities, the opening statement in the letter to ABAG/MTC should contain the comments Ms. Kristiansson included with points 8 and 9. The closing, Councilmember Wengert said, should suggest that ABAG/MTC revisit assumptions and methodology. Councilmembers generally agreed with Ms. Kristiansson that the letter also should make the point about concentrating job development closer to transit centers.

(7) Recommendation by Interim Assistant Town Manager: Approval of Ford Field Conceptual Design [9:39 p.m.]

Ms. Powell said that in addition to the design for the proposed Ford Field renovation submitted by landscape architect Carducci & Associates, the Council is being asked to 1) authorize the Public Works Director to make minor changes to the design, in coordination with the ASCC and Parks & Recreation Committee, to timely address potential minor changes and respond to existing field conditions, and 2) consider a proposal for a community fundraising effort.

Among the challenges that Ford Field renovation presents is the location itself, a single large parcel adjacent to open space fronting the Alpine Road scenic corridor with Los Trancos Creek in the back, a heritage Oak to preserve and issues with sun angles.

As Ms. Powell explained, a 2009 proposal to refurbish the facility was tabled due to the cost (\$1.7 million), and after that, on-again/off-again State grant funding. At this time, while funding (up to \$232,212) is in the on-again mode, she said the Town hopes to get the project up and running. She described the current proposal as a modest one, including upgrades to the field itself as well as irrigation, dugouts, bleachers, backstop, batting cage, pathway (to and from the parking lot) and associated minor upgrades, but no improvements to the snack shack, restrooms and other amenities. She said that the Parks and Recreation Committee and the Trails and Paths Committee both reviewed the design, and it was fully vetted by ASCC.

Ms. Powell said that Mr. Young worked closely with the architect to make sure that the cost estimate covers every aspect of the design package. The construction estimate came in at close to \$496,000, she said, and staff recommends a contingency of almost 10%. Including some \$48,000 spent to date, the total comes to just under \$588,000.

As for contributions, Ms. Powell indicated that the Alpine-West Menlo Little League has verbally committed \$50,000 toward the project. In addition, a private donor is likely to make a sizeable donation, she said, and two individuals –Randy Gabrielson and Mark Lockareff – are working out a plan for community fundraising, with a target of about \$257,000.

Among key dates in the timeline, she cited March 30, 2012 as the first check-in on the fundraising effort and April 11, 2012 for bringing a bid package to the Town Council. If all goes according to plan, Ford Field will be closed until its grand reopening in the spring of 2013. Construction is scheduled for June 18 through October 15, 2012, followed by about 10 weeks for the new sod to get established.

Councilmember Wengert asked how long it would take the State to respond to submission of the Town's grant request. Ms Powell said that the current holdup involves the deed restriction the State requires to ensure that whatever improvements go in will remain for some time. She said that Leigh Prince, in the Town Attorney's office, is working with the State, trying to limit the deed restriction to the field itself and exclude the open-space portion of the parcel. Once that's resolved and the paperwork has been submitted, she said a response regarding the grant may be forthcoming in as little as one week if experience is any indication. If the deed restriction issue isn't resolved within a month or so, Ms. Sloan said that it might be prudent to have the parcel surveyed, because an accurate legal description probably would satisfy the State.

Councilmember Aalfs asked about the "point of no return," when the Town commits to go ahead with the project. Ms. Howard said that according to the timetable, that would be May 23, 2012, when the bid award comes to the Council for approval. Even then, however, Ms. Sloan said, the Town would have to issue a notice to proceed.

In response to Councilmember Wengert's follow-up question on financing, Parks and Recreation Committee Chair Jon Myers said that two big assumptions are at play – that the State funding comes through and the private donor Ms. Powell mentioned makes a substantial contribution.

Mr. Clark said that he joined the Ford Field effort after the ASCC reviewed the proposal, working with Mr. Myers and Mr. Young along the way, and would be pleased to participate in the fundraising effort.

Referring to the fundraising campaign, Councilmember Wengert said that despite her enthusiasm for the project, it's important to remember that this is a tough economic environment for raising money and thus to get as many commitments as early as possible in the process.

Vice Mayor Richards moved to approve the conceptual design for Ford Field renovations, to authorize the Public Works Director to make minor design adjustments as needed, and to accept the proposal for a community fundraising effort. Seconded by Councilmember Aalfs, the motion carried 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) Appointment of ASCC Commissioner [9:56 p.m.]

Councilmember Aalfs said that he supports bringing Mr. Clark back for another term on the ASCC. Having worked with him on the ASCC for three years, he said that Mr. Clark was a great asset. Vice Mayor Richards concurred, referring to Mr. Clark's historic knowledge and past performance. Mayor Derwin agreed.

Councilmember Wengert agreed with the comments about Mr. Clark, too, and noted that the entire slate is full of good people. No vote, she said, could reflect the respect the Council feels about all of them. Thus, for her, an important factor in the decision would be the composition of the ASCC in aggregate in terms of the diversity the group should represent. She said that can mean background, age, interests, etc., and that the candidates present a pretty broad spectrum in that regard. ASCC diversity also must be considered in the context of the current membership – Craig Hughes, Carter Warr and Danna Breen.

Councilmember Aalfs said that what he valued most in working with ASCC was what each member brought to the group in the way of background and their interactions with each other. He said all three non-incumbent candidates interviewed tonight seem as if they would fit in well. He also pointed out that some of the candidates have school-age children, which interests him due to the likelihood of them being able to translate understanding of school district processes into understanding of Town processes.

Vice Mayor Richards said that when he served on the ASCC a long time ago, it was less intense than it is now. He pointed out that Councilmember Driscoll was on the ASCC at the same time, and Mr. Moran has a very similar background.

Vice Mayor Richards said that Ms. Koch would enhance the ASCC's diversity, and Mayor Derwin agreed. Councilmember Aalfs said that he was leaning toward Ms. Koch. He thought she would be calm when things get contentious. Vice Mayor Richards said that having been on the other side of the table several times would be valuable experience also.

Mayor Derwin pointed out that Ms. Reimund, too, has been through the ASCC process as an applicant. Councilmember Wengert said that she regretted Ms. Reimund being unable to come to the interview, because she's very well-spoken and would have been very impressive as well. Vice Mayor said that as far as Ms. Reimund is concerned, he has only her letter to go by.

In terms of another woman on the ASCC, Mayor Derwin said that gender balance is compelling for her. She recalled being the only woman on the Town Council when she was elected, serving with four men. Councilmember Aalfs agreed, even if it's only a matter of perception.

Councilmember Wengert said that any of the candidates would do a great job, and each would bring a different character and different strengths to the group. She said that she would implore those not selected for the ASCC to consider other opportunities. Mayor Derwin, too, said that all applicants are qualified in different ways, but equally weighty and equally good.

Mayor Derwin reiterated that it was a difficult decision because the Council also feels so good about the other applicants. "I wish we could appoint everybody," she said.

Councilmember Aalfs moved to appoint Jeff Clark and Megan Koch to the ASCC. Seconded by Vice Mayor Richards, the motion carried 4-0.

- (9) Appointment by Mayor: Request for Appointment of Member to the Sustainability Committee [10:15 p.m.]

Councilmember Wengert moved concurrence with the Mayor's appointment of David Howes to the Sustainability Committee. Seconded by Vice Mayor Richards, the motion carried 4-0.

- (10) Appointment by Mayor: Request for Appointment of Members to the Community Events Committee [10:15 p.m.]

Councilmember Aalfs moved concurrence with the Mayor's appointment of Jane Lewis and Nancy Lund to the Sustainability Committee. Seconded by Vice Mayor Richards, the motion carried 4-0.

- (11) Recommendation by the Bicycle, Pedestrian & Traffic Safety Committee: Proposed change to Committee Charter [10:16 p.m.]

Ms. Howard indicated that this change is setting the new day (first Wednesday instead of the first Thursday) and meeting time (8:15 a.m.) for the Bicycle, Pedestrian & Traffic Safety Committee.

Vice Mayor Richards moved to approve the Bicycle, Pedestrian & Traffic Safety Committee requested revisions to its charter. Seconded by Councilmember Aalfs, the motion carried 4-0.

- (12) Reports from Commission and Committee Liaisons [10:17 p.m.]

Councilmember Aalfs:

- (a) Regional Integrated Climate Action Planning Suite (RICAPS)

Councilmember Aalfs and Mayor Derwin attended a Regional Integrated Climate Action Planning Suite meeting that introduced a template for use with the Climate Action Plan; evaluate costs and benefits, etc.

Vice Mayor Richards:

- (b) Architectural and Site Control Commission (ASCC)

At its January 9, 2011 meeting, the ASCC conducted a follow-up review of the project at 300 Westridge Drive and found no major issues.

Mayor Derwin:

- (c) Council of Cities

- Met in Colma in December 2012, and Mayor Derwin cast her vote for the candidates the Town Council chose.
- For the January 27, 2012 dinner meeting in Burlingame, Mayor Derwin recruited a speaker who specializes in redevelopment.

(d) Sustainability Committee

- The United States-Australian Dialogue on Energy Efficiency was part of G'Day at Stanford on January 11, 2012.
- Technology is now available via a smart system called Powerzoa that enables businesses to not only track enterprise-wide energy use but turn off idle machinery.

WRITTEN COMMUNICATIONS [10:23 p.m.]

(13) Town Council December 16, 2011 Weekly Digest

- a) #1 – Email copying Town Council from Barbara Powell regarding water quality issue (*PV Forum*) – December 15, 2011

Councilmember Wengert noted that the water continues to look bad.

(14) Town Council December 23, 2011 Weekly Digest – None

(15) Town Council January 6, 2012 Weekly Digest – None

CLOSED SESSION [10:25 p.m.]

(16) Conference with Legal Counsel: Anticipated Litigation (one case)

Government Code Section 54956.9 (b)(3)(c)
Receipt of a claim pursuant to the Tort Claims Act

REPORT OUT OF CLOSED SESSION

No reportable actions.

ADJOURNMENT [10:48 p.m.]

Mayor

Town Clerk

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

ACTION SIGN SYSTEMS INC	Dedication Plaque for Ballard	12738	01/25/2012	
			01/25/2012	
1200 INDUSTRIAL ROAD	0270		01/25/2012	0.00
SAN CARLOS	BOA	46091	01/25/2012	0.00
CA 94070-4129	22245			85.41

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	85.41	0.00

Check No.	46091	Total:	85.41
Total for	ACTION SIGN SYSTEMS INC		85.41

ALMANAC	December Advertising	12739	01/25/2012	
			01/25/2012	
PO BOX 1610	0048		01/25/2012	0.00
MENLO PARK	BOA	46092	01/25/2012	0.00
CA 94302				580.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4320	Advertising	580.00	0.00

Check No.	46092	Total:	580.00
Total for	ALMANAC		580.00

ARROWHEAD MT SPRING WATER	December Water	12740	01/25/2012	
			01/25/2012	
P.O. BOX 856158	463		01/25/2012	0.00
LOUISVILLE	BOA	46093	01/25/2012	0.00
KY 40285-6158	01L5743876004			97.82

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	97.82	0.00

Check No.	46093	Total:	97.82
Total for	ARROWHEAD MT SPRING WATER		97.82

AT&T	October & December Statements	12741	01/25/2012	
			01/25/2012	
P.O. BOX 9011	441		01/25/2012	0.00
CAROL STREAM	BOA	46094	01/25/2012	0.00
IL 60197-9011	2937453			525.89

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	525.89	0.00

Check No.	46094	Total:	525.89
Total for	AT&T		525.89

CHEYANNE BROWN	Reimb for Permit Tech Cert	12747	01/25/2012	
			01/25/2012	
	638		01/25/2012	0.00
	BOA	46095	01/25/2012	0.00
CA				259.92

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

05-64-4326	Education & Training	259.92	0.00	
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Check No.	46095	Total:	259.92
Total for	CHEYANNE BROWN		259.92

CALBIG	Membership Dues-Fitzer	12743	01/25/2012	
c/o Michael Gorman			01/25/2012	
COUNTY OF SAN MATEO	462		01/25/2012	0.00
REDWOOD CITY	BOA	46096	01/25/2012	0.00
CA 94063				25.00

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

Check No.	46096	Total:	25.00
Total for	CALBIG		25.00

CALIFORNIA BLDG STANDARDS COMM	BSC Report, Oct-Dec, 2011	12742	01/25/2012	
			01/25/2012	
2525 NATOMAS PARK DRIVE	458		01/25/2012	0.00
SACRAMENTO	BOA	46097	01/25/2012	0.00
CA 95833				119.70

GL Number	Description	Invoice Amount	Amount Relieved	
05-56-4224	BSA/SMIP Fees	119.70	0.00	

Check No.	46097	Total:	119.70
Total for	CALIFORNIA BLDG STANDARDS C		119.70

CITY OF BURLINGAME	Dinner Mtg/Derwin	12744	01/25/2012	
			01/25/2012	
ATTN: DORIS MORTENSEN	625		01/25/2012	0.00
BURLINGAME	BOA	46098	01/25/2012	0.00
CA 94010				47.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4327	Educ/Train: Council & Commissn	47.00	0.00	

Check No.	46098	Total:	47.00
Total for	CITY OF BURLINGAME		47.00

CITY OF REDWOOD CITY	December IT Support	12745	01/25/2012	
			01/25/2012	
P.O. BOX 3629	586		01/25/2012	0.00
REDWOOD CITY	BOA	46099	01/25/2012	0.00
CA 94064-3629				1,831.05

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4216	IT & Website Consultants	1,831.05	0.00	

Check No.	46099	Total:	1,831.05
Total for	CITY OF REDWOOD CITY		1,831.05

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Vendor Address	Vendor Number		Due Date	Taxes Withheld
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State/Province Zip/Postal	Invoice Number			Check Amount

CLEANSTREET	Nov/Dec & Qtly Litter/Street	12769	01/25/2012	
			01/25/2012	
1937 W. 169TH STREET	0034		01/25/2012	0.00
GARDENA	BOA	46100	01/25/2012	0.00
CA 90247-5254	65993,66256			5,613.31

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4262	Street Sweeping	3,991.51	0.00
20-60-4266	Litter Clean Up Program	1,621.80	0.00

Check No.	46100	Total:	5,613.31
Total for	CLEANSTREET		5,613.31

PETERSEN DEAN	C&D Refund, 175 Meadowood	12748	01/25/2012	
			01/25/2012	
7980 ENTERPRISE DRIVE	0233		01/25/2012	0.00
NEWARK	BOA	46101	01/25/2012	0.00
CA 94560				1,000.00

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

Check No.	46101	Total:	1,000.00
Total for	PETERSEN DEAN		1,000.00

DEPARTMENT OF CONSERVATION	SMISHMF, Oct-Dec 2011	12749	01/25/2012	
Division of Administrative			01/25/2012	
801 K STREET MS22-15	0054		01/25/2012	0.00
SACRAMENTO	BOA	46102	01/25/2012	0.00
CA 95814-3531				151.99

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4224	BSA/SMIP Fees	151.99	0.00

Check No.	46102	Total:	151.99
Total for	DEPARTMENT OF CONSERVATIO		151.99

FRANCOTYP-POSTALIA, INC.	Meter Rental, 1/9 - 4/8	12774	01/25/2012	
			01/25/2012	
PO BOX 4272	0172		01/25/2012	0.00
CAROL STREAM	BOA	46103	01/25/2012	0.00
IL 60197-4272	R1100924993			87.68

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4314	Equipment Services Contracts	87.68	0.00

Check No.	46103	Total:	87.68
Total for	FRANCOTYP-POSTALIA, INC.		87.68

GUZZARDO PARTNERSHIP INC	C-1 Landscaping, Dec-11	12770	01/25/2012	
			01/25/2012	
181 GREENWICH STREET	0339		01/25/2012	0.00
SAN FRANCISCO	BOA	46104	01/25/2012	0.00
CA 94111	10544/10			440.90

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

96-00-4528	C-1 Trail			440.90	0.00
		Check No.	46104	Total:	440.90
		Total for	GUZZARDO PARTNERSHIP INC		440.90

INTERNAL REVENUE SERVICE	Bal Due for 4Q 2011 (via EFT)	12750	01/25/2012		
	0254		01/25/2012		0.00
OGDEN	BOA	46105	01/25/2012		0.00
UT 84201-0039					76.84

GL Number	Description	Invoice Amount	Amount Relieved		
05-00-2520	Payroll Taxes	76.84	0.00		
		Check No.	46105	Total:	76.84
		Total for	INTERNAL REVENUE SERVICE		76.84

JORGENSON SIEGEL MCCLURE & FLEGEL	December Statement	12751	01/25/2012		
1100 ALMA STREET	0089		01/25/2012		0.00
MENLO PARK	BOA	46106	01/25/2012		0.00
CA 94025					4,962.75

GL Number	Description	Invoice Amount	Amount Relieved		
05-54-4182	Town Attorney	3,587.75	0.00		
96-54-4186	Attorney - Charges to Appls	1,375.00	0.00		
		Check No.	46106	Total:	4,962.75
		Total for	JORGENSON SIEGEL MCCLURE &		4,962.75

KUTZMANN & ASSOCIATES	December Plan Check	12752	01/25/2012		
39355 CALIFORNIA STREET	0090		01/25/2012		0.00
FREMONT	BOA	46107	01/25/2012		0.00
CA 94538					4,696.99

GL Number	Description	Invoice Amount	Amount Relieved		
05-54-4200	Plan Check Services	4,696.99	0.00		
		Check No.	46107	Total:	4,696.99
		Total for	KUTZMANN & ASSOCIATES		4,696.99

LEAGUE OF CA CITIES	2012 Annual Dues	12753	01/25/2012		
LEAGUE OF CALIFORNIA CITIES			01/25/2012		
1400 K STREET	0093		01/25/2012		0.00
SACRAMENTO	BOA	46108	01/25/2012		0.00
CA 95814	115941				2,929.00

GL Number	Description	Invoice Amount	Amount Relieved		
05-64-4322	Dues	2,929.00	0.00		
		Check No.	46108	Total:	2,929.00
		Total for	LEAGUE OF CA CITIES		2,929.00

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

MIDPENINSULA ROOFING	C&D Deposit, 30 Alhambra	12754	01/25/2012	
			01/25/2012	
1326 MARSTEN ROAD	400		01/25/2012	0.00
BURLINGAME	BOA	46109	01/25/2012	0.00
CA 94028				1,000.00

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

Check No.	46109	Total:	1,000.00
Total for	MIDPENINSULA ROOFING		1,000.00

MTC	P-TAP Funding, Road Design	12771	01/25/2012	
			01/25/2012	
P.O. BOX 45788	741		01/25/2012	0.00
SAN FRANCISCO	BOA	46110	01/25/2012	0.00
CA 94145-0788	AR6802			2,196.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4503	CIPStreetDesignFutureFY	2,196.00	0.00

Check No.	46110	Total:	2,196.00
Total for	MTC		2,196.00

JON MYERS	Reimb for PV Adult Soccer	12755	01/25/2012	
			01/25/2012	
4540 ALPINE ROAD	900		01/25/2012	0.00
PORTOLA VALLEY	BOA	46111	01/25/2012	0.00
CA 94028				3,523.94

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4160	Parks & Rec Adult Sports	3,523.94	0.00

Check No.	46111	Total:	3,523.94
Total for	JON MYERS		3,523.94

NEIGHBORS ROOFING	Reissue C&D Refund (Orig #45972 MIA)	12757	01/25/2012	
			01/25/2012	
200 FORD ROAD #236	822		01/25/2012	0.00
SAN JOSE	BOA	46112	01/25/2012	0.00
CA 95138				1,000.00

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

Check No.	46112	Total:	1,000.00
Total for	NEIGHBORS ROOFING		1,000.00

O'GRADY PAVING, INC.	C-1 Trail Construction, Nov11	12777	01/25/2012	
			01/25/2012	
2513 WYANDOTTE STREET	920		01/25/2012	0.00
MOUNTAIN VIEW	BOA	46113	01/25/2012	0.00
CA 94043	11768			59,752.80

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	59,752.80	0.00

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

Check No.	46113	Total:	59,752.80
Total for	O'GRADY PAVING, INC.		59,752.80

PACIFIC GEOTECHNICAL ENG'G	C-1 Inspections, December	12772	01/25/2012	
16055-D CAPUTO DRIVE	737		01/25/2012	0.00
MORGAN HILL	BOA	46114	01/25/2012	0.00
CA 95037	124797			7,619.38

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	7,619.38	0.00

Check No.	46114	Total:	7,619.38
Total for	PACIFIC GEOTECHNICAL ENG'G		7,619.38

PERS HEALTH	February Premium	12758	01/25/2012	
VIA EFT	0108		01/25/2012	0.00
	BOA	46115	01/25/2012	0.00
				15,730.29

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	15,730.29	0.00

Check No.	46115	Total:	15,730.29
Total for	PERS HEALTH		15,730.29

PETTY CASH	Reimburse Petty Cash	12759	01/25/2012	
765 PORTOLA ROAD	993		01/25/2012	0.00
PORTOLA VALLEY	BOA	46116	01/25/2012	0.00
CA 94028				1,171.76

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	75.21	0.00
05-64-4326	Education & Training	10.00	0.00
05-64-4328	Mileage Reimbursement	430.72	0.00
05-64-4336	Miscellaneous	631.51	0.00
05-66-4340	Building Maint Equip & Supp	24.32	0.00

Check No.	46116	Total:	1,171.76
Total for	PETTY CASH		1,171.76

PRINTER ASSIST	Repairs to Printer	12775	01/25/2012	
P.O. BOX 1533	944		01/25/2012	0.00
PALO ALTO	BOA	46117	01/25/2012	0.00
CA 94302-1533	5941			432.51

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	432.51	0.00

Check No.	46117	Total:	432.51
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City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

<u>Total for</u>	PRINTER ASSIST	432.51
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RON RAMIES AUTOMOTIVE, INC.	December Statement	12760	01/25/2012	
			01/25/2012	
115 PORTOLA ROAD	422		01/25/2012	0.00
PORTOLA VALLEY	BOA	46118	01/25/2012	0.00
CA 94028				251.20

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	251.20	0.00

Check No.	46118	Total:	251.20
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<u>Total for</u>	RON RAMIES AUTOMOTIVE, INC.	251.20
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SHARP BUSINESS SYSTEMS	December Copies	12761	01/25/2012	
			01/25/2012	
DEPT. LA 21510	0199		01/25/2012	0.00
PASADENA	BOA	46119	01/25/2012	0.00
CA 91185-1510	C722756-541			9.74

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	9.74	0.00

Check No.	46119	Total:	9.74
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<u>Total for</u>	SHARP BUSINESS SYSTEMS	9.74
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STAPLES	December Statement	12776	01/25/2012	
			01/25/2012	
STAPLES CREDIT PLAN	430		01/25/2012	0.00
DES MOINES	BOA	46120	01/25/2012	0.00
IA 50368-9020				470.16

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	470.16	0.00

Check No.	46120	Total:	470.16
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<u>Total for</u>	STAPLES	470.16
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THERMAL MECHANICAL, INC	November Bi-Monthly Maint	12773	01/25/2012	
			01/25/2012	
425 ALDO AVENUE	955		01/25/2012	0.00
SANTA CLARA	BOA	46121	01/25/2012	0.00
CA 95054	PM-50664			1,426.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	1,426.00	0.00

Check No.	46121	Total:	1,426.00
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<u>Total for</u>	THERMAL MECHANICAL, INC	1,426.00
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State/Province Zip/Postal	Invoice Number			Check Amount

TOWN OF COLMA	Dinner Meeting, Derwin	12762	01/25/2012	
Attn: Leilani Bateria			01/25/2012	
1198 EL CAMINO REAL	888		01/25/2012	0.00
COLMA	BOA	46122	01/25/2012	0.00
CA 94014				40.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4327	Educ/Train: Council & Commissn	40.00	0.00

Check No.	46122	Total:	40.00
Total for	TOWN OF COLMA		40.00

TURF & INDUSTRIAL EQUIPMENT CO	Mower Service & Repairs	12763	01/25/2012	
		5992	01/25/2012	
2715 LAFAYETTE STREET	513		01/25/2012	0.00
SANTA CLARA	BOA	46123	01/25/2012	0.00
CA 95050				1,880.05

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	1,880.05	0.00

Check No.	46123	Total:	1,880.05
Total for	TURF & INDUSTRIAL EQUIPMENT		1,880.05

UNIVAR USA INC	PCA Letter (Pesticide Auth)	12764	01/25/2012	
			01/25/2012	
FILE 56019	2004		01/25/2012	0.00
LOS ANGELES	BOA	46124	01/25/2012	0.00
CA 90074-6019	SJ260452			125.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	125.00	0.00

Check No.	46124	Total:	125.00
Total for	UNIVAR USA INC		125.00

VERIZON WIRELESS	December Statement	12765	01/25/2012	
			01/25/2012	
P.O. BOX 9622	0131		01/25/2012	0.00
MISSION HILLS	BOA	46125	01/25/2012	0.00
CA 91346-9622				269.62

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	269.62	0.00

Check No.	46125	Total:	269.62
Total for	VERIZON WIRELESS		269.62

VISTA VERDE ASSOCIATES INC	Music for Volunteer Appn Party	12766	01/25/2012	
			01/25/2012	
15 VISTA VERDE WAY	1353		01/25/2012	0.00
PORTOLA VALLEY	BOA	46126	01/25/2012	0.00
CA 94028				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Picnic/Holiday Party	1,000.00	0.00

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

Check No.	46126	Total:	1,000.00
Total for	VISTA VERDE ASSOCIATES INC		1,000.00

WEMORPH INC	Stationery, Business Cards	12767	01/25/2012	
904 INDUSTRIAL AVENUE	1360		01/25/2012	0.00
PALO ALTO	BOA	46127	01/25/2012	0.00
CA 94303	10773			203.56

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	203.56	0.00

Check No.	46127	Total:	203.56
Total for	WEMORPH INC		203.56

WOLFPACK INSURANCE	February Premium	12768	01/25/2012	
SMALL BUSINESS BENEFIT PLAN	0132		01/25/2012	0.00
BELMONT	BOA	46128	01/25/2012	0.00
CA 94402				2,369.10

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	2,369.10	0.00

Check No.	46128	Total:	2,369.10
Total for	WOLFPACK INSURANCE		2,369.10

Total Invoices:	38	Grand Total:	124,002.36
		Less Credit Memos:	0.00
		Net Total:	124,002.36
		Less Hand Check Total:	0.00
		Outstanding Invoice Total:	124,002.36

Warrant Disbursement Journal
January 25, 2012

Claims totaling \$124,002.36 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

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

Sep 27, 2011
Upper Wayside Rd.
Portola Valley, CA 94028
c/o Byron Shaw 900 Wayside Rd.

Town Council
Town of Portola Valley
765 Portola Rd
Portola Valley, CA 94028

Dear Council Members:

In light of the current situation regarding the maintenance of Upper Wayside Rd (Wayside II Road Maintenance District), whereby we conduct the maintenance on the road as private citizens, we have come to the conclusion that the amount of the special assessment per improved parcel on Upper Wayside Road is insufficient to maintain a positive balance in the account maintained by the Town of Portola Valley on our behalf for this purpose and still manage the ongoing expenses associated with the upkeep of the road.

Specifically, referencing the position of the council in 2006 when we were granted a loan by the town to conduct major repairs to the road (and which we have paid back roughly 50% of the borrowed amount as scheduled over the past 5 years – outstanding balance at end of fiscal year 2010-2011 of \$92,726 of an original loan amount of \$198,000), in order to conduct necessary repairs totaling roughly \$100,000 that were not comprehended in our original 10 year master plan from 2006 due to natural disaster and abuse of the road surface, we would like to propose an increase in the special assessment, as well as a further loan from the town to cover these needed repairs, as follows:

The special assessment per improved parcel shall be increased from its current and original amount of \$625 to a new amount of \$950, or an increase of 52%. Noting that the original assessment of \$625 was enacted in 1997, its inflation adjusted amount today would be \$877, therefore we are outpacing inflation with this proposal.

In conjunction with this increase in special assessment, we propose as well to borrow additional funds totaling \$100,000 from the town to be paid back with interest from our assessment account held in escrow by the Town of Portola Valley over a 10 year period, as we have done in the past. The repair amounts are broken down as follows:

- Slope stabilization and retaining wall installation and fallout mitigation - \$69,670 quote.
- Drainage correction and improvement - \$6000 – 3 pipes – verbal quote.
- Pavement repairs, patching, sealing, crack sealing - \$15,000 verbal quote.
- Ongoing maintenance, fallen trees, limbing, weedwacking/fire prep - \$5000/year – historical.

Repair of the road surface and drainage and slope stabilization is critical before another heavy rain season.

The undersigned represent the requisite two thirds majority (1 vote per parcel – 14/21 votes) for increasing the special assessment.

Sincerely,

The residents of Upper Wayside Rd.

#	Name	Address	Signature	APPROVE	DISAPPROVE
1	California Water Company	N/A			
2	Byron Shaw	900			
2	Beth Shaw	900			
3	William Brown	835			
3	Cathy Schuman-Brown	835			
4	Philip Barth	811			
4	Leslie Field-Barth	811			
5	Susan Nightingale	797			
6	Lee Birch	777			
6	Bebo Birch	777			
7	John Baker	748			
8	Bob Gostoson	570			
9	Gary Reynolds	540			
9	Jessica Reynolds	540			
10	Opal McCaffrey	520			
11	Terry Dwight	480			
12	Dow Woodward	470			
12	Josephine Woodward	470			
13	John Dixon	465			
14	Jeanette Thorp	377			
15	Don Luskin	369			
15	Christine Luskin	369			
16	Bill Poland	366			
16	Lynn Poland	366			
17	Craig Boniface	355			
18		346			
18		346			
19	Ray Pestrong	345			
19	Judi Zeitlin	345			
20	John Davis	339			
21	Paul Giordano	300			
21	Karen Giordano	300			

Dear neighbors,

It is high time we had a road meeting to discuss the maintenance of the road – I think it has been nearly 5 years believe it or not and a number of issues are upon us. To name a few:

- Maintenance activities and priorities as viewed by the democratic majority ☺
- Repairs necessary due to rain damage
- Increasing the road fund to handle the necessary repairs (through assessment increase)
- Reimbursement of existing expense incurred by me (the town wants a tallied vote on this)
- Overview of road finances and account status
- Ongoing management of the road account (vote for a new representative)
- Speed control measures (speedbumps, signs, radars, etc...)
- Fire egress management

I know it is difficult to find a time for everyone that works but I will take a stab at it:

Saturday 5/28 9am

Sunday 5/29 9am

Sunday 5/29 5pm

Mon 5/30 7pm

Tues 5/31 7pm

Could you please let me know which of these times would work for you and I will tally and democratically choose. Also, anyone keen on hosting the meeting , please let me know.

I will also plaster your mailboxes.

Thanks,

Byron

900 Wayside

650-529-1911

650-388-8956 cell

Upper Wayside Rd Meeting

5/28/11

Agenda

- Overview of road finances and account status
- Repairs necessary due to rain damage
- Reimbursement of existing expense incurred by me
 - (the town wants a tallied vote on this)
- Increasing the road fund to handle the necessary repairs
 - (through assessment increase)
- Maintenance activities and priorities
- Ongoing management of the road account
 - (vote for a new representative)
- Speed control measures
 - (speedbumps, signs, radars, etc...)
- Fire egress management

Year over year expenses

- The road finances are unsustainable

	FY0506	FY0607	FY0708	FY0809	FY0910	FY1011
County Revenues	\$ 26,384.00	\$ 26,709.00	\$ 20,018.00	\$ 23,368.00	\$ 25,697.00	\$ 25,116.00
Total Expenditures	\$ 7,685.00	\$ 88,353.00	\$ 158,710.00	\$ -	\$ 330.00	\$ 335.00

- Our Loan balance with the town (stemming from 2006 paving project:

Fund Balance 5/26/11	(92,726.49)
----------------------	-------------

- That means we're in the hole...

Pending Road Projects

- Washout repairs in the 200 and 400 blocks, stabilize impending slides:
 - \$69,670
- Drainage improvements
 - ~\$6000 (3 pipes)
- General pavement repairs and patch, sealing, crack sealing
 - ~\$15,000
- Ongoing maintenance, weedclearing, limbing, etc.
 - ~\$4000/year

Reimbursement

- Past expenses incurred by Byron
 - \$15,979,98
- Ongoing Expense
 - Repairs
 - Maintenance \$4-5000 per year
 - Keep it simple...

Reimbursement

						0
2/2/2008	Francisco Tamayo	Road Clearing	BTS		100	100
2/28/2008	Francisco Tamayo	Drainage pipe work	BTS		473.03	573.03
3/31/2008	Francisco Tamayo	Weedwacking and clearing	BTS		480	1053.03
6/26/2008	Francisco Tamayo	Tree clearance work for firetrucks	BTS		320	1373.03
8/29/2008	Francisco Tamayo	Chipping	BTS		686.19	2059.22
9/21/2008	Jose Ruelas	Tree limbing and chipping	BTS		2,360	4419.22
9/26/2008	Francisco Tamayo	Spraying/branch removal	BTS		307.74	4726.96
10/3/2008	Jose Ruelas	Dead tree removal and chipping	BTS		970	5696.96
						5696.96
						5696.96
2/3/2009	Francisco Tamayo	Remove dead oak trees (SOD management)	BTS		2,464.72	8161.68
6/20/2009	Francisco Tamayo	Brushclearing for fire management	BTS		2,458.30	10619.98
8/27/2009	Francisco Tamayo	Tree limbing	BTS		480	11099.98
12/7/2009	Francisco Tamayo	Fireclearing	BTS		1,520	12619.98
						12619.98
						12619.98
5/7/2010	Mitchell Tree Service	Large dead/hazardous tree removal	BTS		2,040	14,660
7/29/2011	Francisco Tamayo	Weedwacking and clearing	BTS		1320	15979.98

UPPER WAYSIDR RD ROAD MEETING

SAT 5/28/11 9:00AM @ BIRCH Residence

Discussion topics:

- Maintenance activities and priorities as viewed by the democratic majority ☺
- Repairs necessary due to rain damage
- Increasing the road fund to handle the necessary repairs (through assessment increase)
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UPPER WAYSIDR RD ROAD MEETING

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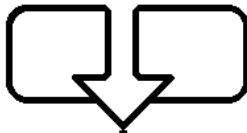
Upper Wayside Road Maintenance District (Wayside II)

Resolution

As a resident of Upper Wayside Rd, I authorize the town of Portola Valley to reimburse Byron Shaw for incurred past expenses of \$15979.98 and all ongoing expenses for maintenance of Upper Wayside Rd.

Name	Address	Date	Past Expenses	Ongoing Expenses
Byron Shaw	900	5/28/11	X	X
Beth Shaw	900	5/28/11	✓	✓
Gary Reyna	540	5/28/11	✓	✓
Sam Nijal	797	5/28/11	✓	✓
Ron Partrony	345	5/28/11	✓	✓
Judi Zertlin	345	5/28/11	✓	✓
J.D. Bader	748	5/28/11	✓	✓
James Reyna	540	5-28-11	✓	✓
Josephine Woodard	470	5/28/11	✓	✓
Debbi Surich	777	5/28/11	✓	✓
Gene Leonard	369	5-28-11	✓	✓
Debbi	811	5-28-11	✓	✓
Phil Barth	811	5-28-11	✓	✓
DON LUSKIN	309	5-28-11	✓	✓
Christina Lusk	369	5-28-11	✓	✓
Lee Buch	777	5-28-11	✓	✓

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927 Arguello St. Redwood City, CA. 94063
650-367-9595 650-367-8139 Fax
Email: soilengcon@yahoo.com

August 24, 2009

Mr. Byron Shaw
900 Wayside Drive
Woodside, CA 94062

**Re: *Slope Stabilization at Various Locations
Wayside Drive
Woodside, CA***

Dear Mr. Byron:

In response to your request and in your presence, I completed a site reconnaissance of the referenced property on August 21, 2008. Subsequent to my site visit, I completed a review of the repair program for the roadside slope stabilization work completed by our firm in 2006.

Soil Engineering Construction, Inc. (SEC) proposes the following contract based on my observations and our discussion.

1. SCOPE OF CONSTRUCTION WORK

The following specific items of construction work are offered (the details of the work may be adjusted to conform to our final structural analysis):

- * Prepare design calculations and construction drawings detailing a soil nail restrained pier supported slope stabilization structure below the roadway at the Hooper washout. The proposed wall will extend for 30 lineal feet across the toe of the slip-out. The work will involve the construction of 5 reinforced concrete piers with a connecting reinforced shotcrete wall. It is anticipated that the final design will require 24" diameter piers placed at 7'-6" centers and drilled to a depth of 15' with a connecting shotcrete wall supported by 8 corrosion protected (epoxy coated) soil nails drilled to a depth of approximately 30'. The work at this site will include a wall back drain and a storm drain inlet connected to a 100' long, 12" diameter, corrugated ABS discharge pipe.
- * Plan and schedule project, mobilize crew and equipment on-site, lay-out pier locations and prepare for construction operations.

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- * Clear and grub slope along wall alignment to allow pier installation.
- * Drill 5 each, 24" diameter, 15' deep stitch piers across the toe of the slip-out. Install reinforcing steel and place concrete.
- * Drill, install and grout eight corrosion protected, soil nails installed in two rows across the face of the slip-out.
- * Install rebar and place concrete for a 12" thick 6' to 12' high retaining wall constructed across the face of the slip-out.
- * Install wall back drain and a storm drain inlet connected to a 100' long, 12" diameter, corrugated ABS discharge pipe.

2. **SCOPE OF WORK WILL NOT INCLUDE**

Permit procurement.

The cost of further geotechnical study or special inspection as well as all costs associated with testing, if required, by the permit authority or your geotechnical consultant.

Coordination with the property owner and the development/procurement of any necessary easements.

3. **SCOPE OF ENGINEERING SERVICES**

We will not perform any engineering services in connection with this work beyond the structural design of the proposed stitch pile wall with associate drainage pipe.

4. **PRICE**

The lump sum price for the scope of work and engineering, if any, as defined above is **\$51,260.00** exclusive of the above outlined "work not included".

- * The price includes all taxes and license fees.

OPTION 1: Slope stabilization at the roadside washout uphill of 366 Wayside Way.

Alternate A: Design and construct a pier and soil nail restrained shotcrete faced retaining wall similar in configure to the base bid wall but 25' long and 8' high.

Price, alternate A: **\$29,620.00**
Initial if elected: _____

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Alternate B: Clean out slash and organic debris at upper section of washout (16' wide, 16' downslope). Construct key, place filter fabric bed and backfill with 40 tons of rip rap.

Price, alternate B: \$6,820.00
Initial if elected: _____

OPTION 1.1: Clean out slash and organic debris across road drain outlet, prepare bed, install filter fabric, and place 10 tons of rip rap.

Price option 1.1: \$5,150.00
Initial if elected: _____

OPTION 2: Slope stabilization at the roadside washout below "S" turn. Clean out slash and organic debris at upper section of washout (16' wide, 16' downslope). Place filter fabric bed and backfill with 15 tons of rip rap.

Price option Price: \$ 6,440.00
Initial if elected: _____

OPTION 2.1: Clean out slash and organic debris across road drain outlet, prepare bed, install filter fabric, and place 5 tons of rip rap.

Price option 2.1: \$3,980.00
Initial if elected: _____

5. BASIS OF PROPOSAL

This proposal is based on a site reconnaissance performed by Soil Engineering Construction, Inc. on 08/21/08.

6. PAYMENT TERMS

Terms of payment are stated below. Also, please see "Completion and Final Payment" clause in Standard Terms and Conditions.

* Five percent (5%) upon acceptance, twenty percent (20%) at the outset of field work, twenty percent (20%) at 30% completion, twenty percent (20%) at 50% completion, fifteen percent (15%) at 80% completion, fifteen percent (15%) upon substantial completion of all work as outlined herein, with the final five percent (5%) due upon acceptance by the permit authority.

All payments shall be due and payable within 10 days of receipt of invoice. If any payment is delayed beyond, the 10-day grace period interest charges on the unpaid balance shall accrue at the rate of 1.5% per month.

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7. STANDARD TERMS AND CONDITIONS

Our Standard Terms and Conditions are attached hereto and incorporated herein.

8. SCHEDULE

Upon acceptance, we will immediately begin the design work and anticipate that we will be able to submit a complete set of design drawings and calculations within two weeks of contract award.

It should be recognized that the permit authorities design review period is outside of our control.

Once a permit is issued we can be expected to mobilize on-site within two weeks. Our on-site construction efforts can be expected to be completed within three weeks.

9. ADDITIONAL TERMS

* In accepting this agreement, the Owner understands that Soil Engineering Construction, Inc. is making no guarantee that our work will protect the structure and/or property, which are the subject of this contract, from suffering future damage. The Owner shall hold Soil Engineering Construction Inc., and its agents and employees, harmless from any claims or damages due to movement, damage or injury, either on the property or on adjacent properties that occurs after completion of the work in accordance with the plans and specifications therefore.

* SEC shall not be liable for or responsible for the acts or omissions of others (including but not limited to the project Geotechnical Engineer and structural Engineer) or for natural or manmade conditions beyond the scope of work proposed herein.

* This proposal is based on the continuous removal and disposal of all spoils and contaminated materials so as not to interfere with or delay the progress of work. Should hazardous substances be encountered, the Owner shall promptly investigate the conditions and make all determination as necessary and provide direction in writing to SEC relating to obtaining permits, handling, transportation, storage, disposition, implementation of safety measures, cleanup, etc. SEC shall be entitled to a time extension of any delay caused thereby, and compensation for all costs incurred as a result of encountering hazardous substances to include, but not limited to, the additional costs associated with performance of contract work, extra work, delays, suspension of work, handling, transportation, storage, disposition, obtaining of permits, implementation of safety measures, cleanup, etc. whether caused or directed by the Owner, buyer, or any governmental or regulatory authority. For purpose of this paragraph "hazardous substance" is defined as any material encountered during the course of performance of this subcontract that any governmental or regulatory has or may determine represents a hazard to the welfare of person, property or the general environment.

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It is the Owner's responsibility to indemnify the contractor; its subs, the engineer and its consultants for the consequences of unanticipated hazardous material and conditions on the site.

SEC shall provide to Owner proof of workers' compensation insurance, automobile liability insurance with limits of at least \$500,000.00 per occurrence and general liability insurance in the minimum amount of \$2,000,000.00 naming Shea Homes, Inc., Irv Fisch, Doris Barnard and Walnut Creek Mutual No. Sixty Eight as additional insured.

ARBITRATION OF DISPUTES: ANY CONTROVERSY OR CLAIM ARISING OUT OF RELATING TO THIS CONTRACT OR THE BREACH THEREOF OR ANY WORK PERFORMED IN CONNECTION THEREWITH SHALL BE SETTLED IN ACCORDANCE WITH THE CONSTRUCTION INDUSTRY ARBITRATION RULES OF THE AMERICAN ARBITRATION ASSOCIATION, AND JUDGMENT UPON THE AWARD MAY BE ENTERED

IN ANY COURT HAVING JURISDICTION THEREOF. THE PARTIES TO THE ARBITRATION SHALL HAVE THE RIGHT TO DISCOVERY IN ACCORDANCE WITH CALIFORNIA CIVIL CODE OF CIVIL PROCEDURES – SECTION 1283.05

NOTICE - BY SIGNING BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE ARBITRATION OF DISPUTES' PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OF JURY TRIAL. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY.

CONTRACTOR LICENSING INFORMATION: "STATE LAW REQUIRES ANYONE WHO CONTRACTS TO DO CONSTRUCTION WORK TO BE LICENSED BY THE CONTRACTORS STATE LICENSE BOARD IN THE LICENSE CATEGORY IN WHICH THE CONTRACTOR IS GOING TO BE WORKING IF THE TOTAL PRICE ON THE JOB IS \$300 OR MORE (INCLUDING LABOR AND MATERIALS). LAWS DESIGNED TO PROTECT THE PUBLIC REGULATE LICENSED CONTRACTORS.

IF YOU CONTRACT WITH SOMEONE WHO DOES NOT HAVE A LICENSE, THE CONTRACTORS STATE LICENSE BOARD MAY BE UNABLE TO ASSIST YOU WITH A COMPLAINT. YOUR ONLY REMEDY AGAINST AN UNLICENSED CONTRACTOR MAY BE IN CIVIL COURT AND YOU MAY BE LIABLE FOR DAMAGES ARISING OUT OF ANY INJURIES TO THE CONTRACTOR OR HIS OR HER EMPLOYEES. YOU MAY CONTACT THE CONTRACTORS STATE LICENSE BOARD TO FIND OUT IF THIS CONTRACTOR HAS A VALID LICENSE. THE BOARD HAS COMPLETE INFORMATION ON THE HISTORY OF LICENSED CONTRACTORS, INCLUDING ANY POSSIBLE SUSPENSIONS, REVOCATIONS, JUDGMENTS, AND CITATIONS. THE BOARD HAS OFFICES THROUGHOUT CALIFORNIA. PLEASE CHECK THE GOVERNMENT PAGES OF THE WHITE PAGES FOR THE OFFICE NEAREST YOU OR CALL 1-800-321-CSLB FOR MORE INFORMATION."

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THIS PROPOSAL IS MADE FOR YOUR ACCEPTANCE WITHIN 30 DAYS FROM THIS DATE, UNLESS SOONER WITHDRAWN BY US. UPON AUTHORIZATION BY YOUR SIGNATURE, OR BY ANOTHER AUTHORIZED SIGNATURE BELOW, IT WILL CONSTITUTE A BINDING AND COMPLETE AGREEMENT BETWEEN US. THIS CONTRACT DOES NOT REQUIRE OR CONTAIN COMPENSATION FOR A PERFORMANCE AND PAYMENT BOND. YOU HAVE THE RIGHT TO REQUIRE SUCH A BOND. SEE ALSO "NOTICE TO OWNERS" IN STANDARD TERMS AND CONDITIONS.

SOIL ENGINEERING CONSTRUCTION, INC.

George Drew

George E. Drew, PE
Contractors License No. A268082

Attachments

CONTRACT, INCLUDING STANDARD TERMS AND CONDITIONS AND AGREEMENT TO ARBITRATION OF DISPUTES, ACCEPTED AND AGREED TO AND "NOTICE TO OWNER" READ AND ACKNOWLEDGED.

OWNER

DATE

HOME TELEPHONE NUMBER

WORK TELEPHONE NUMBER

SOIL ENGINEERING CONSTRUCTION, INC.

STANDARD TERMS AND CONDITIONS

SED CONTRACTOR: SEC is a Licensed Engineering Contractor (License No. A268082) regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the Registrar, Contractor's State License Board, 1020 N. Street, and Sacramento, CA 95814.

SOLE AGREEMENT: This contract constitutes the sole and only agreement of the parties hereto relating to this project and correctly sets forth the rights, duties and obligations of each to the other as of its date. Any prior agreements, promises, negotiations or representations not expressly set forth in this contract are of no force and effect.

EXTRA WORK: This contract is to perform only the scope of work listed. Any additional work that is required is extra work and is to be paid for on a time and material basis in accordance with SEC's published fee schedule or a pre-negotiated price. Payments for extra work shall be made as the extra work progresses, concurrently with the payments made under the payment schedule. Requests for extra work should be made in writing; however, the contractor is entitled to be paid for extra work whether the request is written or oral.

SITE RECONNAISSANCE: If the development of recommendations for stabilizing the structure or property, which is the subject of this contract, is based on a site reconnaissance by SEC only, and not a soil investigation report, then soil engineering has not been performed. A site reconnaissance consists only of visual observations of above ground conditions of a site, such as topography, drainage patterns, and vegetation. SEC recommends a qualified soil engineer perform soil engineering in order to determine suitable repairs. In the absence of such engineering, SEC has made a good faith effort to recommend methods and procedures that have previously worked in similar situations. We can inform the Owner as to how to arrange for soil engineering performed.

SUBSURFACE CONDITIONS: As the construction work progresses, the subsurface conditions may become better known. It is possible that variations in soil conditions could exist between or beyond the points of exploration or that ground water conditions may change, both of which may require investigation and analysis and may result in design changes. Design changes may result in additional project costs due to scope of work changes and will be EXTRA WORK. In addition, all costs and delays resulting from undefined utility interference will be considered extra work.

UNLESS specified otherwise, only conventional auger tools will be supplied. Work items such as rock drilling, coring, hand mining, hand cleaning and casing of shafts will be extra work. See "Change Order Clause" in Contract.

THE REMOVAL of obstructions that interfere with work performed by SEC will be charged as extra work. See "Change Order Clause" in Contract. Obstructions are defined as "Any materials which cannot be drilled at a rate of one-foot in five minutes with a conventional earth auger and/or under-reaming tool and requires the use of special rock augers, core barrettes, air tools, blasting, hand excavation and/or other methods of excavation."

CONSTRUCTION DAMAGE: While construction damage is expected to be minimal, SEC shall not be liable for repair or replacement of entrance drive and landscaping or cosmetic repairs, including roofs, exterior or interior walls, wall coverings, paint, glass surfaces, doors, floors, or the like, which might result from work done under this contract. Sec will use reasonable diligence and care not to unnecessary cause damage of this kind. It should be understood that, in the case of a distressed house or structure, some cracking of walls or floor movement may occur in the future, especially if only a portion of the structure is to be underpinned. This movement is most likely to occur in the first year after construction. If possible, we recommend a delay of cosmetic work, if contemplated, for at least one-year after completion of the foundation work. When cosmetic repairs are made, techniques should be used where the workmanship and materials used minimize the effect of future strain. We can provide recommendations for these techniques.

DELAYS: SEC shall be excused from any delay in completion caused by acts of God, of Owner or Owner's agents, employees, or independent contractors, bad weather, labor, trouble, acts of public utilities, public bodies, or inspectors (but not related to possible defects in SEC's performance), extra work, failure of Owner to make progress payments promptly, or other contingencies unforeseen by SEC and beyond its control.

RAINY SEASON: The price quoted in this contract is based on performing the work after April 1st, and before November 15 of the calendar year. Unless otherwise agreed, work performed during the rainy season (November 16 to March 31) due to any of the causes described in the DELAYS clause is subject to extra work charges because of the wet site conditions due to rain.

STANDBY TIME: In the event SEC is requested to cease operations and standby for any of the reasons indicated in the DELAYS clause, payment for such standby time shall be made at a rate of actual cost plus 30% mark-up.

SUBSTANTIAL COMMENCEMENT: Substantial commencement of work shall mean beginning of field work. Failure of contractor without lawful excuse to substantially commence work within twenty (20) days from the approximate date specified in the contract when work will begin is a violation of the Contractor's License Law.

SEC warrants its construction work against defects in workmanship for (1) one full year from the 100% completion invoice, subject to the terms and conditions herein. SEC's exclusive obligation for any design errors, omissions or defective construction work shall be to repair or replace at its option such work. In no case shall SEC's obligation exceed the original contract price.

This Limited Warranty does not cover defects caused by misuse, accidents, earthquakes, negligent maintenance, or normal wear and tear.

This Limited Warranty is expressly in lieu of any implied warranty of merchantability, implied warranty of habitability, implied warranty of fitness for a particular purpose, or any other implied or express warranty of any kind, written or oral.

In order for the above Limited Warranty to be effective, Owner must give SEC written notice of any defect covered, hereunder, on or before the expiration of thirty (30) days from the date of discovery of the defect or the expiration of the one (1) year period, whichever occurs first, specifying the nature of the defect. Owner must also allow SEC reasonable access to the property to inspect and repair the defect.

Owner waives any indirect, special, incidental, or consequential damages of any kind, including but not limited to, personal injuries or damage to personal property, loss of use, inconvenience or diminution in value to the real property.

NOTICE TO OWNER: Under the California Mechanics Lien Law any contractor, subcontractor, laborer, supplier or other person who helps to improve your property, but is not paid for his work or supplies, has a right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen, even if you have paid your contractor in full, if the subcontractor, laborers, or suppliers remain unpaid.

TO INSURE EXTRA PROTECTION FOR YOURSELF AND YOUR PROPERTY, YOU MAY WISH TO TAKE ONE OR MORE OF THE FOLLOWING STEPS:

1. Require that your contractor supply you with a payment and performance bond (not a license bond), which provides a guarantee that all work and property payments will be completed. This payment and performance bond, as well as, a copy of the construction contract may be filed with the county recorder for your further protection.
2. Require that payments be made directly to subcontractors and material suppliers through a joint control company, approved by the Registrar of Contractors.
3. Before making payment on any completed phase of the project, require your contractor to provide you with unconditional lien releases signed by each material supplier, subcontractor and laborer involved on that project phase. Anyone signing this UNDER THIS OPTION YOU MUST BE CERTAIN THAT ALL MATERIAL SUPPLIERS, SUBCONTRACTORS AND LABORERS HAVE SIGNED.

COMPLETION AND FINAL PAYMENT: The final payment is to be made upon receipt of the 100% completion invoice. The 100% complete invoice indicates SEC has completed all the scope of work items noted in the main body of the contract. If minor work items remain to be completed at that time, then a check list is to be made on the completion letter and a commensurate amount of money withheld from the final payment. Payment for those items shall then be made when the items on the check list, if any, are complete. The Completion Letter, attached to the contract, shall be signed and returned to SEC within 15 days of the date of the 100% complete invoice, interest charges will be made at a rate of 1.5% per month.

CONCRETE FLATWORK: SEC shall make every effort to attempt to pour and install new concrete patios, walkways, driveways, etc. such that a high quality finished product is achieved. However, SEC cannot guarantee crack free surfaces, as hairline cracks and surface checks are very common due to stresses induced during the curing process. Moreover, SEC cannot guarantee a precise match of texture, aggregate size, color etc.

CONTROVERSY: Any controversy or claim arising out of or relating to this contract or the breach thereof, or any work performed in connection therewith shall be settled in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, and judgment upon the award may be entered in any court having jurisdiction thereof. The parties involved herein expressly incorporate into this contract the deposition and discovery procedures provided in Section 1283.05 of the California Code of Civil Procedure. Both parties to this contract, by entering into it, are waiving their legal right to have such dispute decided in a court of law, whether by judge or by jury, and instead are accepting and agreeing to the use of binding arbitration, in order to effect swifter and less expensive resolution of disputes.

FUTURE MOVEMENT OR DAMAGE: The structure or property which is the subject of this Contract may or may not be in damaged, distressed or unstable condition. Because of inherent problems associated with unstable land conditions and the uniqueness of every parcel of land no guaranty or warranty express or implied is made with respect to those engineering services.

INVALIDITY OF ANY PROVISION: Should any provision or portion hereof be declared invalid or in conflict with any law, the validity of all other provisions and portions, hereof, shall remain unaffected and in full force and effect.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Barbara Powell, Interim Assistant Town Manager

DATE: January 25, 2012

RE: Resolution Approving Revisions to Town Personnel Policies

Recommendation:

It is recommended that the Town Council adopt the attached Resolution (Attachment "A") approving revisions to the Town Personnel Policies.

Background:

In March 28, 2003, staff brought formal Personnel Policies to the Town Council for adoption. A number of revisions were suggested, and the revised Town Personnel Policies were formally adopted on May 14, 2003 by Resolution 2053-2003. On January 28, 2009, the Town Council adopted a policy enabling employees to sell back a portion of accrued, but unused vacation hours (included in the attached manual as Sub-section 7.6.1). On March 23, 2011, the Town Council adopted a "Policy Governing Employee Rental of Community Hall" (included in the attached manual as Sub-section 13.4.3).

The adoption of formal personnel policies:

- Establishes consistent, equitable personnel rules;
- Creates conformity with State and Federal employment laws; and
- Informs staff about their legal rights and responsibilities as Town employees.

It is prudent to periodically review the Personnel Policies and to recommend revisions that reflect changes in State and Federal employment laws and prevailing practice. Therefore, staff requested a review of the Personnel Manual by Cynthia O'Neill, with the firm Liebert Cassidy Whitmore (specialists in employment law and labor relations), in collaboration with Sandy Sloan, Town Attorney.

The majority of proposed revisions reflect changes in State and Federal employment laws. Staff also reviewed the document to make sure that minor errors (e.g. position titles, forms, typos, format. etc.) were corrected. Further, staff added two new Sections:

13.4 Use of Town Buildings and Communications Equipment; and

13.5 Use and Operation of Town-owned Vehicles and Motorized Equipment.

Proposed major revisions are illustrated on an attached red-line version of the Personnel Policies Manual (Attachment "B"). A Table explaining reasons for the major revisions is provided as Attachment "C"; and, finally, a red-lines removed version is provided as Attachment "D".

Attachments:

- A -- Resolution
- B -- Red-line version of Personnel Policies
- C -- Table explaining revisions
- D -- Red-lines removed version of Personnel Policies

Approved: _____


Angela Howard, Town Manager

RESOLUTION NO. _____ 2012

**RESOLUTION OF THE TOWN OF PORTOLA VALLEY
ADOPTING REVISIONS TO TOWN PERSONNEL POLICIES**

WHEREAS, the Town Council of the Town of Portola Valley (“Town”) adopted personnel policies on May 14, 2003, by Resolution 2053-2003; and

WHEREAS, the Town Council revised the Personnel Policies on January 28, 2009 by adopting a policy enabling employees to sell back a portion of accrued, but unused vacation hours; and

WHEREAS, the Town Council revised the Personnel Policies on March 23, 2011 by adopting a policy governing employees’ rental of the Town’s Community Hall; and

WHEREAS, the Town recently undertook a thorough review of the Personnel Policies, in collaboration with employment law experts and the Town Attorney, and desires to make further revisions to the Personnel Policies to reflect current State and Federal laws and best government practices.

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

The Town Council hereby approves and adopts revisions to the Personnel Policies and incorporates them into the attached Personnel Policy Manual dated January 25, 2012 as the official personnel policies of the Town.

PASSED AND ADOPTED this 25th day of January, 2012.

By: _____
Maryann Moise Derwin, Mayor

ATTEST:

Sharon Hanlon, Town Clerk

Attachment "B"
SECTION 1

GENERAL PROVISIONS

1.1 COVERAGE

This Personnel Policy Manual ("Manual") establishes the personnel system for the employees of the Town of Portola Valley. All Town employees serve at the will of the Town Manager, and nothing in this Manual creates any right, contractual or otherwise, to continued employment.

In addition, the provisions of Section 6.3, POLICY AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION also apply to all elective officers and their duly appointed deputies, members of appointive boards, commissions and committees, persons engaged under contract, and volunteer personnel.

1.2 ADOPTION

The Town Council of the Town of Portola Valley adopts this Manual pursuant to Resolution No. 2053- 2003, and supercedes and replaces any previous Town policies or regulations related to personnel issues.

1.3 ANNUAL REVIEW AND AMENDMENT

This Manual will be reviewed every two years to ensure compliance with current state and federal employment laws. Section 6.3 POLICY AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION will be reviewed on an annual basis. The Town Manager may recommend amendments and revisions to this Manual, which will become effective when adopted by the Town Council. Each employee will receive a copy of any substantive changes to this Manual within thirty (30) days of its adoption.

1.4 VIOLATION

Violation of any of the provisions of this Manual constitutes grounds for rejection of applicants or discipline of employees, including suspension, demotion or termination.

SECTION 2

DEFINITION OF TERMS

The following terms, listed in alphabetical order, appear throughout this Manual and are defined as follows:

Attachment "B"

- 2.1 "Classification": All positions that are sufficiently similar in duties, responsibilities, and working conditions to permit grouping under a common classification with a common title, and to permit equitable application of common standards of selection, transfer, promotion, and salary. Classifications are set forth in the Classification Plan.
- 2.2 "Compensation Plan": The assignment by Town Council Resolution of salary ranges and/or salary rates.
- 2.3 "Demotion": The movement of an employee from one position to another that has a lower maximum rate of pay.
- 2.4 "Employee": Any person hired to work for the Town at a regular salary in a position directly supervised by or on behalf of the Town Manager. Independent contractors and members of Town Committees and Commissions, whether or not compensated, are not deemed to be employees within the meaning of this Manual.
- 2.5 "Full-time Position": A position having a minimum workweek of 37.5 hours per week, or 40 hours per week in the case of the Maintenance Coordinator.
- 2.6 "Management Employee": An employee who holds a position designated as "management". Employees in the following job classifications are considered management employees:
- Town Manager
 - Assistant Town Manager
 - Public Works Director
 - Planning Manager
- 2.7 "Overtime": Hours worked that are required and authorized in excess of forty (40) hours in a workweek. For the purpose of determining overtime, "hours worked" is defined as time actually spent working for the Town, only.
- 2.8 "Part-time Position": A position having a workweek of fewer hours than the workweek established for full-time positions in the class.
- 2.9 "Position": A particular job assignment that includes certain duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.
- 2.10 "Promotion": The movement of an employee from one position to another that has a higher maximum rate of pay.
- 2.11 "Reinstatement": The re-employment without examination of a former employee.
- 2.12 "Regular Employee": A non-temporary employee.

Attachment "B"

- 2.13 "Suspension": The temporary separation from the Town service, without pay, for disciplinary purposes, of an employee.
- 2.14 "Temporary Employee": An employee who holds a full-time or part-time position of limited duration.
- 2.15 "Termination": The separation of an employee from the Town service because of retirement, resignation, layoff, death or at-will termination.
- 2.16 "Town": The Town of Portola Valley.
- 2.17 "Town Manager": The employee appointed by the Town Council to assume full management responsibility for all Town operations, which, for purposes of this Manual, includes direct supervision over all Town employees.
- 2.18 "Town Council": The elected legislative body of the Town.
- 2.19 "Town Employee": Any person employed by the Town, except for persons supplied by temporary staffing agencies.
- 2.20 "Transfer": A change of an employee from one position to another position in the same class or in a comparable class with the same maximum rate of pay.
- 2.21 "Workweek": The work period beginning Sunday at midnight and ending the following consecutive Sunday at midnight.

SECTION 3

MANAGEMENT RIGHTS

The Town retains all of its powers and authority to manage municipal services and the work force performing those services, including but not limited to, the following rights to:

1. Determine and modify the organization and administration of Town government and its constituent work units.
2. Determine the nature, standards, levels and mode of delivery of services to be offered to the public.
3. Determine the methods, means, and numbers and kinds of personnel by which services are to be provided.
4. Determine whether goods or services shall be made or provided by the Town, or shall be purchased, or contracted for.

Attachment "B"

5. Direct employees, including scheduling and assigning work, work hours, and overtime.
6. Establish and require compliance with employee performance standards.
7. Discharge, suspend, demote, reduce in pay, reprimand, withhold salary increases and benefits, or otherwise discipline employees subject to the requirements of applicable law.
8. Implement rules, regulations, and directives consistent with law.
9. Take all necessary actions to protect the public and carry out its mission in emergencies.

SECTION 4

CLASSIFICATION

4.1 PREPARATION AND MAINTENANCE OF CLASSIFICATION PLAN

The Town Manager determines and records the duties and responsibilities of all positions and, after consultation with other management employees, prepares and maintains the Classification Plan.

The Classification Plan consists of a list of every classification in use by the Town.

The Classification Plan contains, as an addendum, job descriptions for each position, including the class title, a description of the position, examples of typical duties and responsibilities, a description of abilities and other qualifications for the position and salary ranges and/or salary rates.

4.2 ADOPTION OF PLAN

The Town Council will first approve the Classification Plan before the plan or any part of it becomes effective. The Classification Plan will be amended or revised in the same manner.

4.3 NEW POSITIONS

When a new position is created by Town Council action, before it may be filled, and except as otherwise provided by Municipal Code or this Manual, no person will be appointed or employed to fill it until the Classification Plan has been amended.

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4.4 RECLASSIFICATION

Reclassification is the reassignment of a position from one class to a different class in accordance with a re-evaluation of the minimum qualifications, duties and responsibilities of the position. When the duties of a position have materially changed so that reclassification is necessary, the Town Manager will allocate the position to a more appropriate class, whether new or already created. Reclassification will not be used for the purpose of avoiding restrictions concerning demotions and promotions.

SECTION 5

THE SELECTION AND APPOINTMENT PROCESS5.1 METHODS FOR FILLING VACANCIES

Position vacancies may be filled by a closed, promotional process, an open, competitive process or by a process that is both open and promotional. Vacancies may also be filled by re-employment, transfer or demotion.

The Town Manager determines whether, and in what manner vacancies for all positions other than the Town Manager, are to be filled. The Town Council determines the manner in which a vacancy in the Town Manager position will be filled.

5.2 PUBLICATION OF VACANCIES

Openings may be publicized by placing an appropriate classified advertisement regarding the position in one or more regional publications of general circulation; by posting announcements on recruitment websites and/or bulletin boards; and by other recruiting activities that the Town Manager deems necessary or advisable to fill a particular position in a way which meets the Town's goal of obtaining the most qualified employees.

The announcement may include: title and pay for the position; the nature of the work to be performed; the minimum qualifications; the essential functions of the position; the method of applying; the closing date for the application; and other information the Town Manager deems desirable.

5.3 APPLICATION FORMS

Applicants must submit standardized job applications provided by the Town. All applications must be completed in full and signed by the person applying.

Attachment "B"

5.4 DISQUALIFICATION OF APPLICATIONS

The Town Manager will reject an application, or after examination, will disqualify the applicant, if the applicant:

1. Has made false statements, or practiced any deception or fraud on the application, in declarations or in securing eligibility appointment;
2. Is found to lack any of the requirements, certifications, or qualifications for the position involved;
3. Is physically or psychologically unfit for the performance of the position duties, and cannot be reasonably accommodated, including, but not limited to, impairment caused by current abuse of alcohol or drugs;
4. Has been convicted of either a misdemeanor or a felony crime that relates to the position duties that the applicant would perform, (including a plea of no contest);
5. Used or attempted to use inappropriate political pressure or bribery to secure an advantage in the examination or appointment;
6. Directly or indirectly obtained information regarding examinations;
7. Failed to submit the employment application correctly or within the prescribed time limits;
8. Has had his/her privilege to operate a motor vehicle in the State of California suspended or revoked, if driving is a job requirement; and/or
9. For any reason that in the judgment of the Town Manager would render the applicant unfit for the position.

5.5 SELECTION PROCESS

After the time limit for receiving applications for a particular position has expired, the Town Manager will determine the total number of applicants who meet the minimum qualifications for the position, or other job-related screening criteria. The chosen applicants will then be allowed to participate further in the selection process.

The Town Manager establishes the particular selection process for each position. The Town Manager may prepare and administer or contract with any competent agency or individual for the administration of any part of the selection process, as s/he deems most appropriate.

Attachment "B"

Each applicant who participates in an interview will be notified of the interview results.

5.6 PROMOTIONS

Only employees who meet the requirements for the classification set forth in the promotional announcements may be admitted to promotional interviews.

Promoted employees shall receive a salary that is at least equal to or higher in salary than the employee's present base salary.

5.7 TEMPORARY POSITIONS EXEMPT

The Town may hire employees on a temporary basis, usually for a period of one hundred eight (180) days, without regard to the requirements of this Section. The Town may extend the period of a temporary position for up to an additional one hundred eighty (180) days, but the temporary employee may not work more than one thousand (1,000) hours in a fiscal year.

The above restriction does not apply to temporary employees hired to meet the immediate requirements of an emergency condition, such as a flood, earthquake, or other public calamity that threatens public health, safety or welfare. Such employees may be employed for the duration of the emergency in order to protect public health, safety and welfare.

5.8 APPOINTMENTS

The Town Manager makes final appointments. The Town Manager has the authority to approve or disapprove appointment of employees in accordance with the Municipal Code and this Manual.

The person accepting appointment reports to the Town Manager on the date designated. Otherwise, the applicant is deemed to have declined the appointment.

SECTION 6

EQUAL OPPORTUNITY EMPLOYMENT

6.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Town does not discriminate against qualified employees or applicants for employment on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical

Attachment "B"

condition, genetic information or characteristics, sexual orientation, or any other basis protected by law. The Town will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline and termination.

6.2 REASONABLE ACCOMMODATION POLICY6.2.1 POLICY

The Town provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

6.2.2 PROCEDURE FOR OBTAINING REASONABLE ACCOMMODATION

An employee or applicant who desires a reasonable accommodation in either the employment selection process or in order to perform essential job functions should make such a request in writing to the Town Manager. The request must identify: a) the portion(s) of the selection process or the job-related functions at issue; and b) the desired accommodation.

Following receipt of the request, the Town Manager or his/her designee may require additional information to support the existence of a disability. The Town Manager may also require a fitness for duty examination, if job-related and consistent with business necessity, to determine whether the employee can perform the essential functions of the job with or without accommodation. The Town Manager can require a pre-employment fitness for duty exam for an applicant after the applicant has received an offer of employment that is conditioned only on the successful completion of the examination. The Town Manager may also require that a Town-approved physician conduct the examination.

The Town will arrange for a discussion, in person or via telephone conference call, with the applicant or employee, and his or her representative(s), if any. The purpose of the discussion is to work in good faith to understand the work restrictions/limitations and to fully consider all feasible potential reasonable accommodations.

The Town determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The Town will not provide accommodation(s) that would pose an undue hardship upon Town finances or operations, or that would endanger the health or safety of the employee or others. The Town will inform the employee of its decision as to reasonable accommodation(s) in writing.

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6.2.3 FITNESS FOR DUTY EXAMINATIONS

When an employee is having difficulty performing one or more of his/her essential job functions, or for other reasons that the Town deems to be job-related and consistent with business necessity, the Town Manager may require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without accommodation. The Town Manager may require that a Town-approved physician conduct the examination. The Town will pay for fitness for duty examinations that it initiates under this rule.

6.3 POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

6.3.1 PURPOSE

The purpose of this policy is to establish a strong commitment to prohibit harassment, discrimination, or retaliation in employment, to define discrimination, harassment, and retaliation, and to set forth a procedure for investigating and resolving such internal complaints.

6.3.2 DEFINITIONS

6.3.2.1 "Protected Status": any of the following: race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, genetic information or characteristics, sexual orientation, or any other basis protected by law.

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6.3.2.2 "Verbal Harassment": inappropriate or offensive verbal conduct. This includes, but is not limited to, epithets, derogatory comments or slurs on the basis of any actual or perceived protected status.

Deleted: race, religious creed, color, national origin, ancestry, mental or physical disability, medical condition, marital status, gender, actual or perceived sexual orientation, age or appearance, including dress or physical features.

6.3.2.3 "Physical Harassment": inappropriate or offensive touching. This includes, but is not limited to assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of any actual or perceived protected status. Examples include pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Deleted: race, religious creed, color, national origin, ancestry, mental or physical disability, medical condition, marital status, gender, actual or perceived sexual orientation, age or appearance.

6.3.2.4 "Visual Forms of Harassment": inappropriate or offensive displays. This includes, but is not limited to, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of any actual or perceived protected status.

Deleted: race, religious creed, color, national origin, ancestry, mental or physical disability, medical condition, marital status, gender, actual or perceived sexual orientation, age or appearance.

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6.3.2.5 "Sexual Favors": unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, upon which an employment benefit is conditioned or which constitutes an unreasonable interference with an individual's work performance or creates an offensive work environment.

6.3.2.6 "Discrimination": disparate treatment due to any actual or perceived protected status, which adversely affects the individual's employment or conditions of employment.

6.3.2.7 "Retaliation": disparate treatment due to any protected activity, including: complaining about, or assisting another to complain about conduct prohibited by this Policy; participating in the complaint procedure described in this Policy or through state or federal processes; or refusing to follow a directive reasonably believed to be in violation of this Policy. Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment or discrimination complaint.

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6.3.3 POLICY

Any harassment of, or discrimination or retaliation against an applicant or employee by a supervisor, management employee, co-worker, officer or elected official in violation of this policy will not be tolerated.

Disciplinary action up to and including termination of employment, or other appropriate remedial action will be instituted for behavior that the Town Manager determines violates this Policy.

Each employee will receive training regarding this Policy within the first six (6) months of hire, and, on a recurring basis, no less than every three (3) years thereafter. Supervisory employees will receive training regarding this Policy on a recurring basis, no less than every two (2) years following the initial post-employment training.

Any retaliation against a person for filing a harassment or discrimination charge or complaint, whether with the Town or an administrative agency or court, or for participating in any complaint process, or otherwise demonstrating support for such actions, is prohibited. Employees found to be retaliating against another employee will be subject to disciplinary action up to and including termination.

6.4 COMPLAINT PROCEDURE

6.4.1 FILING

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An employee or job applicant who believes s/he has been denied an equal employment opportunity or reasonable accommodation, or has been harassed or discriminated against, or retaliated against, may make a complaint orally or in writing to either his/her immediate supervisor, any other supervisor, or the Town Manager, as soon as possible and no later than sixty (60) days following the incident.

Any supervisor who receives a harassment, discrimination, or retaliation complaint must immediately notify the Town Manager.

If the complaint concerns the Town Manager, the employee may submit a written complaint to the Mayor for review. In this case, the Mayor shall perform the functions of the Town Manager authorized in Sections 6.4.2 and 6.4.3.

An employee may also file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) (www.eeoc.gov) or the State of California Department of Fair Employment and Housing (www.dfeh.ca.gov).

6.4.2 ADVICE AND COUNSELING

An employee may seek advice and/or counseling concerning equal employment, reasonable accommodation, harassment, discrimination, and/or retaliation. Sources for this advice and/or counseling include, but are not limited to:

- The U.S. Equal Employment Opportunity Commission (EEOC)
- The State of California Department of Fair Employment and Housing (DFEH)

6.4.3 INVESTIGATION

The Town takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation.

Upon awareness or notification of the complaint, the Town Manager or his/her designee will assign an investigator to gather facts and make factual findings concerning the grounds for the complaint.

The Town Manager may take interim action to diffuse volatile circumstances.

The investigator will review the complaint allegations. The investigation will normally include interviews with the reporting individual, the accused, and any

Attachment "B"

other person who is believed to have relevant knowledge concerning the allegations.

The investigator will provide a written report to the Town Manager. Giving consideration to all factual information and the totality of the circumstances, the Town Manager will determine whether the Town's policies have been violated, or whether discrimination or harassment occurred, and, will promptly communicate when the investigation has concluded, to the complainant and the accused, in writing.

6.4.4 REMEDIAL ACTION

If the Town Manager determines that discrimination or harassment occurred, s/he will take prompt and effective remedial action against the person who violated this Policy pursuant to Section 10.1 DISCIPLINARY ACTIONS of this Manual. The action will be commensurate with the severity of the offense and will not be communicated to the complainant.

6.4.5 PRIVACY

The Town Manager, the Mayor (if involved) and all supervisors are required to maintain confidentiality to the extent possible in communicating or investigating any claims of alleged discrimination, harassment or failure to reasonably accommodate.

While complete confidentiality is not possible, the investigation will be conducted in a manner that ensures, to the extent feasible, the privacy of the parties involved.

An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Town Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction.

The Town will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

6.5. POLICY AGAINST RETALIATION

6.5.1 POLICY

It is the policy of the Town to prohibit the taking of any adverse employment action against those who in good faith report, oppose, or participate (as witnesses

Attachment "B"

or accused) in investigations into complaints of alleged violations of Town policy or state or federal law because of the fact of that reporting, opposition, or participation. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. Any elected official or contractor who violates this Policy Against Retaliation will be subject to appropriate sanctions.

6.5.2 POLICY COVERAGE

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This Policy Against Retaliation prohibits Town officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined herein.

6.5.3 DEFINITIONS

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6.5.3.1 "Protected Activity": includes any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the Town regarding alleged unlawful activity
- Testifying as a party, witness, or accused regarding alleged unlawful activity
- Associating with another employee who is engaged in any of the protected activities enumerated here
- Making or filing a complaint regarding alleged unlawful activity
- Calling a governmental agency's "Whistleblower hotline"

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6.5.3.2 "Adverse Action": may include, but is not limited to, any of the following:

- Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity
- Refusing to hire an individual because of protected activity
- Denying promotion to an individual because of protected activity
- Taking any form of disciplinary action because of protected activity
- Altering work schedules or work assignments because of protected activity
- Condoning hostility and criticism of co-workers and third parties because of protected activity.

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6.5.3 COMPLAINT PROCEDURE

An applicant, employee, officer, official, or contractor who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to the Town's Complaint procedure 6.4 so that the complaint can be resolved fairly and quickly.

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SECTION 7

ATTENDANCE AND LEAVES OF ABSENCE

7.1 WORKWEEK

The basic workweek for full-time, non-management employees is thirty seven and one-half (37.5) hours, worked in units of seven and one-half (7.5) hours per day in a workweek or, in the case of the Maintenance Coordinator, forty (40) hours worked in units of eight (8) hours per day in a workweek, when deemed necessary by the Town Manager. The workweek begins on Sunday at midnight and ends on the consecutive Sunday at midnight. The Town Manager may assign a different workweek when it is deemed to be beneficial to the Town.

7.2 REQUIREMENTS OF ATTENDANCE

Employees must be in attendance at their work locations during the hours assigned by the Town Manager. Each employee must submit accurate time sheets to their immediate supervisor on standardized forms and at times specified by the Town Manager. Time sheets must be signed and dated as an accurate statement of the hours the employee worked.

Any unauthorized absence may be cause for disciplinary action, up to and including discharge from employment. Authorized absence is defined as: Permission to be absent from duty for a specified purpose, with the right to return before or upon the expiration of the leave period.

The Town provides several types of leave accruals as a benefit for regular employees, as described in the benefits listing approved by the Town Council as part of the Compensation Plan. Employees are responsible for the management of their leave balances and may only use leave as appropriate to the situation.

Except in extraordinary circumstances, an employee who is unable to report for work at the beginning of his or her established workday or shift must notify his/her immediate supervisor or the Town Manager before commencement of the shift.

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7.3 DEFINITIONS

7.3.1 "Immediate family": means and includes the following persons and no others:

- A husband, wife or registered domestic partner of the employee.
- A child, stepchild, grandchild or adopted child of the employee or domestic partner.
- A father, stepfather or father-in-law, a mother, stepmother or mother-in-law or sibling of the employee; or, the father or stepfather, mother or stepmother or sibling of the domestic partner.
- Grandparents, grandparents-in-law or step-grandparents of the employee.

7.4 SICK LEAVE

Sick leave is defined as absence because of illness, injury, exposure to contagious disease, care of a sick member of the employee's immediate family, or doctor and dental appointments when it is not feasible to schedule them on the employee's own time.

The following provisions govern sick leave:

1. Employees accrue sick leave at the rate of seven and one-half (7.5) hours for those on a 37.5-hour workweek, and eight (8) hours for those on a 40-hour workweek, for each full month of service.
2. Sick leave is not to be considered as a privilege that an employee may use at his discretion, but is allowed only in case of necessity and actual sickness or disability of the employee or a member of the employee's immediate family. If the Town suspects an employee of abusing sick leave, the Town reserves the right – in addition to taking disciplinary measures – to request that the employee provide the Town with a doctor's verification of illness and estimated time for recovery.
3. In order to be entitled to sick leave, an employee who is unable to report for work must notify his/her supervisor prior to commencement of his/her shift, unless s/he is unable to do so because of circumstances beyond his or her control. In addition, if the employee is absent on sick leave for more than one (1) day, the employee must keep the supervisor informed as to the date s/he expects to return to work, unless the employee is unable to do so because of circumstances beyond his or her control.

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7.5 HOLIDAYS

Each employee of the Town is entitled to the following holidays with pay:

- New Year's Day January 1
- Martin Luther King Day Third Monday in January
- Presidents' Day Third Monday in February
- Memorial Day Last Monday in May
- Independence Day July 4
- Labor Day First Monday in September
- Thanksgiving Day Fourth Thursday in November
- Day after Thanksgiving Fourth Friday in November
- Christmas Day December 25
- The business days between Christmas Day and New Year's Day

If any holiday falls upon a Sunday, the Monday following is treated as the holiday. If the holiday falls upon a Saturday, the Friday preceding is treated as the holiday. If a non-management employee is required to work on a holiday, the employee will be compensated for hours worked on the holiday, in addition to the holiday pay.

When Christmas falls on Tuesday, the Monday preceding will be an additional holiday. No employee is entitled to compensation for any holiday listed above unless the Town has employed him/her on the day preceding and the day following the holiday. For the purposes of this paragraph, an employee who is absent on any authorized paid leave is deemed employed at that time.

7.6 VACATION

The purpose of annual vacation leave is to enable each eligible employee to return to his/her work mentally and physically refreshed. All regular employees are entitled to annual leave with pay. Vacation time is credited on the first payroll date of employment and every pay period thereafter for each regular employee.

Vacation time is earned at a monthly pro-rated amount depending upon years of service and full or part time status as described in section 8.5.2. Employees are eligible to take vacation as soon as they have accrued it, unless otherwise authorized by the Town Manager. Starting with the fifth year anniversary, an employee earns fifteen (15) working days of vacation, and each year thereafter is credited as follows:

<u>Years of Service</u>	<u>Days of Vacation</u>
1 through 5	10
6 through 10	15
11 +	20

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All vacation leave must be pre-approved by the Town Manager or designee. Vacation is approved on a first-come, first served basis. Vacation leave may be denied if the normal operation of the Town functions cannot be provided as a consequence of too many staff members requesting vacation leave at one time. Approval of leave does not indicate that the employee has available leave hours. The employee is responsible for ensuring that the leave hours are available prior to requesting approval from the immediate supervisor.

Use of vacation leave earned in a given year may be deferred to the following year. However, at no time may an employee accrue vacation days beyond the allowed maximum accrual (yearly accrual rate x 2), which is dependent on years of service. When the employee reaches the allowed maximum accrual, s/he will cease earning vacation until the vacation leave balance falls below the maximum accrual amount.

7.6.1. SALE OF ACCRUED VACATION HOURS

Employees may elect, once per calendar year, to sell back to the Town accrued, but unused, vacation hours when the employee has used a minimum of one week (five successive days) of vacation during the twelve (12) months immediately preceding the sale of hours.

The employee will be compensated for such vacation hours at the salary rate in effect for that employee at the time the hours are sold to the Town.

The minimum number of hours that can be sold to the Town annually for the cash equivalent is ten (10) hours, and the maximum number of hours that can be sold is the total number of hours the employee is eligible to accrue in a one-year period.

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7.7 COMPENSATORY TIME OFF

Non-management employees can earn compensatory time off pursuant to Section 8.3.3, when overtime hours worked are compensated with leave hours to be taken at a later date instead of pay. Compensatory time off for hours actually worked over 40 in a workweek is compensated at the rate of time and one-half. Compensatory time off may be used in lieu of other types of leave, or cashed out, when approved by the Town Manager. The value of compensatory leave earned will be paid to employees each year on June 30. In no event may an employee accrue more than one hundred thirty (130) hours of compensatory time off.

7.8 JURY DUTY/COURT APPEARANCES

Every employee who is called or required to serve as a juror is entitled to be absent during the period of jury service. Under these circumstances, the employee is paid their full salary.

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An employee who is subpoenaed to appear in court in an official capacity is allowed to do so without loss of compensation. An employee subpoenaed to appear in court in a matter unrelated to his official capacity as an employee is permitted to use accrued vacation or compensatory time off for this purpose. The time spent for court appearances unrelated to his or her employment, or related to any matter the employee has brought against the Town is not work time.

7.9 BEREAVEMENT LEAVE

Employees are allowed paid time off in the event of a death in the immediate family. Up to five (5) consecutive days of bereavement leave is allowed for the death of each member of the immediate family. The employee may request, and the Town Manager may approve at his or her absolute discretion, bereavement leave to be taken as vacation in the event of the death of other individuals or for an extended period of time.

7.10 MILITARY LEAVE

Military leave for active and reserve members of branches of the United States Armed Services and the National Guard is granted by the Town Manager in accordance with the provisions of State and Federal laws. An employee requesting leave for this purpose must provide the Town Manager with a copy of the military orders. An employee taking military leave must give the Town Manager an opportunity, within the limits of State and Federal law, to determine when military leave will be taken, and the Town Manager may modify the employee's work schedule to accommodate the request for leave. To the extent required by State and Federal law, an employee will receive compensation for service during the period that s/he is on approved military leave.

7.11 INDUSTRIAL ACCIDENT LEAVE

Industrial accident leave means the absence from duty of an employee because of work-incurred illness or bodily injury when the absence has been accepted for coverage under the provisions of the Workers' Compensation laws. Employees on workers' compensation leave may use accrued sick leave time to supplement any monetary difference between their normal rate of pay and workers' compensation temporary disability benefits. Upon exhaustion of accrued sick leave time, employees may elect to supplement with accrued vacation time. However, such supplementation will not entitle employees to continue employment if otherwise qualified for separation from Town service due to disability retirement or inability to reasonably accommodate.

7.12 ADMINISTRATIVE LEAVE

The Town Manager may grant, as authorized by the Town Council, leave to management personnel who are not eligible for overtime pay. Such leave will not be deducted from vacation credits. Administrative leave is accrued on the basis of the calendar year, with no carry-over provision to the succeeding calendar year, at 4.38 hours/month, and has no

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cash value. This benefit is prorated to that portion of the year in which the Town employs each eligible manager. Use of administrative leave is allowed at the discretion of the Town Manager.

7.13 PREGNANCY DISABILITY LEAVE

If the employee's attending physician certifies that the employee is physically unable to work or continue to work in her current job due to pregnancy or a pregnancy-related condition, a pregnant employee is entitled to: 1) a leave of absence without pay for up to four months; or 2) a temporary transfer to another position if such transfer can be reasonably accommodated. The employee must give at least thirty (30) days notice of when the leave will commence if the need for the leave is foreseeable. The employee must also provide an estimated duration for the leave. The Town will respond to the request for leave or transfer within ten (10) days.

Requests for an extension of leave must be submitted in writing to the Town Manager prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition.

The Town will also provide a reasonable accommodation, if any, for an employee for a condition related to pregnancy, childbirth, or a related medical condition, if the employee requests an accommodation, with the advice of her health care provider.

During the leave of absence without pay, the employee has the option of using accumulated sick leave, compensatory time off with the approval of the Town Manager and/or vacation credits. The Town will pay insurance premiums, not to exceed four (4) months over a twelve-month period, to the same extent that the Town paid the premiums when the employee was at work. The employee will be responsible to pay for the employee's portion of her insurance premiums while on unpaid leave. Information regarding such payments will be provided to the employee.

Upon expiration of the approved leave, the employee will be reinstated to the employee's former position, or to an available comparable one if the former position is abolished during the period of leave and the employee would otherwise have been continuously employed or would have had the right to an available comparable position if she had been continuously employed. The comparable position is one having virtually identical pay, benefits, working conditions, privileges, qualifications and status. The comparable position must involve the same or substantially similar duties and responsibilities and substantially equivalent skill, effort, responsibility, and authority. It must be performed at the geographically proximate worksite and ordinarily means the same shift or equivalent work schedule. Prior to the employee being reinstated, the immediate supervisor shall require a statement from the attending physician that the employee is physically capable of resuming the regular duties of the employee's position.

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7.14 LEAVE WITHOUT PAY

Upon the request of the employee and the recommendation of the immediate supervisor, the Town Manager, at his or her absolute discretion, may grant a leave of absence without pay to an employee. Requests for leave of absence without pay must specifically state the reason for the request, the beginning date of the leave, and the date of return. A leave of absence without pay may be granted for a period not to exceed four (4) months.

Leave of absence without pay is not construed as a break in service or employment, and rights accrued at the time the leave is granted are retained by the employee; however, vacation credits, sick leave credits, all other paid leaves, holidays and fringe benefits and other similar benefits are not accrued to a person granted leave during the period of unpaid absence, except as provided otherwise by law or this policy. Nor is the employer required to maintain contributions toward group insurance or retirement coverage, except as provided otherwise by law or this policy. During the period of leave without pay, all service and leave credits are retained at the levels existing as of the effective date of the leave. However, time counted toward an employee's anniversary date is deferred for the time of the leave without pay. The employee is reinstated to his or her former position or to an available comparable one if the former position is abolished during the period of leave and the employee would otherwise not have been laid off.

7.15 SUPERVISORY DISCRETION

The Town Manager or designee has the discretion to place employees on sick leave when in his/her judgment the presence of the employee at work would endanger the health and welfare of other employees or the employee's illness or injury interferes with the performance of the employee's duties.

7.16 CATASTROPHIC LEAVE

An employee may be eligible to receive donations from fellow employees of paid leave, to be included in his/her sick leave balance, if s/he has a catastrophic illness or injury which prevents him/her from being able to work. Catastrophic illness or injury is defined as a critical medical condition considered to be terminal or a long-term major physical impairment or disability. The employee may be eligible for catastrophic leave donations only after all his/her paid leave has been utilized.

7.17 TIME OFF TO VOTE

If a non-exempt employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take up to two (2) hours off without loss of pay at the beginning or end of the day. Prior approval by the employee's supervisor forty-eight (48) hours before the leave for this time off is required.

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7.18 LEAVE TO PARTICIPATE IN SCHOOL-RELATED ACTIVITIES

Any Town employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed day care facility shall be allowed up to forty (40) hours each school year not to exceed eight (8) hours in any calendar month of the school year, without pay, to participate in activities of the school of his or her child. The employee must provide reasonable advance notice of the planned absence. The employee may be required to use vacation and/or compensatory time off to cover the absence. The Town may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for the Town, only the first parent requesting will be entitled to leave under this provision.

7.19 TIME OFF TO APPEAR IN SCHOOL

An employee who is the parent or guardian of a pupil may take unpaid time off from work to appear at the school pursuant to the school's request under Education Code section 48900.1, if the employee provides the Town Manager reasonable notice of the school's request.

7.20 TIME OFF FOR VICTIMS OF ABUSE

An employee who has been a victim of a violent or serious felony, or felony provision regarding theft or embezzlement, or an immediate family member of a victim of any of those crimes, may take time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding related to that crime.

An affected employee must give the Town reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the Town with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid unless the employee uses vacation or accrued time off.

7.21 TIME OFF FOR DOMESTIC VIOLENCE OR SEXUAL ASSAULT VICTIMS

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An employee who has been a victim of domestic violence or sexual assault, may take time off to:

1. Seek medical attention for injuries caused by domestic violence or assault;
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault;

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3. Obtain psychological counseling related to an experience of domestic violence or sexual assault; or
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

An affected employee must give the Town reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the Town with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid unless the employee uses vacation or accrued time off.

SECTION 8

COMPENSATION AND PAYROLL PRACTICES8.1 COMPENSATION PLAN

During the budget preparation period each year, or whenever directed by the Town Council, the Town Manager or designee will prepare a Compensation Plan covering all classes of positions except the Town Manager position, including a range of pay for each position.

From time to time, by Resolution, the Town Council may amend the Compensation Plan. At the discretion of the Town Manager, the amendments and revisions may be submitted to the Town Council. The Town Manager may approve an hourly rate of compensation for temporary positions, with adjustments for special circumstances, based on the Council-approved hourly Compensation Plan.

The Town Council's consideration of the proposed Compensation Plan, amendments, or revisions will be included in a Council meeting agenda, and the meeting will be posted in the manner prescribed by State Law. No position will be assigned a salary not in conformance with the salary schedule unless the salary schedule for the class is amended in the same manner as stated above.

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8.2 PAYROLL8.2.1 PREPARATION OF PAYROLL

The payroll is prepared under the direction of the Town Manager in accordance with the Compensation Plan. No changes in the names or salaries on the payroll will be made unless written instruction is received from the Town Manager.

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8.2.2 TIMESHEETS

All employees must accurately complete standard weekly timesheets approved by the Town Manager. **Timesheets will not be considered complete for payroll purposes unless signed in ink and dated by both the employee and appropriate supervisor.**

8.2.3 PAYDAY

Payday is twice monthly, on the 15th and last day of the month. In the event that this day falls on a weekend or holiday, payday will be the preceding workday.

8.3 OVERTIME8.3.1 ELIGIBILITY

All non-management employees whose compensation is based on an hourly rate are eligible for overtime compensation pursuant to the Fair Labor Standards Act (FLSA). The Town has determined that all Management Employees, as defined in this Manual, are exempt from the overtime compensation requirements of the FLSA.

8.3.2 AUTHORIZATION OF OVERTIME

An employee's supervisor is empowered to authorize or require overtime at his/her discretion. Overtime may be required for the following types of situations:

- Operating emergencies;
- Handling peak workloads or incomplete work when it is not possible or practical to employ additional personnel;
- Attending meetings connected to Town business outside of regular work hours;
- Meeting temporary conditions when the Town is unable to secure qualified personnel to fill positions authorized by the Town Council and filled by the Town Manager; and/or
- On other occasions as deemed necessary in the judgment of the responsible supervisor.

An employee is not allowed to work overtime unless his/her supervisor has pre-authorized the work.

8.3.3 OVERTIME PAY AND COMPENSATORY TIME

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8.3.3.1 Eligible employees will be compensated for overtime, as defined in Section 2.7 of this Manual, as follows:

1. "Time and one-half": Overtime earned because of actual work of over 40 hours in a workweek as defined in this Manual [i.e. being physically present at the jobsite for more than forty (40) hours in a workweek] will be compensated at the rate of one and one-half times ("time and a half") the employee's regular hourly rate.
2. At the choice of the employee, overtime may be compensated with the accrual of compensatory time off. Compensatory time off is taken at the discretion of the Town Manager.

8.3.3.2 The following scenario illustrates this section, as to an employee with a regular hourly rate of \$20.00 per hour.

"Time and one-half" Scenario: The employee is physically present at work for forty-three (43) hours in the Town-defined workweek. The employee may chose to receive either thirty dollars (\$30.00) for each overtime hour, or one and one-half (1.5) hours in compensatory time off for each overtime hour. In other words, the employee may chose to receive ninety dollars (\$90.00) or four and one-half (4.5) hours of compensatory time off to be used at a later date.

8.3.4 CALL-BACK PAY

In an emergency or unusual situation, an employee may be called back to work after completing his/her workday. If the employee is non-exempt and is called back, s/he will be compensated for a minimum of two (2) hours per call back. In order to receive callback pay, the employee must record on his/her timesheet the actual hours of callback time and the purpose for which the hours were worked.

8.4 MEAL PERIOD/ BREAKS

A one (1) hour non-compensated meal period is provided to all employees who work seven and one-half (7.5) hours in one day (37.5-hour workweek) or eight (8) hours in one day (40-hour workweek).

Employees must take a minimum one-half (1/2) hour non-compensated break after five (5) continuous hours of work. This break must be reflected on the timesheet.

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8.5 ELIGIBILITY FOR BENEFITS

Benefits are set forth and occasionally revised by the Town Council in keeping with prevailing rates and benefits, current costs of living, the Town's financial condition and policies and other relevant factors.

8.5.1 FULL-TIME EMPLOYEES

Employees holding a full-time position are eligible for all benefits currently authorized by the Town Council, except for those benefits specifically limited to management employees.

8.5.2 PART-TIME EMPLOYEES

Employees holding a part-time position accrue vacation, sick leave and holiday credits in the proportion that their average workweek bears to that of full-time employees. To the extent possible, other benefits afforded full-time positions are also pro-rated. Employees scheduled to work in positions of less than twenty (20) hours per week are not provided medical, PERS retirement, or any other benefits not required by state or federal law.

8.5.3 TEMPORARY EMPLOYEES

Employees holding a temporary position are not provided any benefits other than those required by State or Federal law.

8.5.4 MANAGEMENT EMPLOYEES

Benefits and rights afforded to management employees may differ from non-management employees pursuant to this Manual.

SECTION 9

PERFORMANCE EVALUATIONS

All employees receive an annual performance review near the end of the fiscal year. The Town Manager provides a method of reporting individual employee performance that relates to quantity and quality of work, ability, reliability, discipline, attendance, and other factors.

The Town Manager is responsible for assuring that the evaluations are adequate to provide information to both the employee and the Town for the purposes set forth in this section. An employee must have a satisfactory performance evaluation in order to be eligible for a salary

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increase or promotion. Deficiencies in performance by an employee may result in a decrease in salary, suspension, demotion, or termination of employment.

In addition, as necessary, immediate supervisors may periodically rate the performance of each employee, when changes in work performance occur. Each employee is informed of his or her strengths and weaknesses as to work performance. Each performance report is discussed with the employee. The employee must sign the report, acknowledging that his/her performance evaluation has been reviewed with him/her. The employee's signature does not necessarily mean s/he fully endorses the contents of the report.

SECTION 10

DISCIPLINE

In order to conduct business efficiently and effectively, the Town must address performance and misconduct issues. Such issues are addressed by disciplinary actions and based on disciplinary grounds, including but not limited to those discussed below. Disciplinary actions cannot be appealed and are not subject to the complaint procedure set forth in Section 11, RESOLUTION OF WORK-RELATED COMPLAINTS. Nothing in this section gives Town employees any right to progressive discipline, nor alters the fact that all Town employees serve at will, and can be terminated at any time without cause.

10.1 DISCIPLINARY ACTIONS

The following types of disciplinary actions are available to the Town Manager to address performance and misconduct issues. The Town Manager will attempt to match the disciplinary action to the severity of the employee misconduct. However, the Town Manager reserves the right to impose any disciplinary action up to and including termination of employment at any time, without notice, cause, or progressive discipline.

10.1.1 ORAL COUNSELING

An oral discussion between an employee and his/her supervisor where the supervisor communicates his/her concerns regarding the employee's performance or misconduct. Oral Counseling may involve warning the employee of consequences for not addressing the supervisor's concerns.

10.1.2 WRITTEN REPRIMAND

A letter communicating a supervisor's concerns regarding the employee's performance or misconduct. A Written Reprimand would likely include a warning of consequences for not addressing the supervisor's concerns.

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10.1.3 SUSPENSION

The temporary separation from Town service without pay for disciplinary purposes. FLSA-exempt employees, however, may only be suspended: in one day increments for violations of any workplace conduct rule; in one-week increments for any violation of a workplace conduct rule or performance failure; or in any increment for violations of major safety rules.

10.1.4 REDUCTION IN PAY

A decrease in compensation paid to an employee for a fixed period of time for disciplinary purposes. FLSA-exempt employees, however, are not subject to a pay reduction.

FLSA Safe Harbor Policy -- The Town invokes the safe harbor provisions of the Department of Labor regulation codified at 29 CFR Section 541.603(d) by disseminating and maintaining this policy regarding pay reductions. Should any pay reduction occur in violation of this policy, the Town will reimburse its salaried employees for any improper pay deductions and make a good faith commitment to comply with the FLSA in the future. A salaried employee who feels that his or her salary has been reduced in violation of this policy, may draft a memo to the Town Manager explaining the alleged violation as soon as possible thereafter. The Town Manager will review the complaint and provide a written response to the employee.

10.1.5 DEMOTION

The movement of an employee from one position to another that has a lower maximum rate of pay. The Town Manager may demote an employee whose performance of his/her required duties is below standard, or for other disciplinary purposes. Non-disciplinary demotion may also be made to a vacant position in lieu of layoff. No employee will be demoted to a position for which s/he does not possess the minimum qualifications.

10.1.6 TERMINATION

In relation to disciplinary action, an employee may be separated from Town service when his/her performance of required duties is below standard, or for other disciplinary reasons. All employees are employed on at "at-will" basis, and the Town Manager may terminate their employment for any reason.

10.2 GROUND FOR DISCIPLINE

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The Town's standards of conduct are established for the guidance of all employees. These standards are only a partial list of unacceptable behaviors and conduct, and do not constitute the entire range of grounds for discipline.

1. Fraud in securing employment or making a false statement on an application for employment; or making a false statement or notation on any Town record.
2. Incompetence, i.e., inability to comply with the minimum standards of an employee's position for a significant period of time.
3. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.
4. Disobedience and insubordination, i.e., a failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.
5. Dishonesty.
6. Being impaired from working efficiently because of being under the influence of alcohol or drugs or narcotics while on duty.
7. Excessive absenteeism.
8. Inexcusable absence.
9. Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
10. The conviction of either a misdemeanor or any felony shall constitute grounds for discipline up to and including termination of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The immediate supervisor may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere (no contest) made to discharge a felony is deemed to be a conviction within the meaning of this section.
11. Discourteous treatment of the public or other employees.
12. Improper or unauthorized use of Town property.
13. Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of Town property.

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14. Violation of the ordinances, resolutions, rules and regulations established by the Town.
15. Solicitation or acceptance by an employee of an individual reward, gift, or other form of remuneration from a private source for the performance of his/her official duties, excluding edible/drinkable gifts offered to the entire Town staff.
16. The refusal to testify under oath or affirmation before any Grand Jury having jurisdiction over any then pending investigation of government bribery or misconduct.
17. Improper political activity, which includes:
 - Participation in political activities while in uniform, during working hours, on Town business premises, while conducting official Town business, or using Town resources.
 - Solicitation of political funds from other officers or employees of the Town or from persons on the employment lists of the Town.

Improper political activity does not include the solicitation or receipt of political funds or contributions to promote the passage or defeat of a ballot measure affecting the working conditions of Town employees so long as such activity does not violate provision 17 (a) above.

SECTION 11

RESOLUTION OF WORK-RELATED COMPLAINTS

The Town desires to implement an internal procedure that provides an opportunity for non-disciplinary, work-related complaints to be addressed fairly, objectively and promptly. Pursuant to Section 10, all disciplinary actions and performance evaluations are final and not subject to the following procedure.

11.1 PROCEDURE

- 11.1.1 When an employee has a complaint s/he should discuss the complaint, or submit it in writing to his/her immediate supervisor.

If the complaint pertains to the immediate supervisor, the employee may discuss the complaint, or submit it in writing to the Town Manager.

If the complaint concerns the Town Manager, the employee may discuss the complaint, or submit it in writing to the Mayor for review and determination of whether an outside investigation is warranted.

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11.1.2 The Town Manager makes the final determination of a resolution to the complaint, except in the case of Section 11.1.3, when the Mayor shall make the determination.

11.1.3 All determinations made by the Town Manager (or the Mayor in the case of Section 11.1.3) will be explained to the employee and are final.

SECTION 12

TRANSFER, RESIGNATION, LAYOFF, ABANDONMENT & REINSTATEMENT12.1 TRANSFER

No person will be transferred to a position for which s/he does not possess the minimum qualifications; but the Town Manager may, on a temporary basis, assign employees to duties other than those prescribed in their classification or job description, when a need arises from injury or illness, vacation, or other leaves of absence, or when workloads temporarily create a need, and the best interest of the Town would be served. The Town Manager may transfer an employee from one position to another position in a comparable classification. For transfer purposes, a comparable classification is one with the same maximum salary, and requires substantially the same basic qualifications.

Whenever possible, an employee being transferred from one position to another position in the same class or a comparable class at the same salary level, will receive five (5) working days notice.

12.2 RESIGNATION

Resignation occurs when an employee tenders, to the Town Manager, a written notice of his/her intention to resign. The Town Manager tenders his/her resignation to the Town Council. A resignation becomes final when accepted by the Town Manager, or in the case of the Town Manager's resignation, acceptance by the Town Council. Once a resignation has been accepted, it cannot be withdrawn without the approval of the Town Manager, or in the case of the Town Manager's resignation, approval by the Town Council. The Town requests that employees give a minimum of two (2) weeks notice of their intention to resign.

12.3 JOB ABANDONMENT

An employee may be deemed to have resigned if the employee is absent for three (3) consecutive workdays without prior authorization and without notification during that period of the reason for absence, unless s/he is unable to do so because of circumstances beyond his or her control.

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12.4 LAYOFF POLICY AND PROCEDURE12.4.1 STATEMENT OF INTENT

Whenever, in the judgment of the Town Council, it becomes necessary to abolish funding for any position, the employee holding the position may be laid off or demoted without disciplinary action. An employee who has any questions regarding the layoff decision or process should make an appointment with the Town Manager for a pre-layoff review and without the right of appeal. If two or more employees hold the position to be laid off, the Town will lay off the employee with the least Town seniority. Seniority is determined based upon date of hire in the classification and higher classifications in the Town.

12.4.2 NOTIFICATION

Regular employees to be laid off or demoted under non-disciplinary circumstance will be given a minimum of thirty- (30) calendar days prior notice. Prior notice is not required for the lay off of temporary employees.

12.5 REINSTATEMENT

Upon recommendation of the immediate supervisor and approval of the Town Manager, a regular employee who has resigned or has otherwise been separated while in good standing may be considered for reinstatement to his/her former position, if vacant, or to a vacant position in the same or a comparable classification for a period of one (1) year after resignation or separation. At the discretion of the Town Manager, an employee returning to work may be required to undergo testing as part of a conditional job offer to determine whether s/he is fit to return to work.

SECTION 13

MISCELLANEOUS POLICIES13.1 OUTSIDE EMPLOYMENT13.1.1 POLICY

A Town employee will not engage in any employment, enterprise, or outside activity which is in conflict with his/her duties, functions, responsibilities, or the department by which s/he is employed, nor shall s/he engage in any outside activity for compensation, which will directly or indirectly contribute to the lessening of his/her effectiveness as a Town employee.

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13.1.2 DETERMINATION OF INCONSISTENT ACTIVITIES

In making a determination about the consistency or inconsistency of outside employment, the Town Manager will consider, among other pertinent factors whether the employment is prohibited and inconsistent because of any of the following:

1. Involves the use for private gain or advantage of Town time, facilities, equipment, and supplies, or the badge, uniform, prestige, or influence of one's Town office or employment;
2. Involves receipt or acceptance by employee of any money or other consideration from anyone other than the Town for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of his/her Town employment or as a part of his/her duties as a Town employee;
3. Involves the performance of an act in other than his/her capacity as a Town employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by any Town employee; and/or
4. Involves conditions or factors that would directly or indirectly lessen the efficiency of the employee in his/her regular Town employment or conditions in which there is a substantial danger of injury or illness to the employee.

13.1.3 APPROVAL/REVOCATION

Outside employment is subject to written approval by the Town Manager or his/her designee before the employee undertakes the outside employment and is subject to revocation at any time by the Town Manager or his/her designee.

13.2 CONFLICTS OF INTEREST

Certain employees are bound by the state laws regarding conflicts of interest, including, but not limited to, Government Code Section 87100 et seq. and Portola Valley Municipal Code Chapter 2.36 regarding conflicts of interest. All employees should avoid any conflict or perceived conflict between personal or financial interests and public duties.

13.3 RECORDS AND REPORTS13.3.1 PERSONNEL FILEES

Attachment "B"

A personnel file will be maintained for each employee in the Town service. Information contained in these files includes class title, salary, changes in employment status, disciplinary actions and other information considered pertinent. Personnel files are the property of the Town, and access to the information they contain is restricted.

13.3.2 MEDICAL INFORMATION

Separate Confidential Files. All medical information about an employee or applicant is kept separately and is treated as confidential, in accordance with applicable state or federal law.

13.3.3 ACCESS TO MEDICAL INFORMATION

Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for Town business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

The personnel files will be maintained in a secure place and monitored by the Town Manager or his/her designee, who will determine access to the files. An employee, or the employee's representative with written consent of the employee, is entitled to review his/her personnel file with adequate advance notice to the Town Manager or his/her designee.

13.3.4 DESTRUCTION OF RECORDS

Records relating to persons who were never in the employ of the Town including correspondence, applications, examinations and reports may be destroyed after three (3) years. Records of employees may be destroyed after ten (10) years from the date of termination.

13.4 USE OF TOWN BUILDINGS AND COMMUNICATIONS EQUIPMENT

13.4.1 GENERAL POLICY

Town property is to be used only for conducting Town business unless otherwise authorized. Under no circumstances may Town property be loaned to unauthorized persons or utilized by an employee while engaged in outside employment or activities involving compensation.

Town property may be monitored and searched at any time and for any reason. Messages sent or received on Town equipment may be saved and reviewed by

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others. As a result, Town employees have no expectation of privacy in the messages sent or received on Town property or equipment.

13.4.2 USE OF COMMUNICATIONS EQUIPMENT

13.4.2.1 Protecting IT and Other Communications Equipment

All employees share in the responsibility to protect Town computer and telecommunications resources from physical and environmental damage and are responsible for the correct operation, security and maintenance of such equipment. Security of the Town's network must be considered at all times when using the Internet and e-mail systems, especially when downloading materials from other sites.

13.4.2.2 Authorized Hardware and Software Configurations

Computer hardware and software will be installed, configured and supported by the Town as determined by Town policy. Only within those parameters is personal preference to be exercised. The Town may reconfigure systems and delete unauthorized software and data from time to time. Hardware and software installation is permitted on Town computers only if it is purchased and licensed by the Town.

13.4.2.3 Games

Games may not be installed or used on Town-owned computers. Personal computers or devices may not be used for playing games during regular Town business hours or during an employee's regular hours except as part of formal training programs or during an employee's breaks or lunch period.

13.4.2.4 Internet and E-mail Use

The Internet is a business tool provided to employees at significant cost; therefore, employees are expected to use their Internet access primarily for business-related purposes. The Town requests that you conduct yourself honestly and appropriately on the Internet and respect the copyrights, software licensing rules, property rights, privacy and prerogatives of others, just as you would in any other business dealing. Employees may use the Town's Internet facilities for non-business research or browsing during mealtime or other breaks, or outside of work hours, provided that all other usage policies are adhered to. Irresponsible action or excessive use of Internet privileges will result in a warning; such continued use will result in removal of Internet privileges.

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13.4.2.5 No Expectation of Privacy

The tools provided by the Town in accordance with this policy remain the property of the Town for the primary purpose of business communications. Accordingly, the Town retains the right to review employee usage of such equipment. Employees shall have no expectation of privacy for Internet usage or for voice and electronic mail communications. Although employees may have passwords that restrict access, employees should be aware that the Town can access any messages stored and may do so for any reason at any time. It should also be noted that it is possible to recover deleted computer files, deleted e-mail, and deleted voice mail messages at any time. E-mail shall never be used for confidential communications with an employee's own attorney. Further, employees shall never assume the identities of the persons with whom they communicate are exempt from public disclosure laws.

Employees should note that data, files, messages and information on Town computers, servers or voice mail are subject to disclosure under the Public Records Act or pursuant to discovery in litigation. Therefore, every message should be treated as if it will be made public.

13.4.2.6 Data Backup

Files stored on the Town's computer network, including e-mail, will be backed up daily according to the Town's network backup schedule.

13.4.2.7 Retention

Internet and e-mail resources should not be considered an archival or retention system. All messages sent and received should be deleted routinely on Friday. Messages relating to specific projects or subjects that must be maintained longer should preferably be saved in an electronic format, or, if necessary, printed onto paper and filed appropriately or saved to a physical file.

13.4.2.8 Personal Use

Personal use of IT and other equipment should be kept to a minimum and during breaks from regular working hours. The Town understands that staff may need to use telephones, computer equipment and Internet access and e-mail for personal use. However, staff shall keep such use to a minimum, limit that use to break time, and reimburse the Town for any charges incurred for such purpose.

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13.4.3 RENTAL OF COMMUNITY HALL

Full-time salaried employees may rent the Community Hall for a personal special event, subject to availability, for a rental fee of \$500.00 together with payment of a \$1,000.00 refundable cleaning deposit.

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13.5 USE AND OPERATION OF TOWN-OWNED VEHICLES AND MOTORIZED EQUIPMENT

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13.5.1 PURPOSE

This document establishes policies related to the use and operation of Town-owned vehicles and equipment, and privately owned vehicles used for Town-related business.

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13.5.2. DEFINITIONS

13.5.2.1 "Authorized Drivers/Equipment Operators": Those employees who have been identified, by verification of their driving record through the Department of Motor Vehicles (DMV), as having:

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- An acceptable driving record in accordance with guidelines set forth in this policy;
• Received approval from their supervisor/manager to operate/drive Town-owned equipment/vehicles or their own personal vehicle for Town-related business; and
• Met any other requirements set forth by the Town.

13.5.2.2 "Major Conviction": These include, but are not limited to, the following:

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- Driving under the influence of alcohol or drugs, including prescription drugs that bear the warning that operating machinery or a motor vehicle while using this drug is unsafe;
• Driving while impaired;
• Reckless driving, racing, or participating in a speed contest;
• Failure to report an accident;
• Vehicular homicide or manslaughter;
• Attempting to evade a police officer; and/or
• Driving with a suspended or revoked license

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13.5.2.3 "Town-owned Vehicles and Equipment": includes trucks, vehicles and other motorized equipment used in the conduct of Town business.

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13.5.3 POLICY

13.5.3.1 General

To ensure the Town hires qualified candidates into positions that may necessitate driving vehicles and/or operating equipment, the Town requires applicants to provide the following with their employment application:

- Driver's license number and expiration date; and
- Proof of insurance.

Any Town employee driving/operating a Town-owned vehicle or piece of equipment, or privately owned vehicle for Town-related business, is required to possess a valid California Driver's license.

1. Any employee performing work that requires driving/operating Town-owned vehicles or equipment, or a privately owned vehicle for Town-related business, must notify his/her immediate supervisor within one business day of receiving notice that his/her license is expired, suspended, restricted or revoked. An employee who fails to report such license status and continues to drive/operate a Town-owned vehicle or piece of equipment shall be subject to appropriate disciplinary action up to and including termination.

2. An employee with a DMV report indicating a currently suspended or revoked license will be denied authorization to operate a Town-owned vehicle or piece of equipment or a privately owned vehicle for official Town business.

Employees shall comply with all local and State driving laws and shall operate all vehicles and equipment used for official Town business in a safe and economical manner. Use Town-owned vehicles and equipment in a safe manner that will produce positive perceptions by the public.

1. Employees must drive at reasonable and safe speeds and must be legally and appropriately parked in conformance with all laws and traffic regulations. Employees are responsible for any violations incurred while driving/operating a Town-owned vehicle or equipment, or privately owned vehicles used for official Town business.

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- 2. A record of three (3) or more accidents resulting in damage to a Town-owned vehicle or piece of equipment; or three (3) or more accidents to a personal or Town-owned vehicle in a 12-month period; or a major conviction (see 2.2); and/or misuse of Town-owned vehicles or equipment shall be cause for suspending driving/operating privileges.
- 3. If an employee must operate a Town-owned vehicle and/or piece of equipment or privately owned vehicle as part of their job requirements, suspension of driving/operating privileges may lead to appropriate disciplinary action, up to and including termination of employment, for failure to perform their job or meet their essential job functions.
- 4. Records of vehicle accidents, moving violations, major conviction(s), poor driving habits and/or misuse of Town-owned vehicles or equipment will be kept in the employee's personnel file.

Town-owned vehicles and equipment shall be driven/operated for official use only.

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No unauthorized drivers/operators will be allowed to drive/operate a Town-owned vehicle or piece of equipment. Passengers are only allowed to be in Town-owned vehicles if they are also on official Town business. Family members are not allowed in Town-owned vehicles or equipment.

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Employees and passengers are required to wear safety seatbelts at all times when in a Town-owned vehicle.

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Smoking is prohibited in Town-owned vehicles and when operating Town-owned equipment.

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Employees may be eligible to receive mileage reimbursement when using their personal vehicle for Town-related business. In order to receive reimbursement, the employee must keep a log of miles traveled on the "Employee Vehicle Mileage" form (Appendix "A"), and submit it to the Administrative Services Director for processing.

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13.5.3.2. Insurance

An employee driving his/her personal vehicle for Town-related business shall carry liability insurance, with at least the minimum limits required

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by the State of California, at the employee's expense, and proof of insurance must be retained in the personal vehicle.

The Town will look first to an employee's personal automobile liability insurance policy and the employee's insurance shall be considered primary for the payment of any claims resulting from the employee's operation of his/her personal vehicle when on Town-related business.

Unless otherwise required by law, the Town does not cover damage to an employee's personally owned vehicle, even if the employee is operating it for Town-related business.

An employee injured in an automobile accident while in the course of employment, whether operating a Town-owned vehicle or piece of equipment or a privately owned vehicle, may be covered by the Town's Workers' Compensation Program. Therefore, the employee should report an automobile accident as soon as practical to the Town Manager or his/her designee.

13.5.3.3. Cellular Phone, Computer, Navigational Devices and Two-way Radio Use

All employees must adhere to all federal, state, and local rules and regulations regarding the use of cell phones and wireless devices while driving.

All employees must adhere to the Town's Wireless Device Use Policies and Guidelines (Appendix "B")

13.5.3.4. Collision Investigation Involving Town Employees, Vehicles and/or Equipment

If involved in a collision or incident causing vehicle/equipment damage, property or bodily injury, an employee driving/operating any Town-owned vehicle/equipment or privately owned vehicle which is being used for Town-related business, shall follow these procedures:

1. If possible, request that all parties concerned remain at the scene of the accident until a law enforcement representative has release them.

2. Contact the appropriate law enforcement agency for the investigation:

- If occurring within San Mateo County, contact the San Mateo County Sheriff's Office.

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- If occurring outside San Mateo County, contact the law enforcement agency having jurisdiction by dialing 9-1-1.
- 3. Refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, Town officials, and/or representatives of your insurance company, including when your privately owned vehicle is involved. Confine statements to factual observations.
- 4. If you are able to do so, complete the information requested in the ABAG Vehicle Accident kit found in the glove box of the Town-owned vehicle. Forward this information to the Town Manager as soon as practical.
- 5. If possible, take photos of the accident scene to record damage or other pertinent information.
- 6. If you are injured, report your injury to the Town Manager or his/her designee and complete appropriate paperwork for an on-the-job injury.

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- Employees of the Town are required to dress appropriately for the jobs they are performing.
- Uniforms and safety equipment must be worn where applicable.
- Footwear must be appropriate for the work environment and functions being performed.

13.7 NEPOTISM POLICY

- 13.7.1 No person will be appointed or promoted to a position in any department in which the person's relative already holds a position, when the employment would result in a supervisor-subordinate relationship.
- 13.7.2 For purposes of this section, "relative" means spouse, domestic partner, child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law or sister-in-law.
- 13.7.3 If a Town employee marries or files a Declaration of Domestic Partnership with another person employed by the Town within the same department, both employees will be allowed to retain their respective positions provided that a supervisory relationship does not exist at the time of marriage/domestic partnership between these two positions. During the period of employment, no supervisory position will exist between the two employees. For the purpose of this section, a supervisory relationship is defined as one in which one person

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exercises the right to control, direct, reward or discipline another person by virtue of the duties and responsibilities assigned to his/her position.

13.7.4 The Town also retains the right to refuse to hire spouses or domestic partners, or to place both spouses or domestic partners in the same department, division, or facility if the hiring or placement would have an adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.

13.7.5 When the above circumstances exist and mandate that two spouses or domestic partners will not work in a prohibited supervisory relationship, an attempt will be made to transfer one spouse/domestic partner to a similar classified position in another Town department. Although the wishes of the involved parties as to which spouse/domestic partner is to be transferred will be given consideration by the Town, the controlling factor in determining which spouse/domestic partner is to be transferred will be the positive operation and efficiency of the Town. If any transfer results in a reduction in salary or compensation, it will not be considered disciplinary in nature and will not be the subject of any form of administrative appeal.

13.7.6 If continuing employment of two spouses or domestic partners cannot be accommodated consistent with the Town's interest in promotion of safety, security, morale and efficiency, then the Town retains sole discretion to terminate the employment of one spouse/domestic partner. If one spouse/domestic partner does not resign, one of the involved spouses/domestic partners will be subject to termination of employment. This will not constitute discipline and will not be subject to any administrative appeal.

13.8 POLICY PROHIBITING THE USE OF DRUGS AND ALCOHOL

13.8.1 PURPOSE

The intent of this policy is to eliminate the use and effects of alcohol and drugs in the workplace.

The objectives of this policy are to: 1) eliminate any use of alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of their job; 2) encourage employees who think they may have an alcohol or drug usage problem to voluntarily seek confidential assistance; and 3) emphasize training and rehabilitation. However, even with the emphasis on rehabilitation, it must be understood that for those who demonstrate problems in job performance or for those who are involved with or under the influence of drugs or alcohol on the job, disciplinary action will be taken.

13.8.2 SCOPE

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This policy applies to all employees of the Town when working for or officially representing the Town of Portola Valley.

This policy applies to alcohol and all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of his/her job.

13.8.3 POLICY

It is the Town's policy that employees will not use or be under the influence of alcohol or drugs, or possess alcohol or illegal drugs at any work site or Town property, while on duty, breaks or meal periods.

In order to promote a safe, productive and efficient workplace, the Town has the right to search and inspect all Town property, including but not limited to lockers, storage areas, furniture, Town vehicles, and other places under the common control of the Town, or joint control of the Town, and employees. No employee has any expectation of privacy in any Town building, property, or communications system. Employees are urged to seek voluntary confidential assistance if they believe they may have an alcohol or drug use problem.

The manufacture, distribution, dispensation, possession, or use of alcohol or any controlled substance is prohibited in both Town workplaces and wherever Town business is performed.

Compliance with this policy is a condition of Town employment. Disciplinary action will be taken against those who violate this policy.

13.8.4 PROCEDURES

13.8.4.1 Employee Responsibilities

1. It is the employee's responsibility to demonstrate satisfactory job performance.
2. Employees will report to work with the ability to perform job duties not impaired due to on or off duty alcohol or drug use.
3. Employees are responsible for the personal implementation of this policy to facilitate safe and effective job performance.
4. Employees will not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during

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working hours or while subject to duty. This includes breaks and meal periods.

5. An employee will notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, which would interfere with the safe and effective performance of duties or operation of equipment.
6. An employee will not directly or indirectly through a third party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at Town workplaces or where Town business is performed; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty;
7. An employee will notify the Town Manager of any criminal conviction for a drug violation that occurred in the workplace within no more than five (5) days after such conviction;
8. An employee will notify the supervisor immediately of facts or reasonable suspicions when he or she observes behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others;
9. An employee will follow the Town's drug and alcohol-free workplace policy.

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13.8.4.2 Management Responsibilities and Guidelines

1. Managers and Supervisors should, if possible, notify the Town Manager or his/her designee when they have reasonable suspicion to believe that an employee may be under the influence of drugs or alcohol, or have illegal drugs in his/her possession.
2. Employees reasonably believed to be under the influence of alcohol or drugs will be prevented from engaging in further work, and may be sent for drug or alcohol testing if two (2) supervisory employee document their observations and the facts that lead them to believe that the employee is under the influence of alcohol or drugs. The reasonable suspicion factors are listed below, and must be documented in writing prior to sending any employee for drug or alcohol testing. A supervisor can require a medical certification of fitness for duty, before allowing the employee to return to work.

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Reasonable suspicion factors include:

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- Presence of alcohol, alcohol containers, drugs or drug paraphernalia;
 - Appearance, including: flushed, disheveled, bloodshot or glassy eyes, tremors, profuse sweating, dilated or constricted pupils, inappropriate wearing of sunglasses, dry mouth symptoms, runny nose, sores, smell of alcohol, puncture marks;
 - Behavior or speech, including: incoherent, slurred, unconscious, confused, slowed, hostile or confrontational, agitated, sleeping on the job;
 - Awareness, including: confused, mood swings, lethargic, paranoid, lack of coordination, euphoric, disoriented;
 - Motor skills/balance, including: unsteady, swaying, falling, staggering, stumbling, reaching for support, arms raised for balance.
3. Notify the state or federal granting agency which has funded the work or program, if any, of any criminal drug statute convictions for a violation that occurred at a site where work is/was being done with a specific grant or contract;
 4. Take appropriate disciplinary action for any criminal drug statute conviction that has a nexus to the employee's employment, or require that the convicted employee participate satisfactorily in a

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drug abuse assistance or rehabilitation program as a condition for returning to duty;

5. Take appropriate disciplinary action for any violation of this policy consistent with existing discipline procedures;

6. Enforce this policy; and

7. Report any suspected violation of this policy to the Town Manager.

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13.8.5 Disciplinary Action

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of managers, supervisors and employees. To that end the Town will act to eliminate any use of alcohol or drugs that increase the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to Town reputation or equipment. All persons covered by this policy should be aware that even first-time violations of these procedures may be grounds for disciplinary action up to and including termination. In addition, the Town may, but is not required to, refer employees to counseling and treatment in lieu of disciplinary action.

13.9 DRUG-FREE AWARENESS PROGRAM

The Town will distribute a brochure on the dangers of drug abuse to each Town employee and will notify each Town employee of the availability of counseling and treatment of drug-related problems through the Employee Assistance Program provider.

13.10 NON-SMOKING POLICY

Smoking is prohibited in all Town facilities and vehicles.

13.11 GIFTS AND GRATUITIES

It is Town policy that Town employees should not solicit or accept gifts from a private source. However, edible/drinkable and floral gifts offered to an employee and then made available to the entire Town staff are acceptable.

13.12 VIOLENCE PREVENTION POLICY

13.12.1 POLICY

The Town is committed to providing a safe and secure workplace for employees and the public. The Town will not tolerate acts or threats of violence in the workplace. The workplace includes any location where Town business is

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conducted, including vehicles and parking lots. Any violation of this policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

13.12.2 PROHIBITED BEHAVIOR

Employees are prohibited from engaging in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of Town employment. The Town has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

Employees engaged in Town business are prohibited from carrying weapons in violation of any law or this policy unless weapons are required for performance of the job. Employees who have legal authority to carry a weapon shall notify the Town Manager in writing of what type of weapon is being carried. Employees who have legal authority to carry weapons violate this policy if they: accidentally discharge or lose their weapon; use, threaten to use, or display the weapon for a job related reason; or violate any law related to carrying a legal weapon while engaged in Town business.

13.12.3. DEFINITIONS

13.12.3.1 "Workplace Violence": is any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

- Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.
- The destruction of, or threat of destruction of Town property or another employee's property.
- Harassing or threatening phone calls.
- Surveillance.
- Stalking.
- Possession of offensive or defensive weapons (illegal knives, clubs, mace, pepper spray, tear gas, etc.) unless specifically required or authorized and approved by the Town Manager. Weapons are defined as chemical sprays, clubs or batons, and knives, and any other device, tool, chemical agent or

Attachment "B"

implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

13.12.4. INCIDENT REPORTING PROCEDURES

1. Employees must immediately report workplace violence to their supervisor. The supervisor will report the matter to the Town Manager.
2. The Town Manager will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.
3. The Town Manager will take appropriate steps to provide security, such as:
 - Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
 - Asking any threatening or potentially violent person to leave the site; or
 - Immediately contacting an appropriate law enforcement agency.

13.12.5. INVESTIGATION

The Town Manager will see that reported violations of this policy are investigated as necessary.

13.12.6. MANAGEMENT RESPONSIBILITY

Each supervisor has authority to enforce this policy by:

1. Training subordinates about their responsibilities under this policy;
2. Assuring that reports of workplace violence are documented accurately and timely;
3. Notifying the Town Manager and/or law enforcement authorities of any incidents;
4. Making all reasonable efforts to maintain a safe and secure workplace; and
5. Maintaining records and follow up actions as to workplace violence reports.

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13.12.7. FOLLOW-UP AND DISCIPLINARY PROCEDURES

An employee found in violation of this policy will be subject to disciplinary action, up to and including termination of employment. In addition, employees found in violation of this policy may be subject to criminal prosecution

13.13 LACTATION ACCOMMODATION

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A female employee who wishes to express breast milk for her infant child (up to one year old) while at work may make arrangements with the supervisor to do so.

The employee should write the supervisor a memo that states the proposed schedule and location for the lactation breaks. The lactation breaks should run concurrently with the regular break times, and, if necessary, other times that would not seriously disrupt work. The location for the lactation break should be private, not be a toilet stall or located in a bathroom, and should be within a reasonable proximity of the employee's work area. The location may be the place where the employee normally works, if that area can be made reasonably private. The supervisor is not required to provide break time on any given occasion if the break would seriously disrupt work or operations.

Lactation break time that runs concurrently with regular break time is paid. Lactation break time that does not run concurrently with regular break time is unpaid for overtime-eligible employees.

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Appendix "A"
EMPLOYEE VEHICLE MILEAGE REIMBURSEMENT

<u>Date</u>	<u>Number of Miles</u>	<u>Business Purpose</u>	<u>Location</u>

Total Miles x \$ _____ /mile = \$ _____ Reimbursement

Name: _____ Signature: _____

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Appendix "B"



Town of Portola Valley
Wireless Device Use Policies and Guidelines

a wireless device [Cell phone, 2-way radio/phone, pager, Personal Digital Assistant (PDA)] while driving may present a distraction hazard to the driver, passengers and the general public.

The New England Journal of Medicine has released a study reporting that cell phone usage while driving increases the potential for an accident to occur by 400%, or about the same as driving while intoxicated. The use of "hands-free" devices does reduce the potential for accidents.

The Town of Portola Valley provides cellular phones and 2-way radio/phones to those employees who need them in order to perform their job responsibilities. The following policies and guidelines concerning wireless device use have been adopted in order to ensure the safe operation of Town vehicles and private vehicles used by an employee to conduct official Town business.

Policies:

- Employees must adhere to all federal, state and local rules and regulations regarding the use of wireless devices while driving. If law, regulations, or ordinances prohibit such conduct, employees must not use wireless devices. Formatted: Bullets and Numbering

- While driving a Town-owned vehicle or personal vehicle used for official Town business, employees should not use wireless devices for business or personal purposes. Should an employee need to use a wireless device while driving, s/he should pull off the road, locate a lawfully designated area to park, and then use the device. Formatted: Bullets and Numbering

- Employees may use hands-free wireless devices to make business calls, but only for emergency purposes, including but not limited to an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency/entity. Such calls should be kept short and should the circumstances warrant (e.g. heavy traffic, bad weather), the employee should pull off the road, locate a lawfully designated area to park, and then use the device. Formatted: Bullets and Numbering

- Violation of these policies will subject an employee to disciplinary action up to and including termination. Formatted: Bullets and Numbering

Guidelines for Safe Wireless Device Use

- Be knowledgeable: Understand how to use your wireless device. Read the user's manual to learn of its capabilities. Formatted: Bullets and Numbering

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▪ Timing of wireless device use: Use wireless devices when the car is stopped. If necessary, pull over to the side of the road. Never use a wireless device while the vehicle is in motion.
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▪ Use memory dialing: Pre-program frequently dialed numbers or use voice recognition dialing.
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▪ Hands-free devices: Always use hands-free devices, such as ear/mike accessory and phone cradles.
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▪ Wireless device location: To avoid taking your eyes off the road, position the wireless device within easy reach and as close to eye-level as possible.
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▪ Driving is your priority: Suspend conversations during hazardous situations, including high pedestrian traffic, congested traffic, or severe weather conditions.
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▪ Minimize distractions: Never take notes or look up information while driving. If using the device is distracting or reading/writing is required to use the device, pull off the road and find a safe place to park.
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▪ Conversations: Keep any necessary conversations brief. Do not engage in stressful or emotional conversations that may divert your attention from the road.
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▪ Unnecessary calls: Refrain from placing or receiving unnecessary calls. Allow voicemail to handle your calls and return them when it is safe and convenient.
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▪ Actively compensate for distractions: If you are using a wireless device while driving, move to slower travel lanes, increase your following distance and frequently check your mirrors to assess the immediate driving situation.

Employee Acceptance

I have read, understand and will abide by the Town of Portola Valley's Wireless Device Use Policy. I understand that violation of this policy may result in discipline up to and including termination.

Employee Signature Date

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Proposed Major Revisions to Town of Portola Valley
Personnel Policies

Section #	Proposed Revision	Reason/Authority
1.1 Coverage	<u>Adds:</u> "All Town employees serve at the will of the Town Manager, and nothing in this manual creates any right, contractual or otherwise, to continued employment."	Clarifies employees' "at will" employment status
6.1 Equal Employment Opportunity Policy	<u>Adds:</u> "sex (including pregnancy, childbirth, or related medical conditions); gender identify, gender expression; genetic information or characteristics"	Required due to revisions to State of California law
6.2.2 Procedure for Obtaining Reasonable Accommoda- tion	<u>Adds:</u> "if job-related and consistent with business necessity" <u>Adds:</u> "The Town Manager can require a pre-employment fitness for duty exam for an applicant after the applicant has received an offer of employment that is conditioned only on the successful completion of the examination." <u>Adds:</u> "The Town will arrange. . ." <u>Adds:</u> "The Town determines. . ."	Creates consistency with State and Federal law regarding reasonable accommodation and best personnel practices
6.3.2.1 Protected Status	<u>Adds:</u> New definition "Protected Status"	Required due to revisions to State of California law
6.3.2.2 6.3.2.3 6.3.2.4 6.3.2.6	<u>Adds:</u> "any actual or perceived protected status"	Required due to revisions to State of California law
6.3.2.7 Retaliation	<u>Adds:</u> New definition "Retaliation"	Required due to revisions to State of California law

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Section #	Proposed Revision	Reason
6.4.3 Investigation	<p><u>Adds</u>: "The Town takes a proactive approach. . ."</p> <p><u>Adds</u>: "The Town Manager may take interim action to diffuse volatile circumstances."</p> <p><u>Adds</u>: "The investigator will review. . ."</p>	Creates consistency with State and Federal law regarding investigations related to alleged harassment, discrimination and/or retaliation. Consistent with best personnel practices.
6.4.5 Privacy	<p><u>Adds</u>: "An individual who is interviewed. . ."</p> <p><u>Adds</u>: "The Town will not disclose. . ."</p>	Creates consistency with State and Federal law regarding privacy related to investigations. Consistent with best personnel practices.
6.5 Policy Against Retaliation	<u>Adds</u> : New section	Addresses whistle blower complaints. Consistent with best personnel practices.
7.6.1 Sale of Accrued Vacation Hours	<u>Adds</u> : Policy previously approved by Town Council	Incorporates personnel-related policy in primary reference document
7.13 Pregnancy Disability Leave	<p><u>Adds</u>: "or continue to work in her current job"</p> <p><u>Adds</u>: "A pregnant employee is entitled to: 1) a leave. . ."</p> <p><u>Adds</u>: "requests for an extension of leave. . ."</p> <p><u>Adds</u>: "The Town will also provide a reasonable. . ."</p> <p><u>Adds</u>: "been continuously employed or would have had the right to an available comparable position if she had been continuously employed; virtually identical; benefits, working conditions, privileges. . ."</p>	Required due to revisions to State of California law

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Section #	Proposed Revision	Reason/Authority
7.18	<u>Adds:</u> New section	NOT required by State law, but is being recommended for inclusion (Required for employers with 25 or more employees)
7.19 Time Off to Appear in School	<u>Adds:</u> New section	Required by State law
7.20 Time Off for Victims of Abuse	<u>Adds:</u> New section	Required by State law
7.21 Time Off for Domestic violence or Sexual Assault Victims	<u>Adds:</u> New section	NOT required by State law, but is being recommended for inclusion (Required for employers with 25 or more employees)
10.0 Discipline	<u>Adds:</u> "Nothing in this section gives Town employees any right to progressive discipline, nor alters the fact that all Town employees serve at will, and can be terminated at any time without cause."	Further clarifies employees' "at will" employment status
10.1.3 Suspension	<u>Adds:</u> "FLSA-exempt employees, however, may only be suspended: in one-day increments for violations of any workplace conduct rule; in one-week increments for any violation of a workplace conduct rule or performance failure; or in any increment for violations of major safety rules."	Creates consistency with Federal law

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Section #	Proposed Revision	Reason/Authority
10.14 Reduction in Pay	<p><u>Adds:</u> "FLSA-exempt employees, however, are not subject to a pay reduction."</p> <p>Adds: "FLSA Safe Harbor Policy . . ."</p>	Creates consistency with Federal law. Consistent with best personnel practices.
12.4 Layoff Policy and Procedure	<p><u>Adds:</u> "An employee who has any questions regarding the layoff decision or process should make an appointment with the Town Manager for a pre-layoff review."</p> <p><u>Adds:</u> "If two or more employees holds the position to be laid off, the Town. . ."</p>	<p>Addresses precedent established in Levine v. City of Alameda.</p> <p>California law requires the use of seniority to decide order of layoff.</p>
13.4 Use of Town Buildings & Communications Equipment	<u>Adds:</u> New section	Memorializes best practice in government operations
13.4.2 Use of Communications Equipment	<u>Adds:</u> New sub-section	Memorializes best practice in the use of IT and Communications equipment
13.4.3 Rental of Community Hall	<u>Adds:</u> Policy previously approved by Town Council	Incorporates personnel-related policy in primary reference document
13.5 Use and Operation of Town-owned Vehicles and Motorized Equipment	<u>Adds:</u> New section concerning use of Town-owned vehicles and equipment	Incorporates Association of Bay Area Governments' liability reduction best practices

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Section #	Proposed Revision	Reason/Authority
13.8.3 Policy Prohibiting the Use of Drugs and Alcohol	<p><u>Adds</u>: "In order to promote. . ."</p> <p><u>Adds</u>: "The manufacture, distribution. . ."</p> <p><u>Adds</u>: "Compliance with this policy is a condition. . ."</p> <p><u>Adds</u>: "Employees who are required to participate. . ."</p>	Creates consistency with State and Federal Drug Free Workplace laws.
13.8.4.1 Employee Responsi- bilities	<p><u>Adds</u>: "An employee will not directly. . ."</p> <p><u>Adds</u>: "An employee will notify the Town Manager. . ."</p> <p><u>Adds</u>: "An employee will notify the supervisor. . ."</p> <p><u>Adds</u>: "An employee will follow the Town's drug and alcohol-free workplace policy."</p>	Creates consistency with State and Federal Drug Free Workplace laws.
13.8.4.2 Management Responsi- bilities and Guidelines	<p><u>Adds</u>: "Notify the state or federal granting. . ."</p> <p><u>Adds</u>: "Take appropriate disciplinary action. . ."</p> <p><u>Adds</u>: "Take appropriate disciplinary action for any violation. . ."</p> <p><u>Adds</u>: "Enforce this policy."</p> <p><u>Adds</u>: "Report any suspected violation of this policy to the Town Manager."</p>	Creates consistency with State and Federal Drug Free Workplace laws.
13.9 Drug-free Awareness Program	<u>Adds</u> : New Section	Creates consistency with State and Federal Drug Free Workplace laws.

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Section #	Proposed Revision	Reason/Authority
13.12 Violence Prevention Policy	<u>Adds</u> : New Section	Required by State law
13.13 Lactation Accommodation	<u>Adds</u> : New Section	Required by State and Federal law

Attachment "D"
SECTION 1

GENERAL PROVISIONS

1.1 COVERAGE

This Personnel Policy Manual ("Manual") establishes the personnel system for the employees of the Town of Portola Valley. All Town employees serve at the will of the Town Manager, and nothing in this Manual creates any right, contractual or otherwise, to continued employment.

In addition, the provisions of Section 6.3, POLICY AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION also apply to all elective officers and their duly appointed deputies, members of appointive boards, commissions and committees, persons engaged under contract, and volunteer personnel.

1.2 ADOPTION

The Town Council of the Town of Portola Valley adopts this Manual pursuant to Resolution No. 2053- 2003, and supersedes and replaces any previous Town policies or regulations related to personnel issues.

1.3 ANNUAL REVIEW AND AMENDMENT

This Manual will be reviewed every two years to ensure compliance with current state and federal employment laws. Section 6.3 POLICY AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION will be reviewed on an annual basis. The Town Manager may recommend amendments and revisions to this Manual, which will become effective when adopted by the Town Council. Each employee will receive a copy of any substantive changes to this Manual within thirty (30) days of its adoption.

1.4 VIOLATION

Violation of any of the provisions of this Manual constitutes grounds for rejection of applicants or discipline of employees, including suspension, demotion or termination.

SECTION 2

DEFINITION OF TERMS

The following terms, listed in alphabetical order, appear throughout this Manual and are defined as follows:

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- 2.1 "Classification": All positions that are sufficiently similar in duties, responsibilities, and working conditions to permit grouping under a common classification with a common title, and to permit equitable application of common standards of selection, transfer, promotion, and salary. Classifications are set forth in the Classification Plan.
- 2.2 "Compensation Plan": The assignment by Town Council Resolution of salary ranges and/or salary rates.
- 2.3 "Demotion": The movement of an employee from one position to another that has a lower maximum rate of pay.
- 2.4 "Employee": Any person hired to work for the Town at a regular salary in a position directly supervised by or on behalf of the Town Manager. Independent contractors and members of Town Committees and Commissions, whether or not compensated, are not deemed to be employees within the meaning of this Manual.
- 2.5 "Full-time Position": A position having a minimum workweek of 37.5 hours per week, or 40 hours per week in the case of the Maintenance Coordinator.
- 2.6 "Management Employee": An employee who holds a position designated as "management". Employees in the following job classifications are considered management employees:
- Town Manager
 - Assistant Town Manager
 - Public Works Director
 - Planning Manager
- 2.7 "Overtime": Hours worked that are required and authorized in excess of forty (40) hours in a workweek. For the purpose of determining overtime, "hours worked" is defined as time actually spent working for the Town, only.
- 2.8 "Part-time Position": A position having a workweek of fewer hours than the workweek established for full-time positions in the class.
- 2.9 "Position": A particular job assignment that includes certain duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.
- 2.10 "Promotion": The movement of an employee from one position to another that has a higher maximum rate of pay.
- 2.11 "Reinstatement": The re-employment without examination of a former employee.
- 2.12 "Regular Employee": A non-temporary employee.

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- 2.13 "Suspension": The temporary separation from the Town service, without pay, for disciplinary purposes, of an employee.
- 2.14 "Temporary Employee": An employee who holds a full-time or part-time position of limited duration.
- 2.15 "Termination": The separation of an employee from the Town service because of retirement, resignation, layoff, death or at-will termination.
- 2.16 "Town": The Town of Portola Valley.
- 2.17 "Town Manager": The employee appointed by the Town Council to assume full management responsibility for all Town operations, which, for purposes of this Manual, includes direct supervision over all Town employees.
- 2.18 "Town Council": The elected legislative body of the Town.
- 2.19 "Town Employee": Any person employed by the Town, except for persons supplied by temporary staffing agencies.
- 2.20 "Transfer": A change of an employee from one position to another position in the same class or in a comparable class with the same maximum rate of pay.
- 2.21 "Workweek": The work period beginning Sunday at midnight and ending the following consecutive Sunday at midnight.

SECTION 3

MANAGEMENT RIGHTS

The Town retains all of its powers and authority to manage municipal services and the work force performing those services, including but not limited to, the following rights to:

1. Determine and modify the organization and administration of Town government and its constituent work units.
2. Determine the nature, standards, levels and mode of delivery of services to be offered to the public.
3. Determine the methods, means, and numbers and kinds of personnel by which services are to be provided.
4. Determine whether goods or services shall be made or provided by the Town, or shall be purchased, or contracted for.

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5. Direct employees, including scheduling and assigning work, work hours, and overtime.
6. Establish and require compliance with employee performance standards.
7. Discharge, suspend, demote, reduce in pay, reprimand, withhold salary increases and benefits, or otherwise discipline employees subject to the requirements of applicable law.
8. Implement rules, regulations, and directives consistent with law.
9. Take all necessary actions to protect the public and carry out its mission in emergencies.

SECTION 4

CLASSIFICATION4.1 PREPARATION AND MAINTENANCE OF CLASSIFICATION PLAN

The Town Manager determines and records the duties and responsibilities of all positions and, after consultation with other management employees, prepares and maintains the Classification Plan.

The Classification Plan consists of a list of every classification in use by the Town.

The Classification Plan contains, as an addendum, job descriptions for each position, including the class title, a description of the position, examples of typical duties and responsibilities, a description of abilities and other qualifications for the position and salary ranges and/or salary rates.

4.2 ADOPTION OF PLAN

The Town Council will first approve the Classification Plan before the plan or any part of it becomes effective. The Classification Plan will be amended or revised in the same manner.

4.3 NEW POSITIONS

When a new position is created by Town Council action, before it may be filled, and except as otherwise provided by Municipal Code or this Manual, no person will be appointed or employed to fill it until the Classification Plan has been amended.

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4.4 RECLASSIFICATION

Reclassification is the reassignment of a position from one class to a different class in accordance with a re-evaluation of the minimum qualifications, duties and responsibilities of the position. When the duties of a position have materially changed so that reclassification is necessary, the Town Manager will allocate the position to a more appropriate class, whether new or already created. Reclassification will not be used for the purpose of avoiding restrictions concerning demotions and promotions.

SECTION 5

THE SELECTION AND APPOINTMENT PROCESS5.1 METHODS FOR FILLING VACANCIES

Position vacancies may be filled by a closed, promotional process, an open, competitive process or by a process that is both open and promotional. Vacancies may also be filled by re-employment, transfer or demotion.

The Town Manager determines whether, and in what manner vacancies for all positions other than the Town Manager, are to be filled. The Town Council determines the manner in which a vacancy in the Town Manager position will be filled.

5.2 PUBLICATION OF VACANCIES

Openings may be publicized by placing an appropriate classified advertisement regarding the position in one or more regional publications of general circulation; by posting announcements on recruitment websites and/or bulletin boards; and by other recruiting activities that the Town Manager deems necessary or advisable to fill a particular position in a way which meets the Town's goal of obtaining the most qualified employees.

The announcement may include: title and pay for the position; the nature of the work to be performed; the minimum qualifications; the essential functions of the position; the method of applying; the closing date for the application; and other information the Town Manager deems desirable.

5.3 APPLICATION FORMS

Applicants must submit standardized job applications provided by the Town. All applications must be completed in full and signed by the person applying.

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5.4 DISQUALIFICATION OF APPLICATIONS

The Town Manager will reject an application, or after examination, will disqualify the applicant, if the applicant:

1. Has made false statements, or practiced any deception or fraud on the application, in declarations or in securing eligibility appointment;
2. Is found to lack any of the requirements, certifications, or qualifications for the position involved;
3. Is physically or psychologically unfit for the performance of the position duties, and cannot be reasonably accommodated, including, but not limited to, impairment caused by current abuse of alcohol or drugs;
4. Has been convicted of either a misdemeanor or a felony crime that relates to the position duties that the applicant would perform, (including a plea of no contest);
5. Used or attempted to use inappropriate political pressure or bribery to secure an advantage in the examination or appointment;
6. Directly or indirectly obtained information regarding examinations;
7. Failed to submit the employment application correctly or within the prescribed time limits;
8. Has had his/her privilege to operate a motor vehicle in the State of California suspended or revoked, if driving is a job requirement; and/or
9. For any reason that in the judgment of the Town Manager would render the applicant unfit for the position.

5.5 SELECTION PROCESS

After the time limit for receiving applications for a particular position has expired, the Town Manager will determine the total number of applicants who meet the minimum qualifications for the position, or other job-related screening criteria. The chosen applicants will then be allowed to participate further in the selection process.

The Town Manager establishes the particular selection process for each position. The Town Manager may prepare and administer or contract with any competent agency or individual for the administration of any part of the selection process, as s/he deems most appropriate.

Each applicant who participates in an interview will be notified of the interview results.

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5.6 PROMOTIONS

Only employees who meet the requirements for the classification set forth in the promotional announcements may be admitted to promotional interviews.

Promoted employees shall receive a salary that is at least equal to or higher in salary than the employee's present base salary.

5.7 TEMPORARY POSITIONS EXEMPT

The Town may hire employees on a temporary basis, usually for a period of one hundred eight (180) days, without regard to the requirements of this Section. The Town may extend the period of a temporary position for up to an additional one hundred eighty (180) days, but the temporary employee may not work more than one thousand (1,000) hours in a fiscal year.

The above restriction does not apply to temporary employees hired to meet the immediate requirements of an emergency condition, such as a flood, earthquake, or other public calamity that threatens public health, safety or welfare. Such employees may be employed for the duration of the emergency in order to protect public health, safety and welfare.

5.8 APPOINTMENTS

The Town Manager makes final appointments. The Town Manager has the authority to approve or disapprove appointment of employees in accordance with the Municipal Code and this Manual.

The person accepting appointment reports to the Town Manager on the date designated. Otherwise, the applicant is deemed to have declined the appointment.

SECTION 6

EQUAL OPPORTUNITY EMPLOYMENT6.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Town does not discriminate against qualified employees or applicants for employment on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, genetic information or characteristics, sexual orientation, or any other basis

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protected by law. The Town will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline and termination.

6.2 REASONABLE ACCOMMODATION POLICY

6.2.1 POLICY

The Town provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

6.2.2 PROCEDURE FOR OBTAINING REASONABLE ACCOMMODATION

An employee or applicant who desires a reasonable accommodation in either the employment selection process or in order to perform essential job functions should make such a request in writing to the Town Manager. The request must identify: a) the portion(s) of the selection process or the job-related functions at issue; and b) the desired accommodation.

Following receipt of the request, the Town Manager or his/her designee may require additional information to support the existence of a disability. The Town Manager may also require a fitness for duty examination, if job-related and consistent with business necessity, to determine whether the employee can perform the essential functions of the job with or without accommodation. The Town Manager can require a pre-employment fitness for duty exam for an applicant after the applicant has received an offer of employment that is conditioned only on the successful completion of the examination. The Town Manager may also require that a Town-approved physician conduct the examination.

The Town will arrange for a discussion, in person or via telephone conference call, with the applicant or employee, and his or her representative(s), if any. The purpose of the discussion is to work in good faith to understand the work restrictions/limitations and to fully consider all feasible potential reasonable accommodations.

The Town determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The Town will not provide accommodation(s) that would pose an undue hardship upon Town finances or operations, or that would endanger the health or safety of the employee or others. The Town will inform the employee of its decision as to reasonable accommodation(s) in writing.

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6.2.3 FITNESS FOR DUTY EXAMINATIONS

When an employee is having difficulty performing one or more of his/her essential job functions, or for other reasons that the Town deems to be job-related and consistent with business necessity, the Town Manager may require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without accommodation. The Town Manager may require that a Town-approved physician conduct the examination. The Town will pay for fitness for duty examinations that it initiates under this rule.

6.3 POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION6.3.1 PURPOSE

The purpose of this policy is to establish a strong commitment to prohibit harassment, discrimination, or retaliation in employment, to define discrimination, harassment, and retaliation, and to set forth a procedure for investigating and resolving such internal complaints.

6.3.2 DEFINITIONS

- 6.3.2.1 "Protected Status": any of the following: race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, genetic information or characteristics, sexual orientation, or any other basis protected by law.
- 6.3.2.2 "Verbal Harassment": inappropriate or offensive verbal conduct. This includes, but is not limited to, epithets, derogatory comments or slurs on the basis of any actual or perceived protected status.
- 6.3.2.3 "Physical Harassment": inappropriate or offensive touching. This includes, but is not limited to assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of any actual or perceived protected status. Examples include pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
- 6.3.2.4 "Visual Forms of Harassment": inappropriate or offensive displays. This includes, but is not limited to, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of any actual or perceived protected status.

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- 6.3.2.5 "Sexual Favors": unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, upon which an employment benefit is conditioned or which constitutes an unreasonable interference with an individual's work performance or creates an offensive work environment.
- 6.3.2.6 "Discrimination": disparate treatment due to any actual or perceived protected status, which adversely affects the individual's employment or conditions of employment.
- 6.3.2.7 "Retaliation": disparate treatment due to any protected activity, including: complaining about, or assisting another to complain about conduct prohibited by this Policy; participating in the complaint procedure described in this Policy or through state or federal processes; or refusing to follow a directive reasonably believed to be in violation of this Policy. Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment or discrimination complaint.

6.3.3 POLICY

Any harassment of, or discrimination or retaliation against an applicant or employee by a supervisor, management employee, co-worker, officer or elected official in violation of this policy will not be tolerated.

Disciplinary action up to and including termination of employment, or other appropriate remedial action will be instituted for behavior that the Town Manager determines violates this Policy.

Each employee will receive training regarding this Policy within the first six (6) months of hire, and, on a recurring basis, no less than every three (3) years thereafter. Supervisory employees will receive training regarding this Policy on a recurring basis, no less than every two (2) years following the initial post-employment training.

Any retaliation against a person for filing a harassment or discrimination charge or complaint, whether with the Town or an administrative agency or court, or for participating in any complaint process, or otherwise demonstrating support for such actions, is prohibited. Employees found to be retaliating against another employee will be subject to disciplinary action up to and including termination.

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6.4 COMPLAINT PROCEDURE6.4.1 FILING

An employee or job applicant who believes s/he has been denied an equal employment opportunity or reasonable accommodation, or has been harassed or discriminated against, or retaliated against, may make a complaint orally or in writing to either his/her immediate supervisor, any other supervisor, or the Town Manager, as soon as possible and no later than sixty (60) days following the incident.

Any supervisor who receives a harassment, discrimination, or retaliation complaint must immediately notify the Town Manager.

If the complaint concerns the Town Manager, the employee may submit a written complaint to the Mayor for review. In this case, the Mayor shall perform the functions of the Town Manager authorized in Sections 6.4.2 and 6.4.3.

An employee may also file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) (www.eeoc.gov) or the State of California Department of Fair Employment and Housing (www.dfeh.ca.gov).

6.4.2 ADVICE AND COUNSELING

An employee may seek advice and/or counseling concerning equal employment, reasonable accommodation, harassment, discrimination, and/or retaliation. Sources for this advice and/or counseling include, *but are not limited to*:

- The U.S. Equal Employment Opportunity Commission (EEOC)
- The State of California Department of Fair Employment and Housing (DFEH)

6.4.3 INVESTIGATION

The Town takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation.

Upon awareness or notification of the complaint, the Town Manager or his/her designee will assign an investigator to gather facts and make factual findings concerning the grounds for the complaint.

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The Town Manager may take interim action to diffuse volatile circumstances.

The investigator will review the complaint allegations. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations.

The investigator will provide a written report to the Town Manager. Giving consideration to all factual information and the totality of the circumstances, the Town Manager will determine whether the Town's policies have been violated, or whether discrimination or harassment occurred, and, will promptly communicate when the investigation has concluded, to the complainant and the accused, in writing.

6.4.4 REMEDIAL ACTION

If the Town Manager determines that discrimination or harassment occurred, s/he will take prompt and effective remedial action against the person who violated this Policy pursuant to Section 10.1 DISCIPLINARY ACTIONS of this Manual. The action will be commensurate with the severity of the offense and will not be communicated to the complainant.

6.4.5 PRIVACY

The Town Manager, the Mayor (if involved) and all supervisors are required to maintain confidentiality to the extent possible in communicating or investigating any claims of alleged discrimination, harassment or failure to reasonably accommodate.

While complete confidentiality is not possible, the investigation will be conducted in a manner that ensures, to the extent feasible, the privacy of the parties involved.

An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Town Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction.

The Town will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

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6.5. POLICY AGAINST RETALIATION

6.5.1 POLICY

It is the policy of the Town to prohibit the taking of any adverse employment action against those who in good faith report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged violations of Town policy or state or federal law because of the fact of that reporting, opposition, or participation. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. Any elected official or contractor who violates this Policy against Retaliation will be subject to appropriate sanctions.

6.5.2 POLICY COVERAGE

This Policy against Retaliation prohibits Town officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined herein.

6.5.3 DEFINITIONS

6.5.3.1 "Protected Activity": includes any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the Town regarding alleged unlawful activity
- Testifying as a party, witness, or accused regarding alleged unlawful activity
- Associating with another employee who is engaged in any of the protected activities enumerated here
- Making or filing a complaint regarding alleged unlawful activity
- Calling a governmental agency's "Whistleblower hotline"

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6.5.3.2 "Adverse Action": may include, but is not limited to, any of the following:

- Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity
- Refusing to hire an individual because of protected activity
- Denying promotion to an individual because of protected activity
- Taking any form of disciplinary action because of protected activity
- Altering work schedules or work assignments because of protected activity
- Condoning hostility and criticism of co-workers and third parties because of protected activity.

6.5.3 COMPLAINT PROCEDURE

An applicant, employee, officer, official, or contractor who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to the Town's Complaint procedure 6.4 so that the complaint can be resolved fairly and quickly.

SECTION 7

ATTENDANCE AND LEAVES OF ABSENCE

7.1 WORKWEEK

The basic workweek for full-time, non-management employees is thirty seven and one-half (37.5) hours, worked in units of seven and one-half (7.5) hours per day in a workweek or, in the case of the Maintenance Coordinator, forty (40) hours worked in units of eight (8) hours per day in a workweek, when deemed necessary by the Town Manager. The workweek begins on Sunday at midnight and ends on the consecutive Sunday at midnight. The Town Manager may assign a different workweek when it is deemed to be beneficial to the Town.

7.2 REQUIREMENTS OF ATTENDANCE

Employees must be in attendance at their work locations during the hours assigned by the Town Manager. Each employee must submit accurate time sheets to their immediate supervisor on standardized forms and at times specified by the Town Manager. Time sheets must be signed and dated as an accurate statement of the hours the employee worked.

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Any unauthorized absence may be cause for disciplinary action, up to and including discharge from employment. Authorized absence is defined as: Permission to be absent from duty for a specified purpose, with the right to return before or upon the expiration of the leave period.

The Town provides several types of leave accruals as a benefit for regular employees, as described in the benefits listing approved by the Town Council as part of the Compensation Plan. Employees are responsible for the management of their leave balances and may only use leave as appropriate to the situation.

Except in extraordinary circumstances, an employee who is unable to report for work at the beginning of his or her established workday or shift must notify his/her immediate supervisor or the Town Manager before commencement of the shift.

7.3 DEFINITIONS

7.3.1 "Immediate family": means and includes the following persons and no others:

- A husband, wife or registered domestic partner of the employee.
- A child, stepchild, grandchild or adopted child of the employee or domestic partner.
- A father, stepfather or father-in-law, a mother, stepmother or mother-in-law or sibling of the employee; or, the father or stepfather, mother or stepmother or sibling of the domestic partner.
- Grandparents, grandparents-in-law or step-grandparents of the employee.

7.4 SICK LEAVE

Sick leave is defined as absence because of illness, injury, exposure to contagious disease, care of a sick member of the employee's immediate family, or doctor and dental appointments when it is not feasible to schedule them on the employee's own time.

The following provisions govern sick leave:

1. Employees accrue sick leave at the rate of seven and one-half (7.5) hours for those on a 37.5-hour workweek, and eight (8) hours for those on a 40-hour workweek, for each full month of service.
2. Sick leave is not to be considered as a privilege that an employee may use at his discretion, but is allowed only in case of necessity and actual sickness or disability of the employee or a member of the employee's immediate family. If the Town suspects an employee of abusing sick leave, the Town reserves the right – in addition to taking disciplinary measures – to request that the employee provide the Town with a doctor's verification of illness and estimated time for recovery.

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3. In order to be entitled to sick leave, an employee who is unable to report for work must notify his/her supervisor prior to commencement of his/her shift, unless s/he is unable to do so because of circumstances beyond his or her control. In addition, if the employee is absent on sick leave for more than one (1) day, the employee must keep the supervisor informed as to the date s/he expects to return to work, unless the employee is unable to do so because of circumstances beyond his or her control.

7.5 HOLIDAYS

Each employee of the Town is entitled to the following holidays with pay:

- New Year's Day January 1
- Martin Luther King Day Third Monday in January
- Presidents' Day Third Monday in February
- Memorial Day Last Monday in May
- Independence Day July 4
- Labor Day First Monday in September
- Thanksgiving Day Fourth Thursday in November
- Day after Thanksgiving Fourth Friday in November
- Christmas Day December 25
- The business days between Christmas Day and New Year's Day

If any holiday falls upon a Sunday, the Monday following is treated as the holiday. If the holiday falls upon a Saturday, the Friday preceding is treated as the holiday. If a non-management employee is required to work on a holiday, the employee will be compensated for hours worked on the holiday, in addition to the holiday pay.

When Christmas falls on Tuesday, the Monday preceding will be an additional holiday. No employee is entitled to compensation for any holiday listed above unless the Town has employed him/her on the day preceding and the day following the holiday. For the purposes of this paragraph, an employee who is absent on any authorized paid leave is deemed employed at that time.

7.6 VACATION

The purpose of annual vacation leave is to enable each eligible employee to return to his/her work mentally and physically refreshed. All regular employees are entitled to annual leave with pay. Vacation time is credited on the first payroll date of employment and every pay period thereafter for each regular employee.

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Vacation time is earned at a monthly pro-rated amount depending upon years of service and full or part time status as described in section 8.5.2. Employees are eligible to take vacation as soon as they have accrued it, unless otherwise authorized by the Town Manager. Starting with the fifth year anniversary, an employee earns fifteen (15) working days of vacation, and each year thereafter is credited as follows:

<u>Years of Service</u>	<u>Days of Vacation</u>
1 through 5	10
6 through 10	15
11 +	20

All vacation leave must be pre-approved by the Town Manager or designee. Vacation is approved on a first-come, first served basis. Vacation leave may be denied if the normal operation of the Town functions cannot be provided as a consequence of too many staff members requesting vacation leave at one time. Approval of leave does not indicate that the employee has available leave hours. The employee is responsible for ensuring that the leave hours are available prior to requesting approval from the immediate supervisor.

Use of vacation leave earned in a given year may be deferred to the following year. However, at no time may an employee accrue vacation days beyond the allowed maximum accrual (yearly accrual rate x 2), which is dependent on years of service. When the employee reaches the allowed maximum accrual, s/he will cease earning vacation until the vacation leave balance falls below the maximum accrual amount.

7.6.1. SALE OF ACCRUED VACATION HOURS

Employees may elect, once per calendar year, to sell back to the Town accrued, but unused, vacation hours when the employee has used a minimum of one week (five successive days) of vacation during the twelve (12) months immediately preceding the sale of hours.

The employee will be compensated for such vacation hours at the salary rate in effect for that employee at the time the hours are sold to the Town.

The minimum number of hours that can be sold to the Town annually for the cash equivalent is ten (10) hours, and the maximum number of hours that can be sold is the total number of hours the employee is eligible to accrue in a one-year period.

7.7 COMPENSATORY TIME OFF

Non-management employees can earn compensatory time off pursuant to Section 8.3.3, when overtime hours worked are compensated with leave hours to be taken at a later date instead of pay. Compensatory time off for hours actually worked over 40 in a workweek is compensated at the rate of time and one-half. Compensatory time off may be used in

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lieu of other types of leave, or cashed out, when approved by the Town Manager. The value of compensatory leave earned will be paid to employees each year on June 30. In no event may an employee accrue more than one hundred thirty (130) hours of compensatory time off.

7.8 JURY DUTY/COURT APPEARANCES

Every employee who is called or required to serve as a juror is entitled to be absent during the period of jury service. Under these circumstances, the employee is paid their full salary.

An employee who is subpoenaed to appear in court in an official capacity is allowed to do so without loss of compensation. An employee subpoenaed to appear in court in a matter unrelated to his official capacity as an employee is permitted to use accrued vacation or compensatory time off for this purpose. The time spent for court appearances unrelated to his or her employment, or related to any matter the employee has brought against the Town is not work time.

7.9 BEREAVEMENT LEAVE

Employees are allowed paid time off in the event of a death in the immediate family. Up to five (5) consecutive days of bereavement leave is allowed for the death of each member of the immediate family. The employee may request, and the Town Manager may approve at his or her absolute discretion, bereavement leave to be taken as vacation in the event of the death of other individuals or for an extended period of time.

7.10 MILITARY LEAVE

Military leave for active and reserve members of branches of the United States Armed Services and the National Guard is granted by the Town Manager in accordance with the provisions of State and Federal laws. An employee requesting leave for this purpose must provide the Town Manager with a copy of the military orders. An employee taking military leave must give the Town Manager an opportunity, within the limits of State and Federal law, to determine when military leave will be taken, and the Town Manager may modify the employee's work schedule to accommodate the request for leave. To the extent required by State and Federal law, an employee will receive compensation for service during the period that s/he is on approved military leave.

7.11 INDUSTRIAL ACCIDENT LEAVE

Industrial accident leave means the absence from duty of an employee because of work-incurred illness or bodily injury when the absence has been accepted for coverage under the provisions of the Workers' Compensation laws. Employees on workers' compensation leave may use accrued sick leave time to supplement any monetary difference between their normal rate of pay and workers' compensation temporary

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disability benefits. Upon exhaustion of accrued sick leave time, employees may elect to supplement with accrued vacation time. However, such supplementation will not entitle employees to continue employment if otherwise qualified for separation from Town service due to disability retirement or inability to reasonably accommodate.

7.12 ADMINISTRATIVE LEAVE

The Town Manager may grant, as authorized by the Town Council, leave to management personnel who are not eligible for overtime pay. Such leave will not be deducted from vacation credits. Administrative leave is accrued on the basis of the calendar year, with no carry-over provision to the succeeding calendar year, at 4.38 hours/month, and has no cash value. This benefit is prorated to that portion of the year in which the Town employs each eligible manager. Use of administrative leave is allowed at the discretion of the Town Manager.

7.13 PREGNANCY DISABILITY LEAVE

If the employee's attending physician certifies that the employee is physically unable to work or continue to work in her current job due to pregnancy or a pregnancy-related condition, a pregnant employee is entitled to: 1) a leave of absence without pay for up to four months; or 2) a temporary transfer to another position if such transfer can be reasonably accommodated. The employee must give at least thirty (30) days notice of when the leave will commence if the need for the leave is foreseeable. The employee must also provide an estimated duration for the leave. The Town will respond to the request for leave or transfer within ten (10) days.

Requests for an extension of leave must be submitted in writing to the Town Manager prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition.

The Town will also provide a reasonable accommodation, if any, for an employee for a condition related to pregnancy, childbirth, or a related medical condition, if the employee requests an accommodation, with the advice of her health care provider.

During the leave of absence without pay, the employee has the option of using accumulated sick leave, compensatory time off with the approval of the Town Manager and/or vacation credits. The Town will pay insurance premiums, not to exceed four (4) months over a twelve-month period, to the same extent that the Town paid the premiums when the employee was at work. The employee will be responsible to pay for the employee's portion of her insurance premiums while on unpaid leave. Information regarding such payments will be provided to the employee.

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Upon expiration of the approved leave, the employee will be reinstated to the employee's former position, or to an available comparable one if the former position is abolished during the period of leave and the employee would otherwise have been continuously employed or would have had the right to an available comparable position if she had been continuously employed. The comparable position is one having virtually identical pay, benefits, working conditions, privileges, qualifications and status. The comparable position must involve the same or substantially similar duties and responsibilities and substantially equivalent skill, effort, responsibility, and authority. It must be performed at the geographically proximate worksite and ordinarily means the same shift or equivalent work schedule. Prior to the employee being reinstated, the immediate supervisor shall require a statement from the attending physician that the employee is physically capable of resuming the regular duties of the employee's position.

7.14 LEAVE WITHOUT PAY

Upon the request of the employee and the recommendation of the immediate supervisor, the Town Manager, at his or her absolute discretion, may grant a leave of absence without pay to an employee. Requests for leave of absence without pay must specifically state the reason for the request, the beginning date of the leave, and the date of return. A leave of absence without pay may be granted for a period not to exceed four (4) months.

Leave of absence without pay is not construed as a break in service or employment, and rights accrued at the time the leave is granted are retained by the employee; however, vacation credits, sick leave credits, all other paid leaves, holidays and fringe benefits and other similar benefits are not accrued to a person granted leave during the period of unpaid absence, except as provided otherwise by law or this policy. Nor is the employer required to maintain contributions toward group insurance or retirement coverage, except as provided otherwise by law or this policy. During the period of leave without pay, all service and leave credits are retained at the levels existing as of the effective date of the leave. However, time counted toward an employee's anniversary date is deferred for the time of the leave without pay. The employee is reinstated to his or her former position or to an available comparable one if the former position is abolished during the period of leave and the employee would otherwise not have been laid off.

7.15 SUPERVISORY DISCRETION

The Town Manager or designee has the discretion to place employees on sick leave when in his/her judgment the presence of the employee at work would endanger the health and welfare of other employees or the employee's illness or injury interferes with the performance of the employee's duties.

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7.16 CATASTROPHIC LEAVE

An employee may be eligible to receive donations from fellow employees of paid leave, to be included in his/her sick leave balance, if s/he has a catastrophic illness or injury which prevents him/her from being able to work. Catastrophic illness or injury is defined as a critical medical condition considered to be terminal or a long-term major physical impairment or disability. The employee may be eligible for catastrophic leave donations only after all his/her paid leave has been utilized.

7.17 TIME OFF TO VOTE

If a non-exempt employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take up to two (2) hours off without loss of pay at the beginning or end of the day. Prior approval by the employee's supervisor forty-eight (48) hours before the leave for this time off is required.

7.18 LEAVE TO PARTICIPATE IN SCHOOL-RELATED ACTIVITIES

Any Town employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed day care facility shall be allowed up to forty (40) hours each school year, not to exceed eight (8) hours in any calendar month of the school year, without pay, to participate in activities of the school of his or her child. The employee must provide reasonable advance notice of the planned absence. The employee may be required to use vacation and/or compensatory time off to cover the absence. The Town may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for the Town, only the first parent requesting will be entitled to leave under this provision.

7.19 TIME OFF TO APPEAR IN SCHOOL

An employee who is the parent or guardian of a pupil may take unpaid time off from work to appear at the school pursuant to the school's request under Education Code section 48900.1, if the employee provides the Town Manager reasonable notice of the school's request.

7.20 TIME OFF FOR VICTIMS OF ABUSE

An employee who has been a victim of a violent or serious felony, or felony provision regarding theft or embezzlement, or an immediate family member of a victim of any of those crimes, may take time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding related to that crime.

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An affected employee must give the Town reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the Town with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid unless the employee uses vacation or accrued time off.

7.21 TIME OFF FOR DOMESTIC VIOLENCE OR SEXUAL ASSAULT VICTIMS

An employee who has been a victim of domestic violence or sexual assault may take time off to:

- Seek medical attention for injuries caused by domestic violence or assault;
- Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault;
- Obtain psychological counseling related to an experience of domestic violence or sexual assault; and/or
- Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

An affected employee must give the Town reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the Town with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid unless the employee uses vacation or accrued time off.

SECTION 8

COMPENSATION AND PAYROLL PRACTICES

8.1 COMPENSATION PLAN

During the budget preparation period each year, or whenever directed by the Town Council, the Town Manager or designee will prepare a Compensation Plan covering all classes of positions except the Town Manager position, including a range of pay for each position.

From time to time, by Resolution, the Town Council may amend the Compensation Plan. At the discretion of the Town Manager, the amendments and revisions may be submitted to the Town Council. The Town Manager may approve an hourly rate of compensation for temporary positions, with adjustments for special circumstances, based on the Council-approved hourly Compensation Plan.

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The Town Council's consideration of the proposed Compensation Plan, amendments, or revisions will be included in a Council meeting agenda, and the meeting will be posted in the manner prescribed by State Law. No position will be assigned a salary not in conformance with the salary schedule unless the salary schedule for the class is amended in the same manner as stated above.

8.2 PAYROLL8.2.1 PREPARATION OF PAYROLL

The payroll is prepared under the direction of the Town Manager in accordance with the Compensation Plan. No changes in the names or salaries on the payroll will be made unless written instruction is received from the Town Manager.

8.2.2 TIMESHEETS

All employees must accurately complete standard weekly timesheets approved by the Town Manager. **Timesheets will not be considered complete for payroll purposes unless signed in ink and dated by both the employee and appropriate supervisor.**

8.2.3 PAYDAY

Payday is twice monthly, on the 15th and last day of the month. In the event that this day falls on a weekend or holiday, payday will be the preceding workday.

8.3 OVERTIME8.3.1 ELIGIBILITY

All non-management employees whose compensation is based on an hourly rate are eligible for overtime compensation pursuant to the Fair Labor Standards Act (FLSA). The Town has determined that all Management Employees, as defined in this Manual, are exempt from the FLSA overtime compensation requirements.

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8.3.2 AUTHORIZATION OF OVERTIME

An employee's supervisor is empowered to authorize or require overtime at his/her discretion. Overtime may be required for situations such as:

- Operating emergencies;
- Handling peak workloads or incomplete work when it is not possible or practical to employ additional personnel;
- Attending meetings connected to Town business outside of regular work hours;
- Meeting temporary conditions when the Town is unable to secure qualified personnel to fill positions authorized by the Town Council and filled by the Town Manager; and/or
- On other occasions as deemed necessary in the judgment of the responsible supervisor.

An employee is not allowed to work overtime unless his/her supervisor has pre-authorized the work.

8.3.3 OVERTIME PAY AND COMPENSATORY TIME

8.3.3.1 Eligible employees will be compensated for overtime, as defined in Section 2.7 of this Manual, as follows:

1. "Time and one-half": Overtime earned because of actual work of over 40 hours in a workweek as defined in this Manual [i.e. being physically present at the jobsite for more than forty (40) hours in a workweek] will be compensated at the rate of one and one-half times ("time and a half") the employee's regular hourly rate.
2. At the choice of the employee, overtime may be compensated with the accrual of compensatory time off. Compensatory time off is taken at the discretion of the Town Manager.

8.3.3.2 The following scenario illustrates this section, for an employee with a regular hourly rate of \$20.00 per hour:

"Time and one-half" Scenario: The employee is physically present at work for forty-three (43) hours in the Town-defined workweek. The employee may chose to receive either thirty dollars (\$30.00) for each overtime hour, or one and one-half (1.5) hours in compensatory time off for each overtime hour. In other words, the employee may choose to receive ninety dollars (\$90.00) or four and one-half (4.5) hours of compensatory time off to be used at a later date.

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8.3.4 CALL-BACK PAY

In an emergency or unusual situation, an employee may be called back to work after completing his/her workday. If the employee is non-exempt and is called back, s/he will be compensated for a minimum of two (2) hours per call back. In order to receive callback pay, the employee must record on his/her timesheet the actual hours of callback time and the purpose for which the hours were worked.

8.4 MEAL PERIOD/ BREAKS

A one (1) hour non-compensated meal period is provided to all employees who work seven and one-half (7.5) hours in one day (37.5-hour workweek) or eight (8) hours in one day (40-hour workweek).

Employees must take a minimum one-half (1/2) hour non-compensated break after five (5) continuous hours of work. This break must be reflected on the timesheet.

8.5 ELIGIBILITY FOR BENEFITS

Benefits are set forth and occasionally revised by the Town Council in keeping with prevailing rates and benefits, current costs of living, the Town's financial condition and policies and other relevant factors.

8.5.1 FULL-TIME EMPLOYEES

Employees holding a full-time position are eligible for all benefits currently authorized by the Town Council, except for those benefits specifically limited to management employees.

8.5.2 PART-TIME EMPLOYEES

Employees holding a part-time position accrue vacation, sick leave and holiday credits in the proportion that their average workweek bears to that of full-time employees. To the extent possible, other benefits afforded full-time positions are also pro-rated. Employees scheduled to work in positions of less than twenty (20) hours per week are not provided medical, PERS retirement, or any other benefits not required by state or federal law.

8.5.3 TEMPORARY EMPLOYEES

Employees holding a temporary position are not provided any benefits other than those required by State or Federal law.

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8.5.4 MANAGEMENT EMPLOYEES

Benefits and rights afforded to management employees may differ from non-management employees pursuant to this Manual.

SECTION 9

PERFORMANCE EVALUATIONS

All employees receive an annual performance review near the end of the fiscal year. The Town Manager provides a method of reporting individual employee performance that relates to quantity and quality of work, ability, reliability, discipline, attendance, and other factors.

The Town Manager is responsible for assuring that the evaluations are adequate to provide information to both the employee and the Town for the purposes set forth in this section. An employee must have a satisfactory performance evaluation in order to be eligible for a salary increase or promotion. Deficiencies in performance by an employee may result in a decrease in salary, suspension, demotion, or termination of employment.

In addition, when changes in work performance occur, and/or as necessary, immediate supervisors may periodically rate the performance of each employee. Each employee is informed of his or her strengths and weaknesses as to work performance. Each performance report is discussed with the employee. The employee must sign the report, acknowledging that his/her performance evaluation has been reviewed with him/her. The employee's signature does not necessarily mean s/he fully endorses the contents of the report.

SECTION 10

DISCIPLINE

In order to conduct business efficiently and effectively, the Town must address performance and misconduct issues. Such issues are addressed by disciplinary actions and based on disciplinary grounds, including but not limited to those discussed below. Disciplinary actions cannot be appealed and are not subject to the complaint procedure set forth in Section 11 RESOLUTION OF WORK-RELATED COMPLAINTS. Nothing in this section gives Town employees any right to progressive discipline, nor alters the fact that all Town employees serve at will, and can be terminated at any time without cause.

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10.1 DISCIPLINARY ACTIONS

The following types of disciplinary actions are available to the Town Manager to address performance and misconduct issues. The Town Manager will attempt to match the disciplinary action to the severity of the employee misconduct. However, the Town Manager reserves the right to impose any disciplinary action up to and including termination of employment at any time, without notice, cause, or progressive discipline.

10.1.1 ORAL COUNSELING

An oral discussion between an employee and his/her supervisor where the supervisor communicates his/her concerns regarding the employee's performance or misconduct. Oral Counseling may involve warning the employee of consequences for not addressing the supervisor's concerns.

10.1.2 WRITTEN REPRIMAND

A letter communicating a supervisor's concerns regarding the employee's performance or misconduct. A Written Reprimand would likely include a warning of consequences for not addressing the supervisor's concerns.

10.1.3 SUSPENSION

The temporary separation from Town service without pay for disciplinary purposes. FLSA-exempt employees, however, may only be suspended: in one-day increments for violations of any workplace conduct rule; in one-week increments for any violation of a workplace conduct rule or performance failure; or in any increment for violations of major safety rules.

10.1.4 REDUCTION IN PAY

A decrease in compensation paid to an employee for a fixed period of time for disciplinary purposes. FLSA-exempt employees, however, are not subject to a pay reduction.

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FLSA Safe Harbor Policy -- The Town invokes the safe harbor provisions of the Department of Labor regulation codified at 29 CFR Section 541.603(d) by disseminating and maintaining this policy regarding pay reductions. Should any pay reduction occur in violation of this policy, the Town will reimburse its salaried employees for any improper pay deductions and make a good faith commitment to comply with the FLSA in the future. A salaried employee who feels that his or her salary has been reduced in violation of this policy, may draft a memo to the Town Manager explaining the alleged violation as soon as possible thereafter. The Town Manager will review the complaint and provide a written response to the employee.

10.1.5 DEMOTION

The movement of an employee from one position to another that has a lower maximum rate of pay. The Town Manager may demote an employee whose performance of his/her required duties is below standard, or for other disciplinary purposes. Non-disciplinary demotion may also be made to a vacant position in lieu of layoff. No employee will be demoted to a position for which s/he does not possess the minimum qualifications.

10.1.6 TERMINATION

In relation to disciplinary action, an employee may be separated from Town service when his/her performance of required duties is below standard, or for other disciplinary reasons. All employees are employed on at "at-will" basis, and the Town Manager may terminate their employment for any reason.

10.2 GROUNDS FOR DISCIPLINE

The Town's standards of conduct are established for the guidance of all employees. These standards are only a partial list of unacceptable behaviors and conduct, and do not constitute the entire range of grounds for discipline.

1. Fraud in securing employment or making a false statement on an application for employment; or making a false statement or notation on any Town record.
2. Incompetence, i.e., inability to comply with the minimum standards of an employee's position for a significant period of time.
3. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.

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4. Disobedience and insubordination, i.e., a failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.
5. Dishonesty.
6. Being impaired from working efficiently because of being under the influence of alcohol or drugs or narcotics while on duty.
7. Excessive absenteeism.
8. Inexcusable absence.
9. Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
10. The conviction of either a misdemeanor or any felony shall constitute grounds for discipline up to and including termination of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The immediate supervisor may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere (no contest) made to discharge a felony is deemed to be a conviction within the meaning of this section.
11. Discourteous treatment of the public or other employees.
12. Improper or unauthorized use of Town property.
13. Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of Town property.
14. Violation of the ordinances, resolutions, rules and regulations established by the Town.
15. Solicitation or acceptance by an employee of an individual reward, gift, or other form of remuneration from a private source for the performance of his/her official duties, excluding edible/drinkable gifts offered to the entire Town staff.
16. The refusal to testify under oath or affirmation before any Grand Jury having jurisdiction over any then pending investigation of government bribery or misconduct.

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17. Improper political activity, which includes:

- Participation in political activities while in uniform, during working hours, on Town business premises, while conducting official Town business, or using Town resources.
- Solicitation of political funds from other officers or employees of the Town or from persons on the employment lists of the Town.

Improper political activity does not include the solicitation or receipt of political funds or contributions to promote the passage or defeat of a ballot measure affecting the working conditions of Town employees so long as such activity does not violate provision 17 (a) above.

SECTION 11

RESOLUTION OF WORK-RELATED COMPLAINTS

The Town desires to implement an internal procedure that provides an opportunity for non-disciplinary, work-related complaints to be addressed fairly, objectively and promptly. Pursuant to Section 10, all disciplinary actions and performance evaluations are final and not subject to the following procedure.

11.1 PROCEDURE

- 11.1.1 When an employee has a complaint s/he should discuss the complaint, or submit it in writing to his/her immediate supervisor.

If the complaint pertains to the immediate supervisor, the employee may discuss the complaint, or submit it in writing to the Town Manager.

If the complaint concerns the Town Manager, the employee may discuss the complaint, or submit it in writing to the Mayor for review and determination of whether an outside investigation is warranted.

- 11.1.2 The Town Manager makes the final determination of a resolution to the complaint, except in the case of Section 11.1.3, when the Mayor shall make the determination.

- 11.1.3 All determinations made by the Town Manager (or the Mayor in the case of Section 11.1.3) will be explained to the employee and are final.

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SECTION 12

TRANSFER, RESIGNATION, LAYOFF, ABANDONMENT & REINSTATEMENT

12.1 TRANSFER

No person will be transferred to a position for which s/he does not possess the minimum qualifications; but the Town Manager may, on a temporary basis, assign employees to duties other than those prescribed in their classification or job description, when a need arises from injury or illness, vacation, or other leaves of absence, or when workloads temporarily create a need, and the best interest of the Town would be served. The Town Manager may transfer an employee from one position to another position in a comparable classification. For transfer purposes, a comparable classification is one with the same maximum salary, and requires substantially the same basic qualifications.

Whenever possible, an employee being transferred from one position to another position in the same class or a comparable class at the same salary level, will receive five (5) working days notice.

12.2 RESIGNATION

Resignation occurs when an employee tenders, to the Town Manager, a written notice of his/her intention to resign. The Town Manager tenders his/her resignation to the Town Council. A resignation becomes final when accepted by the Town Manager, or in the case of the Town Manager's resignation, acceptance by the Town Council. Once a resignation has been accepted, it cannot be withdrawn without the approval of the Town Manager, or in the case of the Town Manager's resignation, approval by the Town Council. The Town requests that employees give a minimum of two (2) weeks notice of their intention to resign.

12.3 JOB ABANDONMENT

An employee may be deemed to have resigned if the employee is absent for three (3) consecutive workdays without prior authorization and without notification during that period of the reason for absence, unless s/he is unable to do so because of circumstances beyond his or her control.

12.4 LAYOFF POLICY AND PROCEDURE

12.4.1 STATEMENT OF INTENT

Whenever, in the judgment of the Town Council, it becomes necessary to abolish funding for any position, the employee holding the position may be laid off or demoted without disciplinary action. An employee who has any questions regarding the layoff decision or process should make an appointment with the

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Town Manager for a pre-layoff review, and without the right of appeal. If two or more employees hold the position to be laid off, the Town will lay off the employee with the least Town seniority. Seniority is determined based upon date of hire in the classification and higher classifications in the Town.

12.4.2 NOTIFICATION

Regular employees to be laid off or demoted under non-disciplinary circumstance will be given a minimum of thirty- (30) calendar days prior notice. Prior notice is not required for the lay off of temporary employees.

12.5 REINSTATEMENT

Upon recommendation of the immediate supervisor and approval of the Town Manager, a regular employee who has resigned or has otherwise been separated while in good standing may be considered for reinstatement to his/her former position, if vacant, or to a vacant position in the same or a comparable classification for a period of one (1) year after resignation or separation. At the discretion of the Town Manager, an employee returning to work may be required to undergo testing as part of a conditional job offer to determine whether s/he is fit to return to work.

SECTION 13

MISCELLANEOUS POLICIES

13.1 OUTSIDE EMPLOYMENT

13.1.1 POLICY

A Town employee will not engage in any employment, enterprise, or outside activity which is in conflict with his/her duties, functions, responsibilities, or the department by which s/he is employed, nor shall s/he engage in any outside activity for compensation, which will directly or indirectly contribute to the lessening of his/her effectiveness as a Town employee.

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13.1.2 DETERMINATION OF INCONSISTENT ACTIVITIES

In making a determination about the consistency or inconsistency of outside employment, the Town Manager will consider, among other pertinent factors whether the employment is prohibited and inconsistent because of any of the following:

1. Involves the use for private gain or advantage of Town time, facilities, equipment, and supplies, or the badge, uniform, prestige, or influence of one's Town office or employment;
2. Involves receipt or acceptance by employee of any money or other consideration from anyone other than the Town for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of his/her Town employment or as a part of his/her duties as a Town employee;
3. Involves the performance of an act in other than his/her capacity as a Town employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by any Town employee; and/or
4. Involves conditions or factors that would directly or indirectly lessen the efficiency of the employee in his/her regular Town employment or conditions in which there is a substantial danger of injury or illness to the employee.

13.1.3 APPROVAL/REVOCATION

Outside employment is subject to written approval by the Town Manager or his/her designee before the employee undertakes the outside employment and is subject to revocation at any time by the Town Manager or his/her designee.

13.2 CONFLICTS OF INTEREST

Certain employees are bound by the state laws regarding conflicts of interest, including, but not limited to, Government Code Section 87100 et seq. and Portola Valley Municipal Code Chapter 2.36 regarding conflicts of interest. All employees should avoid any conflict or perceived conflict between personal or financial interests and public duties.

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13.3 RECORDS AND REPORTS13.3.1 PERSONNEL FILES

A personnel file will be maintained for each employee in the Town service. Information contained in these files includes class title, salary, changes in employment status, disciplinary actions and other information considered pertinent. Personnel files are the property of the Town, and access to the information they contain is restricted.

The personnel files will be maintained in a secure place and monitored by the Town Manager or his/her designee, who will determine access to the files. An employee, or the employee's representative with written consent of the employee, is entitled to review his/her personnel file with adequate advance notice to the Town Manager or his/her designee.

13.3.2 MEDICAL INFORMATION

Separate Confidential Files. All medical information about an employee or applicant is kept in a separate file from other personnel information, and is treated as confidential, in accordance with applicable state or federal law.

13.3.3. ACCESS TO MEDICAL INFORMATION

Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for Town business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

13.3.4 DESTRUCTION OF RECORDS

Records relating to persons who were never in the employ of the Town including correspondence, applications, examinations and reports may be destroyed after three (3) years. Records of employees may be destroyed after ten (10) years from the date of termination.

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13.4 USE OF TOWN BUILDINGS AND COMMUNICATIONS EQUIPMENT13.4.1 GENERAL POLICY

Town property is to be used only for conducting Town business unless otherwise authorized. Under no circumstances may Town property be loaned to unauthorized persons or utilized by an employee while engaged in outside employment or activities involving compensation.

Town property may be monitored and searched at any time and for any reason. Messages sent or received on Town equipment may be saved and reviewed by others. As a result, Town employees have no expectation of privacy in the messages sent or received on Town property or equipment.

13.4.2 USE OF COMMUNICATIONS EQUIPMENT13.4.2.1 Protecting IT and Other Communications Equipment

All employees share in the responsibility to protect Town computer and telecommunications resources from physical and environmental damage and are responsible for the correct operation, security and maintenance of such equipment. Security of the Town's network must be considered at all times when using the Internet and e-mail systems, especially when downloading materials from other sites.

13.4.2.2 Authorized Hardware and Software Configurations

Computer hardware and software will be installed, configured and supported by the Town as determined by Town policy. Only within those parameters is personal preference to be exercised. The Town may reconfigure systems and delete unauthorized software and data from time to time. Hardware and software installation is permitted on Town computers only if it is purchased and licensed by the Town.

13.4.2.3 Games

Games may not be installed or used on Town-owned computers. Personal computers or devices may not be used for playing games during regular Town business hours or during an employee's regular hours except as part of formal training programs or during an employee's breaks or lunch period.

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13.4.2.4 Internet and E-mail Use

The Internet is a business tool provided to employees at significant cost; therefore, employees are expected to use their Internet access primarily for business-related purposes. The Town requests that you conduct yourself honestly and appropriately on the Internet and respect the copyrights, software licensing rules, property rights, privacy and prerogatives of others, just as you would in any other business dealing. Employees may use the Town's Internet facilities for non-business research or browsing during mealtime or other breaks, or outside of work hours, provided that all other usage policies are adhered to. Irresponsible action or excessive use of Internet privileges will result in a warning; such continued use will result in removal of Internet privileges.

13.4.2.5 No Expectation of Privacy

The tools provided by the Town in accordance with this policy remain the property of the Town for the primary purpose of business communications. Accordingly, the Town retains the right to review employee usage of such equipment. Employees shall have no expectation of privacy for Internet usage or for voice and electronic mail communications. Although employees may have passwords that restrict access, employees should be aware that the Town can access any messages stored and may do so for any reason at any time. It should also be noted that it is possible to recover deleted computer files, deleted e-mail, and deleted voice mail messages at any time. E-mail shall never be used for confidential communications with an employee's own attorney. Further, employees shall never assume the identities of the persons with whom they communicate are exempt from public disclosure laws.

Employees should note that data, files, messages and information on Town computers, servers or voice mail are subject to disclosure under the Public Records Act or pursuant to discovery in litigation. *Therefore, every message should be treated as if it will be made public.*

13.4.2.6 Data Backup

Files stored on the Town's computer network, including e-mail, will be backed up daily according to the Town's network backup schedule.

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13.4.2.7 Retention

Internet and e-mail resources should not be considered an archival or retention system. All messages sent and received should be deleted routinely on Friday. Messages relating to specific projects or subjects that must be maintained longer should preferably be saved in an electronic format, or, if necessary, printed onto paper and filed appropriately or saved to a physical file.

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13.4.2.8 Personal Use

Personal use of IT and other equipment should be kept to a minimum and during breaks from regular working hours. The Town understands that staff may need to use telephones, computer equipment and Internet access and e-mail for personal use. However, staff shall keep such use to a minimum, limit that use to break time, and reimburse the Town for any charges incurred for such purpose.

13.4.3 RENTAL OF COMMUNITY HALL

Full-time salaried employees may rent the Community Hall for a personal special event, subject to availability, for a rental fee of \$500.00 together with payment of a \$1,000.00 refundable cleaning deposit.

13.5 USE AND OPERATION OF TOWN-OWNED VEHICLES AND MOTORIZED EQUIPMENT13.5.1 PURPOSE

This Section establishes policies related to the use and operation of Town-owned vehicles and equipment, and privately owned vehicles used for Town-related business.

13.5.2 DEFINITIONS

13.5.2.1 "Authorized Drivers/Equipment Operators": Those employees who have been identified, by verification of their driving record through the Department of Motor Vehicles (DMV), as having:

- An acceptable driving record in accordance with guidelines set forth in this policy;
- Received approval from their supervisor/manager to operate/drive Town-owned equipment/vehicles or their own personal vehicle for Town-related business; and

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- Met any other requirements set forth by the Town.

13.5.2.2 "Major Conviction": includes, but are not limited to, the following:

- Driving under the influence of alcohol or drugs, including prescription drugs that bear the warning that operating machinery or a motor vehicle while using this drug is unsafe;
- Driving while impaired;
- Reckless driving, racing, or participating in a speed contest;
- Failure to report an accident;
- Vehicular homicide or manslaughter;
- Attempting to evade a police officer; and/or
- Driving with a suspended or revoked license

13.5.2.3 "Town-owned Vehicles and Equipment": includes trucks, vehicles and other motorized equipment used in the conduct of Town business.

13.5.3 POLICY

13.5.3.1 General

To ensure the Town hires qualified candidates into positions that may necessitate driving vehicles and/or operating equipment, the Town requires applicants to provide the following with their employment application:

- Driver's license number and expiration date; and
- Proof of insurance.

Any Town employee driving/operating a Town-owned vehicle or piece of equipment, or privately owned vehicle for Town-related business, is required to possess a valid California Driver's license.

1. Any employee performing work that requires driving/operating Town-owned vehicles or equipment, or a privately owned vehicle for Town-related business, must notify his/her immediate supervisor within one business day of receiving notice that his/her license is expired, suspended, restricted or revoked. An employee who fails to report such license status and continues to drive/operate a Town-owned vehicle or piece of equipment shall be subject to appropriate disciplinary action up to and including termination.

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2. An employee with a DMV report indicating a currently suspended or revoked license will be denied authorization to operate a Town-owned vehicle or piece of equipment or a privately owned vehicle for official Town business.

Employees shall comply with all local and State driving laws and shall operate all vehicles and equipment used for official Town business in a safe and economical manner. Employees must always use Town-owned vehicles and equipment in a safe manner that will produce positive perceptions by the public.

1. Employees must drive at reasonable and safe speeds and must be legally and appropriately parked in conformance with all laws and traffic regulations. Employees are responsible for any violations incurred while driving/operating a Town-owned vehicle or equipment, or privately owned vehicles used for official Town business.
2. A record of three (3) or more accidents resulting in damage to a Town-owned vehicle or piece of equipment; or three (3) or more accidents to a personal or Town-owned vehicle in a 12-month period; or a major conviction (see 2.2); and/or misuse of Town-owned vehicles or equipment shall be cause for suspending driving/operating privileges.
3. If an employee must operate a Town-owned vehicle and/or piece of equipment or privately owned vehicle as part of their job requirements, suspension of driving/operating privileges may lead to appropriate disciplinary action, up to and including termination of employment, for failure to perform their job or meet their essential job functions.
4. Records of vehicle accidents, moving violations, major conviction(s), poor driving habits and/or misuse of Town-owned vehicles or equipment will be kept in the employee's personnel file.

Town-owned vehicles and equipment shall be driven/operated for official use only.

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No unauthorized drivers/operators will be allowed to drive/operate a Town-owned vehicle or piece of equipment. Passengers are only allowed to be in Town-owned vehicles if they are also on official Town business. Family members are not allowed in Town-owned vehicles or equipment.

Employees and passengers are required to wear safety seatbelts at all times when in a Town-owned vehicle.

Smoking is prohibited in Town-owned vehicles and when operating Town-owned equipment.

Employees may be eligible to receive mileage reimbursement when using their personal vehicle for Town-related business. In order to receive reimbursement, the employee must keep a log of miles traveled on the "Employee Vehicle Mileage" form (Appendix "A"), and submit it to the Administrative Services Director for processing.

13.5.3.2 Insurance

An employee driving his/her personal vehicle for Town-related business shall carry liability insurance, with at least the minimum limits required by the State of California, at the employee's expense, and proof of insurance must be retained in the personal vehicle.

The Town will look first to an employee's personal automobile liability insurance policy and the employee's insurance shall be considered primary for the payment of any claims resulting from the employee's operation of his/her personal vehicle when on Town-related business.

Unless otherwise required by law, the Town does not cover damage to an employee's personally owned vehicle, even if the employee is operating it for Town-related business.

An employee injured in an automobile accident while in the course of employment, whether operating a Town-owned vehicle or piece of equipment or a privately owned vehicle, may be covered by the Town's Workers' Compensation Program. Therefore, the employee should report an automobile accident as soon as practical to the Town Manager or his/her designee.

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13.5.3.3. Cellular Phone, Computer, Navigational Devices and Two-Way Radio Use

All employees must adhere to all federal, state, and local rules and regulations regarding the use of cell phones and wireless devices while driving.

All employees must adhere to the Town's Wireless Device Use Policies and Guidelines (Appendix "B")

13.5.3.4 Collision Investigation Involving Town Employees, Vehicles and/or Equipment

If involved in a collision or incident causing vehicle/equipment damage, property or bodily injury, an employee driving/operating any Town-owned vehicle/equipment or privately owned vehicle which is being used for Town-related business, shall follow these procedures:

1. If possible, request that all parties concerned remain at the scene of the accident until a law enforcement representative has release them.
2. Contact the appropriate law enforcement agency for the investigation:
 - If occurring within San Mateo County, contact the San Mateo County Sheriff's Office.
 - If occurring outside San Mateo County, contact the law enforcement agency having jurisdiction by dialing 9-1-1.

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3. Refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, Town officials, and/or representatives of your insurance company, including when your privately owned vehicle is involved. Confine statements to factual observations.
4. If you are able to do so, complete the information requested in the ABAG Vehicle Accident kit found in the glove box of the Town-owned vehicle. Forward this information to the Town Manager as soon as practical.
5. If possible, take photos of the accident scene to record damage or other pertinent information.
6. If you are injured, report your injury to the Town Manager or his/her designee and complete appropriate paperwork for an on-the-job injury.

13.6 EMPLOYEE DRESS CODE

Employees of the Town are required to dress appropriately for the jobs they are performing.

Uniforms and safety equipment must be worn where applicable.

Footwear must be appropriate for the work environment and functions being performed.

13.7 NEPOTISM POLICY

13.7.1 No person will be appointed or promoted to a position in any department in which the person's relative already holds a position, when the employment would result in a supervisor-subordinate relationship.

13.7.2 For purposes of this section, "relative" means spouse, domestic partner, child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law or sister-in-law.

13.7.3 If a Town employee marries or files a Declaration of Domestic Partnership with another person employed by the Town within the same department, both employees will be allowed to retain their respective positions provided that a supervisory relationship does not exist at the time of marriage/domestic partnership between these two positions. During the period of employment, no supervisory position will exist between the two employees. For the purpose of

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this section, a supervisory relationship is defined as one in which one person exercises the right to control, direct, reward or discipline another person by virtue of the duties and responsibilities assigned to his/her position.

- 13.7.4 The Town also retains the right to refuse to hire spouses or domestic partners, or to place both spouses or domestic partners in the same department, division, or facility if the hiring or placement would have an adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.
- 13.7.5 When the above circumstances exist and mandate that two spouses or domestic partners will not work in a prohibited supervisory relationship, an attempt will be made to transfer one spouse/domestic partner to a similar classified position in another Town department. Although the wishes of the involved parties as to which spouse/domestic partner is to be transferred will be given consideration by the Town, the controlling factor in determining which spouse/domestic partner is to be transferred will be the positive operation and efficiency of the Town. If any transfer results in a reduction in salary or compensation, it will not be considered disciplinary in nature and will not be the subject of any form of administrative appeal.
- 13.7.6 If continuing employment of two spouses or domestic partners cannot be accommodated consistent with the Town's interest in promotion of safety, security, morale and efficiency, then the Town retains sole discretion to terminate the employment of one spouse/domestic partner. If one spouse/domestic partner does not resign, one of the involved spouses/domestic partners will be subject to termination of employment. This will not constitute discipline and will not be subject to any administrative appeal.

13.8 POLICY PROHIBITING THE USE OF DRUGS AND ALCOHOL

13.8.1 PURPOSE

The intent of this policy is to eliminate the use and effects of alcohol and drugs in the workplace.

The objectives of this policy are to: 1) eliminate any use of alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of their job; 2) encourage employees who think they may have an alcohol or drug usage problem to voluntarily seek confidential assistance; and 3) emphasize training and rehabilitation. However, even with the emphasis on rehabilitation, it must be understood that for those who demonstrate problems in job performance or for those who are involved with or under the influence of drugs or alcohol on the job, disciplinary action will be taken.

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13.8.2 SCOPE

This policy applies to all employees of the Town when working for or officially representing the Town of Portola Valley.

This policy applies to alcohol and all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of his/her job.

13.8.3 POLICY

It is the Town's policy that employees will not use or be under the influence of alcohol or drugs, or possess alcohol or illegal drugs at any work site or Town property, while on duty, breaks or meal periods.

In order to promote a safe, productive and efficient workplace, the Town has the right to search and inspect all Town property, including but not limited to lockers, storage areas, furniture, Town vehicles, and other places under the common control of the Town, or joint control of the Town, and employees. No employee has any expectation of privacy in any Town building, property, or communications system. Employees are urged to seek voluntary confidential assistance if they believe they may have an alcohol or drug use problem.

The manufacture, distribution, dispensation, possession, or use of alcohol or any controlled substance is prohibited in both Town workplaces and wherever Town business is performed.

Compliance with this policy is a condition of Town employment. Disciplinary action will be taken against those who violate this policy.

13.8.4 PROCEDURES13.8.4.1 Employee Responsibilities

1. It is the employee's responsibility to demonstrate satisfactory job performance.
2. Employees will report to work with the ability to perform job duties not impaired due to on or off duty alcohol or drug use.
3. Employees are responsible for the personal implementation of this policy to facilitate safe and effective job performance.
4. Employees will not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during

Attachment "D"

working hours or while subject to duty. This includes breaks and meal periods.

5. An employee will notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, which would interfere with the safe and effective performance of duties or operation of equipment.
6. An employee will not directly or indirectly through a third party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at Town workplaces or where Town business is performed; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty;
7. An employee will notify the Town Manager of any criminal conviction for a drug violation that occurred in the workplace within no more than five (5) days after such conviction;
8. An employee will notify the supervisor immediately of facts or reasonable suspicions when he or she observes behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others;
9. An employee will follow the Town's drug and alcohol-free workplace policy.

13.8.4.2 Management Responsibilities and Guidelines

1. Managers and Supervisors should, if possible, notify the Town Manager or his/her designee when they have reasonable suspicion to believe that an employee may be under the influence of drugs or alcohol, or have illegal drugs in his/her possession.

Attachment "D"

2. Employees reasonably believed to be under the influence of alcohol or drugs will be prevented from engaging in further work, and may be sent for drug or alcohol testing if two (2) supervisory employees document their observations and the facts that lead them to believe that the employee is under the influence of alcohol or drugs. The reasonable suspicion factors are listed below, and must be documented in writing prior to sending any employee for drug or alcohol testing. A supervisor can require a medical certification of fitness for duty, before allowing the employee to return to work.

Reasonable suspicion factors include:

- Presence of alcohol, alcohol containers, drugs or drug paraphernalia;
 - Appearance, including: flushed, disheveled, bloodshot or glassy eyes, tremors, profuse sweating, dilated or constricted pupils, inappropriate wearing of sunglasses, dry mouth symptoms, runny nose, sores, smell of alcohol, puncture marks;
 - Behavior or speech, including: incoherent, slurred, unconscious, confused, slowed, hostile or confrontational, agitated, sleeping on the job;
 - Awareness, including: confused, mood swings, lethargic, paranoid, lack of coordination, euphoric, disoriented;
 - Motor skills/balance, including: unsteady, swaying, falling, staggering, stumbling, reaching for support, arms raised for balance.
3. Notify the state or federal granting agency which has funded the work or program, if any, of any criminal drug statute convictions for a violation that occurred at a site where work is/was being done with a specific grant or contract;
 4. Take appropriate disciplinary action for any criminal drug statute conviction that has a nexus to the employee's employment, or require that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program as a condition for returning to duty;
 5. Take appropriate disciplinary action for any violation of this policy consistent with existing discipline procedures;
 6. Enforce this policy; and

Attachment "D"

7. Report any suspected violation of this policy to the Town Manager.

13.8.5 DISCIPLINARY ACTION

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of managers, supervisors and employees. To that end the Town will act to eliminate any use of alcohol or drugs that increase the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to Town reputation or equipment. All persons covered by this policy should be aware that even first-time violations of these procedures may be grounds for disciplinary action up to and including termination. In addition, the Town may, but is not required to, refer employees to counseling and treatment in lieu of disciplinary action.

13.9 DRUG-FREE AWARENESS PROGRAM

The Town will distribute a brochure on the dangers of drug abuse to each Town employee and will notify each Town employee of the availability of counseling and treatment of drug-related problems through the Employee Assistance Program provider.

13.10 NON-SMOKING POLICY

Smoking is prohibited in all Town facilities and vehicles.

13.11 GIFTS AND GRATUITIES

It is Town policy that Town employees should not solicit or accept gifts from a private source. However, edible/drinkable and floral gifts offered to an employee and then made available to the entire Town staff are acceptable.

13.12 VIOLENCE PREVENTION POLICY

13.12.1 POLICY

The Town is committed to providing a safe and secure workplace for employees and the public. The Town will not tolerate acts or threats of violence in the workplace. The workplace includes any location where Town business is conducted, including vehicles and parking lots. Any violation of this policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

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13.12.2 PROHIBITED BEHAVIOR

Employees are prohibited from engaging in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of Town employment. The Town has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

Employees engaged in Town business are prohibited from carrying weapons in violation of any law or this policy unless weapons are required for performance of the job. Employees who have legal authority to carry a weapon shall notify the Town Manager in writing of what type of weapon is being carried. Employees who have legal authority to carry weapons violate this policy if they: accidentally discharge or lose their weapon; use, threaten to use, or display the weapon for a job related reason; or violate any law related to carrying a legal weapon while engaged in Town business.

13.12.3 DEFINITIONS

13.12.3.1 "Workplace Violence": is any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

- Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.
- The destruction of or threat of destruction of Town property or another employee's property.
- Harassing or threatening phone calls.
- Surveillance.
- Stalking.
- Possession of offensive or defensive weapons (illegal knives, clubs, mace, pepper spray, tear gas, etc.) unless specifically required or authorized and approved by the Town Manager. Weapons are defined as chemical sprays, clubs or batons, and knives, and any other device, tool, chemical agent or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

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13.12.4 INCIDENT REPORTING PROCEDURES

1. Employees must immediately report workplace violence to their supervisor. The supervisor will report the matter to the Town Manager.
2. The Town Manager will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.
3. The Town Manager will take appropriate steps to provide security, such as:
 - Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
 - Asking any threatening or potentially violent person to leave the site; or
 - Immediately contacting an appropriate law enforcement agency.

13.12.5 INVESTIGATION

The Town Manager will see that reported violations of this policy are investigated as necessary.

13.12.6 MANAGEMENT RESPONSIBILITY

Each supervisor has authority to enforce this policy by:

1. Training subordinates about their responsibilities under this policy;
2. Assuring that reports of workplace violence are documented accurately and timely;
3. Notifying the Town Manager and/or law enforcement authorities of any incidents;
4. Making all reasonable efforts to maintain a safe and secure workplace; and
5. Maintaining records and follow up actions as to workplace violence reports.

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13.12.7. FOLLOW-UP AND DISCIPLINARY PROCEDURES

An employee found in violation of this policy will be subject to disciplinary action, up to and including termination of employment. In addition, employees found in violation of this policy may be subject to criminal prosecution

13.13 LACTATION ACCOMMODATION

A female employee who wishes to express breast milk for her infant child (up to one year old) while at work may make arrangements with the supervisor to do so.

The employee should write the supervisor a memo that states the proposed schedule and location for the lactation breaks. The lactation breaks should run concurrently with the regular break times, and, if necessary, other times that would not seriously disrupt work. The location for the lactation break should be private, not be a toilet stall or located in a bathroom, and should be within a reasonable proximity of the employee's work area. The location may be the place where the employee normally works, if that area can be made reasonably private. The supervisor is not required to provide break time on any given occasion if the break would seriously disrupt work or operations.

Lactation break time that runs concurrently with regular break time is paid. Lactation break time that does not run concurrently with regular break time is unpaid for overtime-eligible employees.

Attachment "D"
Appendix "A"
EMPLOYEE VEHICLE MILEAGE REIMBURSEMENT

Date	Number of Miles	Business Purpose	Location

Total Miles x \$ _____ /mile = \$ _____ Reimbursement

Name: _____ Signature: _____

Attachment "D"

Appendix "B"



Town of Portola Valley
Wireless Device Use Policies and Guidelines

a wireless device [Cell phone, 2-way radio/phone, pager, Personal Digital Assistant (PDA)] while driving may present a distraction hazard to the driver, passengers and the general public.

The New England Journal of Medicine has released a study reporting that cell phone usage while driving increases the potential for an accident to occur by 400%, or about the same as driving while intoxicated. The use of "hands-free" devices does reduce the potential for accidents.

The Town of Portola Valley provides cellular phones and 2-way radio/phones to those employees who need them in order to perform their job responsibilities. The following policies and guidelines concerning wireless device use have been adopted in order to ensure the safe operation of Town vehicles and private vehicles used by an employee to conduct official Town business.

Policies:

- Employees must adhere to all federal, state and local rules and regulations regarding the use of wireless devices while driving. If law, regulations, or ordinances prohibit such conduct, employees must not use wireless devices.
- While driving a Town-owned vehicle or personal vehicle used for official Town business, employees should not use wireless devices for business or personal purposes. Should an employee need to use a wireless device while driving, s/he should pull off the road, locate a lawfully designated area to park, and then use the device.
- Employees may use hands-free wireless devices to make business calls, but only for emergency purposes, including but not limited to an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency/entity. Such calls should be kept short and should the circumstances warrant (e.g. heavy traffic, bad weather), the employee should pull off the road, locate a lawfully designated area to park, and then use the device.
- Violation of these policies will subject an employee to disciplinary action up to and including termination.

Guidelines for Safe Wireless Device Use

- Be knowledgeable: Understand how to use your wireless device. Read the user's manual to learn of its capabilities.

Attachment "D"

- Timing of wireless device use: Use wireless devices when the car is stopped. If necessary, pull over to the side of the road. Never use a wireless device while the vehicle is in motion.
- Use memory dialing: Pre-program frequently dialed numbers or use voice recognition dialing.
- Hands-free devices: Always use hands-free devices, such as ear/mike accessory and phone cradles.
- Wireless device location: To avoid taking your eyes off the road, position the wireless device within easy reach and as close to eye-level as possible.
- Driving is your priority: Suspend conversations during hazardous situations, including high pedestrian traffic, congested traffic, or severe weather conditions.
- Minimize distractions: Never take notes or look up information while driving. If using the device is distracting or reading/writing is required to use the device, pull off the road and find a safe place to park.
- Conversations: Keep any necessary conversations brief. Do not engage in stressful or emotional conversations that may divert your attention from the road.
- Unnecessary calls: Refrain from placing or receiving unnecessary calls. Allow voicemail to handle your calls and return them when it is safe and convenient.
- Actively compensate for distractions: If you are using a wireless device while driving, move to slower travel lanes, increase your following distance and frequently check your mirrors to assess the immediate driving situation.

Employee Acceptance

I have read, understand and will abide by the Town of Portola Valley's Wireless Device Use Policy. I understand that violation of this policy may result in discipline up to and including termination.

Employee Signature

Date

TOWN OF PORTOLA VALLEY

Committee and Commission Memberships – January 2012

Planning Commission – 5 Members

Gilbert, Denise (R)
McIntosh, Arthur “Chip” (R)
McKitterick, Nate (R)
Von Feldt, Alexandra (R)
Zaffaroni, Leah (R)

Architectural and Site Control Commission – 5 Members

Breen, Danna (R)
Clark, Jeff (R)
Hughes, Craig (R)
Koch, Megan (N)
Warr, Carter (R)

Ad-Hoc Springdown Master Plan Committee

Bourne, Jane (R)
Davis, Lynne (R)
DeStaebler, Marge (R)
Gold, Susan (R)
Goodstein, Stan and Carol (A)
Heiple, Paul (R)
Myers, Jon (R)
Nielsen, Gary (R)
Silver, Jon (R)
Smith, Mary (R)
Von Feldt, Alexandra (R)
Walter, Ron (R)
White, Phil and Cindie (A)

Bicycle, Pedestrian and Traffic Safety Committee – 11 Members

Baenen-Tapscott, Patricia (N)
Buja, Christopher (N)
Foster, Mark (N)
Holland, Edward (N)
Lachtman, Dale (N)
Latham, Leslie (N)
Lloyd, Shandon (N)
Marra, Steve (N)
Ruiz, Pedro (N)
Welch, Kevin (N)
Whalen, Erin (N)

Cable and Utilities Undergrounding Committee – 7 Members

Bondy, Bob (N)
Buja, Christopher (R)
Lavine, Kenneth (R)
Lee, Merijane (R)

Cable and Utilities Undergrounding Committee (cont'd)

Pun, Ting (R)
Van Rensselaer, Cort (R)

VACANCY

Community Events Committee – 9 Members

Bray, Michael (R)
Lewis, Jane (N)
Lund, Nancy (N)
Mobley, Karen (R)
Raines, Diana (R)
Sweet, Meghan (N)

VACANCIES

Conservation Committee – 9 Members

Bourne, Jane (R)
DeStaebler, Marge (R)
Eastman, Jean (R)
Eckstrom, Don (R)
Heiple, Paul (R)
Kearney, Ann (R)
Murphy, Judith (R)
Plunder, Marianne (R)
Walz, Dieter (R)

Cultural Arts Committee – 12 Members

Breiner, Mimi (R)
Chaput, Sue (R)
Clark, Deirdre (R)
Fowler, Jeannette (R)
Fulkerson, Paige (N)
Margolin, Marie (R)
Olson, Linda (N)
Thomas, Susan (R)
Tryce, Yvonne (R)

VACANCIES

Emergency Preparedness Committee – 5-11 Members

Boice, John (R)
Howes, David (R)
Koin, Diana (N)
Kopf-Sill, Anne (R)
Raanes, Chris (R)
Rothrock, Ray (R)
Taylor, Craig (R)

VACANCIES

Finance Committee – 5 Members

Lavine, Kenneth (N)
Nielsen, Gary (R)
Savage, George (R)
Takei, Michele (R)
Urban, William (R)

Geologic Safety Committee – 5 Members

Breiner, Sheldon (R)
Fournier, Robert (R)
Tabor, Rowland (R)
Vedder, Jack (R)
Wrucke, Chet (R)

Historic Resources Committee – 5 Members Minimum

Anderson, Rick (R)
Ashley, Ellen (R)
Coulson, Harriet (R)
Fowler, Jeannette (R)
Lipman, Jim (R)
Lund, Nancy (R)
Quilter, Phyllis (R)

Nature and Science Committee – 5- 9 Members

Browne, Andrew (R)
Field-Barth, Leslie (R)
Heiple, Paul (R)
Joi, Treena (R)
Pierce, Andrew (R)
Robb, Jan (R)
Tryce, Yvonne (R)

Open Space Acquisition Advisory Committee – 7 Members Maximum

McIntosh, Arthur “Chip” (R)
Nielsen, Gary (R)
Paine, Ward (A)
Taylor, Craig (R)
Treichel, Jeanie (R)
Wick, Karin (R)

Parks and Recreation Committee – 13 Members

Bowen, Lindsay (R)
Brandman, Craig (R)
Feldman, Kathy (R)
Haskell, Wendi (R)
Myers, Jon (R)
VACANCIES

Public Works Committee – 5 Members Minimum

Bowen, Lindsay (R)
Eisberg, Bud (R)
Fil, Joe (R)
Hedlund, Steve (R)
Paris, Mark (R)
Patterson, Wil (R)
Peyton, Brad (R)
Skadden, John (N)

Sustainability Committee – 7 Members Minimum

Bacon, Virginia (R)
Hey, Angela (R)
Howes, David (N)
Mashey, John (R)
Murphy, Judith (R)
Trapp, Onnolee (R)
Unnasch, Stefan (R)
Vaughan, Lance (R)

Teen Committee – 9 Members Minimum

Brandman, Julia (N)
Driscoll, Sharon (R)
Humphreys, Avery (R)
Law, Maggie (N)
Moore, Ellen (R)
Moore, Katherine (R)
Putnam, Katie (N)
Sarwal, Ruth (R)
Savoca, Georgia (R)

Trails and Paths Committee – 9 Members

Coleman, Joe (R)
Davis, Lynne (R)
Ferrari, Ellie (R)
Gold, Susan (R)
Hasko, Judith (R)
Paris, Judy (R)
Siegel, Catherine (R)
Sweeney, Shelly (R)

VACANCY

(Advisory members are not included in membership count)

2012 Council Liaison Appointments

<i>Type</i>	<i>Organization</i>	<i>Role</i>	<i>When Meets</i>
Ted Driscoll			
Town	<u>Bicycle, Pedestrian & Traffic Safety Committee</u>	Liaison	1 st Wednesday at 8:15 am
Town	<u>Conservation Committee</u>	Liaison	4 th Tuesday at 8:00 pm
Town	<u>Geologic Safety Committee</u>	Liaison	as announced
Town	<u>Planning Commission</u> (Jan, Feb & Mar)	Liaison	1 st and 3 rd Wednesdays at 7:30 pm
Town	<u>Public Works</u>	Liaison	as announced
Town	<u>ASCC</u>	Alt	2 nd and 4 th Mondays at 7:30 pm
Town	<u>Cable & Utilities Undergrounding Committee</u>	Alt	alternate/odd months, 2 nd Thursday at 8:15 am
Town	<u>Emergency Preparedness Committee</u>	Alt	2 nd Thursday at 8:00 am
Town	<u>Nature and Science Committee</u>	Alt	alternate/even months, 2 nd Thursday at 4:00 pm
Town	<u>Open Space Acquisition Advisory Committee</u>	Alt	as announced
County	<u>FireWise Committee</u>	Rep	3 rd Tuesday at 4:00 pm
County	<u>West Bay Sanitary Dist.</u>	Special	as needed
Regional	<u>Woodside Fire Protection District</u>	Liaison	as needed

Maryann Derwin (Mayor)

Town	<u>Community Events Committee</u>	Liaison	as announced
Town	<u>Friends of the Library</u>	Liaison	alternate/odd months, last Thursday at 7:15 pm
Town	<u>The Sequoias</u>	Liaison	as needed
Town	<u>Sustainability Committee</u>	Liaison	3 rd Monday at 4:00 pm
Town	<u>Town Newsletter</u>	Liaison	meets biannual
Town	<u>Cultural Arts Committee</u>	Alt	2 nd Thursday of each month
Town	<u>P.V. School District</u>	Alt	as needed
Town	<u>Teen Committee</u>	Alt	as announced
Regional	<u>ABAG</u>	Alt	as needed
Regional	<u>Airport Roundtable</u>	Alt	1 st Wed., 7 pm
Regional	<u>League of CA Cities</u>	Rep	quarterly, or as announced
Regional	<u>Library JPA</u>	Liaison	1 st Monday at 8:00 am
Other	<u>Stanford University</u>	Alt	as needed
County	<u>City/County JPA C/CAG</u>	Rep	2 nd Thursday, 7 pm
County	<u>Council of Cities</u>	Rep	4 th Friday, 6 pm
County	<u>FireWise Committee</u>	Alt	3 rd Tuesday at 4:00 pm
County	<u>RMPC Committee C/CAG</u>	Rep	2 nd Friday, 3 pm

John Richards (Vice Mayor)

Town	<u>Cable & Utilities Undergrounding Committee</u>	Liaison	alternate/odd months, 2 nd Thursday at 8:15 am
Town	<u>Planning Commission</u> (July, Aug & Sept)	Liaison	1 st and 3 rd Wednesdays at 7:30 pm
Town	<u>Cultural Arts Committee</u>	Liaison	2 nd Thursday of each month
Town	<u>Emergency Preparedness Committee</u>	Liaison	2 nd Thursday at 8:00 am
Town	<u>P. V. School District</u>	Liaison	as needed
Town	<u>The Sequoias</u>	Alt	as needed
Town	<u>Springdown Master Plan (Ad-Hoc)</u>	Alt	as announced
Town	<u>Trails and Paths Committee</u>	Alt	2 nd Tuesday at 8:15 am, or as needed
Regional	<u>ABAG</u>	Rep	as needed
Regional	<u>League of CA Cities</u>	Alt	quarterly, or as announced
County	<u>Council of Cities</u>	Alt	4 th Friday, 6 pm
County	<u>Emergency Services Council</u>	Liaison	quarterly
County	<u>Housing Endowment and Regional Trust (HEART) of San Mateo County</u>	Liaison	bi-annually

<i>Type</i>	<i>Organization</i>	<i>Role</i>	<i>When Meets</i>
Ann Wengert			
Town	<u>Parks & Recreation Committee</u>	Liaison	3 rd Monday at 7:30 pm
Town	<u>Planning Commission (Oct, Nov & Dec)</u>	Liaison	1 st and 3 rd Wednesdays at 7:30 pm
Town	<u>Springdown Master Plan (Ad-Hoc)</u>	Liaison/Chair	as announced
Town	<u>Trails and Paths Committee</u>	Liaison	2 nd Tuesday at 8:15 am, or as needed
Town	<u>Bicycle, Pedestrian & Traffic Safety Comte.</u>	Alt	1 st Wednesday at 8:15 am
Town	<u>Finance Committee</u>	Alt	as announced
Town	<u>Public Works</u>	Alt	as announced
Regional	<u>Airport Roundtable</u>	Rep	1 st Wed., 7 pm
Other	<u>Stanford University</u>	Liaison	as needed
County	<u>City/County JPA C/CAG</u>	Alt	2 nd Thursday, 7 pm
County	<u>Housing Endowment and Regional Trust (HEART) of San Mateo County</u>	Alt	bi-annually
County	<u>SCS/RHNA Policy Advisory Committee</u>	Liaison	as needed
Jeff Aalfs			
Town	<u>ASCC</u>	Liaison	2 nd and 4 th Mondays at 7:30 pm
Town	<u>Finance Committee</u>	Liaison	as announced
Town	<u>Historic Resources Committee</u>	Liaison	as announced
Town	<u>Nature and Science Committee</u>	Liaison	alternate/even months, 2 nd Thursday at 4:00 pm
Town	<u>Open Space Acquisition Advisory Committee</u>	Liaison	as announced
Town	<u>Planning Commission (April, May & June)</u>	Liaison	1 st and 3 rd Wednesdays at 7:30 pm
Town	<u>Teen Committee</u>	Liaison	as announced
Town	<u>Community Events Committee</u>	Alt	as announced
Town	<u>Conservation Committee</u>	Alt	4 th Tuesday at 8:00 pm
Town	<u>Geologic Safety Committee</u>	Alt	as announced
Town	<u>Parks & Recreation Committee</u>	Alt	3 rd Monday at 7:30 pm
Town	<u>Sustainability Committee</u>	Alt	3 rd Monday at 4:00 pm
Regional	<u>MROSD</u>	Liaison	as needed
County	<u>Los Trancos/Vista Verde</u>	Rep	as needed

#7

There are no written materials for this agenda item.

TOWN COUNCIL WEEKLY DIGEST

Friday – January 13, 2012

- ☐ 1. E-Mail from Debbie Mytels to Angela Howard and Brandi deGarmeaux regarding Update on High Energy Homes Program
- ☐ 2. Notice of Cancellation of the Parks and Recreation Committee Meeting scheduled for Monday, January 16, 2012
- ☐ 3. Notice of Cancellation of the Sustainability Committee Meeting scheduled for Monday, January 16, 2012
- ☐ 4. Agenda – Regular Planning Commission Meeting – Wednesday, January 18, 2012
- ☐ 5. Action Agenda – Regular ASCC Meeting – Monday, January 9, 2012
- ☐ 6. Action Agenda – Regular Town Council Meeting – Wednesday, January 11, 2012

Attached Separates (Council Only)

- ☐ 1. Invitation to attend PACKARD 101 on March 22 & 23, 2012
- ☐ 2. Invitation to attend Mayors for Meals Day on Wednesday, March 21, 2012
- ☐ 3. Town of Portola Valley Winter Class Schedule 2012 (4 pages)
- ☐ 4. Information regarding American Lung Association's annual State of Tobacco Control Report – January 6, 2012
- ☐ 5. National Geographic's "Water for Tomorrow" – Volume Three, Number Two
- ☐ 6. San Mateo County's Children, Youth and Family Budget 2011
- ☐ 7. San Mateo County Library's 2011 Annual Report
- ☐ 8. "Comcast California" – December 2011
- ☐ 9. League of California Cities "Western City" – January 2012

From: Debbie Mytels [mailto:debbiem@acterra.org]
Sent: Thursday, January 12, 2012 3:35 PM
To: Angela Howard; Brandi de Garneaux
Cc: Angela Hey (amhey@heymash.com); Danna Breen (pvlily@aol.com); John Mashey (mash@heymash.com); Judith Murphy (judithamurphy@prodigy.net); Lance Vaughan (lancevaughan1@gmail.com); Onnolee Trapp (onnoleet@sbcglobal.net); Stefan Unnasch (unnasch@lifecycleassociates.com); Virginia Bacon (vcbacon@yahoo.com); Lauren Lee; Maryann Moise
Subject: Update on High Energy Homes Program

Dear Angela,

Congratulations, Portola Valley is leading in our "Town Challenge" regarding participation in the High Energy Homes program!

As you may have heard, we had a problem with access to PG&E's SmartMeter data in November and part of December, and this put our program on hold for a few weeks. However, with support from PG&E, we have now rectified the situation and the program is running smoothly again.

The attached thermometer graphics are an update as of 1/3/12, for Portola Valley residents as well as those in the other four cities that are part of the High Energy Homes program: Atherton, Los Altos Hills, Monte Sereno, and Woodside.

As you can see below, as of 1/3/12, Portola Valley is 21% of the way towards using your allocation of 150 free on-line energy assessments. Congratulations on being in the lead and achieving a 2% increase since the Challenge began!

We will be sending out an updated set of thermometers at the start of each month remaining in our grant from the California Energy Commission.

We are also including a stand-alone thermometer for Portola Valley (see below). We hope that you will place it on your town's website, use it in your town newsletter and blow it up into a poster to display prominently at your town hall. You may also want to use the paragraph below as a caption for the thermometer in whatever materials you use to display it. Expect an updated thermometer for Portola Valley at the start of the next month, too.

We hope that you will use this thermometer as a tool to encourage more residents to sign up for High Energy Homes in the weeks ahead.

Caption paragraph to accompany Atherton's thermometer:

Sign up for High Energy Homes!

This free, on-line assessment of your home's energy use will compare your usage with others and help you find wasted energy. You'll also lower your PG&E bills and help the environment. Sponsored by the town of Portola Valley, the High Energy Homes program is being offered by Acterra, a local non-profit, to the first 150 residents who sign up. So far, 21% of Portola Valley's allocation is being used. Sign up now at www.acterra.org/highenergy Let's aim to use all of the program slots available!

Please contact me if you have any questions or would like assistance in resizing the thermometers.

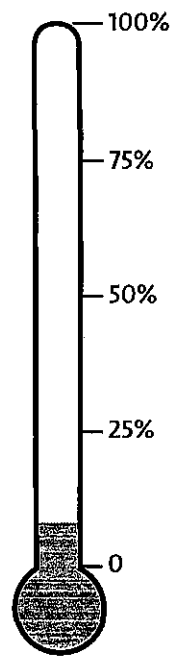
Sincerely,

Debbie Mytels
Associate Director, Acterra
debbiem@acterra.org
(650) 962-9876 x302

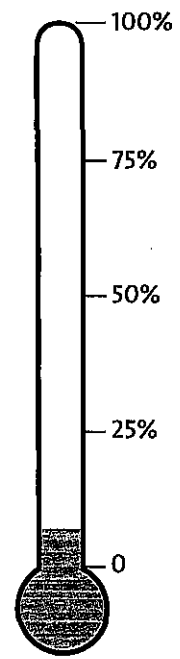
High Energy Homes

Free Online Audits Completed by Residents
Town Challenge: Which Town Will Achieve its Goal First?

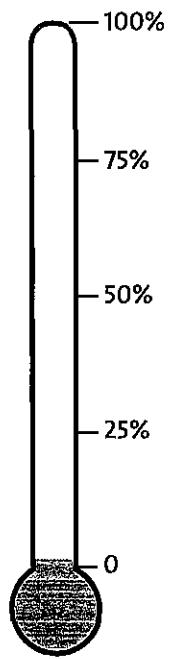
Numbers as of January 3, 2012



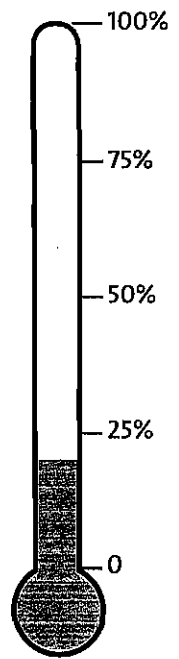
ATHERTON
240 Homes Total



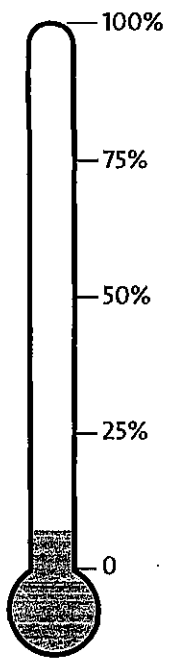
LOS ALTOS HILLS
280 Homes Total



MONTE SERENO
150 Homes Total



PORTOLA VALLEY
150 Homes Total



WOODSIDE
180 Homes Total



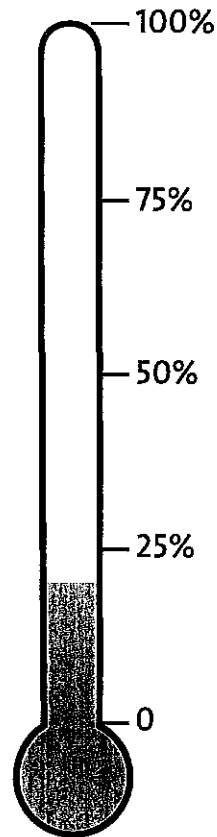
**ACTION FOR A
HEALTHY PLANET**

3921 East Bayshore Road, Palo Alto, CA 94303
650.962.9876 www.acterra.org

High Energy Homes

Free Online Audits Completed by Residents

Numbers as of January 3, 2012



PORTOLA VALLEY
150 Homes Total



**ACTION FOR A
HEALTHY PLANET**

3921 East Bayshore Road, Palo Alto, CA 94303
650.962.9876 www.acterra.org



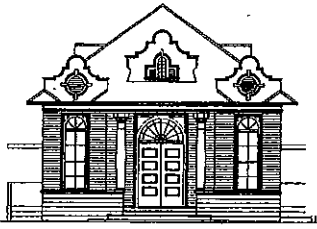
Parks & Recreation Committee
Notice of Cancellation
Monday, January 16, 2012

PARKS AND RECREATION COMMITTEE MEETING

NOTICE OF CANCELLATION

Monday, January 16, 2012

The Parks and Recreation Committee meeting regularly scheduled for Monday, January 16, 2012 has been cancelled.



Sustainability Committee
Notice of Cancellation
Monday, January 16, 2012

SUSTAINABILITY COMMITTEE MEETING

NOTICE OF CANCELLATION

Monday, January 16, 2012

The Sustainability Committee meeting regularly scheduled for Monday, January 16, 2012 has been cancelled due to the Martin Luther King, Jr. Holiday. A special Sustainability Committee meeting will be held on January 23, 2012.



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, January 18, 2012 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

Commissioners Gilbert, McIntosh, Von Feldt, Chairperson McKitterick, and Vice-Chairperson Zaffaroni

Oral Communications

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

Regular Agenda

1. Referral for Concurrence, Zoning Permit Request for Office Occupancy, 130 Portola Road, Bennicas and Associates, Conditional Use Permit X7D-135, Pollock
2. *Continued Public Hearing*: Review of Conditional Use Permit (CUP) Application X7D-169, Request to Permit Additional Floor Area, Impervious Surface Area and Related agricultural uses on 229-acre parcel, 555 Portola Road, Spring Ridge LLC (Neely/Myers)

Nomination of Chair and Vice-Chairpersons

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: December 7, 2011

Adjournment

ASSISTANCE FOR PERSONS WITH DISABILITIES

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

Planning Commission Agenda
January 18, 2012
Page Two

AVAILABILITY OF INFORMATION

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

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Corte Madera School, Alpine Road and Indian Crossing.

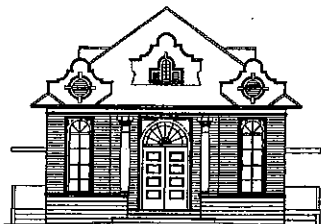
PUBLIC HEARINGS

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

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

Date: January 13, 2012

CheyAnne Brown
Planning Technician



**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, January 9, 2012
7:30 PM – Regular ASCC Meeting
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

ACTION

7:30 PM - REGULAR AGENDA*

1. Call to Order: 7:32 p.m.
2. Roll Call: Breen, Clark, Hughes, Warr (**Hughes absent. Also present: Tom Vlastic Town Planner, Town Council Liaison John Richards, Planning Commission Liaison Chip McIntosh**).
3. Oral Communications: **None**.

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

4. Old Business:
 - a. Follow-up Review – Architectural Review & Site Development Permit X9H-616, New Residential Development, 300 Westridge Drive, Whitney **Follow-up approved subject to conditions to be met to the satisfaction of Planning staff prior to building permit issuance.**
5. New Business:
 - a. Architectural Review – Proposed Residential Additions and Remodeling, and Related Yard Improvements, 15 Valencia Court, Kieturakis *Continued to January 23, 2012 Meeting* **Project review continued to 1/23/12**
6. Other:

Palo Alto Referral, 830 Los Trancos Road – Vlastic discussed proposed plans with the ASCC who were generally supportive of the design. Concerns over lighting will be forwarded to Palo Alto Planning staff.
7. Approval of Minutes: December 12, 2011 **Approved as submitted.**
8. Adjournment **8:08 p.m.**

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

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

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

ASSISTANCE FOR PERSONS WITH DISABILITIES

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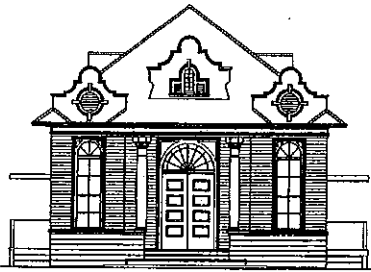
PUBLIC HEARINGS

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

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

Date: January 6, 2012

CheyAnne Brown
Planning Technician



TOWN OF PORTOLA VALLEY

Page 172

6

7:30 PM – Regular Town Council Meeting
Wednesday, January 11, 2012
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

ACTION AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

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

Councilmember Driscoll absent

ORAL COMMUNICATIONS

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

None

(1) **PRESENTATION** – Proclamation Honoring Nancy Lund, Town Historian

Nancy Lund thanked Council for the recognition but said that the 150 year anniversary celebration was a group effort.

(2) ASCC COMMISSIONER APPLICANT INTERVIEWS

(2a) 7:40 – Jeff Clark

(2b) 8:00 – Ralph Lewis

(2c) 8:20 – Thomas Moran

(2d) 8:40 – Megan Koch

(2e) 9:00 – Darci Reimund (Ms. Reimund was represented by her husband)

CONSENT AGENDA

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

(3) **Approval of Minutes** – Regular Town Council Meeting of December 14, 2011

Approved as Amended 4-0

(4) **Approval of Warrant List** – January 11, 2012

(5) **Recommendation by Interim Assistant Town Manager** – Disposal of Surplus Property

(a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing the Disposition of Surplus Property (Resolution No. 2541-2012)

Approved 4-0

REGULAR AGENDA

(6) **Discussion and Council Action** – Report from Town Planner's Office with an update from ABAG's Comments on the Sustainable Communities Strategy process and Town Efforts to meet Housing Element BMR requirements

Principal Planner Kristiansson to forward Council comments to ABAG

(7) **Recommendation by Interim Assistant Town Manager** - Approval of Ford Field Conceptual Design

Council approved Conceptual Design and proposed fundraising efforts 4-0

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) **Appointment of ASCC Commissioner**

There are no written materials for this item.

Jeff Clark and Megan Koch were appointed to the ASCC 4-0

(9) **Appointment by Mayor** – Request for Appointment of Member to the Sustainability Committee

The Mayor, with Council concurrence, appointed David Howes to the Sustainability Committee 4-0

(10) **Appointment by Mayor** – Request for Appointment of Members to the Community Events Committee

The Mayor, with Council concurrence, appointed Jane Lewis and Nancy Lund to the Community Events Committee 4-0

(11) **Recommendation by the Bicycle, Pedestrian & Traffic Safety Committee** – Proposed change to Committee Charter

Council approved charter change of meeting date and time 4-0

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

There are no written materials for this item.

Councilmember Aalfs and Mayor Derwin attended a Regional Integrated Climate Action Planning Suite “RICAPS” meeting that introduced a template for use with the Climate Action Plan

Councilmember Wengert – None

Vice Mayor Richards – ASCC reviewed the project at 300 Westridge Drive and found no major issues

Mayor Derwin – The January Council of Cities dinner meeting will take place in Burlingame and Mayor Derwin recruited a speaker who is a specialist in redevelopment.

WRITTEN COMMUNICATIONS

(13) **Town Council Weekly Digest** – December 16, 2011

#1 – Councilmember Wengert noted the water continues to look bad

(14) **Town Council Weekly Digest** – December 23, 2011

None

(15) **Town Council Weekly Digest** – January 6, 2012

None

Adjourned to Closed Session: 10:25 pm

CLOSED SESSION

(16) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (one case)**

Government Code Section 54956.9 (b)(3)(c) – receipt of a claim pursuant to the Tort Claims Act

REPORT OUT OF CLOSED SESSION: None

ADJOURNMENT: 10:48 pm

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

SUBMITTAL OF AGENDA ITEMS

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

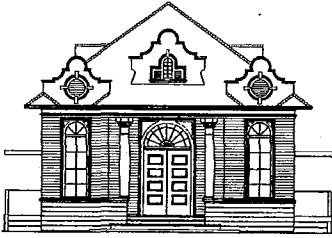
TOWN COUNCIL WEEKLY DIGEST

Friday – January 20, 2012

-
- ☐ 1. Memorandum to Town Council from Howard Young regarding Spring Down Open Space Improvements – Fence – January 20, 2012
 - ☐ 2. Memorandum to Town Council from Brandi de Garneau regarding Update on Green Towns SunShares Program – January 20, 2012
 - ☐ 3. Memorandum to Town Council from Portola Valley Trails and Paths Committee regarding Recommendations from January 10, 2012 meeting – January 16, 2012
 - ☐ 4. Letter to ABAG and MTC from Karen Kristiansson regarding Town of Portola Valley Comments on the Sustainable Communities Strategy (SCS) Alternatives – January 16, 2012
 - ☐ 5. Agenda – Special Sustainability Committee Meeting – Monday, January 23, 2012
 - ☐ 6. Agenda – ASCC Field Meeting – Monday, January 23, 2012
 - ☐ 7. Agenda – Conservation Committee Meeting – Tuesday, January 24, 2012
 - ☐ 8. Action Agenda – Regular Planning Commission Meeting – Wednesday, January 18, 2012

Attached Separates (Council Only)

- ☐ 1. Invitation to attend “Reaching for Dreams” Scholarship Benefit Luncheon, Notre Dame – March 23, 2012
- ☐ 2. Invitation to attend “Lunar New Year – Year of the Dragon”, City of Redwood City - February 4, 2012
- ☐ 3. Invitation to attend the Local Government Commission’s “Building Livable Communities: Creating Resilient and Sustainable Economies”, Yosemite - March 16-18, 2012
- ☐ 4. Invitation to attend Public Lecture by Michael McGehee, Stanford University, “Printing Solar Cells for Greener Energy” - January 24, 2011
- ☐ 5. San Mateo County Mosquito and Vector Control’s “Entomology Report” - November/December 2011
- ☐ 6. Association of Bay Area Governments “Service Matters” - January/February 2012



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council
FROM: Howard Young, Public Works Director
DATE: January 20, 2012
RE: Spring Down Open Space Improvements – Fence

Recommendation: Mr. Stan Goodstein has indicated he is no longer interested in pursuing an emergency horse corral fence around the entire Spring Down open space lot. Staff should proceed with restoration of the existing rustic fence as recommended by the Spring Down Ad-Hoc Committee.

Background: At its April 13, 2011 meeting, the Town Council was requested to approve recommendations of the Ad-Hoc Spring Down Master Plan Committee for improvements to the site. Concerning fencing, the existing rustic fence that surrounded two sides of the property was recommended to remain with minor renovations. The first section of fence runs along Portola Road in the scenic corridor and the second section of fence runs along the Town Centers southern driveway. During the meeting, staff indicated that a request was received from the owners of the Spring Down Equestrian Center, to install a new robust wood fence around the entire Spring Down open space lot instead of renovating the existing fence. The purpose of the fence would be to make it possible for the open space lot to serve as an emergency horse corral for themselves and the community. Staff worked with Mr. Goodstein to determine the scope of fencing that he envisioned for an emergency horse corral. The scope requested was more extensive than initially thought with a cost of approximately \$35,000. The budget to restore the rustic fence was \$5,000. Mr. Goodstein wanted a robust fence that encompassed the Towns Open Space, then extending onto his property and along the western property line between the Towns Open Space Lot and the equestrian center. Currently, there is no fencing along the southern and western property line that separates the properties.

In addition, Sausal Creek runs between the Town's lot and the equestrian center. The Town's fencing ordinances require a 20' setback from top of bank. There is not enough room to accommodate this western portion of the fence on the Goodstein's side of the property line.

Conclusion: At its April 13, 2011 meeting, Council concurred with recommendations from the Ad Hoc Committee except for specific decisions concerning the fence due to Mr. Goodstein's requests for an emergency horse corral. Mr. Goodstein indicated that he is no longer interested in pursuing the emergency horse corral fence. The general reasons indicated were cost and the fact that there was not enough space for a portion of the fence on his side of the property. Discussions with members and the Council liaison of the Spring Down Master Plan Ad-Hoc Committee indicated that the recommended restoration of the rustic fence is still preferred. Since Mr. Goodstein has withdrawn his request, staff should proceed with restoration of the rustic fence. If the Council wishes to re-agendize this for further discussion, please notify the Town Manager prior to the end of February.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Brandi de Garmeaux, Sustainability & Resource Efficiency Coordinator

DATE: January 20, 2012

RE: Update on Green Towns SunShares Program

On Thursday, January 12th, Hillsborough hosted the final Green Towns SunShares meeting before the registration deadline of Sunday, January 15th. There were several interested Portola Valley residents at that meeting. Meetings were held in Woodside on November 14th and in Portola Valley on December 6th. Congratulations are in order to all involved – we met and exceeded our goal of 50 signups – **60** residents have joined the Green Towns SunShares program including **31** from Portola Valley.

With the registration goal met, the SunShares program team issued the Requests for Proposals to Bay Area contractors on Wednesday, January 18th. The contractor community will have 4 weeks to submit proposals.

Once the proposals are received, the SunShares program team will work with the evaluation committee to review and score each proposal with the goal of having both solar and energy efficiency contractor(s) selected by Feb. 20. The evaluation committee will include seven residents from the participating towns. If more than seven residents express interest, the SunShares program will hold a lottery and ensure each of the Green Towns is represented on the committee.

Updates will be posted on the Green Towns SunShares News page:
<http://www.mygroupenergy.com/group/green-towns/news/>

TO: Mayor and Members of the Town Council

FROM: Portola Valley Trails and Paths Committee

DATE: January 16, 2012

RE: Recommendations from January 10, 2012 meeting

At our Trails and Paths Committee meeting of January 10, 2012, we received public input on and discussed these items and offer the following recommendations:

- 1.) We recommend placement of a bench or redwood rounds to provide a seating area along the Dwight Crowder Path.
- 2.) We recommend that signs indicating horse crossings be placed on Alpine and Portola Roads. The type of signage and its placement will be determined by the Town Engineer.

Thanks for your consideration in these matters.

January 16, 2012

Association of Bay Area Governments and
Metropolitan Transportation Commission
P.O. Box 2050
Oakland, CA 94604

Re: Town of Portola Valley Comments on the Sustainable Communities
Strategy (SCS) Alternatives

Dear ABAG and MTC:

Thank you for the opportunity to comment on the SCS Alternatives that ABAG and MTC have developed. Portola Valley's Town Council reviewed these alternatives at their meeting on January 11, 2012. The town's main comments are summarized below and explained in the body of this letter.

1. Population and employment forecasts still appear to be unrealistically high. In particular, the economic recovery is occurring more slowly than was originally predicted; this needs to be reflected in all of the scenarios.
2. For Portola Valley, the amount of household growth forecasted in all of the scenarios can likely be accommodated.
3. The amount of economic growth projected for Portola Valley in scenarios 3 - 5 is unrealistically high (approximately three times the amount of job growth projected by the town) given the amount of vacant commercial land in the town.
4. The focused growth scenario appears to be the most appropriate starting point for developing the final SCS. This scenario performs reasonably well on the ten performance standards overall and also has the fairest distribution of growth.
5. Two additional factors should be added in to develop the final SCS:
 - a. Employment density should be incorporated into the scenario, since employment density has a stronger impact on transit ridership than residential density.
 - b. Local geographic and environmental constraints need to be considered so that growth forecasts for particular areas do not lead to unintended environmental consequences.
6. Transit improvements and land use changes need to be better coordinated in order to ensure that both:
 - a. transit is not built before the residential and employment densities are present to support it; and

- b. high density residential and commercial development is not built before transit is available to serve it.
7. Of the policy initiatives being recommended by MTC, the following would likely have the greatest impact on greenhouse gases in Portola Valley: the smart driver campaign, electric vehicle strategy, vanpool incentives (especially if they could apply to using vanpools to serve schools), the bicycle network, and safe routes to schools/pedestrian network.
 8. The assumptions and methodology used to calculate the GHG emissions should be reviewed and refined.

Population and Employment Forecasts for the Region

The sustainable Communities Strategy needs to be based on realistic forecasts for both population and jobs. Although these forecasts were adjusted after the Initial Vision Scenario to reflect data from the 2010 Census and other factors, the forecasts still appear high. The economic recovery is proceeding more slowly than was predicted even last year, and the scenarios need to take this into account.

Population and Employment Forecasts for Portola Valley

Portola Valley's population forecast is at the upper limit of what the town could accommodate, but appears to be feasible. The employment forecast, however, is much too high. The town estimates that approximately 188 new jobs can be expected in the town, including full development of all commercial land, self-employed residents and household help. There are only 2.5 acres of undeveloped commercial land in town, which could yield 40 new jobs if fully developed. Using data from the 2000 Census, we estimate that there are about 0.41 household help employees per household and 0.21 self-employed persons per household. Applying these factors to the forecasted 240 new households shown in the scenarios would yield 98 new household help employees and 50 new self-employed people. Taken together (40+98+50), this comes to 188 jobs. In contrast, the three scenarios forecast 500-580 new jobs, or approximately three times the number of jobs that the town projects. This is unrealistic and should be adjusted.

Focused Growth Scenario as the Basis for the SCS

Scenario 3, the Focused Growth Scenario, would appear to be the most appropriate starting point for developing the final SCS. Of scenarios 3, 4 and 5, the first two have similar performance on the ten performance measures, while scenario 5 does not do as well. Between scenarios 3 and 4, the focused growth scenario has the fairer distribution of growth because it allocates growth first to all PDAs and GOAs throughout the Bay Area, thus placing more growth in places where local jurisdictions are prepared to accommodate it. Therefore, the focused growth scenario would be the best place to start in putting together the final SCS.

Additional Factors for Refining the SCS

Employment growth in particular needs to be refined in developing the final SCS. Since employment density near transit has a greater impact on transit ridership than residential density, the SCS needs to include provisions to increase employment density near transit and

not just residential density. Where high employment density and high residential density can be located near each other, pedestrian and bicycle trips should increase as well.

Another factor that needs to be better integrated into the plan is local constraints. Geographic and environmental constraints, such as limited water supply, need to be considered so that the SCS does not end up causing unintended environmental impacts.

Better Coordination of Transit Improvements and Land Use Changes

Currently, transit cannot be constructed until the density in an area is sufficient to support the transit. However, building dense housing or employment centers in areas with no guarantee of future transit could lead to increased congestion and GHGs. As a result, there needs to be better coordination between development and transit to ensure that both move forward in a reasonable way and support each other.

Policy Initiatives

Several of the policy initiatives suggested by MTC would likely have an impact on GHG emissions in Portola Valley: the smart driver campaign, electric vehicle strategy, vanpool incentives, the bicycle network, and safe routes to schools/pedestrian network. Vanpool incentives could be particularly useful if they could be applied to vanpools to bring children to/from school.

Assumptions for GHG emissions

By reviewing the assumptions in the model for GHG emissions, ABAG and MTC may be able to either 1) identify changes that could be made to the SCS to further reduce GHGs, or 2) identify assumptions that could be refined and which would reduce the anticipated levels of GHGs. For example, if more jobs will be located near housing, does the model consider increases in biking and walking to work? If more jobs are located near transit, does the model provide for increased transit use?

We recognize and appreciate the hard work that ABAG and MTC have put into developing these SCS alternatives. The Town of Portola Valley looks forward to working with you on the development of a realistic, as well as visionary, Sustainable Communities Strategy.

Sincerely,



Karen Kristiansson, AICP
Principal Planner
Town Planner's Office

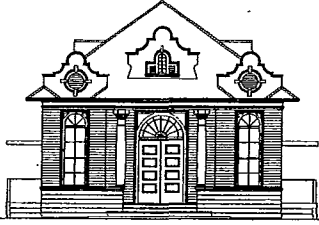


TOWN OF PORTOLA VALLEY
Special Sustainability Committee Meeting
Monday, January 23, 2011 – 4:00 PM
Town Hall, Conference Room
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call To Order
2. Oral Communications
3. Approval of Minutes from December 12, 2011
4. Update on Programs
 - a. Acterra High Energy Home Program
 - b. Energy Upgrade Portola Valley
 - c. Green Towns SunShares
 - d. Tuesday Harvest Speaker Series
5. Review of Projects/Outreach
 - a. Smart Strip Guide
 - b. Did You Consider Flyers
 - c. Home Energy Detective Kit
 - d. Profile Postcards
 - e. Home Energy Diaries Video
 - f. Parties
6. Discuss Interest in a Lighting Class
7. Discuss Committee Mission for 2012
8. Review Next Steps, Next Meeting Date & Reminders
 - a. February meeting date – 13th or 27th as 20th is a holiday
 - b. Party
9. Announcements
 - a. Annual Orientation Committee Meeting (see below)
10. Adjournment by 5:30 p.m.

Attention Committee Members – The “Annual Orientation Committee meeting” will take place on Tuesday, February 28, 2012, 6:00 p.m. in the Alder Room of the Community Hall. The Mayor and Vice Mayor are recommending that all committee chairs and new committee members attend this meeting.



**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, January 23, 2012
Field Meeting (time and place as listed herein)
7:30 PM – Regular ASCC Meeting
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

FIELD MEETING*

4:00 p.m., 3 Thistle Field session for preliminary consideration of architectural review and site development permit plans for new residential development of a vacant Portola Valley Ranch Planned Unit Development property (ASCC review to continue at Regular Meeting)

7:30 PM - REGULAR AGENDA*

1. Call to Order:
2. Roll Call: Breen, Clark, Hughes, Koch, Warr
3. Oral Communications:

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

4. Old Business:
 - a. Continued Consideration, Architectural Review – Proposed Residential Additions and Remodeling, and Related Yard Improvements, 15 Valencia Court, Kieturakis
5. New Business:
 - a. Preliminary Architectural Review and Site Development Permit X9H-635 For New Residential Development – 3 Thistle (Lot 3004 Portola Valley Ranch), Portola Valley Associates
 - b. Architectural Review for Residential Additions, 60 Golden Oak Drive, Rutherford
6. Annual Election of ASCC Chair and Vice Chair
7. Approval of Minutes: January 9, 2012
8. Adjournment

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

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

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

ASSISTANCE FOR PERSONS WITH DISABILITIES

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

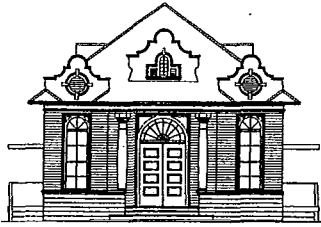
PUBLIC HEARINGS

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

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

Date: January 20, 2012

CheyAnne Brown
Planning Technician



TOWN OF PORTOLA VALLEY
Conservation Committee
Tuesday, January 24, 2012 - 8:00 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call to Order
2. Oral Communications
3. Approval of Minutes - November 22, 2011
4. A. Site Permits
 - 3 Thistle
 - 555 Portola Road / Meadow PreserveB. Tree Permits
 - 2 Buck Meadow Drive
5. Old Business
 - A. Native plant Garden at Town Center
 - B. Update Town Open Space parcel management/owners:
 - C. Tip of the month
 - D. Weeding checklist/ creek maintenance/creek traffic
 - E. Portola Road view shed
 - F. Subcommittee - Wildlife incentive garden program
 - G. Final native plant list for town website site and ASCC
 - H. Invasive plant initiative (incl. pampas grass)
 - I. Boiler plate / clearing land / CC reports to town
6. New Business
 - A. Letter from Marilyn Walter regarding Jubata infestation on Escobar
 - B. Prioritization of open action items
 - C. 2012 Plan
7. Announcements
8. Adjournment

Attention Committee Members – The “Annual Orientation Committee meeting” will take place on Tuesday, February 28, 2012, 6:00 p.m. in the Alder Room of the Community Hall. The Mayor and Vice Mayor are recommending that all committee chairs and new committee members attend this meeting.



**TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING**
765 Portola Road, Portola Valley, CA 94028
Wednesday, January 18, 2012 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

**ACTION
AGENDA**

Call to Order, Roll Call 7:34 p.m.

Commissioners Gilbert, McIntosh, Von Feldt, Chairperson McKitterick, and Vice-Chairperson Zaffaroni **(All present. Also present: Tom Vlasic Town Planner; Sandy Sloan Town Attorney, CheyAnne Brown Planning Technician)**

Oral Communications None

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

Regular Agenda

1. Referral for Concurrence, Zoning Permit Request for Office Occupancy, 130 Portola Road, Bennicas and Associates, Conditional Use Permit X7D-135, Pollock **Commission in agreement with Staff Recommendation for Zoning Permit approval.**
2. *Continued Public Hearing:* Review of Conditional Use Permit (CUP) Application X7D-169, Request to Permit Additional Floor Area, Impervious Surface Area and Related agricultural uses on 229-acre parcel, 555 Portola Road, Spring Ridge LLC (Neely/Myers) **Commission discussed, received public comment and clarification from applicant and staff. Commission approved both Mitigated Negative Declaration and CUP as amended. (4-1)**

Nomination of Chair and Vice-Chairpersons
Continued to next meeting.

Commission, Staff, Committee Reports and Recommendations
None

Approval of Minutes: December 7, 2011 **Approved with corrections.**

Adjournment 11:11 p.m.

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700 ext.

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211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

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

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Corte Madera School, Alpine Road and Indian Crossing.

PUBLIC HEARINGS

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

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

Date: January 13, 2012

CheyAnne Brown
Planning Technician

#10

There are no written materials for this agenda item.