

**AGENDA – REGULAR MEETING
BELVEDERE CITY COUNCIL
OCTOBER 11, 2021, 6:30 P.M.
REMOTE MEETING**

On March 3, 2020 Governor Newsom proclaimed a State of Emergency due to the COVID-19 pandemic that remains in effect. This meeting will be held remotely consistent with Executive Order N-29-20 and Assembly Bill 361, modifying provisions of the Brown Act to allow remote meetings at the current time. Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below. Public comment will be accepted during the meeting. The public may also submit comments in advance of the meeting by emailing the City Clerk at: clerk@cityofbelvedere.org. Please write “Public Comment” in the subject line. Comments submitted one hour prior to the commencement of the meeting will be presented to the City Council and included in the public record for the meeting. Those received after this time will be added to the record and shared with City Councilmembers after the meeting.

City of Belvedere is inviting you to a scheduled Zoom meeting.

Topic: Belvedere Regular City Council Meeting

Time: October 11, 2021, 6:30 P.M.

Join Zoom Meeting:

**[https://us02web.zoom.us/j/82679391781?
pwd=a2poVzVqa2dMWFpWK1ZicEtIRmpudz09](https://us02web.zoom.us/j/82679391781?pwd=a2poVzVqa2dMWFpWK1ZicEtIRmpudz09)**

Webinar ID: 826 7939 1781

Passcode: 911057

877 853 5247 US Toll-free

888 788 0099 US Toll-free

The City encourages that comments be submitted in advance of the meeting. However, for members of the public using the Zoom video conference function, those who wish to comment on an agenda item should write “I wish to make a public comment” in the chat section of the remote meeting platform or use the raise hand function. At the appropriate time, the city clerk will allow oral public comment through the remote meeting platform. Any member of the public who needs special accommodations to access the public meeting should email the city clerk at clerk@cityofbelvedere.org, who will use her best efforts to provide assistance.

COMMENTS ON AGENDA ITEMS BY MEMBERS OF THE AUDIENCE

The audience will be given an opportunity to speak on each agenda item when it is called. Upon being recognized by the Mayor, please state your name and address, and limit your oral statement to no more than three minutes. The Council welcomes comments and questions raised by interested citizens but typically does not respond during the comment period.

6:30 PM CALL TO ORDER

OPEN FORUM

This is an opportunity for any citizen to briefly address the City Council on any matter that does not appear on this agenda. Upon being recognized by the Mayor, please state your name, address, and limit your oral statement to no more than three minutes. Matters that appear to warrant a more lengthy presentation or Council consideration may be agendaized for further discussion at a later meeting.

REPORTS & PRESENTATIONS

1. City Council reports.
2. City Manager report.
3. Traffic and Safety Progress report presented by Director of Public Works

Robert Zadnik.

4. Police Department Quarterly report presented by Police Chief Jason Wu.

CONSENT CALENDAR

The Consent Calendar consists of items that the City Council considers to be non-controversial. Unless any item is specifically removed by any member of the City Council, staff, or audience, the Consent Calendar will be adopted by one motion. Items removed will be considered in the sequence as they appear below. If any member of the audience wishes to have an item removed, please step to the microphone, state your name, and indicate the item.

5. Approve minutes of the July 29, 2021, special joint meeting.

6. Approve minutes of the August 9, 2021, regular meeting.

7. Approve warrants of August and September 2021.

8. Revised Investment Report for the quarter ending June 30, 2021.

9. Fiscal Year 2020-2021 Year-End Budget Review and Resolution to Roll-Forward Unspent Capital Budget.

10. Adopt a Resolution ratifying Lexipol Police Department Policy Manual updates.

11. Adopt a Resolution Authorizing the Mayor to Sign the Dissolution Agreement of the Marin County Major Crimes Task Force.

PUBLIC HEARING

12. Introduction and first reading of an Ordinance of the City of Belvedere amending Title 19, Zoning, Chapters 19.08 “Definitions” and 19.79 “Accessory Dwelling Units and Junior Accessory Dwelling Units.

Staff recommendation: approve the first reading of the Ordinance and waive future reading of the ordinance in its entirety; and approve the ordinance as an urgency ordinance by at least a 4/5 vote to become effective immediately.

OTHER SCHEDULED ITEM(S)

13. Update on Mallard Pointe application; Housing Development Content.

Staff recommendation: discussion item, no Council action recommended.

14. Award Professional Service Agreement for the Housing & Safety Element Consultant.

Staff recommendation: review the proposed contract between the City of Belvedere and EMC Planning Group and approve a resolution authorizing the City Manager to execute a contract with EMC for consulting services related to the housing and safety element updates and environmental assessment.

15. Consideration of Resolution to Continue Remote Public Meetings pursuant to Assembly Bill 361.

Staff recommendation: that the City Council adopt the Resolution allowing for the continued use of remote meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

16. Consideration of Construction Plan for the Corporation Yard Solar and Electric Vehicle Charging Project.

Staff recommendation: staff seeks direction from City Council regarding the purchase strategy of solar panel equipment for the Corporation Yard.

17. Continued Review of Street Sweeper and Service Alternatives.

Staff recommendation: that City Council direct the City Manager or designee to initiate a request for proposal (RFP) and award a contract for sweeping services.

18. Adopt a Resolution authorizing a budget amendment various actions taken at the October Council meeting.

Staff recommendation: that the City Council approve the attached resolution authorizing a budget amendment in the net amount of \$1,384,462 for various

actions taken at the October Council meeting.

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ADJOURN

NOTICE: WHERE TO VIEW AGENDA Materials

Staff reports and other materials distributed to the City Council are available for public inspection at the following locations:

- Online at www.cityofbelvedere.org/archive.aspx
- Belvedere City Hall, 450 San Rafael Avenue, Belvedere. (Materials distributed to the City Council after the Thursday before the meeting are available for public inspection at this location only.)
- Belvedere-Tiburon Library, 1501 Tiburon Boulevard, Tiburon.

To request automatic mailing of agenda materials, please contact the City Clerk at (415) 435-3838.

NOTICE: AMERICANS WITH DISABILITIES ACT

The following accommodations will be provided, upon request, to persons with a disability: agendas and/or agenda packet materials in alternate formats and special assistance needed to attend or participate in this meeting. Please make your request at the Office of the City Clerk or by calling 415/435-3838. Whenever possible, please make your request four working days in advance.

Posted: 10/7/2021

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
OCTOBER 11, 2021**

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: **Approve minutes of the July29, 2021 Special Joint Meeting of the City Council
and Planning Commission**

Recommended Motion/Item Description

That the City Council approve the minutes as part of the Consent Calendar.

Attachments

Minutes.

**SPECIAL JOINT MEETING
BELVEDERE CITY COUNCIL &
PLANNING COMMISSION
JULY 29, 2021, 9:00 AM
REMOTE VIA ZOOM
MINUTES**

COUNCIL PRESENT: James Lynch, Nancy Kemnitzer, Sally Wilkinson, and James Campbell

COUNCIL ABSENT: Steve Block

COMMISSIONERS PRESENT: Peter Mark, Patricia Carapiet, Nena Hart, Marsha Lasky, and Larry Stoehr

COMMISSIONERS ABSENT: Ashley Johnson and Claire Slaymaker

STAFF PRESENT: City Manager Craig Middleton, Planning & Building Director Irene Borba, City Attorney Emily Longfellow, and City Clerk Beth Haener

These minutes are intended to reflect the general content of the regular meeting. An audio file of the meeting is available: <https://www.cityofbelvedere.org/agendacenter>.

CALL TO ORDER IN REMOTE OPEN SESSION

The meeting was called to order by Mayor Campbell at 9:00 AM via remote Zoom meeting. COVID-19 disclaimer was read. City Manager Middleton conducted a roll call.

OPEN FORUM

No one from the public wished to speak.

SCHEDULED ITEM

Item 1. Receive informational presentation regarding housing laws. No action to be taken.

City Manager Craig Middleton introduced Attorney Barbara Kautz, partner at Goldfarb & Lipman.

Attorney Kautz delivered a detailed presentation on key State laws relating to housing, focusing on the Housing Accountability Act and density bonus law. Ms. Kautz took questions from the members of the Council and the Commission.

Commissioner Mark asked when a city has a 30-to-60-day period in which to respond to a completed application, does that application have to be consistent solely to City standards, or applicable law as well. Attorney Kautz stated that it usually involves city standards, but that it must comply with State law.

Councilmember Wilkinson inquired about rent control terms and where those terms are defined. Attorney Kautz stated that the State rent control applies to any building that is over 15 years old, and said it is defined in a separate statute.

Mayor Campbell stated that with regard to affordable replacement housing, he understood that a replacement unit must be of similar or equal size to the unit being replaced and asked whether this is indeed the case. Attorney Kautz stated that the replacement housing provisions require a unit of equivalent size, which is defined as having the same number of bedrooms.

Councilmember Kemnitzer discussed the limitations on local control affecting perhaps a moratorium on development and asked Attorney Kautz to address how the law would impact a potential moratorium on water hookups. Attorney Kautz stated that while a water hookup is a condition for a building permit, she is not certain that the water shortage in Marin would be an adequate basis on which to deny a project. She stated further that a review under the California Environmental Quality Act would need to be done, and if there were inadequate water for a project, there would likely be a significant impact that would need to be mitigated.

Commissioner Hart inquired about protected housing and asked who is responsible for the relocation of tenants who need help. Attorney Kautz stated that it is the developer’s obligation, but it is the City’s obligation to make sure it is done.

Commission Mark asked about relocation versus replacement and whether relocating someone would relieve the developer from a requirement to replace a unit, or are they separate responsibilities. Attorney Kautz stated they are separate responsibilities and detailed those two responsibilities.

Mayor Campbell called for public comment.

Belvedere resident Susan Cluff requested that Attorney Kautz address the difference between replacement rental units and units for purchase and condos. Attorney Kautz stated that if ownership housing is replacing rental units, those units must have the same affordability requirements and first refusal requirements.

Mayor Campbell closed public comment.

Attorney Kautz moved on to discuss the Density Bonus law in detail, then took questions from Council and Commission.

Waiver requests by developers, and the City’s objective standards, were discussed. Provisions relating to nearby transit stops were discussed.

Mayor Campbell opened public comment, seeing none, Mayor Campbell closed public comment. Mayor Campbell thanked Attorney Kautz for her time.

ADJOURN

The meeting was adjourned at 10:18 A.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on October 11, 2021, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- RECUSED:**

Approve: _____
James Campbell, Mayor

Attest: _____
Beth Haener, City Clerk

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
OCTOBER 11, 2021**

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Approve minutes of the August 9, 2021 Regular City Council meeting

Recommended Motion/Item Description

That the City Council approve the minutes as part of the Consent Calendar.

Attachments

Minutes.

**REGULAR MEETING
BELVEDERE CITY COUNCIL
AUGUST 9, 2021, 6:30 PM
COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

MINUTES

COUNCIL PRESENT: Steve Block, James Lynch, Nancy Kemnitzer, Sally Wilkinson, and James Campbell.

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Craig Middleton, Police Chief Jason Wu, Public Works Director Robert Zadnik, Administrative Services Director Amber Johnson, Planning and Building Director Irene Borba, City Attorney Emily Longfellow, Information Technology Coordinator Chien Liew, and City Clerk Beth Haener

These minutes are intended to reflect the general content of the regular meeting. An audio file of the meeting is available: <https://www.cityofbelvedere.org/agendacenter>.

CALL TO ORDER IN REMOTE OPEN SESSION

The meeting was called to order by Mayor Campbell at 6:30 PM. The meeting was held in-person in the Council Chambers, with the option provided to residents of participating in-person or via teleconference, using the Zoom platform.

Mayor Campbell read the COVID-19 notice and public participation instructions.

City Manager Middleton called the roll.

OPEN FORUM

No one from the public wished to speak.

REPORTS & PRESENTATIONS

Item 1. City Council Reports

Councilmember Block reported that the Richardson's Bay Regional Agency will be meeting with the San Francisco Bay Conservation and Development Commission this week to discuss an agreement to settle outstanding matters between the two agencies. Councilmember Block encouraged residents to participate in the meeting.

Councilmember Wilkinson reported on the yellow bus challenge. She reported that the level of participation has dropped from previous years and encouraged families with students to purchase bus passes, which are available at busschallenge.org.

Mayor Campbell reported that Labor Day weekend will include a major celebration of Belvedere's 125th Birthday and asked people to pre-register for the events on the City's website.

Mayor Campbell reported that the City Council and the Planning Commission held a joint meeting for the purpose of receiving a thorough briefing from the City's housing counsel about new housing laws. He encouraged those who could not attend to listen to a recording of the meeting, and also directed the public to information about State housing laws on the City website.

Item 2. City Manager Report

City Manager Craig Middleton reported that the City is being vigilant with the Delta variant of the Covid-19 virus, and is following health guidance at this hybrid Council meeting as at all meetings. Middleton stated that he looks forward to hearing from members of the public as to how they feel about the hybrid meeting platform that is being used tonight.

City Manager Middleton thanked everyone for their patience with the many construction projects taking place around the City. He indicated that the work is important, particularly the upgrades of water and sewer mains on Cove Road.

City Manager Middleton stated that, at the next Council meeting, staff will bring a plan to install additional electric vehicle chargers at both City Hall and Tom Price Park, and that the City is preparing to install a solar array on the roof of the corporation yard to offset the energy draw needed for the electric vehicle chargers.

City Manager Middleton reported the City has been meeting with stakeholders about aspects of the critical infrastructure project to protect Belvedere's levees and utilities against seismic and flooding risk. He hopes to present a feasibility-level design to Council in the fall.

City Manager Middleton introduced Chien Liew, the City's Information Technology Coordinator, and thanked him for all his hard work with the City, including his work on cyber security. Middleton stated that the City is lucky to have Mr. Liew.

Mayor Campbell called for public comment. Belvedere resident William Rothman asked where the September 4th birthday bash will be held. Mayor Campbell responded that the celebration will be held at Community Park. Mr. Rothman also asked who will be included in the stakeholders meeting on the project that City Manager Middleton mentioned in his report. City Manager Middleton responded that they anticipate having meetings with all stakeholders, and anyone in town who would like to offer ideas and thoughts are welcome.

Seeing no one else from the public wished to speak, Mayor Campbell closed public comment.

CONSENT CALENDAR

Councilmember Block requested item 5 be removed from the Consent Calendar for further discussion.

MOTION: Move to adopt the Consent Calendar, with the exception of Item 5.

MOVED: By Kemnitzer, seconded by Lynch; approval was unanimous.

The Consent Calendar consisted of the following Items:

- 3. Approve minutes of the July 12th, 2021, regular meeting.**
- 4. Approve warrants of July 2021.**
- 6. Approve Revocable License for private improvements in the City-street right-of-way along Windward Road for the property at 29 Windward Road.**
- 7. Adopt a Resolution to amend the City of Belvedere Administrative Policy Manual to incorporate a Flexible Work Policy.**
- 8. Adopt resolution to amend the City of Belvedere Administrative Policy Manual to incorporate the Policy Manual for the Belvedere Police Department.**
- 9. Adopt a Resolution reciting the facts of the consolidated election held on March 3, 2020, declaring the result, and such other matters as provided by law.**
- 10. Confirm appointment of Niran Amir as the Reed Union School District representative on the Belvedere-Tiburon Library Agency Board of Trustees.**

-
- 5. Fiscal Year Investment Report for the quarter ending June 20, 2021.**

Councilmember Block stated that, at a previous meeting, he believed Council had decided to invest in a 115 Trust fund, which is not included in the report. Administrative Services Manager Amber Johnson recognized the oversight and committed to bringing a revised report to the next Council meeting.

MOTION: To approve Fiscal Year Investment Report for the quarter ending June 20, 2021.
MOVED: By Block, seconded by Wilkinson; approval was unanimous.

OTHER SCHEDULED ITEMS

11. Appoint a voting delegate and alternate for the League of California Cities' Annual Conference.

Council appointed Councilmember Kemnitzer as the delegate for the League of California Cities' Annual Conference and Councilmember Lynch as the alternate.

MOTION: To appoint Councilmember Kemnitzer as the delegate and Councilmember Lynch as the alternate for the League of California Cities' Annual Conference.
MOVED: By Block, seconded by Wilkinson; approval was unanimous.

12. Request for Contribution for the Belvedere Birthday Bash.

City Manager Middleton presented the staff report. Mayor Campbell called for public comment on items 11 and 12 and, seeing none, closed public comment. Councilmember Lynch requested an edit in the language of the resolution.

MOTION: To approve contributions for the Belvedere Birthday Bash, including Councilmember Lynch's edit.
MOVED: By Kemnitzer, seconded by Lynch; approval was unanimous.

13. Consider a Resolution to Contribute Funds to Countywide Case Management Program for People Experiencing Homelessness.

City Manager Middleton presented the staff report and took questions from Council.

Mayor Campbell called for public comment and, seeing none, closed public comment.

MOTION: To approve a resolution to contribute funds to countywide case management program for people experiencing homelessness.
MOVED: By Block, seconded by Kemnitzer; approval was unanimous.

14. Review of Street Sweeping Equipment and Service Alternatives.

Public Works Director Robert Zadnik presented the staff report and took questions from Council.

Mayor Campbell called for public comment and, seeing none, closed public comment.

Council requested that additional information be brought to the next Council meeting.

15. Adopt a Resolution authorizing Design Approach for Belvedere Community Playground.

Councilmember Kemnitzer stated for the record that her residence is within 500 feet of the subject property and therefore she must recuse herself from this item.

Public Works Director Robert Zadnik presented the staff report and took questions from Council.

Mayor Campbell called for public comment.

Belvedere resident Adam McNeile stated his support for the playground project as designed.

Belvedere resident Mario Valente stated his support for the playground project as designed.

Belvedere resident Jerome Bellach stated his opposition to the playground project as designed and yielded the rest of his time to William Rothman.

Belvedere resident Linda Remy stated her opposition to the playground project as designed and yielded the rest of her time to William Rothman.

Belvedere resident William Rothman stated his opposition to the playground project as designed.

Belvedere resident Bryan Kemnitzer stated his support for the playground project as designed.

Belvedere resident Jena Watson stated her support for the playground project as designed.

Mayor Campbell closed public comment and brought the discussion back to Council. Council discussed the options brought before them and thanked everyone who spoke on the item.

- MOTION:** To reaffirm the recommendation of the Parks and Open Space Committee to complete the Belvedere Community Playground as designed.
- MOVED:** By Block, seconded by Wilkinson; approved.
- VOTE:**
 - AYES:** Block, Lynch, Wilkinson, and Mayor Campbell
 - NOES:** None
 - ABSENT:** None
 - RECUSED:** Kemnitzer

ADJOURN

The meeting was adjourned at 8:05 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on August 9, 2021, by the following vote:

- AYES:** Steve Block, James Lynch, Nancy Kemnitzer, Vice Mayor Wilkinson, and Mayor Campbell
- NOES:** None
- ABSENT:** None
- RECUSED:** None

Approve: _____
James Campbell, Mayor

Attest: _____
Beth Haener, City Clerk

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
OCTOBER 11, 2021**

To: Mayor and City Council
From: Amber Johnson, Administrative Services Manager
Subject: Approve warrants of August & September 2021

Recommended Motion/Item Description

That the City Council approve the August & September 2021 warrants as part of the Consent Calendar.

Attachments

1. August 2021 Warrants
2. September 2021 Warrants

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
26970	8/21/2021	CALIFORNIA STATE CONTROLLER'S OFFICE	150.00	Automatic Generated Check
26971	8/24/2021	AT&T	655.26	Automatic Generated Check
26972	8/24/2021	AT&T MOBILITY	433.90	Automatic Generated Check
26973	8/24/2021	BERTRAND, FOX, ELLIOT, OSMAN & WENZEL	1,125.00	Automatic Generated Check
26974	8/24/2021	CALIFORNIA BUILDING STAND	254.69	Automatic Generated Check
26975	8/24/2021	CD & POWER	1,670.00	Automatic Generated Check
26976	8/24/2021	CINTAS CORPORATION #626	175.00	Automatic Generated Check
26977	8/24/2021	CIRA	47,210.62	Automatic Generated Check
26978	8/24/2021	CODE SOURCE	2,390.00	Automatic Generated Check
26979	8/24/2021	COUNTY OF MARIN/CAL-SLA	315.00	Automatic Generated Check
26980	8/24/2021	DAVIS SIGN COMPANY INC	437.00	Automatic Generated Check
26981	8/24/2021	DEPT. OF CONSERVATION	790.61	Automatic Generated Check
26982	8/24/2021	DIGITECH REPROGRAPHICS	342.91	Automatic Generated Check
26983	8/24/2021	EASTMAN INVESTIGATIVE SERVICES	675.00	Automatic Generated Check
26984	8/24/2021	FEDEX	130.38	Automatic Generated Check
26985	8/24/2021	FLYERS ENERGY, LLC	968.16	Automatic Generated Check
26986	8/24/2021	FORSTER PUMP & WELL	265.00	Automatic Generated Check
26987	8/24/2021	HORIZON	370.69	Automatic Generated Check
26988	8/24/2021	IPERMIT - IAN JACOBY	6.78	Automatic Generated Check
26989	8/24/2021	JOHN SWAIN	2,642.50	Automatic Generated Check
26990	8/24/2021	KYOCERA DOCUMENT SOLUIIONS NO. CAL	21.26	Automatic Generated Check
26991	8/24/2021	MAD DOG PRODUCTIONS	148.75	Automatic Generated Check
26992	8/24/2021	MARIN CO TAX COLLECTOR	4,307.20	Automatic Generated Check
26993	8/24/2021	MARIN COUNTY SHERIFF'S OF	35,707.75	Automatic Generated Check
26994	8/24/2021	MARIN INDEPENDENT JOURNAL	126.96	Automatic Generated Check
26995	8/24/2021	MARIN MUNICIPAL WATER DIS	5,347.23	Automatic Generated Check
26996	8/24/2021	MOE ENGINEERING, INC.	17,347.50	Automatic Generated Check
26997	8/24/2021	M. SANDOVAL ARCHITECTS, I	2,042.50	Automatic Generated Check
26998	8/24/2021	PARISI TRANSPORTATION CONSULTING INC.	290.00	Automatic Generated Check
26999	8/24/2021	PARSAC	20,437.93	Automatic Generated Check
27000	8/24/2021	PEYTON STEIN	63.21	Automatic Generated Check
27001	8/24/2021	RIPA LOG, LLC	3,050.00	Automatic Generated Check
27002	8/24/2021	ROTO-ROOTER PLUMBERS	218.00	Automatic Generated Check
27003	8/24/2021	STETSON ENGINEERS, INC.	23,270.10	Automatic Generated Check
27004	8/24/2021	SWAN ENTERTAINMENT CLIENT	4,000.00	Automatic Generated Check
27005	8/24/2021	THOMAS H STEELE TRUST ET AL	2,795.19	Automatic Generated Check
27006	8/24/2021	TIM HOCKENBERRY	2,250.00	Automatic Generated Check
27007	8/24/2021	TOWN OF TIBURON	20,792.33	Automatic Generated Check
27008	8/24/2021	TPX COMMUNICATIONS	1,673.19	Automatic Generated Check
27009	8/24/2021	U.S. BANK CORPORATE PAYME	6,575.28	Automatic Generated Check
27010	8/24/2021	US POSTMASTER	2,000.00	Automatic Generated Check

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27011	8/24/2021	VERIZON	1,220.58	Automatic Generated Check
27012	8/24/2021	WAGeworks INC.	106.00	Automatic Generated Check
27013	8/24/2021	WELLS FARGO VENDOR FINANCIAL SERVICES LLC	296.60	Automatic Generated Check
27014	8/24/2021	WILFORD KELLY	200.00	Automatic Generated Check
27015	8/24/2021	WOLFECOMMUNICATIONS, INC.	231.19	Automatic Generated Check
27016	8/24/2021	ERICKSON SOUND PRODUCTION	2,000.00	Automatic Generated Check
27017	8/31/2021	BLPOA	17,434.38	Automatic Generated Check
27018	8/31/2021	ANDREW ROSAS	500.00	Automatic Generated Check
A-882	8/2/2021	GLOBAL PAYMENTS	410.69	Automatic Generated Check
A-883	8/9/2021	EFTPS	14,851.60	Automatic Generated Check
A-884	8/9/2021	CA EDD	4,992.64	Automatic Generated Check
A-885	8/9/2021	CALPERS	17,921.89	Automatic Generated Check
A-886	8/10/2021	PACIFIC GAS & ELECTRIC	3,425.63	Automatic Generated Check
A-887	8/12/2021	EFTPS	14,576.51	Automatic Generated Check
A-888	8/12/2021	CA EDD	4,866.21	Automatic Generated Check
A-889	8/12/2021	CALPERS	17,885.48	Automatic Generated Check
A-890	8/16/2021	WESTAMERICA BANK	350.06	Automatic Generated Check
A-891	8/16/2021	CONNECT YOUR CARE	7.40	Automatic Generated Check
A-892	8/18/2021	COMCAST	48.80	Automatic Generated Check
A-893	8/23/2021	TAKE CARE/WAGE WORKS	914.73	Automatic Generated Check
A-894	8/23/2021	AT&T	194.72	Automatic Generated Check
A-895	8/24/2021	DELTA DENTAL	2,823.72	Automatic Generated Check
A-896	8/24/2021	RELIANT STANDARD LIFE/ADD	376.21	Automatic Generated Check
A-897	8/24/2021	AT&T	64.20	Automatic Generated Check
A-898	8/25/2021	LINCOLN LTD	676.05	Automatic Generated Check
A-899	8/25/2021	AFLAC INSURANCE CO	153.87	Automatic Generated Check
A-900	8/26/2021	EFTPS	15,155.30	Automatic Generated Check
A-901	8/26/2021	CA EDD	5,087.77	Automatic Generated Check
A-902	8/26/2021	CALPERS	18,049.39	Automatic Generated Check
A-903	8/26/2021	CALPERS	1,400.00	Automatic Generated Check
A-904	8/27/2021	TAKE CARE/WAGE WORKS	41.80	Automatic Generated Check
A-905	8/30/2021	CALPERS	32,097.31	Automatic Generated Check
A-906	8/30/2021	U.S. BANK COPIER	918.13	Automatic Generated Check
AP082421-01	8/24/2021	ALHAMBRA & SIERRA SPRINGS	52.91	Electronic Payment
AP082421-02	8/24/2021	ALISON FOULIS	787.50	Electronic Payment
AP082421-03	8/24/2021	ARBORSCIENCE	300.00	Electronic Payment
AP082421-04	8/24/2021	BELVEDERE-TIBURON LIBRARY	62.10	Electronic Payment
AP082421-05	8/24/2021	BELVEDERE-TIBURON LIBRARY	150,000.00	Electronic Payment
AP082421-06	8/24/2021	CAPITAL ONE PUBLIC FUNDING, LLC	123,407.00	Electronic Payment
AP082421-07	8/24/2021	CAPRI	7,986.00	Electronic Payment
AP082421-08	8/24/2021	CORNERSTONE DISPLAYS LLC	899.56	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
AP082421-09	8/24/2021	CRITICAL REACH, INC.	100.00	Electronic Payment
AP082421-10	8/24/2021	DC ELECTRIC GROUP, INC.	315.70	Electronic Payment
AP082421-11	8/24/2021	EDMUND H. SAN DIEGO	619.50	Electronic Payment
AP082421-12	8/24/2021	EPSTEIN + HOLTZAPPLE	7,536.00	Electronic Payment
AP082421-13	8/24/2021	EPSTEIN + HOLTZAPPLE	1,824.00	Electronic Payment
AP082421-14	8/24/2021	VOID	0.00	Electronic Payment
AP082421-15	8/24/2021	FORSTER & KROEGER LANDSCA	20,160.00	Electronic Payment
AP082421-16	8/24/2021	HADLEY GENERAL CONTRACTORS INC	3,222.33	Electronic Payment
AP082421-17	8/24/2021	INSPECTION SERVICE & FIRE	225.00	Electronic Payment
AP082421-18	8/24/2021	JESUS ARGUELLES	738.25	Electronic Payment
AP082421-19	8/24/2021	JESUS ARGUELLES	1,280.00	Electronic Payment
AP082421-20	8/24/2021	MARIN IT, INC.	559.50	Electronic Payment
AP082421-21	8/24/2021	MARIN IT, INC.	125.00	Electronic Payment
AP082421-22	8/24/2021	MARY NEILAN	556.94	Electronic Payment
AP082421-23	8/24/2021	PARS	8,000.00	Electronic Payment
AP082421-24	8/24/2021	PARS	600.00	Electronic Payment
AP082421-25	8/24/2021	SPTJ CONSULTING	5,175.00	Electronic Payment
AP082421-26	8/24/2021	SPTJ CONSULTING	323.34	Electronic Payment
AP082421-27	8/24/2021	TIBURON FIRE PROTECTION	154,351.00	Electronic Payment
AP082421-28	8/24/2021	TREEMASTERS	1,620.00	Electronic Payment
AP082421-29	8/24/2021	UNDERGROUND SERVICE ALERT	470.57	Electronic Payment
AP082421-30	8/24/2021	UNDERGROUND SERVICE ALERT	286.77	Electronic Payment
AP082421-31	8/24/2021	U.S. BANK OPERATIONS CENT	26,992.50	Electronic Payment
AP082421-32	8/24/2021	U.S. BANK OPERATIONS CENT	496,547.96	Electronic Payment
AP082421-33	8/24/2021	U.S. BANK OPERATIONS CENT	97,632.99	Electronic Payment
AP082421-34	8/24/2021	W. BRADLEY ELECTRIC INC.	395.02	Electronic Payment
Total for Bank Account 1000 ----->			1,505,904.18	

CITY OF BELVEDERE
WARRANTS REPORT
SEPTEMBER 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27019	9/23/2021	AT&T	315.99	Automatic Generated Check
27020	9/23/2021	AT&T MOBILITY	215.95	Automatic Generated Check
27021	9/23/2021	BAYLINE CONSTRUCTION & EL	1,892.15	Automatic Generated Check
27022	9/23/2021	BLASEN LANDSCAPE ARCHITECTURE	3,178.00	Automatic Generated Check
27023	9/23/2021	CINTAS CORPORATION #626	140.00	Automatic Generated Check
27024	9/23/2021	CODE SOURCE	1,590.00	Automatic Generated Check
27025	9/23/2021	CORNER OFFICE	120.18	Automatic Generated Check
27026	9/23/2021	DIGITECH REPROGRAPHICS	498.44	Automatic Generated Check
27027	9/23/2021	FEDEX	62.20	Automatic Generated Check
27028	9/23/2021	FIELDMAN, ROLAPP & ASSOCIATES	3,393.46	Automatic Generated Check
27029	9/23/2021	FLYERS ENERGY, LLC	2,164.74	Automatic Generated Check
27030	9/23/2021	GERALD AND ANNE BUTLER	284.62	Automatic Generated Check
27031	9/23/2021	GOODMAN BUILDING SUPPLY	97.08	Automatic Generated Check
27032	9/23/2021	HORIZON	4.46	Automatic Generated Check
27033	9/23/2021	IWORQ	4,500.00	Automatic Generated Check
27034	9/23/2021	KYOCERA DOCUMENT SOLUTIONS NO. CAL	15.64	Automatic Generated Check
27035	9/23/2021	MARIN CO TAX COLLECTOR	938.50	Automatic Generated Check
27036	9/23/2021	MOE ENGINEERING, INC.	25,800.00	Automatic Generated Check
27037	9/23/2021	NAFCO INC	930.89	Automatic Generated Check
27038	9/23/2021	TPX COMMUNICATIONS	878.16	Automatic Generated Check
27039	9/23/2021	U.S. BANK CORPORATE PAYME	9,035.61	Automatic Generated Check
27040	9/23/2021	VAN MIDDE & SON CONCRETE	8,750.00	Automatic Generated Check
27041	9/23/2021	VERIZON	132.20	Automatic Generated Check
27042	9/23/2021	VERIZON	879.63	Automatic Generated Check
27043	9/23/2021	WAGeworks INC.	106.50	Automatic Generated Check
27044	9/23/2021	WOLFECOMMUNICATIONS, INC.	306.19	Automatic Generated Check
27045	9/23/2021	ZEE MEDICAL COMPANY	73.37	Automatic Generated Check
A-907	9/2/2021	GLOBAL PAYMENTS	601.88	Electronic Payment
A-908	9/8/2021	PACIFIC GAS & ELECTRIC	3,346.06	Electronic Payment
A-909	9/9/2021	EFTPS	13,905.18	Electronic Payment
A-910	9/10/2021	CA EDD	5,133.71	Electronic Payment
A-911	9/9/2021	CALPERS	19,632.66	Electronic Payment
A-912	9/13/2021	CALPERS	5.12	Electronic Payment
A-913	9/13/2021	CALPERS	0.01	Electronic Payment
A-914	9/13/2021	CALPERS	18,043.07	Electronic Payment
A-915	9/9/2021	TAKE CARE/WAGE WORKS	98.66	Electronic Payment
A-916	9/16/2021	WESTAMERICA BANK	329.40	Electronic Payment
A-917	9/17/2021	TAKE CARE/WAGE WORKS	59.20	Electronic Payment
A-918	9/20/2021	COMCAST	48.80	Electronic Payment
A-919	9/20/2021	CONNECT YOUR CARE	7.40	Electronic Payment
A-920	9/21/2021	AT&T	194.72	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
SEPTEMBER 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
A-921	9/21/2021	TAKE CARE/WAGE WORKS	34.01	Electronic Payment
A-922	9/23/2021	EFTPS	14,192.11	Electronic Payment
A-923	9/23/2021	CA EDD	4,589.23	Electronic Payment
A-924	9/23/2021	CALPERS	18,419.94	Electronic Payment
A-925	9/24/2021	ANDREW ROSAS	624.04	Electronic Payment
A-926	9/24/2021	AT&T	64.20	Electronic Payment
A-927	9/28/2021	TAKE CARE/WAGE WORKS	1,100.00	Electronic Payment
A-928	9/28/2021	U.S. BANK COPIER	918.13	Electronic Payment
A-929	9/29/2021	CALPERS	31,604.83	Electronic Payment
A-930	9/30/2021	DELTA DENTAL	2,823.72	Electronic Payment
AP092321-01	9/23/2021	ALHAMBRA & SIERRA SPRINGS	20.98	Electronic Payment
AP092321-02	9/23/2021	ALISON FOULIS	562.50	Electronic Payment
AP092321-03	9/23/2021	GARNISHMENT	609.04	Electronic Payment
AP092321-04	9/23/2021	ARBORSCIENCE	1,200.00	Electronic Payment
AP092321-05	9/23/2021	BELVEDERE-TIBURON LIBRARY	2,514.20	Electronic Payment
AP092321-06	9/23/2021	VOID	0.00	Electronic Payment
AP092321-07	9/23/2021	BELVEDERE-TIBURON LIBRARY	25,841.32	Electronic Payment
AP092321-08	9/23/2021	CARBONITE INC.	3,719.30	Electronic Payment
AP092321-09	9/23/2021	CARBONITE INC.	776.66	Electronic Payment
AP092321-10	9/23/2021	DC ELECTRIC GROUP, INC.	315.70	Electronic Payment
AP092321-11	9/23/2021	EDMUND H. SAN DIEGO	619.50	Electronic Payment
AP092321-12	9/23/2021	EPSTEIN + HOLTZAPPLE	2,064.00	Electronic Payment
AP092321-13	9/23/2021	EPSTEIN + HOLTZAPPLE	360.00	Electronic Payment
AP092321-14	9/23/2021	EPSTEIN + HOLTZAPPLE	3,288.00	Electronic Payment
AP092321-15	9/23/2021	EPSTEIN + HOLTZAPPLE	15,155.00	Electronic Payment
AP092321-16	9/23/2021	FORSTER & KROEGER LANDSCA	12,209.54	Electronic Payment
AP092321-17	9/23/2021	HERC RENTALS INC.	5,791.02	Electronic Payment
AP092321-18	9/23/2021	JESUS ARGUELLES	442.95	Electronic Payment
AP092321-19	9/23/2021	JESUS ARGUELLES	820.00	Electronic Payment
AP092321-20	9/23/2021	MARIN IT, INC.	559.50	Electronic Payment
AP092321-21	9/23/2021	MARY NEILAN	556.94	Electronic Payment
AP092321-22	9/23/2021	PARS	600.00	Electronic Payment
AP092321-23	9/23/2021	PORAC RETIREE MEDICAL TRU	2,250.00	Electronic Payment
AP092321-24	9/23/2021	RHAA	5,771.25	Electronic Payment
AP092321-25	9/23/2021	RICHARD NOLEN CONSTRUCTIO	1,560.00	Electronic Payment
AP092321-26	9/23/2021	SPTJ CONSULTING	6,225.00	Electronic Payment
AP092321-27	9/23/2021	SPTJ CONSULTING	540.64	Electronic Payment
AP092321-28	9/23/2021	SPTJ CONSULTING	2,700.00	Electronic Payment
AP092321-29	9/23/2021	SPTJ CONSULTING	283.88	Electronic Payment
AP092321-30	9/23/2021	TIBURON FIRE PROTECTION	154,351.00	Electronic Payment
Total for Bank Account 1000 ----->			<u>453,787.96</u>	

CITY OF BELVEDERE
WARRANTS REPORT
SEPTEMBER 2021
BANK ACCOUNT 1010
PAYROLL CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
115	9/9/2021	DIRECT DEPOSIT	64,960.70	Electronic Payment
116	9/23/2021	DIRECT DEPOSIT	66,299.74	Electronic Payment
P-081	9/9/2021	MASS MUTUAL	409.26	Electronic Payment
P-082	9/23/2021	MASS MUTUAL	409.26	Electronic Payment
PR090921-01	9/9/2021	BPOA	92.30	Electronic Payment
PR090921-02	9/9/2021	ICMA-RC	4,833.01	Electronic Payment
PR090921-03	9/9/2021	GARNISHMENT	692.31	Electronic Payment
PR092321-01	9/23/2021	BPOA	92.30	Electronic Payment
PR092321-02	9/23/2021	ICMA-RC	4,833.01	Electronic Payment
PR092321-03	9/23/2021	GARNISHMENT	692.31	Electronic Payment
Total for Bank Account 1010 ----->			143,314.20	
Grand Total of all Bank Accounts ----->			597,102.16	

To: Mayor and City Council
From: Amber Johnson, Administrative Services Manager
Subject: **Receive Revised Investment Report as of June 30, 2021**

Recommended Motion/Item Description

That the City Council receive the City’s Investment Report as revised for the quarter-ending June 30, 2021 as part of the Consent Calendar.

Background

The previous investment report presented to council in August 2021 did not include the newly created Section 115 Trust Account. The attached report has been revised to correct this error.

This report is provided as required by the City’s investment policy. Current investments are consistent with the investment policy and are allowable under current California law. Investments are selected to meet the priority principals of the policy: safety, liquidity, and yield in respective order.

In April 2021 the City Council directed staff to invest \$1.5 million in a Section 115 Trust account with CalPERS CEPPT Strategy 1. Staff was further directed to spread the \$1.5 million out into deposits of \$100,000 per month for 15 months. As of June 30, 2021, two of the \$100,000 deposits had been received by CalPERS. The balance in the CEPPT Trust at year-end was as follows:

\$200,000 deposits
 <40> fees
 + \$1,953 interest
= \$201,913 ending balance

Attachments

1. Investment Report
2. LAIF Remittance Advice at June 30, 2021
3. CEPPT Account Update at June 30, 2021

CITY OF BELVEDERE
REPORT ON INVESTMENTS
FISCAL YEAR 2020/21

QUARTER-ENDED 6/30/21

Investment	Balance	Interest Earned	Investment Yield	Maturity
Local Agency Investment Fund (LAIF)	\$ 7,925,524.27	\$ 5,713.74	0.33%	Liquid
CalPERS CEPPT 115 Pension Trust	199,960.00	\$ 1,953.00	6.59%	Liquid - with restrictions on use



BETTY T. YEE

California State Controller

LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE

Agency Name

BELVEDERE

Account Number

98-21-071

As of 07/15/2021, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 06/30/2021.

Earnings Ratio		.00000897371743018
Interest Rate		0.33%
Dollar Day Total	\$	636,719,716.59
Quarter End Principal Balance	\$	7,925,524.27
Quarterly Interest Earned	\$	5,713.74

CEPPT Account Update Summary

City of Belvedere

as of June 30, 2021

CEPPT Account Summary

As of June 30, 2021	Strategy 1	Strategy 2	Total
Initial contribution (05/25/2021)	\$100,000	\$0	\$100,000
Additional contributions	\$100,000	\$0	\$100,000
Disbursements	\$0	\$0	\$0
CEPPT expenses	(\$40)	\$0	(\$40)
Investment earnings	\$1,953	\$0	\$1,953
Total assets (05/25/2021-06/30/2021 = .1 years)	\$201,913	\$0	\$201,913

CEPPT/CERBT Investment Returns Outperform Benchmarks

Periods ended June 30, 2021

Fund	Assets	1 Month	3 Months	FYTD	1 Year	3 Years	5 Years	10 Years	ITD
CERBT Strategy 1 (Inception June 1, 2007)	\$13,042,036,647	1.45%	6.59%	27.54%	27.54%	11.95%	10.88%	8.42%	6.29%
Benchmark		1.40%	6.54%	27.31%	27.31%	11.66%	10.49%	8.13%	5.86%
CERBT Strategy 2 (Inception October 1, 2011)	\$1,815,456,223	1.59%	6.05%	19.71%	19.71%	10.57%	9.02%	-	8.44%
Benchmark		1.56%	6.00%	19.50%	19.50%	10.35%	8.66%	-	8.15%
CERBT Strategy 3 (Inception January 1, 2012)	\$818,674,420	1.59%	5.49%	13.60%	13.60%	9.02%	7.16%	-	6.60%
Benchmark		1.57%	5.45%	13.45%	13.45%	8.84%	6.85%	-	6.29%
CERBT Total	\$15,676,167,290								
CEPPT Strategy 1 (Inception October 1, 2019)	\$38,556,782	1.02%	4.74%	18.31%	18.31%	-	-	-	12.14%
Benchmark		0.91%	4.63%	18.07%	18.07%	-	-	-	12.16%
CEPPT Strategy 2 (Inception January 1, 2020)	\$19,387,858	0.79%	3.24%	8.00%	8.00%	-	-	-	7.19%
Benchmark		0.78%	3.24%	7.75%	7.75%	-	-	-	7.01%
CEPPT Total	\$57,944,640								

CEPPT Expected Rates of Return & Risk

Portfolios	CEPPT Strategy 1	CEPPT Strategy 2
Expected Return	5.0%	4.0%
Risk	8.2%	5.2%

CEPPT Portfolio Details

Asset Classification	Benchmark	CEPPT Strategy 1	CEPPT Strategy 2
Global Equity	MSCI All Country World Index	40% ±5%	14% ±5%
Fixed Income	Bloomberg Barclays U.S. Aggregate Bond Index	47% ±5%	73% ±5%
Global Real Estate (REITs)	FTSE EPRA/NAREIT Developed Liquid Index	8% ±5%	8% ±5%
Treasury Inflation Protected Securities (TIPS)	Barclays Capital Global Real: US TIPS Index	5% ±3%	5% ±3%
Cash	3-Month Treasury Bill	0% +2%	0% +2%

Total Participation Cost Fee Rate

- Total all-inclusive cost of participation
 - Combines administrative, custodial, and investment fees
 - Separate trust funds
 - Self-funded, fee rate may change in the future
 - Fee is applied daily to assets under management
 - 10 basis points - CERBT
 - 25 basis points - CEPPT

CEPPT/CERBT Consistently Low Fee Rate History

Fiscal Year	CERBT	CEPPT
2007-2008	2.00 basis points	-
2008-2009	6.00 basis points	-
2009-2010	9.00 basis points	-
2010-2011	12.00 basis points	-
2011-2012	12.00 basis points	-
2012-2013	15.00 basis points	-
2013-2014	14.00 basis points	-
2014-2015	10.00 basis points	-
2015-2016	10.00 basis points	-
2016-2017	10.00 basis points	-
2017-2018	10.00 basis points	-
2018-2019	10.00 basis points	-
2019-2020	10.00 basis points	25.00 basis points
2020-2021	10.00 basis points	25.00 basis points
2021-2022	10.00 basis points	25.00 basis points

595 Prefunding Program Employers

585 CERBT and 43 CEPPT

- State of California
- 152 Cities or Towns
- 10 Counties
- 76 School Employers
- 31 Courts
- 325 Special Districts and other Public Agencies
 - (99 Water, 34 Sanitation, 33 Fire, 25 Transportation)

Questions? Where to Get Trust Fund Information?

Name	Title	E-mail	Desk	Mobile
Matt Goss	Outreach & Support Program Manager	Matthew.Goss@calpers.ca.gov	(916) 795-9071	(916) 382-6487
Karen Lookingbill	Outreach & Support Manager	Karen.Lookingbill@calpers.ca.gov	(916) 795-1387	(916) 501-2219
Jasper Jacobs	Outreach & Support Analyst	Jasper.Jacobs@calpers.ca.gov	(916) 795-0432	(916) 717-3886
Jean MacDonald	Outreach & Support Analyst	Jean.MacDonald@calpers.ca.gov	(916) 795-0675	(916) 291-1325
Colleen Cain-Herrback	Administration & Reporting Program Manager	Colleen.Cain-Herrback@calpers.ca.gov	(916) 795-2474	(916) 505-2506
Robert Sharp	Assistant Division Chief	Robert.Sharp@calpers.ca.gov	(916) 795-3878	(916) 397-0756

Program E-mail Addresses	Prefunding Programs Webpages
CEPPT4U@calpers.ca.gov – Questions & Document Submittal	www.calpers.ca.gov/CEPPT
CERBT4U@calpers.ca.gov – Questions & Document Submittal	www.calpers.ca.gov/CERBT
CERBTACCOUNT@calpers.ca.gov – Online Record Keeping System	

To: Mayor and City Council
From: Amber Johnson, Director of Administrative Services
Reviewed by: Craig Middleton, City Manager
Subject: Fiscal Year 2020-2021 Year-End Budget Review

Recommended Motion/Item Description

Receive year-end budget information.

Background

The Fiscal Year 2020-2021 Budget was adopted by the City Council on June 8, 2020 and revised on August 10, 2020 and October 12, 2020. An important accountability feature of the budget process is the periodic reporting of actual revenues and expenses as compared to the budget, focusing primarily on the General Fund. This report provides an opportunity for the Council to review the City’s financial status and it enhances fiscal accountability and transparency. Preliminary year-end results are provided since the annual audit has not been completed. Further adjusting entries may be necessary as a result of the City’s year-end audit process, but significant adjustments are not anticipated.

Beginning Fund Balance July 1, 2020

As reported in the mid-year budget report, actual fund balance at June 30, 2020, was \$4,597,489.

Pension and OPEB-Related Liabilities

When considering the finances of the City, it is important to keep in mind the entire fiscal health of the City, which includes its liabilities. The City’s only significant liabilities are related to pensions and other post-employment benefits (OPEBs). Council has continued to be concerned about the impact of rising pension cost on the City’s budgets, and its potential for creating shortfalls in budgetary resources needed to fund city services and important capital projects. Recognizing that Belvedere needed a more comprehensive proactive strategy for dealing with the pension challenge, the City created in 2020 an ad hoc Taskforce on Pensions and OPEB. The Taskforce developed and proposed a strategy that would establish a City commitment to plan for and fund pension costs based on realistic assumptions, and to develop a mechanism by which future adjustments to the funding formula could be made in 3–5-year increments. The City Council approved this strategy at its April 2021 meeting¹, and staff implemented the strategy right away.

¹ [Staff Report from April 12, 2021](#)

As a result, the City has begun accumulating restricted funds that can only be used for pension liabilities and is well positioned to meet its pension commitments to past, present, and future City employees.

Table 1: Summary of Pension and OPEB Liability

City of Belvedere
Summary of Pension and OPEB Liability
as of June 30, 2021
In Millions

Description of Liability	Valuation Date	Amount
Pension-related Debt Restructuring	6/30/2021	\$ 2.2
CalPERS Pension as reported by PERS	6/30/2020	2.2
Adjustment to CalPERS Pension*	6/30/2021	(0.1)
PARS Defined Benefit	6/30/2021	0.1
OPEB Health Benefit	6/30/2020	1.3
Total Liability		\$ 5.8

Description of Asset	As of Date	Amount
Pension 115 Trust Funds	6/30/2021	\$ 1.5
Total Assets		\$ 1.5

Net Liability		\$ 4.3
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* Adjustment includes the impact of the City's internal 6.0% discount rate adoption, plus the anticipated impact of the 21.3% investment rate of return reported by CalPERS at 6/30/21.

Financial Analysis Summary – Full Year Actuals

Revenues

General Fund revenues for the year are \$7,824,017, which exceeds general fund budgeted revenues of \$7,258,022 by \$565,995 (Table 2).

All general fund revenue categories met or exceeded budget projections, except for fines and forfeitures, which are inherently volatile and are not significant sources of revenue for the City.

The City's most significant revenue source is property taxes, which came in \$420,978 above projections. A detailed breakdown of property tax types can be found at Table 3. Of particular interest are real property transfer taxes, which were more than double projections, accounting for one quarter of the increase over budgeted revenues. This reflects real property turnover in the City that will have a positive impact on baseline parcel tax values next year.

Over-the-counter revenues (such as business licenses, construction permits, planning fees and road impact fees) are accounted for as licenses and permits, and service charges. Both categories also exceeded budgeted projections. Table 4 provides a year-to-year summary of Building, Planning, and Public Works activities for the years ended June 30, 2020, and June 30, 2021.

It is important to note that while the City’s Master Fee Schedule was overhauled in March of 2021, the new schedule only became effective in May of 2021, thereby not resulting in a meaningful impact to the year-ended June 30, 2021.

Table 2: City-Wide Revenues by Category

REVENUES	Total Budget - Revised	Current Period	Percent Budget Received	Prior Year Current Period Actual
General Fund				
Property Taxes	5,911,829	6,332,807	107%	5,878,959
Local Non-Property Taxes	336,590	345,178	103%	351,837
Licenses and Permits	433,793	483,331	111%	539,126
Fines and Forfeitures	16,000	864	5%	36,416
Investment and Property	65,000	104,068	160%	135,334
Revenue/Other Agencies	146,435	185,980	127%	185,508
Service Charges	311,375	331,070	106%	329,671
Miscellaneous Other Revenue	37,000	40,719	110%	35,038
Total General Fund	7,258,022	7,824,017	108%	7,491,889
		565,995	<i>= variance over Budget</i>	
Fire Fund	947,932	946,945	100%	919,435
Capital Improvement Fund	663,750	591,753	89%	575,576
Equipment Replacement Fund	1,000	45,092	4509%	40,251
Total REVENUES	8,870,704	9,407,807	106%	9,027,151
		537,103	<i>= variance over Budget</i>	

Table 3: Property Tax Revenues by Type

City of Belvedere
 Property Tax Revenue by Type
 Year-ended 6/30/21

PROPERTY TAX TYPE	Total Budget - Revised	Current Period	Percent Budget Received	Prior Year Current Period Actual
Current Secured	5,001,209	5,085,230	102%	4,848,606
Supplemental Assessments	99,000	103,627	105%	105,830
Unsecured	93,970	101,749	108%	99,495
Real Property Transfer	82,650	184,182	223%	56,828
VLF Swap	235,000	288,627	123%	277,014
ERAF	400,000	569,394	142%	491,186
Total Property Taxes	5,911,829	6,332,807	107%	5,878,959
		420,978	= variance over Budget	

Table 4: Summary of Activities

City of Belvedere		
Summary Comparison		
Building, Planning, Public Works Activities		
	6/30/2021	6/30/2020
Building Permits:		
Commercial	3	6
Mixed Use	1	1
Residential	363	300
Building - Other:		
Inspections	1,121	752
Code Enforcement Activity	-	5
Planning Applications	923	893
Public Works Permits:		
Encroachment	641	584
Road Closure	117	113

Operating Expenditures

General fund expenditures totaled \$5,357,104 or 97% of the general fund expenditure budget of \$5,533,039 (Table 5). Budget overages in certain departments were offset by underspending in other departments, and overall expenditures came in under budget by \$175,935.

Table 5: General Fund Expenditures by Department

City of Belvedere
Statement of General Fund Expenditures by Department
Year-ended 6/30/21

EXPENDITURES	Total Budget	Current Period	Remaining Balance	Percent Budget Used
General Fund				
Administration	1,033,926	934,099	99,827	90%
Planning & Building	1,128,075	1,173,664	(45,589)	104%
Police	1,655,933	1,583,418	72,515	96%
Public Works	1,186,982	1,211,593	(24,611)	102%
Community Center	61,844	65,739	(3,895)	106%
Non-Departmental	466,279	388,591	77,688	83%
Total General Fund Expenditures	5,533,039	5,357,104	175,935	97%

Capital Expenditures

Capital Fund expenditures during the fiscal year amounted to \$679,235 (Table 6). Many of the projects that were budgeted for in the year-ended June 30, 2021, were still in progress at year-end, and \$1,384,462 of the budgeted funds are being carried forward to the current budget year. A budget adjustment to roll-forward these funds is proposed in a resolution that will be considered by Council in a separate staff report this evening.

Capital project sheets providing the status of all budgeted projects can be found at Attachment 1.

Table 6: Capital Fund Expenditures by Category

City of Belvedere
Statement of Capital Fund Expenditures by Category
Year-ended 6/30/21

EXPENDITURES	Total Budget - Revised	Current Period	Carried Forward for Ongoing Projects	Remaining Balance Unspent
Capital Improvement Fund				
Streets	406,134	100,762	305,372	-
Infrastructure	697,852	283,160	379,602	35,090
Lanes	217,154	16,964	106,996	93,194
Parks and Open Space	108,000	57,109	50,891	-
Community Buildings	443,000	111,721	318,864	12,415
Miscellaneous Other	214,840	109,519	79,247	26,074
Utility Undergrounding Districts	143,490	-	143,490	-
Total Capital Improvement Fund	2,230,470	679,235	1,384,462	166,773

City-Wide Revenues and Expenditures

In summary, the City ended the fiscal year 2020-21 on strong financial footing, with revenues exceeding projections and expenditures coming in lower than anticipated.

Table 7: City-Wide Revenues and Expenditures

City of Belvedere
Statement of Revenues and Expenditures
Year-ended 6/30/21

	Total Budget - Revised	Current Period	Percent Budget Rec'd/Used
REVENUES			
General Fund	7,258,022	7,824,017	108%
Fire Fund	947,932	946,945	100%
Capital Improvement Fund	633,750	591,753	93%
Equipment Replacement Fund	<u>1,000</u>	45,092	<u>4509%</u>
Total REVENUES	<u>8,840,704</u>	<u>9,407,807</u>	<u>106%</u>
EXPENDITURES			
General Fund	5,533,039	5,357,106	97%
Capital Improvement Funds	2,230,470	679,235	30%
Fire Fund	1,775,000	1,748,530	99%
Debt Service	247,023	246,521	100%
Insurance Reserve Fund	525	0	0%
Equipment Replacement Fund	<u>30,285</u>	<u>27,091</u>	<u>89%</u>
Total EXPENDITURES	<u>9,816,342</u>	<u>8,058,483</u>	<u>82%</u>

General Fund Summary

The FY 2020-21 Revised Budget anticipated that expenditures and transfers out would exceed revenues by \$64,893, resulting in a General Fund balance of \$4,532,596. The City ended the fiscal year with expenditures and transfers out exceeding revenues by \$223,254. While revenues were higher than anticipated and expenditures were lower than anticipated, transfers out were much greater than anticipated in large part because of the initial investment in the new Section 115 trust.

The new projected General Fund balance after accounting for all actual revenue, expenditures and transfers is \$4,374,235, which continues to exceed the Council’s established reserve policy of 50% of operating expenditures (Table 8).

Table 8: General Fund Summary

City of Belvedere
General Fund Summary

	<u>Revised Budget</u>	<u>Actuals</u>
Beginning Balance 7/1/20	4,597,489	4,597,489
Revenue	7,258,022	7,824,017
Expenditures	(5,533,039)	(5,357,104)
Transfers:		
<i>Fire Fund</i>	<i>(827,068)</i>	<i>(801,585)</i>
<i>Capital Improvement</i>	<i>(586,500)</i>	<i>(342,061)</i>
<i>Debt Service</i>	<i>(247,023)</i>	<i>(246,521)</i>
<i>Equipment Replacement</i>	<i>(29,285)</i>	-
<i>Pension Reserve*</i>	<i>(100,000)</i>	<i>(1,300,000)</i>
	(1,789,876)	(2,690,167)
Surplus/(Deficit)	(64,893)	(223,254)
Ending Balance 6/30/21	4,532,596	4,374,235
Reserve Calculations:		
General Fund Expenses + Fire Transfer + Debt Service	6,607,130	6,405,210
General Fund Reserve Policy 50%	3,303,565	3,202,605
Projected General Fund Balance 6/30/20	4,532,596	4,374,235
Over (Under) Policy in Dollars	1,229,031	1,171,630
Over (Under) Policy as percentage	69%	68%

**\$1.5m initial investment offset by \$200k prior fund balance.*

End of Year Accomplishments

The City devoted a significant amount of attention during the past fiscal year to reengineering procedures and working in new ways that would deliver city services while also protecting residents, businesses, and City employees from COVID-19. City staff also focused on critical internal projects to address administrative policies and procedures, and new regulatory requirements.

Despite the challenge of operating in this pandemic environment, each City department accomplished the following significant projects during the year-ended June 30, 2021:

Administration

- Worked with the Finance Committee to develop an innovative and forward-thinking pension strategy that funds pension costs using realistic assumptions.
- Overhauled the City's Master Fee Schedule, resulting in a more equitable allocation of fees to planning projects that use significant amounts of staff and attorney time.
- Applied for numerous grants and sought other outside funding opportunities to support critical infrastructure project needs (pending).
- Managed the City through the COVID-19 emergency – implemented County and State Health orders and guidance, ensured compliance with employer regulations while managing continuity of operations; enforced health safety regulations on contractors working in the City.
- Supported Police Department efforts in recruiting and onboarding a Police Officer.
- Worked with the Finance Committee to refinance the City's pension-related debt issuance to a more favorable borrowing terms - reducing the interest rate from 4.46% to 2.55% and shortening the duration of borrowing by one year, which resulted in total debt service savings of \$258,000.
- Modernized the City's accounts payable process to a paperless electronic approval system.
- Stayed abreast of State and Federal grant revenue opportunities related to COVID-19 funding and ensured the City met eligibility requirements for each available program and related funding.
- Began working with a new Information Technology (IT) consultant to better address the City's IT needs.
- Transitioned the City Newsletter distribution platform and increased recipient delivery rates.

Planning & Building

- Amended the Belvedere Municipal Code under an Urgency Ordinance to incorporate revised regulations regarding Accessory Dwelling Units and Junior Accessory Dwelling Units.
- Implemented a Cost Recovery fee structure for most planning applications.
- Filed an appeal with the Association of Bay Area Governments, appealing the cities Regional Housing Needs Allocation (RHNA).

-
- Adopted Ordinance Amendments & Administrative Policy Manual Amendments regarding floodplain regulations for residential construction located within the AE and VE flood zones.
 - Received a Regional Early Action Planning Grant (REAP) for \$20,000, which will be used towards some of the expenses for the upcoming Housing Element update.
 - Sent out Request for Proposals for consultants for the State-required Housing & Safety Element updates.
 - Was awarded a Local Early Action Planning Grants Program (LEAP Program) for \$65,000, which will be used towards some of the expenses for the upcoming required Housing & Safety Element updates.

Police

- Worked collaboratively with RBRA to help manage issues in Richardson's Bay, with emphasis on addressing concerns in Belvedere's waters
- Installed the distinctive "Hi-Lo" sirens on our patrol vehicles to aid in the emergency evacuation of residents.
- Distributed Evacuation Tags to our residents to help police and fire personnel more quickly ensure neighborhoods are evacuated during a disaster.
- Created a Racial Identity Profile Act (RIPA) Dashboard on our webpage to provide transparency regarding our officer's contacts with the public.
- Enhanced community outreach beyond the borders of our community; engaged in dialogues and actions with civic groups in neighboring jurisdictions.

Public Works & Engineering

- Completed phase 1 of a 3-year sidewalk improvement program.
- Approved design concept for critical infrastructure project; initiated feasibility level design; and assembled legal, cost estimating and architectural teams.
- Completed construction and closed out all aspects of the Acacia-Laurel Underground District.
- Removed 11 hazardous trees from the public right-of-way; coordinated removal of 5 dead trees from private land, with cooperation from Tiburon Fire.
- Implemented the third-annual Curbside Vegetation Program; increased level of debris collection by 18% over the previous year.
- Completed plans, specifications, and engineering for the Playground Renovation Project; coordinated design review through Committee (POSC), Planning Commission and Council.
- Acquired County-wide Zone Haven evacuation program.
- Received permits from PG&E and grant funds from TAM for Electric Vehicle Charging stations near the Corp Yard and City Hall.
- Publicly bid and hired contractor for phase 1 of a 5-year Capital Roadway Program (work to be completed in Fall 2021).
- Oversaw roadway management of private contractors, utility agencies and public work projects in Belvedere.
- Reviewed a total of 86 Planning & Building applications and provided permit conditions of approval.

Fiscal Impact

Staff recommends a budget revision to the FY 2021/22 budget to recognize the roll forward of \$1,384,462 in Capital Improvement Funds. There is no net fiscal impact to this budget revision, since the respective fund balances at June 30, 2021 are sufficient to accommodate the roll forward. The budget revision is included in a resolution that is being considered by Council later in this evening's agenda.

Fully audited financial statements will be reviewed by the Finance Committee in November, and any recommendations related to surplus general fund balance will be conveyed at the December City Council meeting.

Recommended Motion/Item Description

Receive year-end budget information.

Attachments

1. Capital Improvement Project Summary Sheets

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: STREETS
Project: Spot Surface Repairs (Annually)
Description: Ongoing pavement repairs necessary to keep the roadways free of potholes and ensure that road surface conditions remain at the high level expected by the community. Needs are determined by analysis during the Pavement Management Program Survey.
% Budget Used: 71%
Status: Spot paving work is completed on an as-needed basis and generally retained for emergency or urgent pavement restoration needs that arise throughout the year.

Projected Timing:

Start Date: Sep 2020
End Date (Estimated): Oct 2021

Total Budgeted Cost:	<u>Original</u>	<u>Revisions</u>	<u>Total</u>
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 45,000	\$ -	\$ 45,000
Equipment:		\$ -	\$ -
Total:	\$ 45,000	\$ -	\$ 45,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining**</u>
Road Impact Fees	\$ 45,000	\$ 32,121	\$ 12,879
Total	\$ 45,000	\$ 32,121	\$ 12,879

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: STREETS
Project: Paving (Annually)
Description: Fees collected from Road Impact are used to repair large areas of distressed asphalt and maintain Belvedere roads. Crack sealing, traffic marking, roadway shoulder berms, slurry seal and other road stabilization projects fall under this program.

% Budget Used: 19%

Status:

Staff developed plans and specification and publicly bid the 2020 Pavement Rehab Project in in April. Fortunately, bids were returned below the engineer's estimate allowing additional work to be completed. City Council authorized the contract and work was completed in September of 2021. An additional project to grind and overlay deteriorated roads will begin October of 2021.

Projected Timing:

Start Date: Aug 2020

End Date (Estimated): Jun 2021

Total Budgeted Cost:	Original	Revisions*	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 100,000	\$ 261,134	\$ 361,134
Equipment:		\$ -	\$ -
Total:	\$ 100,000	\$ 261,134	\$ 361,134

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
Road Impact Fees	\$ 275,369	\$ 52,340	\$ 223,029
Gas Tax	\$ 85,765	\$ 16,301	\$ 69,464
Total	\$ 361,134	\$ 68,641	\$ 292,493

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: INFRASTRUCTURE
Project: Wooden Retaining Walls
Description: City-maintained Wooden Retaining Walls are present throughout Belvedere to stabilize embankments for utilities, parking and other purposes. These walls must be replaced from time-to-time. An ongoing expense fund for this category of work ensures staff has funds available as needs arise.

% Budget Used: 0%
Status: No retaining wall work was required during the year ended of June 30, 2021.

Projected Timing:

Start Date: N/A
End Date (Estimated): N/A

Total Budgeted Cost:	<u>Original</u>	<u>Revisions</u>	<u>Total</u>
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 17,000	\$ -	\$ 17,000
Equipment:		\$ -	\$ -
Total:	\$ 17,000	\$ -	\$ 17,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining</u>
General Fund transfer	\$ 17,000	\$ -	\$ 17,000
Total	\$ 17,000	\$ -	\$ 17,000

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: INFRASTRUCTURE
Project: Retaining Wall
Description: Retaining Wall maintenance 100-200 Beach Road.
% Budget Used: 100%
Status: This project was completed in 2020.

Projected Timing:

Start Date: Aug 2020
End Date (Estimated): Completed

Total Budgeted Cost:	<u>Original</u>	<u>Revisions*</u>	<u>Total</u>
Planning & Design:	\$ -	\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ -	\$ 136,632	\$ 136,632
Equipment:		\$ -	\$ -
Total:	\$ -	\$ 136,632	\$ 136,632

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining</u>
General Fund transfer	\$ 136,632	\$ 137,842	\$ (1,210)
Total	\$ 136,632	\$ 137,842	\$ (1,210)

* Budget revision was to roll forward prior year unspent funds.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: INFRASTRUCTURE
Project: Storm Drains
Description: Much of Belvedere's storm drainage system was constructed with galvanized metal pipe that has a lifespan of 50 years. These pipes need to be systematically replaced or re-lined to ensure that storm water does not erode the surrounding soil and hillsides.
% Budget Used: 66%
Status: A problematic storm drain line and inlet on Belvedere Ave. was replaced in August of 2020 under-budget.

Projected Timing:

Start Date: Aug 2020
End Date (Estimated): Completed

Total Budgeted Cost:	Original	Revisions*	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 25,000	\$ -	\$ 25,000
Equipment:		\$ -	\$ -
Total:	\$ 25,000	\$ -	\$ 25,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining
General Fund transfer	\$ 25,000	\$ 16,572	\$ 8,428
Total	\$ 25,000	\$ 16,572	\$ 8,428

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: INFRASTRUCTURE
Project: Emergency Drainage Repairs (Annually)
Description: This line item is a requirement for the City's annual storm drain discharge permit through the State of California. Funds are earmarked for repair of storm drain system failures that are detected during yearly preventative maintenance activities.

% Budget Used: 43%

Status: Drainage improvements on Beach Road were needed to address pooling of water. This project is complete.

Projected Timing:	<u>Beach Rd</u>	<u>Future Projects</u>
Start Date:	Aug 2020	TBD
End Date (Estimated):	Completed	TBD

Total Budgeted Cost:	<u>Original</u>	<u>Revisions*</u>	<u>Total</u>
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 10,000	\$ 9,220	\$ 19,220
Equipment:		\$ -	\$ -
Total:	\$ 10,000	\$ 9,220	\$ 19,220

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining</u>
General Fund transfer:	\$ 19,220	\$ 8,348	\$ 10,872
Total	\$ 19,220	\$ 8,348	\$ 10,872

* Budget revision was to roll forward prior year unspent funds.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: INFRASTRUCTURE
Project: Lagoon Road
Description: In previous rainy seasons, residents on Lagoon Road encountered flooding on their properties due to capacity issues with the current channel and pipe system. This project aims to implement a drainage improvement solution in conjunction with the Town of Tiburon.
% Budget Used: 8%
Status: This project is exploring design alternatives. City Council authorized staff to perform a hydraulic study of the overflow stormwater near Lagoon Road. This work is being coordinated with nearby pedestrian improvements for a combined pedestrian and drainage project. Parisi and Associates will return to the Traffic Safety this Fall with a preferred alternative proposal.

Projected Timing:

Start Date: Nov-20
End Date (Estimated): Apr-22

Total Budgeted Cost:	Original	Revisions*	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ -	\$ 150,000	\$ 150,000
Equipment:		\$ -	\$ -
Total:	\$ -	\$ 150,000	\$ 150,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
General Fund Transfer:	\$ 150,000	\$ 12,110	\$ 137,890
Total	\$ 150,000	\$ 12,110	\$ 137,890

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: INFRASTRUCTURE
Project: Levee Evaluation
Description: This is a multi-year project using carryforward funds that were unspent in the prior budget cycle along with new budget funds, to fortify the levees for seismic events, along with other resiliency projects. This project is partially funded with Department of Water Resources grant funds.

% Budget Used: 31%
Status: City Council and the Committee approved a preferred alternative design in December. Feasibility level design work has is near completion. Final design will be presented to Council in Novmeber and December.

Projected Timing:

Start Date: Jul 2020
End Date (Estimated): Nov-22

Total Budgeted Cost:	Original	Revisions*	Total
Planning & Design:	\$ 300,000	\$ 50,000	\$ 350,000
Engineering & Admin:		\$ -	\$ -
Construction:		\$ -	\$ -
Equipment:		\$ -	\$ -
Total:	\$ 300,000	\$ 50,000	\$ 350,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
DWR Grant	\$ 192,500	\$ 59,559	\$ 132,941
General Fund Transfer:	\$ 157,500	\$ 48,730	\$ 108,770
Total	\$ 350,000	\$ 108,289	\$ 241,711

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: LANES
Project: Lane Maintenance, Repairs, Design & Engineering
Description: Replace and repair smaller segments of existing lanes, such as hand rails and spot repairs. Fund surveys and geotechnical reports.
% Budget Used: 6%
Status: A feasibility study is in process for the Artist's View site. Staff has recently hired Fletcher Studio to provide renderings and will provide a project summary to Council.

Projected Timing:

Start Date: Jan 2019
End Date (Estimated): Apr-22

Total Budgeted Cost:	Original	Revisions*	Total
Planning & Design:	\$ 20,000	\$ -	\$ 20,000
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 50,000	\$ 127,154	\$ 177,154
Equipment:		\$ -	\$ -
Total:	\$ 70,000	\$ 127,154	\$ 197,154

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
Measure A Transp:	\$ 46,000	\$ 12,630	\$ 33,370
General Fund Transfer:	\$ 151,154	\$ -	\$ 151,154
Total	\$ 197,154	\$ 12,630	\$ 184,524

* Budget revision was to roll forward prior year unspent funds.

** \$119,496 of remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: LANES
Project: Park Lane Stair and Seating Area
Description: The existing wooden stairs at the base of Park Lane are deteriorated and over 30 years old. This project will cover replacement of the stairway and proposed nearby seating area.

% Budget Used: 0%
Status: POSC subcommittee will meet in October with Landscape Designer to develop plans within budget. Construction schedule is dependent on review and approval by the POSC and Planning Commission.

Projected Timing:

Start Date: Oct-21
End Date (Estimated): Apr-22

Total Budgeted Cost:	<u>Original</u>	<u>Revisions</u>	<u>Total</u>
Planning & Design:	\$ 2,000	\$ -	\$ 2,000
Engineering & Admin:	Staff	\$ -	\$ -
Construction:	\$ 18,000	\$ -	\$ 18,000
Equipment:	N/A	\$ -	\$ -
Total:	\$ 20,000	\$ -	\$ 20,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining</u>
Prop 68 Grant	\$ 16,000	\$ -	\$ 16,000
Marin Co. Transportation	\$ 4,000	\$ -	\$ 4,000
Total	\$ 20,000	\$ -	\$ 20,000

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: PARKS AND OPEN SPACE
Project: Playground Renovation
Description: The Community Park Playground remodel project has been undertaken by the POSC. Plans have been developed by a project architect and will be publically bid. The primary source of construction funds are through private donations. The city has funded the design and plan development process.

% Budget Used: 70%
Status: Bid package (PSE) being generated by architect. Anticipated advertisement in October.

Projected Timing:

Start Date: Jan-21
End Date (Estimated): May-22

Total Budgeted Cost:	<u>Original</u>	<u>Revisions*</u>	<u>Total</u>
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ -	\$ 80,000	\$ 80,000
Equipment:		\$ -	\$ -
Total:	\$ -	\$ 80,000	\$ 80,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining**</u>
Prop 68 Grant	\$ 64,000	\$ 45,064	\$ 18,936
County Parks Funding	\$ 16,000	\$ 11,266	\$ 4,734
Total	\$ 80,000	\$ 56,330	\$ 23,670

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: PARKS AND OPEN SPACE
Project: San Rafael Ave Seawall Landscape Mulch
Description: Mulch is a landscape amenity that reduces weed growth and improves the aesthetic look of the seawall.

% Budget Used: 9%

Status: At June 30, 2021 this project had just begun. Mulch was applied to the San Rafael Ave seawall in July and August of 2021 (FY22).

Projected Timing:

Start Date: Jul-21

End Date (Estimated): Aug-21

Total Budgeted Cost:	Original	Revisions*	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ -	\$ 9,000	\$ 9,000
Equipment:		\$ -	\$ -
Total:	\$ -	\$ 9,000	\$ 9,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
General Fund transfer	\$ 9,000	\$ 779	\$ 8,221
Total	\$ 9,000	\$ 779	\$ 8,221

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: PARKS AND OPEN SPACE
Project: Community Park Water Well
Description: The City leases a private water well on Laurel Ave to supply irrigation to Community Park. Over the past few years, that well site's production has diminished, despite frequent cleaning and maintenance. This budget will be used to explore and permit another well site closer to the Park that is on City Property. Additional funds will be needed to construct the well.

% Budget Used: 0%

Status: This work has been prioritized and will be initiated in the spring or as staff time permits.

Projected Timing:

Start Date: Mar-22
End Date (Estimated): May-22

Total Budgeted Cost:	<u>Original</u>	<u>Revisions</u>	<u>Total</u>
Planning & Design:	\$ 15,000	\$ -	\$ 15,000
Engineering & Admin:	\$ 4,000	\$ -	\$ 4,000
Construction:		\$ -	\$ -
Equipment:		\$ -	\$ -
Total:	\$ 19,000	\$ -	\$ 19,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining**</u>
General Fund transfer	\$ 19,000	\$ -	\$ 19,000
Total	\$ 19,000	\$ -	\$ 19,000

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: COMMUNITY BUILDINGS
Project: EV Charging Station at City Hall
Description: Existing charging stations at City Hall are utilized frequently by the public. With two all-electric vehicles in the City Fleet, dedicated staff chargers are necessary to ensure their availability of use.

% Budget Used: 8%
Status: Initial layout and design are completed. TAM grants have been secured and PG&E has the project in their engineering queue. The City Engineer will develop the bid documents this fall and bid the project once PG&E provides their substructure plans.

Projected Timing:

Start Date: Dec-21
End Date (Estimated): Mar-22

Total Budgeted Cost:	<u>Original</u>	<u>Revisions*</u>	<u>Total</u>
Planning & Design:		\$ 12,000	\$ 12,000
Engineering & Admin:		\$ 10,000	\$ 10,000
Construction:	\$ 15,000	\$ 78,000	\$ 93,000
Equipment:		\$ -	\$ -
Total:	\$ 15,000	\$ 100,000	\$ 115,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining**</u>
General Fund transfer	\$ 115,000	\$ 9,653	\$ 105,347
Total	\$ 115,000	\$ 9,653	\$ 105,347

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: COMMUNITY BUILDINGS
Project: City Hall Foundation Drainage Repairs
Description: Water intrusion into the Police offices continues to be an ongoing problem, despite weatherproofing efforts over the last 15 years. This line item will capture and redirect water from the earthen hillside between San Rafael Ave and the concrete stairway above those offices.

% Budget Used: 0%
Status: Given the close proximity, work will be performed in tandem with the Electric Vehicle charging project at City Hall.

Projected Timing:

Start Date: Dec-21
End Date (Estimated): Mar-22

Total Budgeted Cost:	<u>Original</u>	<u>Revisions*</u>	<u>Total</u>
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ -	\$ 25,000	\$ 25,000
Equipment:		\$ -	\$ -
Total:	\$ -	\$ 25,000	\$ 25,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining**</u>
General Fund transfer	\$ 25,000	\$ -	\$ 25,000
Total	\$ 25,000	\$ -	\$ 25,000

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: COMMUNITY BUILDINGS
Project: Solar Electric and EV Charging Stations - Corp Yard
Description: Belvedere's Sustainability Plan identifies opportunities for solar production on City Buildings. The Corp Yard roof is a good candidate for a solar system. Solar panels will also power nearby EV Charging stations the public and staff.

% Budget Used: 7%

Status: Initial layout and design are completed. TAM grants have been secured and PG&E has the project in their engineering queue. The City Engineer will develop the bid documents this fall and bid the project once PG&E provides their substructure plans. City Council is anticipated to provide Solar purchase direction to Staff in October of 2021.

Projected Timing:

Start Date: Jun-21
End Date (Estimated): Mar-22

Total Budgeted Cost:	Original	Revisions	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 130,000	\$ -	\$ 130,000
Equipment:		\$ -	\$ -
Total:	\$ 130,000	\$ -	\$ 130,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
Prop 68 Grant	\$ 104,000	\$ 7,555	\$ 96,445
General Fund transfer	\$ 26,000	\$ 1,889	\$ 24,111
Total	\$ 130,000	\$ 9,444	\$ 120,556

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: COMMUNITY BUILDINGS
Project: Refurbish Council Chamber Audience Chairs
Description: The Council Chamber audience chairs are showing excessive fading and sun damage and to be reupholstered.

% Budget Used: 0%

Status: There is a shortage of fabric material in the market for COVID-related reasons, which has hindered progress on this project. Staff will resume work in the Spring.

Projected Timing:

Start Date: Mar-22
End Date (Estimated): Jun-22

Total Budgeted Cost:	Original	Revisions	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 13,000	\$ -	\$ 13,000
Equipment:		\$ -	\$ -
Total:	\$ 13,000	\$ -	\$ 13,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
General Fund transfer	\$ 13,000	\$ -	\$ 13,000
Total	\$ 13,000	\$ -	\$ 13,000

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: COMMUNITY BUILDINGS
Project: City Hall Security Upgrade
Description: A re-key of City Hall, the Community Center and other public buildings was necessary to control access to the building.

% Budget Used: 17%
Status: This project is completed.

Projected Timing:

Start Date: Jul-21
End Date (Estimated): completed

Total Budgeted Cost:	<u>Original</u>	<u>Revisions</u>	<u>Total</u>
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 15,000	\$ -	\$ 15,000
Equipment:		\$ -	\$ -
Total:	\$ 15,000	\$ -	\$ 15,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining</u>
General Fund transfer	\$ 15,000	\$ 2,585	\$ 12,415
Total	\$ 15,000	\$ 2,585	\$ 12,415

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: COMMUNITY BUILDINGS
Project: City Hall Renovations
Description: Upgrades to City Hall that will enhance public access to and use of City Hall facilities, as well as improving functionality for City Hall staff. CARES Act funds were utilized to construct separate working areas for staff in response to COVID concerns.

% Budget Used: 62%

Status: City Hall is finalizing some light interior construction with efforts focused on optimization of office space and work-area organization. The front counter area has been modified to allow for wheelchair access from the elevator to the Council Chamber.

Projected Timing:

Start Date: Dec-20
End Date (Estimated): Dec-21

Total Budgeted Cost:	Original	Revisions*	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 25,000	\$ 120,000	\$ 145,000
Equipment:		\$ -	\$ -
Total:	\$ 25,000	\$ 120,000	\$ 145,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
CARES Act Funds:	\$ 22,000	\$ 22,000	\$ -
General Fund Transfer:	\$ 123,000	\$ 68,040	\$ 54,960
Total	\$ 145,000	\$ 90,040	\$ 54,960

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: MISCELLANEOUS
Project: Sidewalk Repair
Description: Maintenance of sidewalk improvements; majority of costs are passed through to property owners once work is completed. Budgeted amounts represent the City's share of these costs.

% Budget Used: 31%

Status: This is an ongoing annual project. Van Midde Concrete was hired through a competitive bid process to repair private and city-maintained sidewalks throughout Belvedere. The first phase of work for 2021, focusing on Cove, Lagoon, and West Shore has been completed. The next phase will begin this fall.

Projected Timing:

Start Date: Oct 2020
End Date (Estimated): Apr 2022

Total Budgeted Cost:	<u>Original</u>	<u>Revisions</u>	<u>Total</u>
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 22,500	\$ -	\$ 22,500
Equipment:		\$ -	\$ -
Total:	\$ 22,500	\$ -	\$ 22,500

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining**</u>
General Fund Transfer:	\$ 22,500	\$ 7,047	\$ 15,453
Total	\$ 22,500	\$ 7,047	\$ 15,453

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: MISC OTHER
Project: Retaining Curbs
Description: Retaining Curbs are necessary in some places to reduce road-edge erosion. An ongoing expense fund for this category of work ensures staff has funds available as needs arise.

% Budget Used: 0%
Status: Construction of new retaining curbs were not identified during the year-ended June 30, 2021.

Projected Timing:

Start Date: N/A
End Date (Estimated): N/A

Total Budgeted Cost:	Original	Revisions	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 29,000	\$ -	\$ 29,000
Equipment:		\$ -	\$ -
Total:	\$ 29,000	\$ -	\$ 29,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining
General Fund transfer	\$ 29,000	\$ -	\$ 29,000
Total	\$ 29,000	\$ -	\$ 29,000

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: MISC OTHER
Project: San Rafael Ave and City Hall Safety Improvements
Description: Identify multi-modal safety improvement opportunities for the frontage of City Hall and San Rafael Ave at Lagoon Road. This line item will fund design work for both locations.

% Budget Used: 19%
Status: Initial designs presented to Traffic Safety Committee. Final committee review anticipated for Oct/Nov of 2021.

Projected Timing:

Start Date: Jan-21
End Date (Estimated): Dec-21

Total Budgeted Cost:	<u>Original</u>	<u>Revisions</u>	<u>Total</u>
Planning & Design:	\$ 50,000	\$ -	\$ 50,000
Engineering & Admin:		\$ -	\$ -
Construction:		\$ -	\$ -
Equipment:		\$ -	\$ -
Total:	\$ 50,000	\$ -	\$ 50,000

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining**</u>
General Fund transfer	\$ 50,000	\$ 9,371	\$ 40,629
Total	\$ 50,000	\$ 9,371	\$ 40,629

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: MISCELLANEOUS
Project: Evacuation Assessment & Radio Purchase
Description: To better prepare the City for fire and other natural disasters, an assessment will be performed of current evacuation strengths and vulnerabilities. This project will also fund the purchase of new 2 way radios for the Block Captain Program.

% Budget Used: 64%

Status: New two-way radios and repeater equipment have been purchased. Radio frequency licensing has obtained through the FCC. Zone Haven has been acquired and staff anticipate a community-facing training event in the near future. Depending on Zone-Haven capabilities, a separate evacuation assessment may not be necessary.

Projected Timing:

Start Date: Oct 2020
End Date (Estimated): May-22

Total Budgeted Cost:	Original	Revisions	Total
Planning & Design:	\$ 28,000	\$ -	\$ 28,000
Engineering & Admin:		\$ -	\$ -
Construction:		\$ -	\$ -
Equipment:	\$ 37,000	\$ -	\$ 37,000
Total:	\$ 65,000	\$ -	\$ 65,000

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
General Fund Transfer:	\$ 65,000	\$ 41,835	\$ 23,165
Total	\$ 65,000	\$ 41,835	\$ 23,165

** Remaining funds will roll forward to next fiscal year.

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: MISCELLANEOUS
Project: Miscellaneous Maintenance & Improvements (ongoing)
Description: Funding for minor drainage, park, landscape, building, lane, retaining wall and miscellaneous other projects.
% Budget Used: 100%
Status: Funds are utilized on an as-needed basis for unforeseen projects that arise during the construction year.

Projected Timing:

Start Date: Jul 2020
End Date (Estimated): completed

Total Budgeted Cost:	<u>Original</u>	<u>Revisions</u>	<u>Total</u>
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 30,000	\$ 18,340	\$ 48,340
Equipment:		\$ -	\$ -
Total:	\$ 30,000	\$ 18,340	\$ 48,340

Expenditures by Funding

Source:	<u>Total Budget</u>	<u>FY21 Actuals</u>	<u>Remaining</u>
General Fund Transfer:	\$ 48,340	\$ 51,267	\$ (2,927)
Total	\$ 48,340	\$ 51,267	\$ (2,927)

City of Belvedere
Capital Improvement Projects
Fiscal Year 2020-21
As of June 30, 2021

Category: UTILITY UNDERGROUNDING
Project: City expenditures towards undergrounding projects
Description: Additional uncategorized Utility Undergrounding work is anticipated as projects conclude. These expenses are unforeseen and not covered under property owner assessments.

% Budget Used: 0%
Status: Remaining funds will be retained until final close out of the Golden Gate/Belvedere Utility Undergrounding District Project.

Projected Timing:

Start Date: Jan-20
End Date (Estimated): Apr-21

Total Budgeted Cost:	Original	Revisions*	Total
Planning & Design:		\$ -	\$ -
Engineering & Admin:		\$ -	\$ -
Construction:	\$ 69,000	\$ 74,490	\$ 143,490
Equipment:		\$ -	\$ -
Total:	\$ 69,000	\$ 74,490	\$ 143,490

Expenditures by Funding

Source:	Total Budget	FY21 Actuals	Remaining**
General Fund transfer	\$ 143,490	\$ -	\$ 143,490
Total	\$ 143,490	\$ -	\$ 143,490

* Budget revision was to roll forward prior year unspent funds.

** Remaining funds will roll forward to next fiscal year.

To: Mayor and City Council
From: Jason Wu, Chief of Police
Subject: **Lexipol Updates: July through September 2021**

Recommended Motion/Item Description

Adopt a Resolution ratifying Lexipol Police Department Policy Manual updates.

Background

Pursuant to Section 20.7.1 of the City of Belvedere Administrative Policy Manual, the Belvedere Police Department (BPD) Policy Manual is incorporated into the Administrative Policy Manual of the City of Belvedere by reference. Changes to the Belvedere Police Policy Manual recommended by the City’s public safety risk management consultant (Lexipol) and approved by the Chief of Police shall be implemented on an interim basis and reported to the City Council concurrent with the next quarterly report by the Chief of Police to City Council. Per Policy Section 20.7.1, such changes will, in the ordinary course of business, be ratified by Council at that meeting. In the event that Council expresses significant concern about any BPD policy or change thereto, the Mayor may establish an ad hoc committee to consult with the Chief of Police and report back to the full Council with its recommendation. The BPD will continue to implement any pending changes until such report is made and Council makes a final decision on the matter.

There is no fiscal impact associated with the incorporation of the Police Policy Manual into the Administrative Policy Manual.

Recommendation

Staff recommends that the City Council adopt the attached Resolution ratifying the most recent Lexipol updates.

Attachments

- Resolution with changes to the Belvedere Police Manual included as Exhibit A.

CITY OF BELVEDERE

RESOLUTION NO. 2021-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
RATIFYING LEXIPOL POLICE DEPARTMENT POLICY MANUAL UPDATES**

WHEREAS, Belvedere Administrative Policy Manual section 20.7.1 provides that updates and changes to the Belvedere Police Policy Manual recommended by the City’s public safety risk management consultant, Lexipol, and approved by the Chief of Police, are to be ratified by the City Council in the ordinary course of business; and

WHEREAS, Administrative Policy Manual section 20.7.1 further provides that said Police Policy Manual updates shall be reported to the City Council by the Chief of Police on a quarterly basis and submitted for Council ratification; and

WHEREAS, at its regularly scheduled meeting on October 11, 2021, the Chief of Police presented the Police Department’s Quarterly Update to the City Council, which update included changes and updates to the Police Policy Manual as recommended by Lexipol and approved by the Chief of Police; and

WHEREAS, the City Council desires to ratify said Police Policy Manual updates; and

WHEREAS, the Police Policy Manual updates herein are not a “project” under the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere that the updates and changes to the Belvedere Police Policy Manual are hereby ratified as set forth in Exhibit “A”.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on October 11, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

EXHIBIT A

Policy 305. OFFICER-INVOLVED SHOOTINGS AND DEATHS

New section added to Policy 305:

Policy 305.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

305.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed. For purposes of notification, “unarmed civilian” means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

To: Mayor and City Council

From: City Clerk, Beth Haener

Subject: Adopt a Resolution Authorizing the Mayor to Sign the Dissolution Agreement of the Marin County Major Crimes Task Force

Recommended Motion/Item Description

Adopt a Resolution authorizing the Mayor to sign the Dissolution Agreement of the Marin County Major Crimes Task Force (MCMCTF).

Background

The Marin County Major Crimes Task Force (MCMCTF) was created in 1977, and in 1979 was expanded and formalized at the behest of the Marin County Police Chiefs’ Association by entry into a Joint Powers Agreement (JPA) among all the cities, towns and the County of Marin.

The MCMCTF has successfully operated for many years as a general investigations unit charged with assisting local agencies in investigating resource-intensive crimes as well as narcotics offenses, and it operated across jurisdictional boundaries within the County.

Over the years, the MCMCTF was restructured by multiple amendments to its JPA Agreement, centralizing control with the Marin County Sheriff’s Office. The current, operative version of the amended JPA Agreement was executed by the County and all the member agencies and is dated February 25, 2016. Section 7.1 of this amended JPA Agreement provides that it shall be deemed terminated when member agencies representing fifty percent or more of the population of Marin County file their notices of intent to withdraw.

On June 19, 2020, on behalf of the City/Town Managers, the Chair of the Marin Managers’ Association advised the Sheriff in writing that, because of the COVID-19 pandemic and the extreme stress it imposed upon the budgets of the member agencies, it was soon likely that agencies representing more than fifty percent (50%) of the County’s population would file notices of intent to withdraw from the Task Force, thereby resulting in termination of the JPA Agreement.

In late June 2020, the City/Town Managers of member agencies Novato, San Rafael, Mill Valley, Ross, Belvedere, Fairfax, Tiburon, Larkspur, San Anselmo and Corte Madera, advised the Board Chair of the Task Force Oversight Committee in writing they were formally providing their notices of intent to withdraw and thereby invoked Article 7.1’s termination process.

Representatives of the County and the Member Agencies formed a subcommittee, following receipt of the aforementioned notices of intent to withdraw, held periodic meetings and worked closely together to inventory the Task Force's assets, sell its vehicles, account for asset forfeiture funds and create reserve projections for close-out costs such as lease payments, evidence processing costs, tail liability insurance premiums and related dissolution expenses.

After a three-month process, the subcommittee negotiated an agreement to: (1) formally terminate the MCMCTF's JPA Agreement dated February 25, 2016; (2) provide for the dissolution of the MCMCTF and its operations; and (3) liquidate the MCMCTF's assets and distribute such assets and property (including all asset forfeiture funds, monies and grants) pursuant to Article 7.2 of the JPA.

On September 28, 2020, the subcommittee met with the MCMCTF Oversight Committee and reviewed this agreement. No changes were recommended by the Oversight Committee.

This item was previously brought to Council under a report, but a Resolution is needed to finalize the agreement, which is why it is being brought back this evening.

Findings

This Dissolution Agreement must be approved and signed by the member agencies consisting of the County of Marin and the Cities/Towns of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael and Tiburon, for the purposes of terminating the Joint Powers Agreement creating the Marin County Major Crimes Task Force and dissolving the Task Force.

At the request of the Marin Managers Association, Thomas Bertrand was hired to represent the City/Town member agencies and authored the attached agreement in coordination with Marin County Counsel Kerry Gerchow.

See attached dissolution agreement, included as Exhibit A to the draft resolution for further information.

Fiscal Impact

Savings realized by dissolution of this entity will be offset by new expenditures towards the Marin County Special Investigations Unit (SIU). Therefore, there is no fiscal impact related to this action.

Recommendation

To adopt the attached Resolution authorizing the Mayor to sign the Dissolution Agreement of the Marin County Major Crimes Task Force (MCMCTF).

Attachments

1. Resolution with Dissolution Agreement included as Exhibit A
2. MMA Letter

CITY OF BELVEDERE

RESOLUTION NO. 2021-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AUTHORIZING THE MAYOR TO SIGN THE DISSOLUTION AGREEMENT OF
THE MARIN COUNTY MAJOR CRIMES TASK FORCE**

WHEREAS, the Marin County Major Crimes Task Force (MCMCTF) was originally created in 1977, and in 1979 was expanded and formalized at the behest of the Marin County Police Chiefs' Association by entry into a Joint Powers Agreement (JPA) among all the cities, towns and the County of Marin; and

WHEREAS, the MCMCTF thereafter was successfully operated for many years as a general investigations unit charged with assisting local agencies investigating resource-intensive crimes as well as narcotics offenses, and it operated across jurisdictional boundaries within the County; and

WHEREAS, over the years, the MCMCTF was restructured by multiple amendments to its JPA Agreement, centralizing control with the Marin County Sheriff's Office; and

WHEREAS, the current, operative version of the amended JPA Agreement was executed by the County of Marin and all the City/Town Member Agencies and is dated February 25, 2016. Section 7.1 of this amended JPA Agreement provides that it shall be deemed terminated when member agencies representing fifty percent or more of the population of Marin County file their notices of intent to withdraw; and

WHEREAS, on June 19, 2020, the Chair of the Marin Managers' Association advised the Sheriff in writing that, because of the COVID-19 pandemic and the extreme stress it imposed upon the budgets of the City/Town Member Agencies, it was soon likely that agencies representing more than fifty percent (50%) of the County's population would file notices of intent to withdraw from the Task Force, thereby resulting in termination of the JPA Agreement; and

WHEREAS, in late June, 2020, the City Managers of Member Agencies Novato, San Rafael, Mill Valley, Ross, Belvedere, Fairfax, Tiburon, Larkspur, San Anselmo and Corte Madera advised the Board Chair of the MCMCTF Oversight Committee in writing that they were formally providing their notices of intent to withdraw and thereby invoked Article 7.1's termination process; and

WHEREAS, the parties hereto now desire to enter into this Agreement in order to (1) formally terminate the MCMCTF JPA Agreement dated February 25, 2016; (2) provide for the dissolution of the MCMCTF and its operations; (3) liquidate MCMCTF assets and distribute such assets and property (including all asset forfeiture funds, monies and grants) pursuant to Article 7.2 and as hereinafter agreed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere does hereby adopt this Resolution authorizing the Mayor to sign the Dissolution Agreement as set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on October 11, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

Exhibit A

**DISSOLUTION AGREEMENT OF MARIN
COUNTY MAJOR CRIMES TASK FORCE**

This Dissolution Agreement (hereinafter “AGREEMENT”) is entered into by and among the COUNTY OF MARIN (hereinafter “COUNTY”) and the CITIES/TOWNS of BELVEDERE, CORTE MADERA, FAIRFAX, LARKSPUR, MILL VALLEY, NOVATO, ROSS, SAN ANSELMO, SAN RAFAEL and TIBURON (hereinafter collectively referred to as “MEMBER AGENCIES”) for the purposes of terminating the Joint Powers Agreement creating the Marin County Major Crimes Task Force (hereinafter “Task Force”) and dissolving the Task Force.

RECITALS

A. The Task Force originally was created in 1977, and in 1979 was expanded and formalized at the behest of the Marin County Police Chiefs’ Association by entry into a Joint Powers Agreement (JPA) among all the cities, towns and the County of Marin.

B. The Task Force thereafter was successfully operated for many years as a general investigations unit charged with assisting local agencies investigating resource-intensive crimes as well as narcotics offenses, and it operated across jurisdictional boundaries within the County.

C. Over the years, the Task Force was restructured by multiple amendments to its JPA Agreement, centralizing control with the Marin County Sheriff’s Office.

D. The current, operative version of the amended JPA Agreement was executed by the COUNTY and all the MEMBER AGENCIES and is dated February 25, 2016. Section 7.1 of this amended JPA Agreement provides that it shall be deemed terminated when member agencies representing fifty percent or more of the population of Marin County file their notices of intent to withdraw.

E. On June 19, 2020, the Chair of the Marin Managers' Association advised the Sheriff in writing that, because of the COVID-19 pandemic and the extreme stress it imposed upon the budgets of the MEMBER AGENCIES, it was soon likely that agencies representing more than fifty percent (50%) of the County's population would file notices of intent to withdraw from the Task Force, thereby resulting in termination of the JPA Agreement.

F. In late June, 2020, the City Managers of MEMBER AGENCIES NOVATO, SAN RAFAEL, MILL VALLEY, ROSS, BELVEDERE, FAIRFAX, TIBURON, LARKSPUR, SAN ANSELMO and CORTE MADERA advised the Board Chair of the Task Force Oversight Committee in writing that they formally were providing their notices of intent to withdraw and thereby invoked Article 7.1's termination process.

G. The parties hereto now desire to enter into this AGREEMENT in order (1) to formally terminate the Task Force's JPA Agreement dated February 25, 2016; (2) to provide for the dissolution of the Task Force and its operations; (3) to liquidate certain of the Task Force's assets and distribute such assets and property (including all asset forfeiture funds, monies and grants) pursuant to Article 7.2 and as hereinafter agreed.

AGREEMENT

The COUNTY and the MEMBER AGENCIES, in consideration of the mutual promises, covenants, terms and conditions set forth below, hereby agree as follows:

1. Representatives of the COUNTY and the MEMBER AGENCIES, following receipt of the aforementioned notices of intent to withdraw, held periodic meetings and worked closely together to inventory the Task Force's assets, sell certain of its vehicles, account for asset forfeiture funds and create reserve projections for close-out costs such as lease payments, evidence processing costs, tail liability insurance premiums and related dissolution expenses.

Attached hereto as Exhibit A are the final spreadsheets which set forth the various applicable calculations, valuations, projections and figures necessary to proceed with the Task Force's dissolution and final termination of the current JPA Agreement. Both the COUNTY and the MEMBER AGENCIES hereby agree that these final figures are accurate and correct to the best of the parties' knowledge and abilities. The parties hereto all agree that they will not challenge or contest these figures for any reason in any subsequent forum or proceeding.

2. In the foregoing meetings, representatives of the COUNTY and the MEMBER AGENCIES jointly sought the most expeditious, simple and fair terms for dissolving the Task Force and distributing its assets. The parties have agreed upon such terms as set forth below in paragraphs 4 through 8.

3. All the MEMBER AGENCIES hereby agree to waive and forego any and all claims or rights to their respective shares of Task Force assets/monies as follows: (a) waiver of any and all of their rights or claims to asset forfeiture funds to which they would be entitled in the future; (b) waiver of any and all of their rights or claims to cash amounts currently existing in the Task Force savings and checking accounts; (c) waiver of any and all of their rights to any FY 2019-20 Marin County Major Crimes Task Force budget surplus; (d) waiver of any and all of their rights to the sale proceeds of the seven Task Force vehicles recently sold; (e) waiver of any and all of their rights to claim that the remaining five Task Force vehicles have monetary value while being retained/used by COUNTY; (f) waiver of any and all of their rights to claim that the office lease has value if subleased or if occupied by COUNTY for its own use; (g) waiver of any and all of their rights to unused funds calculated/set aside for future evidence processing, insurance, rent or other such reserve contingencies; and (h) waiver of any and all of their rights

to the use or value of all office furniture, computers, and other such equipment possessed by the Task Force.

4. Notwithstanding the foregoing paragraph, COUNTY hereby agrees to pay/distribute to both CMPA (LARKSPUR/CORTE MADERA/SAN ANSELMO) and NOVATO their respective shares/payouts of asset forfeiture funds previously agreed to, to wit: \$107,434 to CMPA and \$74,147 to NOVATO. Such payments to CMPA and NOVATO shall be made upon final execution of this AGREEMENT, which shall be effectuated upon the final MEMBER AGENCY'S formal adoption of this AGREEMENT by its governing body in a public meeting. MEMBER AGENCIES agree to facilitate such formal adoption as soon as practicable after recommendation of said AGREEMENT by the Major Crimes Task Force Oversight Committee.

5. COUNTY and MEMBER AGENCIES also each hereby agree to themselves assume, and make no claims for, their respective shares expended to date for operation of the Task Force during the final months of 2020 immediately preceding its termination/dissolution.

6. The MEMBER AGENCIES, in exchange for and in consideration of their agreement to waive their entitlement to their respective shares of Task Force assets as set forth in paragraph 4 above, shall be forever relieved as of the effective date of this AGREEMENT from any and all duties, obligations, liabilities, debts, responsibilities and claims arising from both the operation and the dissolution of the Task Force. The COUNTY, by and through its Sheriff's Office acting as the Designated Police Agency under the JPA Agreement, hereby agrees to be the "Dissolving Member" of the Task Force and to undertake all actions necessary to effectuate the dissolution of the Task Force, including but not limited to (i) the establishment of necessary reserve funds; (ii) undertaking final evidence processing tasks; (iii) procurement of tail liability insurance and establishing, if appropriate, self-insured reserve funds; (iv) payment of all

remaining rental payments and proper termination of the office lease; (v) preparation and filing of the appropriate Statement of Facts-Roster of Public Agencies with the California Secretary of State's Office; and (vi) whatever other final actions are required to completely and finally dissolve the Task Force. The COUNTY hereby agrees to provide the MEMBER AGENCIES with copies of all tail insurance policies/declaration pages procured by it covering the Task Force upon expiration of current liability insurance effective through June 30, 2021.

7. As further consideration for the MEMBER AGENCIES' agreement to waive their entitlement to their respective shares of Task Force assets as set forth in paragraph 4 above, the COUNTY hereby agrees to fully indemnify, hold harmless, defend and release all the MEMBER AGENCIES and their officers, directors, agents and employees from any and all liabilities, actions, claims, damages, costs, and expenses of suits, which may ever be asserted after execution of this AGREEMENT by any person or entity arising out of or in connection with the activities the Task Force and its agents and employees whether or not concurrent passive negligence exists on the part of the MEMBER AGENCIES but excluding liability for said MEMBER AGENCIES' gross negligence or willful misconduct. This indemnification obligation is not limited in any way by the amount or types of damage claims made against or paid on behalf of the Task Force or its agents under any legal theory, statute or basis of recovery. From and after dissolution, the MEMBER AGENCIES agree to cooperate fully with the COUNTY in connection with any existing or future investigations, claims, litigation, audits or similar actions involving the Task Force in which and to the extent the COUNTY deems the MEMBER AGENCIES' cooperation is necessary.

8. Both the COUNTY and MEMBER AGENCIES hereby agree that the dissolution terms set forth in paragraphs 4 through 8 above comply with the requirements of Section 7.2 of

the current JPA Agreement providing for the distribution of assets in proportion to the contributions of the parties.

9. Should any disagreement or dispute between the parties arise concerning interpretation, implementation, and/or enforcement of any of the terms or subject matter of this AGREEMENT, the parties shall submit such dispute to mandatory mediation before an agreed-upon mediator, with each party to pay an equal share of the mediation fees and each party to pay its own attorneys' fees and legal costs. Should the parties be unable to agree upon a mediator, they shall agree upon a mediation service and shall have that service select a mediator for them. Should mediation be unsuccessful, then the parties each agree that they shall submit their dispute to binding arbitration before a mutually-agreeable arbitrator. If they cannot agree upon an arbitrator, they shall select an arbitration service, which shall select an arbitrator for them. The parties each shall pay an equal portion of the arbitration fees and each party shall pay its own attorneys' fees and legal costs, it hereby being agreed that the arbitrator shall have no authority to award attorneys' fees or costs to any prevailing party. The parties each hereby expressly waive any and all rights to have disputes under this AGREEMENT decided by court action, court trial, jury trial, or any other legal action of any kind or type, other than the mandatory mediation and binding arbitration process specified above. However, in emergency or extraordinary circumstances, the parties may seek equitable or injunctive relief to preserve the status quo pending occurrence of the mediation/arbitration process set forth herein. It is the express intent of each party to have any and all disputes under this AGREEMENT resolved by the above-specified mediation/arbitration process and in as timely and economical manner as possible.

10. Any notice or other communication required or permitted to be given under this AGREEMENT shall be in writing and shall be (i) personally delivered; (ii) delivered by a

reputable overnight courier; or (iii) delivered by certified mail, return receipt requested and deposited in the U.S. Mail, postage prepaid. Notices shall be deemed received at the earlier of actual receipt or (i) one business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (ii) five business days following deposit in the U.S. Mail, as evidenced by a return receipt. Notices shall be directed to the parties at their respective addresses shown below, or such other address as either party may, from time to time, specify in writing to the other in the manner described above:

if to COUNTY: Robert T. Doyle,
Marin County Sheriff
1600 Los Gamos Drive, Suite 200
San Rafael, California 94903

if to MEMBER AGENCIES: Todd Cusimano,
Town Manager
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, California 94925

11. The parties agree that if this AGREEMENT does not become effective for any reason, this AGREEMENT shall be deemed negotiation only and will not be admissible in evidence or usable for any purpose whatsoever in any legal proceeding.

12. As a material inducement for the parties to enter into this AGREEMENT, they each represent, warrant and covenant that they have not filed any claims against the Task Force assets which constitute the subject matter of this AGREEMENT with any local, state or federal agency or court, that they covenant not to do so any time hereafter concerning the subject matter of this AGREEMENT and that if any agency or court assumes jurisdiction of any such claim, they will request that such agency or court withdraw from the matter and they will not accept any remedy obtained through the efforts of any such agency. Nor are any MEMBER AGENCIES

aware of any potential claim that could be made by any third party against the Task Force regarding any action of the Task Force prior to dissolution.

13. The AGREEMENT may be pleaded as a full and complete defense to, and may be used as the basis for an injunction against, any action, suit or other proceeding which may be instituted, prosecuted or maintained in breach of this AGREEMENT.

14. The parties to this AGREEMENT acknowledge and agree that each is to bear their own costs and attorneys' fees incurred in connection with the termination of the JPA Agreement and the dissolution of the Task Force. The parties further expressly acknowledge and agree that no party is a "prevailing party" or "successful party" for purposes of any claim for statutory or contractual attorneys' fees or costs related thereto.

15. The parties hereto expressly represent, warrant and covenant that they have not heretofore assigned or transferred, or purported to assign or transfer, to any third-party person or entity any asset, or any portion thereof or interest therein, of the Task Force that are not accounted for in Exhibit A attached hereto.

16. Should any provision of this AGREEMENT be determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby, and said illegal or invalid part, term or provision shall be deemed not to be part of this AGREEMENT.

17. This AGREEMENT is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of the State of California. The language of all parts of this AGREEMENT shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the parties.

18. The parties hereto represent and acknowledge that in executing this AGREEMENT, they do not rely, and have not relied, upon any representation or statement made by any of their agents, representatives or attorneys with regard to the subject matter, basis, or fact of this AGREEMENT or otherwise.

19. This AGREEMENT shall be binding upon the parties and their heirs, administrators, representatives, executors, successors and assigns, and shall inure to the benefit of the parties, and each of them, and to their heirs, administrators, representatives, executors, successors and assigns.

20. The effective date of this AGREEMENT shall be the date the AGREEMENT has been formally executed by all of the parties hereto upon adoption of the last MEMBER AGENCY in a public meeting of its governing body.

21. This AGREEMENT may not be amended or modified in any respect whatsoever, except by a writing duly executed by all of the parties hereto. All parties each agree that they will make no claim at any time that this AGREEMENT has been orally amended or modified. No oral waiver of any term shall be effective for any purposes.

IN WITNESS WHEREOF, representatives of the COUNTY and MEMBER AGENCIES hereto have set their hand the day and year below written.

Dated: _____

COUNTY OF MARIN

Title: Board Clerk

Title: President, Board of Supervisors

Dated: _____

CITY OF BELVEDERE

Title: City Clerk

Title: Mayor

Dated: _____

TOWN OF CORTE MADERA

Title: Town Clerk

Title: Mayor

Dated: _____

TOWN OF FAIRFAX

Title: Town Clerk
Dated: _____

Title: Mayor
CITY OF LARKSPUR

Title: City Clerk

Title: Mayor

Dated: _____

CITY OF MILL VALLEY

Title: City Clerk

Title: Mayor

Dated: _____

CITY OF NOVATO

Title: City Clerk

Title: Mayor

Dated: _____

TOWN OF ROSS

Title: Town Clerk

Title: Mayor

Dated: _____

TOWN OF SAN ANSELMO

Title: Town Clerk

Title: Mayor

Dated: _____

CITY OF SAN RAFAEL

Title: City Clerk
Dated: _____

Title: Mayor
TOWN OF TIBURON

Title: Town Clerk

Title: Mayor

Approved As to Form:

TASK FORCE OVERSIGHT COMMITTEE

Mike Norton, Chair

OFFICE OF COUNTY COUNSEL

Kerry Gerchow

LEGAL COUNSEL FOR MEMBER AGENCIES

Thomas Bertrand

EXHIBIT A

PROJECTED TASK FORCE ASSETS CLOSEOUT	(Last Updated 9/16/2020)			Distribution		
VEHICLES (Assets to County)	ESTIMATES	AMOUNT REC'D	CATEGORY TOTALS	County	Cities	
2017 Acura ILX	\$14,200	\$14,200	\$14,200	\$14,200		
2015 Dodge Durango	\$20,000	\$20,000	\$20,000	\$20,000		
2010 Honda Civic	\$5,500	\$5,500	\$5,500	\$5,500		
2014 Acura TSX	\$8,700	\$8,700	\$8,700	\$8,700		
2015 Hyundai Genesis	\$13,000	\$13,000	\$13,000	\$13,000		
2006 Chevy Tahoe	\$5,000	\$5,000	\$5,000	\$5,000		
1995 Chevy Astro	\$2,500	\$2,500	\$2,500	\$2,500		
2016 Honda Odyssey	\$20,000	Retained value (unsold)				
2016 Acura MDX	\$23,500	Retained value (unsold)				
2015 Acura TLX	\$13,500	Retained value (unsold)				
2018 Honda Accord	\$18,500	Retained value (unsold)				
2014 Jeep Grand Cherokee	\$10,800	Retained value (unsold)				
SUBTOTAL (Vehicles)	\$155,200	\$68,900	\$68,900	\$68,900	\$0	
BANK ACCOUNTS (Assets to County)				County	Cities	
MCTF SAVING ACCOUNT AF/PROP	\$90,642	\$90,642	\$90,642	\$90,642	\$0	
MCTF CHECKING	\$8,190	\$8,190	\$8,190	\$8,190	\$0	
SUBTOTAL (Bank Accts)	\$98,832	\$98,832	\$98,832	\$98,832	\$0	
ASSET FORFEITURE (Closed - Assets Shared) ¹				County	CMPA	Novato
State AF ready for disbursement	\$432,883	\$432,883	\$432,883	\$190,847	\$107,434	\$74,147
Federal AF ready for disbursement	\$139,659	\$139,659	\$139,659			
SUBTOTAL (Closed AF - Net Avail. for Calculations)	\$572,542	\$572,542	\$572,542	\$190,847	\$107,434	\$74,147
RESERVE FOR FUTURE COSTS (Net to County)				County	Cities	
Rent	(\$77,946)		(\$77,946)	(\$77,946)		
Evidence Processing-MCTF	(\$75,000)		(\$75,000)	(\$75,000)		
Liability Insurance (3 Year)	(\$75,000)		(\$75,000)	(\$75,000)		
SUBTOTAL (Reserves)	(\$227,946)	\$0	(\$227,946)	(\$227,946)	\$0	
GRAND TOTALS	\$598,628	\$740,274	\$512,328	\$190,847	\$107,434	\$74,147
ASSET FORFEITURE (Pending/Potential - To County) ²						
State AF	\$32,961			\$4,944		
Federal AF	\$1,759,761			\$263,964		
	\$1,792,722	\$0	\$0	\$268,908	est. 15% share potential	

¹ Asset Forfeitures for Current/Closed Cases Split 1/3 each among County, Novato and CMPA until whole for FY 2019-20

² Any Asset Forfeiture receipts after dissolution remain with County to offset 'hold harmless' to City/Town JPA members

EXHIBIT A

Proposed Asset Forfeiture Distribution based on FY 2019-20 costs

Asset Forfeiture fund balance available as of 9-15-20 to be distributed	\$572,542
1/3 County AF reimbursement	\$190,847
1/3 Central Marin AF reimbursement	\$190,847
1/3 Novato AF reimbursement	\$190,847
Deputy Sheriff County FY 2019-20 Annual Cost	\$203,489
1/3 County AF reimbursement	\$190,847
Total Deficit	(\$12,642)
Central Marin Officer Annual Cost	\$196,629
less Central Marin FY 2019-20 Contribution	\$89,195
Subtotal	\$107,434
less 1/3 Central Marin AF reimbursement	\$190,847
Total Surplus	\$83,413
Novato Officer Annual Cost	\$187,266
less Novato FY 2019-20 Contribution	\$113,118
Subtotal	\$74,147
less 1/3 Novato AF reimbursement	\$190,847
Total Surplus	\$116,700
Deficit	(\$12,642)
Surplus	\$200,113
Secondary Allocation	(\$192,469)
Total additional amount needed before a Reserve Fund can be created	(\$4,998)

Payouts	
\$190,847	County
\$107,434	CMPA
\$74,147	Novato
\$372,429	Total

Marin Managers' Association

Belvedere

Craig Middleton

Corte Madera

*Todd Cusimano
Vice-Chair*

Fairfax

Garrett Toy

Larkspur

Dan Schwarz

Mill Valley

*Alan Piombo
(Interim)*

Novato

Adam McGill

Ross

Joe Chinn

San Anselmo

Dave Donery

San Rafael

Jim Schutz

Sausalito

Adam Politzer

Tiburon

*Greg Chanis
Chair*

County of Marin

Matthew Hymel

June 19, 2020

Sheriff Robert T. Doyle
1600 Los Gamos Dr. #200
San Rafael, CA 94903

Dear Sheriff Doyle,

I am writing today on behalf of the Marin Managers Association (Hereinafter, 'MMA') with regards to the Major Crimes Task Force (hereinafter, 'MCTF'). The MCTF is currently administered under the provisions of a Joint Exercise of Powers Agreement (hereinafter, 'Agreement') between the County of Marin and the Cities/Towns of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael and Tiburon (hereinafter 'Member Agencies').

Over the past few months, MMA representatives have been assessing ways to mitigate the impact of the COVID-19 emergency on their respective budgets. This assessment has included difficult reviews of all the various Joint Powers Authorities (hereinafter, 'JPA'), including the MCTF. During discussions among the MMA representatives, several challenges were identified that have caused some member agencies to examine their interest in continued participation in the JPA. The concerns include individual agency costs (particularly in light of significant budget deficits due to COVID-19), governance structure, funding model and strategic focus of the MCTF. For these reasons, agencies representing at least fifty percent (50%) of the population of Marin County have expressed their interest in withdrawing from the current JPA. All member agencies expressed how grateful they are for the hard work of the MCTF and the leadership of the Sheriff's Office.

Under Section 7.1 of the Agreement, if agencies representing fifty percent (50%) or more of the population of Marin County file a notice of intent to withdraw from the MCTF, the Agreement shall be deemed terminated. However, even if only one or two larger agencies withdraw in response to facing substantial budget deficits, it affects the entire group, making it not feasible to continue under the current structure. The MMA therefore feels the current model of the MCTF is fiscally impossible. This letter serves as notice we believe the 50% threshold to terminate the agreement will be met, and we recommend planning for the dissolution of the MCTF JPA should begin as soon as is practical.

We understand you have discussed with Manager Todd Cusimano the possibility of the Sheriff's Office continuing to offer some or all the services currently provided by the MCTF through a different contracting arrangement. The MMA supports that approach, and we appreciate your willingness to work with us in assessing the potential alternatives.

The MMA recognizes dissolution of the MCTF JPA will require time and careful planning. We stand ready to provide any assistance that will be helpful in facilitating this process. Given his involvement in the discussions up to this point, the MMA has asked Manager Cusimano to take the lead in representing the group as we begin this transition, with other managers providing assistance as needed throughout the process. We are also open to reimagining a new, countywide approach to jointly work together on public safety issues.

These are trying times, requiring us to work together in developing programs that serve our communities the best and in the most cost-efficient way possible. We thank you for your leadership, and willingness to work with us on this important matter.

Sincerely,



Greg Chanis, Chair
Marin Managers' Association

CC Major Crimes Task Force Oversight Committee

To: Mayor and City Council

From: Emily Longfellow, City Attorney

Reviewed: Irene Borba, Director of Planning and Building

Subject: Introduction and first reading of Ordinance Amendments, and adoption of Regular and Urgency Ordinance Amendments, to Municipal Code Title 19, Zoning, Chapters 19.08 “Definitions” and 19.79 “Accessory Dwelling Units and Junior Accessory Dwelling Units” in compliance with State law

RECOMMENDATIONS.

1. That the City Council conduct the public hearing.
2. Motion to read the Ordinance by title only. The City Clerk will read aloud the full title of the Ordinance.
3. Motion to approve the first reading of the Ordinance and waive future readings of the Ordinance in its entirety.
4. Motion to approve the Ordinance as an urgency ordinance by at least a 4/5 vote to become effective immediately.

BACKGROUND.

An Accessory Dwelling Unit (“ADU”) is a small living unit that is either attached to, or included within, a main residence or in a detached structure, and has exterior access, a kitchen, and a bathroom. A Junior Accessory Dwelling Unit (“JADU”) is smaller, located within a primary residence, contains minimal kitchen improvements, and need not include a separate bathroom.

The State of California adopted wide-ranging legislation in 2017 and 2018, broadly requiring municipalities to allow ADUs and restricting local control. Legislation effective January 2020 further restricted local control over ADUs and JADUs.

In order to comply with the State law effective in January 2020, the City Council adopted an urgency ADU ordinance in November 2020. As urgency ordinances are temporary in nature, staff now returns with a proposed regular and urgency ordinance amendment, as recommended by the Planning Commission. The adoption of urgency ordinance, to be effective immediately, is necessary because current ordinance expires in January 2021, and a regular ordinance would not become effective until after this date. Staff urges adoption of both the regular and urgency ordinance.

The proposed amendments before the Council are the same in substance as adopted by the Council in 2020, and as recommended by the Planning Commission on September 21, 2021.

There are no restrictions on units for certain portions of the City.

ADUs and JADUs may be used towards the satisfaction of a city's Regional Housing Needs Allocation ("RHNA"). (Gov. Code, § 65852.2(m); 65583.1.) An ADU or JADU will be credited towards a city's RHNA based on a reasonable demonstrated level of affordability, as shown by a reasonable methodology in a Housing Element. ADUs are not automatically counted as affordable units.

State law makes local review of ADU and JADU applications different from most other development applications. Notably, all applications for an ADU or JADU that comply with State requirements (as implemented through a local municipal code) shall be granted or denied only upon a staff-level ministerial review for compliance. Public hearings and design review are prohibited. However, those that do not meet requirements may be approved in a city's discretion through the normal project approval process.

Local jurisdictions must submit their ordinances to the Department of Housing and Community Development ("HCD") for compliance review. The current proposed ordinance has received informal HCD staff approval.

DISCUSSION.

As an overview, an ADU may be approved in three ways: 1) the unit is exempt from an ADU permit; 2) the unit complies with State and municipal code standards; or 3) pursuant to a discretionary approval.

A. Summary of State Law Requirements and Proposed Ordinance Amendments.

Below is a summary of State law ADU and JADU requirements that are reflected in the proposed Ordinance Amendments.

1. Exemptions from ADU Permit. Noted above, State law provides for categories of ADUs/JADUs that are exempt and will be issued a building permit, as set forth in section 19.79.080. (Gov. Code, § 65852.2(e).) Exempt units remain subject to other applicable construction-related permit requirements. Units that are not exempt, must comply with the standards in State law (as included in the proposed ordinance) such as development standards (19.79.050), parking (19.79.060), and architectural standards (19.79.070). Exempt units are:

a. *Within an existing/proposed space.* The ADU or JADU is: 1) within the proposed or existing space of a single-family dwelling or accessory structure; 2) has exterior access; and 3) has side and rear yard setbacks sufficient for fire safety. An expansion of up to 150 square feet is allowed if necessary to accommodate ingress and egress for an ADU in an accessory structure (not a JADU).

b. *Detached exempt unit.* A newly constructed detached ADU that is up to 800 square feet of floor area, up to 16 feet in height, with minimum 4 foot side and rear yard setbacks.

c. *JADU*. The JADU complies with the requirements of Government Code section 65852.22.

d. *Multifamily*. First, ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. ADUs in existing multifamily structures shall be limited to one unit or 25% of the existing multifamily dwelling units. Second, not more than two detached ADUs located on a lot that has an existing multifamily dwelling, with a height limit of 16 feet and minimum 4 foot side and rear yard setbacks.

The remaining requirements/standards, below, apply to units that are not exempt.

2. Parking. Generally, one parking space is required per ADU. Many exceptions apply. For example, a city may not require replacement parking for the primary dwelling unit when a carport, garage, or covered parking area is converted to an ADU, or demolished in conjunction with the construction of an ADU. However, the City may require replacement parking if a JADU is created by the conversion of a garage or carport.

Additionally, no ADU parking may be required if:

- * The unit is within a half mile walk of public transit.¹
- * The unit is within the interior of an existing or proposed residence or accessory structure.
- * No parking may be required for a JADU.

Finally, when required, parking locations are intentionally flexible. Parking may be tandem parking on a driveway or in a setback area, unless it can be shown that there is an impact to public safety. Tandem parking is defined in State law as two or more automobiles parked on a driveway or other location on a lot, lined up behind one another. Staff will continue to evaluate parking locations to ensure that emergency access and fire safety are preserved.

3. Both ADU and JADU Allowed. One ADU *and* one JADU must be allowed on each residentially zoned parcel with a proposed or existing single-family dwelling – for a total of three units per lot: the main dwelling unit, an ADU, and a JADU.

4. Setbacks. Front yard setbacks are the same as the underlying zoning district. However, side and rear yard setbacks are limited, as explained below.

First, no new setback requirements are allowed for an existing living area or accessory structure that is converted to an ADU or a portion of an ADU. Similarly, no new setback requirements may be imposed for a new structure constructed in the same location and to the same dimensions as an existing structure that contains an ADU or portion thereof. Nonconforming setbacks must be allowed to remain.

Second, the City may require no more than a 4 foot side and rear yard setbacks for an attached or

¹ Public transit is defined as any location where an individual may access transportation that charges set fares, runs on fixed routes, and is available to the general public. The ferry terminal is public transit.

detached ADU. Please note that an applicant may apply for a larger setback. Front yard setbacks will be consistent with existing zoning requirements.

Notwithstanding any other requirements, side and rear setbacks must be sufficient for fire safety as determined by the City Building Department or the Fire District. Staff will continue to evaluate setbacks to determine compliance with fire safety and emergency access.

5. No Minimum Lot Size. A city may not require a minimum lot size for an ADU or JADU.

6. Lot Coverage and FAR. Generally, lot coverage and floor area ratio requirements are the same as the underlying zoning district. However, the City may not impose lot coverage or FAR to the extent it prevents an attached or detached ADU that is at least 800 square feet, up to 16 feet in height, with 4 foot side and rear yard setbacks. The unit would be allowed at least 800 square feet and up to the maximum unit size of 850. For example, if lot coverage would allow an additional 830 square feet, then the unit would be allowed the 830 square feet.

7. Architectural Standards. Objective architectural standards are allowed. Here, the proposed Ordinance Amendments include objective standards such as: new construction must match the style of the primary residence and windows facing an adjoining residence must be either made of opaque glass or have window sill heights above eye level. Additionally, new doors shall either not include windows or any such windows must be made of opaque glass, and skylights shall not have white or opaque colored lenses. Subjective standards such protecting “privacy” or “views” are not allowed.

8. Maximum Unit Size. The maximum square footage floor area for a studio or one bedroom ADU is 850 square feet, and 1,000 square feet for ADUs with more than one bedroom. The conversion of an existing accessory structure to an ADU may not include a unit size limit. The minimum floor area for an ADU is 150 square feet, which is an efficiency unit as defined in California Government Code section 17958.1.

Additionally, if there is an existing primary dwelling, the total floor area of an ADU that is attached to a primary dwelling, or one that is constructed wholly within the interior of a primary dwelling, may not exceed 50% of the floor area of the existing primary dwelling.

9. Height. The height limit for detached and attached units is 16 feet. Should an applicant wish to construct a unit more than 16 feet in height, then the owner can apply for a Conditional Use Permit.

10. Conditional Use Permit. If a unit is not exempt or if it does not comply with Code requirements, then an applicant may apply for a Conditional Use Permit pursuant to Belvedere Municipal Code Chapter 19.80. Under this option, the project will be subject to a public hearing and Design Review. A detached Accessory Dwelling Unit approved by a Conditional Use Permit shall not exceed 1,200 square feet.

CONCLUSION.

Staff recommends that the City Council adopt the proposed Ordinance Amendments both as an urgency ordinance to be effective immediately by a 4/5 vote and as a regular ordinance. The proposed amendments have been recommended by unanimous vote of the Planning Commission, comply with State law, and have received informal HCD staff level approval.

ENVIRONMENTAL DETERMINATION.

The adoption of the proposed Ordinance Amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multi-family residential zones, and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence.

CORRESPONDENCE.

A copy of the public hearing notice for this item was published in *The ARK* newspaper. As of the writing of this report, staff has not received any written comments.

RECOMMENDATIONS.

1. That the City Council conduct the public hearing.
2. Motion to read the Ordinance by title only. The City Clerk will read aloud the full title of the Ordinance.
3. Motion to approve the first reading of the Ordinance and waive future readings of the Ordinance in its entirety.
4. Motion to approve the Ordinance as an urgency ordinance by at least a 4/5 vote to become effective immediately.

ATTACHMENTS.

Attachment 1: Proposed Ordinance Amendment

CITY OF BELVEDERE

ORDINANCE NO. 2021-XX

AN URGENCY ORDINANCE AND REGULAR ORDINANCE OF THE CITY OF BELVEDERE AMENDING ZONING CODE CHAPTERS 19.08 “DEFINITIONS” AND 19.79 “ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS” IN CONFORMANCE WITH STATE LAW

WHEREAS, the State of California has adopted a series of laws encouraging the development of Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”), and reducing local control over these projects; and

WHEREAS, to comply with State legislation effective January 1, 2020 amending Government Code sections 65852.2 and 65852.22, restricting local control over ADU and JADUs, the City Council adopted an urgency ordinance on November 9, 2020 amending the City’s Zoning Code to comply with State ADU laws; and

WHEREAS, the City desires to amend its Municipal Code as both an urgency ordinance and a regular ordinance to comply with State ADU and JADU laws as set forth herein (the “Ordinance Amendments”); and

WHEREAS, a local jurisdiction that does not have a compliant ADU/JADU ordinance is required to apply State default standards per Government Code sections 65852.2 and 65852.22; and

WHEREAS, approval of ADUs and JADUs based on the default State Government Code standards alone without the allowable restrictions such as height, size, and architectural standards contained in the Ordinance Amendments, would threaten the character of existing neighborhoods; and

WHEREAS, California Government Code section 36937 authorizes a city to adopt an interim urgency ordinance to be effective immediately if passed by a four-fifths (4/5ths) vote where necessary for the immediate preservation of the public peace, health, and safety; and

WHEREAS, the Ordinance Amendments are necessary for the immediate preservation of the public peace, health, and safety because it will bring Belvedere’s Accessory Dwelling Unit Ordinance into compliance with State law, and allow restrictions to preserve neighborhood character and promote public safety; and

WHEREAS, the Ordinance Amendments protect and promote the public health, safety, and welfare of residents by providing additional housing opportunities while maintaining neighborhood character; and

WHEREAS, the Ordinance Amendments comply with Government Code sections 65852.2 and 65852.22; and

WHEREAS, on September 21, 2021 the Planning Commission held a duly noticed public hearing and recommended City Council adoption of the Ordinance Amendments; and

WHEREAS, the adoption of the Ordinance Amendments is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multifamily residential zones, and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence; and

WHEREAS, the adoption of the Ordinance Amendments in the public interest and is consistent with the City of Belvedere’s General Plan Housing Element, which encourages the development of ADUs and JADUs; and

WHEREAS, on October 11, 2021 the City Council held a duly noticed public hearing to consider the Ordinance Amendments; and

WHEREAS, at said meeting the City Council considered the Ordinance Amendment both as an urgency ordinance to take effect immediately and as a permanent regular ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES HERE BY ORDAIN AS FOLLOWS:

SECTION 1. Findings. The Ordinance Amendments further the public health, safety, and welfare and the above recitals are true and correct and are incorporated as findings herein.

SECTION 2. Urgency Findings. The City Council finds it necessary to immediately adopt the Ordinance Amendments as an Urgency Ordinance to preserve the public peace, health, and safety in the City of Belvedere pursuant to Government Code section 36937 because State ADU and JADU law (Government Code sections 65852.2 and 65852.22) provides that if a city does not have a local ADU/JADU ordinance, only State standards apply, which do not contain sufficient requirements to protect neighborhood character and ensure public safety, such as height and architectural standards. If not regulated to the extent allowed by State law, the construction of ADUs and JADUs will negatively impact neighborhood character and public safety.

SECTION 3. Amendment. Belvedere Municipal Code Chapter 19.79 “Accessory Dwelling Units and Junior Accessory Dwelling Units” is hereby deleted in its entirety and replaced as follows:

19.79.010 **Purpose.** The purpose of this Chapter is to provide for the creation of Accessory Dwelling Units and Junior Accessory Dwelling Units in a manner consistent with the requirements set forth in California Government Code sections 65852.2 and 65852.22. The purpose of Accessory Dwelling Units and Junior Accessory Dwelling Units is to expand the opportunity for small, lower cost housing in the City of Belvedere, while preserving the residential character of its neighborhoods.

19.79.020 Definitions. For purposes of this Chapter, the following definitions apply:

A. “Accessory Dwelling Unit” as defined in California Government Code section 65852.2, means an attached or detached residential dwelling unit that provides independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. Pursuant to State law, an Accessory Dwelling Unit also includes the following:

1. An Efficiency Unit as defined in California Health and Safety Code section 17958.1; and
2. A manufactured home as defined in California Health and Safety Code section 18007.

B. “Efficiency Kitchen” as defined in California Government Code section 65852.22, means a cooking facility with appliances, and a food preparation counter or counters that are of reasonable size in relation to the size of the unit.

C. “Junior Accessory Dwelling Unit” as defined in California Government Code section 65852.22, means a unit located entirely within an existing or proposed single-family residence that is no more than 500 square feet, includes an Efficiency Kitchen, and includes either its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family residence.

D. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or an accessory structure.

E. “Multifamily dwelling” means a structure with two or more attached dwellings on a single lot. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings.

F. "Passageway" as defined in Government Code section 65852.2, means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of an Accessory Dwelling Unit.

G. “Public Transit Stop” as defined in Government Code section 65852.2, means a designated bus stop, train stop, ferry terminal, or other public transit station that operates fixed routes and is available to the public.

H. “Tandem parking” as defined in Government Code section 65852.2, means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

19.79.030 Permit Application and Procedures.

A. Permit Required. An Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit is allowed on any parcel in a single-family residential or multifamily residential zoning

district with a primary unit. Unless exempt pursuant to Section 19.79.080, an Accessory Dwelling Unit and Junior Accessory Dwelling Unit must receive a permit under this Chapter.

B. Application and Review Authority. An application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be made by the property owner and filed with the Planning Department on a form prescribed by the Director of Planning and Building, containing such information as reasonably requested by the Director of Planning and Building, and accompanied by the appropriate fee. In addition to an Accessory Dwelling Unit Permit, the applicant shall be required to obtain a building permit if repair, rehabilitation, or other work would otherwise require a building permit.

C. Ministerial Review. For applications that satisfy the requirements of this Chapter, the Director of Planning and Building or her/his designee, shall issue an Accessory Dwelling Unit Permit as a ministerial permit, without discretionary review, public hearing, or Design Review. The decision shall be final, and state in writing the reasons for approval or denial.

D. Review Timing. The City shall act upon an application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit within 60 days from receiving a complete application. If the City does not act within 60 days, the application shall be deemed approved. If the application is submitted with an application to create a new single-family dwelling, the City may delay acting on the application for the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit until the City acts on the underlying permit application to create the new single-family dwelling. The portion of the application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be considered without discretionary review, including Design Review, or public hearing.

19.79.040 General Requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units. Unless otherwise provided for in this Chapter, Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the following requirements:

A. Zoning Conformance. Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with the provisions in this Chapter as well as the underlying zoning district. In instances where there is a conflict, this Chapter shall govern.

B. Location of Unit. An Accessory Dwelling Unit may either be attached to, or located within, a proposed or existing primary dwelling or accessory structure, including a garage or storage area; or detached from a proposed or existing primary dwelling unit located on the same lot.

C. Number of Units. One Accessory Dwelling Unit and one Junior Accessory Dwelling Unit are permitted per residentially zoned lot that contains an existing or proposed single-family dwelling.

D. Owner Occupancy. Owner occupancy is not required for an Accessory Dwelling Unit. Owner occupancy is required for a Junior Accessory Dwelling Unit. The owner may

reside in the primary dwelling or the Junior Accessory Dwelling Unit.

E. Building Codes. Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with all applicable building, fire, and health and safety codes.

F. No Sale. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit may not be sold separately from the existing dwelling unit.

G. Adequate Services. Proof of the proposed method of water supply and sewage disposal must be provided and confirmed by letters of service availability from the appropriate utility service providers for the lot. The property must have existing or future legal access.

H. Fees. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for purposes of collecting impact fees, or the provision of water, sewer, and power unless the unit was constructed concurrently with a new single-family dwelling.

I. No Short Term Rental. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be rented for less than 30 consecutive days.

19.79.050. Accessory Dwelling Unit Development Standards. Accessory Dwelling Units are subject to the following requirements unless exempted from an Accessory Dwelling Unit Permit pursuant to this Chapter:

A. Setbacks and other Zoning Regulations.

1. No setbacks shall be required for the following:

i. An existing living area that is converted to an Accessory Dwelling Unit or portion of an Accessory Dwelling Unit;

ii. An accessory structure that is converted to an Accessory Dwelling Unit or portion of an Accessory Dwelling Unit; or

iii. A structure constructed in the same location and to the same dimensions as an existing structure, that is converted to an Accessory Dwelling Unit or to a portion of an Accessory Dwelling Unit.

2. A minimum side and rear yard setback of 4 feet shall be required for an Accessory Dwelling Unit that is not constructed in the same location and to the same dimensions as an existing structure, including a garage or accessory structure.

3. Front yard setback requirements of the underlying zoning district apply for a newly constructed attached or detached Accessory Dwelling Unit.

4. Notwithstanding any provision in this Chapter, side and rear yard setbacks must be sufficient for fire safety as determined by the Building Department and/or the Fire District.

5. Lot coverage and floor area ratio requirements of the underlying zoning district apply for a newly constructed attached or detached Accessory Dwelling Unit. Notwithstanding this Section, an attached or detached Accessory Dwelling Unit must be allowed a floor area of at least 800 square feet, 16 feet in height, with minimum 4 foot side and rear yard setbacks.

B. Maximum and Minimum Unit Size.

1. The maximum floor area square footage for a studio or one bedroom Accessory Dwelling Unit is 850 square feet, and 1,000 square feet if the Accessory Dwelling Unit contains more than one bedroom.

2. The total floor area of an attached or detached Accessory Dwelling Unit shall not exceed 50% of the existing or proposed primary dwelling. Notwithstanding this provision, an attached or detached Accessory Dwelling Unit must be allowed at least 800 square feet of floor area.

3. The minimum floor area for an Accessory Dwelling Unit is 150 square feet, which is the minimum square footage required for an Efficiency Unit as defined in California Government Code section 17958.1 as may be amended from time to time.

C. Height. A detached or attached Accessory Dwelling unit shall not exceed 16 feet in height.

D. Lot Coverage and Floor Area Ratio. The Accessory Dwelling Unit shall comply with the lot coverage and floor area ratio requirements of the underlying zoning district unless otherwise required by this Chapter or State law. Lot coverage or floor area ratio limits do not apply for either an attached or detached Accessory Dwelling Unit that does not permit at least an 800 square foot Accessory Dwelling Unit, that is up to 16 feet in height, with minimum 4 foot side and rear yard setbacks. For the purposes of determining maximum lot coverage and floor area ratio requirements, residential second unit square footage shall be calculated as part of the primary living unit.

E. Lot Size. There shall be no minimum lot size required for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

F. An Accessory Dwelling Unit shall include a separate kitchen, bathroom, and access from the primary dwelling unit. It may contain an interior connection to the primary dwelling unit.

G. Pursuant to State law, an Accessory Dwelling Unit that conforms to this Chapter shall be deemed to be an accessory use or an accessory building, shall not be considered to

exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the General Plan and zoning district.

H. Accessory Dwelling Units are not required to have fire sprinklers or other fire safety requirements if not required in the primary residence.

I. No Passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

J. The correction of underlying nonconforming zoning conditions are not required as a condition of approval.

19.79.060 Parking Requirements.

A. One parking space is required per Accessory Dwelling Unit unless otherwise provided for in this Chapter.

B. Parking spaces may be located on a contiguous lot if that lot is owned by the record owner of the Accessory Dwelling Unit, however, in such case a parking easement or other deed restriction in a form acceptable to the City Attorney, shall be recorded prior to issuance of a building permit.

C. Parking may be provided through tandem parking on an existing driveway.

D. Off street parking shall be permitted in setback areas in locations determined by the Director of Planning and Building, unless specific findings are made that parking in setback areas is not feasible based on specific site, regional, topographical, or fire and life safety conditions, which conditions shall include but are not limited to circumstances where parking would impede reasonable emergency and fire access.

E. No replacement parking for the primary dwelling unit shall be required if the Accessory Dwelling Unit was created by the demolition or conversion of a garage, carport, or covered parking structure to an Accessory Dwelling Unit.

F. Parking Exemptions. An Accessory Dwelling Unit shall be exempt from the parking requirement of this Section if the unit is:

1. Located within one-half mile walking distance of a Public Transit Stop;
2. Located within an historic district, as may be designated by the City Council from time to time;
3. Located within one block of a car share vehicle pick up or drop off location as defined in the California Vehicle Code;

4. The Accessory Dwelling Unit is built within a legally existing primary residence or legally existing accessory structure;

5. The unit is an attached or detached Accessory Dwelling Unit that is no more than 800 square feet in floor area, no more than 16 feet in height, with minimum 4 foot side and rear yard setbacks; or

6. If on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

19.79.070 Accessory Dwelling Unit Architectural Standards. Accessory Dwelling Units are subject to the following objective standards unless exempted from an Accessory Dwelling Unit Permit pursuant to this Chapter:

A. Newly constructed Accessory Dwelling Units shall be of the same or similar architectural style, detail, color, and building material as the primary dwelling unit.

B. Any new window that faces an adjoining residential property shall be either made of opaque glass and/or have a sill height above eye level. Any new door that faces an adjoining residential property shall either not include windows, or all windows must be made of opaque glass.

C. All exterior lighting shall be low wattage, shielded, and directed downward.

D. Where visible from offsite locations, skylights shall not have white or light opaque colored exterior lenses.

E. An Accessory Dwelling Unit that includes exterior alterations or additions to a property that is listed in the California Register of Historic Places or on a local historical register shall not be approved if it may cause an adverse impact to the historical significance of the property.

19.79.080 Exemptions from Permit.

A. An Accessory Dwelling Unit Permit shall not be required in the following instances for projects located within a residential or mixed-use zone. Such projects will be ministerially approved upon valid application of a building permit. Projects exempt under this Section remain subject to other applicable construction-related permit requirements such as grading permits.

1. The Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit is:
a. Within the proposed space of a single-family dwelling, or the existing space of a single-family dwelling or accessory structure.

b. Has exterior access from the proposed or existing single-family

dwelling; and

- c. Has side and rear yard setbacks sufficient for fire safety.
 - d. One Accessory Dwelling Unit and one Junior Accessory Dwelling Unit per lot are allowed under this exemption.
 - e. An Accessory Dwelling Unit within the existing space of an accessory structure may be expanded an additional 150 square feet if necessary to accommodate ingress and egress. This subsection does not apply to a Junior Accessory Dwelling Unit.
2. One newly constructed detached Accessory Dwelling Unit that is up to 800 square feet of floor area, up to 16 feet in height, with minimum 4 foot side and rear yard setbacks on a lot with a proposed or existing single-family dwelling. The Accessory Dwelling Unit may be combined with a Junior Accessory Dwelling Unit located on the same lot.
 3. The Junior Accessory Dwelling Unit complies with the requirements of California Government Code section 65852.22 as may be amended from time to time.
 4. Accessory Dwelling Units within the portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. Accessory Dwelling Units in existing multifamily structures shall be limited to one unit or 25% of the existing multifamily dwelling units.
 5. Not more than two Accessory Dwelling Units located on a lot that has an existing multifamily dwelling and are detached from that existing multifamily dwelling, subject to a height limit of 16 feet and minimum 4 foot side and rear yard setbacks.

19.79.090 Junior Accessory Dwelling Unit Development Standards. Unless otherwise provided for in this Chapter, Junior Accessory Dwelling Units are subject to the following requirements:

- A. Location. A Junior Accessory Dwelling Unit shall be located within an existing or proposed single-family residence. One Junior Accessory Dwelling Unit is allowed per lot.
- B. Unit Size. No Junior Accessory Dwelling Unit shall be less than 150 square feet or more than 500 square feet in size. The square footage of any shared sanitation facilities with the primary dwelling unit shall not be included in the square footage calculation.
- C. Access. The Junior Accessory Dwelling Unit shall have a separate exterior entrance from the primary dwelling unit.
- D. Sanitation and Kitchen Facilities. A Junior Accessory Dwelling Unit may include separate sanitation facilities, or it may share such facilities with the primary dwelling unit. The Junior Accessory Dwelling Unit shall include an Efficiency Kitchen.

E. No parking is required for a Junior Accessory Dwelling Unit.

F. Replacement parking for the primary dwelling unit shall be required if a Junior Accessory Dwelling Unit is created by the demolition or conversion of a garage, carport, or covered parking structure to a Junior Accessory Dwelling Unit.

19.79.100 Deed Restrictions.

A. Before obtaining a building permit for an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit, the property owner shall file a deed restriction with the Marin County Recorder requiring that:

1. The Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be sold separately from the primary dwelling unit;

2. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit may be rented, but no short-term rentals of 30 days or less are allowed;

3. The restrictions applicable to the unit shall be binding upon any successor in ownership and may be enforced against future purchasers; and

4. The deed restrictions shall lapse automatically upon removal of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

B. In any case where a building permit is not required for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, an executed declaration or agreement of restrictions as required herein shall be submitted to the City for recordation in a form acceptable to the City Attorney, along with applicable recordation fees, and prior approval of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

19.79.110 Exceptions. An applicant may request exceptions to the requirements in this Chapter by applying for a Conditional Use Permit pursuant to Belvedere Municipal Code Chapter 19.80. Any exceptions approved pursuant to a Conditional Use Permit must also comply with all Design Review standards. Any detached Accessory Dwelling Unit approved by a Conditional Use Permit shall not exceed 1,200 square feet.

19.79.120 Violations and Enforcement. It shall be unlawful for any person to construct or maintain an Accessory Dwelling Unit or Junior Accessory Dwelling Unit on property within the City without compliance with this Chapter. The maintenance, ownership, or use of any Accessory Dwelling Unit or Junior Accessory Dwelling Unit except as permitted in this Chapter shall constitute a nuisance, subject to abatement pursuant to the Municipal Code, or any other remedy allowed in the Municipal Code and State law. All remedies are cumulative.

SECTION 4. Amendment. The following Section of Belvedere Municipal Code Chapter 19.08 “Definitions” are hereby deleted as follows:

The following Section of Belvedere Municipal Code Chapter 19.08 “Definitions” are hereby deleted as follows:

- 19.08.035. Accessory Dwelling Unit
- 19.08.084. Attached Accessory Dwelling Unit
- 19.08.138. Detached Accessory Dwelling Unit
- 19.08.282. Interior Accessory Dwelling Unit
- 19.08.283. Junior Accessory Dwelling Unit
- 19.08.383. Passageway
- 19.08.453. Public Transit Stop

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 6. Effective Date, Urgency Ordinance. This Ordinance shall take effect immediately upon its passage by a four-fifths (4/5) vote of the City Council. Within fifteen (15) days following its passage, a summary of the Ordinance shall be published with the names of those City Council members voting for and against the Ordinance and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance.

SECTION 7. Effective Date, Regular Ordinance. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of the Ordinance shall be published with the names of those City Council members voting for and against the Ordinance and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of the members voting for and against the Ordinance.

INTRODUCED AND ADOPTED AT A PUBLIC HEARING at a regular meeting of the Belvedere City Council on October 11, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

OTHER SCHEDULED ITEM

BELVEDERE CITY COUNCIL
OCTOBER 11, 2021

To: Mayor and City Council

From: Craig Middleton, City Manager
Irene Borba, Director of Planning and Building

Subject: Update on Mallard Pointe application; Housing Development Context

Recommended Motion/Item Description

- That Councilmember Nancy Kemnitzer state for the record that her residence is within 500 feet of the subject property and therefore she must recuse herself from this item.
- Discussion Item; no Council action recommended.

Update on Mallard Pointe proposal

The City expects to receive in the coming weeks a proposal for the development of housing on three parcels abutting the Lagoon and Community Road: the Mallard Pointe Development. This proposal will be reviewed in accordance with applicable State law and local planning guidance. It will be the subject of Planning Commission and City Council hearings.

The Mallard Road properties currently consist of three (3) separate parcels. The site is approximately 2.84 acres and is *currently* developed with a total of twenty-two (22) duplexes. A private road (Mallard Road) runs through the property for access. The parcels are within a flood zone and are therefore subject to FEMA regulations if the property is developed beyond the substantial improvement threshold. The existing duplex development has remained in essentially the same state since it was built in the 1950s. There have been building permits issued for maintenance-type work, such as re-roofs, new windows and doors, and some of the units have had interior remodels. The General Plan Designation for the subject properties is Medium Density Residential (MFR) – with a range of 5.0 to 20 units/net acre & the zoning is R-2.

Staff also wanted to take this opportunity to update the Council and public on the *process* undertaken thus far regarding the Mallard Pointe project. The developers submitted a request in January 2021 for a study session on the potential future development. A joint study session of the City Council and Planning Commission was held on February 2, 2021. The joint session was scheduled in order to provide an opportunity for the Council, Commission and public, as well as the developer, to gather initial comments/concerns prior to submittal of a preliminary application. The minutes of the joint session can be found [here](#).

In June of 2021, a Preliminary Housing application was submitted for the Mallard Pointe project. To date, a formal application *has not* been submitted. Staff anticipates a housing development application to be submitted within the next few weeks. We look forward to reviewing the application at the time of its submittal.

Background: Housing Development Context

Staff offers this context for the discussion of Mallard Pointe tonight and for future public conversations about the Housing Element process and other housing-related matters.

Belvedere is a uniquely beautiful small city comprising mostly residential development across two islands (Corinthian and Belvedere) and a lowland area known as the Lagoon. There is a small amount of commercial development located adjacent to Tiburon Blvd, and there are two yacht clubs.

The City was established in 1896 and is essentially built out. Very few vacant parcels remain and are mostly located on very steep terrain; most of the vacant parcels are located within the R-15 zoning district on Belvedere Island. Development on these parcels is constrained and could be expensive and difficult to accomplish. The City owns a limited amount of land for public uses such as parks, municipal buildings, public roads and lanes, and rights-of-way.

Most of the residential development in Belvedere has been of single-family homes, although some multi-family units have been built along the City's primary roads.

Belvedere has a long history of managing its development processes well and has taken great care in making planning and building decisions in order to preserve the unique character of neighborhoods, protect important views, and ensure that the City remains walkable and that traffic remains manageable. There are a number of citizens' committees that have seen to this important work – the Planning Commission, Historic Preservation Committee, Parks and Open Space Committee, Traffic & Safety Committee, and other ad hoc committees that have been established to deal with specific issues as they have arisen.

State Involvement in Housing Development

Throughout its long history, planning and development in Belvedere has been an issue of local interest and has been accomplished through local planning and oversight within the broad confines of state law. As housing development statewide has fallen behind the pace of population increase, demand for housing and, related, prices for housing have risen sharply throughout the State. In recent years, the State has increasingly come to view housing as an area of statewide concern and has undertaken to encourage housing production. This effort has taken the form of housing laws that have the effect generally of reducing the level of local discretion over housing development. For example, laws have been enacted that limit a jurisdiction's ability to use subjective design standards in the evaluation of projects and limit the grounds on which a housing development can be required to be modified or can be rejected. State laws have been drafted to encourage the production of both market-rate housing as well as affordable housing.

One of these new laws, SB9, would allow most lots that are zoned for single family housing to be split into two lots. Each lot would be entitled to have a single-family home as well as an accessory dwelling unit. The law limits the ability of local jurisdictions (cities; planning commissions) to prevent lot splits from occurring, except in very limited circumstances. It also limits jurisdictions' ability to impose subjective design standards. Another law, SB10, would streamline the process related to approving multi-unit complexes in areas that are near to transit stops such as the Tiburon Ferry.

Last week Governor Newsom signed a [suite of bills](#), 31 in total, to boost housing production across California. The Governor's comprehensive plan focuses on four key areas – streamlining the building of new homes, breaking down barriers to build more affordable housing, addressing systemic bias by elevating fair housing principles and holding local governments accountable to do their job. In particular, the Governor announced the launch of California's new Housing Accountability Act Unit (HAU) at HCD. This unit will increase HCD's capacity to work with local municipalities and provide technical assistance to aid their efforts to comply with state legislation mandating housing creation, including zoning and permitting, and affirmatively furthering fair housing. The HAU will also be empowered to take escalating enforcement steps to bring municipalities into compliance with the Regional Housing Needs Allocation goals in the event of persistent non-compliance.

The State has also set requirements for how many new housing units must be planned for in the coming Regional Housing Needs Allocation ("RHNA") cycle of 8 years. This statewide number is divided into regional numbers with each region then allocating to towns, cities and counties based on methodology developed by the regional body. In our case, the regional body is the Association of Bay Area Governments ("ABAG").

The number of housing units assigned to Belvedere is 160 – that is, Belvedere is required to plan for the development of 160 units in the next 8-year cycle, or by 2031. The number for the current cycle is 16; therefore, the State and ABAG have increased their expectations of Belvedere by a factor of 10. The City has pushed back against this level as both unreasonable and unreachable. The Mayor, Council and staff raised objections to the ABAG methodology (used to arrive at the 160-unit number); the City then appealed to ABAG's Administrative Committee to reduce the number from 160 to 130 units. Last week, the City testified before the Committee, which then voted preliminarily to reject the City's appeal.

The City is a very active member of the Legislative Committee of the Marin County Council of Mayors and Councilmembers (MCCMC), which focuses primarily on State law, regulatory actions and ballot initiatives related to local control issues. The Committee works closely with the League of California Cities and employs a lobbyist well-versed in State legislative activity. The Committee has consistently and repeatedly opposed state mandates that would reduce local discretion over local planning and development decisions and has advocated forcefully with elected representatives. In summary, the City is involved in efforts to change the playing field as regards local development and to push against unrealistic mandates.

Housing Element

Against this backdrop of historical development patterns and legislative advocacy, Belvedere is preparing to embark on a 14-month planning effort to update its Housing Element, the part of the City's General Plan that deals with housing development. This effort will involve significant opportunities for public input starting in spring of 2022. The revised Housing Element must be completed, per state law, by January 2023. To be deemed complete, the Housing Element must be approved by the State's Department of Housing and Community Development. Also, per state law and further informed by allocation decisions of ABAG, the Housing Element must identify sites at the required affordability levels for the increase of 160 units over the current number of housing units in the City. There is no requirement that these units be constructed; rather, the City must designate locations where new housing could be built. As noted above, the State will be following up on the progress of each jurisdiction in meeting its housing goals.

At this juncture, Staff will begin this work assuming no change in the RHNA allocation of 160 new units. The process of developing the Housing Element will include the identification and analysis of sites for housing. The process will also involve determining what mix/types of housing would be appropriate and in what locations. In the past, given the built-out nature of Belvedere, the City has relied upon the development of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) – units constructed on already-developed residential parcels – to meet our RHNA obligations. It is unlikely, absent some significant change in the upcoming RHNA unit requirement, that an ADU/JADU strategy will be sufficient to accommodate 160 new units, so we will need to broaden our approach.

Objective Design Standards

In addition to dealing with challenges posed by State mandates as to the *quantity* of new housing units, the City is working to develop standards (deemed "objective") that would provide guardrails designed to ensure that new housing meets *qualitative* expectations of Belvedere. The City created a subcommittee of the Planning Commission that, along with City staff and consultants, has been engaged in an important effort to respond to State prohibitions against "subjective" standards (those subject to interpretation by the Planning Commission or staff) by developing a robust set of objective criteria that would apply to future proposed housing projects that are identified in State housing law as being unbridled from subjective limits. This process is complex and is ongoing; it is our hope that the process will conclude in the next few months with a recommended set of objective standards that could be adopted. The City would then be protected by a comprehensive set of standards, even as the effort to refine the standards continues.

There are many important issues that relate to development and that might be discussed further at a Council retreat or other meeting. These include impacts on residents of construction projects; traffic issues on Tiburon Blvd and elsewhere; limitations imposed by drought and climate changes; and opportunities for collaborating on housing and other development issues with Tiburon and other jurisdictions. Staff looks forward to these conversations and to the ongoing community discussion about development issues.

To: Mayor and City Council

From: Irene Borba, Planning & Building Director

Reviewed By: Craig Middleton, City Manager
Amber Johnson, Administrative Services Manager

Subject: Consultant Services Agreement for Preparation of the 2023-2031 Housing Element & Safety Element

Recommended Action

That the City Council review the proposed contract between the City of Belvedere and EMC Planning Group and approve a resolution authorizing the City Manager to execute a contract with EMC for consulting services related to the housing and safety element updates and environmental assessment.

Summary/Background

State law requires an update of the City’s Housing Element every eight years to address projected housing needs. Under State law, each local government in California is required to adequately plan for its share of the anticipated housing needs of its region by adopting a Housing Element as part of the General Plan. The Housing Element identifies housing conditions, needs and constraints, and establishes goals, policies and programs to accomplish the City's housing strategies. The Housing Element must implement the Regional Housing Needs Allocation (RHNA), an allocation of new housing units over a period of eight years. The allocation per city is determined by the Association of Bay Area Governments (“ABAG”), which is provided a regional allocation for the 9-county region and is charged by the State with allocating units among Bay Area jurisdictions.

The Housing Element must be updated every eight years; it is the only General Plan element that must be reviewed and approved by the State Department of Housing and Community Development (HCD). Failure to adopt a Housing Element or to receive state certification can result in financial penalties, loss of grant funding opportunities and legal challenges. The 2023-2031 Housing Element must be adopted by the City Council and submitted to HCD by January 15th, 2023, or within the 120-day grace period.

Key Components of the Housing Element typically include:

1. Community Engagement: A community engagement program, reaching out to all economic segments of the community plus traditionally underrepresented groups.

2. Evaluation of Past Performance: Review the prior Housing Element to measure progress in implementing policies and programs.
3. Housing Needs Assessment: Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities).
4. Constraints Analysis: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
5. Housing Sites Inventory: Identify locations of available sites for housing development or redevelopment to ensure there is enough land zoned for housing to meet the future need at all income levels as specified by RHNA.
6. Policies and Programs: Establish policies and programs to be carried out during the planning period to fulfill the identified housing goals and objectives.

There are *new* requirements for this Housing Element Update due to recent State legislation. These include:

- Higher RHNA allocations (as discussed below).
- Affirmatively Furthering Fair Housing (AFFH) – Housing Elements must affirmatively further fair housing. According to HCD, achieving this objective includes preventing segregation and poverty concentration as well as increasing access to areas of opportunity. HCD has mapped Opportunity Areas and has developed guidance for jurisdictions about how to address affirmatively furthering fair housing in Housing Elements.
- Limits on sites – Identifying sites for affordable units will be more challenging. There are new limits on the extent to which jurisdictions can reuse sites included in previous housing elements and there is increased scrutiny of small, large, and non-vacant sites when these sites are proposed to accommodate units for very low and low-income households.

Staff will be required to provide more in-depth information and analysis for sites chosen to meet RHNA and to demonstrate to HCD that those sites are likely to be developed with housing over the housing element planning period.

- Safety Element - The safety element of the general plan must be updated concurrently with the housing element. The safety element must address wildfire risk, evacuation routes, climate adaptation and resilience requirements in an integrated manner when two or more general plan elements are updated.

The Safety Element is to include:

- A vulnerability assessment that identifies climate change risk to the City of Belvedere and the geographic areas at risk from climate change;

- A set of adaptation and resilience goals, policies and objectives based on the information specified in the vulnerability assessment; and
- Feasibility implementation measures designed to carry out the goals, policies and objectives identified in the adaptation objectives.

To accomplish this comprehensive update within the prescribed timeframe with substantial public involvement, staff prepared a Request for Proposals (RFP) for consultant assistance. Three firms responded with proposals which were reviewed, and each of the firms was interviewed by City staff. Staff recommends that EMC Planning be retained to prepare the Housing & Safety Element Updates (discussed in more detail below).

Background on RHNA

The Regional Housing Needs Allocation (“RHNA”) is a State-mandated process that identifies the number of housing units, by affordability level, that each California jurisdiction must accommodate in its Housing Element. Since 1969, State law has required that all jurisdictions plan to meet their “fair share” of housing for the community.

The objectives of RHNA are:

- Increase housing supply and mix of housing types, tenure, and affordability in all cities and counties in an equitable manner.
- Promote infill development and socioeconomic equity, protect environmental and agricultural resources, encourage efficient development patterns, and achieve GHG reduction targets.
- Promote intraregional jobs-housing relationships, including balance between low-wage jobs and affordable housing.
- Balance disproportionate household income distributions (more high-income RHNA to lower- income areas and vice-versa).

The state-provided Regional Housing Needs Determination (RHND) for the Bay Area for 2023-2031 is 441,176 new housing units. This amount is more than double the 2015-2023 RHND, which was 187,990. This increase is due in large part to recent changes in State law. The RHND needs to account not only for projected future housing demand, but also to address unmet existing needs. The computations must now account for existing overcrowded households, cost-burdened households paying more than 30% of their income for housing, and a target rental vacancy rate of 5%.

ABAG’s allocation methodology also changed significantly for this housing element cycle. The previous two RHNA methodologies sought to shift a large proportion of new housing production to areas well served by transit. In Marin, this methodology created a focus on new housing near SMART stations and in downtown San Rafael and Marin City (two locally-designated Priority Development Areas) but generally kept RHNA numbers low for other local jurisdictions. For this

cycle, ABAG incorporated an “equity adjustment” to increase allocations of lower-income units in jurisdictions identified as having racial and socioeconomic demographics that differ from the regional average. Due to their higher income levels, higher paying jobs, and quality schools, Marin communities received a significantly higher RHNA allocation than in past cycles. Belvedere, along with most of Marin County, qualifies as a high opportunity and resource area for purposes of RHNA allocation. Additionally, State law now prohibits using stable population numbers or prior housing underproduction as justifications for reducing a jurisdiction’s RHNA allocation.

On May 20, 2021, the ABAG Executive Board approved the Final Regional Housing Needs Allocation (RHNA) Methodology and the Draft Allocations for each jurisdiction. Approval of the Final RHNA Methodology followed findings in April 2021 by the California Department of Housing & Community Development (HCD) that ABAG’s Draft Methodology furthered the RHNA objectives. The Draft Regional Housing Needs Allocation Plan for the San Francisco Bay Area 2023-2031 can be found using the following link:

https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf

Pursuant to the Plan, Belvedere was allocated a total of **160 units**, up from **16 units** in the last housing cycle. Belvedere’s units include:

- 1) 49 very low-income units (<50% AMI);
- 2) 28 low-income units (50-80% AMI);
- 3) 23 moderate income units (80-120% AMI);
- 4) 60 units above moderate income (> 120% AMI).

The City of Belvedere filed an appeal of our RHNA allocation. Staff attended and presented at the public hearing (held on 9/29) in which the ABAG’s Administration Committee considered our appeal. The committee voted to preliminarily *deny* our appeal. Mayor Pat Eklund (City of Novato) was the only committee member to support the City’s appeal.

In October or November, ABAG will provide a written final determination on each appeal and issue Final RHNA Allocations. In November or December, the ABAG Executive Board will conduct public hearings to adopt the Final RHNA Plan. Staff does not anticipate any adjustment in our RHNA allocation. We anticipate that we will be required to plan for **160** new housing units.

Other State Mandates

In 2017, Governor Brown signed a 15-bill housing package aimed at addressing the State’s housing shortage and rising housing costs, particularly through funding, streamlining permits, increasing local accountability, inclusionary zoning, and preserving existing affordable housing. Since then, legislative actions have also resulted in more stringent requirements for site selection, removing barriers to production, reducing fees, and limiting local discretionary control under certain circumstances.

Updating the Housing Element will be a much more complex and involved process than in past cycles due to the 2017 legislation, subsequent State mandates, and a substantial increase in RHNA

for communities in the Bay Area. As noted above, Belvedere was allocated a total of 160 units, up from 16 units in the last housing cycle. The updated Housing Element must focus on housing that meets the affordability component of the RHNA. New mandates require a significant level of public outreach and new policies to address inequities in housing policies and choice. The mandates also make it more difficult to “carry-over” previous opportunity sites without re-zoning. “By-right” standards entitle property owners to certain types of development with less local review and discretionary review.

In addition, State law requires the General Plan’s Safety Element to be updated along with the Housing Element. The Safety Element will need to reflect the analysis of local hazards (e.g., wildfire, flood) as they relate to new housing.

Approaches to Completing Housing and Safety Elements

Current Housing Element

The City updated its Housing Element in 2015; it covers the period from 2015-2023. The 2015 update was accomplished using a consultant with input/assistance from staff. The 2015 update was significantly less complex an undertaking than the upcoming update. Staff has considered a staff-led approach (as opposed to a consultant-led approach) and has determined that, given the complexities involved in developing the new Housing Element in the midst of changing State laws, the City would be best served by hiring an experienced housing consultant to lead the effort.

In an effort to reduce cost, Staff has also explored options for cooperating with other jurisdictions on the development of Housing Elements. Earlier this year, staff from the County and some of the local agencies in Marin considered a “Housing Element collective” wherein grant funds could support a collective approach to developing the various housing elements through one consultant contract, thereby reducing costs and avoiding redundancy of effort. It was hoped that this approach would create a more attractive project for experienced consulting firms, as many agencies were finding it difficult to attract responses from housing consultants who indicated they were too busy and did not have the resources to perform the work. Earlier Housing Element deadlines for much of Southern California and the Sacramento area aggravated the availability challenge as most qualified firms were working on these projects.

Ultimately, the participating agencies concluded that the unique nature of individual housing elements necessitated each agency retaining its own consultants despite the challenges.

Belvedere is participating in a “Marin Collaborative” to generate statistical and demographic data to support the housing needs analyses of Marin agencies, and to provide background information and a general policy framework to meet AFFH (Affirmatively Furthering fair Housing) goals of AB 686.

Funding Sources

In the 2019-2020 Budget Act, Governor Newsom allocated \$250 million for regions, cities, and counties to prioritize planning activities that accelerated housing production to meet identified

needs in every community. With this allocation, HCD established the Local Early Action Planning Grant (LEAP) program for cities and counties, and the Regional Early Action Grant Program (REAP) for regional governments. LEAP & REAP grants provide one-time grant funding for cities and counties to update their planning documents and implement process improvements to accelerate housing production and help local governments prepare for their 6th Cycle RHNA and Housing Elements. Belvedere will use approximately \$85,000 in LEAP and REAP grants to defray costs associated with the Housing Element.

Consultant Proposals

Despite circulating the Request for Proposal(s) (see **Attachment 3**) to several consulting firms, only three (3) submittals were received through a *second* outreach (the initial effort received *no* responses/interest).

Alex L.P. San Andre proposed to produce the Housing & Safety Elements and a Mitigated Negative Declaration environmental assessment at a cost of \$226,000. Mr. San Andre has no experience in producing Housing & Safety Elements.

Lisa Wise Consulting (LWC) proposed a Housing Element and Safety Element and a Mitigated Negative Declaration environmental assessment at a cost of \$643,690. LWC has produced over 20 HCD-certified 4th and 5th cycle housing elements and has hands-on experience working with the 6th Cycle, as the firm is lead in Housing Element Updates for 10 California cities. Their team includes Impact Sciences for environmental assessment and documentation and Ricon for the Safety Element Update.

EMC Planning Group proposed a Housing Element and Safety Element and a Mitigated Negative Declaration environmental assessment at an *initial* cost of \$567,945 with an optional task budget of \$155,109. EMC Planning has prepared housing elements for jurisdictions in various parts of California, including several recently completed and certified elements, as well as on-going preparation of 6th cycle element updates. EMC is currently working with Fairfax, Larkspur, Los Gatos and Monte Sereno on their Housing Element Updates. The proposal from EMC provides for subconsultants Hexagon Transportation Consultants, Inc. (transportation engineering), Metta Urban Design (branding, graphics, visionary plans, public engagement, etc.), ELS Architecture & Urban Design (site analysis, facilitation of public workshops, etc.), Circle Up, Equity Education (facilitates coaching, training and understanding) and Non-violent Communication (NVC-certified trainer committed to creating a world that works for everyone – for meaningful public engagement).

Pursuant to discussions with EMC Consultants, the budget was revised to \$297,813, plus public engagement at a maximum of \$136,589, for a total of \$434,402. Once the work plan for the project is developed, more budget refinement will be possible. Staff will also review tasks to determine which could be performed by the City internally.

On a final note, Staff followed-up on references provided by each of the consultants. Both EMC Consultants and Lisa Wise Consultants were well regarded by other agencies.

Fiscal impact

The City of Belvedere has been awarded grant monies to help with various aspects of the Housing Element work program:

- \$65,000 from the LEAP program
- \$20,000 from a non-competitive REAP grant allocation

The combined total grant revenue available is \$85,000. There may be additional opportunities for grants in the future.

Staff has submitted a request for a free license for a software program that could be utilized as part of the public engagement task for the housing element update. If the City receives one of the 25 licenses awarded, it could reduce the cost of public engagement for the housing element.

The Housing and Safety Element process is anticipated to take approximately 14 months, beginning Fall 2021 and ending December 31, 2022, spanning two fiscal years. Staff anticipates a little more than half of the costs to become payable this fiscal year, and the balance to become payable next fiscal year. This equates to approximately \$260,000 in expenditures this fiscal year which were not included in the budget. This will be offset by \$85,000 in grant revenue that was similarly not included in the budget, for a net impact of \$175,000 to the FY2021-22 budget. A budget adjustment resolution is being considered as a separate agenda item to approve this and other adjustments proposed this month.

Other jurisdiction – comparison

Jurisdiction	Approach	Not to Exceed Cost
Larkspur	Consultant Led – Housing & Safety Element Update	\$599,820 with a contingency budget totaling \$660,000
Sausalito	Consultant Led – Housing Element Update	\$860,470 with \$100,000 contingency added to budget
Mill Valley	Staff Led – with some consultants for specific tasks	\$120,000
Corte Madera	Staff Led with Various Consultants for specific tasks for Housing & Safety Element Updates	\$425,921
Tiburon	Consultant Led – (General Plan Update and Housing Element & Environmental document)	\$794,019

San Anselmo	Staff Led with consultants for specific tasks	Allotted \$280,000 from budget
Fairfax	Consultant Led	\$160,000 with additional expenses authorized for \$251,000
Marin County	Consultant Led	\$1,627,784

Environmental Review

This agreement/contract is for planning services and is therefore categorically exempt under CEQA guidelines section 15309.

Recommendation

That the City Council review the proposed contract between the City of Belvedere and EMC Planning Group and approve a resolution authorizing the City Manager to execute a contract with EMC for consulting services related to the housing and safety element updates and environmental assessment.

Attachments

1. Resolution Authorizing the City Manager to Execute an Agreement with EMC
2. EMC Planning Group's Proposal
3. Request for Proposal(s) for the Preparation of the Housing & Safety Element Updates

CITY OF BELVEDERE

RESOLUTION NO. 2021-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL
SERVICES AGREEMENT WITH EMC PLANNING GROUP TO UPDATE THE CITY'S
GENERAL PLAN HOUSING & SAFETY ELEMENT AND RELATED DOCUMENTS**

WHEREAS, as State Law requires all San Francisco Bay Area municipalities to update their General plan Housing Element to plan for future housing development consistent with the State-mandated Regional Housing Needs Allocation (RHNA) for the next (6th) housing cycle planning period of 2023-2031 as well as various housing policy and program mandates recently adopted by the State legislature;

WHEREAS, the housing Element update is required every eight (8) years and local adoption of the updated Housing Element must occur by December 2022 to meet deadlines for submittal for review by the department of Housing & Community Development (HCD) State by January 2023;

WHEREAS, EMC Planning Group has resources, expertise, and experience in updating Housing Elements, is currently working with other agencies in Marin and the Bay Area on their respective housing Elements, and is a member of the regional bench that serves the ABAG/MTC Regional Housing Assistance program;

WHEREAS, EMC has submitted a proposal (Exhibit 2) providing detailed work scope, budget, and timeline for conducting all mandated tasks and necessary to update the Housing Element (e.g., Public Engagement, Assessing Housing Needs, Affirmatively Furthering Fair Housing, Creating Site Inventory) which includes regular and continuous engagement with HCD staff to insure successful certification and implementation of the updated Housing Element within state mandated timelines, including initial environmental analysis for preparation of an Initial Study/Mitigated Negative Declaration:

WHEREAS, EMC also outlined additional optional tasks to provide additional support for the public review hearing process, and to provide analysis for an environmental impact report, if deemed necessary;

WHEREAS, EMC has submitted a proposal with an initial total cost of approximately \$434,402 which includes an initial study/mitigated negative declaration (IS/MND) to comply with the California Environmental Quality act (CEQA); and

WHEREAS, Additional as-needed tasks, such as preparation of an environmental impact report or included in the proposal for EMC for a total cost of \$160,094 are not being considered at this time;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Belvedere authorizes the City Manager to enter into Professional Service Agreement with EMC Planning Group to update the city's General Plan Housing and Safety Elements and the amount not to exceed \$450,000.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on October 11, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

Proposal

Housing Element Update (2023-2031)

City of Belvedere

October 1, 2021



Prepared by
EMC Planning Group

PROPOSAL

CITY OF BELVEDERE
HOUSING ELEMENT UPDATE (2023-2031)

PREPARED FOR
Irene Borba, Planning Director
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920
Tel (415) 435-8907

prepared by
EMC Planning Group Inc.
301 Lighthouse Avenue, Suite C
Monterey, CA 93940
Tel 831.649.1799
Fax 831.649.8399
Ande Flower, MUP, AICP – Principal Planner
flower@emcplanning.com
www.emcplanning.com

October 1, 2021

This document was produced on recycled paper.





Planning for Success.

October 1, 2021

Irene Borba, Director of Planning and Building
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920

Re: Letter of Transmittal
Proposal for Belvedere Housing Element Update (2023-2031)

Dear Irene Borba:

Thank you for inviting EMC Planning Group the opportunity to respond to the City of Belvedere's Housing Element 2023-2031 Request for Proposal. Attached is one electronic copy of our proposal for your review. Please let us know if you have any questions. You can reach the project manager, Ande Flower, at flower@emcplanning.com or via cell phone at 206-697-6009.

We look forward to the opportunity to work with you on this project.

Sincerely,

Michael J. Groves, AICP
Senior Principal

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399
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Attachments

Attachment A EMC Planning Group Staff Resumes

Executive Summary

EMC Planning Group team is pleased to submit this proposal for City of Belvedere (“City”) Housing Element Update (2023-2031). We understand the challenge posed by the draft 6th-cycle regional housing needs allocation (RHNA) equaling 160 units for the City of Belvedere, that an appeal has been submitted on behalf of the City, and that the state timeline for HCD certification is such that this effort must get underway prior to final RHNA numbers, which will be issued in December 2021. We have tailored a work program and approach that welcomes solution-oriented community involvement. We have assembled a team of consultants whose expertise dovetail to provide a full scope of services, including updates to the housing element, the safety element, and full CEQA environmental review responsive to the subsequent project. Our team has demonstrated competence in working successfully with residents and other members of the public in formulating goals and building consensus.

EMC Planning Group has prepared housing elements for jurisdictions in various parts of California, including several recently completed and certified elements, as well as on-going preparation of 6th Cycle element updates with the Towns of Fairfax and Los Gatos and the Cities of Larkspur, Monte Sereno, and Cupertino. Belvedere presents unique challenges and surprising opportunities to meet state requirements for affirmatively furthering fair housing. Through learning from community leaders, our process will encourage a vision for Belvedere’s future that is in keeping with the character and spirit of the community.

We look forward to working with the City of Belvedere to achieve HCD certification for the 6th Cycle Housing Element update.

2.0 Qualifications

2.1 GENERAL INFORMATION

EMC Planning Group is a full-service land use and environmental planning firm located in Monterey. The firm, which is celebrating 43 years of providing land use and environmental planning consulting services to public and private clients throughout California, is a California S-Corporation, a state-certified Small Business Enterprise (#15769), and a locally certified Green Business. EMC Planning Group has provided award-winning deliverables throughout the state. Our years of experience in California contribute to a deep comprehension of development and environmental challenges that affect Marin County and the City of Belvedere.

EMC Planning Group's culture and management style are founded on teamwork and collaboration. The firm believes that teamwork is vital to achieving the goals of our clients. Within the firm, we support each other and test ideas in a continual effort to ensure that the quality of our work remains ahead of the curve – technically, legally, and functionally. Our teams meet regularly to facilitate the flow of information, articulate and share ideas on issues, brainstorm approaches and solutions to analysis, and ensure process efficiency. We work together to deliver services and products that represent the best of the firm's collective experience and skills.

The quality of EMC Planning Group's deliverables is not solely dependent on the work of its staff. Our staff has created quality relationships with responsible agencies, technical experts, public and private interests. The caliber and defensibility of our documents is often enhanced by our extended team's contribution.

2.2 EMC PLANNING GROUP STAFF

The following staff are expected to work on this project. Full resumes can be found in [Attachment A](#).

Teri Wissler Adam, Vice-President and Senior Principal

Teri joined the firm in 1991 and has been a principal since 2001. Her area of expertise is in California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance. Ms. Wissler Adam's workload includes oversight of all CEQA-focused workload for the firm. Teri will provide high-level project oversight and lead on tasks associated with CEQA compliance.

Ande Flower, AICP, MUP, Principal Planner, Project Manager

Mr. Flower will be project manager and primary contact for the City of Belvedere housing element update. He will take the lead on facilitating stakeholder groups and making presentations to the City Council, Planning Commission, and focus groups. Mr. Flower has been working in the planning field since 2005 and has a particular focus on innovative ways to create housing opportunities for all segments of the community. His professional experience includes project management in the municipal and private sectors. Ande is skilled in the analysis of complex development requests, housing ordinance updates, and the delivery of compelling presentations to commissions, city council, agencies, the business community, and residents.

Martin Carver, MRP, AICP, Principal

Martin will be in an advisory role to provide high-level management support for Mr. James and Mr. Flower and assist with the early lead on preparing the housing element document. He has expertise in comprehensive plans, housing elements, land use planning, energy and climate analysis, and zoning regulation. Mr. Carver's resume includes project management for the University of California Santa Cruz (UCSC) Marine Science Campus Coastal Long Land Development Plan, UCSC's Silicon Valley Center Master Plan (NASA Ames/Moffett Field), and UCSC's Science Hill Master Plan. It also includes development of the Gonzales General Plan, General Plan EIR, and Climate Action Plan. Finally, it includes numerous housing elements, CEQA initial studies, and zoning/municipal code revisions. Mr. Carver recently completed work on housing elements for San Juan Bautista, Gustine, and Dos Palos and is preparing zoning code revisions for each of these cities as well. He has also prepared SB 2 applications for the City of Dos Palos and the City of Gustine.

Richard K. James, AICP, MUP, Principal

Richard has been with the firm for 22 years and has significant experience in preparing housing elements. He recently prepared the housing element updates for the cities of Sand City, San Juan Bautista, Greenfield, and Atwater and has prepared several other housing elements in the past. Richard also has experience with Marin County LAFCO, as well as extensive experience preparing CEQA review documents, economic planning documents, and in managing complex projects. Richard's workload for the next two years will focus on

management of housing element updates throughout California. Mr. James will support Ande Flower with project management and lead Safety Element efforts.

Polaris Kinison Brown, Principal Planner

Ms. Kinison Brown joined EMC Planning Group in 2012. Her areas of expertise include coastal vulnerability assessment and adaptation, coastal policy and implementation, and coastal permitting. Ms. Kinison Brown has prepared several local coastal programs for clients throughout the central coast including the cities of Seaside, Pacific Grove, and Monterey. Her experience also includes the preparation general plans, specific plans, and land use feasibility assessments. Polaris will be the primary author of the Safety Element.

Lauren Hoerr, MUP, MPA, Associate Planner

Lauren's primary responsibilities are focused on providing support to multiple jurisdictions in their Housing Element updates, including garnering community feedback and engagement through online platforms, as well as data analysis and reporting. Ms. Hoerr joined the firm earlier this year.

Shoshana Lutz, Associate Planner

Shoshana will assist with preparation of the zoning updates and any potential associated CEQA documentation. Ms. Wangerin has been with the firm for four years and assisted with the preparation of the housing element update for the City of San Juan Bautista. She assisted with preparation of the Sand City Vibrancy Plan, and also assists the City of Sand City with its annual progress reports as required by the Department of Housing and Community Development.

2.3 SUB-CONSULTANTS

Metta Urban Design

Samantha Suter's woman-owned firm specializes in tailored branding, high end graphics, visionary plans, and implementable solutions, with public engagement integrated throughout her work. Samantha's team will make sure that our messaging is tailored to Belvedere's needs.

Website Content Management

Rachel Cain will manage, program, and report analytics for the online platform, Engagement HQ, Balancing Act. Relationship management features include responsive and customized tools designed to meet community engagement objectives.

Circle Up, Equity Education

Lea Robinson facilitates coaching, training, and consulting services to further equity understanding, equity approaches, and to check equity assumptions. Circle up strives to

cultivate happy, thriving, and stress-free communities by developing a less oppressed and divided world for future generations and to inspire deeper connection and inclusion. Lea will support required equity focus throughout the scope of the project, including public workshop introduction, and analysis of programs.

Non-violent Communication (NVC)

Kristin Masters is a CNVC Certified Trainer who is committed to creating a world that works for everyone. She has long been a group facilitator and diversity trainer, and loves helping groups find ways of moving more easily toward the goals of the good work they're doing. Public Workshops will begin with Kristin's recognition of ground rules to support civil, meaningful engagement.

ELS Architecture and Urban Design

Throughout its 53-year history, the leaders of ELS Architecture and Urban Design have focused on "putting the pieces together" – designing places and spaces that bring the public and private interests together, and doing so in a way that benefits all stakeholders. Ryan Call and David Masenten will support general site analysis, facilitate public workshops, and/or provide in-depth site analysis with renderings.

Hexagon Transportation Consultants, Inc. (Optional Task)

Since 1982, Gary Black, AICP, has directed a number of transportation planning, traffic engineering, parking, and transit studies. Mr. Black has prepared traffic studies for new development in most cities within the Bay Area. Gary Black will provide transportation analysis for CEQA review if an EIR is necessary.

2.4 RELEVANT EXPERIENCE

EMC Planning Group has prepared housing element updates for numerous jurisdictions in California. EMC Planning Group customized the public outreach and prepared innovative adjustments that reflect community goals for each unique city. For each of these projects, EMC Planning Group staff established and maintained positive working relationships with both the city and Department of Housing and Community Development (HCD) staff to successfully meet each city's needs. Recent examples of our work are summarized below.

San Juan Bautista Housing Element (2019)

EMC Planning Group completed the City of San Juan Bautista's 5th cycle housing element update. Prior to working with EMC Planning Group, the city had missed the due date for its 5th cycle housing element and was required to prepare four-year elements. With HCD approval, EMC Planning Group developed a schedule to complete the first four-year housing element in the summer of 2019, concurrent with the city's adoption of several critical implementation ordinances. EMC Planning Group then initiated the second four-year

housing element, negotiated an expedited review by HCD, and brought the second four-year housing element to City Council for adoption at its December 2019 meeting. The second four-year housing element was certified by HCD in January 2020, and the City of San Juan Bautista is now in compliance. San Juan Bautista's housing element was highlighted in an HCD press release.

Link to Element: http://www.emcplanning.com/projects/pdf/San_Juan_Bautista_HE.pdf

Reference: Don Reynolds, City of San Juan Bautista City Manager

831-623-4661 citymanager@san-juan-bautista.ca.us

Work performed: January 22, 2019 – March 12, 2020

City of Atwater Housing Element Updates (2017)

EMC Planning Group prepared 2007-2014 and 2015-2023 updates to the Atwater Housing Element to bring the element into compliance with state requirements. EMC Planning Group worked with HCD and the City to review 5th cycle regional housing needs allocation (RHNA) numbers for Merced County and the unaccommodated share of fourth cycle RHNA numbers, and determined to bypass the fourth cycle housing element and prepare the fifth cycle element. EMC Planning Group worked with the Housing and Community Development Department to achieve state certification of the Housing Element.

Link to Element:

<https://www.atwater.org/docs/2014-2023%205th%20Cycle%20Housing%20Element.pdf>

Reference: Scott McBride, City of Merced Director of Development Services (formerly with Atwater)

(209) 388-7000 McBrideS@Cityofmerced.org

City of Sand City Housing Element (2016)

EMC Planning Group prepared the 5th cycle housing element for Sand City. The city has only 300 residents, but needed to provide room for about 45 additional housing units during the planning period. EMC Planning Group also prepared a CEQA negative declaration for the project. The housing element was approved by the City Council and certified by HCD within the state deadline. EMC Planning Group has assisted with zoning changes to implement housing element policy, and assists the City with its annual progress reports as required by the Department of Housing and Community Development.

Link to

Element: http://www.emcplanning.com/projects/pdf/Sand_City_Housing_Element_FINAL_Adoption_2016.pdf

Reference: Charles Pooler, City of Sand City Planner.

(831) 394-3054 Chuck@SandCityCA.org

City of Greenfield Housing Element (2012 and 2016 Update)

In 2016, EMC Planning Group prepared the 5th cycle and completed the City of Greenfield 4th cycle housing element update for the City of Greenfield. The focus of the 5th Cycle included creation of a balanced housing vision for the city and a categorized and prioritized implementation program. EMC Planning Group also prepared an initial study for updated housing element. The housing element was approved by the City Council and certified by the Department of Housing and Community Development in full compliance with state housing law within the state deadline.

Link to Element:

<https://ci.greenfield.ca.us/DocumentCenter/View/161/06-Housing-Element-2014-2023---General-Plan--PDF>

Reference: Brent Slama, City of Soledad Community Development Director (formerly with Greenfield)

(831) 674-559 bslama@Cityofsoledad.com

3.0 Approach

3.1 PROJECT MANAGEMENT

EMC Planning Group recognizes that the most significant work effort for Belvedere's Housing Element Update (2023-2031) will be preparing a site inventory that accommodates Belvedere's regional housing needs allocation (RHNA).

A housing element update can be a very challenging process for local jurisdictions, and with the extraordinary RHNA numbers for the 6th Cycle, we expect it to generate a lot of public interest. EMC Planning Group understands that the success of this effort hinges on an effective public participation program that includes active engagement with Belvedere residents, stakeholders, elected and appointed officials, and HCD.

We note that Belvedere is included with a countywide collaborative led by the ABAG/MTC Regional Housing Technical Assistance Program. Our work program and budget have been trimmed in anticipation of reduced costs for certain data collection tasks, including support from a half-time technical assistant provided by the countywide collaborative. EMC Planning Group's Ande Flower has been actively involved the ABAG/MTC process and has working knowledge of housing element site selection (HESS) tool. Ande will play a central role in the housing element update, and his expertise in this area will ensure that we make the best use of the HESS tool. His effort will also provide invaluable feedback to ABAG/MTC as it works to improve the nascent tool. We are confident that with the EMC Planning Group team, City staff, and regional collaborators working together, Belvedere can be assured of a successful update process that garners wide community support and timely certification of its updated housing element.

3.2 SCHEDULE

EMC Planning Group anticipates an approximately 14-month effort to draft, adopt, and obtain HCD certification of Belvedere's Housing Element Update (2023-2031). This schedule assumes the use of an initial study/mitigated negative declaration for CEQA review.

Tasks	Time Frame
Task 1 – Project Management & Coordination	Ongoing through completion of project
Task 2 – Public Engagement	Fall 2021 through Fall 2022
Task 3 –Review of Existing Housing & Safety Elements	Fall 2021 through Spring 2022
Task 4 – AB 686 (Fair Housing Work)	Fall and Winter 2021
Task 5 – Assessment of Housing Needs	Fall 2021 through Spring 2022
Task 6 – Housing Sites Inventory	Fall 2021 through Spring 2022
Task 7 – Prepare Housing Element Drafts	Spring 2022 through Fall 2022
Task 8 – Prepare Safety Element Drafts	Spring 2022 through Fall 2022
Task 9 – Planning Commission & Council Hearings	Fall 2022 thru December 31, 2022
Task 10 – Environmental Documents	Summer 2022 thru December 31, 2022
Total	Approximately 14 months

3.3 SCOPE OF SERVICES

EMC Planning Group will undertake the following work program to deliver a certified housing element, an updated safety element, and appropriate environmental review for the City of Belvedere.

Task 1 – Project Management & Coordination

This task includes project management and covers communication and coordination between the EMC Planning Group team, City staff, regional collaborators, and HCD. It includes staff meetings, phone conferences, email exchanges, and other communications. This task involves the development of a timeline/schedule, with milestones, that will lead to a housing element ready for HCD certification by December 31, 2022.

The EMC Planning Group team will attend one (1) kickoff meeting with staff to discuss project goals, issues, availability of reference materials, work product expectations, communications protocols, public outreach program, and site inventory. The team will also meet with staff on days that coincide with community outreach and engagement. Finally, this task includes consultation with HCD, which is typically handled with regular phone calls to HCD staff. City staff is expected to be available for meetings with the EMC Planning Group team, to take regular coordination phone calls, and to provide City documents as needed. This work will also include scheduling for public outreach efforts:

Task 2 – Public Engagement

This task involves measures that EMC Planning Group will take to engage the Belvedere community in the housing element update process. The 6th cycle regional housing needs

allocation (RHNA) numbers are a sea change for all California communities, and the success of the update process hinges in part on a community outreach and engagement program that is robust, inclusive, and meaningful. COVID-19 has complicated community outreach efforts, but the pandemic has also catalyzed the development of new digital tools that have brought interactive engagement to a new level. One such tool is an all-in-one digital community engagement platform tool called Engagement HQ.

EMC Planning Group is partnering with *Metta Urban Design* and *Rachel Cain* as a cornerstone of its community outreach and engagement program. Using *Engagement HQ*, the EMC Team will work with City staff to design an interactive engagement plan that allows community members to engage on their own time. Community workshops can span days and include customizable discussion forums, and through the digital platform, discussions can be made available in multiple languages and moderated to weed out any personal attacks, profanity, or off-topic comments. This platform will serve as the internet portal for information regarding the housing element update, key documents, and interactive activities to solicit input at various stages of the process.

The following are a sample of the tools available through the *Engagement HQ* platform:

- *Forums*. A safe and interactive space for Belvedere community-members to discuss and debate pertinent issues. The site is moderated to assure safety.
- *Ideas*. These “virtual post-it notes” are a way for Belvedere community-members to share what inspires them. EMC Planning Group staff can then assist in creating virtual stakeholder groups to help the community “grow” their ideas.
- *Places*. Gather feedback and photos directly on a map with a simple “pin” drop.
- *Stories*. Help your community better understand, empathize, and relate to others and to all that contributes to contemplating additional housing in the community.
- *Guestbook*. Simple, streamlined, and moderated space for Belvedere community-members to upload comments.
- *Q&A*. Receive questions in a managed space that accommodates messages through the iterative brainstorming process.
- *Polls*. Ask a single question and get immediate insight with this quick and targeted tool.
- *Surveys*. Encourage Belvedere community-members to voice their opinions in a convenient way that can also help us understand what areas of city need more encouragement to participate. Aggregate data can help the city understand generally who is participating with the outreach tools.

EMC Planning Group's community engagement program will include the following key meetings/consultations:

- Up to five (5) Community-based meetings and/or Stakeholder Meetings;
- Focus Groups;
- Planning Commission and City Council study sessions (one (1) meeting each for a total of two (2) meetings), also integrated into the *Bang the Table* platform;
- Development of strategies to meet the City's RHNA 6 and the housing element update;
- Response to HCD review comments and City staff review times;
- Delivery of a draft and final draft housing element, including any subsequent updates to other general plan elements as required by State law;
- Digital Communication. EMC Planning Group will develop an online engagement platform with content that includes information about the Housing Element/Housing needs, the Safety Element, environmental review (CEQA), tools and widgets to invite engagement, and an interactive scenario mapping exercise;
- Branding & Participation Incentives to enhance participation. Web-based tools such as Balancing Act for alternatives mapping, Konveio for interactive document commentary, printing of branded materials, and Gifty local business certificates for raffle and photo contest prizes are included with public engagement expenses;
- Tribal consultation in compliance with SB 18, including preparing all notices and mailings (see also AB-52 consultation included under Task 10, Environmental Documents).

As part of this effort, EMC Planning Group will work with City staff to develop a list of organizations that will be contacted to participate in the update process. City staff will be responsible for identifying and/or confirming focus group members and providing EMC Planning Group with appropriate contact information.

Task 3 – Review of Existing Housing & Safety Elements

This task involves the review of Belvedere's current housing and safety elements to identify the City's success in accomplishing/implementing housing goals, policies and programs, and adequacy of the safety element in light of legislation passed since its adoption. This review includes explanations and updates for goals, policies, or programs that are in progress, that have been abandoned, or that have proven ineffective. EMC Planning Group will make use of materials provided in the City's annual progress report to HCD.

Task 4 – AB 686 (Fair Housing Work)

The work budgeted here is embedded in other tasks. The AB 686 analysis will be on a Countywide basis and ABAG will provide a portion of the information. Messaging, outreach, contextual awareness, and analysis of proposed meaningful actions are examples of work efforts intended to evolve throughout the process of this update to meet state standards for affirmatively further fair housing.

Task 5 – Assessment of Housing Needs

This task involves quantifying Belvedere’s existing and projected housing needs for all income levels based on the City's share of the regional housing needs allocation in accordance with Section 65584 of the Government Code. EMC Planning Group will also analyze special housing needs based on data from Census 2020 and interviews with social service agencies in the area. Special housing needs will be evaluated for the disabled, elderly, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter.

This task includes identification of potential and actual governmental and nongovernmental constraints to the preservation, protection, and production of housing across income levels within the city. This task assumes that ABAG’s Regional Housing Technical Assistance Program will provide cross-jurisdictional comparisons necessary for this task, including the comparison of development and permitting fees and processing times. It will also provide write ups of typical countywide non-governmental constraints, including community opposition to housing, cost of construction, limited availability of land and other topics. As is the case with the assessment of housing needs described above, EMC Planning Group anticipates some limited amount of time to tailor the work provided by regional collaborators.

Task 6 – Housing Sites Inventory

This task involves the preparation of an inventory of vacant and underutilized sites that demonstrates Belvedere’s capacity to accommodate it RHNA. This includes identifying safe assumptions, evaluating sites, and analyzing potential policy strategies to increase site capacity, demonstrating development viability and inputting the information into HCD’s electronic form for submittal with the updated element. As discussed in the Approach and Methodology section above, EMC Planning Group anticipates that this will be the most significant area of work for the update process, and EMC’s Ande Flower will use his familiarity with the ABAG/MTC HESS tool to its best advantage. EMC Planning Group will review existing sites zoned for medium and high-density housing to assess the potential for additional housing on those parcels.

Task 7 – Prepare Draft Housing Element

This task involves preparation of the housing element document, which includes collating materials developed in the previous tasks, plus:

- Updating housing, population, demographic, and employment data to coincide with recent ABAG growth projections and Census data;
- Undertaking an analysis that affirmatively furthers fair housing, in compliance with Assembly Bill 686;
- Updating housing goals and policies to address compliance with State law and effectively responds to the housing needs, constraints, and key priorities identified through data gathering and analysis and the public participation process; and
- Preparing an implementation program, including quantified objectives, to address housing needs for all income levels, seniors, veterans, populations with disabilities, or special needs, and those experiencing homelessness.

EMC Planning Group will prepare and submit an administrative draft housing element for City staff review. City Staff will provide a comprehensive set of recommended changes. Once edits are complete, the team will then prepare a public review draft housing element that is made available to the public and presented to community groups as directed by the City, Planning Commission, and City Council. EMC Planning Group will prepare PowerPoint presentations and attend meetings/hearings. Based on community, Planning Commission, and City Council input, the team will then prepare a HCD review draft and submit it to HCD for the mandated review.

This task involves working closely with HCD and City Staff to respond to comments and produce a final draft housing element for final adoption. EMC Planning Group will receive HCD comments, and work with City staff and the HCD analyst to make changes to the Housing Element to the satisfaction of HCD. The team will then prepare the final adopted housing element, including any changes from the public hearings, and submit it to HCD for final certification. It will also distribute the document to the applicable water/sewer district and the California Office of Planning and Research.

Task 8 – Prepare Draft Safety Element Update

This task involves preparing Safety Element updates/revisions needed to ensure consistency with the housing element, including text, tables, maps, etc. This also includes update of the safety element as required by SB 379 (but does not include any update to the Local Hazard Mitigation Plan).

Task 9 – Planning Commission & Council Hearings

EMC Planning Group will prepare PowerPoint presentations and present the final draft document at public hearings before the Planning Commission and before the City Council (four (4) hearings total). This task includes preparation of notices for workshops and public hearings; staff reports for hearings, and resolutions as required. The Planning Department staff and/or City Attorney shall review all material prior to distribution and provide direction on local practice **and** City process. City staff will place newspaper advertisements, post within the City, and distribute standard meeting notices.

Task 10 – Environmental Documents

This task involves the preparation, posting, and filing all the appropriate environmental documents for compliance with the California Environmental Quality Act (CEQA), including the Initial Study, Notice of Intent to Adopt a Mitigated Negative Declaration (or other CEQA determinations as applicable), response to comments, mitigation measures, mitigation monitoring program, and notice of completion to be filed with Governor’s Office of Planning and Research and the Marin County Clerk. In addition, the EMC Planning Group will be responsible for preparing all notices and mailings for AB 52 (Tribal Consultation in CEQA process). This proposal assumes that CEQA review will be limited to the preparation of an initial study/mitigated negative declaration, with an optional contingency budget to cover costs for a full Environmental Impact Report.

4.0 Deliverables

4.1 WORK PRODUCTS

The following is a list of deliverables that EMC Planning Group is committed to providing through the course of its work program.

Deliverables to include work for both the Housing and Safety Element update:

1. Workplan – The EMC Planning Group team will develop a workplan with goals and timeframes, including a detail project schedule.
2. Public Outreach & Education – The EMC Planning Group team will work with staff to develop a public engagement plan that includes project roles, outreach activities, target audiences, and schedule. EMC Planning Group will produce a draft and final public engagement plan in Word. Particular emphasis will be given to support participation of residents and others who do not typically attend public meetings and become involved in City issues.
3. Meeting Attendance – The EMC Planning Group team will work with staff to plan and coordinate meetings with City staff, educational workshops with community groups, Planning Commission and City Council workshops, and public hearings.
4. Status Reports – The EMC Planning Group team will prepare monthly status reports for submittal to the staff, (and through staff, to Planning Commission).
5. Preparation of any background technical reports. The EMC Planning Group team will identify whether technical background reports will be prepared in-house or by subcontractors. The majority of technical reports required for CEQA analysis will be prepared in-house. If and EIR is necessary, a transportation analysis will be provided by subconsultant Hexagon Transportation Inc.
6. Preparation of Notices and Staff Reports – The EMC Planning Group team will prepare all notices for workshops & public hearings; staff reports for hearings, and resolutions as required. The Planning Department staff and/or City Attorney shall review all material prior to distribution and provide direction on local practice and City process. City staff will place newspaper advertisements, post within the City, and distribute standard meeting notices.

7. Environmental Review – Completion of all CEQA analysis will be provided by the EMC Planning Group team, including the discussion of all issue areas, evaluation of environmental impacts, identification of potential mitigation measures, CEQA findings, and appropriate project alternatives and Statement of Overriding Considerations, if required. The CEQA review will include the Housing Element and Safety Element updates, and reasonably foreseeable actions such as zoning changes that may arise from new General Plan policies.

Deliverables Specific to the Housing Element update:

8. Review of Current Housing Element – The EMC Planning Group team will conduct a technical review of the current Housing Element, identify possible inconsistencies with State Law, and summarize progress during the 5th Cycle.
9. Housing Sites Report – EMC Planning Group will work with City Staff, community groups, Planning Commission, and City Council to identify potential housing sites, and document those in a housing sites report. An online tool such as Balancing Act may be employed to gauge community support for housing site options.
10. Draft Housing Element – The EMC Planning Group team will work with City staff and conduct study sessions with the City Council and the Planning Commission in drafting the update to the Housing Element. Clear concise graphics, charts, and maps are necessary to communicate the policy concepts to the community. The EMC Planning Group team will develop a program to encourage public review of draft Housing Element and Environmental/CEQA analysis. EMC Planning Group will submit the draft Housing Element to HCD for review, and work with HCD and City staff to rectify comments from HCD.
11. Adoption of Housing Element – The EMC Planning Group team will present the Housing Element update to the Planning Commission at up to two (2) public hearings and to the City Council at two (2) public hearings. Following the Planning Commission hearing(s), EMC Planning Group shall provide a compendium of recommended changes, in anticipation of presentation to the City Council. Additional hearings may be provided according to costs for time, materials, and travel.
12. Preparation of the Final Housing Element – The EMC Planning Group team will make all necessary revisions to the Housing Element update document as a result of City Council direction, prior to submitting the Housing Element to HCD for certification.
13. Format of the Final Housing Element – The EMC Planning Group team will prepare a final, camera-ready copy of the Housing Element text, a copy of the same on a

disk in a Word version format. Final Plan text, maps, and illustrations shall be submitted in an electronic format (Adobe pdf).

Deliverables Specific to the Safety Element update:

14. Review of Current Safety Element and the Marin County Local Hazard Mitigation Plan – The EMC Planning Group team will identify possible inconsistencies with State Law, and in particular recent legislation.
15. Draft Safety Element – The EMC Planning Group team will work with City staff, the City Council and the Planning Commission in drafting the update to the Safety Element. Clear concise graphics, charts, and maps are necessary to communicate the policy concepts to the Community. The EMC Planning Group team will develop a program to encourage public review of draft Safety Element.
16. Adoption of Safety Element – The EMC Planning Group team will present the Safety Element Update to the Planning Commission at up to two (2) public hearings. and to the City Council at two (2) public hearings. Following the Planning Commission hearing(s), EMC Planning Group shall provide a compendium of recommended changes, in anticipation of presentation to the City Council. Additional hearings may be provided according to costs for time, materials, and travel. These will be the same hearings at which the Housing Element is presented.
17. Preparation of the Final Safety Element – The EMC Planning Group team shall make all necessary revisions to the Safety Element document as a result of City Council direction.
18. Format of the Final Safety Element – The EMC Planning Group team will prepare a final, camera-ready copy of the Safety Element text, a copy of the same on a disk in a Word version format. Final Plan text, maps, and illustrations shall be submitted in an electronic format (Adobe pdf).

4.2 RESOURCES

EMC Planning Group hereby affirms that it has sufficient staff resources and capability to perform the work contained within this RFP during the timeframe of the entire Housing Element update process.

5.0 Budget

5.1 BUDGET NARRATIVE

The EMC Planning Group budget includes estimated hours and not-to-exceed fees related to each task listed in Section 3.3 for EMC Planning Group staff and sub-consultants. EMC Planning Group invoices according to time and materials. The full support role that ABAG and the Marin Collaborative may serve to enable cost savings remains unknown at the drafting of this proposal. Future cost-savings to be realized from regional support mentioned above will be carried over and credited to the City of Belvedere.

5.2 OPTIONAL SERVICES

EMC Planning Group Team offers the following optional services that may be instrumental in successfully achieving consensus, and/or certification through this planning process to update the housing and safety elements.

Task 11 – CEQA Environmental Impact Report (EIR)

This task would only be recommended in the event that a full Environmental Impact Report will be necessary for zoning and/or General Plan updates. CEQA Guidelines require an EIR when a proposed project would result in significant and unavoidable impacts. A scope for preparation of the EIR is available upon request. This fee proposal includes a not-to-exceed dollar amount for EIR completion, including the cost of a transportation impact analysis.

Task 12 – Rezoning & Land Use Update

This task would only be recommended in the event that programs for the Housing Element update include necessary updates to the General Plan Land Use Element and zoning code.

Task 13 – In-depth Site Analysis

This task is recommended for visualizing sites with alternative development approaches to make informed decisions rooted in an understanding of feasibility and character. The fee amount relates to each unique site.

Belvedere Housing and Safety Element Budget

	LABOR (HOURS)																EXPENSES		BUDGET						
	EMC Planning Group						ELS			Circle Up	Metta	NV-Communication	Rachel	Gela	Hexagon	Expense	Cost	Labor (\$)	Expenses (\$)	Subtotal (\$)	10% Markup*	Subtotal (\$)			
	Senior Principal	Principal	Principal Planner	Associate Planner	CEOA Staff	Production / Admin	Principal in Charge	Principal	Associate	Equity Educator	Graphic Design/Branding	Communication Specialist	Communication Support	Digital Content & Communications Management	Video Production								Transportation Analyst President		
	\$250	\$225	\$200	\$150	\$155	\$115	\$185	\$185	\$155	\$200	\$120	\$250	\$115	\$145	\$150	\$290									
Task 1 - Project Management and Coordination																									
Subtotal Task 1 (Hours)	3	6	100	60		20	3	3		12	45	8	4	60	15										
Subtotal Task 1 (Cost)	\$750	\$1,350	\$20,000	\$9,000		\$2,300	\$555	\$555		\$2,400	\$5,400	\$2,000	\$460	\$8,700	\$2,250			\$55,720	\$0	\$55,720	\$2,232	\$57,952			
Task 2 - Public Engagement																									
Subtotal Task 2 (Hours)	1	14	113	60		15	9	9		35	160	20	8	213	43		Tech, certificates, printing	\$18,000	\$109,510	\$18,000	\$127,510	\$9,079	\$136,589		
Subtotal Task 2 (Cost)	\$250	\$3,150	\$22,600	\$9,000		\$1,725	\$1,665	\$1,665		\$7,000	\$19,200	\$5,000	\$920	\$30,885	\$6,450				\$109,510	\$18,000	\$127,510	\$9,079	\$136,589		
Task 3 - Review of Existing Housing and Safety Elements																									
Subtotal Task 3 (Hours)	1	11	64	59																					
Subtotal Task 3 (Cost)	\$250	\$2,475	\$12,800	\$8,850															\$24,375	\$0	\$24,375	\$0	\$24,375		
Task 4 - AB 686 (Fair Housing Work)																									
Subtotal Task 4 (Hours)	1	6	15							25		4	2	8											
Subtotal Task 4 (Cost)	\$250	\$1,350	\$3,000							\$5,000		\$1,000	\$230	\$1,160					\$11,990	\$0	\$11,990	\$739	\$12,729		
Task 5 - Assessment of Housing Needs																									
Subtotal Task 5 (Hours)		5	56	50						9															
Subtotal Task 5 (Cost)		\$1,125	\$11,200	\$7,500						\$1,800									\$21,625	\$0	\$21,625	\$180	\$21,805		
Task 6 - Housing Sites Inventory																									
Subtotal Task 6 (Hours)		9	38	50			28	10	9																
Subtotal Task 6 (Cost)		\$2,025	\$7,560	\$7,500			\$5,180	\$1,850	\$1,395										\$25,510	\$0	\$25,510	\$843	\$26,353		
Task 7 - Prepare Draft Housing Element																									
Subtotal Task 7 (Hours)	1	20	100	75		20					30			5											
Subtotal Task 7 (Cost)	\$250	\$4,500	\$20,000	\$11,250		\$2,300					\$3,600			\$725					\$42,625	\$0	\$42,625	\$433	\$43,058		
Task 8 - Prepare Draft Safety Element Update																									
Subtotal Task 8 (Hours)	1	5	70	6		10																			
Subtotal Task 8 (Cost)	\$250	\$1,125	\$14,000	\$900		\$1,150													\$17,425	\$0	\$17,425	\$0	\$17,425		
Task 9 - Planning Commission & City Council Hearings																									
Subtotal Task 9 (Hours)	2	12	130	75		20					10														
Subtotal Task 9 (Cost)	\$500	\$2,700	\$26,000	\$11,250		\$2,300					\$1,200								Travel & stay	\$5,000	\$43,950	\$5,000	\$48,950	\$620	\$49,570
Task 10 - Environmental Documents (IS/MND)																									
Subtotal Task 10 (Hours)		5	4	9	250	15								5											
Subtotal Task 10 (Cost)		\$1,125	\$800	\$1,350	\$38,750	\$1,725								\$725						\$44,475	\$0	\$44,475	\$73	\$44,548	
TOTAL ESTIMATED HOURS	10	93	690	444	250	100	40	22	9	81	245	32	14	291	58										
TOTAL ESTIMATED LABOR BUDGET	\$2,500	\$20,925	\$137,960	\$66,600	\$38,750	\$11,500	\$7,400	\$4,070	\$1,395	\$16,200	\$29,400	\$8,000	\$1,610	\$42,195	\$8,700			\$23,000	\$397,205	\$23,000	\$420,205	\$14,197	\$434,402		
TOTAL LABOR BUDGET PER FIRM						\$278,235			\$12,865	\$16,200	\$29,400		\$9,610	\$42,195	\$8,700										

OPTIONAL TASKS																								
Task 11 - CEQA Environmental Impact Report																								
Provide complete analysis for EIR (adds to Task 10 budget)																								
Subtotal Task 11 (Hours)	1	3	4	10	450	10																		
Subtotal Task 11 (Cost)	\$250	\$675	\$800	\$1,500	\$69,750	\$1,150													\$8,700	\$0	\$82,825	\$870	\$83,695	
TOTAL OPTIONAL TASK 11 PER FIRM						\$74,125													\$8,700					
Task 12 - Rezoning & Land Use Element update																								
Provide updates to zoning and Land Use Element consistent with Housing Element update.																								
Subtotal Task 12 (Hours)	1	75	130	100		60																		
Subtotal Task 12 (Cost)	\$250	\$16,875	\$26,000	\$15,000		\$6,900													\$0	\$65,025	\$0	\$65,025	\$0	\$65,025
TOTAL OPTIONAL TASK 12 PER FIRM						\$65,025																		
Task 13 - In-depth Site Analysis																								
Provide yield redevelopment analysis for commercial sites (cost per site).																								
Subtotal Task 13 (Hours)						17	30	9																
Subtotal Task 13 (Cost)						\$3,145	\$5,550	\$1,395											Printing	\$250	\$10,090	\$250	\$11,374	
TOTAL OPTIONAL TASK 13 PER FIRM								\$10,090																

NOTES:
a. 10% Markup for subconsultant labor and expenses; does not include EMC Planning Group labor.
b. This proposal is valid for 90 days. Revised September 30, 2021

EMC Planning Group Resumes

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APPENDIX



Michael J. Groves, AICP

PRESIDENT/SENIOR PRINCIPAL

PROFESSIONAL EXPERIENCE

Mr. Groves founded EMC Planning Group in 1978. Through his leadership and commitment to excellence in client service and the hiring of highly qualified personnel, Mr. Groves has successfully established the firm as one of the leading land use and environmental planning firms in California.

Mr. Groves is involved in project management and coordination of a full range of planning projects completed by the firm. From 1995—1997, he served as project manager for the Fort Ord Reuse Plan, a national, award-winning policy document. His focus within the firm is on client representation for urban and regional planning projects; coastal planning efforts; conceptual design; real estate due diligence and site evaluation studies; land use planning and permitting efforts; and city, county, school district and special district planning and permitting. With his experience as a land use and policy planner, Mr. Groves has provided project management for over 750 planning projects, within more than 150 California cities, counties, and special districts.

EDUCATION

- B.A. University of California at Santa Barbara, Environmental Studies, 1977
- B.A. University of California at Santa Barbara, Geography, 1977

PROFESSIONAL CERTIFICATION

AICP - American Institute of Certified Planners, Professional Certification, 1990-Present

PROFESSIONAL ACHIEVEMENTS AND AWARDS

- Professional Certification, American Institute of Certified Planners, 1990-Present
- Initiative Author, Initiative Measure to Allow For a Recreational Vehicle Park and other Recreational Oriented Uses in the Vicinity of the Fort Ord National Monument, Laguna Seca Raceway and Recreation Area, and the Monterey Peninsula and Monterey Bay Region.
- Awards, *City of Salinas Economic Development Element*, 2014
 - Outstanding Planning Document-Association of Environmental Professional (2016)
 - Economic Planning and Development Award of Excellence-American Planning Association, California Chapter, Northern Section (2015)
 - Economic Planning and Development Award of Merit-American Planning Association California Chapter (2015)
- Award, *Fort Ord Reuse Plan Reassessment*, 2012
 - Best Practices Award of Merit-American Planning Association, California Chapter, Northern Section, 2013
- Award, *Fort Ord Reuse Plan and EIR*, 1997
 - Comprehensive Planning in a Small Jurisdiction - National Planning Award for Outstanding Planning, American Planning Association National Chapter

PROFESSIONAL ASSOCIATIONS AND COMMUNITY INVOLVEMENT

- Member, American Planning Association
- Former Member, Monterey Peninsula Water Management District, Policy and Technical Advisory Committees
- Former Member, Sand City Habitat Conservation Task Force
- Member, Ventana Chapter, Sierra Club
- Head Coach, Monterey High School Baseball Program, 1980-Present
- President, Save Our Sports (SOS), Local Non-profit Supporting High School Baseball and Softball
- President, Foster Parent Association, Santa Cruz County
- Member, Child Welfare Services Systems Improvement Steering Committee
- Community Leadership Council - Ending Oppression Worldwide



Teri Wissler Adam

VICE PRESIDENT/SENIOR PRINCIPAL

PROFESSIONAL EXPERIENCE

Ms. Wissler Adam joined the firm in 1991 and has been a principal since 2001. Her area of expertise is in California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance.

Ms. Wissler Adam directs the CEQA and NEPA compliance projects for the firm. She has been responsible for a large variety of private projects, including residential, commercial, industrial, mixed-use, and large specific plan and general plan projects. She has also managed several projects for public facilities, such as recycled water projects, roadway projects, bikeway projects, bridge projects, elementary schools, high schools, and college campuses, and other public facilities, such as health clinics, landfills, child development centers, and federal research facilities. She has represented public clients throughout Monterey County, San Benito County, Santa Clara County, Merced County, San Luis Obispo County, San Mateo County, Santa Cruz County, and as far south as Los Angeles County.

EDUCATION

B.S. California Polytechnic State University at San Luis Obispo, Business Administration, Concentration in Environmental Management, 1991

PROFESSIONAL ACHIEVEMENTS

- Presenter, CEQA Seminar, Lorman Education Services
- Presenter, CEQA Workshop, Association of Environmental Professionals
- Member, Association of Environmental Professionals
- Contributor, *Environmental Mitigation Handbook*, California's Coalition for Adequate School Housing, February 2009
- Past Director/President/Newsletter Editor, Monterey Bay Area Chapter, Association of Environmental Professionals

PROFESSIONAL ASSOCIATION

- Member, Association of Environmental Professionals



Ande Flower, AICP, MUP

PRINCIPAL PLANNER

PROFESSIONAL EXPERIENCE

Mr. Flower joined EMC Planning Group in 2021, and has been working in the planning field since 2005. His professional experience includes project management in the municipal and private sectors. Ande is skilled in the analysis of complex development requests, ordinance updates, and the delivery of compelling presentations to Commissions, City Council, agencies, the business community, and residents.

Prior to joining the company, Ande was principal planner for the cities of Monterey, CA and Lake Forest Park, WA where he gained extensive hands-on experience in processing review for mixed-use housing developments. In each City, reviews resulted in well-regarded design with evolved community support.

While working with the City of Monterey, he created opportunities for affordable housing in Monterey with new Overlay districts, access to water through advocacy, and relationship-building with developers and community leaders. During his tenure at City of Lake Forest Park, he managed both long range and current planning activities to effectively encourage infill development proposals while respecting ecological habitat. In the private sector of Seattle (MAKERS), Ande spearheaded creation of objective design standards for Vancouver, WA.

EDUCATION

- M.U.P. University of Washington at Seattle, WA, Urban Planning, 2006
- B.A. University of Washington at Tacoma, WA (Graduated Magna Cum Laude), Urban Studies, 2004
- University of Florida at Gainesville, FL, Architecture Coursework, 1989 - 1993

PROFESSIONAL ACHIEVEMENTS

- HUD-sponsored Design-Build for Yakama Nation, led by architect Michael Pyatok

CERTIFICATES AND TRAINING

- Urban Design Certificate, University of Washington – Seattle
- Historic Preservation Certificate, University of Washington – Seattle
- GIS Certificate, University of Washington – Tacoma
- AICP - American Institute of Certified Planners, Professional Certification, since 2015



Martin Carver, MRP, AICP

PRINCIPAL

PROFESSIONAL EXPERIENCE

Mr. Carver joined EMC Planning Group in 2019 on a part-time basis, after years of providing services to EMC Planning Group on an ad hoc basis. Mr. Carver is a certified planning professional with over 35 years of professional planning and project management experience. His experience has focused on the preparation of comprehensive plans, housing elements, land use planning, energy and climate analysis, and zoning regulation. It also includes development of the Gonzales General Plan, General Plan EIR, and Climate Action Plan, as well as housing elements, CEQA initial studies, and zoning/municipal code revisions. Finally, Mr. Carver has years of CEQA and NEPA experience and has prepared a full range of environmental documentation for local jurisdictions.

Mr. Carver is currently working on the San Juan Bautista Housing Element Update, San Juan Bautista zoning code revisions, a supplemental EIR for King City's Downtown Addition Specific Plan, SB 2 applications for Sand City and the City of Gustine, and various smaller projects. His project responsibilities include project management, municipal code revisions, and public participation.

EDUCATION

M.R.P. Cornell University, Ithaca, New York,
Regional Planning

B.A. University of California, Santa Cruz,
Environmental Studies

B.A. University of California, Santa Cruz,
Politics

PROFESSIONAL CERTIFICATION

AICP - American Institute of Certified Planners,
Professional Certification

PROFESSIONAL ASSOCIATIONS

- Member, American Institute of Certified Planners
- Member, American Planning Association



Richard K. James, AICP, MUP

PRINCIPAL

PROFESSIONAL EXPERIENCE

Mr. James has been with the firm since 1998 and has been a principal since 2016. He manages planning, design, and environmental projects. His experience includes preparation of zoning and coastal implementation codes, housing elements, environmental documents in compliance with the California Environmental Quality Act (CEQA), policy documents, fee and economic development studies, and community design standards, as well as municipal project management. Mr. James manages project budgets, work flow, schedules, and sub-consultants. He provides ongoing client and stakeholder contact as project manager, conducts research, writes and edits documents, and presents project reports at public hearings.

Mr. James's specific expertise includes air quality, housing, landscaping, alternative transportation, land use, water supply, and water quality. His environmental documents have analyzed a wide variety of projects and issues, including residential, commercial, and mixed use developments; annexations and area plans; golf courses; park and school facilities; and public works improvements, among others. Mr. James has represented private development projects and overseen the municipal end of processing land development projects.

EDUCATION

M.U.P. San Jose State University,
Urban Planning, 1997

B.S. California Polytechnic State University at
San Luis Obispo, Ornamental
Horticulture, 1980

PROFESSIONAL CERTIFICATION

AICP - American Institute of Certified Planners,
Professional Certification, 2002-Present

PROFESSIONAL ACHIEVEMENT AND AWARD

- Award, *Sand City Vibrancy Plan*, 2020
 - Economic and Planning Development Award of Merit-American Planning Association, California Chapter, Northern Section, 2020
- Award, *Fort Ord Reuse Plan Reassessment*, 2012
 - Best Practices Award of Merit-American Planning Association, California Chapter, Northern Section, 2013

PROFESSIONAL ASSOCIATIONS

- Member, American Institute of Certified Planners
- Member, American Planning Association
- Member, Association of Pedestrian and Bicycle Professionals



Shoshana Lutz

ASSOCIATE PLANNER

PROFESSIONAL EXPERIENCE

Ms. Wangerin joined the firm in 2017. Her responsibilities include writing initial studies and environmental impact reports in compliance with the California Environmental Quality Act (CEQA), providing contract staff support to governmental agencies, assisting with public outreach programs, and providing private clients with permit processing and entitlement assistance, constraints analysis, land use assessments, and feasibility analyses.

Prior to joining EMC Planning Group, Ms. Wangerin worked for the City of Carmel-by-the-Sea in the Community Planning and Building Department. Her responsibilities included assisting with preliminary plan check review for building and planning applications, conducting preliminary site assessments on residential properties, and conducting preliminary design reviews in residential and commercial areas. Ms. Wangerin's experience also includes completing an internship with BuildingWise, LLC, a private consulting firm that assists organizations with commercial structures' LEED certification.

EDUCATION

B.S. California State University Monterey Bay, Environmental Science Technology and Policy, Emphasis in Ecology and Natural Resources, 2014

TRAINING

- ESRI ArcGIS Map Making and Spatial Analysis Course

PROFESSIONAL ASSOCIATION

- Member, Association of Environmental Professionals



Lauren Hoerr, MUP, MPA

ASSOCIATE PLANNER

PROFESSIONAL EXPERIENCE

Ms. Hoerr joined EMC Planning Group in 2021, and has been working in the planning and public administration fields since 2014. Her primary responsibilities are focused on providing support to multiple jurisdictions in their Housing Element Updates, including garnering community feedback and engagement through online platforms, as well as data analysis and reporting. She also prepares initial studies and environmental impact reports in accordance with the California Environmental Quality Act (CEQA) and working with private clients to prepare development applications.

Prior to joining the company, Lauren was an assistant planner for the city of Lake Forest Park in Washington State where she gained experience in understanding best practices for permit processing, as well as completing the Washington State equivalent of the CEQA process. She facilitated the participation of a variety of local stakeholders in public engagement spaces to better understand their role in and the impacts of complex land use proposals. During the first year of the pandemic, in addition to her assistant planner duties, she also acted as a temporary permit coordinator and gained a deeper understanding of the various elements that go into building permit submittal packages and permit processing.

EDUCATION

- M.U.P. University of Washington, Urban Planning, College of Built Environments, 2019
- M.P.A. University of Washington, Evans School of Public Policy and Governance, 2019
- B.S. Elon University, Environmental Studies, College of Arts and Sciences, 2013

PROFESSIONAL ACHIEVEMENT

- Author, Privatized Public Spaces in Seattle: Incorporating Well-designed Water Features as a Focal Point for Engagement Opportunities, 2019



CITY OF BELVEDERE

450 San Rafael Avenue • Belvedere, CA 94920-2336
Tel: 415/435-3838 • Fax: 415/435-0430 • www.cityofbelvedere.org

REQUEST FOR PROPOSAL TO PREPARE A HOUSING ELEMENT UPDATE & CEQA DOCUMENTATION

City of Belvedere
Planning Department
450 San Rafael Avenue
Belvedere, CA 94920

Issued Date: June 18, 2021

Deadline for Submissions: 4:00PM July 19, 2021

Table of Contents

Section

- (1) Introduction
- (2) Background
- (3) Objective
- (4) Scope of Service
- (5) Submittal Requirements
- (6) Selection Process

(1) INTRODUCTION

The City of Belvedere desires to prepare a legally defensible and comprehensive Housing Element Update & CEQA documentation. The city is requesting proposals from qualified & interested consulting firms and/or teams of consulting firms to accomplish the necessary components of the project. In case of joint proposals, a primary or lead consultant must be identified. The deadline for submitting is 4:00pm on July 19, 2021.

(2) BACKGROUND

The City of Belvedere is located on the coast of the Tiburon Peninsula in Southern Marin County, approximately 5 miles north of San Francisco. The city boundaries encompass .6 of a square mile; including open water areas. The city is bound by Richardson Bay to the west and north, Raccoon Straits to the south and the Town of Tiburon to the east. State Highway 131, Tiburon Boulevard, is the primary transportation corridor of the city.

The City of Belvedere, incorporated in 1896, had its beginnings as a seaside resort, agricultural area, and railroad town. The city is characterized by large Victorian-era homes on dramatic hillside areas, and mid-century development in the Belvedere Lagoon neighborhood. Residential coastal development, such as homes, docks, boathouses, buoys, and seawalls, are located on the City's shoreline. The city has limited commercial development and no redevelopment agency.

The City's population according to current Census information was 2,167 people. Belvedere is a general law city, governed by a City Council, consisting of a Mayor & four Council Members, elected citywide. Belvedere has a City Manager to implement the policy set by the City Council. Each of the seven Planning Commission Members is appointed by the City Council.

The city boundaries are constrained by open water and the Town of Tiburon. The city has no plans to expand or annex undeveloped land to permit additional residential or commercial growth. One of the unique things is that the city limit line goes through an existing shopping center and is shared with the Town of Tiburon.

CURRENT GENERAL PLAN & HOUSING ELEMENT

The City's last General Plan Update was completed in 2010 along with the Housing Element. Additionally, the Housing Element was updated in 2015. The Housing Element was certified by the Department of Housing & Community Development. The existing General Plan & Housing Element are available on the city website at <https://www.cityofbelvedere.org/213/General-Plan-Housing>

(3) OBJECTIVE

The comprehensive Housing Element Update project shall be developed to comply with state law, recent court cases and revisions to existing State Housing Guidelines. Furthermore, the Update must be prepared in a manner that is internally consistent, legally defensible, and prepared for use with on-line applications.

The City of Belvedere is soliciting professional consulting service proposals from consulting firms or teams of consultants to prepare the Housing Element Update. One of the key objectives of the Housing Element update would be an analysis of Housing policies included in the Housing Element certified by HCD in 2010

& again in 2015 would be the development of new goals and policies to implement draft RHNA numbers of 160 additional units for the 2023-2031 time period. Recommendation on Municipal Code amendments to implement Housing Element goals & policies. Additionally, reformat the current Housing Element into a graphically driven, user-friendly document that will take advantage of current technology. Members of the consultant team must have extensive experience managing Housing Element projects, developing public outreach & education programs, facilitating public workshops & study sessions, preparing technical baseline reports, drafting Housing Elements, and completing CEQA analysis on Housing Element projects. The consultant team will be expected to perform responsible, professional work in research, compilation of data, site analysis, other types of analysis, studies, and environmental review procedures, as required by California law, including California Environmental Quality Act (CEQA), as appropriate and as described in the Scope of Services section of this Request for Proposals (RFP).

Issues that the City believes to be important to residents and which will need to be addressed in the Housing Element Update include but are not limited to the following:

- Strategies to provide additional affordable housing.
- Site analysis for additional future development or redevelopment.
- Ensuring consistency with State Laws pertaining to housing

Additional issues may be identified as part of the public outreach component of the Housing Element process.

(4) SCOPE OF SERVICES

The city seeks a consultant team that has extensive experience in preparing Housing Elements and is strong in community relations and update to date with all of the new State Housing laws. The following components should be in the scope of work, although the final scope of work is expected to be evolve and be finalized with the selected consultant team. The city is open to additional suggestions which the believes may be of value.

- a) Workplan – The consultants should develop a workplan with goals and timeframes.
- b) Public Outreach & Education – The consultant should provide input on development & implementation of a public outreach & education program to reach the largest number of residents possible & to encourage participation of residents & others who do not typically attend public meetings & become involved in City issues.
- c) Meeting Attendance – The consultants should identify a number of meetings with City staff, educational workshops with community groups, and Planning Commission & City Council workshops & public hearings.
- d) Status Reports – The consultant should prepare monthly status reports for submittal to the staff & Planning Commission.
- e) Preparation of any background technical reports. The consultant shall identify whether technical background reports will be prepared in-house or by subcontractors for example site analysis as required for the Housing Element Update.
- f) Review of Current Housing Element – The consultant shall conduct a workshop with the Planning Commission, City Council to discuss the current Housing Element, shall identify possible inconsistencies with State Law, and shall receive policy direction.

- g) Draft Housing Element – The consultant shall work with City staff, the City Council and the Planning Commission in drafting the update to the Housing Element. Clear concise graphics, charts, and maps are necessary to communicate the policy concepts to the Community. The consultant shall develop a program to encourage public review of draft Housing Element & Environmental/CEQA analysis.
- h) Environmental Review – Completion of all CEQA analysis including the discussion of all issue areas, evaluation of environmental impacts, identification of potential mitigation measures, analysis of appropriate project alternatives, statement of facts & findings, and Statement of Overriding Considerations, if required.
- i) Preparation of Notices & Staff Reports – The consultant shall prepare all notices for workshops & public hearings; staff reports for hearings, and resolutions & ordinances as required. The Planning Department staff and/or City Attorney shall review all material prior to distribution & provide direction on local practice & City process.
- j) Adoption of Housing Element – The consultant shall present the Housing Element Update to the Planning Commission at one or more public hearings. Following the hearing(s), the consultant shall make any necessary change to the document in anticipation of presentation to the Council. The consultant shall present the Final Draft of the Housing Element Update to the Council, having incorporated the public comments received at the Planning Commission.
- k) Preparation of the Final Housing Element – The consultant shall make all necessary revisions to the Housing Element Update document as a result of public comments during the public review process.
- l) Format of the Final Housing Element – The consultant shall prepare a final, camera-ready copy of the Housing Element text, a copy of the same on a disk in a Word version format. Final Plan text, maps, and illustrations shall be submitted in an electronic format (Adobe pdf).

The Housing Element Update will be managed by the Planning Department with oversight by the Planning Commission & the City Council. Questions regarding the Scope of Services should be addressed to:

Irene Borba
 Director of Planning & Building
 City of Belvedere Planning Department
 (415) 435-8907
iborba@cityofbelvedere.org

(5) SUBMITTAL REQUIREMENTS

The proposal must be received by the City of Belvedere no later than 4:00p.m. on July 19, 2021, either by email or mail. A flash drive containing the proposal shall be included with proposals that are sent by mail. All proposals and documents submitted become the property of the City of Belvedere. Proposals must include:

- a) A letter of transmittal.
- b) Executive summary.

- c) General information about the consultant or consultant team (i.e., company size, location of office(s), size of staff, equal opportunity employer policies, etc.).
- d) Qualifications of staff proposed for this assignment.
- e) List of three (3) or more recent references for Housing Element work for the firm & staff proposed for the assignment.
- f) If this is a joint venture, explain in detail the responsibilities of each firm and identify a lead firm & project manager.
- g) Identify the key personnel who would be assigned to the Housing Element Update project and describe their responsibilities and means of notification & coordination with staff for any changes to key personnel during the term of the contract.
- h) State the approach your firm would use on the project, including the following information (This information should be written so that it may be incorporated as an attachment to the consultant professional services agreement.):
 - I. Overall approach to the project
 - II. Scope of Work
 - III. Project Schedule tied to various components, tasks & HCD timeline.
 - IV. Project management.
 - V. Project budget in a table or other format that clearly shows a breakdown by Work program the components, tasks, and products. Indicate hourly rates of individuals involved, number of hours for each component, task, or product and the fee structure for additional work outside of the contract an any optional items.
 - VI. Include a statement that the firm(s) has sufficient staff resources and capability to perform the work contained with the Request for Proposal with the specified time frame; and
 - VII. Provide project references, with names and telephone numbers of contact persons.

Proposals may be submitted in person or by mail or electronically to:

Irene Borba
 Director of Planning & Building
 City of Belvedere Planning Department
 450 San Rafael Avenue
 Belvedere, CA 94920
 (415) 435-8907
iborba@cityofbelvedere.org

(6) SELECTION PROCESS

The City intends to follow, but will not be bound by, the following timeline:

DISTRIBUTION OF RFP		June 18, 2021
PROPOSAL DUE TO CITY		July 19, 2021
SELECTION COMMITTEE REVIEW		August 2, 2021
CONSULTANT INTERVIEWS – ADMINISTRATIVE		August 9, 2021
CONSULTANT SELECTION & CITY COUNCIL REVIEW		September 13, 2021

Criteria (in random order)

- a) A high level of professional competence and a proven record in the preparation of Housing Elements & CEQA review;
- b) Experience of personnel proposed to be assigned to the project;
- c) Adequacy & availability of staffing & in-house resources;
- d) Public outreach & education experience of firms & personnel proposed to be assigned to the project & evidence of working successfully with residents and other members of the public in formulating goals & consensus;
- e) Familiarity with local geography & issues;
- f) Review of references;
- g) Evidence of the firm's or consultant team's ability to complete the project in a timely manner; and
- h) Contract fee, as negotiated and ultimately agreed upon.



CITY OF BELVEDERE

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REQUEST FOR PROPOSAL TO PREPARE A SAFETY ELEMENT UPDATE & CEQA DOCUMENTATION

City of Belvedere
Planning Department
450 San Rafael Avenue
Belvedere, CA 94920

Issued Date: June 18, 2021

Deadline for Submissions: 4:00PM July 19, 2021

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- (1) Introduction
- (2) Background
- (3) Objective
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- (5) Submittal Requirements
- (6) Selection Process

(1) INTRODUCTION

The City of Belvedere desires to prepare a legally defensible and comprehensive Safety Element & CEQA documentation. The city is requesting proposals from qualified & interested consulting firms and/or teams of consulting firms to accomplish the necessary components of the project. In case of joint proposals, a primary or lead consultant must be identified. The deadline for submitting is 4:00pm on July 19, 2021.

(2) BACKGROUND

The City of Belvedere is located on the coast of the Tiburon Peninsula in Southern Marin County, approximately 5 miles north of San Francisco. The city boundaries encompass .6 of a square mile; including open water areas. The city is bound by Richardson Bay to the west and north, Raccoon Straits to the south and the Town of Tiburon to the east. State Highway 131, Tiburon Boulevard, is the primary transportation corridor of the city.

The City of Belvedere, incorporated in 1896, had its beginnings as a seaside resort, agricultural area, and railroad town. The city is characterized by large Victorian-era homes on dramatic hillside areas, and mid-century development in the Belvedere Lagoon neighborhood. Residential coastal development, such as homes, docks, boathouses, buoys, and seawalls, are located on the City's shoreline. The city has limited commercial development and no redevelopment agency.

The City's population according to current Census information was 2,167 people. Belvedere is a general law city, governed by a City Council, consisting of a Mayor & four Council Members, elected citywide. Belvedere has a City Manager to implement the policy set by the City Council. Each of the seven Planning Commission Members is appointed by the City Council.

The city boundaries are constrained by open water and the Town of Tiburon. The city has no plans to expand or annex undeveloped land to permit additional residential or commercial growth. One of the unique things is that the city limit line goes through an existing shopping center and is shared with the Town of Tiburon.

CURRENT GENERAL PLAN & ENVIRONMENTAL HAZARDS: SAFETY & STABILITY ELEMENT

The City's last General Plan Update was completed in 2010 along with the Housing Element. The 2010 General Plan included a chapter on Environmental Hazards – Safety & Stability Element. The existing General Plan is available on the city website at <https://www.cityofbelvedere.org/213/General-Plan-Housing> In 2019, the City Council adopted Resolution No. 2019-14 adopting the 2018 Marin County Multi-Jurisdictional Local Hazard Mitigation Plan. This was a County-wide effort to identify best practices used in response to the threat & occurrence of natural disasters and the integration of planning efforts.

(3) OBJECTIVE

The comprehensive Safety Element project shall be developed to comply with state law (SB379), recent court cases and revisions to existing State Guidelines. Furthermore, the Update must be prepared in a manner that is internally consistent, legally defensible, and prepared for use with on-line applications.

The City of Belvedere is soliciting professional consulting service proposals from consulting firms or teams of consultants to prepare the Safety Element update in accordance with SB379 to address climate change adaptation & resiliency strategies applicable to the city. One of the key objectives of the Safety Element update would be an analysis of Environmental Hazard policies included in the City of Belvedere General Plan adopted in 2015 and development of new goals and policies to implement. Recommendation on Municipal Code amendments to implement Safety Element goals & policies. Additionally, reformat the current Environmental Hazards – Safety & Stability Element into a graphically driven, user-friendly document that will take advantage of current technology. Members of the consultant team must have extensive experience managing Safety Element projects, developing public outreach & education programs, facilitating public workshops & study sessions, preparing technical baseline reports, drafting Safety Elements, and completing CEQA analysis on Safety Element projects. The consultant team will be expected to perform responsible, professional work in research, compilation of data, site analysis, other types of analysis, studies, and environmental review procedures, as required by California law, including California Environmental Quality Act (CEQA), as appropriate and as described in the Scope of Services section of this Request for Proposals (RFP).

Issues that the City believes to be important to residents and which will need to be addressed in the Safety Element Update include but are not limited to the following:

- Sea level rise
- Vulnerability/Risk Assessment
- Ensuring consistency with State Laws pertaining to Safety Elements

Additional issues may be identified as part of the public outreach component of the Safety Element process.

(4) SCOPE OF SERVICES

The city seeks a consultant team that has extensive experience in preparing Safety Elements and is strong in community relations and update to date with all of the new State laws. The following components should be in the scope of work, although the final scope of work is expected to be evolve and be finalized with the selected consultant team. The city is open to additional suggestions which the believes may be of value.

- a) Workplan – The consultants should develop a workplan with goals and timeframes.
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- d) Status Reports – The consultant should prepare monthly status reports for submittal to the staff & Planning Commission.
- e) Preparation of any background technical reports. The consultant shall identify whether technical background reports will be prepared in-house or by subcontractors for example site analysis as required for the Safety Element.

- f) Review of Current Safety Element & the Marin County Local Hazard Mitigation Plan– The consultant shall conduct a workshop with the Planning Commission, City Council to discuss the current Safety Element, shall identify possible inconsistencies with State Law, and shall receive policy direction.
- g) Draft Safety Element – The consultant shall work with City staff, the City Council and the Planning Commission in drafting the update to the Safety Element. Clear concise graphics, charts, and maps are necessary to communicate the policy concepts to the Community. The consultant shall develop a program to encourage public review of draft Safety Element & Environmental/CEQA analysis.
- h) Environmental Review – Completion of all CEQA analysis including the discussion of all issue areas, evaluation of environmental impacts, identification of potential mitigation measures, analysis of appropriate project alternatives, statement of facts & findings, and Statement of Overriding Considerations, if required.
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- j) Adoption of Safety Element – The consultant shall present the Safety Element Update to the Planning Commission at one or more public hearings. Following the hearing(s), the consultant shall make any necessary change to the document in anticipation of presentation to the Council. The consultant shall present the Final Draft of the Safety Element to the Council, having incorporated the public comments received at the Planning Commission.
- k) Preparation of the Final Safety Element – The consultant shall make all necessary revisions to the Safety Element document as a result of public comments during the public review process.
- l) Format of the Final Safety Element – The consultant shall prepare a final, camera-ready copy of the Safety Element text, a copy of the same on a disk in a Word version format. Final Plan text, maps, and illustrations shall be submitted in an electronic format (Adobe pdf).

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- a) A letter of transmittal.
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- d) Qualifications of staff proposed for this assignment.
- e) List of three (3) or more recent references for Safety Element work for the firm & staff proposed for the assignment.
- f) If this is a joint venture, explain in detail the responsibilities of each firm and identify a lead firm & project manager.
- g) Identify the key personnel who would be assigned to the Safety Element Update project and describe their responsibilities and means of notification & coordination with staff for any changes to key personnel during the term of the contract.
- h) State the approach your firm would use on the project, including the following information (This information should be written so that it may be incorporated as an attachment to the consultant professional services agreement.):
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 - II. Scope of Work
 - III. Project Schedule tied to various components, tasks & required timelines.
 - IV. Project management.
 - V. Project budget in a table or other format that clearly shows a breakdown by Work program the components, tasks, and products. Indicate hourly rates of individuals involved, number of hours for each component, task, or product and the fee structure for additional work outside of the contract an any optional items.
 - VI. Include a statement that the firm(s) has sufficient staff resources and capability to perform the work contained with the Request for Proposal with the specified time frame; and
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Proposals may be submitted in person or by mail or electronically to:

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Criteria (in random order)

- a) A high level of professional competence and a proven record in the preparation of Safety Elements & CEQA review;
- b) Experience of personnel proposed to be assigned to the project;
- c) Adequacy & availability of staffing & in-house resources;
- d) Public outreach & education experience of firms & personnel proposed to be assigned to the project & evidence of working successfully with residents and other members of the public in formulating goals & consensus;
- e) Familiarity with local geography & issues;
- f) Review of references;
- g) Evidence of the firm's or consultant team's ability to complete the project in a timely manner; and
- h) Contract fee, as negotiated and ultimately agreed upon.

OTHER SCHEDULED ITEMS

**BELVEDERE CITY COUNCIL
OCTOBER 11, 2021**

To: Mayor and City Council

From: Emily Longfellow, City Attorney

Reviewed by: Craig Middleton, City Manager

Subject: Consideration of Resolution to Continue Remote Public Meetings pursuant to Assembly Bill 361

RECOMMENDATION

That the City Council adopt the Resolution allowing for the continued use of remote meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

BACKGROUND AND DISCUSSION

On March 4, 2020 Governor Newsom issued a proclamation pursuant to Government Code section 8625 declaring a State of Emergency in California due to the COVID-19 pandemic.

The State's open meeting law, the Brown Act, generally requires that local legislative bodies hold open and public meetings where members of the public may attend and participate in-person. Due to the COVID-19 pandemic, Governor Newsom issued a State of Emergency and suspended certain Brown Act requirements, allowing virtual meetings in order to protect the public health. (Executive Orders N-25-20 and N-29-20.) These automatic provisions expired on September 30, 2021.

Because the State of Emergency remains in effect and the continuing COVID-19 pandemic still presents health risks for public meetings, on September 16, 2021, Governor Newsom signed AB 361 that allows local agencies to continue to hold remote public meetings through December 31, 2023. AB 361 amends the Brown Act and allows local agencies to hold remote public meetings when there is a State-declared emergency and under certain conditions, including when state or local officials have recommended social distancing. (Gov. Code, § 54953(e)(1).)

Specifically, Government Code section 54953 as amended by AB 361, provides that during the current and any future State-declared State of Emergency, a local agency may hold remote public meetings in any of three circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Here, staff suggests that the City Council can make the findings to continue to hold remote meetings because there is a continuing State of Emergency, and state and local measures to promote social distancing remain in place. The recommended social distancing measures include the fact that the July 28, 2021 California Department of Public Health Guidance for the Use of Facial Coverings recommending universal masking indoors statewide to promote social distancing, is still in effect. Additionally, the August 2, 2021 Marin County Department of Public Health order requiring the use of masks in indoor public settings to promote social distancing, is still in effect. Finally, on September 22, 2021, the Marin County Director of Health and Human Services, Benita McLarin, recommended continued social distancing for governmental meetings, including the use of video and teleconferencing.

If the Council decides to continue with remote meetings, it is required to make that decision every 30 days following the first meeting. Staff will agendize the same type of resolution at each regular City Council meeting during the pendency of the State of Emergency so that the Council may reconsider these findings every 30 days.

A remote meeting may consist of an all-remote option, or a hybrid option which allows Councilmembers and staff to participate in-person, while the public attends remotely in order to protect public health. The Council may also take no action under AB 361 and direct staff to hold all in-person public meetings.

The proposed draft Resolution for the Council's consideration provides that the City Council and all City legislative bodies will hold all remote meetings at this time.

ENVIRONMENTAL DETERMINATION

A meeting format determination under AB 361 is not a "project" under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065).

CORRESPONDENCE

As of the writing of this report, no correspondence has been received regarding this agenda item.

RECOMMENDED ACTION

That the City Council adopt the Resolution allowing for the continued use of remote meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

ATTACHMENTS

1. Proposed Resolution.

CITY OF BELVEDERE

RESOLUTION NO. 2021-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS TO SUPPORT THE
CONTINUATION OF VIRTUAL PUBLIC CITY MEETINGS DURING THE
CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-19 PANDEMIC**

WHEREAS, on March 4, 2020 Governor Newsom declared a State of Emergency pursuant to Government Code section 8625 due to the COVID-19 pandemic, which State of Emergency remains in effect; and

WHEREAS, State Executive Orders N-25-20 and N-29-20, suspended certain provisions of the Brown Act (Gov. Code, §§ 54950 *et seq.*) to allow public meetings to be held virtually without opening a physical space to the public, which provisions expired September 30, 2021; and

WHEREAS, effective September 16, 2021, Assembly Bill 361, allows local agencies to continue to hold remote public meetings through December 31, 2023 when there is a State-declared emergency and when state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Government Code section 8625 State of Emergency remains in effect; and

WHEREAS, state and local officials continue to impose and recommend measures to promote social distancing due to the continued rates of transmission of the COVID-19 virus and variants as follows:

- a. The July 28, 2021 California Department of Public Health Guidance for the Use of Facial Coverings recommending universal masking indoors statewide to promote social distancing is still in effect; and
- b. The August 2, 2021 Marin County Department of Public Health order requiring the use of masks in indoor public settings to promote social distancing is still in effect; and
- c. On September 22, 2021, the Marin County Director of Health and Human Services, Benita McLarin, issued a letter recommended continued social distancing for governmental meetings, including the use of video and teleconference meetings.

WHEREAS, public meetings involve many people in shared indoor spaces, in close proximity for hours, and City meetings rooms have limited mechanical and natural ventilation, creating a health risk for members of the public at this time; and

WHEREAS, a meeting format determination under AB 361 is not a “project” under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause

a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065.)

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Belvedere based on the findings set forth above and incorporated herein, that public meetings of the City's legislative bodies shall be held using remote technology in compliance with the requirements of Government Code section 54953(e) and all other applicable laws for thirty (30) days following the date of adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on October 11, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk