



**AGENDA
REGULAR MEETING
CITY COUNCIL OF THE TOWN OF COLMA
Wednesday, March 27, 2024
7:00 PM**

The City Council meeting will be held in person in the Council Chambers as detailed below. As a courtesy and technology permitting, the meeting will also be held virtually via Zoom Video Conference. However, the Town cannot guarantee that the public's access to the Zoom virtual platform will be uninterrupted, and technical difficulties may occur from time to time. In those instances, so long as the public may still attend the meeting in person, the meeting will continue.

To attend the meeting in person:

Town Hall, Council Chamber, 1198 El Camino Real, Colma CA 94014

To participate in the meeting via Zoom Video Conference:

Join Zoom Meeting:

<https://us02web.zoom.us/j/81289976261>

Passcode: 074407

Meeting ID: 812 8997 6261

Dial by your location:

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

To provide Public Comment in person:

Members of the public wishing to speak are requested to complete a yellow speaker card and submit it to the City Clerk. Comments should be kept to three minutes or less.

To provide Public Comment via Zoom Video Conference:

Live verbal public comments may be made by requesting to speak using the "raise hand" feature in Zoom or, if calling in by phone, by pressing *9 on the telephone keypad prior to the consent calendar being heard, or prior to the close of the public comment period for agenda items or non-agenda items. In response, the Town will unmute the speaker and allow them to speak up to three minutes.

To provide Public Comment in writing:

Members of the public may provide written comments by email to the City Clerk at abby@colma.ca.gov before the meeting. Emailed comments should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda. The length of the emailed comment should be commensurate with the three minutes customarily allowed for verbal comments, which is approximately 250-300 words.

As a reminder, the Town cannot guarantee that the public's access to the Zoom virtual platform will be uninterrupted, and technical difficulties may occur from time to time. Therefore, if you want to ensure you are able to attend the meeting and/or make public comment, you may wish to attend in person.

PLEDGE OF ALLEGIANCE AND ROLL CALL

ADOPTION OF AGENDA

PRESENTATION

- Citizen Recognition

PUBLIC COMMENTS

Comments on the Consent Calendar and Non-Agenda Items will be heard at this time.
Comments on Agenda Items will be heard when the item is called.

CONSENT CALENDAR

1. Motion to Accept the Minutes from the March 13, 2024 Regular Meeting.
2. Motion Accepting the 2023 Annual Report on the Implementation of the General Plan, Including the Housing Element Pursuant to CEQA Guideline 15378.
3. Motion Approving and Accepting the Development Impact Fee Report for Fiscal Year Ending June 30, 2023 Pursuant to CEQA Guideline 15378.
4. Motion to Adopt a Resolution Amending Colma Administrative Code Section 2.02.040, Relating to Disqualified Persons That Are Ineligible from Becoming a Tenant at the Town's Senior Housing Complex (Creekside Villas) Pursuant to CEQA Guideline 15378.

NEW BUSINESS

5. ESTABLISHING AN ECONOMIC DEVELOPMENT SUBCOMMITTEE

Consider: Motion to Establish a City Council Standing Economic Development Subcommittee and Select Two City Council Members to Serve on the Subcommittee.

STUDY SESSION

6. PROPS AND MEASURES PRESENTATION

This item is for discussion only; no action will be taken at this meeting.

REPORTS

Mayor/City Council

City Manager

ADJOURNMENT

The City Council Meeting Agenda Packet and supporting documents are available for review on the Town's website www.colma.ca.gov or at Colma Town Hall, 1198 El Camino Real, Colma, CA. Persons interested in obtaining an agenda via e-mail should call 650-997-8300 or email a request to citymanager@colma.ca.gov.

Reasonable Accommodation

Upon request, this publication will be made available in appropriate alternative formats to persons with disabilities, as required by the Americans with Disabilities Act of 1990. Any person with a disability, who requires a modification or accommodation to view the agenda, should direct such a request to Juan Rumayor, ADA Coordinator, at 650-997-8300 or jrumayor@colma.ca.gov. Please allow two business days for your request to be processed.

**MINUTES
REGULAR MEETING**

City Council of the Town of Colma
Town Hall Council Chamber
1198 El Camino Real, Colma CA
Also Accessible via Zoom.us
Wednesday, March 13, 2024
7:00 PM

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Goodwin called the meeting to order at 7:02 p.m.

Council Present – Mayor John Irish Goodwin, Vice Mayor Ken Gonzalez, and Council Members Carrie Slaughter, Helen Fisicaro, and Joanne F. del Rosario were present.

Staff Present – City Manager Daniel Barros, City Attorney Christopher Diaz, Chief of Police John Munsey, City Planner Farhad Mortazavi, Interim Administrative Services Director Stuart Schillinger, Recreation Services Manager Angelika Abellana, Interim City Clerk Abigail Dometita, and Administrative Technician Shelby Wright were in attendance.

The Mayor announced, "Regarding Public Comment: Members of the public who are here in person are requested to complete a yellow speaker card and submit it to the City Clerk. Those of you on Zoom may make public comments by using the "raise hand" feature in Zoom or, if calling in by phone, by pressing *9 on the telephone keypad. The City Clerk will unmute your microphone and allow you to speak. Comments should be kept to three minutes or less."

REPORT FROM CLOSED SESSION

The Mayor stated, "No action was taken at tonight's closed session."

ADOPTION OF THE AGENDA

Mayor Goodwin asked if there were any changes to the agenda. None were requested. The Mayor asked for a motion to adopt the agenda.

Action: Council Member del Rosario moved to adopt the agenda; the motion was seconded by Vice Mayor Gonzalez and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor	✓				
Ken Gonzalez	✓				
Carrie Slaughter	✓				
Helen Fisicaro	✓				
Joanne F. del Rosario	✓				
	5	0			

PRESENTATIONS

- The Mayor read a proclamation in honor of March 2024 as Women’s History Month.
- Recreation Services Manager Angelika Abellana presented the award recipients of the 100th Year Anniversary Coloring Contest:
 - Ages 5 and under:
 - Angelo Acosta
 - Juliet Jacildo
 - Ava Sanz
 - Ages 6-8:
 - Holly Hartdegen
 - Cilolee Lee
 - Yuri Young
 - Ages 9-12:
 - Georgia Milo
 - Alexander Yohannes
 - Aiden Acierto-Sansano
 - Ages 13 and up:
 - Allison Mercado

The Mayor called for a short break at 7:11 p.m. for pictures in honor of the award recipients. The meeting resumed at 7:19 p.m.

PUBLIC COMMENTS

Mayor Goodwin opened the public comment period at 7:19 p.m. and seeing no one request to speak, he closed the public comment period.

CONSENT CALENDAR

2. Motion to Accept the Minutes from the February 28, 2024 Regular Meeting.
3. Motion to Approve Report of Checks Paid for February 2024.
4. Motion Accepting the 2023 Surplus Land Annual Inventory Pursuant to CEQA Guideline 15378.
5. Motion Accepting the 2023 Annual Report on the Implementation of the General Plan, Including the Housing Element Pursuant to CEQA Guideline 15378.

Action: Vice Mayor Gonzalez moved to approve consent calendar items #2 through 5; the motion was seconded by Council Member Fisicaro and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor	✓				
Ken Gonzalez	✓				
Carrie Slaughter	✓				
Helen Fiscaro	✓				
Joanne F. del Rosario	✓				
	5	0			

NEW BUSINESS

6. 2024 ADULT HOLIDAY PARTY

Recreation Services Manager Angelika Abellana presented the staff report. The Mayor opened the public comment period at 7:29 p.m. and seeing no one request to speak, he closed the public comment period. Council discussion followed.

Action: Council Member Fiscaro moved to Direct the City Manager to: (1) Plan and Coordinate an Adult Holiday Event in December 2024; (2) Set the Participation Fee for the Adult Holiday Party at \$15 for Adults and \$10 for Seniors and Disabled as Authorized Under Colma Administrative Code Section 2.01.080, All Pursuant to CEQA Guidelines 15301 And 15323.; the motion was seconded by Council Member Slaughter and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor	✓				
Ken Gonzalez	✓				
Carrie Slaughter	✓				
Helen Fiscaro	✓				
Joanne F. del Rosario	✓				
	5	0			

STUDY SESSION

7. ECONOMIC DEVELOPMENT COMMITTEE

City Manager Daniel Barros presented the staff report. The Mayor opened the public comment period at 7:43 p.m. and seeing no one request to speak, he closed the public comment period. Council discussion followed. At 7:52 p.m. the Mayor invited virtual attendee Felicia Leong, President of the Daly City Colma Chamber of Commerce, to comment on Zoom. She made a few remarks and more Council discussion followed.

This item was for discussion only; no action was taken at this meeting.

COUNCIL CALENDARING

The next Regular Meeting will be on Wednesday, March 27, 2024 at 7pm.

REPORTS

City Manager Daniel Barros gave an update on the following topics:

- Home Depot has been issued a permit for temporary shoring. The Town will review a permit for a permanent fix once the temporary work is completed.
- F Street Wall Mural is more than 70% finished. Recognition goes to the Public Works Maintenance department and PD for assisting in the lane closure on F St.
- New concrete, graffiti-coated benches, picnic tables, and trash cans will be installed at Sterling Park.

Mayor Goodwin reported he recently met with BART representatives to discuss constituents' complaints regarding trash in the area.

Vice Mayor Gonzalez shared information regarding a battery backup storage conference at the Cow Palace next Wednesday.

ADJOURNMENT AND CLOSE IN MEMORY

Mayor Goodwin adjourned the meeting at 8:01 p.m. in memory of Luis del Rosario, Jr. eldest brother of Council Member del Rosario.

Respectfully submitted,

Abigail Dometita
Interim City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Farhad Mortazavi APA, City Planner
 VIA: Daniel Barros, City Manager
 MEETING DATE: March 27, 2024
 SUBJECT: 2023 General Plan and Housing Element Annual Report

RECOMMENDATION

Staff recommends that the City Council make the following motion:

MOTION ACCEPTING THE 2023 ANNUAL REPORT ON THE IMPLEMENTATION OF THE GENERAL PLAN, INCLUDING THE HOUSING ELEMENT PURSUANT TO CEQA GUIDELINE 15378

EXECUTIVE SUMMARY

The Town is required to submit an annual report on the implementation of the General Plan and Housing Element to the State. Prior to staff sending the report to the state, the City Council must accept the report.

FISCAL IMPACT

The preparation of the 2023 Annual Report on the status of implementation of the General Plan and Housing Element does not have an impact on the Town's adopted budget.

BACKGROUND

California Government Code Section 65400 requires that an Annual Report be prepared that details the status of implementation of the General Plan and the Housing Element. This report is to be submitted to the City Council, the Governor's Office of Planning and Research (OPR), and the California Department of Housing and Community Development (HCD) before April 1 each year. Previously, on March 13, 2024, the City Council approved the applicable report but with the incorrect attachment. Staff is recommending that the City Council reaccept the report with the correct attachment.

ENVIRONMENTAL

The City Council's action is not a project subject to the California Environmental Quality Act (CEQA) as it is more akin to an administrative function of the Town in reporting housing data to the State with no direct or indirect change in the environment. It is therefore exempt pursuant to State CEQA Guideline 15378 as an administrative activity of the government that will not result in direct or indirect physical changes in the environment.

ANALYSIS

The 2040 Colma General Plan and associated Environmental Impact Report were updated and adopted on March 23, 2022. Some policies of the prior 1999 General Plan were quite outdated and were evidence of the need for an update to the 1999 General Plan. The discussion below highlights actions that have been taken in 2023 regarding each element of the current 2040 General Plan:

Housing Element

No new housing units were built or entitled in Colma in 2023, so many pages of the Annual Housing Report (Attachment A) are blank. Colma continues to provide funding to programs such as the Human Investment Project (HIP), and LifeMoves. These non-profit organizations provide housing related services to Colma and the broader San Mateo County community. Additional information about Housing Element compliance can be found in Tables B and D of the attached Annual Progress Report.

Circulation Element

The Town adopted its first Bicycle and Pedestrian Master Plan (August 23, 2023) that builds on the El Camino Real Bike and Pedestrian Plan, the Serramonte Boulevard/Collins Avenue Master Plan, and the Hillside Boulevard complete streets improvement project.

Land Use Element

No policy implementation occurred this year on the General Plan Land Use Element.

Open Space and Conservation Element

No policy implementation occurred this year on the General Plan Open Space and Conservation Element.

Noise Element

No policy implementation occurred this year on the General Plan Noise Element.

Safety Element

No policy implementation occurred this year on the General Plan Safety Element.

Historical Resources Element

No policy implementation occurred this year on the General Plan Historical Resources Element.

2023-2031 Housing Element

Separate from the 2040 General Plan Update, the Town is required to have an adopted Housing Element for the 2023-2031 housing cycle (6th Cycle) by the statutory deadline of January 31, 2023.

The first draft was submitted to HCD in June 2022 for a 90-day review. After the initial review, HCD provided their comments to the Town. For the second draft, staff made edits to the element, responding to HCD's comments, and included as an attachment a self-certification compliance checklist. The second/final draft of the Housing Element was adopted at a public hearing by City Council on January 25, 2023, and was submitted to HCD for a 60-day second review on January 30, 2023.

Subsequently, the Town's fifth submittal was approved by HCD on November 22, 2023, and the Housing Element Update was approved and adopted by the council on January 10, 2024, and submitted to HCD for certification process on January 11, 2024.

The Surplus Land Act

In early 2023, the Town has compiled an Inventory List consisting of 10 properties, nine of which do not meet the definition of surplus land and are considered non surplus land per the HCD's definition. With the sale of the Mission Road condominium last year, the list now consists of nine properties, with all nine enlisted as non-surplus properties.

Council Adopted Values

The Annual Report on the General Plan complies with the Council's commitment to *Responsibility* through the periodic review of the implementation of adopted policies and programs.

Sustainability Impact

A motion to accept the 2023 annual report on the implementation of the general plan will have no impact on sustainability.

Alternatives

The City Council could take no action. Doing so is not recommended, as the Town would not be in compliance with the requirements of Government Code Section 65400 to submit an annual report.

CONCLUSION

Staff recommends that the City Council, by motion, accept the 2023 Annual Report on the status of Implementation of the General Plan and Housing Element.

ATTACHMENTS

A. 2023 Annual Element Progress Report, Tables A-K



Please Start Here

General Information	
Jurisdiction Name	Colma
Reporting Calendar Year	2023
Contact Information	
First Name	Farhad
Last Name	Mortazavi
Title	City Planner
Email	fmortazavi@colma.ca.gov
Phone	6507578896
Mailing Address	
Street Address	1198 El Camino Real
City	Colma
Zipcode	94014

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

[Click here to download APR Instructions](#)

Click here to add rows to a table. If you add too many rows, you may select a cell in the row you wish to remove and type ctrl + d.

Optional: This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

Optional: Save before running. This copies data on Table A2, and creates another workbook with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is reopened.

Optional: This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: <https://apr.hcd.ca.gov/APR/login.do>

Submittal Instructions

Please save your file as Jurisdictionname2022 (no spaces). Example: the city of San Luis Obispo would save their file as SanLuisObispo2022

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. Online Annual Progress Reporting System - Please see the link to the online system to the left. This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. Email - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

Jurisdiction	Colma	
Reporting Year	2023	(Jan. 1 - Dec. 31)
Housing Element Planning Period	6th Cycle	01/31/2023 - 01/31/2031

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units		0

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
Single-family Attached	0	0	0
Single-family Detached	0	0	0
2 to 4 units per structure	0	0	0
5+ units per structure	0	0	0
Accessory Dwelling Unit	0	0	0
Mobile/Manufactured Home	0	0	0
Total	0	0	0

Infill Housing Developments and Infill Units Permitted	# of Projects	Units
Indicated as Infill	0	0
Not Indicated as Infill	0	0

Housing Applications Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions - Applications	
Number of SB 35 Streamlining Applications	0
Number of SB 35 Streamlining Applications Approved	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Streamlining Provisions Used - Permitted Units	# of Projects	Units
SB 9 (2021) - Duplex in SF Zone	0	0
SB 9 (2021) - Residential Lot Split	0	0
AB 2011 (2022)	0	0
SB 6 (2022)	0	0
SB 35 (2017)	0	0

Ministerial and Discretionary Applications	# of Applications	Units
Ministerial	0	0
Discretionary	0	0

Density Bonus Applications and Units Permitted	
Number of Applications Submitted Requesting a Density Bonus	0
Number of Units in Applications Submitted Requesting a Density Bonus	0
Number of Projects Permitted with a Density Bonus	0
Number of Units in Projects Permitted with a Density Bonus	0

Housing Element Programs Implemented and Sites Rezoned	Count
Programs Implemented	32
Sites Rezoned to Accommodate the RHNA	0

Jurisdiction	Colma	
Reporting Year	2023	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B Regional Housing Needs Allocation Progress Permitted Units Issued by Affordability														
		1	2										3	4
Income Level		RHNA Allocation by Income Level	Projection Period - 06/30/2022- 01/30/2023	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	44	-	-	-	-	-	-	-	-	-	-	-	44
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	
Low	Deed Restricted	25	-	-	-	-	-	-	-	-	-	-	-	25
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	
Moderate	Deed Restricted	37	-	-	-	-	-	-	-	-	-	-	-	37
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	
Above Moderate		96	-	-	-	-	-	-	-	-	-	-	-	96
Total RHNA		202												
Total Units			-	-	-	-	-	-	-	-	-	-	-	202
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5											6	7
Extremely low-Income Need			2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		22	-	-	-	-	-	-	-	-	-	-	22	

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Jurisdiction	Colma
Reporting Year	2023 (Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
<p>Program 1.1 Provide regulatory incentives to facilitate manufactured housing development in single-family residential zoning designations.</p>	<p>Allows for construction of single family residences at lower costs, thereby reducing the cost of housing.</p>	<p>Annually starting in 2024 through 2031.</p>	<p>Ordinance 720 adopted in 2013. Manufactured homes are permitted as single-family dwellings in compliance with Government Code Section 65852.3(a).</p>
<p>Program 1.2 General Plan Consistency Review and Annual Report</p>	<p>Increase awareness to decision makers of annual progress toward meeting Housing Element Goals.</p>	<p>Continue internal consistency review annually from 2023 to 2031 and make reports available to the public.</p>	<p>Continue internal consistency review annually and make report available to the public.</p>
<p>Program 2.1 Second Unit Ordinance</p>	<ul style="list-style-type: none"> •To increase the number of second units/ADU/JADU by the end of 2031. • Starting in 2023, one (1) second units/ADUs/JADUs every two years (four total in planning period). 	<ul style="list-style-type: none"> •Update the Second Unit ordinance prior to the end of 2023. • Create outreach materials and objective design standards prior to the end of 2023. 	<p>The Accessory Dwelling Unit (ADU) Ordinance was adopted in 2017, and was updated as part of the comprehensive zoning code update on January 24, 2024. The Object Design Standards for ADUs was included in the comprehensive update to the Zoning Code to be effective on March 15, 2024. The Town provides an ADU checklist and other ADU resources on the Town website.</p>
<p>Program 2.2 Accessory Dwelling Units</p>	<ul style="list-style-type: none"> •To increase the number of completed ADU/JADU by the end of 2031. • Starting in 2023, one (1) second units/ADUs/JADUs every two years (four total in planning period). • To have annual outreach materials, surveys, and housing-related workshops to highlight ADUs/JADUs and provide updates to state legislation (if changes have been made) beginning in 2024. 	<ul style="list-style-type: none"> • Apply for grants by end of 2027, at least every two years thereafter. • Conduct first survey by end of 2025, annually thereafter. • Develop outreach materials by 2025 (to go with survey), annually thereafter. <p>Outreach materials will include notice of residents and property owners of ADU/JADU eligibility.</p> <ul style="list-style-type: none"> • If no ADU applications have been processed by end of 2027, begin targeted lot analysis and outreach in 2028, with outreach concluding by end of 2029. 	<p>No ADUs have been applied for at this time.</p>

<p>Program 3.1 Develop Objective Development and Design Standards for Planned Development Districts and create Administrative Approval Process.</p>	<p>For each commercial, and residential project, review and analyze the optimization of developable land: The .41-acre site on El Camino Real and Collins Avenue, at least 12 residential units. The .72-acre site on Collins Avenue near El Camino Real, at least 17 residential units. • Removes any constraints from requiring high-density residential or mixed-use projects to undergo a discretionary review process. • Establishes objective development and design standards and administrative processing procedures that will streamline the housing review process for high-density residential and mixed-use projects in PD Districts.</p>	<p>Starting in 2023 through 2031 and as inquiries are presented</p>	<p>The City Council approved a comprehensive zoning code update on January 24, 2024 that included objective design standards that would apply to residential projects consisting of multi-family residential units only or mixed-use buildings within the "PD" and "C" Zone Districts. The ordinance will be effective on March 15, 2024.</p>
<p>Program 3.2 Update the Town's Density Bonus Provisions to Stay Consistent with State Density Bonus Law.</p>	<p>A total of 22 extremely low-, 22 very low-, and 25 low income affordable units by the end of 6th Housing Element cycle.</p>	<p>Annual review of the State's Density Bonus Law and update the Town's Ordinance as needed. The first assessment and, if necessary, update will take place by the end of 2023.</p>	<p>The City Council approved a comprehensive zoning code update on January 24, 2024 that included updates to Chapter XIV. Housing Density Bonus of the Zoning Code. The ordinance will be effective on March 15, 2024.</p>
<p>Program 3.3 High-Density Housing Near Colma and South San Francisco BART Stations</p>	<p>•Vacant parcels that are located near BART stations, encourage development to be over 30 du/ac. • Updated parking standards will facilitate in feasibility of high-density development near the BART station. • Remove constraints for projects that meet all characteristics for a Categorical Exemption under CEQA for infill development projects. • At 7733 El Camino Real, at least 16 total housing units, but encourage more. • At 7778 El Camino Real, at least 15 total housing units, but encourage more.</p>	<p>Starting in 2023, annually review state legislature and update Town's ordinance as needed. The first zoning amendments will take place by the end of 2023. Outreach will begin in 2024, and will include mailings (to both address and owner address, if different) as well as an open house at Town Hall once every two years.</p>	<p>The City Council approved a comprehensive zoning code update on January 24, 2024. The ordinance will be effective on March 15, 2024. Outreach will begin in 2024.</p>
<p>Program 3.4 Inclusionary Housing.</p>	<p>Develop a total of 22 extremely low-, 22 very low-, and 25 low-income units by the end of 6th Housing Element cycle.</p>	<p>Starting in 2023, and annually through 2031.</p>	<p>Ongoing enforcement of existing ordinance and standards.</p>
<p>Program 3.5 Establish a Housing Element Overlay Zone</p>	<p>By the end of the 6th Housing Element cycle, to have built 22 extremely low-, 22 very low, 25 low, 37 moderate, and 96 above-moderate units for a total of 202 units.</p>	<p>2023 through 2031. This overlay will go into effect once the 6th cycle Housing Element is adopted by City Council and certified by HCD, with the zoning code amended by the end of 2023.</p>	<p>The Town of Colma's creation of a Housing Element Overlay Zone District (HEO) is in response to the State of California's required Regional Housing Needs Allocation mandating an additional 202 units of mixed-income level housing during the 2023 – 2031 period by removing constraints to developing housing on the five opportunity sites in town. The City Council approved a comprehensive zoning code update on January 24, 2024, that included the HEO Zone District. The ordinance will be effective on March 15, 2024.</p>

Program 3.6 Streamlining Ministerial Review Process for SB 35 projects	Ease development of multifamily housing in Colma.	Develop streamlining procedures by 2026.	To be developed.
Program 3.7: Remove 6-unit Limit	Ease development of multifamily housing in Colma.	Amend the Zoning code by the end of 2023.	The City Council approved a comprehensive zoning code update on January 24, 2024. The ordinance will be effective on March 15, 2024.
Program 3.8: Revise Parking Standards	Ease development of smaller units in multifamily housing in Colma.	Amend the Zoning code by the end of 2023.	The City Council approved a comprehensive zoning code update on January 24, 2024. The ordinance will be effective on March 15, 2024.
Program 4.1 Reasonable Accommodations Ordinance Public Information, Ordinance Amendment and Monitoring	To ensure that reasonable accommodation is made for individuals to have equal access to housing.	Ongoing. Amend ordinance to clarify fee by end of 2023, and review annually.	The City Council approved a comprehensive zoning code update on January 24, 2024, that included updates to the Reasonable Accommodations Ordinance. The ordinance will be effective on March 15, 2024.
Program 4.2 Expand Senior Housing Opportunities.	<ul style="list-style-type: none"> To preserve 18 very low units as affordable housing for seniors within the community. To integrate senior housing into mixed-use and high density developments in areas that are suitable for more modest income seniors. 	Ongoing, with maintenance and management provided as appropriate (annually/monthly) from Housing Element adoption	Town of Colma Administration and the Department of Public Works are responsible for maintenance/management of the Creekside Villas, an 18-unit Senior Housing Complex. The Planning Department will continue to work with developers to integrate senior housing into new housing development projects.
Program 4.3 Identify Opportunities for Emergency Shelters and Homeless Assistance.	<ul style="list-style-type: none"> Promote housing and services for homeless individuals by supporting agencies such as LifeMoves. 	Ongoing, with outreach tasks as defined in "Tasks & Responsibilities". The town will amend 5.03.290(d)(2)(iv) by the end of 2023.	The City Council approved the zoning code updates on January 24, 2024. The ordinance will be effective on March 15, 2024. The Planning and Building Departments will continue to provide potential developers of emergency shelters with zoning and building permit information.
Program 4.4 Housing Opportunities for Persons with Developmental Disabilities	<ul style="list-style-type: none"> Provide equal opportunity for segmented groups with developmental disabilities to be able to live independently in an affordable housing. Supports a variety of housing types to help address needs of persons with developmental disabilities. Identifies unmet needs to overcome any constraints, including lack of capacity and available resources for segmented groups. 	<ul style="list-style-type: none"> Providing housing opportunities on an ongoing basis Implement identification of areas where community based housing could exist and create outreach programs by end of 2025 Amend zoning code by end of 2023. 	The City Council approved a comprehensive zoning code update on January 24, 2024, that included updates for the location of group homes. The ordinance will be effective on March 15, 2024. The Planning Department will continue outreach efforts within the community to identify housing and service needs for persons with developmental disabilities, and implement the program by 2025.
Program 4.5 Low-Barrier Navigation Centers	<ul style="list-style-type: none"> Identify areas where Low-Barrier Navigations could exist Support temporary housing types to help address the needs of those who are homeless or at risk of homelessness. 	Amend the zoning code prior to the end of 2023.	The City Council approved a comprehensive zoning code update on January 24, 2024, that included updates for the location of low-barrier navigation centers. The ordinance will be effective on March 15, 2024.
Program 4.6 Transitional and Supportive Housing	<ul style="list-style-type: none"> Ease development of transitional and supportive housing for special needs populations 	Amend the zoning code prior to the end of 2023. Begin outreach in 2024, annually thereafter.	The City Council approved a comprehensive zoning code update on January 24, 2024, that included updates for the location of transitional and supportive housing (as a residential use). The ordinance will be effective on March 15, 2024. The Planning Department will begin outreach efforts and update the City's website with the new zoning provisions.

<p>Program 4.7: Priority Sewer Access</p>	<ul style="list-style-type: none"> Ease development of lower-income units. 	<p>Send housing element to Cal Water and South San Francisco upon housing element certification and subsequent adoption. Establish procedures by end of 2025.</p>	<p>The Housing Element was sent to Cal Water and the South San Francisco the agency with a cover letter explaining the need to prioritize service for lower-income units.</p>
<p>Program 5.1 Knowledgeable Housing Referral.</p>	<p>Increase public awareness of fair housing laws and requirements.</p>	<p>Update lists of major agencies and organizations active in housing related services (annually). Outreach posters posted quarterly, beginning in Q3 2024. The first outreach event will be conducted by the end of 2025.</p>	<p>To be developed for implementation in Q3 2024.</p>
<p>Program 5.2 Human Investment Project (HIP) Support.</p>	<p>Support better utilization and maintenance of existing housing stock and provides affordable housing.</p>	<p>Ongoing implementation of existing program. Annual outreach to HIP Housing.</p>	<p>Planning Department is responsible for the ongoing management of the existing program. City Council responsible for the approval of any monetary support.</p>
<p>Program 5.3 Section 8 Rental Assistance.</p>	<ul style="list-style-type: none"> Continues to encourage qualified persons to participate in Section 8 Rental Assistance. Ensures that information is provided to qualified applicants to provide equal access to housing. 	<ul style="list-style-type: none"> Ongoing implementation of existing program. Bi-annual assessment of program and coordination with landlords 	<p>Information on application dates and contacts is distributed by the Planning Department on an ongoing basis. The Planning Department is responsible for the ongoing management of the existing program.</p>
<p>Program 5.4 Address Needs of Extremely Low-Income Households.</p>	<p>Assists developers and property owners in making affordable units available, which, in turn, provides equal housing opportunities to segmented groups</p>	<p>Ongoing. Meetings with property owners and nonprofit developers on an annual basis. Planning Department Staff participated in several panel discussions and interacted with developers and housing advocates as part of the 21 Elements process to prepare this Housing Element. Additional actions as per notes per numbered list.</p>	<p>The Planning Department will schedule and hold the first annual meeting in 2024.</p>
<p>Program 5.5 Demonstrate consistency with the Employee Housing Act.</p>	<ul style="list-style-type: none"> To ensure that the Town is consistent with the Employee Housing Act. Support various housing types to help address the needs of employees in Colma 	<p>Amend the zoning code prior to the end of 2023.</p>	<p>To be completed with next Zoning Code update in 2024.</p>
<p>Program 5.6 Single Room Occupancy (SRO Housing)</p>	<p>To ensure that reasonable accommodation is made for individuals to have equal access to housing.</p>	<p>Amend the zoning code prior to the end of 2023.</p>	<p>The City Council approved a comprehensive zoning code update on January 24, 2024. The ordinance will be effective on March 15, 2024.</p>

Jurisdiction	Colma	
Reporting Period	2023	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

**Table F
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)**

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD at apr@hcd.ca.gov and we will unlock the form which enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺ . For detailed reporting requirements, see the checklist here: https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	Colma	
Reporting Period	2023	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code 65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Not
Cells in g

Table J												
Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915												
Project Identifier			Project Type	Date	Units (Beds/Student Capacity) Approved							
1			2	3	4							
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SH - Student Housing)	Date	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income
Summary Row: Start Data Entry Below												

Jurisdiction	Colma	
Reporting Period	2023	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Table K
Tenant Preference Policy

Local governments are required to inform HCD about any local tenant preference ordinance the local government maintains when the jurisdiction submits their annual progress report on housing approvals and production, per Government Code 7061 (SB 649, 2022, Cortese). Effective January 1, 2023, local governments adopting a tenant preference are required to create a webpage on their internet website containing authorizing local ordinance and supporting materials, no more than 90 days after the ordinance becomes operational.

Does the Jurisdiction have a local tenant preference policy?	No	
If the jurisdiction has a local tenant preference policy, provide a link to the jurisdiction's webpage on their internet website containing authorizing local ordinance and supporting materials.		
Notes		

Jurisdiction	Colma
Reporting Year	2023 (Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Local Early Action Planning (LEAP) Reporting
 (CCR Title 25 §6202)

Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.

Total Award Amount	\$ 65,000.00	Total award amount is auto-populated based on amounts entered in rows 15-26.
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Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes
6th Cycle Housing Assessment	\$5,000.00		Completed	REAP	LEAP reimbursement has not been requested. An extension is pending to allow staff time to document the completed tasks for reimbursement.
Site Rezoning/zoning text amendments	\$4,000.00		Completed	Local General Fund	
6th Cycle Housing Element Prep	\$50,000.00		Completed	REAP	
6th Cycle CEQA Documents	\$10,000.00		Completed	REAP	
6th Cycle public outreach and hearings	\$2,000.00		Completed	REAP	
6th Cycle housing Element adoption	\$0.00		Completed	None	
Housing Element Implementation ord./forms	\$2,000.00		In Progress	Local General Fund	

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Total Units		0

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Total Units		0

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Total Units		0





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Stuart Schillinger, Interim Administrative Services Director
 VIA: Daniel Barros, City Manager
 MEETING DATE: March 27, 2024
 SUBJECT: FY 2022-23 Development Impact Fee Report (AB 1600)

RECOMMENDATION

Staff recommends that the City Council make the following motion:

APPROVING AND ACCEPTING THE DEVELOPMENT IMPACT FEE REPORT FOR FISCAL YEAR ENDING JUNE 30, 2023 PURSUANT TO CEQA GUIDELINE 15378

EXECUTIVE SUMMARY

State law requires any local agency that imposes development impact fees to prepare an annual report providing specific information about those fees. Therefore, in accordance with the provision of the California Government Code, Section 66006(b), this Development Impact Fee Report for the Town of Colma is being filed accordingly for the fiscal year ending June 30, 2023.

As of 2022-23, the Town's only development impact fee is the Housing Impact Fee and, therefore, will comply with AB 1600 requirements with the acceptance and posting of this report. For purposes of completeness and thoroughness, the report also includes information regarding the Park In-Lieu Fee and the Housing In-Lieu Fee, which are both exempt from the Mitigation Fee Act. The report was made available to the public on March 12, 2024.

FISCAL IMPACT

This is for reporting purposes and does not have a fiscal impact.

BACKGROUND

Development impact fees are charged by local governmental agencies in connection with approved development projects. The purpose of these fees is to defray all or a portion of the cost of public facilities related to the development projects, implementing the projects' "fair share" of the cost of the capital improvements project consistent with the general plan. The legal requirements for enactment of a development impact fee program are set forth in Government Code Sections 66000-66025 (the "Mitigation Fee Act"), the bulk of which was adopted in 1987 as AB 1600.

The Mitigation Fee Act regulates how public agencies collect, maintain and spend impact charges and fees imposed on developers for the purpose of defraying costs of public facilities. The Act includes requirements for accounting, expending and reporting charges, fees and related interest earnings.

The Town collects the following types of fees in connection with development:

<u>Date of Adoption</u>	<u>Ordinance No.</u>	<u>Fee authorized</u>
March 14, 2006	641	Park Land Dedication (Park In-Lieu)
September 28, 2016	639	Housing In-Lieu Fee Housing Impact Fee

The Housing Impact Fee is the only fee that is subject to annual reporting under the Mitigation Fee Act. The Park In-Lieu fee is classified as a "Quimby Act" fee (Government Code §§ 66477) and is expressly excluded from the Mitigation Fee Act per Section 66000(b). The Town's inclusionary (affordable) housing requirement for for-sale residential development provides developers' a voluntary option to pay the Housing In-Lieu Fee (CMC Section 5.12.040). As such, the Housing In-Lieu Fee is not an exaction and is not subject to the Mitigation Fee Act. (*616 Croft Ave., LLC v. City of West Hollywood*, 3 Cal.App.5th 621, 630 (2016).) The Park In-Lieu Fee and Housing In-Lieu Fee are included in this staff report for informational purposes only and are not subject to annual reporting requirements under the Mitigation Fee Act.

This Annual Report must also be reviewed by the City Council at a regularly scheduled public meeting. In addition, notice of the time and place of the meeting shall be mailed at least 15 days prior to the meeting to any interested party who files a written request with the local agency. On January 10, 2024 the Building Industry Association (BIA) requested to be notified about this agenda item. We sent a copy of the report to them on March 12, 2024. The attached annual report consists of Attachment A that presents the revenues, expenditures, and fund balances for the Housing Impact Fee.

ANALYSIS

As required by the Mitigation Fee Act, impact fees must be segregated from the General Fund and accounted for in special revenue funds. Government Code Section 66006 requires that the City make available to the public information regarding development impact fees for each fund within 180 days after the end of each fiscal year:

- A brief description of the fee and the fund into which the fee was deposited;
- The amount of the fee;
- The associated fund's beginning and ending balances for the fiscal year;
- The total amount of fees collected, and interest earned;
- Identification of each public improvement on which impact fees were expended and the amount of expenditure on each improvement, including the total percentage of the cost of the public improvement that was funded with impact fees;
- Identification of the approximate date by which construction of a public improvement will commence if the local agency determined that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete;

- An identification of each public improvement identified in a previous report and whether construction began on the approximate date noted in the previous report;
- For a project identified above for which construction did not commence by the approximate date provided in the previous report, the reason for the delay and a revised approximate date that the local agency will commence construction.
- A description of each interfund transfer or loan made from an account or fund; and
- The amount of refunds made and any allocations pursuant to subdivision (f) of Section 66001. (Attachment A)

Further, Government Code Section 66001(d) also requires that findings describing the continuing need for impact fees be made the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, specifying the intended use of any unexpended impact fees, regardless of whether the fees are committed or uncommitted. Failure to make such findings subjects the City to going through a refunding procedure. The Housing Impact Fee was adopted in 2016, and the first deposits were made in 2018, so there is no need to make those additional findings at this time.

In 2022-23, the Town collected \$0 of Park In-Lieu Fees, \$0 of Housing In-Lieu Fees and \$0 of Housing Impact Fee. For reference, below is the fund information for the Park In-Lieu Fee and the Housing In-Lieu Fee. Information regarding the Housing Impact Fee is included in the FY 2022-23 Development Impact Fee Report (Attachment A).

PARK LAND DEDICATION (PARK IN-LIEU)

Balance at 7/1/2022		\$	0
2022-23 Fee Revenues			0
2022-23 Capital Spending/Encumbrance	Project Budget	Actual Spending	
None			0
Interfund Transfers			0
Balance at 6/30/2023		\$	0

HOUSING IN-LIEU FEE*

Balance at 7/1/2022		\$	210,520
2022-23 Fee Revenues			0
2022-23 Interest Revenue			2,445
2022-23 Spending/Encumbrance	Project Budget	Actual Spending	
None	0		0
Interfund Transfers			0
Balance at 6/30/2023		\$	212,965

This report meets the requirements to comply with the Mitigation Fee Act.

Reasons for the Recommended Action

Receipt of this report complies with the Mitigation Act.

Council Adopted Values

By accepting and publishing this report on the Town's website, the Town is showing its commitment to being transparent and accountable in its use of development impact fees. This is in alignment with the *fairness* and *responsibility* attributes of the City Council adopted value-based code of conduct.

Alternatives

1. Make alternations to the report for understandability. Please note, the amounts cannot be altered.
2. Direct staff to post the report in additional public locations.

CONCLUSION

Staff recommends the City Council approve and accept the report.

ATTACHMENTS

- A. FY 2022-23 Development Impact Fee Report



DEVELOPMENT IMPACT FEE REPORT FOR FISCAL YEAR ENDED JUNE 30, 2023

This report provides an overview and summarized information on the Town's Development Impact Fees for Fiscal Year Ending June 30, 2023.

HOUSING IMPACT FEE

FEE DESCRIPTION: The Housing Impact Fee is required to be paid by a developer of a for-rent residential development of five or more units and for non-residential/commercial development over 5,000 square feet (CMC Sections 5.12.050 and 5.12.060). In accordance with CMC Sections 5.12.010 and 5.12.030, monies deposited in the Housing Fund along with any interest earnings on such monies shall be used solely to increase and improve the supply of housing affordable to households of moderate-, low- and very low-income households in the Town and in northern San Mateo County.

FEE AMOUNT: The impact fees can be found in Subchapter 1.10 of the Colma Administrative Code, Master Fee Schedule, and are listed below for each of the different types of development.

Residential Use	Fee per Square Foot of Net New Floor Area
Single Family Detached Home	\$10.00
Townhouses, Duplexes and Triplexes	\$ 15.00
Apartments and Condominiums	\$ 15.00
Non-Residential Use (Only applies to developments over 5,000 sf)	Fee per Square Foot of Net New Floor Area
Hotel	\$5.00
Retail, Restaurants and Services	\$5.00
Office, Medical Office and Research and Development Uses	\$5.00

FUND BALANCE*

Balance at 7/1/2022		\$ 66,735
2022-23 Fee Revenues		-
2022-23 Interest Revenue		775
2022-23 Spending/Encumbrance	<u>Project Budget</u>	<u>Actual Spending</u>
None	-	-
Interfund Transfers		-
Balance at 6/30/2023		<u>\$ 67,510</u>

PUBLIC IMPROVEMENTS:

The fund balance has not been expended on any public improvements for fiscal year ending June 30, 2023.

APPROXIMATE DATE THE CONSTRUCTION OF THE PUBLIC IMPROVEMENT WILL COMMENCE:

The approximate date by which the construction of the public improvements identified in Colma Municipal Code Section 5.12.030 will commence is unknown at this time as sufficient funds have not been collected to complete financing on the incomplete public improvements. Additionally, no findings are required as detailed in Government Code Section 66006(b)(1)(F) subsection (ii) and (iii), as no public improvements, nor a date when construction would commence, was identified in the previous report from the prior financial year. The City received the funds in July 2018 or Fiscal Year 2018/19.

INTERFUND TRANSFERS OR LOANS:

No interfund transfer or loan from the fund has occurred this financial year.

REFUNDS/ALLOCATIONS:

No refunds or allocations have been made this financial year.



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Christopher J. Diaz, City Attorney
 VIA: Daniel Barros, City Manager
 MEETING DATE: March 27, 2024
 SUBJECT: Amendment to Colma Administrative Code Section 2.02.040

RECOMMENDATION

The City Council should adopt the following:

RESOLUTION AMENDING COLMA ADMINISTRATIVE CODE SECTION 2.02.040, RELATING TO DISQUALIFIED PERSONS THAT ARE INELIGIBLE FROM BECOMING A TENANT AT THE TOWN'S SENIOR HOUSING COMPLEX (CREEKSIDE VILLAS) PURSUANT TO CEQA GUIDELINE 15378

EXECUTIVE SUMMARY

The proposed resolution would amend Colma Administrative Code Section 2.02.040 to modify the language associated with the type of individuals who would be disqualified and ineligible to rent a unit at the Town's Senior Housing Complex, otherwise known as Creekside Villas located at 1180 El Camino Real. In particular, the proposed amendment would clarify the types of actions that would disqualify a current or former official or employee from being able to rent a unit at Creekside Villas.

FISCAL IMPACT

The City Council's adoption of the resolution would have minimal financial impact primarily related to Town staff time in drafting any changes the existing Administrative Code provisions. No other expenses are associated with this agenda item.

BACKGROUND

On February 28, 2024, the City Council held a study session to discuss the existing Creekside Villas housing complex policy contained at CAC Subchapter 2.02 and analyzed whether to make any adjustments to the eligibility rules contained at CAC Section 2.02.040. In particular, the City Council studied whether to modify the existing one year prohibition for former Town employees and officials to be eligible to rent at Creekside Villas if for one year prior to the date of application for tenancy, the employee or official had policy making authority or influence over implementation of the housing program. The City Council also explored whether any changes should be made to

the provision regarding current Town officials and employees from being ineligible to rent at Creekside Villas.

At the conclusion of that study session, the City Council provided direction to staff to revise the existing Senior Housing Complex policy to require some action or influence by either current or former Town officials and employees. The City Council specifically requested revisions to make it clear that a current or former Town official or employee should have to wait a full 12 months (consistent with the 12 month conflict of interest window provided for in the Fair Political Practices Commission regulations) to be eligible to rent at Creekside Villas if that official or employee engaged in actual policy making action or otherwise actually influenced the housing program.

ANALYSIS

The Senior Housing Complex Policy and Disqualified Persons

Current CAC Section 2.02.040 indicates the following individuals are disqualified or ineligible to rent at the Creekside Villas senior housing complex:

1. All employees and officials of the Town who, by virtue of their position, have policy making authority or influence over the implementation of the housing program;
2. All former employees and officials of the Town who, by virtue of their position or relationship, for one year prior to the date of application for tenancy, had policy-making authority or influence over the implementation of the housing program;
3. The spouse or dependents of any employee or official described in the two preceding paragraphs.

Per Council direction, amendments are being proposed to items 1 and 2 above as follows:

1. All employees and officials of the Town for a one year period running from the date that the employee or official engaged in actual policy-making regarding the housing program or actually influenced the implementation of the housing program. Town employees who engage in ongoing decisions regarding the housing program, as evidenced by their job description or their ongoing job duties, are ineligible to become a tenant in the Senior Housing Complex.
2. All former employees and officials of the Town for a one year period running from the date that the then employee or official engaged in actual policy-making regarding the housing program or actually influenced the implementation of the housing program.

Council Adopted Values

The City Council's adoption of the resolution is consistent with the value of *Fairness* and *Responsibility* as it is fair to reevaluate and revise past policies and it is also responsible as the revisions to the policy are consistent with current state law.

Alternatives

The City Council could choose not to adopt the resolution or seek modifications to the revised language.

ENVIRONMENTAL

The City Council's adoption of the resolution is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378 as it would constitute organizational or administrative changes that do not result in direct or indirect changes in the environment.

CONCLUSION

The City Council should adopt the resolution amending Colma Administrative Code Section 2.02.040.

ATTACHMENTS

- A. Resolution
- B. February 28, 2024 Staff Report and Related Attachments



RESOLUTION NO. 2024-__
OF THE CITY COUNCIL OF THE TOWN OF COLMA

**RESOLUTION AMENDING COLMA ADMINISTRATIVE CODE SECTION 2.02.040,
RELATING TO DISQUALIFIED PERSONS THAT ARE INELIGIBLE FROM
BECOMING A TENANT AT THE TOWN’S SENIOR HOUSING COMPLEX
(CREEKSIDE VILLAS) PURSUANT TO CEQA GUIDELINE 15378**

The City Council of the Town of Colma hereby resolves:

ARTICLE 1. CAC SECTION 2.02.040 AMENDED

Section 2.02.040 of Subchapter 2.02, Senior Housing Complex, is hereby amended as follows:

2.02.040. Disqualified Persons.

(a) The following individuals are ineligible to become a tenant in the Senior Housing Complex:

(i) All employees and officials of the Town for a one year period running from the date that the employee or official engaged in actual policy-making regarding the housing program or actually influenced the implementation of the housing program. Town employees who engage in ongoing decisions regarding the housing program, as evidenced by their job description or their ongoing job duties, are ineligible to become a tenant in the Senior Housing Complex.

(ii) All former employees and officials of the Town for a one year period running from the date that the former employee or official engaged in actual policy-making regarding the housing program or actually influenced the implementation of the housing program.

(iii) The spouse or dependents of any employee or official described in the two preceding paragraphs.

(b) A person who was not disqualified under the foregoing at the time he or she first became a tenant in the Senior Housing Complex shall not thereafter become disqualified as a tenant solely by virtue of the subsequent relationship or position of such person, his or her spouse, or his or her dependent, as a Town employee or official.

ARTICLE 2. SEVERABILITY

Each of the provisions of this resolution is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this resolution.

ARTICLE 3. CEQA

The City Council’s adoption of the resolution is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378 as it would

constitute organizational or administrative changes that do not result in direct or indirect changes in the environment.

ARTICLE 4. EFFECTIVE DATE

This resolution shall take effect immediately upon adoption.

Certification of Adoption

I certify that the foregoing Resolution No. 2024-__ was duly adopted at a regular meeting of the City Council of the Town of Colma held on March 27, 2024, by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
John Irish Goodwin					
Ken Gonzalez					
Carrie Slaughter					
Helen Fiscaro					
Joanne del Rosario					
<i>Voting Tally</i>					

Dated _____

John Irish Goodwin, Mayor

Attest: _____
Abigail Dometita, Interim City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Dan Barros, City Manager
 Christopher J. Diaz, City Attorney
 MEETING DATE: February 28, 2024
 SUBJECT: Creekside Villas Rental Policy Review

RECOMMENDATION

None. This item is a study session. Council is being asked to provide staff with comments, questions, and feedback.

EXECUTIVE SUMMARY

At the December 13, 2023 City Council meeting, a councilmember inquired about the City Council revisiting the eligibility requirements for former councilmembers who may want to rent a unit at Creekside Villas. Creekside Villas is Town owned senior housing complex located at 1180 El Camino Real. The policy indicating who is eligible to rent at Creekside Villas is contained at Colma Administrative Code (CAC) Subchapter 2.02 and a copy is included with this agenda item. The policy currently indicates that former Town employees and officials are ineligible to become tenants at Creekside Villas, if for one year prior to the date of application of tenancy, the employee or official had policy-making authority or influence over implementation of the housing program.

FISCAL IMPACT

The City Council's discussion of the Creekside Villas housing policy and/or its direction to make any changes would have a minimal financial impact primarily related to Town staff time in drafting any changes. No other expenses are associated with the discussion of this policy.

BACKGROUND

At the March 10, 2021 City Council meeting, the City Council held a study session to discuss the existing Creekside Villas housing complex policy contained at CAC Subchapter 2.02 and analyzed whether to make any adjustments to the eligibility rules contained at CAC Section 2.02.040. In particular, the City Council studied whether to modify the existing one year prohibition for all former Town employees and officials to be eligible to rent at Creekside Villas if for one year prior to the date of application for tenancy, the employee or official had policy making authority or influence over implementation of the housing program.

At a recent December 13th City Council meeting, a councilmember asked the City Manager to agendaize another study session so the City Council can further study the eligibility requirements for former councilmembers who may want to rent a unit at Creekside Villas.

ANALYSIS

The Senior Housing Complex Policy and Disqualified Persons

CAC Section 2.02.040 indicates the following individuals are disqualified or ineligible to rent at the Creekside Villas senior housing complex:

1. All employees and officials of the Town who, by virtue of their position, have policy making authority or influence over the implementation of the housing program;
2. All former employees and officials of the Town who, by virtue of their position or relationship, for one year prior to the date of application for tenancy, had policy-making authority or influence over the implementation of the housing program;
3. The spouse or dependents of any employee or official described in the two preceding paragraphs.

When this matter was discussed before the City Council on March 10, 2021, staff and the City Council understood item 2 above to mean that former employees and officials of the Town are prohibited from becoming a tenant at Creekside Villas during the one year period after leaving the City Council or Town employment if they had *potential* policy making authority or *potential* influence over the implementation of the housing program, even if they did not exercise that authority. However, in re-reviewing the language, there may be an alternative interpretation more closely tied to the law.

An interpretation of the policy that would be more closely tied to existing state law would be that the one year prohibition applies, but only if those former employees and officials *actually* exercised their policy making authority (e.g., by voting to make changes to the Creekside Villas housing policy) or *actually* influenced the implementation of the housing program. In this latter scenario, if a Town employee or councilmember did not engage in any actions that would constitute changes to the policy, or otherwise influence the housing program during their final year in office, then the one year prohibition would not apply.

The Political Reform Act and Government Code Section 1090 – Advice from the Fair Political Practices Commission

In order to determine whether the City Council could modify the one year prohibition contained above, the City Attorney's office sought advice from the Fair Political Practices Commission (the "FPPC") in Sacramento. The FPPC is the state entity charged with enforcing state conflict of interest laws.

There are two statutory areas of conflict of interest law applicable to public officials and employees:

1. The Political Reform Act contained at Government Code Section 81000, *et seq.*; and

2. Government Code Section 1090

The Political Reform Act

The Political Reform Act (the "Act") prohibits a public official at any level of state or local government from making, participating in making, or attempting to use the official's position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest. An official has a "financial interest" if it is reasonably foreseeable that a governmental decision will have a material financial effect on one or more of the official's existing financial interests. In determining whether a governmental decision will impact an official's financial interest, the FPPC Regulations use a 12 month time period to determine if an impact will occur. In other words, if the governmental decision at issue will impact an official's financial interest in a certain manner during a 12 month time period from the date of the governmental decision, then that would constitute a conflict of interest.

The disqualification provisions noted above were likely included in the Creekside Villas housing policy in an attempt to address the 12 month time period noted above in the FPPC regulations. In other words, if a Town employee or official engaged in actual policy making authority over the program or actually influenced the implementation of the housing program, then the disqualification language was likely designed to address the potential conflict that could result if the Town employee or official changed the program rules in their final year of office and then left Town employment or the Council and sought to benefit by those change in the rules by applying to be a tenant at the complex within that same 12 month time period.

In seeking the FPPC's advice, the FPPC found no law that exists that would prohibit a former employee or official from renting at Creekside Villas during the one year period after leaving the City Council or Town employment. However, the 12 month rule noted above does exist within the FPPC Regulations and is the likely basis for the disqualification provisions in the Town's existing policy.

Government Code Section 1090

Government Code Section 1090 prohibits an officer, employee, or agency from participating in making government contracts in which the official or employee within the agency has a financial interest in that contract.

In order for Government Code Section 1090 to apply to a governmental decision, there must be a contract at issue. Staff asked the FPPC for guidance on any basis for the one year prohibition in Government Code Section 1090 primarily because any former employee or official would be entering into a contract with the Town for the rental of the unit (i.e.: a lease agreement). In response, the FPPC noted that even if Government Code Section 1090 applies, there are existing exceptions in the law to allow for a former employee or official to rent at Creekside Villas within the one year period currently prohibited by the existing policy. In particular, the FPPC cited to the receipt of government services exception. This exception specifies that it is not a conflict of interest under Government Code Section 1090 (prohibiting the agency from entering into an agreement in which an official or employee within that agency is financially interested) so long as the contract at issue involves the receipt of government services and the former official or employee is benefitting solely as a constituent of the city and the benefits are broadly available to all other similarly situated.

Based on the above, the FPPC found no basis for the one year prohibition in Government Code Section 1090 and even noted an exception that would apply in the event a former official sought to rent a unit at Creekside Villas within the one year period after leaving office.

However, it should be noted that the FPPC cited to the receipt of government services exception primarily because the existing Creekside Villas housing policy indicates anyone who is a Town resident and otherwise meets the age and other basic requirements can rent at Creekside Villas and that benefit is offered broadly to all without any particular unique preference given to the City Council or staff. For the same reason noted above under the Political Reform Act discussion, if a councilmember sought to change the Creekside Villas housing policy within their final year of office, and that change resulted in the policy giving preference to councilmembers or former councilmembers, then the receipt of government services exception would not apply as it requires that benefits be broadly available to all without any preference or favoritism to officials or former officials.

Options for the City Council to Consider

Based on the above, the City Council has the following potential options to consider:

1. The City Council could interpret the policy as staff and the Council interpreted the policy in 2021. Under this option, the policy would be interpreted to mean that any former councilmember or Town employee who had potential policy making authority or potential influence over the implementation of the housing program would be required to wait a full year after leaving the City Council or Town employment prior to being eligible to rent a unit at Creekside Villas, even if they did not exercise that authority or actually influence the program.
2. The City Council could interpret the policy in a manner more closely tied to the law. Under this option, the policy would be interpreted to mean that only former councilmembers or Town employees who actually exercised policy making authority or actually influenced the implementation of the housing program would be required to wait a full year after leaving the City Council or Town employment prior to being eligible to rent a unit at Creekside Villas. As noted previously, this interpretation is more closely aligned with state law as noted above based on the 12 month rule included within the FPPC Regulations, and the fact that the receipt of government services exception under Government Code Section 1090 may not apply if the rules are changed.
3. The City Council could opt to change the policy entirely.

Conclusion

To sum up, the City Council should discuss and provide any direction on the existing policy. As noted, Option 2 is more aligned with the law, but the City Council can always self-impose more restrictive policies on itself and opt to interpret the policy under Option 1.

If the City Council opts to interpret the policy under Option 2, this would be with the understanding that a councilmember is only prohibited from applying for tenancy at Creekside Villas during the one year period after leaving office, if in the prior 12 month period, the councilmember actually exercised policy making authority (e.g., by voting to make changes to

the Creekside Villas housing policy) or *actually* influenced the implementation of the housing program. If the councilmember in their final year of office did not engage in either, then they would be free to apply for tenancy at Creekside Villas during the one year time period after leaving office. Similarly, under this interpretation, only Town employees who actually exercised policy making authority or actually influenced the implementation of the housing program would be required to wait a full year after leaving Town employment prior to being eligible to rent a unit at Creekside Villas.

Council Adopted Values

The City Council's discussion of the policy is consistent with the value of *Fairness* and *Responsibility* as it is fair to reevaluate past policies to determine if they should continue or be modified and it is also responsible to understand the legal background associated with this policy.

Alternatives

The City Council could choose not to discuss the policy. However, this discussion was specifically requested by a councilmember.

ENVIRONMENTAL

The City Council's discussion of the Creekside Villas housing policy and/or its direction to make any changes to the policy is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378 as it would constitute organizational or administrative that do not result in direct or indirect changes in the environment.

CONCLUSION

The City Council should discuss the existing policy, the various options, and provide any direction.

ATTACHMENTS

- A. Colma Administrative Code Subchapter 2.02
- B. Question and Answer Document
- C. Advice Letter from Fair Political Practices Commission



CHAPTER 2. COMMUNITY PROGRAMS

Subchapter 2.02 - Senior Housing Complex

2.02.010. Goals. These policies and procedures are intended to enhance the quality of life for senior residents and give a limited preference to Colma residents for residency at the Colma Senior Housing Complex.

2.02.020. Rental Policy. It is the policy of the Town of Colma to rent, lease, or permit occupancy of an apartment at the Senior Housing Complex only to Eligible Persons, as defined herein, at the rent specified herein.

2.02.030. Eligible Persons.

(a) Only persons who meet all of the following criteria are eligible to occupy an apartment at the Colma Senior Housing Complex, 1180 El Camino Real, Colma, California:

(i) He or she must be 62 years or older at the commencement of the tenancy;

(ii) He or she must be able to care for himself or herself, without assistance from others, must not have a recurring need for supportive care and must not require the availability of continuous skilled nursing care; and

(iii) He or she must be financially able to pay the rent or must have established eligibility for financial assistance from the county.

(b) Not more than two persons may occupy an apartment.

(c) No person shall be discriminated against because of race, religion, color, creed, national origin, sex, sexual orientation, marital status, or any sensory, mental or physical disabilities unless such disability requires the recurring need for supportive care and requires the availability of continuous skilled nursing care.

(d) The City Manager may waive the age requirement, or the priority for residents set forth below, for a tenant who is employed by the Property Manager to provide substantial maintenance and management services for the Complex.

2.02.040. Disqualified Persons.

(a) The following individuals, by virtue of their position or relationship, are ineligible to become a tenant in the Senior Housing Complex:

(i) All employees and officials of the TOWN who, by virtue of their position, have policy-making authority or influence over the implementation of the housing program;

(ii) All former employees and officials of the Town who, by virtue of their position or relationship, for one year prior to the date of application for tenancy, had policy-making authority or influence over the implementation of the housing program;

(iii) The spouse or dependents of any employee or official described in the two preceding paragraphs.

(b) A person who was not disqualified under the foregoing at the time he or she first became a tenant in the Senior Housing Complex shall not thereafter become disqualified as a tenant solely by virtue of the subsequent relationship or position of such person, his or her spouse, or his or her dependent, as a Town employee or official.

2.02.050. Application and Priority Process.

(a) Whenever the Property Manager receives notice that an apartment is about to become vacant, the Property Manager, shall first notify any existing tenant who has requested such notification of the availability of the apartment. An existing tenant shall have first priority to take occupancy of the apartment provided that he or she enters into a lease agreement for the apartment within ten days after receipt of the notice. The apartment then left vacant by the tenant shall be let in accordance with this section.

(b) The Property Manager, after consulting with the City Manager, shall establish a beginning date for accepting applications to rent the apartment, which shall be after the first publications of notices described in the next paragraph. The Application Period shall last from the beginning date to the date when a lease for the apartment is executed.

(c) The Property Manager shall publish a notice of availability at least once in the *LiveWire* publication and at least once in two newspapers widely circulated in the cities of Colma, South San Francisco, and Daly City, including at least one newspaper that reaches non-English-speaking communities. Examples of appropriate newspapers include the San Mateo Times and the San Mateo Independent News. Town shall submit proof of publication to the City Planner. The Property Manager shall maintain a list of applicants in order of the date that the applicant submitted a complete application during the Application Period. A complete application means an application from an eligible person which contains all information requested by the Property Manager in the application form. An application from an ineligible person shall not be deemed complete until the date that the person becomes eligible under the terms of this resolution. Applications received before the beginning of an Application Period shall be considered to have been received as of the first day of the Application Period.

(d) Subject to the provisions of subparagraph (a) above, during the first sixty days after an apartment has become vacant, the first eligible person with more than two years residency in the Town of Colma who submits a complete application shall be given priority over all other applicants, except that if two or more such eligible persons submitted a complete application on the same day, priority among those persons shall be determined by lot.

(e) Sixty days after an apartment has become vacant, any eligible person may rent the apartment, without regard to his or her prior residency, and the first eligible person, without regard to the place of his or her prior residency, who submits a complete application shall be given priority over all other applicants, except that:

(i) All applications by persons in this category submitted prior to the sixtieth day after shall be deemed to have been submitted on the sixty-first day after the vacancy occurs; and

(ii) If two or more such eligible persons submit a complete application on the same day, priority among those persons shall be determined by lot.

(iii) The Property Manager shall not be required to maintain a list of applicants after the advertised apartment is rented.

2.02.060. Policies for Establishing Rents.

(a) The rent for tenants who have occupied an apartment since before February 9, 2005 shall be \$791.00 per month, adjusted for inflation on August 1 of each year beginning August 1, 2011, or as soon thereafter as the City Manager can calculate the adjustment and provide at least 60 days' notice of the rent increase to each tenant at the Senior Housing Complex.

(b) The rent for tenants who have occupied an apartment from and after February 9, 2005, but before December 1, 2021, shall be \$902.00 per month, adjusted for inflation on August 1 of each year beginning August 1, 2011, or as soon thereafter as the City Manager can calculate the adjustment and provide at least 60 days' notice of the rent increase to each tenant at the Senior Housing Complex.

(c) The rent for tenants who have occupied an apartment from and after December 1, 2021, shall be \$1050.00 per month, adjusted for inflation on August 1 of each year beginning August 1, 2023, or as soon thereafter as the City Manager can calculate the adjustment and provide at least 60 days' notice of the rent increase to each tenant at the Senior Housing Complex.

(d) "Adjusted for Inflation" means an adjustment made according to the following formula, where "Consumer Price Index" or "CPI" means the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index entitled "Consumers Price Index of All Urban Consumers, San Jose-Oakland-San Francisco Area, Housing (Rent of Primary Residence), 1982-84=100 [Series ID CUURA422SEHA]": if the CPI for June of any year following 2004 exceeds the index for June 2004 (the Base Index), the amount subject to adjustment for inflation (Base Amount) shall be multiplied by the last previous CPI Index and divided by the Base CPI Index to obtain the Adjusted Amount, which shall be rounded to the nearest dollar; otherwise, there shall be no adjustment." Notwithstanding the foregoing, the adjustment shall not exceed five percent (5%).

[History: Res. 2011-28, 9/14/11, 2021-36, 10/27/21]

2.02.070. Restrictions on Use.

Residential Use Only. An apartment in the Senior Housing Complex shall be used for residential purposes only except that it may be used for a home office provided that the home office use is incidental to use of the apartment as a residence and that the tenant shall have first obtained a Use Permit from the Town.

No Subleasing. A tenant occupying a Senior Housing apartment may not sublet or rent the apartment or assign the lease.

No Violations. No person may use or permit the Affordable Unit or any portion of the Affordable Unit to be used or occupied in any manner or for any purpose that is in any way in violation of

any valid law, ordinance, or regulation of any federal, state, county, or local governmental authority, body, or entity, or in violation of any Covenants, Conditions and Restrictions applicable to the unit. No person may maintain, commit, or permit the maintenance or commission of any nuisance as now or hereafter defined by any statutory or decisional law applicable to the Affordable Unit or any part of the Affordable Unit.

2.02.080. Rules and Regulations. The City Manager may establish reasonable rules and regulations governing the use and occupancy of the premises including but not limited to rules and regulations governing the form of the application and supporting documentation, parking, use of the common areas, pets, overnight visitors, noise, and trash disposal.

2.02.090. Right to Inspect. Town may inspect any apartment at the Senior housing Complex, subject to tenant's privacy rights and upon reasonable advance notice, to determine compliance with this resolution.

SECTION 2. ONE-TIME EXCEPTION.

(a) The City Council finds that:

(i) Since on or before December 8, 2004, there have been two vacant apartments at the Senior Housing Complex;

(ii) Prior to December 8, 2004, the Property Manager was maintaining a list of prospective applicants for the Senior Housing Complex pending clarification of the Town's policies;

(iii) On December 8, 2004, the City Council declared a moratorium on renting any vacant units in the Senior Housing Complex pending its review of the Town's rental policies;

(iv) Since December 8, 2004, other persons have expressed interest in renting an apartment at the Complex; and

(v) It is necessary and proper to adopt a one-time exception to the policies set forth hereinabove to handle the applications on hand for the two vacant apartments.

(b) Notwithstanding the foregoing, there shall be a one-time exception to the policies set forth hereinabove, as set forth in an Order in the Minutes of the meeting of February 9, 2005.

Various Questions and Answers Related to the Creekside Villas Housing Policy

1. Do Any Existing Councilmembers Have Conflicts of Interests Prohibiting their Participation in this Agenda Item?

As there would be no contract at issue in any study session deciding how to interpret the policy, only the Political Reform Act discussed above would apply. Under the Political Reform Act, a conflict of interest can exist if a governmental decision would impact the personal finances of a councilmember, or their immediate family defined as a spouse or dependent children, in an amount of \$500, either positively or negatively, within 12 months of the governmental decision. See, FPPC Regulation 18702.5.

For purposes of the Political Reform Act, it does not appear that any councilmember would have a conflict of interest in interpreting the policy even if a councilmember had some desire to live at Creekside Villas. This is because even if a councilmember wanted to live at Creekside Villas (which could benefit them financially) and provided input on how the policy should be interpreted, that decision to provide input would not lead to a councilmember automatically being able to rent at Creekside Villas. As the City Council may be aware, in order for an individual to be successfully selected as a new tenant at Creekside Villas, there are a number of factors at play. First, an available unit must open up for tenancy. Second, if more than one potential tenant applies for any open unit, the Town contracts with an outside provider who conducts a lottery to determine who is the successful potential tenant. Former councilmembers do not receive any priority in the process and must apply and be placed in the lottery as any other potential tenant. Under the FPPC Regulations, if the occurrence of the financial effect is contingent on intervening events not controlled by the agency, then it is not a conflict of interest. See, FPPC Regulation 18701(b)(1).

It also does not appear that any councilmember would have a conflict of interest in interpreting the policy if they have non-dependent relatives living at Creekside Villas. Town staff understands that certain councilmembers have non-immediate family member relatives living at Creekside Villas. However, Town staff also understands that any councilmember who has relatives living at Creekside Villas does not have any financial connection and there is no financial dependency between the councilmember and the relatives. On that basis, any interpretation or direction on the policy would not financially impact a councilmember based on their relatives that reside at Creekside Villas as conflict of interest rules are only concerned about immediate dependent family. See, FPPC Regulation 18702.5.

In short, there would be no conflict of interest for any existing councilmember to participate in discussions to interpret the policy or provide direction on the policy. However, please keep in mind that if the City Council opts to actually change the policy, that would trigger the one year prohibition under either Option 1 or 2 noted in the staff report.

2. Do Any Councilmembers Have Conflicts of Interest Prohibiting them from Adjusting the Rents in the Future at Creekside Villas?

If the City Council was asked to take action to adjust the rents, that action does not involve a contract, so only the Political Reform Act would apply. For the same reasons noted above, including the fact that any councilmember who has relatives living at Creekside Villas does not have any financial connection and there is no financial dependency between the councilmember and the relatives, there is no financial impact that would result to the councilmember for voting to adjust the rents, even if the decision would impact their non-dependent relatives financially.

3. If the City Council Selects Option 2 and Interprets the Existing Policy to Only Apply Where a Councilmember Actually Exercises Authority or Actually Influences the Program, Would Voting to Approve Warrants/Payments to a Contractor or Vendor Doing Work At Creekside Villas Trigger the One Year Prohibition After Leaving Office?

If the City Council selects Option 2, the policy will be interpreted to only trigger the one year prohibition if a councilmember actually exercised policy making authority or otherwise actually influenced the implementation of the housing program. If the City Council is not aware, in approving the consent calendar, the City Council sometimes approves payments to a contractor or vendor for the repainting of Creekside Villas, or other basic improvements and maintenance of the housing complex. However, voting to approve warrants or payments to a vendor doing work at Creekside Villas is not the same as exercising policy making authority or otherwise influencing the implementation of the housing program.

Further, under the Political Reform Act, simply approving payments to a vendor doing work at Creekside Villas would not cause any financial impact on any councilmember even if a councilmember wanted to live at Creekside Villas after leaving office. This is because of the intervening rule noted above in FPPC Regulation 18701(b)(1). There are many factors at play and there is no guarantee that any councilmember could reside at Creekside Villas absent a unit opening up, the councilmember being eligible, and the councilmember winning the lottery. Because of these intervening events, merely approving a payment to a vendor is not enough to constitute a conflict of interest as there would be no guaranteed financial impact on a councilmember.

Based on the intervening event rule, some councilmembers may be wondering why the one year prohibition in the existing policy should exist at all especially because no councilmember is guaranteed any open unit that may become available even if they actually influenced the process. The one year prohibition should still be in place under Option 2 noted in the staff report primarily because a councilmember could vote to do away with the lottery or vote to give councilmembers priority for any open unit. If those changes were to be made to the policy, no intervening events would exist. As such, the one year prohibition should still apply under Option 2 noted in the staff report if a councilmember engaged in any discussions or actions that would constitute changes to the policy, or otherwise influenced changes to the housing program.

4. If the City Council Selects an Interpretation Applicable to the Policy on Former Employees and Officials, Does That Have Any Implications on the Policy Applicable to Current Employees and Officials from Being Able to Rent at Creekside Villas?

The current Creekside Villas housing policy indicates the following individuals are ineligible to rent at Creekside Villas:

1. All employees and officials of the Town who, by virtue of their position, have policy making authority or influence over the implementation of the housing program;
2. All former employees and officials of the Town who, by virtue of their position or relationship, for one year prior to the date of application for tenancy, had policy-making authority or influence over the implementation of the housing program;
3. The spouse or dependents of any employee or official described in the two preceding paragraphs.

Does the City Council wants its interpretation for item 2 above to apply equally to item 1 above? As an example, if the City Council opts to interpret number 2 above to require a former official or employee to actually exercise policy making authority or actually influence the housing program for the one year prohibition to apply, should Town staff interpret number 1 above to mean the same (i.e.: only current employees or officials who actually exercise policy making authority or actually influence the housing program are prohibited from renting at Creekside Villas)?

Under the current language, some employees could be eligible to rent at Creekside Villas if they do not have any role to play in the housing program and otherwise meet the eligibility rules. The Town's current policy in other words, does not prohibit all current employees or officials from renting at Creekside Villas. It could, however, prohibit certain employees from renting at Creekside Villas if those employees have policy making authority over the housing program. The Council has the following options with regard to current officials and employees similar to the three options on page 4 of the staff report applicable to former officials and employees:

1. The Council could opt to interpret item 1 above to mean that current employees and officials are prohibited from renting at Creekside Villas if they have potential policy making authority or could potentially influence the housing program.
2. The City Council could opt to interpret item 1 above to mean that current employees and officials are prohibited from renting at Creekside Villas if they actually exercised policy making authority or actually influenced the implementation of the housing program.
3. The City Council could opt to change the policy. One option is the City Council could just impose a strict prohibition on all current employees or officials from renting at Creekside Villas while in office or in Town employment.





STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

November 19, 2020

Christopher J. Diaz
BEST BEST & KRIEGER LLP
City Attorney
Town of Colma
2001 N. Main Street 390, Walnut Creek, CA 94596

Re: Your Request for Advice
Our File No. A-20-080

Dear Mr. Diaz:

This letter responds to your request for advice regarding Government Code Section 1090, et seq.¹ Please note that we are only providing advice under Section 1090, not under other general conflict of interest prohibitions such as common law conflict of interest, including Public Contract Code.

Also, note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

We are required to forward your request regarding Section 1090 and all pertinent facts relating to the request to the Attorney General's Office and the San Mateo County District Attorney's Office, which we have done. (Section 1097.1(c)(3).) We did not receive a written response from either entity. (Section 1097.1(c)(4).) We are also required to advise you that, for purposes of Section 1090, the following advice "is not admissible in a criminal proceeding against any individual other than the requestor." (See Section 1097.1(c)(5).)

QUESTIONS

1. Are there any provisions of the Act that would apply in determining whether a member of the Colma City Council is prohibited from becoming a tenant in the Town-owned Creekside Villas (the "Complex") within one year after leaving office?
2. Assuming former members of the City Council have a prohibitory financial interest under Section 1090 in a lease for the Complex, would Section 1091.5(a)(3) nonetheless apply to allow them to become tenants in the Complex?

¹ All statutory references are to the Government Code, unless otherwise indicated.

CONCLUSIONS

1. No. There are no provisions under the Act that would prohibit a member of the Colma City Council from becoming a tenant in the Complex within one year after leaving office.

2. Yes. As explained below, assuming former members of the City Council have a prohibitory financial interest under Section 1090 in a lease for the Complex, Section 1091.5(a)(3) would apply to allow them to become tenants in the Complex.

FACTS AS PRESENTED BY REQUESTER

Your law firm serves as City Attorney to the Town of Colma and you seek advice on behalf of the Colma City Council. Colma is a general law City located in San Mateo County. Colma owns a senior housing complex, known as Creekside Villas (the “Complex”). In 2005, the Colma City Council adopted certain rental policies “to enhance the quality of life for senior residents and give a limited preference to Colma residents for residency at [the Complex].” (Colma Administrative Code (“CAC”), § 2.02.010.)

The policies include eligibility rules and restrictions governing Colma’s ability to rent, lease, or permit occupancy of a unit at the Complex. A person applying for tenancy in the Complex must be 62 years or older at the commencement of the tenancy, must not have a recurring need for supportive care and must not require the availability of continuous skilled nursing care, and must be financially able to pay the rent. (CAC, § 2.02.030(a).) There are also procedures for determining priority for residents based on prior residency and when a rental application is completed. (CAC, § 2.02.050.)

The City Manager has some decision-making authority to waive the age requirement or the priority for residents for a tenant who is employed by the Complex’s property manager to provide substantial maintenance and management services for the Complex. (CAC, § 2.02.030(d).) The policies further provide that the following individuals, by virtue of their position or relationship, are ineligible to become a tenant in the Complex:

- All employees and officials of the Town who, by virtue of their position, have policy-making authority or influence over the implementation of the housing program;

- All former employees and officials of the Town who, by virtue of their position or relationship, for one year prior to the date of application for tenancy, had policy-making authority or influence over the implementation of the housing program.

In addition, the Town’s policies require an annual rent adjustment for inflation using a formula based on changes in the consumer price index. (CAC, § 2.02.060.) From time to time, the City Council makes decisions regarding the annual rent adjustment for the Complex, which includes suspending or increasing rent.

You provided a document titled “Hildebrand Real Estate Group Application Process for Creekside Villas Colma,” which states there is a Town policy requiring that any vacancy must be kept for interested residents of the Town of Colma for 60 days after becoming available. If multiple

Town residents express interest within the 60-day period, the names of each interested resident are drawn via lottery at the 60th day and applications are accepted in the order of the lottery draw. There is no pre-qualification of applicants prior to the lottery. If the first applicant does not qualify, then the next name drawn in the lottery submits their application and this continues until a qualified applicant has been selected. If no Town residents express interest, then individuals residing outside the Town may be considered.

The Application Process document then explains the qualifying process:

Qualifications: Hildebrand Real Estate Group confirms the Town of Colma resident by verifying their residency either with the resident card or driver's license along with verifying that the applicant(s) meet the age requirement. A credit check is run on the applicant(s). Generally, the applicant(s) should gross 2 ½ to 3 times the monthly rent. For instance, if the rent is \$902.00, the applicant should gross at least \$2,255.00. If the applicant(s) has a credit score of less than 700 and/or negative credit and/or insufficient income, then a co-signer may be required. The co-signer must submit an application and their credit is checked. The same credit criteria are required of the co-signer and the co-signer must show sufficient income to assist the tenant in paying rent if the tenant becomes unable to pay. Hildebrand Real Estate Group considers any negative credit on the credit check and may overlook negative credit due to medical bills. The same income and credit check qualification method is used for all of Hildebrand Real Estate Group tenant applicants for all properties managed or owned by Hildebrand Real Estate Group.

According to the property manager (Hildebrand Real Estate Group), they do not have authority to change any of the lease terms – the Town makes use of the standard California Association of Realtor form lease agreements that are fairly standard with set terms.

ANALYSIS

The Act

Specified local governmental officials, including city councilmembers, who leave governmental service are subject to the Act's one-year ban for local officials in Section 87406.3, also known as the local "one-year ban."

The local "one-year ban" prohibits certain former local officials from communicating with their former agencies, for compensation and in representation of another person, for the purpose of influencing any legislative or administrative actions, including quasi-legislative and quasi-judicial actions, or any discretionary actions involving the issuance, amendment, awarding, or revocation of a permit, license, grant or contract, or the sale or purchase of goods or property. (Section 87406.3.)

The local one-year ban would not apply to a former councilmember seeking to become a tenant in the Complex within one year of leaving office because the councilmember would not be

communicating with his or her former agency, for compensation and in representation of another person. Accordingly, no provisions of the Act would apply to prohibit a former councilmember from becoming a tenant in the Complex within one year of leaving office.²

Section 1090

Section 1090 generally prohibits public officers, while acting in their official capacities, from making contracts in which they are financially interested. Section 1090 is concerned with financial interests, other than remote or minimal interests, that prevent public officials from exercising absolute loyalty and undivided allegiance in furthering the best interests of their agencies. (*Stigall v. Taft* (1962) 58 Cal.2d 565, 569.) Section 1090 is intended “not only to strike at actual impropriety, but also to strike at the appearance of impropriety.” (*City of Imperial Beach v. Bailey* (1980) 103 Cal.App.3d 191, 197.)

Under Section 1090, “the prohibited act is the making of a contract in which the official has a financial interest.” (*People v. Honig* (1996) 48 Cal.App.4th 289, 333.) A contract that violates Section 1090 is void. (*Thomson v. Call* (1985) 38 Cal.3d 633, 646.) When an officer with a proscribed financial interest is a member of the governing body of a public entity, the prohibition of Section 1090 also extends to the entire body, and it applies regardless of whether the terms of the contract are fair and equitable to all parties. (*Id.* at pp. 646-649.)

As mentioned, the Town has already established that officials (including councilmembers), under the circumstances described, are prohibited from becoming a tenant at the Complex. Your request centers on whether Section 1090 would prohibit a councilmember, after leaving office, from becoming a tenant where the councilmember: 1) participated in both the establishment of the housing program and decisions regarding the annual rent adjustment for the Complex; or 2) did not participate in the establishment of the housing program, but participated in decisions regarding the annual rent adjustment for the Complex. Assuming Section 1090 potentially applies to a former councilmember under these circumstances, the determinative issue is whether any exception to Section 1090’s prohibition would nonetheless permit a councilmember to apply for tenancy after leaving office.

The Legislature has expressly defined certain financial interests as “remote” or “noninterest” exceptions to Section 1090’s general prohibition. Where a remote interest is present, the contract may be lawfully executed provided (1) the officer discloses his or her financial interest in the contract to the public agency; (2) the interest is noted in the public body’s official records; and (3) the officer completely abstains from any participation in the making of the contract. (Section 1091.) Where a noninterest is present, the contract may be executed without the abstention. (Section 1091.5.)

Relevant to the present situation is the noninterest exception set forth in Section 1091.5(a)(3) for “public services generally provided.” That exception provides that an officer or employee “shall not be deemed to be interested” in a public contract if his or her interest in that

² As your letter suggests, Section 87406.3(c) does not preclude a local governmental agency from adopting its own ordinance or policy restricting the activities of former agency officials so long as the ordinance or policy is more restrictive than Section 87406.3.

contract is “[t]hat of a recipient of public services generally provided by the public body or board of which he or she is a member, on the same terms and conditions as if he or she were not a member of the body or board.”

The California Supreme Court considered the application of this noninterest exception and read the exception to establish the following rule:

If the financial interest arises in the context of the affected official’s or employee’s role as a constituent of his or her public agency and recipient of its services, there is no conflict so long as the services are broadly available to all others similarly situated, rather than narrowly tailored to specially favor any official or group of officials, and are provided on substantially the same terms as for any other constituent.

(*Lexin v. Superior Court* (2010) 47 Cal.4th 1050, 1092.)

With respect to an agency’s permissible exercise of discretion in providing a public service generally provided under the exception, the Supreme Court stated:

The presence of discretion in the formation of a contract that section 1091.5(a)(3) purportedly permits is not fatal, unless the discretion can be exercised to permit the special tailoring of benefits to advantage one or more board members over their constituency as a whole. Absent such a risk of favoritism, discretion is unproblematic.

(*Id.* at p. 1100.)

Thus, the noninterest exception set forth in Section 1091.5(a)(3) applies if: (1) the interest arises in the context of the affected official’s or employee’s role as a constituent of the public agency and recipient of its services; (2) the service at issue is broadly available to all those whom are similarly situated and is not narrowly tailored to specially favor an official or group of officials; and (3) the service at issue is provided on substantially the same terms as for any other constituent.

In the *Hentschke* Advice Letter, No. A-14-187, the Commission analyzed whether the exception applied to a turf replacement program generally available to all retail water customers of any of the San Diego Water Authority’s member public agencies. The program, which provided monetary incentives to retail water customers who replace existing turf with water efficient landscaping, was available on a first-come, first-served basis. Each applicant was required to participate in a training course, replace existing turf with qualifying plants, and fill out the standard application form and agree to program terms. Even though the program administrator had some decision-making authority to determine that the replacement met all the program requirements (such as the amount of turf replaced and whether qualifying plants are used), the Commission concluded that the exception applied because the determination did not involve discretion to pick and choose among applicants or to vary benefits from one applicant to the next.

Here, if a former councilmember were to submit an application for tenancy at the Complex, his or her interest in the lease would arise in the context of the former councilmember being a Town constituent and a recipient of Town services. In addition, leasing a residence in the Complex is broadly available to all Town residents 62 years of age or older,³ and not narrowly tailored to specially favor an official or group of officials. Similar to the situation in *Hentschke*, to avoid favoritism where multiple residents are interested, the names of each interested resident are drawn via lottery and applications are accepted in the order of the lottery draw. And although the property manager does have some decision-making authority to determine if an applicant qualifies (generally ensuring rent-to-income ratio and credit score meets specified level), those determinations appear relatively ministerial in nature and do not involve discretion to pick and choose among applicants. Finally, the terms of any lease for a former councilmember would be provided on substantially the same terms as for any other constituent because the property manager does not have authority to change any terms of the lease, which is based on the standard California Association of Realtor form lease agreements that are fairly standard with set terms.⁴

Accordingly, assuming a former councilmember has a prohibitory financial interest in a lease for the Complex under Section 1090, the noninterest exception under Section 1091.5(a)(3) applies to permit the councilmember to lease a residence at the Complex.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Dave Bainbridge
General Counsel

By: *Jack Woodside*
Jack Woodside
Senior Counsel, Legal Division

JW:aja

³ The exception is still applicable even where program services are available to a relatively small number of applicants because “[p]ublic agencies provide many kinds of ‘public services’ that only a limited portion of the public needs or can use.” (92 Ops.Cal.Atty.Gen. 67, 70 (2009).)

⁴ The present matter is different from those matters where the exception has been found not to apply because administering officials were required to exercise judgment or discretion in scrutinizing applications. (See *Hodge Advice Letter*, No. C-14-012 [exception does not permit a city councilmember to enter into a Mills Act contract with the city where officials are required to negotiate the terms of each contract, engage in the continued enforcement through periodic inspections to determine compliance with the contract terms, and make determinations concerning contract renewal and imposition of penalties]; see also 92 Ops.Cal.Atty.Gen. 67, 70 (2009) [grants for the purchase or retrofit of certain engines and equipment awarded only after each application individually scrutinized to determine its statutory compliance, and weighed according to such factors as emissions performance, cost-effectiveness and considerations of whether the engine is cleaner than required under the applicable air quality laws. In addition, the evaluation may include a determination that an application is made in good faith and credible].)



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Dan Barros, City Manager
 MEETING DATE: March 27, 2024
 SUBJECT: Establishing an Economic Development Subcommittee

RECOMMENDATION

BY MOTION, ESTABLISH A CITY COUNCIL STANDING ECONOMIC DEVELOPMENT SUBCOMMITTEE AND SELECT TWO CITY COUNCIL MEMBERS TO SERVE ON THE SUBCOMMITTEE

EXECUTIVE SUMMARY

At the March 13, 2024 City Council meeting, a study session was held at the request of Councilmember del Rosario to discuss the return of the Economic Development Subcommittee and specifically, in what capacity the committee shall make its return. City Council was presented with three options for consideration and directed staff to proceed with option two, establishing a standing Economic Development Subcommittee comprised of two council members working with Town staff on economic development issues on an ongoing basis for the foreseeable future.

FISCAL IMPACT

None at this time other than staff time associated with staffing the Subcommittee's future meetings.

BACKGROUND

On August 25, 2021, the City Council accepted the Economic Development Work Plan for Fiscal Year 2021-22 and established a City Council Ad Hoc Economic Development Subcommittee comprised of the then current Mayor and a Council Member. Throughout the subcommittee's duration, the ad hoc Subcommittee reported out on progress to the City Council twice with the final report coming in June of 2022 where the committee would then sunset at the end of fiscal year 2021-2022. At the January 24, 2024 City Council meeting, a councilmember requested the return of the Economic Development Committee and that it be agendized at a future council meeting for discussion.

ANALYSIS

Economic and social development is the process by which economic well-being and the quality of life of a community intersect for a sustainable future. By virtue of this definition, efforts to advance a community's economic development must persist indefinitely while the conversations must remain ongoing.

On March 13, 2024 the City Council was presented with three options in which the Economic Development Subcommittee could make its return. City Council directed staff to proceed with option 2 which establishes a City Council standing Economic Development Subcommittee. Unlike the prior ad hoc Subcommittee, the new standing subcommittee would remain ongoing for the foreseeable future as the topic of economic development remains a critical component of both the present and future sustainability of the Town.

The Subcommittee would be comprised of two council members working with Town staff. For a standing committee of this nature, the committee would be legally required to comply with the Brown Act as any subcommittee of the City Council with ongoing subject matter jurisdiction must comply with the Brown Act's open meeting requirements.

The newly formed economic Development Subcommittee will hold a public meeting monthly at Town Hall and participating Council Members will be responsible for reporting out progress quarterly to the remainder of the City Council at a regular City Council meeting through a future agenda item.

Council Adopted Values

The formation of an Economic Development Committee is in line with the City Council's *VISION* for a sustainable future. As we continue to navigate the challenges of today and the uncertainties of the future, the Economic Development Committee can aid in the Town's effort to embrace change and innovation with an evolving economic landscape.

Alternatives

The City Council could choose to not proceed with establishing the Standing Subcommittee. If so, the City Council should provide alternative direction to staff.

ENVIRONMENTAL

The City Council's discussion of the economic Development Committee is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378 as it would constitute organizational or administrative that do not result in direct or indirect changes in the environment.

CONCLUSION

The City Council should by motion, establish a standing Economic Development Subcommittee and select the two members from the City Council who will serve on the Subcommittee.

6. PROPS AND MEASURES PRESENTATION

There is no Staff Report associated with Item #6.

This item is for discussion only; no action will be taken at this meeting.