



**AGENDA
REGULAR MEETING
CITY COUNCIL OF THE TOWN OF COLMA**

**Colma Town Hall
1198 El Camino Real
Colma, CA 94014**

**Wednesday, January 8, 2020
7:00 PM**

PLEDGE OF ALLEGIANCE AND ROLL CALL

ADOPTION OF AGENDA

PRESENTATION

- Holiday House Decoration Contest Winners
- Police Department End of Year Report

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 December 11, 2019 Regular Meeting.
2. Motion to Accept the Report of Checks Paid for December 2019.
3. Motion to Adopt an Ordinance Amending Colma Municipal Code Subchapter 8.01 Prohibiting the Feeding of Wild Birds or Wild Animals on Public and Private Property Pursuant to CEQA Guideline 15061(b)(3) (second reading).
4. Motion to Accept Informational Report on Recreation Department Programs, Activities, Events, and Trips for the Fourth Quarter of 2019.
5. Motion Approving and Accepting the Development Impact Fee Report for Fiscal Year Ending June 30, 2019.
6. Motion to Accept and Approve the Closeout of the 2010 ADA Transition Plan.
7. Motion to Adopt a Resolution Amending Chapter Three of the Colma Administrative Code, Relating to Various Employment-Related Policies.

PUBLIC HEARING

8. OLIVET PARKWAY STREET NAME CHANGE TO ETERNAL HOME PARKWAY

Consider: Motion to Adopt a Resolution Approving the Renaming of Olivet Parkway Between El Camino Real and Hillside Boulevard to Eternal Home Parkway.

9. 2019 COLMA BUILDING CODE

Consider: Motion to Conduct a Public Hearing on, Waive the Second Reading of, and Adopt an Ordinance Amending Chapter 5, Subchapter 4 of the Town of Colma Municipal Code, Adopting by Reference the 2019 Edition of the California Building Standards Code (California Code of Regulations, Title 24), Consisting of the 2019 California Building Code, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Fire Code, the 2019 California Energy Code, the 2019 California Green Building Standards Code, the 2019 California Historical Building Code, the 2019 California Existing Building Code and the 2019 California Referenced Standards Code; the 1997 Edition of the Uniform Housing Code; and the 2018 International Property Maintenance Code, Together with Certain Additions, Amendments, and Deletions.

NEW BUSINESS

10. 2019 CAPITAL PROJECT UPDATE

Consider: Motion to Adopt a Resolution Approving FY 2019-20 Fiscal Year Budget Amendment Carrying Over \$2,549,548 of Unspent Capital Project Budgets From Prior Years to FY 2019-20 Fiscal Year Budget, Releasing \$64,985 of Unspent Capital Project Funding Back to Reserves, With \$33,418 to Capital Reserve Fund 31 and \$31,567 to Fleet Replacement Fund 61, and Increasing the Serramonte Blvd/Collins Ave Master Plan Budget by \$25,000.

REPORTS

Mayor/City Council
City Manager

ADJOURNMENT

The City Council Meeting Agenda Packet and supporting documents are available for review at the Colma Town Hall, 1198 El Camino Real, Colma, CA during normal business hours (Mon – Fri 8am-5pm). Persons interested in obtaining an agenda via e-mail should call Caitlin Corley at 650-997-8300 or email a request to ccorley@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 Pak Lin, ADA Coordinator, at 650-997-8300 or pak.lin@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 94014

Wednesday, December 11, 2019

7:00 PM

CALL TO ORDER

Mayor John Irish Goodwin called the meeting to order at 7:05 p.m.

Council Present – Mayor John Irish Goodwin, Vice Mayor Diana Colvin, Council Members Helen Fisicaro, Raquel Gonzalez and Joanne F. del Rosario were all present.

Staff Present – City Manager Brian Dossey, City Attorney Christopher Diaz, Chief of Police Kirk Stratton, Director of Public Works Brad Donohue, City Planner Michael Laughlin, and City Clerk Caitlin Corley were in attendance.

ADOPTION OF THE AGENDA

Mayor Goodwin asked if there were any changes to the agenda; none were requested. He asked for a motion to adopt the agenda.

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

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

PRESENTATION

- Council presented a proclamation in honor of Choco, retiring Parks Police K9. Choco and his handler Neil Woo attended to accept the proclamation and a few treats and toys for Choco.

PUBLIC COMMENTS

Mayor Goodwin opened the public comment period at 7:10 p.m. Dustin Chase, General Manager of Lucky Chances made a comment about an upcoming Gambling Control Commission Meeting. The Mayor closed the public comment period at 7:25 p.m.

CONSENT CALENDAR

1. Motion to Accept the Minutes from the November 26, 2019 Special Meeting.
2. Motion to Accept the Minutes from the December 3, 2019 Special Meeting.
3. Motion to Accept the Report of Checks Paid for November 2019.

4. Motion to Introduce the following ordinance by title only with direction to staff to include all noticed publication dates and January 8, 2020 as the public hearing date in Article I, Sections (j) and (k): an Ordinance Amending Chapter 5, Subchapter 4 of the Town of Colma Municipal Code, Adopting by Reference the 2019 Edition of the California Building Standards Code (California Code of Regulations, Title 24), Consisting of the 2019 California Building Code, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Fire Code, the 2019 California Energy Code, the 2019 California Green Building Standards Code, the 2019 California Historical Building Code, the 2019 California Existing Building Code and the 2019 California Referenced Standards Code; the 1997 Edition of the Uniform Housing Code; and the 2018 International Property Maintenance Code, Together With Certain Additions, Amendments, and Deletions; Waive a further reading of the ordinance; and schedule a public hearing for January 8, 2020.
5. Motion to Adopt a Resolution to Accept Work Performed by Community Playgrounds, Inc., for the Sterling Park Playground Improvement Project and Authorize the Director of Public Works to File a Notice of Completion with the County Recorder's Office and Make the Final Payment to Community Playgrounds, Inc., in Accordance with State Prompt Payment Laws.

Action: Council Member Gonzalez moved to approve the Consent Calendar items #1 through #5; the motion was seconded by Vice Mayor Colvin and carried by the following vote:

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

PUBLIC HEARING

6. WILD BIRD AND WILD ANIMAL FEEDING ORDINANCE

City Planner Michael Laughlin presented the staff report. Mayor Goodwin opened the public comment period at 7:32 p.m. Residents Tina Kuehne, Laura Walsh and Prudhvi Dhulipalla made comments in support of the ordinance. The Mayor closed the public comment period at 7:34 p.m. Council discussion followed. Council requested that the last sentence of section b(2) of the ordinance be altered to read: "Feeders are required to be suspended ~~at least four feet~~ off the ground by a chain or other method to prevent potential feeding of wild animals and rodents and shall be filled only with ~~commercially available~~ bird seed and feed."

Action: Council Member Fiscaro moved Introduce an Ordinance Amending Colma Municipal Code Subchapter 8.01 Prohibiting the Feeding of Wild Birds or Wild Animals on Public and Private Property Pursuant to CEQA Guideline 15061(b)(3), with requested changes, and Waive a Further Reading of the Ordinance; the motion was seconded by Council Member del Rosario and carried by the following vote:

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

NEW BUSINESS

7. COUNCIL COMMITTEE ASSIGNMENTS 2020

City Clerk Caitlin Corley presented the staff report. Mayor Goodwin opened the public comment period at 7:43 p.m. and seeing no one come forward to speak, he closed the public comment period. Council discussion followed. Below is the list of 2020 Committee Assignments that the Council discussed and agreed on:

Committee Name	2020 Primary	2020 Secondary
Office of Emergency Services (EMERGENCY SERVICES COUNCIL, MEETS QUARTERLY 3 RD THURSDAYS IN JANUARY, APRIL, JUNE & SEPTEMBER, AT 5:30 PM, AT THE HALL OF JUSTICE IN REDWOOD CITY IN JURY ASSEMBLY ROOM)	Colvin	del Rosario
Colma Creek Flood District (MEETS QUARTERLY, 2 ND TUESDAY @ 3PM IN MARCH, JUNE, SEPTEMBER AND DECEMBER AT CITY HALL, SOUTH SAN FRANCISCO)	Fisicaro	
Peninsula Congestion Relief Alliance - "The Alliance" Board of Directors member (6 X A YEAR, THURSDAY MORNINGS)	Gonzalez	Colvin
C/CAG (2 ND THURSDAY OF THE MONTH, 7PM)	Colvin	Goodwin
League of California Cities (ANNUAL CONFERENCE, AND WORKSHOPS THROUGHOUT THE YEAR)	All	
San Mateo County Council of Cities (MONTHLY DINNER AND MEETING)	Goodwin is the voting representative	All Council Members can attend
Mayor/Chamber Walks (SCHEDULED BETWEEN THE MAYOR, CITY MANAGER & CHAMBER OF COMMERCE, APPROXIMATELY 5+ OUTINGS)	Goodwin	All other Council Members
City Representative at Colma-Daly City Chamber of Commerce (1-2 MEETINGS A YEAR, AS NEEDED)	Goodwin	Goodwin

Legislative Committee (C/CAG) (ONCE PER MONTH, ON 2 ND THURSDAYS AT 5PM)	Colvin	
ABAG Representative (GENERAL ASSEMBLY MEETS TWICE PER YEAR APRIL & OCTOBER)	del Rosario	Gonzalez
Grand Boulevard Task Force (MEETS 3 RD WEDNESDAY, 10AM-12 NOON, MARCH, JUNE, SEPTEMBER, DECEMBER AT EITHER SAM TRANS IN SAN CARLOS OR CITY HALL IN SANTA CLARA)	Goodwin	Gonzalez
Peninsula Clean Energy Board of Directors (MEETS 4 TH THURSDAY, 6:30PM AT THE COUNTY OFFICE OF EDUCATION BUILDING IN REDWOOD CITY)	Goodwin	del Rosario

Action: Council Member Fiscaro moved to Approve Committee Assignments and Grant to the Appointee Discretion in Voting on Matters Brought Before the Committee; the motion was seconded by Vice Mayor Colvin.

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

8. COUNCIL OF CITIES AND CITY SELECTION

City Clerk Caitlin Corley presented the staff report. Mayor Goodwin opened the public comment period at 7:50 p.m. and seeing no one come forward to speak, he closed the public comment period. Council discussion followed.

Action: Council Member Fiscaro moved to Confirm Designation of the Mayor as the Voting Member for the Council of Cities, Designate an Alternate Voting Member, and Give the Voting Member Discretion on Any and All Matters to be Considered; the motion was seconded by Vice Mayor Colvin.

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

9. **FIFTH AMENDMENT TO EMPLOYMENT CONTRACT WITH KIRK STRATTON**

City Manager Brian Dossey presented the staff report and the proposed salary was verbally announced. Mayor Goodwin opened the public comment period at 7:56 p.m. and seeing no one come forward to speak, he closed the public comment period. Council discussion followed.

Action: Council Member del Rosario moved to Adopt a Resolution Approving Fifth Amendment to Employment Contract with Kirk Stratton; the motion was seconded by Council Member Fiscaro.

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

10. **THIRD AMENDMENT TO EMPLOYMENT CONTRACT WITH BRIAN DOSSEY**

City Attorney Christopher Diaz presented the staff report and the proposed salary was verbally announced. Mayor Goodwin opened the public comment period at 8:01 p.m. and seeing no one come forward to speak, he closed the public comment period. Council discussion followed.

Action: Council Member Fiscaro moved to Adopt a Resolution Approving Third Amendment to Employment Contract with Brian Dossey; the motion was seconded by Vice Mayor Colvin.

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

COUNCIL CALENDARING

The Regular Council Meeting on Wednesday, December 25, 2019 will be cancelled.

The next Regular Council Meeting will be on Wednesday, January 8, 2020 at 7:00pm at Town Hall.

REPORTS

There were no Council reports.

City Manager Brian Dossey gave a report on the following topics:

- The Town Holiday Party will be on Saturday, December 14, 2019.
- Cocoa with a Cop will be on Monday, December 16 at 2pm at Colma Starbucks.
- The Town will be switching cell carriers to AT&T FirstNet, which offers a dedicated line in an emergency.

ADJOURNMENT

Mayor del Rosario adjourned the meeting at 8:07 p.m. in memory of Emanuel "Midge" Damonte, former mayor of South San Francisco; Pete Galvan, longtime resident of Creekside Villas; and Paul Donald Priolo, Jr., longtime community member and security officer at Lucky Chances.

Respectfully submitted,

Caitlin Corley
City Clerk

FinalCheck List
Town of Colma

apChkLst
12/02/2019 11:03:55AM

Bank : first TRI COUNTIES BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50901	12/3/2019	00051	CALIFORNIA WATER SERVICE6544607057	11/14/2019	6544607057 SW CORNER HIL	314.14	314.14
50902	12/3/2019	00095	CLEARLITE TROPHIES 85562	11/27/2019	WALNUT GAVEL PLAQUE W/F	107.88	107.88
50903	12/3/2019	00177	HUMAN INVESTMENT PROJFY 2019/2020 G	10/31/2019	FY 2019/2020 Council Approver	5,000.00	5,000.00
2032019	12/3/2019	00282	CALIFORNIA PUBLIC EMPLOY 1000000158672:	11/14/2019	MEDICAL INSURANCE	5,090.69	5,090.69
50904	12/3/2019	00300	COMMUNITY GATEPATH FY 2019/2020 G	10/31/2019	FY 2019/2020 COUNCIL APPR	6,500.00	6,500.00
50905	12/3/2019	00307	PACIFIC GAS & ELECTRIC 11/20/2019	11/20/2019	PG&E	89.96	89.96
50906	12/3/2019	00421	U.S. POSTAL SERVICE Bulk Mail Postag	11/26/2019	#1433 BULK MAILING POSTAL	2,500.00	2,500.00
50907	12/3/2019	00433	GRAINGER INC 9366396100	11/25/2019	POLE & SIGN TOP ALUMINUM	287.83	
			9364207648	11/21/2019	CHANGING STATION REFRES	185.74	
			9364663667	11/21/2019	CHANGING STATION REFRES	72.76	546.33
50908	12/3/2019	00456	NORTH PENINSULA FOOD PA FY 2019/2020 G	10/31/2019	FY 2019/2020 Council Approver	15,000.00	15,000.00
50909	12/3/2019	00654	SITIKE COUNSELING CENTEFFY 2019/2020 G	10/31/2019	FY 2019/2020 Council Approver	6,500.00	6,500.00
50910	12/3/2019	00907	MERRIE OLDE CHRISTMAS C,12/02/19 Carolin	11/12/2019	DEC 2, 2019 CAROLING SERV	355.00	355.00
50911	12/3/2019	01816	QUALITY STRIPING, INC. 93728	11/10/2019	COLMA TO SERRAMONTE LA	10,900.00	
			93729	11/10/2019	SERRAMONTE TO HICKEY FL	10,750.00	
			93727	11/10/2019	COLMA TO PUBLIC STORAGE	8,900.00	
			93646	10/2/2019	EL CAMINO FURNISH & INST/	5,560.00	
			93593	8/30/2019	1199 EL CAMINO RESTRIPE E	2,290.00	
			93594	8/30/2019	1520 HILLSIDE LAYOUT & PAI	1,958.00	40,358.00
50912	12/3/2019	02012	VACCARO, BRANDON 79	11/25/2019	CITY COUNCIL HEADSHOTS I	1,300.00	1,300.00
50913	12/3/2019	02182	DALY CITY KUMON CENTER October 2019	11/26/2019	TUTORING	6,095.00	6,095.00
50914	12/3/2019	02183	EWING IRRIGATION PRODUC8716569	11/16/2019	LEIT PROGRAMING KEY 400C	29.72	29.72
50915	12/3/2019	02392	MIG 0061739	11/22/2019	OCTOBER 2019 MISSION RO/	6,897.58	6,897.58
50916	12/3/2019	02453	DALY CITY PUBLIC LIBRARY AFY 2019/2020 G	10/31/2019	FY 2019/2020 COUNCIL APPR	5,000.00	5,000.00
50917	12/3/2019	02623	BLOEBaum, CYNTHIA Sr Holiday Lunct	11/25/2019	12.11.19 SENIOR HOLIDAY LU	400.00	400.00
50918	12/3/2019	02849	U.S. BANK PARS ACCOUNT, 6 December 2019	11/27/2019	OPEB CONTRIBUTION	134,115.00	134,115.00
50919	12/3/2019	02988	DALY CITY PENINSULA FY 2019/2020 G	10/31/2019	FY 2019/2020 COUNCIL APPR	15,000.00	15,000.00
50920	12/3/2019	02989	LIFEMOVES FY 2019/2020 G	10/31/2019	FY 2019/2020 Council Approver	4,000.00	4,000.00
50921	12/3/2019	02993	MOSQUEDA VELEZ, VANESSAOct 3-Nov 21, 2c	11/25/2019	YOGA FOR SENIORS	720.00	720.00

Bank : first TRI COUNTIES BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50922	12/3/2019	03015	U.S. BANK CORPORATE PMT	11/22/2019	Gogan	3,389.48	
				11/22/2019	Corley	2,284.56	
				11/22/2019	Gotelli	1,658.77	
				11/22/2019	Vang	767.27	
				11/22/2019	Velasq	685.66	
				11/22/2019	Dossey	529.10	
				11/22/2019	Pfotent	50.00	
50923	12/3/2019	03180	DAWSON, ASHLEY	11/22/2019	CREDIT CARD PURCHASE	9,364.84	
50924	12/3/2019	03208	AAA BUSINESS SUPPLIES & IP2113442-0	11/25/2019	DEC 7, 2019 BALLOON ARTIS	225.00	
50925	12/3/2019	03224	DECORATIVE PLANT SERVICES	11/25/2019	SUPPLES	96.24	
50926	12/3/2019	03262	FEHR & PEERS	12/1/2019	MAINTENANCE GUARANTEE	157.31	
				11/8/2019	BIKE PEDESTRIAN IMPROVE	9,816.56	
				10/21/2019	BIKE PEDESTRIAN IMPROVE	8,580.45	
50927	12/3/2019	03267	ACC BUSINESS	11/27/2019	ETHERNET ACCESS	674.58	
50928	12/3/2019	03281	GACHINA LANDSCAPE MANAIF173963	11/18/2019	WORK ORDER	1,912.00	
50929	12/3/2019	03318	DILLINGHAM ASSOCIATES	11/19/2019	OCTOBER & NOVEMBER 201	5,987.50	
50930	12/3/2019	03319	LEIVA, KATHY	11/22/2019	11.22.19 DEPOSIT REFUND	30.00	
50931	12/3/2019	03320	GOMEZ IRON WORKS	11/15/2019	WELD PLATES AND STOP ON	1,300.00	

Sub total for TRI COUNTIES BANK:

294,063.78

32 checks in this report.

Grand Total All Checks:

294,063.78

Bank : first TRI COUNTIES BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50932	12/6/2019	01340	12062019 B fsa1	12/6/2019	FLEX 125 PLAN: PAYMENT	608.84	608.84
50933	12/6/2019	01375	12062019 B defc	12/6/2019	NATIONWIDE: PAYMENT	4,800.00	
50934	12/6/2019	02377	12062019 M defc	12/6/2019	NATIONWIDE: PAYMENT	950.00	5,750.00
50935	12/6/2019	02944	12062019 B wq	12/6/2019	WAGE GARNISHMENT: PAYM	871.38	871.38
50936	12/6/2019	02945	12062019 B porc	12/6/2019	PORAC: PAYMENT	24.00	
94079	12/6/2019	00521	12062019 B porc	12/6/2019	PORAC LDF: PAYMENT	196.20	196.20
94080	12/6/2019	01360	12062019 M fed	12/6/2019	FEDERAL TAX: PAYMENT	911.88	911.88
94081	12/6/2019	00631	12062019 M icm	12/6/2019	ICMA CONTRIBUTION: PAYME	464.42	464.42
94082	12/6/2019	00282	12062019 M per	12/6/2019	PERS MISC NON-TAX: PAYME	660.21	660.21
94083	12/6/2019	00130	12062019 M Hee	12/6/2019	ANTHEM TRADITIONAL: PAYM	7,348.84	7,348.84
94084	12/6/2019	00521	12062019 B cal1	12/6/2019	CALIFORNIA STATE TAX: PAY	12,181.50	12,181.50
94085	12/6/2019	00521	12062019 B fed	12/6/2019	FEDERAL TAX: PAYMENT	46,290.68	46,290.68
94086	12/6/2019	00282	12062019 B Hea	12/6/2019	ANTHEM TRADITIONAL: PAYM	71,652.32	71,652.32
94087	12/6/2019	00631	12062019 B pers	12/6/2019	PERS - BUYBACK: PAYMENT	44,062.64	44,062.64
94087	12/6/2019	01360	12062019 B icm	12/6/2019	ICMA CONTRIBUTION: PAYME	4,957.04	4,957.04
94088	12/6/2019	00068	12062019 B poa	12/6/2019	COLMA PEACE OFFICERS: P/	600.21	600.21

Sub total for TRI COUNTIES BANK:

196,580.16

15 checks in this report.

Grand Total All Checks:

196,580.16

12/11/2019 12:03:48PM

Bank : first TRI COUNTIES BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50937	12/11/2019	00013	November 2019	11/30/2019	TIRE SERVICE	88.76	88.76
50938	12/11/2019	00051	11/25/2019	11/25/2019	WATER BILL	7,193.00	7,193.00
50939	12/11/2019	00077	AC 19-20-COLM	12/6/2019	ANIMAL CONTROL COSTS	38,006.00	38,006.00
50940	12/11/2019	00111	DEPARTMENT OF CONSERVA	12/4/2019	SMIP FEES	778.13	778.13
50941	12/11/2019	00181	IEDA	12/1/2019	LABOR RELATIONS CONSUL	1,469.00	1,469.00
50942	12/11/2019	00201	JEFFERSON UNION HIGH SCIF	10/31/2019	FY 2019/2020 Council Approver	6,000.00	6,000.00
50943	12/11/2019	00220	LC ACTION POLICE SUPPLY, I	11/27/2019	SBA-SX02-03A VEST W/BLAC	1,004.60	1,004.60
50944	12/11/2019	00254	METRO MOBILE COMMUNICA	12/1/2019	MAINTENANCE CONTRACT	602.00	602.00
50945	12/11/2019	00280	OFFICE DEPOT, INC.	11/26/2019	OFFICE SUPPLIES	251.65	251.65
50946	12/11/2019	00307	PACIFIC GAS & ELECTRIC	12/5/2019	PG&E	2,475.97	2,475.97
50947	12/11/2019	00339	SALVADOR, FEM	12/2/2019	12.02.19 DEPOSIT REFUND	350.00	350.00
50948	12/11/2019	00364	SMC SHERIFF'S OFFICE	12/2/2019	12.02.19 DEPOSIT REFUND	300.00	650.00
50949	12/11/2019	00411	TURBO DATA SYSTEMS	11/30/2019	LAB FEES	2,370.00	2,370.00
50950	12/11/2019	00500	SMC CONTROLLERS OFFICE	11/30/2019	CITATION PROCESSING	401.21	401.21
50951	12/11/2019	00507	COLMA FIRE PROTECTION DI	12/2/2019	ALLOCATION OF PARKING PE	1,829.10	1,829.10
50952	12/11/2019	01030	STEPFORD, INC.	12/5/2019	12.01.19 FALSE FIRE ALARM	350.00	350.00
50953	12/11/2019	01037	COMCAST CABLE	11/20/2019	MONTHLY SERVICE CONTRA	5,622.00	6,617.00
50954	12/11/2019	01118	SWRCB ACCOUNTING OFFIC	11/20/2019	COLMA STORM WATER	10.94	15,522.35
50955	12/11/2019	01121	CITY OF REDWOOD CITY	11/6/2019	COLM CITY CS	5,692.00	8,317.00
50956	12/11/2019	01183	BEST BEST & KRIEGER LLP	10/31/2019	REGIONAL CONSORTIUM ME	360.00	360.00
50957	12/11/2019	01340	NAVIA BENEFIT SOLUTIONS	12/1/2019	EMPLOYEE BENEFITS/TAX	5,033.13	25,281.45
50958	12/11/2019	01345	GOODWIN, SILVIA MARTHA	12/1/2019	CITY ATTORNEY SPECIAL SE	759.00	90.00
50959	12/11/2019	01480	LEXIPOL, LLC	11/26/2019	SECTION 125 PARTICIPANT &	250.00	250.00
50960	12/11/2019	02123	TYLER TECHNOLOGIES, INC.	11/25/2019	11.25.19 DEPOSIT REFUND	10,160.00	10,160.00
50961	12/11/2019	02144	DOMINIC A. DE LUCCA DBA	12/1/2019	JAN 1 - DEC 31, 2020 LAW EN	21,993.94	21,993.94
50962	12/11/2019	02244	CALIFORNIA BUILDING STAN	12/1/2019	01/01/19-12/31/19 Financials S	600.00	600.00
50963	12/11/2019	02337	AXON ENTERPRISES, INC.	12/2/2019	TAE KWON DO	123.00	123.00
				12/4/2019	BSASRF	520.50	520.50
				11/26/2019	PRO EVIDENCE.COM LICENS		

Bank : first TRI COUNTIES BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50964	12/11/2019	02491	DALY CITY YOUTH HEALTH CIFY 2019/2020 G	10/31/2019	FY 2019/2020 Council Approval	6,000.00	6,000.00
50965	12/11/2019	02499	GE CAPITAL INFORMATION 1029993854	11/25/2019	ADMIN COPY MACHINE RENT	512.58	512.58
50966	12/11/2019	02788	LUNA-SEVILLA, MARGARET-R33	12/5/2019	ZUMBA CLASSES	300.00	300.00
			34	12/5/2019	ZUMBA CLASSES	280.00	580.00
50967	12/11/2019	02793	DITO'S MOTORS	12/2/2019	OIL & FILTER CHANGE	65.25	
			21246	11/26/2019	OIL & FILTER CHANGE	55.41	
			21228	11/26/2019	OIL & FILTER CHANGE	42.00	
			21234	11/26/2019	OIL & FILTER CHANGE	42.00	
			21279	12/6/2019	OIL & FILTER CHANGE	42.00	204.66
50968	12/11/2019	02827	CORODATA SHREDDING, INC.DN1252336	11/30/2019	SHREDDING SERVICE	105.74	105.74
50969	12/11/2019	02830	BAILEY FENCE COMPANY, INC79120	11/19/2019	CORP YARD ENTRY GATE RE	1,878.15	1,878.15
50970	12/11/2019	02878	MENDOZA, DANIEL	12/04/19	Vehicle	13.98	13.98
50971	12/11/2019	02947	ABELLANA, ANGELIKA	Nov 22, 2019	Re 12/4/2019	12.04.19 O'REILLY AUTO PAR	116.00
50972	12/11/2019	02952	ALVARADO, JORGE	Nov 19-22, 2019	11/30/2019	NOV 19-22, 2019 RADAR/LIDA	370.03
50973	12/11/2019	03009	MUTT MITT	310376	11/25/2019	10 MUTT MITT SINGLES/2000	1,073.03
50974	12/11/2019	03015	U.S. BANK CORPORATE PMT	11/22/19	Abellan	11/22/2019	CREDIT CARD PURCHASE
			11/22/19	Tapia	11/22/2019	CREDIT CARD PURCHASE	4,732.95
			11/22/19	Navarr	11/22/2019	CREDIT CARD PURCHASE	3,020.31
			11/22/19	Lin	11/22/2019	CREDIT CARD PURCHASE	1,862.20
			11/22/19	De Leo	11/22/2019	CREDIT CARD PURCHASE	289.82
			11/22/19	Lum	11/22/2019	CREDIT CARD PURCHASE	54.19
50975	12/11/2019	03034	FLEX ADVANTAGE	116440	11/30/2019	CREDIT CARD PURCHASE	39.95
50976	12/11/2019	03216	COMMUNITY PLAYGROUNDS	11180	11/30/2019	FLEX PROCESSING FEES	175.00
50977	12/11/2019	03236	VETERANS SPORTSMAN ALLIFY 2019/2020 G	10/31/2019	CHANGE ORDER 5 REMOVE/	13,023.91	13,023.91
50978	12/11/2019	03266	AUTO EXOTICS	1293B C&D Ref	10/29/2019	1293B C&D REFUND (02/19)	1,200.00
50979	12/11/2019	03318	DILLINGHAM ASSOCIATES	13598	11/25/2019	SEPT & OCT 2019 COLMA LAI	1,000.00
50980	12/11/2019	03321	SPECIAL SERVICES GROUP, I13537	11/26/2019	XTREME4G VERIZON GPS TF	2,827.50	2,827.50
50981	12/11/2019	03322	AMERICAN EAGLE ROOFING	1351B C&D Ref	10/29/2019	1351B C&D REFUND (07/19)	1,091.57
						1,000.00	1,000.00
Sub total for TRI COUNTIES BANK:						194,476.23	

45 checks in this report.

Grand Total All Checks:

194,476.23

12/16/2019 12:54:50PM

Bank : first TRI COUNTIES BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50982	12/17/2019	00003	A. S. F. ELECTRIC	11/22/2019	INSTALL NEW DEDICATED 20	1,396.90	1,396.90
50983	12/17/2019	00020	ASSOCIATED SERVICES INC	12/11/2019	RENTAL	40.00	
50984	12/17/2019	00057	CINTAS CORPORATION #2	12/11/2019	Spring Water 5 Gal	9.00	49.00
50985	12/17/2019	00174	HOME DEPOT CREDIT SERVICE	11/30/2019	OUTSIDE & INSIDE MATS AT	342.64	342.64
50986	12/17/2019	00211	KELLY-MOORE PAINTS	11/29/2019	PW SUPPLY PURCHASES	1,312.77	1,312.77
50987	12/17/2019	00213	STRATTON, KIRK	11/30/2019	PAINT AND SUPPLIES	210.00	210.00
50988	12/17/2019	00307	PACIFIC GAS & ELECTRIC	Dec 4-6, 2019 M	DEC 4-6, 2019 MEAL REIMBU	72.51	72.51
50989	12/17/2019	00366	CRITICAL REACH	3007220528-6	3007220528-6 1199 EL CAMIN	2,617.87	
50990	12/17/2019	00388	SONITROL	0567147369-1	0567147369-1 JSB S/O SERRA	182.40	2,800.27
50991	12/17/2019	00412	TELECOMMUNICATIONS ENG	20-109	2020 APBNET BULLETIN SER	250.00	250.00
50992	12/17/2019	00414	TERMINEX INTERNATIONAL	1344275	MONTHLY MONITORING	1,109.81	1,109.81
50993	12/17/2019	00507	COLMA FIRE PROTECTION DI	12/10/2019	Facilities Mgmt & Maintenance	1,328.00	1,328.00
50994	12/17/2019	00534	SMC INFORMATION SERVICE	12/16/2019	PEST CONTROL	118.00	
50995	12/17/2019	00623	ARAMARK	391926556	12/16/2019 601 F St.	70.00	188.00
50996	12/17/2019	01037	COMCAST CABLE	10/25-12/24 Intel	12/10/2019 ANNUAL INSPECTION FEE	125.00	125.00
50997	12/17/2019	01367	DUO DANCE ACADEMY	11/25-12/24 427	12/10/2019 MICRO CHANNEL & LINES	667.12	667.12
50998	12/17/2019	01565	BAY CONTRACT MAINTENAN	12/11-01/10 601	11/30/2019 UNIFORM SERVICE	432.00	432.00
50999	12/17/2019	01865	THYSSENKRUPP ELEVATOR	11/25-12/24 427	11/20/2019 8155 20 022 0097051 Internet	288.42	
51000	12/17/2019	02216	RAMOS OIL CO. INC.	12/11-01/10 601	11/20/2019 8155 20 022 0097028 427 F ST	288.42	
				November 2019	12/7/2019 8155 20 022 0096715 601 F ST	108.42	685.26
				Dec 2019	12/10/2019 DANCE CLASSES	780.00	780.00
				3004958822	12/10/2019 JANITORIAL SERVICES	10,663.93	10,663.93
				136325	12/1/2019 12.01.19 TO 11.30.20 GOLD - F	3,779.40	
				667134	10/23/2019 LABOR REPAIR DAYTIME	879.00	4,658.40
				664151	11/30/2019 PD GASOLINE PURCHASES 2	1,840.24	
				665651	11/10/2019 PD GASOLINE PURCHASES 1	1,813.09	
				664590	11/20/2019 PD GASOLINE PURCHASES 1	1,803.65	
				667563	11/10/2019 RECREATION GASOLINE PUF	71.74	
					11/30/2019 RECREATION GASOLINE PUF	70.06	5,598.78

Bank : first TRI COUNTIES BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51001	12/17/2019	02274	FRANK AND GROSSMAN LANI2591	2/27/2019	LANDSCAPE MAINTENANCE	5,267.00	
			3789	4/26/2019	LANDSCAPE MAINTENANCE	3,877.00	
			3105	3/20/2019	LANDSCAPE MAINTENANCE	1,141.96	
			3796	4/26/2019	LANDSCAPE MAINTENANCE	375.50	
			4155	5/15/2019	05.08.19 REPAIR (1) 3/4 BROK	359.50	
			5321	5/31/2019	LANDSCAPE MAINTENANCE	323.50	
			5158	5/31/2019	LANDSCAPE MAINTENANCE	278.85	
			3793	4/26/2019	LANDSCAPE MAINTENANCE	218.25	
			5157	5/31/2019	05.07.19 IRRIGATION REPAIR	146.90	
51002	12/17/2019	02317	CUS, ERIN	12/10/2019	BOOT CAMP FITNESS	800.00	11,988.46
51003	12/17/2019	02357	GHILARDUCCI, VERONICA	12/9/2019	12.09.19 DEPOSIT REFUND	300.00	800.00
51004	12/17/2019	02480	ZAPANTA, MARYANN	12/9/2019	12.09.19 DEPOSIT REFUND	300.00	300.00
51005	12/17/2019	02542	JOHNSON CONTROLS SECUF3359955	12/7/2019	FIRE SYSTEM AT SR. HOUSIN	300.00	300.00
51006	12/17/2019	02623	BLOEBAUM, CYNTHIA	12/10/2019	12.11.19 SENIOR HOLIDAY LU	510.00	510.00
			Dec 4, 2019	12/10/2019	COOKING CLASS	684.00	684.00
51007	12/17/2019	02773	GRAPHICS ON THE EDGE	12/16/2019	HARLEY SHIELD DECALS - 5"	400.00	1,084.00
51008	12/17/2019	02787	AECO SYSTEMS, INC.	12/11/2019	FIRE & BURGLAR PANIC ALAI	62.48	62.48
51009	12/17/2019	02799	WAVE	11/30/2019	RIMS INTERNET W/SSF	45.00	45.00
51010	12/17/2019	03061	NORTH BAY PETROLEUM	11/15/2019	PW GAS PURCHASES 1-15	400.00	400.00
			2101133	11/15/2019	PW GAS PURCHASES 1-15	304.83	304.83
			2104466	11/30/2019	PW GAS PURCHASES	263.10	263.10
51011	12/17/2019	03191	MAZE & ASSOCIATES	10/31/2019	ACCOUNTING SERVICES	1,905.00	567.93
51012	12/17/2019	03204	WATERLOGIC AMERICAS LLCNIN79049W	12/7/2019	SERVICE AGREEMENT 42726	199.48	1,905.00
51013	12/17/2019	03208	AAA BUSINESS SUPPLIES & I12116948-0	11/21/2199	SUPPLIES	107.52	199.48
51014	12/17/2019	03235	LS DE LLC	12/12/2019	12.10.19 TO 12.09.20 SUPPOF	3,870.00	107.52
51015	12/17/2019	03281	GACHINA LANDSCAPE MANA1F174433	12/11/2019	MAINTENANCE CONTRACT	13,398.93	3,870.00
51016	12/17/2019	03315	BROOKWATER, INC.	12/10/2019	CONSTRUCTION DOCUMENT	3,175.00	13,398.93
			19-430	12/10/2019	CONSTRUCTION DOCUMENT	3,175.00	3,175.00

Sub total for TRI COUNTIES BANK: 71,384.19

35 checks in this report.

Grand Total All Checks: 71,384.19

12/19/2019 10:30:48AM

Bank : first TRI COUNTIES BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51017	12/17/2019	00051	CALIFORNIA WATER SERVICE1727052702	12/11/2019	1727052702 JSB ACROSS FR	73.88	73.88
51018	12/17/2019	00254	METRO MOBILE COMMUNICA44196	12/11/2019	KENWOOD KMC-72 REMOTE	173.71	173.71
51019	12/17/2019	00307	PACIFIC GAS & ELECTRIC 0576889222-5	11/11/2019	0576889222-5 1180 EL CAMIN	303.48	303.48
51020	12/17/2019	01296	SOUTH SAN FRANCISCO COM19-12456	12/16/2019	2019 TOWN OF COLMA HOLII	24,949.14	24,949.14
51021	12/17/2019	01414	VERANO HOMEOWNERS ASS1	11/1/2020	VERANO OWNERS ASSOCIAT	335.00	335.00
51022	12/17/2019	01569	DARLING INGREDIENTS INC., 10746238	11/23/2019	TRAP SERVICE	102.71	102.71
51023	12/17/2019	02676	DYETT & BHATIA, URBAN AN17-552-20	10/8/2019	SERRAMONTE BLVD & COLLI	10,059.84	
			17-552-21	10/26/2019	SERRAMONTE BLVD & COLLI	2,648.59	
51024	12/17/2019	02793	DITO'S MOTORS 21327	12/16/2019	OIL & FILTER CHANGE	52.50	12,708.43
			21317	12/13/2019	OIL & FILTER CHANGE	42.00	94.50
51025	12/17/2019	02827	CORODATA SHREDDING, INC.RS3129088	11/30/2019	STORAGE, PICKUP/DELIVER	92.79	92.79
51026	12/17/2019	03034	FLEX ADVANTAGE January 2020	12/17/2019	HEALTH REIMBURSEMENT A	46,624.34	46,624.34
51027	12/17/2019	03044	PEORO, ENEZA. 12/23/19 Retire	12/12/2019	12.23.19 CAKE FOR SGT PFO	75.00	75.00
51028	12/17/2019	03323	BROADCAST MICROWAVE SESI-110211	12/13/2019	VERUS FRONT CAMERA FLA	235.00	235.00
5878294	12/20/2019	00631	P.E.R.S. 1000000158782	12/2/2019	SSA 218 ANNUAL FEE	500.00	500.00

Sub total for TRI COUNTIES BANK:

86,267.98

13 checks in this report.

Grand Total All Checks: 86,267.98

Bank : first TRI COUNTIES BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51029	12/20/2019	00047	12202019 B	12/20/2019	CLEA: PAYMENT	269.50	269.50
51030	12/20/2019	01340	12202019 B	12/20/2019	NAVIA BENEFIT SOLUTIONS	608.84	608.84
51031	12/20/2019	01375	12202019 B	12/20/2019	NATIONWIDE RETIREMENT SOLL	4,800.00	4,800.00
51032	12/20/2019	02224	12202019 B	12/20/2019	NATIONWIDE: PAYMENT	663.00	663.00
51033	12/20/2019	02377	12202019 B	12/20/2019	STANDARD INSURANCE COMPAN	871.38	871.38
94091	12/20/2019	00130	12202019 B	12/20/2019	CALIFORNIA STATE DISBURSEM	11,688.40	11,688.40
94092	12/20/2019	00521	12202019 B	12/20/2019	EMPLOYMENT DEVELOPMENT D	44,558.29	44,558.29
94094	12/20/2019	00631	12202019 B	12/20/2019	UNITED STATES TREASURY	40,633.08	40,633.08
94100	12/20/2019	01360	12202019 B	12/20/2019	P.E.R.S.	4,937.68	4,937.68
94101	12/20/2019	00068	12202019 B	12/20/2019	VANTAGE TRANSFER AGENTS	600.21	600.21
					COLMA PEACE OFFICERS		
Sub total for TRI COUNTIES BANK:						109,630.38	

10 checks in this report.

Grand Total All Checks:

109,630.38

Bank : first TRI COUNTIES BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51034	12/30/2019	00004	AT&T	12/13/2019	C3-A/B-12-10-TS-01	1,651.10	1,651.10
51035	12/30/2019	00051	CALIFORNIA WATER SERVICE	12/16/2019	6544607057 S.W. CORNER HI	299.73	299.73
51036	12/30/2019	00057	CINTAS CORPORATION #2	11/30/2019	CLEANING SERVICE	1,394.84	1,394.84
51037	12/30/2019	00087	CITY OF DALY CITY	12/19/2019	SEPT 3-16, 2019 PREVENTATI	21,420.00	21,420.00
51038	12/30/2019	00093	CITY OF SOUTH SAN FRANCISCO	12/9/2019	TRAFFIC SIGNAL MAINTENANCE	820.18	
			517944	12/9/2019	TRAFFIC SIGNAL MAINTENANCE	750.00	1,570.18
51039	12/30/2019	00117	DELTA DENTAL OF CALIFORNIA	11/1/2020	DENTAL INSURANCE	13,174.00	13,174.00
51040	12/30/2019	00254	METRO MOBILE COMMUNICATIONS	12/17/2019	3 KENWOOD KMC-72 REMOTE	260.56	
51041	12/30/2019	00307	PACIFIC GAS & ELECTRIC	12/19/2019	1198 EL CAMINO	3,268.82	260.56
			12/12/2019	PG&E		2,062.75	
			12/19/2019	PG&E		87.48	5,419.05
51042	12/30/2019	00432	VISION SERVICE PLAN	12/19/2019	VISION SERVICE PLAN	1,106.39	1,106.39
51043	12/30/2019	00464	HINDERLITER, DE LLAMAS	11/21/2019	SALES TAX SERVICES	4,215.35	4,215.35
51044	12/30/2019	00623	ARAMARK	11/30/2019	FIRST AID SUPPLIES TOWN H	130.32	
			860095827 Nov	11/30/2019	FIRST AID SUPPLIES CORP Y	65.20	
			860095830 Nov	11/30/2019	FIRST AID SUPPLIES STERLII	65.20	
			860095829 Nov	11/30/2019	FIRST AID SUPPLIES COMMU	65.20	
			860095831 Nov	11/30/2019	FIRST AID SUPPLIES PD	65.20	391.12
			860095828 Nov	11/30/2019	CYPRESS TREE IN ROUND P	200.00	
51045	12/30/2019	00649	DAVEY TREE EXPERT COMPANY	12/16/2019	CYPRESS TREE PRUNING TC	150.00	350.00
			914229872	12/9/2019	OFFICE SUPPLIES	720.49	720.49
51046	12/30/2019	00830	STAPLES BUSINESS CREDIT	11/12/2019	OFFICE SUPPLIES	298.42	
51047	12/30/2019	01037	COMCAST CABLE	12/25/19-01/24/2	8155 20 022 0097051 Internet	298.42	
			12/25-01/24/20 4	12/20/2019	8155 20 022 0097028 427 F ST	54.70	
			12/17/19-01/16/2	12/12/2019	8155 20 022 0188769 HD TECH	10.94	662.48
			12/27/19-01/26/2	12/17/2019	8155 20 022 0002770 1520 HIL	1,598.11	1,598.11
51048	12/30/2019	01370	VERIZON WIRELESS SERVICE	12/15/2019	CELL PHONE SERVICE	300.00	300.00
51049	12/30/2019	01511	GONZALEZ, ALEJANDRA	12/23/2019	12.23.19 DEPOSIT REFUND	160.24	160.24
51050	12/30/2019	01687	UNITED SITE SERVICES OF	11/29/2019	STANDARD AND REGULAR SI	1,723.43	1,723.43
51051	12/30/2019	01919	COLLICUTT ENERGY SERVICE	12/17/2019	ANNUAL SERVICE AND LOAD	170.00	
51052	12/30/2019	02034	MORENO, MARIA NORMA	12/23/2019	12.23.19 DEPOSIT REFUND	260.20	260.20
51053	12/30/2019	02179	HUB INTERNATIONAL OF CA	12/15/2019	INSURANCE EVENTS	220.00	220.00
51054	12/30/2019	02224	STANDARD INSURANCE COMPANY	12/16/2019	LIFE INSURANCE	300.00	300.00
51055	12/30/2019	02262	GONZALES, JOAN	12/23/2019	12.23.19 DEPOSIT REFUND	212.82	212.82
51056	12/30/2019	03061	NORTH BAY PETROLEUM	12/15/2019	PW GAS PURCHASES 1-15		

Bank : first TRI COUNTIES BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51057	12/30/2019	03262	FEHR & PEERS	12/13/2019	BIKE PEDESTRIAN IMPROVE	5,944.27	5,944.27
51058	12/30/2019	03281	GACHINA LANDSCAPE MANA	12/9/2019	WORK ORDER	1,449.94	1,449.94

Sub total for TRI COUNTIES BANK: 64,974.30

25 checks in this report.

Grand Total All Checks: 64,974.30

**ORDINANCE NO. ____
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**AN ORDINANCE AMENDING COLMA MUNICIPAL CODE SUBCHAPTER 8.01
PROHIBITING THE FEEDING OF WILD BIRDS OR WILD ANIMALS ON PUBLIC
AND PRIVATE PROPERTY PURSUANT TO CEQA GUIDELINE 15061(b)(3)**

The City Council of the Town of Colma does ordain as follows:

ARTICLE 1. CMC SECTION 8.01.072 AMENDED.

8.01.072. Feeding Birds and Wild Animals Prohibited.

(a) It shall be unlawful for any person to feed or offer food to any bird or wild animal in or on any sidewalk, street, highway or public property of the Town of Colma.

(b) It shall be unlawful for any person to feed or offer food to any bird or wild animal in or on any private property in the Town of Colma, except for the following:

(1) Unintentional feeding of any wild bird or wild animal as a result of leaving food at an individual gravesite within a cemetery.

(2) Use of bird or hummingbird feeders on detached single-family residentially developed properties. Feeders shall be in such numbers that feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners or creates a nuisance, does not create an accumulation of droppings on the property or surrounding properties, and does not become an attractant for rodents or other wild animals. Feeders are required to be suspended off the ground by a chain or other method to prevent potential feeding of wild animals and rodents and shall be filled only with bird seed and feed.

[History: ORD. 637, 11/09/05; ORD. 636, 12/14/05; ORD. 637, 11/9/05; ORD. 740, 4/8/15, Ord. ###, date]

ARTICLE 2. SEVERABILITY.

If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the Town of Colma hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that anyone or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 3. NOT A CEQA PROJECT.

This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378(a). Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. 14 Cal. Code Regs. § 15061(b)(3). The City Planner shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines

ARTICLE 4. EFFECTIVE DATE.

This ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.

Certificate of Adoption

I certify that the foregoing Ordinance No. ___ was duly introduced at a regular meeting of the City Council of the Town of Colma held on December 11, 2019 and duly adopted at a regular meeting of said City Council held on January ___, 2021 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor					
Diana Colvin					
Helen Fiscaro					
Raquel Gonzalez					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated _____

John Irish Goodwin, Mayor

Attest: _____
Caitlin Corley, City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Liz Tapia, Recreation Manager
 VIA: Brian Dossey, City Manager
 MEETING DATE: January 8, 2020
 SUBJECT: Recreation Quarterly Review - October - December 2019

RECOMMENDATION

Staff recommends that the City Council adopt:

MOTION TO ACCEPT INFORMATIONAL REPORT ON RECREATION DEPARTMENT PROGRAMS, ACTIVITIES, EVENTS, AND TRIPS FOR THE FOURTH QUARTER OF 2019.

EXECUTIVE SUMMARY

In the fourth quarter of 2019, a total of 2523 participants attended 69 programs. This represents an increase of 450 participants from the fourth quarter of 2018. Staff attributes the increase to a growth in attendance at community events. Specifically, Cinema at the Cemetery and Día De Los Muertos events as well as an increase in in-house youth programming.

Staff estimates that 42 percent of the population had a current Colma I.D. during the fourth quarter of 2019, a one percent increase from the fourth quarter of 2018. The increase is attributed to new residents at Veteran's Village obtaining new Colma I.D.'s.

There was a total of 81 rentals, which is an increase of 3 rentals from the fourth quarter of 2018.

BACKGROUND

Participation

The Recreation Services Department offered programs, activities, events and trips for all age groups during the past quarter. Below is a summary of participation levels by demographic:

- A total of 193 adults and seniors participated in enrichment programs. This represents an increase of 32 participants from the fourth quarter of 2018. Staff attributes the increase to more participants in new classes added during the fourth quarter.

- A total of 519 adults and seniors participated in trips and events. This represents an increase of 23 participants from the fourth quarter of 2018. Staff attributes the increase to growth in participation to existing programs during the fourth quarter such as Breakfast with Santa and the Adult Holiday Party.
- A total of 560 youth and teens participated in Enrichment Programs. This represents an increase of 131 participants from the fourth quarter of 2018. Staff attributes the increase to more participants in in-house programs such as Kid's Club afterschool program, vacation day camps and Parent's Night Out.
- A total of 211 youth and teens participated in events and trips. This represents an increase in 28 participants from the fourth quarter of 2018. Staff attributes the increase to the increased participation in in-house programs such as Open Teen Center hours and Ice Cream Arts n' Crafts.
- A total of 1040 youth, adults and seniors participated in Community Programs. This represents an increase of 236 participants from the fourth quarter of 2018. Staff attributes the increase to the addition of growth of community events such as Cinema at the Cemetery, Dia De Los Muertos Festival and Parol Lantern Workshop.

The attachment contains a detailed breakdown of participation by program.

Rental Activity

The Colma Community Center was rented for 66 different events:

- Resident Rentals (25 social events, 1 funeral reception, and 1 fundraiser)
- Non-Resident Rentals (4 funeral receptions, 5 social events and one meeting)
- Non-Resident Non-profit Groups (12 programs, 1 social event and 2 meetings)
- In House Reservations (3 meetings and 11 events/programs)

The Sterling Park Recreation Center was rented for 15 different events:

- Sterling Park Resident Rentals (15 social events)

Sustainability Impact

Staff coordinates and implements programs and activities which are in alignment with the Town's Climate Action Plan and Sustainability Policy. For example, staff uses dishware or compostable plates, forks, knives, and cups for all special events and meetings.

ATTACHMENTS

- A. 2019 Recreation Services Department Quarterly Review – Participation Detail

**Recreation Services Department Quarterly Review
October - December 2019
Participation Detail**

Adult/Senior Enrichment Programs

Program	Registered	Sessions	New or Existing Program
Boot Camp Fitness	9	2	Existing
Breakfast Bingo	21	2	Existing
Cooking Classes	18	3	Existing
Chair Yoga	4	1	Existing
Community Action Plan for Emergencies	16	6	Existing
Colma Ladies Social	14	3	Existing
Creeside Villas Activities	48	3	Existing
Dementia Workshop	34	1	Existing
Dragon Boat Paddling for Beginners	Cancelled	1	Existing
First Aid/CPR	Cancelled	1	Existing
Golf	Cancelled	3	Existing
Gentle & Invigorating Yoga	8	1	Existing
Pizza & Puzzles	4	1	Existing
Zumba	7	1	Existing
Zumba Toning	10	1	Existing

Adult & Senior Trips & Events

Program	Registered	Sessions	New or Existing Program
Adult Holiday Event	227	1	Existing
Arata's Farm	5	1	NEW
Armchair Travel	7	1	Existing
Breakfast with Santa	88	1	Existing
Friday Films	20	2	Existing
Hamilton	25	1	NEW
SF War Memorial & Performing Arts	Cancelled	1	NEW
Senior Holiday Luncheon (including staff)	55	1	Existing
Senior Luncheon	50	2	Existing
The Great Dickens Fair	25	1	Existing
Wine & Canvas	17	1	Existing

Youth & Teen Enrichment Programs

Program	Registered	Sessions	New or Existing Program
Ballet, Tap, Jazz & Hip Hop	11	3	Existing
Chamber Orchestra	1	1	Existing
Colma LEYP Program	9	2	Existing
Fall Day Camp Early Morning Care	15	1	Existing
Fall Day Camp	39	1	Existing
Fall Day Camp Afternoon Care	27	1	Existing
Early Childhood Music Ed.	Cancelled	2	Existing

Pop Vocals Youth Ensemble	Cancelled	1	NEW
Golf	Cancelled	3	Existing
Guitar Workshop	2	2	Existing
Kids' Club Afterschool Program	94	5	Existing
Kumon Math Tutoring	105	3	Existing
Kumon Reading Tutoring	83	3	Existing
Letters to Santa Claus	13	1	Existing
Parents' Night Out	22	3	Existing
Piano Workshop	5	1	Existing
Tae Kwon Do	23	3	Existing
Traditional Ukulele	Cancelled	1	Existing
Vibo Youth Ensemble	1	1	Existing
Violin Workshop	Cancelled	1	Existing
Winter Day Camp Early Morning Care	22	1	Existing
Winter Day Camp	47	1	Existing
Winter Day Camp Afternoon Care	31	1	Existing
Youth & Teen Cooking	10	3	Existing

Youth and Teen Events & Trips

Program	Registered	Sessions	New or Existing Program
Breakfast with Santa	53	1	Existing
Halloween Costume Parade	55	1	Existing
Ice Cream Arts & Crafts	31	3	Existing
Pumpkin Carving Party	42	1	Existing
Santa Clara Paint Ball	7	1	NEW
Teen Center Hours	11	1	Existing
Teen Fright Night	12	1	Existing

Community Programs

Program	Registered	Sessions	New or Existing Program
Cinema at the Cemetery	300	1	Existing
Colma Game Night	55	1	Existing
Dia De Los Muertos Festival	300	1	Existing
Halloween House Decorating Contest	37	1	Existing
Holiday Tree Lighting at Town Hall	70	1	NEW
Holiday Craft Night	77	1	Existing
Holiday House Decorating Contest	42	1	Existing
Holiday Pet Photos	3	1	Existing
Parol Lantern Workshop	44	1	Existing
Project Read Learning Wheels	37	2	Existing
Project Read Nutrition Program	38	2	Existing
Project Read Science Club	37	2	Existing

Note: Programs were cancelled due to insufficient participation.



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Pak Lin, Administrative Services Director
 VIA: Brian Dossey, City Manager
 MEETING DATE: January 8, 2020
 SUBJECT: FY 2018-19 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, 2019

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, 2019.

As of 2018-19, 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 November 27, 2019.

FISCAL IMPACT

This is for reporting purposes and does not have a fiscal impact. However, noncompliance may result in penalties and returning of funds.

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 requirement 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).¹ 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).) Both the Park In-Lieu Fee and the Housing In-Lieu Fee are included in this 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. No such requests were made at the time of this report. 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;

¹ The City Council amended CMC Chapter 5.12 on November 28, 2018. The changes will take effect in January 2019

- 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 (Attachment A);
- 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.

Further, Government Code Section 66001 also requires that findings describing the continuing need for impact fees be made every five years 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. However, five years has not elapsed since the Housing Impact Fee was adopted in 2016, so there is no need to make those additional findings at this time.

In 2018-19, the Town collected \$0 of Park In-Lieu Fees, \$62,505 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 2017-18 Development Impact Fee Report (Attachment A).

PARK LAND DEDICATION (PARK IN-LIEU)

Balance at 7/1/2018 ²		<u>\$ 163,664</u>
2018-19 Fee Revenues		<u>0.00</u>
2018-19 Capital Spending/Encumbrance	<u>Project Budget</u>	<u>Actual Spending</u>
Sterling Park Playground Improvement (944)	163,664	<u>163,664</u>
Interfund Transfers		<u>0</u>
Balance at 6/30/2019		<u><u>\$ 0</u></u>

HOUSING IN-LIEU FEE

Balance at 7/1/2018 ²		<u>\$ 197,176</u>
2018-19 Fee Revenues ³		<u>62,505</u>
2018-19 Capital Spending/Encumbrance	<u>Project Budget</u>	<u>Actual Spending</u>
None	0	<u>0</u>
Interfund Transfers		<u>0</u>

² Fees are from the subdivision of land for the new residences on B Street.

³ Fee was from commercial development on El Camino Real.

Balance at 6/30/2019

\$ 259,681

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 receive and file the report.

ATTACHMENTS

- A. FY 2018-19 Development Impact Fee Report



DEVELOPMENT IMPACT FEE REPORT FOR FISCAL YEAR ENDING JUNE 30, 2019

This report provides an overview and summarized information on the Town's Development Impact Fees for Fiscal Year Ending June 30, 2019.

HOUSING IMPACT FEE

FEE DESCRIPTION: The Housing Impact Fee is required 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 Section 5.12.010, 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.

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

Beginning Balance (as of 7/1/2018)		\$	197,176
2018-19 Fee Revenues			62,505
Interest			
2018-19 Capital Spending/Encumbrance	Project Budget		Actual Spending
None	0		0
Interfund Transfers			0
Refunds made from surplus fees and amount of any allocations made			0
Ending Balance (as of 6/30/2019)		\$	259,681

APPROXIMATE DATE THE CONSTRUCTION OF THE PUBLIC IMPROVEMENT WILL COMMENCE:

No construction commencement date has been identified due to insufficient funds collected.





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Pak Lin, Administrative Services Director
 VIA: Brian Dossey, City Manager
 MEETING DATE: January 8, 2020
 SUBJECT: Closeout of Colma 2010 ADA Transition Plan

RECOMMENDATION

Staff recommends that the City Council approve a motion:

TO ACCEPT AND APPROVE THE CLOSEOUT OF THE 2010 ADA TRANSITION PLAN

EXECUTIVE SUMMARY

The City Council adopted the 2010 ADA Self Evaluation and Transition Plan in November 2010. Since the adoption of the Plan, the Town made numerous operational changes and ADA improvements to Town facilities and public right-of-ways.

Operationally, the Town updated its Administrative and Municipal Codes, designated an ADA Coordinator, upgraded the Town's website to be ADA accessible, and held Town events, meetings, and classes at ADA accessible locations. The Town also made available the ADA Coordinator's contact information on all printed media, ADA request forms and ADA compliant forms on the Town website and front counters.

Physical barriers around Town facilities and right-of-ways have been addressed. With the completion of the Town Hall Campus Renovation Project, the Town is ready to integrate ADA compliance into the Town's normal operating process and capital improvement program. With this integration, the remaining physical barriers on Collins/Serramonte, Colma at El Camino Real, and Mission Roads will be addressed as part of the 2019-2024 Capital Improvement Plan. Additionally, any future ADA required upgrades will be incorporated into the ongoing Five-Year Capital Improvement Plan.

FISCAL IMPACT

There is no fiscal impact with the closeout of the 2010 ADA Transition Plan.

BACKGROUND

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The purpose of the ADA is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities."

In November 2010, the City Council adopted the 2010 ADA Self Evaluation and Transition Plan (the Plan), which partially fulfilled the ADA Title II requirements. The plan provided the foundation for the Town to address accessibility around Town facilities and public right-of-ways and to incorporate into its normal operation.

The Town first conducted an ADA Self Evaluation in 2002 and in 2004 and developed a draft of the Plan in 2008. Since the adoption of the Self Evaluation and Transition Plan in 2010 (Attachment A), Staff has addressed a number of the physical barriers identified as part of the self-evaluation (Attachment B). After the adoption of the ADA Transition Plan, staff conducted a self evaluation of physical barriers at Collins Ave and Mission Road and they were incorporated into the plan, see Attachment C. The physical barriers at Mission Road and Collins Ave. will be addressed as part of the Mission Road CIP and Serramonte Blvd/Collins Ave CIP.

The last comprehensive update of the Plan was presented on April 9, 2014. The update included the request to award contract to Golden Bay Construction to complete ADA improvements along Colma Boulevard and Mission Road. A notice of completion for this project was brought forward in September 2014. The remaining outstanding barriers were located at Town Hall, Colma Ave North at El Camino Real, and at the corner of Serramonte Boulevard and Collins Avenue.

Due to how extensive the ADA improvements were at Town Hall, Colma Ave North, and Serramonte Blvd/Collins Ave, all updates were held off until the completion of the Town Hall Campus Renovation.

ANALYSIS

In December 2018, the Colma Town Hall Campus Renovation was completed at the cost of \$17.7 million. Improvements included ADA accessible ramps, lifts, and push-button doors, as well as the installation of ADA compliant restrooms, water fountains and entryways.

The Serramonte Blvd/Collins Ave Master Plan is near completion and the design and construction phase of the project is in the 2019-2024 Five-Year Capital Improvement Plan, under Future/Unfunded Projects.

Colma Boulevard Improvements has an estimated cost of \$1.5 million for accessibility enhancements, mobility improvements, safety features, landscape improvements, roadway improvements, street light upgrades and bike lanes enhancements. This project is in the 2019-2024 Five-Year Capital Improvement Plan under Future/Unfunded Projects.

Mission Road Bicycle and Pedestrian Improvement, with an estimated cost of \$1.6 million, is near the construction phase and will install continuous sidewalks on both sides of the street in compliance with ADA requirements. The anticipated completion date for the Mission Road Improvement Project is Fall of 2020.

Lastly, the 2019-2024 Five-Year Capital Improvement Plan added an Annual Roadway Rehabilitation and Preventative Maintenance Program which will address ongoing ADA issues as roadways are being repaired and rehabilitated.

Attachment B is a complete list of the physical barriers identified as part of the ADA Transition Plan. In accordance with ADA regulations, all improvements to public infrastructure, both facilities and public right-of-way, must comply with ADA mandates. Therefore, Staff is recommending to close out the 2010 ADA Self-Evaluation and Transition Plan and incorporate all ADA improvements into the ongoing Capital Improvement Plans and ongoing ADA Customer Service Training, to be held every two years.

Reasons For the Recommended Action/Findings

ADA compliance and accessibility has been integrated into the Town's Capital Improvement program and operating practices. There is no longer a need for a stand-alone program to ensure compliance. Additionally, integrating ADA improvements into the capital program allows the ADA improvement costs to be embedded into the overall construction cost, which improves cost-efficiency.

Council Adopted Values

By closing out the ADA Transition Plan and integrating ADA compliance into daily operations and the ongoing Capital Improvement Plan, the City Council is ensuring all persons are treated fairly and are given equal access to the same services.

CONCLUSION

The Town is ready to integrate ADA requirements into the Town's normal operating and capital program. This integration will normalize the need to accommodate individuals with special needs.

ATTACHMENTS

- A. 2010 ADA Self Evaluation & Transition Plan
- B. ADA Physical Barrier Updated
- C. Collins and Mission Road Self Evaluation



Town of Colma ADA Self Evaluation & Transition Plan

November 10, 2010

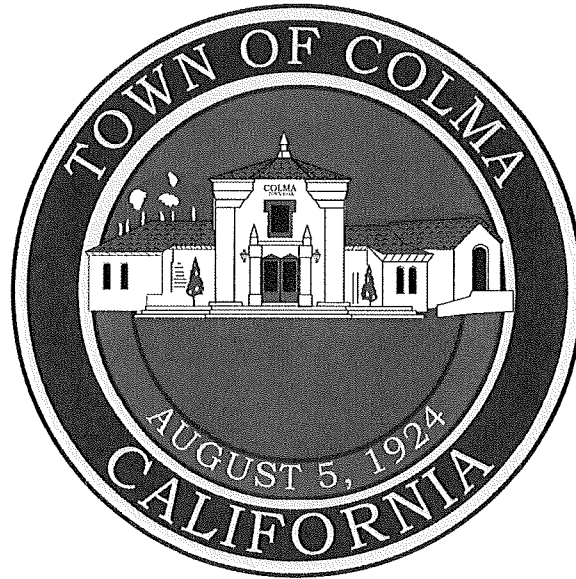


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TOWN OF COLMA ADA TRANSITION PLAN

1. INTRODUCTION

1.1 Executive Summary

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

This ADA Self Evaluation and Transition Plan are being prepared in partial fulfillment of the requirements set forth in Title II of the Americans with Disabilities Act (ADA). The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This report will assist the Town of Colma, its City Council and staff in identifying policy, programmatic, and physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of access to all individuals.

The ADA is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA was enacted on July 26, 1990. The ADA extended civil rights legislation to people with disabilities and is companion to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. The Town of Colma has undertaken a comprehensive evaluation of its policies, programs, and facilities to determine the extent to which individuals with disabilities may be restricted in their access to Town services and activities

In 2002 and 2004 the Town of Colma conducted an ADA Self Evaluation and a draft ADA Self Evaluation and Transition plan was developed in 2008. After a comprehensive review was performed, we discovered that additional work needed to be done to complete the document. In 2009 staff re-evaluated the Town's physical and architectural barriers, as well as program, and developed the following ADA Self Evaluation and Transition Plan.

This document describes the process developed to complete the self-evaluation of Colma's activities, provides policy and program recommendations and presents a Transition Plan for the modification of facilities, public right-of-way and programs to ensure accessibility.

This document also guides the planning and implementation of necessary program and facility modifications over the next several years. The ADA Self Evaluation and Transition Plan is significant in that it establishes the Town's ongoing commitment to the development and maintenance of policies, programs and facilities to include all of its citizenry.

1.2 Legislative Mandate

The development of a Transition Plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which require that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. The Act, which has become known as the "civil rights act" of persons with disabilities, states that:

"No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)"

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act ADA on July 26, 1990. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of title V of the Rehabilitation Act. This legislative mandate, therefore, prohibits the Town, either directly or through contractual arrangements, from:

- Denying persons with disabilities the opportunity to participate as members of advisory boards and commissions.
- Denying persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered, even if the City offers permissibly separate or different activities.
- Making selections that have the effect of excluding or discriminating against persons with disabilities when determining the location of facilities.

1.3 Title II Requirements

The Town of Colma is obligated to observe all requirements of Title I, which prohibits discrimination by employers against qualified individuals with disabilities in all aspects of employment (refer to Chapter 3 of Town of Colma Personnel Policies); Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the Town and its programs, services, or facilities; and all requirements specified in the ADA Accessibility Guidelines (ADAAG) that apply to the facilities and other physical holdings (e.g. street, sidewalks, and pedestrian right-of ways).

Title II has the broadest impact on the Town. A self-evaluation is required and intended to examine programs, activities, and services, identify problems or physical barriers that may limit accessibility by the disabled and describe potential compliance solutions.

Included in Title II are administrative requirements for all government entities employing fifty people or more. These administrative requirements are:

- Designation of a person who is responsible for overseeing Title II compliance;
- Development of an ADA complaint procedure;
- Completion of a self-evaluation; and
- Development of a Transition Plan if the self-evaluation identifies any structural modifications necessary for compliance. The Transition Plan must be retained for three years.

1.4 State of California Accessibility Requirements

The California Code of Regulations, Title 24, Part 2 mandates that all publicly funded buildings, structures and related facilities shall be accessible to and usable by persons with disabilities. These regulations, which are often referred to as Title 24, pertain to Colma's public buildings, parks and facilities that were constructed using State, Town, or municipal funds or that are owned, leased, rented, contracted, or sublet by the Town. Title 24 regulations and standards were also incorporated in the evaluation of architectural barriers as part of the Transition Plan Update. Where there is a conflict among Title 24 and ADA standards, the provision providing the greatest level of protection for individuals with disabilities shall govern.

1.5 ADA Self-Evaluation and Transition Plan Development Requirements and Process

The self-evaluation is the Town's assessment of its current policies, practices and procedures. The self-evaluation identifies and makes recommendations to correct those policies and practices that are inconsistent with Title II requirements. As part of the self-evaluation the Town should:

- Identify all of the Town's programs, activities and services; and
- Review all of the policies, practices and procedures that govern the administration of the Town's programs, activities, and services.

The ADA sets forth specific requirements for preparation of an acceptable ADA Transition Plan. At a minimum, the elements of the plan should include:

A list of physical barriers in the Town's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;

- A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
- A schedule for taking the steps necessary to achieve compliance with the ADA, Title II; and
- The name of the individual responsible for the Transition Plan implementation.

1.6 Discrimination and Accessibility

There are two kinds of accessibility: Program accessibility and physical accessibility.

Absence of discrimination requires that both types of accessibility be provided. Programmatic accessibility includes physical accessibility, but also entails all of the policies, practices and procedures that permit people with disabilities to participate in programs and to access important information. Physical accessibility requires that a facility be barrier free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries and provisions of services at alternate sites.

1.7 Undue Burden

The Town does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator, department head, or designee and must be accompanied by a statement citing the reasons for reaching that conclusion.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the Town must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

1.8 Self-Evaluation Process

1.8.1 Facilities and Sidewalks Survey

The Town conducted a complete survey of architectural barriers in its buildings, facilities, sidewalks/streets, and parks during the draft development process in June 2008. Only those areas open to the public were surveyed. Since the Police Department was erected within the past five years, compliance with the California Code of Regulations Title 24 was integrated into the construction plan. The surveys provide the Town with an overview of the architectural barriers that prevent people with disabilities from using its facilities and participating in its programs. The following locations were investigated for ADA compliance in June 2008:

- Town Hall
- Town Hall Annex (Public Works and Planning)
- Sterling Park Recreation Center
- Colma Community Center and Historical Museum

- Streets/Sidewalks throughout the Town

The survey process was accomplished by Staff equipped with measuring devices, facility plan sets in some cases, and ADA checklists for reference. The surveys identified physical barriers in Town buildings, facilities, and sidewalks/streets based on Americans with Disabilities Act Access Guidelines (ADAAG) and C.C.R. Title 24 standards.

The elements and their related features addressed in the facility survey include:

Parking Area	Sign
Curb Ramp	Door
Walk	Corridor or Aisle
Exterior Ramp	Building Level
Exterior Stairway	Interior Stairway
Site Furnishings	Interior Ramp
Game and Sports Area	Multiple User Restroom
Play Equipment Area	Single User Restroom
Viewing Area	Room
Drinking Fountain	Eating or Dining Area
Telephone	Picnic Area
Hazard	

1.8.2 Evaluation of Policies, Procedures, and Programs

In 2004 a self evaluation was conducted, and in 2009 the Town began a re-evaluation of its policies, programs and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. A survey of department staff provided information on the nature of the program, forms and methods used to advertise each program’s services and activities, a profile of current participants, the types of equipment and materials used, testing and entrance requirements, the level of staff training and any special modifications provided.

The self-evaluation of the Town’s services, programs, and activities required and involved the participation of every Town department. The Town conducted meetings with each department and distributed a program questionnaire to each employee (Appendix A – Program Survey) to complete. The survey included the review of the following information:

- Program or service description, including its activities, rules and regulations governing the program.
- Program or service eligibility requirements
- Characterization of program or service participants, along with a description of any participation requirements and any adaptations made to assist persons with disabilities.
- List of facilities where program or service takes place.
- Summary of program providers' training and experience working with people with disabilities.
- Summary of ADA compliance requirements for concessionaires, special recreation operators and other permittees or special events.
- Summary of transportation procedures and methods used to accommodate persons with disabilities.
- Summary of communication procedures in the area of audio/visual presentations, telephone communication, participant notification, and documents/publications, including any modifications or equipment used to accommodate people with disabilities.
- Description of emergency evacuation procedures designed to accommodate people with disabilities.
- Methods used to ensure that any automated electronic equipment used in a program or service is accessible to all participants.
- Methods used to ensure that all public meetings relating to a program or service are designed to accommodate persons with disabilities.

1.9 Definitions

The following terms shall have the meaning ascribed to them in this Section, which are consistent with the provisions of existing federal and state law, including the regulations promulgated there under. Except to the extent expressly stated to the contrary, any term not expressly defined in this section or elsewhere in this Transition Plan that has an expressly defined meaning in either the ADA or the regulations promulgated there under ("Regulations") shall have the meaning ascribed to it by the ADA or the Regulations, in that order of preference. All other terms shall be interpreted according to their plain and ordinary meaning.

"ADA" means and refers to the Americans with Disabilities Act as contained at 42 U.S.C. §12101 et seq.

"ADAAG" means and refers to the Americans with Disabilities Act Access Guidelines, codified at Appendix A to 28 Code of Federal Regulations Part 36 and at Appendix A

to 49 Code of Federal Regulations part 37. "ADAAG Standards" means and refers to physical conditions that meet the new construction and/or alterations standards set forth in the ADAAG guidelines. Note: The Town of Colma subscribes to ADAAG and not the Uniform Federal Accessibility Standards ("UFAS").

"Auxiliary aids and services" includes, qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; and acquisition or modification of equipment or devices; and other similar services and actions.

"Compliance Period" means and refers to the period of time for which this Transition Plan will be in effect. The Transition Plan shall become effective upon Final Approval and remain in effect for up to 30 years. The Town may dissolve the Transition Plan at any time upon a showing that it provides Program Access to Pedestrian Rights of Way or upon a showing that it has met or exceeded the monetary obligations specified in this Transition Plan. Alternatively, the Transition Plan will remain in effect until it dissolves automatically 30 years after Final Approval.

"Compliant Curb Ramp" means and refers to a curb ramp that is constructed to comply with state and/or federal law (whichever provides the higher access standard) in place at the time of construction. In the case of a location where it is Structurally Impracticable or Technically Infeasible to build a fully compliant curb ramp, or where construction of a fully compliant curb ramp would constitute a Fundamental Alteration of a service, program, or activity of the City or an Undue Burden on the City, a curb ramp that complies with access standards, or was constructed to the standards existing at the time of construction, or to the maximum extent feasible, will constitute a Compliant Curb Ramp as long as the requirements set forth in this Transition Plan for justifying the reasons for the City to avoid full compliance are met.

"Curb Ramp" is used interchangeably with "curb cut."

"Detectable Warnings" for example can mean truncated domes which provide a tactile surface at the transition between the curb and the street or other hazardous vehicular crossings, assisting pedestrians with Vision Disabilities in determining when they enter the street.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such impairment.

"Discrimination on the Basis of Disability" means to, limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability; limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability; participate in a contract that could subject a qualified citizen with a disability to discrimination; use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability; deny equal benefits because of a disability; fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual

unless it can be shown that the accommodation would impose an undue burden on the Town's operations; use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

"Fundamental Alteration" means and refers to an action that, if taken by the Town, would result in a fundamental alteration in the nature of the service, program or activity. If the Town claims that any action otherwise required by this Transition Plan would constitute a Fundamental Alteration, the Town shall have to demonstrate that such an alteration would result and the decision that an action would constitute a Fundamental Alteration must be made by the ADA Coordinator and City Manager, or his or her designee, after considering all funds available for such work and must be accompanied by a written statement of the reasons for reaching that conclusion.

"Mobility Disability" means and refers, with respect to an individual, to any physical or mental impairment or condition that substantially limits an individual's ability to move his or her body or a portion of his or her body and includes, but is not limited to, orthopedic and neuromotor disabilities and any other impairment or condition that limits an individual's ability to walk, maneuver around objects, ascend or descend steps or slopes and operate controls. An individual with a Mobility Disability may use a wheelchair or motorized scooter for mobility, or may be Semi-Ambulatory.

"Pedestrian Rights-of-Way" (PROW) means and refers to all sidewalks over which the Town of Colma has responsibility or authority as well as all curb ramps and crosswalks serving such sidewalks and any other pathways used by pedestrians along public rights of way, including pedestrian pathways through public parking lots.

"Physical or mental impairments" may include, but are not limited to vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; hepatitis B; HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs. The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

"Record of Impairment" means a history of having an impairment that substantially limits the performance of a major life activity or the diagnoses, correctly or incorrectly, of such impairment.

"Regarded as Having a Disability" means being treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

"Statutory Defenses" means and refers to the Town's right to assert under this Transition Plan that removal of any barrier or installation of a compliant curb ramp is not required because such barrier removal or curb ramp installation would be technically infeasible,

or structurally impracticable, or that it would constitute an undue burden or fundamental alteration.

“Structurally Impracticable” means and refers to circumstances in which the unique characteristics of terrain prevent the incorporation of accessibility features. If it is structurally impracticable to provide full access at any location along pedestrian rights of way, the Town shall comply with access requirements to the extent that it is not structurally impracticable to do so. (See ADAAG § 4.1.1(5)(a)).

“Substantial Limitations of Major Life Activities” means a physical or mental impairment that (a) renders a person unable to perform a major life activity or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people. Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. In determining whether a physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered: The nature and severity of the impairment; The duration or expected duration of the impairment; and the permanent or long-term impact (or expected impact) of or resulting from the impairment.

“Technically Infeasible” means, with respect to an alteration of a building, facility or Pedestrian Right of Way, that it has little likelihood of being accomplished because existing physical or site constraints or a lack of public right of way prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. (See ADAAG § 4.1.6(1)(j)).

“Third-Party Entity” means an entity other than the Town of Colma that controls certain barriers or elements of barriers in a Pedestrian Rights of Way. Transit agencies and local utilities are examples of Third Party Entities.

“Title 24” means and refers to the regulations set forth at Title 24 of the California Code of Regulations also, known as the Building Codes.

“Undue Burden” means and refers to an action that, if taken by the Town of Colma, would result in an undue financial and administrative burden. In order to demonstrate that removal of a barrier would constitute an undue burden, the decision must be made by the ADA Coordinator and City Engineer, or his or her designee, after considering all resources available from various funding available for removal of sidewalk barriers and must be accompanied by a written statement of said reasons for reaching that conclusion. In preparing such a statement, the Town may consider the usability of the existing facilities.

“Qualified Individual with a Disability” means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Town.

2. EVALUATION OF CITYWIDE PROGRAMS, ACTIVITIES AND SERVICES

2.1 ADA Coordinator

2.1.1 Findings

ADA and Title II regulations require the Town identify an ADA Coordinator. The City Manager has designated Brian Dossey, Director of Recreation Services, to be the Town's ADA Coordinator. His contact information is:

Brian Dossey, Director of Recreation Services
Town of Colma
1520 Hillside Boulevard
Colma, CA 94014
brian.dossey@colma.ca.gov
650-985-5690 (phone)
650-997-3796 (fax)

2.1.2 Recommendation

None.

2.2 ADA Accommodation and Grievance

2.2.1 Finding

ADA and Title II regulations require the Town complaint procedure. In 2010 City Council adopted procedures for requesting Reasonable Accommodation and for resolving ADA Grievance Procedure. A copy of the Reasonable Accommodations and Grievance Procedure Forms as well as the regulations is attached as Appendices B, C and H.

2.2.2 Recommendation

None.

2.3 Customer Service

2.3.1 Findings

(a) In person interaction with the public is one of the primary functions of any Town department. The Town as a whole does not have understood, established procedures for determining reasonable modifications to achieve program accessibility.

(b) No department charges an additional fee to persons with disabilities for modifying programs. In fact persons with disabilities receive a discount for participating in Recreation Department programs.

(c) Some Town departments have utilized some sort of communication modification such as paper and pencil and listening device. A TDD/TTY is not available at Town

facilities except for the Police Department for 911 emergencies. Most staff is unaware and has not been trained on the 711 California Relay System.

(d) The City Council has adopted a procedure for making reasonable modifications to provide program accessibility. The procedure provides that:

(1) Requests for reasonable modification in programs or services should be made to the department responsible for the program or service.

(2) The department offering the program or service should meet with the individual with a disability to identify which aspects of the program limit participation and what modifications can be made.

(3) The department offering the program or service should consult with the affected program or service staff to determine the reasonable modification. The department offering the program or service may also consult the Town's ADA Coordinator or other resources providing services or information regarding persons with disabilities as appropriate.

(4) The department offering the program or service should document the modification(s) that was offered and the response of the person with the disability to the modification(s) offered. This documentation should be filed with the Town ADA Coordinator.

(5) Individuals with disability who are not satisfied with the results of this process may appeal the decision in accordance with the Town's Grievance Procedure (See Appendix H).

2.3.2 Recommendations

(a) Make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service at Town transaction counters. For example staff can read documents to those who are visually impaired.

(b) Provide standard equipment at Town Hall to facilitate basic communications access. Equipment may include paper and pencil, a copy machine to enlarge print, and access to TDD or TTY and training about the California Relay System for the deaf or 711.

(c) Identify and provide training for staff using a relay service that can be used for telephone communications and/or use an alternative method of communication such as e-mail.

(d) Allow the use of service animals to assist persons in accessing Town programs and facilities. Since service animals are not always dogs, staff should be made aware of the definition of a service animal.

(e) Assign a staff member to be a greeter at public meetings and events. Identify the staff member as a resource for persons with disabilities who may require assistance.

(f) For departments that use outside contracted employees to provide services to the public, a procedure (during contract negotiations) should be set up to ensure that their work is in compliance with Title II of the ADA.

2.4 Notice of ADA Requirements

2.4.1 Findings

ADA and Title II regulations require the Town to inform the public of the rights and protections provided by the ADA. Public notifications should be updated to reflect the recommended Town of Colma ADA Public Notice. Currently our noticing refers to our City Council Agenda and City Council meeting requirement.

2.4.2 Recommendations

(a) Approve the Town of Colma ADA Public Notice (Appendix D – ADA Public Notice). This notice should appear on all Town of Colma information boards including the kiosks in front of Town Hall, Sterling Park and Clark and E Street.

(b) Include the following notice regarding the Town’s commitment to providing accessible services in all Town publications that provide general information about or registration information for Town services, program or activities. The notice should also be produced and placed in all Town departments in a location that will maximize public exposure.

“In accordance with the Americans with Disabilities Act and California Law, it is the policy of the Town of Colma to offer its programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at (650) 985-5690, at least two business days in advance of the hearing. Advance notification within this guideline will enable the Town to make reasonable arrangements to ensure accessibility. E-mail: brian.dossey@colma.ca.gov.”

(c) Indicate that the Town has a TTY/TTD device in printed Town directories and include the following statement:

“This publication can be made available upon request in alternative formats, such as Braille, large print, audiotape, or computer disk. Requests can be made by calling (650) 985-5690 (voice) or e-mail brian.dossey@colma.ca.gov. Please allow two business days for your request to be processed.”

(d) Non-discrimination language should appear on web versions of meeting agendas.

2.5 Printed Information

2.5.1 Description

In order to meet the ADA's communication standards, Town departments must be able to provide information in alternative formats such as using easy-to-understand language, Braille, large print format, audiotape, or computer disk.

2.5.2 Findings

(a) Most Town departments produce printed information that is available to the public.

(b) Some Town departments distribute information about obtaining printed information in alternate formats, other departments do not. Some departments will produce printed information in alternate format upon request.

(c) All registration forms, permits and waivers are available in written form. No documents are regularly produced in large print, Braille and on audio tape.

2.5.3 Recommendations

(a) Provide written instructions to each department on how to produce printed information in alternative formats for persons with various disabilities to ensure that requests are handled in a uniform and consistent manner.

(b) Include the following notice on all materials printed by the Town that are made available to the public:

"This publication can be made available upon request in alternative formats, such as Braille, large print, audiotape, or computer disk. Requests can be made by calling (650) 985-5690 (voice) or e-mail brian.dossey@colma.ca.gov. Please allow two business days for your request to be processed."

(c) Identify and have available a list of interpreters, readers, etc to be used to accommodate requests for these services.

(d) Handle all requests for other alternative formats on an individual basis.

(e) Provide program, facility, permits and reservation information in a variety of formats upon request (for example, in large print format for persons with visual disabilities or in simple language for persons with cognitive disabilities). Provide programmatic changes e.g. staff assistance, upon request to assist in filling out forms or when alternative formats are unavailable or not feasible.

(f) Provide an accessible permit, reservation, or registration system in a variety of formats. For example, provide Telephone Device for the Deaf (TDD) service for applications, reservations and general queries.

(g) Produce meeting agendas and other public information distributed at meetings in alternative formats when requested.

2.6 Town of Colma Website

2.6.1 Description

(a) As the population turns to the internet as their primary source of information regarding services, products, programs and facilities, the Town's website (www.colma.ca.gov) takes on increased importance as a communication tool.

(b) Providing public access to the Town's publications on-line is an effective means of reaching persons with disabilities. New accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible.

2.6.2 Finding

As of January 2010, the Town of Colma website meets Section 508 requirements. The website is maintained by the Human Resources Manager and all documents posted by staff meet Section 508 requirements.

2.6.3 Recommendations

(a) Continue to maintain the current level of access on the website.

(b) Include the Town's policy on non-discrimination on the basis of disability on the website.

(c) List on the website that the Town has a TTY/TTD device on the contacts page and include the following statement:

"The Town of Colma offers Text Telephone (TTY) or Telecommunications Device for the Deaf (TDD) services for persons with speech or hearing impairments. Colma staff is also trained in the California Relay System for the deaf or 711."

(d) Include the Town's statement regarding accessible locations and the availability of auxiliary aides upon request on the website.

(e) Create a page/area identifying the ADA Coordinator and grievance procedures, including complaint forms.

(f) Ensure that staff members who are posting materials on the website are properly trained and are aware of the ADA requirements.

2.7 Training and Staffing

2.7.1 Findings

(a) In general, staff is not fully aware of the everyday accessibility problems encountered by persons with disabilities. Some have limited experience working with individuals with disabilities. Many staff members may not be aware of the different types of reasonable modifications that would make their services accessible. Most staff is familiar with the evacuation procedures and meeting points due to the evacuation plans posted in all facilities and annual testing.

(b) One of the needs most frequently identified by Town staff is training. Different types of training are necessary depending on the type of work and the amount of public contact involved with a specific position. Standard Town-wide accessibility guidelines, procedures and training need to be developed for:

- (1) Standardized, appropriate language for written material;
- (2) How to acquire or use assistive devices; and
- (3) Basic tools needed for accommodating persons with disabilities.

2.7.2 Recommendations

(a) Provide training to staff members who have contact with the public in regards to providing modifications and using assistive devices to make their programs accessible. Ensure that customer service training that is provided to Town employees includes training with respect to communicating with and providing modifications for persons with a variety of disabilities.

(b) Develop a comprehensive disability access training program. Educate all staff in their responsibilities under the ADA. The Town's ADA Coordinator is responsible for ensuring that staff members receive training. Reference materials that address special modifications should be included in the training.

(c) Develop standard guidelines for written materials. These guidelines should include language that appropriately describes the Town's policy on inclusion and non-inclusion, and staff should receive training using the guidelines effectively.

(d) Provide staff with on-going awareness and sensitivity training. Resources such as Interacting with Persons with Disabilities may be helpful. (www.fcc.gov/cgb/dro/504/disability_primer_4.html). Include persons with disabilities as trainers.

(e) Depending on operational needs, consider offering training to employees who wish to learn American Sign Language (ASL) and develop interpreting skills. The training should emphasize basic communication skills and is viewed as a substitute for employing qualified ASL interpreters when requested.

(f) Widely disseminate information regarding the availability and location of Town Telephone Communication Devices for the Deaf (TDD) and train staff members in the use of TDD equipment or other means of communicating over the telephone with a person with a hearing disability.

(g) In order to facilitate access to Town programs by all citizens, the Town will assemble a toolkit of resources and information designed to assist staff in communicating with and providing public service to individuals with a variety of disabilities. The Town will periodically review the components of the toolkit, as new technologies become available, in order to ensure that the best types of technology are being used to improve accessibility to Town services and programs. (See Appendix E – ADA Staff Tool Kit)

(h) Train maintenance staff with respect to accessibility compliance and building codes to achieve accessibility.

2.8 Public Meetings

2.8.1 Findings

(a) Public meetings are held in multiple facilities throughout Town.

(b) Generally, public meetings are held in locations that are accessible to persons with mobility impairments. Town Hall has accessibility issues that are detailed in the Facilities Survey and Transition Plan. Staff indicated that they would like training on how to respond to requests for other modifications. Assistive listening devices are available during meetings.

2.8.2 Recommendations

(a) Schedule public meetings in accessible locations whenever possible or make reasonable accommodations. An accessible location includes, but is not limited to accessible restrooms, wheelchair access, accessible parking, and accessible route, temperature control, and the ability to provide access to fresh air for persons with chemical sensitivities.

(b) Make information available to Town staff on the types of modification requests that may be made by persons with different types of disabilities. Provide information about auxiliary aides such as different types of listening systems, sign language interpreters, readers and descriptive services.

(c) Display a notice on meeting agendas indicating the availability of accessibility modifications.

(d) Provide agendas in alternative formats when requested.

(e) Provide flexibility in the time limit on speaking for individuals with communication difficulties.

(f) Publicize the availability of American Sign Language (ASL) interpreters in all meeting announcements. Include the following notice in all meeting publicity.

"Translators, American Sign Language interpreters, and assistive listening devices for individuals with hearing disabilities will be available upon request. Please make your request two business days prior to the meeting. If you require other modifications not listed above, please contact the ADA Coordinator at (650) 985-5690 or at brian.dossey@colma.ca.gov."

(g) Maintain a list of on-call American Sign Language interpreters to assist individuals with hearing impairments.

2.9 Telephones and Communication Devices

2.9.1 Findings

The Police Department has a TDD/TTY for the 911 emergency call service only. The Town does not have a TDD/TTY device for regular calls for service.

2.9.2 Recommendations

(a) An amplification device, such as a telephone (TDD/TTY) should be installed at a central location such as Town Hall.

(b) Train staff in the use of TDD/TTY's and Town staff in the use of 711 California Relay System.

2.10 Purchasing Accessible/Adaptive Equipment

Adaptive aids are devices, controls, appliances or items that make it possible for persons with disabilities to improve their abilities to function independently and participate in programs, services and activities offered by the Town.

2.10.1 Findings

(a) Town Hall and the Colma Community Center have adaptive aids for the hearing impaired during meetings.

(b) Most staff members are unaware of resources for purchasing equipment or supplies that would make programs more accessible to persons with disabilities.

2.10.2 Recommendations

(a) Establish a "Resources Toolkit" of adaptive aids and human resources that should be available for use by individuals participating in Town programs. Provide information about the availability of specific equipment and/or individuals who are available to provide special services (e.g., ASL translation) in public information materials such as brochures and the Town's website.

(b) Select items that are easily adjustable or can be modified to accommodate a variety of physical and ergonomic needs when purchasing items such as furniture, site furnishings and office systems.

2.11 Maintenance of Accessible Programs and On-going Accessibility Improvements

2.11.1 Findings

(a) Although many of the Town's public programs are accessible to persons with disabilities, some are not. In some instances the Town works with outside agencies/businesses that assist persons with disabilities.

(b) In addition, opportunities for further improvement of Town services and facilities will continue to arise as advances are made in technology and the provision of programs for persons with disabilities. If the Town acquires new facilities and develops new programs, it will be necessary to review each for access and compliance.

2.11.2 Recommendations

(a) Ensure that individuals with disabilities are not excluded from regular programs or are required to accept special services or benefits. Involve individuals with disabilities in regular programs to the maximum extent possible.

(b) Maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities.

(c) Modify policies, practices or procedures to avoid discrimination unless the modification would fundamentally alter the nature of the program or create a hazardous condition.

(d) Ensure that when specific requirements that exclude or limit the participation of persons with disabilities are necessary for the safe operation of programs, those requirements are based on real risks, not on speculation, stereotypes or generalizations.

(e) Evaluate each request for modification on an individual basis, and when possible, the individual and the Town should determine an appropriate modification for the individual.

2.12 Emergency Evacuation Procedures

All Town Departments require established emergency evacuation procedures to safely evacuate persons with disabilities who may need assistance in an emergency.

2.12.1 Findings

Town Departments have an emergency evacuation procedure that is described in the Employee Emergency Action program in the Towns' Illness & Injury Prevention Plan which was adopted in March 2009. Emergency evacuation drills are completed at all facilities annually by members of the Safety Committee.

2.12.2 Recommendations

(a) Review existing procedures dealing with emergencies to ensure that persons with disabilities can be alerted during an emergency. When requested provide all evacuation policies and procedures in alternative formats. Possibly explore the use of other technologies such as audible exit signs for orientation and direction.

(b) Provide training for Police Department to enable them to communicate in American Sign Language (ASL).

3. EVALUATION OF DEPARTMENTAL PROGRAMS, ACTIVITIES, AND SERVICES

3.1 Scope

The following departments completed the ADA Programs, Services, and Activities survey:

- City Manager/City Clerk
- Police Department
- Public Works Department
- Planning Department
- Recreation Services

Each specific report includes a description of programs and services, contact information, the locations of operations, practices that facilitate the participation of persons with disabilities in programs and activities, and action steps.

3.2 City Manager/City Clerk

3.2.1 Description of Programs and Services

The City Manager/City Clerk contains the central administrative services for the Town. The City Manager also serves as the City Clerk. Department functions include general managerial oversight of departments and Capital Improvement Program (CIP) projects as well as traditional City Clerk functions such as records management, City Council support, and elections.

(a) The Department consists of the following divisions:

- Administration
- Human Resources
- Finance, with General Services and Debt Services

The Administration Division provides support to residents, members of the City Council and staff. Division functions include front office reception and general administrative support; City Council agenda and packet preparation; Council meeting minutes; records management; and elections.

The Human Resources Division is responsible for employee recruitment, selection, classification, compensation and benefits administration. The Division includes programs such as the annual employee recognition event, citywide training, safety committee and contracts for professional consulting services including labor negotiations and employment legal services.

The Finance Division is responsible for paying the Town's bills, maintaining and reconciling accounts, payroll, responding to vendor and employee inquiries within 24 hours, and maintaining current files.

(b) Contact Information

Town of Colma
Town Hall
1198 El Camino Real
Colma, CA 94014
Telephone number: 650-997-8300
Fax number: 650-997-8308

(c) Programs

- Budget
- Agenda's & Noticing
- Recruitment
- Accounts Receivable and Accounts Payable
- Payroll
- CIP
- Records Management

3.2.2 Customer Service

3.2.2.1 Findings

(a) The City Manager's Department has no policies or practices that could have direct or indirect effect of excluding or limiting the participation of individuals with disabilities.

(b) The Administration and Human Resources Division require forms to be filled out.

(c) The City Manager's Department has a process for determining whether a policy or practice modification would fundamentally alter the nature of a program or services being offered.

(d) For Town employees and employment applicants, the Human Resources Division has developed and formalized a process to ensure compliance with the ADA legislative changes relating to qualified workers with permanent disabilities. Guidelines have been established which identify trigger mechanisms and a process for engaging in interactive discussions on reasonable accommodation, modified duty, and alternative work options that would enable the ill/injured employee to perform their essential job duties with or without

reasonable accommodation. (See Town of Colma Administrative Code 3.02 relating to Personnel Policies)

(e) The Humans Resources Division has established a process for responding to requests for modification. Reasonable accommodation requests are submitted to the Human Resources Manager, who then facilitates an interactive process and, if possible, oversees that the necessary modifications to the program are made to allow that individual to participate.

(f) The Finance Department does not have programs for the public.

(g) There is no circumstance in which a person with a disability would be asked to pay a fee or meet any other requirements imposed on other program participants.

3.2.2.2 Recommendations

(a) The Administration and Human Resources Division will provide alternative methods of completing written forms (i.e. job application) for people with disabilities that prevent them from filing out or signing forms.

(b) The Human Resources Division will develop a process for determining whether a policy or practice modification would fundamentally alter the nature of a program or services being offered.

(c) The Department Head, and appropriate management staff will begin working with the Town's ADA Coordinator, Human Resources Division and City Attorneys office to review and respond to requests. Requests are infrequent and responses will be indexed. Depending on the nature of the request, written correspondence will be generated and retained according to the Town's Records Retention Schedule.

3.2.3 Notice Requirements

3.2.3.1 Findings

(a) A notice of non-discrimination based on disability is included in all public agendas.

(b) A notice of non-discrimination based on disability is included in all job announcements. Job announcements are placed on the job hotline, internet including the Town website, newspapers, and LiveWire. Recruitment brochures are sent to various job placement agencies, local high schools and colleges as well as other northern California municipal agencies.

(c) A notice of non-discrimination based on disability is not included in the Town's Budget.

(d) The Town has not posted its ADA policy statement informing all persons have a right to participate in public meetings regardless of disability.

(e) Should persons contact the Town offices, or their agent contact the offices, they are directed either to the ADA Coordinator or the City Clerk, who will work to resolve the barriers faced by the disabled individual for their public participation.

(f) The public is advised that the City Manager's Department is prepared to make reasonable modifications to programs or services to make them accessible to people with disabilities.

(g) The City Manager's Department does not include a notice in public meeting agendas regarding the accessibility of meeting locations and the availability of modifications provided for people with disabilities.

(h) The City Manager's Department does not include a notice in public meeting agendas for procedures for filing a disability discrimination complaint.

(i) The Human Resources Division informs that all persons have a right to participate in the job application process regardless of disability by posting and distributing job announcements, which also includes information about the availability of modification provided for people with disabilities.

(j) The public is advised that the Human Resources Division is prepared to make reasonable modifications to programs or services to make them accessible to people with disabilities.

(k) The Human Resources Division does not publicize information about the right of people with disabilities to participate in resolving complaint or violation.

3.2.3.2 Recommendations

(a) A notice of non-discrimination based on disability will be included in the Town's Budget.

(b) The Town will post the ADA policy statement informing all persons have a right to participate in public meetings regardless of disability. Also the following statement will be printed on all public meeting agendas.

"ADA Notice and Hearing Impaired Provisions

"The City Council Chamber is equipped with aids to help the hearing impaired. The aides work in conjunction with the Chamber's sound system. You may request these aids from the Administrative Staff for public use before the City Council meetings."

"In accordance with the Americans with Disabilities Act and California Law, it is the policy of the Town of Colma to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or material in an appropriate alternative format; or if you require any other

accommodation, please contact the ADA Coordinator at (650) 985-5690, at least two business days in advance of the meeting. Advance notification within this guideline will enable the Town to make reasonable arrangements to ensure accessibility. E-mail: brian.dossey@colma.ca.gov."

(c) The ADA Coordinator will provide City Manager's Department with a document which provides staff with alternative outside services for various disabilities, and develop a "who to call" reference manual of outside service providers (interpreters, etc), and a list of the most frequently used practical solutions as a central resource.

(d) The City Manager's Department will include a notice in public meeting agendas regarding the accessibility of meeting locations and the availability of modifications provided for people with disabilities.

(e) The City Manager's Department will include a notice in public meeting agendas for procedures for filing a disability discrimination complaint.

(f) The Human Resources Division will publicize information about the right of people with disabilities to participate in resolving complaint or violation.

3.2.4 Printed Information

3.2.4.1 Findings

(a) The City Manager's Department provides publications in alternative media or accessible format as follows:

Type of Information	Accessible PDF File	Audio Tape	Braille	Large Print	Web	Computer Disk	Readers
Agendas	X	X		X	X	X	X
Meeting Packets	X			X	X	X	X
City Council reports	X			X	X	X	X
Job Applications	X			X	X	X	X
Job Descriptions	X			X	X	X	X
MOU's	X			X	X	X	X
Policies and Codes	X			X	X	X	X

Type of Information	Accessible PDF File	Audio Tape	Braille	Large Print	Web	Computer Disk	Readers
Budget	X			X	X	X	X
Misc Documents	X			X	X	X	X

(b) A staff person is available to assist individuals in reading documents.

(c) A staff person is available to assist individuals in filling out job applications.

(d) The Human Resources Division provides documents and publications in simple, easy-to-understand language for individuals with learning disabilities.

(e) The Finance Division provides documents (budget) in simple, easy-to-understand language for individuals with learning disabilities.

(f) The Administration Division is not always able provide documents and publications (i.e. policies and codes) in simple, easy-to-understand language for individuals with learning disabilities. City Manager's Department staff is prepared to produce these documents in simple language when requested.

(g) The City Manager's Department does not include any pictures or images in its publications of individuals with disabilities.

3.2.4.2 Recommendation

(a) The City Manager's Department will make an effort to include pictures or images in its publications of individuals with disabilities.

3.2.5 Website

3.2.5.1 Findings

(a) The Town of Colma's website does not include a link to information about accessibility.

(b) The Town of Colma's website is maintained by the Human Resources Division.

(c) The Human Resources Division does not include information on the Town's website about accessibility of facilities where programs or services are offered.

3.2.5.2 Recommendations

(a) The Town of Colma's website will have a link to accessibility.

(b) The Human Resources Division along with the ADA Coordinator will ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities and facilities. Information regarding the location of accessible entrances, programs, sites, TDD numbers, and other access features can be provided on the Town of Colma website, www.colma.ca.gov.

See Section 2.6, Findings and Recommended Actions – Citywide Programs, Activities and Services.

3.2.6 Communications Devices

3.2.6.1 Findings

(a) The City Manager’s Department staff is not familiar with the California Relay System or trained in the use of TDD/TTY equipment with persons with hearing disabilities.

3.2.6.2 Recommendation

(a) The City Manager’s Department staff will receive training in the use of TDD/TTY equipment and the California Relay System for persons with hearing disabilities.

3.2.7 Training and Staffing

3.2.7.1 Findings

(a) City Manager’s Department staff is aware that it may be necessary to modify policies and practices to enable people with disabilities to participate in and benefit from a program.

(b) The Human Resources Division is trained regarding their obligations and policies that enable people with disabilities to participate in programs and activities.

(c) The City Manager’s Department staff has had some experience working with people with disabilities or altering programs and services to accommodate people with disabilities.

3.2.7.2 Recommendation

(a) The City Manager’s Department will receive training regarding working with people with disabilities and/or altering programs and services to accommodate people with disabilities.

3.2.8 Program Eligibility Requirements and Admission

3.2.8.1 Findings

(a) There are circumstances in which the participation of a person with a type of impairment would be restricted or excluded in programs offered by the Administration and

Human Resources Division. These exclusions or restrictions are necessary to the operation of the programs and to public health and safety.

(b) There are no known circumstances in which the participation of a person with a disability in the Finance Division programs would be restricted or excluded.

(c) Individuals are required to complete a written form in order to participate in Human Resources programs. Human Resources staff is prepared to assist people who are unable to fill out the form.

(d) Job applications contain a notice that the Human Resources Division does not discriminate against people with disabilities.

(e) Applicants inform the Human Resources Division of any a special needs they may have to complete and application and/or participate in the application/interview process. The Human Resources division will attempt to make accommodation to the requests.

3.2.8.2 Recommendation

(a) None.

3.2.9 Public Meetings

3.2.9.1 Findings

(a) The Finance and Human Resources Divisions do not hold public meetings.

(b) Meetings and other public events sponsored by the City Manager's Department are required to be held in accessible locations.

(c) Assistive listening devices are available for all City Council meetings.

(d) Auxiliary aids and services such as sign language interpreters will be made available at public meetings, interviews, conferences upon request of two business days.

3.2.9.2 Recommendation

Ensure all facilities where public meetings are held are ADA compliant.

3.2.10 Tours and Trips

3.2.10.1 Findings

The City Manager's Department does not provide tours.

3.2.10.2 Recommendation

None.

3.2.11 Transportation Services

3.2.11.1 Findings

The City Manager's Department does not provide transportation services.

3.2.11.2 Recommendation

None.

3.2.12 Use of Consultants

3.2.12.1 Findings

The City Manager's Department ensures outside contractors are notified of their responsibilities for providing services in a nondiscriminatory manner.

3.2.12.2 Recommendation

Include the Town's policy regarding accessibility for individuals with disabilities in all contracts. For example all contracts should have language associated with "Compliance to Civil Rights" and "Compliance with laws" section.

3.2.13 Emergency Evacuation Procedures

3.2.13.1 Findings

The City Manager's Department has an emergency evacuation procedure that is described in the Employee Emergency Action program in the Towns Illness & Injury Prevention Plan which was adopted in March 2009. Emergency evacuation drills are completed at all facilities annually by members of the Safety Committee.

3.2.13.2 Recommendation

None.

3.2.14 Special Events and Private Events on Public Properties

3.2.14.1 Findings

(a) The Administration and Human Resources Division ensures that programs held on private and public property meet the obligations to facilitate the participation of individuals with disabilities. For example ribbon cuttings, honor ceremonies, Mayor/Chamber walks, etc.

(b) The Human Resources Division organizes workshops for employees and members of the public; examples include the Heart Healthy and Weight Management workshops. The Human Resources Division ensures that all these events are held in accessible locations.

(c) The Finance Division does not host special events.

3.2.14.2 Recommendation

The Human Resources Division will make sure all printed information regarding the workshops will have all the necessary ADA accessibility language.

3.2.15 Maintenance of Accessible Programs and Ongoing Accessibility Improvements

3.2.15.1 Findings

(a) The Administration and Finance Division does not consult with outside organizations that assist people with disabilities.

(b) The Human Resources Division consults with several organizations that assist people with disabilities. For example California Department of Rehabilitation, San Mateo County Human Services Agency, Community Gatepath, CalOpps, etc.

3.2.15.2 Recommendation

None.

3.2.16 Automated Electronic Equipment

3.2.16.1 Findings

(a) The Finance and Human Resources Division does not allow access to automated electronic equipment.

(b) The Administration Division have modifications for the hearing impaired and make staff available to provide assistance for accessing City Council meeting agenda packets upon request.

3.2.16.2 Recommendation

None.

3.2.17 Auxiliary Aides

3.2.17.1 Findings

The City Manager's Department provides the following auxiliary aids and services:

- Writing instrument, paper and clipboard
- Aids for the hearing impaired
- Moveable light sources

3.2.17.2 Recommendation

When appropriate and upon request of two business days, the City Manager's Department will provide or make available additional auxiliary aids that would allow a person with disabilities to participate in programs.

3.3 Police Department

3.3.1 Police Department Divisions

(a) The Police Department includes the following Divisions

- Police Administration
- Police Patrol
- Police Communications
- Police Grants

Police Administration provides the planning, direction and oversight control of the Department.

Police Patrol provides front-line uniform response to calls for police services. Police Patrol addresses neighborhood quality-of-life issues and responds to all security-related service needs of the community including: threats to life and property, enforcement of traffic laws and investigation of crimes against persons and property.

Police Communications handles the clerical and record-keeping duties of the Department and citizen-initiated calls for service.

The Police Grants program was initiated in late FY 2001-02 to comply with state requirements to separately account for certain annual state-provided funds, which initially included technology grants and the Supplemental Law Enforcement Services Fund (SLESF) for front-line personnel services. This program funds a Community Service Officer (CSO), and the purchase of two police canines and related materials and training costs.

(b) Contact Information

Police Department
1199 El Camino Real
Colma, CA 94014
Telephone number: 650-997-8321
Fax number 650-997-8330

(c) Programs

- Livescan Services
- House Checks

- Community Outreach
- Community Service
- Booking & Holding
- Interviewing
- Exercise (Physical Fitness)
- DUI Checks
- Gang Task Force
- SWAT
- Motorcycle Officer
- Holiday Outreach

3.3.2 Customer Service

3.3.2.1 Findings

(a) The Police Department has no policies or practices that could have direct or indirect effect of excluding or limiting the participation of individuals with disabilities.

(b) The Police Department does not have a process for determining whether a policy or practice modification would fundamentally alter the nature of a program or services being offered.

(c) The Police Department requires forms to be filled out.

(d) There is no circumstance in which a person with a disability would be asked to pay a fee or meet any other requirements imposed on other program participants.

3.3.2.2 Recommendations

(a) The Police Department will develop a process for determining whether a policy or practice modification would fundamentally alter the nature of a program or services being offered.

(b) The Police Department will provide alternative methods of completing written forms for people with disabilities that prevent them from filing out or signing forms.

3.3.3 Notice Requirements

3.3.3.1 Findings

(a) The Police Department does not have a policy of notifying the public that it is prepared to make reasonable modifications to programs or services to make them accessible to people with disabilities.

(b) The Police Department does not advertise the accessibility of facilities and their special procedures used for individuals with disabilities.

(c) The Police Department has not publicized information about the information about the right of people with disabilities to participate in resolving a complaint or violation.

3.3.3.2 Recommendations

(a) The Police Department will develop a policy of notifying the public that it is prepared to make reasonable modifications to programs or services to make them accessible to people with disabilities.

(b) The Police Department will ensure that people with disabilities can obtain information about the location of accessible entrances, program sites, and other access features and special procedures for individual with disabilities.

(c) The Police Department will publicize information about how and with whom to file a disability discrimination complaint using the Town of Colma's website.

3.3.4 Printed Information

3.3.4.1 Findings

(a) The Police Department provides publications in alternative media or accessible format as follows:

Type of Information	Accessible PDF File	Audio Tape	Braille	Large Print	Web	Computer Disk	Readers
Police Reports	X	X		X	X	X	X
Pamphlets				X	X	X	X
Misc. Documents	X			X	X	X	X

(b) A staff person is available to assist individuals in reading documents.

(c) The Police Department provides documents and publications in simple, easy-to-understand language for individuals with learning disabilities.

(d) The Police Department does not include any pictures or images in its publications of individuals with disabilities.

3.3.4.2 Recommendation

The Police Department will make an effort to include pictures or images in its publications of individuals with disabilities.

3.3.5 Website

3.3.5.1 Findings

(a) The Town of Colma's website does not include a link to accessibility.

(b) The Town of Colma's website is maintained by the Human Resources Division.

(c) The Police Department does not include information on the Town's website about accessibility of facilities where programs or services are offered.

3.3.5.2 Recommendations

(a) The Town of Colma's website will have a link to information about accessibility.

(b) The Police Department along with the ADA Coordinator will ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities and facilities. Information regarding the location of accessible entrances, programs, sites, TDD numbers, and other access features can be provided on the Town of Colma website, www.colma.ca.gov.

See Section 2.6, Findings and Recommended Actions – Citywide Programs, Activities and Services.

3.3.6 Communications Devices

3.3.6.1 Findings

(a) The Police Communications Division personnel are trained in the use of the California Relay System and TDD/TTY equipment with persons with hearing disabilities.

(b) The Police Administration and Patrol Division staff is not familiar with the California Relay System or trained in the use of TDD/TTY equipment with persons with hearing disabilities.

3.3.6.2 Recommendation

The Police Administration and Patrol Division staff will receive training in the use of TDD/TTY equipment and the California Relay System for persons with hearing disabilities.

3.3.7 Training and Staffing

3.3.7.1 Findings

(a) Police Department staff is aware that it may be necessary to modify policies and practices to enable people with disabilities to participate in and benefit from a program.

(b) Some Police Department staff members are trained regarding obligations and policies that enable people with disabilities to participate in programs and activities.

(c) The Police Department staff has some experience working with people with disabilities or altering programs and services to accommodate people with disabilities.

3.3.7.2 Recommendations

(a) Police Department staff will be trained regarding their obligations and policies that enable people with disabilities to participate in programs and activities.

(b) The Police Department will train staff regarding working with people with disabilities and/or altering programs and services to accommodate people with disabilities.

3.3.8 Program Eligibility Requirements and Admission

3.3.8.1 Findings

There are no known circumstances in which the participation of a person with a type of impairment would be restricted or excluded in programs offered by the Police Department.

3.3.8.2 Recommendation

None.

3.3.9 Public Meetings

3.3.9.1 Findings

(a) All Police Department Public Meetings are held in accessible locations. (Tow Hearings at Emergency Operation Center)

(b) Sign language interpreters, listening devices and other auxiliary aids will be made available upon request at public meetings.

3.3.9.2 Recommendation

None.

3.3.10 Tours and Trips

3.3.10.1 Findings

The Police Department offers a ride-a-long program upon request. Accommodations will be considered on a case by case basis, however it is not possible to alter the equipment in the patrol vehicles or make accommodations where officer safety may be compromised

3.3.10.2 Recommendation

(a) None.

3.3.11 Transportation Services

3.3.11.1 Findings

(a) The Police Department does not provide transportation services to the public.

(b) The Police Department has special procedures through mutual aid agreements to make transportation to facilities accessible to persons with disabilities.

3.3.11.2 Recommendation

None.

3.3.12 Use of Consultants

3.3.12.1 Findings

The Police Department ensures outside contractors are notified of their responsibilities for providing services in a nondiscriminatory manner.

3.3.12.2 Recommendation

Include the Town's policy regarding accessibility for individuals with disabilities to all contracts. For example all contracts should have language associated with "Compliance to Civil Rights" and "Compliance with laws" section.

3.3.13 Emergency Evacuation Procedures

3.3.13.1 Findings

(a) The Police Department has established emergency evacuation procedures through the Board of Corrections in regards to assisting people with disabilities.

3.3.13.2 Recommendation

None.

3.3.14 Special Events and Private Events on Public Properties

3.3.14.1 Findings

The Police Department hosts two special events each year - Holiday Outreach at the Metro Center and the Halloween Event on Clark Street. The Police Department ensures that the facility is accessible and all materials are available in alternative formats for those with disabilities.

3.3.14.2 Recommendation

None.

3.3.15 Maintenance of Accessible Programs and Ongoing Accessibility Improvements

3.3.15.1 Findings

(a) The Police Department does not have ongoing relationships/partnerships with groups that assist people with disabilities.

(b) The Police Department does not consult with outside organizations that assist people with disabilities.

3.3.15.2 Recommendation

None.

3.3.16 Automated Electronic Equipment

3.3.16.1 Findings

The Police Department does not allow access to automated electronic equipment.

3.3.16.2 Recommendation

None.

3.3.17 Auxiliary Aides

3.3.17.1 Findings

The Police Department provides the following auxiliary aids and services:

- Writing instrument, paper and clipboard

- Aids for the hearing impaired
- Moveable light sources

3.3.17.2 Recommendation

When appropriate and when requested, the Police Department will provide or make available additional auxiliary aids that would allow a person with disabilities to participate in programs.

3.4 Public Works Department

3.4.1 Description of Programs and Services

(a) The Public Works Department includes the following Divisions:

- Administration
- Engineering
- Building
- Public Works Maintenance

The Administration, Engineering and Building Division are staffed by contract employees, manage the Five-Year Capital Improvement Program (CIP), and provide general engineering, consulting and building inspection services to the Town. The Division manages the Town's Storm Water National Pollutant Discharge Elimination System (NPDES) Permitting Program requirements, annual sewer fees, annual waste management reporting and sanitary sewer overflow reporting requirements, the Town's traffic speed surveys, roadway infrastructure and related projects for state and local grants. Engineering assists the Public Works Maintenance Division and the Police, Recreation and Planning Departments in all aspects of Town infrastructure. The Division processes building, grading and encroachment permits for new construction as well as providing plan review and inspection services. These activities are partially fees supported.

The Public Works Maintenance Division is responsible for the up-keep and maintenance of public streets, sidewalks, traffic signals, street lights and public facilities. The Division also manages the landscape maintenance and sanitary sewer maintenance contracts, and provides roadway weed and litter control and graffiti abatement.

(b) Contact Information

Town Hall Annex
1188 El Camino Real
Colma, CA 94014
Telephone number: 650-757-8888
Fax number: 650-757-8890

Corp Yard
601 F Street
Colma, CA 94014
Telephone number: 650-757-6272

(c) Programs

- Building Maintenance
- Street Cleaning
- Building Permits
- Building Inspections
- Capital Improvement Projects
- Landscaping
- Roadway Repairs
- Sanitary Sewer Maintenance

3.4.2 Customer Service

3.4.2.1 Findings

(a) The Public Works Department may have policies or practices that could have direct or indirect effect of excluding or limiting the participation of individuals with disabilities.

(b) The Public Works Department does not have a process for determining whether a policy or practice modification would fundamentally alter the nature of the program.

(c) The Public Works Department requires forms to be filled out.

(d) The Public Works Department does not have a process for responding to requests for modification.

3.4.2.2 Recommendations

(a) The Public Works Department will develop a process for determining whether a policy or practice modification would fundamentally alter the nature of the program or service being offered.

(b) The Public Works Department will provide alternative methods of completing written forms for people with disabilities that prevent them from filing out or signing forms.

(c) The Public Works Department will develop a process where upon receipt of a request for modification or assistance, the request will be evaluated by the Department Head and ADA Coordinator to determine the feasibility of providing the modification or accommodation. Examples of a process would include:

(1) If an individual reports a raised sidewalk impeding wheelchair travel to Public Works Department, a Maintenance Technician will investigate and, if warranted, grind down the concrete or ramp the offset with asphalt.

(2) If someone calls the Public Works Department inquiring about curb ramps, building access or disabled parking, the call would be directed to the ADA Coordinator.

(3) If an individual with a visual impairment calls the Public Works Department and requests an audible pedestrian signal (chirping sound) the request would be forwarded to the Engineering Division to investigate and determine if the request can and should be accommodated.

(4) There is no circumstance in which a person with a disability would be asked to pay a fee or meet any other requirements except those imposed on other program participants.

3.4.3 Notice Requirements

3.4.3.1 Findings

(a) The Public Works Department does not have a policy of notifying the public that it is prepared to make reasonable modifications to programs or services to make them accessible to people with disabilities.

(b) The Public Works Department does not advertise the accessibility of facilities and their special procedures used for individuals with disabilities.

(c) The Public Works Department has not publicized information about the right of people with disabilities to participate in resolving a complaint or violation.

3.4.3.2 Recommendations

(a) The Public Works Department will develop a policy of notifying the public that it is prepared to make reasonable modifications to programs or services to make them accessible to people with disabilities.

(b) The Public Works Department will ensure that people with disabilities can obtain information about the location of accessible entrances, program sites, and other access features and special procedures for individual with disabilities.

(c) The Public Works Department will publicize information about how and with whom to file a disability discrimination complaint using the Town of Colma's website.

3.4.4 Printed Information

3.4.4.1 Findings

(a) The Public Works Department provides publications in alternative media or accessible format as follows:

Type of Information	Accessible PDF File	Audio Tape	Braille	Large Print	Web	Computer Disk	Readers
Permits	X			X	X	X	X
RFP's	X			X	X	X	X
Building Spec's	X			X	X	X	X
Plans	X			X	X	X	X
Policies and Codes	X			X	X	X	X
Budget	X			X	X	X	X
Misc Documents	X			X	X	X	X

(b) A staff person is available to assist individuals in reading or to explain documents.

(c) The Public Works Department provides documents and publications in simple, easy-to-understand language for individuals with learning disabilities.

(d) The Public Works Department does not include any pictures or images in its publications of individuals with disabilities.

3.4.4.2 Recommendation

None.

3.4.5 Website

3.4.5.1 Findings

(a) The Town of Colma's website is maintained by the Human Resources Division.

(b) The Public Works Department does not include information on the Town's website about accessibility of facilities where programs or services are offered.

3.4.5.2 Recommendation

The Public Works Department along with the ADA Coordinator will ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities and facilities. Information regarding the location of accessible entrances, programs, sites, TDD numbers, and other access features can be provided on the Town of Colma website, www.colma.ca.gov.

See Section 2.6, Findings and Recommended Actions – Citywide Programs, Activities and Services.

3.4.6 Communications Devices

3.4.6.1 Findings

The Public Works Department does not have TDD/TTY equipment and is not familiar with the 711 California relay system.

3.4.6.2 Recommendation

The Public Works Department staff will receive training in the use of TDD/TTY equipment and the California Relay System for persons with hearing disabilities.

3.4.7 Training and Staffing

3.4.7.1 Findings

(a) Public Works Department staff is aware that it may be necessary to modify policies and practices to enable people with disabilities to participate in and benefit from a program.

(b) The Public Works Department staff has some experience working with people with disabilities or altering programs and services to accommodate people with disabilities.

(c) Building Division staff work with the disabled community to complete code compliant regulations.

3.4.7.2 Recommendation

The Public Works Department will train staff regarding working with people with disabilities and/or altering programs and services to accommodate people with disabilities.

3.4.8 Program Eligibility Requirements and Admission

3.4.8.1 Findings

There are no circumstances in which the participation of a person with a disability in the Public Works Department would be restricted or excluded.

3.4.8.2 Recommendation

None.

3.4.9 Public Meetings

3.4.9.1 Findings

(a) The Public Works Department requires that public meetings and special events are held in accessible locations.

(b) The Public Works Department will provide auxiliary aides (such as sign language interpreters) at all department programs, public meetings, and interviews upon request of two business days.

(c) Assistive listening devices will be made available at Public Works Facilities for public meetings.

3.4.9.2 Recommendation

None.

3.4.10 Tours and Trips

3.4.10.1 Findings

The Public Works Department does not provide tours and trips.

3.4.10.2 Recommendation

None.

3.4.11 Transportation Services

3.4.11.1 Findings

The Public Works Department does not provide transportation services.

3.4.11.2 Recommendation

None.

3.4.12 Use of Consultants

3.4.12.1 Findings

The Public Works Department employs consultants. Outside consultants are notified of their responsibilities for providing services in a nondiscriminatory manner.

3.4.12.2 Recommendation

Include the Town's policy regarding accessibility for individuals with disabilities to all contracts. For example all contracts should have language associated with "Compliance to Civil Rights" and "Compliance with laws" section.

3.4.13 Emergency Evacuation Procedures

3.4.13.1 Findings

The Public Works Department has an emergency evacuation procedure that is described in the Employee Emergency Action program in the Towns' Illness & Injury Prevention Plan which was adopted in March 2009. Emergency evacuation drills are completed at all facilities annually by members of the Safety Committee.

3.4.13.2 Recommendation

None.

3.4.14 Special Events and Private Events on Public Properties

3.4.14.1 Findings

The Public Works Department does not host special or private events on public property.

3.4.14.2 Recommendation

None.

3.4.15 Maintenance of Accessible Programs and Ongoing Accessibility Improvements

3.4.15.1 Findings

(a) The Building Division has ongoing partnerships with a variety of groups that assist people with disabilities.

(b) The Building Division consults with outside organization

3.4.15.2 Recommendation

None.

3.4.16 Automated Electronic Equipment

3.4.16.1 Findings

The Public Works Department does not make automated equipment available to the public.

3.4.16.2 Recommendation

None.

3.4.17 Auxiliary Aides

3.4.17.1 Findings

Auxiliary Aids (such as tools, adjustable work tables, etc) are not available to assist persons with disabilities.

3.4.17.2 Recommendation

When appropriate and when requested, the Public Works Department will provide or make available auxiliary aids that would allow a person with disabilities to participate in programs.

3.5 Planning Department

3.5.1 Description of Programs and Services

(a) Staffing

Planning services for the Town are provided by contract and are partially supported by fees. There are four main activities in the Department: Administration, Code Enforcement, Current Planning and Advance Planning. The Planning staff is an important interface with Town residents and the business community, helping to ensure a positive working and living environment by encouraging economic development, enforcing codes, promoting property maintenance and recommending high-quality development projects for City Council approval.

(b) Contact Information

Town Hall Annex
1190 El Camino Real
Colma, CA 94014
Telephone number: 650-985-2590
Fax number: 650-985-2578

(c) Programs

- Permit Processing

- Business License Processing
- Economic Development

3.5.2 Customer Service

3.5.2.1 Findings

(a) The Planning Department may have policies or practices that could have direct or indirect effect of excluding or limiting the participation of individuals with disabilities.

(b) The Planning Department requires forms to be filled out.

(c) The Planning Department does not have a process for determining whether a policy or practice modification would fundamentally alter the nature of a program or services being offered.

(d) The Planning Department has established a process for responding to requests for modification. Reasonable accommodation requests are submitted to the Director of Planning, who oversees that the necessary modifications to the program are made to allow that individual to participate.

(e) The Planning Department has the following programs for the public.

- Process development applications
- Community meetings/Public engagements

(f) There is no circumstance in which a person with a disability would be asked to pay a fee or meet any other requirements that is not already imposed on other program participants.

3.5.2.2 Recommendations

(a) The Planning Department will provide alternative methods of completing written forms for people with disabilities that prevent them from filing out or signing forms.

(b) The Planning Department will develop a process for determining whether a policy or practice modification would fundamentally alter the nature of a program or services being offered.

3.5.3 Notice Requirements

3.5.3.1 Findings

(a) A notice of non-discrimination based on disability is included in all public agendas and notices.

(b) The Planning Department has yet to include a notice in public meeting agendas regarding the accessibility of meeting locations and the availability of modifications provided for people with disabilities.

(c) The Planning Department has yet to include a notice in public meeting agendas for procedures for filing a disability discrimination complaint.

(d) The Planning Department does not publicize information about the right of people with disabilities to participate in resolving complaint or violation.

3.5.3.2 Recommendations

(a) The Planning Department will include a notice in public meeting agendas regarding the accessibility of meeting locations and the availability of modifications provided for people with disabilities.

(b) The Planning Department will include a notice in public meeting agendas for procedures for filing a disability discrimination complaint.

(c) The Planning Department will publicize information about the right of people with disabilities to participate in resolving complaint or violation.

3.5.4 Printed Information

3.5.4.1 Findings

(a) The Planning Department provides publications in alternative media or accessible format as follows:

Type of Information	Accessible PDF File	Audio Tape	Braille	Large Print	Web	Computer Disk	Readers
Planning	X			X	X	X	X
Housing	X			X	X	X	X
Economic Development	X			X	X	X	X
Applications	X			X	X	X	X
Policy Documents	X			X	X	X	X
Permits	X			X	X	X	X

(b) The Planning Department provides documents in simple and easy to understand format.

(c) The Planning Department includes images of individuals with disabilities in its publications.

(d) The Planning Department has staff available to assist individuals in reading documents.

3.5.4.2 Recommendation

None.

3.5.5 Website

3.5.5.1 Findings

(a) The Town of Colma’s website is maintained by the Human Resources Division.

(b) The Planning Department does not include information on the Town’s website about accessibility of facilities where programs or services are offered.

3.5.5.2 Recommendation

The Planning Department along with the ADA Coordinator will ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities and facilities. Information regarding the location of accessible entrances, programs, sites, TDD numbers, and other access features can be provided on the Town of Colma website, www.colma.ca.gov.

See Section 2.6, Findings and Recommended Actions – Citywide Programs, Activities and Services.

3.5.6 Communications Devices

3.5.6.1 Findings

The Planning Department does not have TDD/TTY equipment and some staff is familiar with the 711 California relay system.

3.5.6.2 Recommendation

The Planning Department staff will receive training in the use of TDD/TTY equipment and the California Relay System for persons with hearing disabilities.

3.5.7 Training and Staffing

3.5.7.1 Findings

(a) Planning Department staff is aware that it may be necessary to modify policies and practices to enable people with disabilities to participate in and benefit from a program.

(b) Some Planning Department staff is trained regarding their obligations and policies that enable people with disabilities to participate in programs and activities.

(c) The Planning Department staff has had some experience working with people with disabilities or altering programs and services to accommodate people with disabilities.

(d) Some Planning Department staff members are familiar with ASL and can communicate with those with hearing impairments in the case of an emergency.

3.5.7.2 Recommendation

The Planning Department will train staff regarding working with people with disabilities and/or altering programs and services to accommodate people with disabilities.

3.5.8 Program Eligibility Requirements and Admission

3.5.8.1 Findings

(a) There are no circumstances in which the participation of a person with a disability in the Planning Department would be restricted or excluded.

(b) Clients are required to complete written forms in order to participate in some Department programs.

3.5.8.2 Recommendation

Planning Department staff will assist clients to complete written forms upon request.

3.5.9 Public Meetings

3.5.9.1 Findings

(a) Planning Department public meetings are held in accessible locations.

(b) Sign language interpreters, listening devices or other auxiliary aids and services are available at public meetings.

3.5.9.2 Recommendation

(a) None.

3.5.10 Tours and Trips

3.5.10.1 Findings

(a) The Planning Department provides tours and trips to the public on a limited and case by case basis.

(b) Planning staff ensures all tour and trip locations are fully accessible or that reasonable accommodations can be made for those with impairments or disabilities.

3.5.10.2 Recommendation

None.

3.5.11 Transportation Services

3.5.11.1 Findings

The Planning Department does not provide transportation services to the public.

3.5.11.2 Recommendation

None.

3.5.12 Use of Consultants

3.5.12.1 Findings

The Planning Department employs consultants. Outside consultants are notified of their responsibilities for providing services in a nondiscriminatory manner.

3.5.12.2 Recommendation

Include the Town's policy regarding accessibility for individuals with disabilities to all contracts. For example all contracts should have language associated with "Compliance to Civil Rights" and "Compliance with laws" section.

3.5.13 Emergency Evacuation Procedures

3.5.13.1 Findings

The Planning Department has an emergency evacuation procedure that is described in the Employee Emergency Action program in the Towns' Illness & Injury Prevention Plan which was adopted in March 2009. Emergency evacuation drills are completed at all facilities annually by members of the Safety Committee.

3.5.13.2 Recommendation

None.

3.5.14 Special Events and Private Events on Public Properties

3.5.14.1 Findings

Planning Department staff sometimes host community meetings. The meetings are always scheduled in accessible locations and staff provides reasonable accommodations upon request.

3.5.14.2 Recommendation

None.

3.5.15 Maintenance of Accessible Programs and Ongoing Accessibility Improvements

3.5.15.1 Findings

(a) The Planning Department has ongoing partnerships with a variety of groups that assist people with disabilities.

(b) The Planning Department consults with outside organizations that assist people with disabilities, for example staff refers residents to the Housing Element for legal services.

3.5.15.2 Recommendation

None.

3.5.16 Automated Electronic Equipment

3.5.16.1 Findings

The Planning Department does not make automated equipment available to the public.

3.5.16.2 Recommendation

None.

3.5.17 Auxiliary Aides

3.5.17.1 Findings

The Planning Department provides the following auxiliary aids and services:

- Writing instrument, paper and clipboard
- Copy machine to enlarge documents
- Moveable light sources
- Variety of surfaces at different heights that may meet ADA requirements

3.5.17.2 Recommendation

When appropriate and when requested, the Planning Department will provide or make available additional auxiliary aids that would allow a person with disabilities to participate in programs.

3.6 Recreation Department

3.6.1 Description of Programs and Services

(a) Programs

The Recreation Services Department provides programs, activities and events for Colma residents of all age groups ranging from infants to seniors at two park facilities: Colma Historical Park & Community Center and Sterling Park. Program elements include: Fitness, Enrichment, Special Events, Cultural Events, Sporting Events, Trips and Community Events. It is the goal of the Recreation Services Department to offer a balanced program ensuring all elements are offered to all age groups throughout the fiscal year.

(b) Contact Information

Colma Community Center
1520 Hillside Boulevard
Colma, CA 94014
Telephone number: 650-985-5678
Fax number: 650-997-3796

Sterling Park Recreation Center
427 F Street
Colma, CA 94014
Telephone number: 650-991-3213
Fax number: 650-991-3206

(c) Programs

(1) After School Program

The Recreation Services Department offers the KIDS' CLUB after-school program at the Sterling Park Recreation Center. This free drop-in program is offered September through June and offers programs to all Colma Youth ages 6 to 14 years, Monday through Friday, 3:00pm to 5:30pm throughout the school year. Recreation staff members lead participants in arts & crafts, athletics, board & team games, and provide help with homework.

(2) Community Programs

The Recreation Services Department offers the following Community Programs:

- (i) Family Field Day & BBQ
- (ii) Outdoor Movie Night
- (iii) Earth Day Celebration
- (iv) Health Fair

(v) E-Waste Day

(vi) Project Read

These programs are available to all residents and are held at the Colma Community Center, Sterling Park Recreation Center, and T.R. Pollicita Middle School.

(3) Day Camp Programs

The Recreation Services Department is offers winter, spring and summer Day Camp to youth ages 5-12 years old. The program provides a wide range of activities to keep children occupied during the school breaks. Children enjoy activities such as arts & crafts, outdoor games, indoor games, music, cooking projects, bowling, movies, and trips to local parks around the Bay Area.

(4) Enrichment Programs

The Recreation Services Department offers the following Enrichment Programs:

- (i) Yoga
- (ii) Tae Kwon Do
- (iii) Hula Dancing
- (iv) Ballroom Dancing
- (v) Fitness Classes
- (vi) Math Tutoring
- (vii) Golf Lessons
- (viii) Scrapbooking
- (ix) Ballet & Tap Dancing
- (x) Kids Carpentry
- (xi) Cooking Classes
- (xii) Driver's Education
- (xiii) Financial Services Workshops
- (xiv) First Aid & CPR Training
- (xv) Composting Workshop

These programs are available to all residents and are held at the Colma Community Center, Sterling Park Recreation Center, Cypress Golf Course, Serramonte Del Rey, Duo Dance Academy, Terrabay Recreation Center in South San Francisco, and the Colma Fire House.

(5) Facility Rentals

The Colma Community Center is a 5,500 square foot facility designed to host receptions, parties, reunions, and events accommodating up to 150 people. The Colma Community Center has a commercial kitchen, banquet room with adjoining outdoor decks, conference room, restrooms, lending library, audio visual equipment, and tables and chairs. The Colma Community Center can be rented by Town of Colma residents, Monday—Thursday, 9:00am—10:00pm and Friday—Sunday, 9:00am—11:00pm.

Sterling Park Recreation Center is a 1,200 square foot facility with restrooms, small kitchenette, TV/VCR, computers, book nook, and tables and chairs to accommodate a party of 50 for a sit down event. Sterling Park Recreation Center can be rented by Town of Colma residents on Saturdays and Sundays from 11:00am—6:00pm and Monday—Friday from 6:00pm—9:00pm

(6) General Recreation Programs

The Recreation Services Department offers the following General Recreation Programs:

- (i) Parents Night Out
- (ii) Ice Cream Arts and Crafts
- (iii) Mega Candyland
- (iv) Mega Chutes and Ladders
- (v) Guitar Hero Night

These programs are available to resident youth between the ages of 5 and 17 years old and are held at the Colma Community Center and Sterling Park Recreation Center.

(7) Senior Programs

The Recreation Services Department offers the following Senior Programs:

- (i) Senior Luncheons

Enrichment Workshops, such as Reverse Mortgage, Avoiding Cons and Scams, Identity Theft and Finishing Strong

- (ii) Senior Holiday Event

These programs are available to residents ages 55 and older and are held at the Colma Community Center.

(8) Special Events

The Recreation Services Department offers the following Special Events:

- (i) Town Picnic
- (ii) Youth and Teen Holiday Events
- (iii) Halloween Parade and Pumpkin Carving Party
- (iv) Murder Mystery Dinner
- (v) Eggstravaganza
- (vi) Teen Fright Night

These programs are available to all residents and are held at the Colma Community Center, Sterling Park Recreation Center and Marine World.

(9) Sporting and Theatrical Events

Listed below is a sample of Sporting and Theatrical Events the Recreation Services Department offers:

- (i) San Francisco Giants Game
- (ii) Peter Pan – Theater Show
- (iii) Golden State Warriors Game

These programs are available to all residents and are held at Candlestick Park, AT&T Park, Orpheum Theater and Oracle Arena.

(10) Trips

Listed below is a sample of trips the Recreation Services Department offers:

- (i) De Young Museum
- (ii) Legion of Honor Museum
- (iii) Golden Gate Fields
- (iv) Walt Disney Museum
- (v) Sky High Sports
- (vi) Santa Cruz Beach Boardwalk

- (vii) Safari West
- (viii) Malibu Grand Prix
- (ix) Boomers
- (x) Great America

These programs are available to all residents and are held at various locations throughout the Bay Area.

3.6.2 Customer Service

3.6.2.1 Findings

(a) The Recreation Services Department has no policies or practices that could have direct or indirect effect of excluding or limiting the participation of individuals with disabilities. Every effort is made to accommodate for special need whenever possible.

(b) Residents are required to complete written forms in order to apply for a Colma ID cards. Participants are required to complete written applications and registration forms in order to rent recreation facilities and to participate in recreation programs.

(c) The Recreation Services Department does not have a process for determining whether a policy or practice modification would fundamentally alter the nature of the program.

(d) There is no circumstance in which a person with a disability would be asked to pay a fee or meet any other requirements imposed on other program participants. In fact persons with disabilities are offered program discounts for participating.

3.6.2.2 Recommendations

(a) The Recreation Services Department will provide alternative methods of completing forms for people with disabilities who are unable to fill out or sign forms. Example: Recreation staff can fill out forms for persons with disabilities.

(b) The Recreation Services Department will develop a process for determining whether a policy or practice modification would fundamentally alter the nature of the program or service being offered.

3.6.3 Notice Requirements

3.6.3.1 Findings

The Recreation Services Department does not have a policy of notifying the public that it is prepared to make reasonable modifications to programs or services to make them accessible to people with disabilities.

3.6.3.2 Recommendation

The Recreation Services Department will develop a policy of notifying the public that it is prepared to make reasonable modifications to programs or services to make them accessible to people with disabilities.

3.6.4 Printed Information

3.6.4.1 Findings

Upon request the Recreation Services Department is prepared to provide the following documents and publications in alternative or an accessible format as follows:

Type of Information	Accessible PDF File	Audio Tape	Braille	Large Print	Web	Computer Disk	Readers
Recreation Guide	X			X	X	X	X
Colma I.D. Card Applications	X			X	X	X	X
Colma I.D. Card Information	X			X	X	X	X
Registration Forms	X			X	X	X	X
Facility Rental Applications	X			X	X	X	X
Fliers	X			X	X	X	X
Facility Rental Policies and Procedures	X			X	X	X	X
Day Camp Schedules	X			X	X	X	X

3.6.4.2 Recommendation

The Recreation Services Department will locate services that can provide our printed documents in alternative formats such as audio tape, Braille, and readers so when requested the service can be provided.

3.6.5 Website

3.6.5.1 Findings

(a) The Town of Colma's website is maintained by the Human Resources Division.

(b) The Recreation Guide, Colma I.D. card information, registration forms, and facility rental information are posted on the Town of Colma's website.

(c) The Recreation Services Department does not include information on its website about accessibility of facilities where programs or services are offered.

3.6.5.2 Recommendation

The Recreation Services Department will ensure that people with disabilities can obtain information about the availability and location of accessible programs, services, activities, and facilities. Information regarding TDD/TTY numbers and 711 relay system, and other access features can be provided in the website.

See Section 2.6, Findings and Recommended Actions – Citywide Programs, Activities and Services.

3.6.6 Communications Devices

3.6.6.1 Findings

The Recreation Services Department staff is not familiar with the California Relay System or trained in the use of TDD/TTY equipment with persons with hearing disabilities.

3.6.6.2 Recommendation

The Recreation Services Department staff will receive training in the use of TDD/TTY equipment and the California Relay System for persons with hearing disabilities.

3.6.7 Training and Staffing

3.6.7.1 Findings

(a) Recreation Services Department staff members are advised at staff meetings that it might be necessary to modify program policies or practices to enable people with disabilities to participate in and benefit from programs and services.

(b) The Recreation Services Department staff has had very little to no experience working with people with disabilities or altering programs and services to accommodate people with disabilities.

3.6.7.2 Recommendation

The Recreation Services Department will train staff regarding working with people with disabilities and/or altering programs and services to accommodate people with disabilities.

3.6.8 Program Eligibility Requirements and Admission

3.6.8.1 Findings

(a) There are no circumstances in which participation of a person with a disability in Special Events, Sporting and Theatrical Events, and Adult and Senior Enrichment programs would be restricted or excluded.

(b) There are circumstances in which the participation of a person with a type of impairment would be restricted or excluded in the After School program, Day Camp program, and youth General Recreation programs. These exclusions or restrictions are due to mandated staff/participant ratios and are necessary to the operation of the programs. Please see Appendix F – ADA for Childcare Providers.

(c) Clients are required to complete a written form in order to participate in Day Camp programs, Facility Rentals, General Recreation programs, and Afterschool programs.

(d) Recreation Services Department forms do not contain notices that the department does not discriminate against people with disabilities.

3.6.8.2 Recommendations

(a) Staff will provide alternative methods for persons with disabilities who are unable to fill out or sign forms.

(b) The Recreation Services Department will add notices to all forms stating that the department does not discriminate against people with disabilities.

3.6.9 Public Meetings

3.6.9.1 Findings

(a) The Colma Community Center is ADA compliant and can host public meetings and special events.

(b) The Recreation Services Department will provide auxiliary aides (such as sign language interpreters) at all department programs, public meetings, and interviews upon request of two business days.

(c) Assistive listening devices are available at Recreation Facilities for public meetings.

3.6.9.2 Recommendation

None.

3.6.10 Tours and Trips

3.6.10.1 Findings

(a) The Recreation Services Department provides Tours and Trips for all Adult & Senior outings, Youth & Teen outings as well as Family outings.

(b) Recreation staff ensures all tour and trip locations are fully accessible or that reasonable accommodations can be made for those with impairments or disabilities. Examples include the purchase of limited mobility/wheelchair seating for those at theater/sporting venues, ASL interpreter for the San Francisco Moving Movie Tour, and provide audio headphone tours for the visually impaired.

3.6.10.2 Recommendation

None.

3.6.11 Transportation Services

3.6.11.1 Findings

(a) Transportation is often provided via contracted motor coach companies for Tours and Trips in our Adult, Senior, Youth and Teen programs. When requested staff hires an accessible vehicles for those clients with disabilities.

(b) Our Youth and Teen programs sometimes use public transportation for the Town's Trips and Tours. Sam Trans and Bay Area Rapid Transit are ADA compliant.

3.6.11.2 Recommendation

None.

3.6.12 Use of Consultants

3.6.12.1 Findings

(a) The Recreation Services Department contracts with Outside Consultants (i.e. Contract Instructors) and notifies them of their responsibilities for providing services in a non-discriminatory manner. Instructor contracts include the Town's policy regarding accessibility for individuals with disabilities.

(b) Contract instructors and the programs they teach are sometimes monitored to ensure that they are meeting their responsibilities for providing services in a non-discriminatory manner.

3.6.12.2 Recommendation

None.

3.6.13 Emergency Evacuation Procedures

3.6.13.1 Findings

The Recreation Services Department has an emergency evacuation procedure that is described in the Employee Emergency Action program in the Towns' Illness & Injury Prevention Plan which was adopted in March 2009. Emergency evacuation drills are completed at all facilities annually by members of the Safety Committee.

3.6.13.2 Recommendation

None.

3.6.14 Special Events and Private Events on Public Properties

3.6.14.1 Findings

Recreation Services Department staff ensures that programs held on private or public property meet the obligations to facilitate the participation of individuals with disabilities. Examples include classes at Duo Dance Academy, events at T.R. Pollicita Middle School, and Town Picnic offsite at Saratoga Springs.

3.6.14.2 Recommendation

To strengthen the Town's commitment to ensuring that events that are held on public or private properties, use agreements or contracts will include the Town's policy regarding accessibility for individuals with disabilities. Also staff will fill out an Accessible Public Event Checklist – Appendix G, ensuring accessibility.

3.6.15 Maintenance of Accessible Programs and Ongoing Accessibility Improvements

3.6.15.1 Findings

The Recreation Services Department does not consult or work with any outside organizations that assist people with disabilities.

3.6.15.2 Recommendation

The Recreation Services Department will strive to keep programs up-to-date through increased community involvement and partnerships with organizations that offer services to persons with disabilities.

3.6.16 Automated Electronic Equipment

3.6.16.1 Findings

The Recreation Services Department does not provide automated electronic equipment for public use.

3.6.16.2 Recommendation

None.

3.6.17 Auxiliary Aides

3.6.17.1 Findings

The following auxiliary aides are available at the Recreation Services Department

- Adjustable tables
- Writing instruments and paper
- Movable light sources
- Hearing devices

3.6.17.2 Recommendation

When appropriate and when requested, the Recreation Services Department will provide or make available additional auxiliary aids that would allow a person with disabilities to participate in programs.

3.7 Schedule for Completing Recommended Actions for Programs, Activities and Services

The recommended actions described in sections 2 & 3.1-3.6 of the ADA Self Evaluation and Transition Plan will be completed by fiscal year 2012-13. Each year the Safety Committee will review the recommended actions in sections 2 & 3.1-3.6 of the ADA Self Evaluation and Transition Plan and will schedule staff training, write policies and purchase supplies and equipment. Training, supplies and equipment will be purchased through the ABAG Risk Management grant program and operating budget.

3.8 Policy Document Review Introduction and Review

The City Attorney's office reviewed the Town's Municipal Code and Administrative Code. Policies were reviewed to determine if the Town Municipal and Administrative Codes inadvertently discriminate against people with disabilities in accessing Town services. The Colma Municipal Code and Colma Administrative Code were amended at the February, March and September 2010 City Council meetings and now comply with Federal ADA and State Accessibility (Title 24) requirements. Please see Appendix H – Amended Town of Colma

Municipal and Administrative Codes including new sections pertaining to accessibility and reasonable accommodation.

4. TRANSITION PLAN

4.1 Introduction

The Transition Plan combines the findings of the facility surveys, sidewalk and right of way surveys, policy assessments, and program evaluations. Policy and program recommendations can be found in sections 2 and 3. The specific architectural modifications required making facilities and sidewalks accessible are listed in the Town of Colma ADA Architectural Barriers Summary List and Street, Sidewalk Summary List and Curb Ramp Summary List (Appendix I, J and K). Each survey contains a complete list of architectural barriers and barrier removal actions. Not all of these barriers must be removed in order to provide program access. The first priority is to remove those barriers limiting access to public facilities and programs.

In compliance with the requirements of the ADA, the Town will maintain equipment and features that are required to provide access to individuals with disabilities.

The ADA Coordinator, or designee, will follow up with each department to coordinate the implementation of the Transition Plan. In those situations where a policy, program or procedure creates a barrier to accessibility that is unique to a department or certain program, the ADA Coordinator, or designee, will coordinate with the department head to address the removal of the barrier in the most reasonable and accommodating manner.

4.2 Architectural Barrier Removal Plan for Facilities

Because of the number of facilities in the Town of Colma it would be very difficult to immediately remove all the barriers to program access. Barriers in facilities will be removed systematically, Town wide, to ensure equality among Town programs. It is the intent of the Town to address barriers to accessibility in public buildings within a time frame of seven years, depending on the immediate necessity, degree of complexity and overall cost. The highest priorities that directly affect the facilities will be corrected during phase one. Phase two will consist of high to low priorities that affect the interior of facilities and parking areas. Phase three will consist of low priority areas that affect programs or site furnishings within the facilities.

4.2.1 Facility Reports – ADA Architectural Barrier Summary List

A Facility Report in table format has been produced for each site that was surveyed, and is summarized in the ADA Architectural Barrier Summary List, Appendix I. The ADA Architectural Barrier Summary List includes:

- Each specific barrier found to be in noncompliance with ADAAG and Title 24 standards
- Recommended solution
- Priority level
- Photo reference

- Estimated costs and completion dates
- References to the ADAAG code provisions

4.2.2 Criteria for Prioritizing the Plan for Facilities

Recognizing that the Town has limited funds and cannot immediately make all buildings and facilities fully accessible, Town staff created urgency criteria as the basis for prioritizing the removal of architectural barriers:

- Program uniqueness – some programs are unique to a building, facility or park and cannot occur at another location.
- Level of use by the public – buildings, facilities, and parks that receive a high level of public use should receive a high priority.
- Geographic distribution – by selecting a range of buildings, facilities, and parks that are distributed throughout the Town, the Town can ensure maximum access for all residents.

4.2.3 Priorities for Facilities

The top priority of the Transition Plan is to make the Town facilities accessible first. These facilities are those which serve local residents, employees, and those of which are utilized by tourists and visitors to the Town of Colma as well. The ADA Architectural Barrier Summary List - Appendix I provides a list of buildings and facilities that receive a high level of use by the public and provide programs and/or services. The list includes those buildings and facilities that are considered by the Town as being its highest priorities for addressing the removal of architectural barriers.

The criteria listed below were used to determine the priorities for addressing specific barriers in each building, facility and park.

4.2.3.1 High Priority

The highest priority is placed on those barrier removal items that provide accessibility at the main entrance of the facility or improve a path of travel to the portion of the facility where program activities take place. Sample of items that received a high priority are:

- (1) Facility entrance walks
- (2) Facility entrance ramps
- (3) Facility entrance handrails
- (4) Town right of ways (sidewalks)
- (5) ADA compliant restrooms
- (6) Parking identification and striping

4.2.3.2 Medium Priority

A second level priority is placed on those barrier removal items that improve or enhance access to program use areas. Sample of items that received a medium priority are:

- (1) Transaction counters
- (2) Detectable warnings on staircases
- (3) Public offices and meeting rooms

4.2.3.3 Low Priority

A third level priority is placed on those barrier removal items that improve access to amenities serving program areas and/or areas or features not required to be modified for accessibility (no public programs located in this area, or duplicate features). Sample of items that received a low priority are:

- (1) Hi/Lo drinking fountains
- (2) Adjust door closures
- (3) Adjust site furnishings
- (4) Staff training

4.2.3.4 Addressing Priorities

(a) In general, the Town will address those items listed as High and Medium Priority within a shorter time frame, depending on immediate necessity, degree of complexity, and overall cost. Because Low Priority items do not inhibit a person's ability to access or participate in a Town program or event, the Town will generally address those items through routine maintenance, a building/facility remodel or improvement, or upon a request from a department head that a modification is necessary.

(b) The Town of Colma reserves the right to change the barrier removal priorities in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, and changes in Town programs.

(c) The recommended Expenditure Plan generally follows the above priority schedule, with two exceptions noted in the Expenditure Plan. (See Appendix L)

4.2.4 Phased Plan for Removal of Barriers

4.2.4.1 Phase One

The goal of the architectural barrier removal plan for the first five years is to make Town of Colma facilities accessible from the parking areas and public ways to the facility entry ways. Due to the nature and high priority assigned to the following architectural barriers staff recommends that the following items be completed by the end of FY 2014-15. Some

items are included in this table because they can be completed with in-house staff for minimal costs.

Location	Problem	Solution	Priority	Estimated Cost
Town Hall	Non compliant accessible ramps	Provide accessible ramps per ADAAG	High	\$145,000
Town Hall	Non-compliant handrails on accessible ramps	Provide accessible handrails per ADAAG	High	\$12,000
Town Hall	Non-compliant handrails on front stairs	Provide accessible handrails per ADAAG	High	\$4,500
Town Hall	No Identifiable path of travel from accessible parking stall to bottom of accessible ramp.	Identify a path of travel from accessible parking stall to bottom of accessible ramp	High	\$5,000
Town Hall Annex	Non-compliant handrails on accessible ramp.	Provide accessible handrails per ADAAG	High	\$5,000
Town Hall Annex	Non-compliant curb ramps.	Provide compliant curb ramps per ADAAG	High	\$3,500
Town Hall Annex	Non-compliant warning signs on stairs.	Provide detectable warnings on stairs per ADAAG	Med	\$1,000
Creekside Villas	Non-compliant curb ramps.	Provide compliant curb ramps per ADAAG	High	\$4,500
Museum & Freight Building at Historical Park	Non-compliant handrails on accessible ramp.	Provide accessible handrails per ADAAG	Low	\$1,500

Location	Problem	Solution	Priority	Estimated Cost
Sterling Park	Non-compliant accessible ramp to picnic area	Switch benches on picnic tables making area accessible and provide directional signage	Med	\$2,500
Sterling Park	Non-compliant signage on restrooms.	Install compliant signage for restrooms per ADAAG	Low	\$500
Sterling Park	Non-compliant paper towel dispensers.	Lower paper towel dispensers to correct height per ADAAG	Low	\$500

The estimated cost to complete phase one is \$185,500. Funding for phase one will come from ABAG PLAN grant funds, the General Fund and when available the operating budget.

4.2.4.2 Phase Two

Phase two will consist of high to low priorities that affect the interior of facilities and parking areas. Due to the nature and priority level assigned to the following architectural barriers staff recommends that the following items be completed by the end of FY 2015-16.

Location	Problem	Solution	Priority	Cost
Town Hall	Incomplete signage and stripping in parking lot	Provide accessible parking space (accommodations for van), stripping and signage per ADAAG	High	\$7,500
Town Hall	Doorway connecting from foyer to office is non-compliant.	Enlarge existing doorway to provide access per ADAAG	High	\$12,000

Location	Problem	Solution	Priority	Cost
Town Hall	Force required to open doors from hallway to council chamber exceeds 5lbs.	Reconfigure swing of door to require less than 5lbs of opening force or install an automatic door opener	Low	\$4,500
Town Hall	Upstairs restrooms are not compliant	Re-model restrooms so they are ADA compliant per ADAAG. One possible solution is to make one unisex restroom	High	\$200,000
Town Hall Annex	Incomplete signage and stripping in parking lot	Provide accessible parking space (accommodations for van), stripping and signage per ADAAG	High	\$16,500
Town Hall Annex	Non-compliant walkways – greater than 5% slope	Remove concrete, re-grade and install concrete walkway per ADAAG	High	\$25,000
Creekside Villas	Incomplete signage and stripping in parking lot	Provide accessible parking space (accommodations for van), stripping and signage per ADAAG	High	\$13,500
Colma Historical Museum	Non-compliant curb ramps	Provide compliant curb ramps per ADAAG	High	\$2,000

Location	Problem	Solution	Priority	Cost
Colma Historical Museum	Incomplete signage and stripping in parking lot	Provide accessible parking space (accommodations for van), stripping and signage per ADAAG	High	\$500
Colma Community Center	Force required to open doors exceeds 5lbs	Reconfigure swing of door to require less than 5lbs of opening force	Med	\$5,500
Colma Community Center	Non-compliant curb ramps	Provide compliant curb ramps per ADAAG	High	\$4,500
Sterling Park	Non-compliant curb ramps	Provide compliant curb ramps per ADAAG	High	\$5,500
Sterling Park	Force required to open doors exceeds 5lbs	Reconfigure swing of door to require less than 5lbs of opening force	Med	\$2,500
Sterling Park	Door thresholds are non-compliant	Correct thresholds per ADAAG	Med	\$3,500

The estimated cost to complete phase two is \$303,000. Funding for phase two will come from ABAG PLAN grant funds, the General Fund and when available the operating budget.

4.2.4.3 Phase Three

Phase three will consist of medium to low priorities that affect the interior of facilities. Due to the nature and priority level assigned to the following architectural barriers staff recommends that the following items be completed by the end of FY 2016-17.

Location	Problem	Solution	Priority	Cost
Town Hall	Non-compliant space allowance and reach ranges at front counter	Reconfigure existing layout per ADAAG. Lower existing counter	Low	\$35,000
Town Hall	Vertical access to council dais in the Council Chamber is not provided	Provide ramp or platform upon request	Low	\$15,000
Town Hall Annex	Non-compliant space allowance and reach ranges at front counter	Reconfigure existing layout per ADAAG	Low	\$5,500
Sterling Park	Water fountain on exterior of building is non-compliant	Provide Hi/Lo water fountain per ADAAG	Med	\$6,000

The estimated cost to complete phase three is \$61,500. Funding for phase three will come from ABAG PLAN grant funds, the General Fund and when available the operating budget.

The estimated cost to correct the architectural barriers at Town of Colma facilities over the next seven years is \$550,000.

A cost breakdown by facility is below.

Facility	Cost
Town Hall	\$440,500
Town Hall Annex	\$56,500
Creekside Villas	\$18,000
Sterling Park Recreation Center	\$21,000
Historical Museum	\$4,000
Colma Community Center	\$10,000
Total	\$550,000

4.3 Architectural Barrier Removal Plan for Sidewalks, Streets, and Curb Ramp

Title II of the ADA requires that public entities having responsibility for or authority over streets, roads, sidewalks, and/or other areas meant for pedestrian use, to develop a Transition Plan. Simply put, a Transition Plan changes inaccessible facilities onto environments that are accessible to and functional for individuals with disabilities.

For existing rights-of-way, local governments must meet the standards for program accessibility. Program accessibility means that a program, activity or service is accessible when viewed in its entirety. Examples of program accessibility include posting sidewalk closure information on the Town website in order to inform people with disabilities of potential route changes, or modifying policies concerning the placement of street furniture to make sure that sidewalks are accessible.

A right-of-way Transition Plan must include (at a minimum) an assessment of existing sidewalks and a schedule for curb ramp installations where an existing pedestrian walkway crosses a curb or other barrier. The DOJ Title II regulations require state and local government entities to prioritize the installation of curb ramps serving:

- State and local government offices and facilities
- Transportation
- Places of public accommodation (private sector facilities covered by Title III)
- Places of employment

To comply with Title II, the Town conducted a physical survey and inventory of sidewalks, streets, and curb ramps in the areas of the Town with the highest levels of pedestrian traffic to determine what recommendations and alterations might be necessary in order to meet current ADAAG technical requirements and State of California standards. Most of the problems within the right-of-way concern physical barriers, which cannot be addressed through other options such as policy changes, alternative methodologies, or adaptive aids. Therefore, the public right-of-way can only be made accessible via a realistic and fundable strategy for curb ramp installation and sidewalk modifications. The compliance survey can be found in the Sidewalk and Curb Ramp Survey - Appendices J & K.

El Camino Real is not included in the Town of Colma Self Evaluation and Transition Plan because it is a state highway and CalTrans has the responsibility for and authority over that street and its sidewalks. Recently a class action lawsuit was settled with the California Department of Transportation. The settlement provides that each city may send requests for accommodation to Cal Trans for removal of ADA sidewalk and curb ramp barriers along state highways. Pursuant to the settlement, the Town of Colma will send requests for accommodations to Cal Trans to remove the physical barriers along El Camino Real.

Hillside Boulevard was not surveyed for sidewalk barrier removal because most of that road lacks sidewalks and there is little pedestrian use along the stretch of the road without a sidewalk. The recommended Capital Improvement Plan for Fiscal Year 2010-2011

includes installation of curb ramps on the existing sidewalks along Hillside Boulevard, and therefore that work is not included in this Plan. An ADA-compliant sidewalk will be installed along the remainder of Hillside Boulevard when it is rehabilitated. A schedule for rehabilitation of Hillside Boulevard will likely be presented to the City Council in the current fiscal year.

Collins Avenue and Mission Road were not surveyed for barrier removal because both streets are currently under study for Economic Development. Staff intends to survey Collins Avenue and Mission Road for architectural barriers in Fiscal Year 2012-13 and will incorporate the findings and recommendations into that year's ADA Transition Plan update.

4.3.1 Criteria for Prioritizing the Plan for Sidewalks, Streets, and Curb Ramps

To promote efficiency and accessibility, some cities construct curb ramps at every point where a sidewalk intersects a curb; however, under Title II of the ADA, the Town is not necessarily required to do so. Traffic safety considerations may make construction of ramp in some locations undesirable. Alternative routes to buildings that make use of existing curb ramps may be acceptable under the concept of program accessibility in the limited circumstances where individuals with disabilities need only travel a marginally longer route. In addition, the undue financial and administrative burden limitation available in Title II of the ADA may limit the number of curb ramps that the Town may be required to provide.

It is the goal of the Town of Colma to continue its efforts to improve pedestrian accessibility. This effort has been exemplified through past achievements in CIP projects. Following the completion of the Junipero Serra Boulevard Beautification Project in 2007, numerous compliance issues such as truncated domes, outdated push buttons, and crosswalks were all addressed. To continue reaching our goals, the Town of Colma plans to utilize the following criteria to prioritize its sidewalk and curb ramp program:

- Provide access to state or local facilities or offices – Since the ADA requires that funding priority be given to “walkways serving local and state government offices and facilities,” these conditions have received the highest priority in the Town’s self-evaluation process.
- Provide access to places of accommodation – Locations that provide access to “public, commercial, medical, professional, educational, or recreational services” are high priorities for curb ramp sites.
- Provide access to public transit - A goal of the curb ramp program is to improve access to bus stops along heavily used bus routes.
- Enhance safety at pedestrian crossings – High priority is given to curb ramps that will allow for safe crossings at controlled or marked intersections.
- Create connected systems of accessible pathways – Staff will look for opportunities to complete partially accessible intersection or pathway and to expand an existing pathway system.

4.3.2 Accessibly Improvement Programs

The Town of Colma is devoted to making the Town's streets and sidewalks more accessible through different avenues.

4.3.2.1 New Development and Infill Program

The Public Works Department will develop a program that actively engages property owners in removing right-of-way barriers during new development projects and those projects occurring as infill or redevelopment are required to install sidewalks and curb ramps.

4.3.2.2 Annual Installation, Repair, and Maintenance Program

On an annual basis, the Town's Public Works Department repairs sidewalks and installs new curb ramps as part of routine maintenance.

4.3.2.3 Street-Related Capital Improvement Projects

Sidewalks and/or curb ramps are installed, repaired and/or brought into compliance in all street-related capital improvement projects (e.g., street widening or other street upgrades).

4.3.2.4 Federally Aided Street Overlay Construction Projects

The Town is required and has begun to include the installation of curb ramps as part of federally aided street overlay projects. (Serramonte Boulevard)

4.3.3 Time Period for Right-of-Way Improvements

4.3.3.1 Findings

The ADA Title II regulations states that if a Transition Plan will take more than a year to fully implement, it must contain interim steps that will be done to provide program accessibility.

4.3.3.2 Recommendation

The Town may consider publishing accessibility maps on the Town website that show the most accessible routes to follow.

4.3.4 Phased Plan for Removal of Barriers

For a number of reasons, it will be very difficult to immediately remove all the barriers to program access. The reasons include the number of streets and barriers involved compared to the Town's resources as well as the need to acquire land in some instances from adjacent property owners to make room for sidewalk widening. Therefore, barriers in the rights-of-way and curb ramps will be removed systematically in phases to ensure equality among Town programs. It is the intent of the Town to address barriers to accessibility in the rights-of-way and curb ramps within a time frame of five years, depending on the immediate necessity, degree of complexity and overall cost. The highest priorities that directly affect

public facilities and public transportation will be corrected in phase one. Phase two will consist of medium to low priorities that affect commercial areas and residential neighborhoods.

4.3.4.1 Phase One

The goal of the rights-of-way and curb ramp barrier removal plan for the first four years is to make Town of Colma facilities accessible from the sidewalk areas to the facility entry ways. Due to the nature and high priority assigned to the following rights-of-way and curb ramp barriers staff recommends that the following areas be completed by the end of FY 2013-14.

- Serramonte Boulevard
- Colma Boulevard

4.3.4.2 Phase Two

Phase two will consist of medium to low priorities that affect rights-of-way and curb ramps in commercial areas and residential neighborhoods. Due to the nature and priority level assigned to the following rights-of-way and curb ramps barriers staff recommends that the following items be completed by the end of FY 2014-15.

- Sterling Park Neighborhood
- Mission Road
- Hillside Boulevard
- Junipero Serra Boulevard
- Collins

4.3.5 Funding Right-of-Way Improvements

The Town should take full advantage of the various funding opportunities available for right-of-way accessibility improvements. Some examples of funding opportunities are:

- ABAG PLAN Risk Management grants
- Federally aided improvement projects
- Developers and property owners
- Partnerships with technology companies who may want to fund Accessible Pedestrian Signals showcasing their technology
- Operating budget
- General Fund

The estimated cost to correct the architectural barriers on Town of Colma sidewalks is below.

Street	Cost
Serramonte between ECR & JSB	\$6,000
Serramonte between ECR & Hillside	\$7,250
Colma Boulevard	\$6,000
Total	\$19,250

The estimated cost to correct Town of Colma Curb ramps and bring them to the current standard is below.

Area/Street	Cost
Sterling Park Neighborhood	\$40,500
Mission Road	\$21,500
Hillside Boulevard	\$6,500
Serramonte Boulevard	\$22,000
Junipero Serra Boulevard	\$19,500
Colma Boulevard	\$22,500
Total	\$132,500

In some cases the costs to bring the sidewalks into compliance does not include the cost for land acquisition.

4.3.6 Ongoing Accessibility Improvements

Opportunities for further improvement of Town services and facilities will continue to arise as advances are made in technology. Additionally, as the Town acquires new facilities and develops new programs, it will be necessary to review each of them for access compliance.

It is the intent of the Town to keep its programs up-to-date through increased community involvement and partnerships with organizations of and those offering services to persons with disabilities.

4.3.7 Measuring the success of the ADA Self-Evaluation and Transition Plan Update

It is the intent of the Town to periodically evaluate the success of improving access to its programs by compiling statistical measures of success. Examples of some potential

measures of success include:

- Measuring the level of public participation in programs.
- Revising evaluation forms to include questions about how adequately special needs were met.
- Tracking the number of people with disabilities who participate in selected programs, the number of requests for programs that are accessible to people with disabilities, repeat registrants.
- Asking staff to evaluate the success of a program.
- Surveying program participants about desired improvements.
- Conducting an initial assessment/suggestion box program for accessibility.
- Soliciting feedback from personal contact (such as word-of-mouth reports).
- Comparing programs to goals and objectives published by the federal government.

4.4 Expenditure Plan

4.4.1 Finding

The Town of Colma has appropriated \$20,000 for ADA-related work to be done in Fiscal Year 2010-2011. A plan for funding all necessary work and improvements needs to be adopted.

4.4.2 Recommendations

(a) Staff recommends that the City Council adopt the Expenditure Plan attached hereto as Appendix L, which is based on the findings from the physical barriers survey and the priorities identified in the ADA Transition Plan. Subject to the provisions of the next paragraph, the Expenditure Plan may be amended by the City Council based on a change in circumstances, such as a further decline in Town revenues.

(b) Each year except Fiscal Year 2010-2011, the Town will appropriate a minimum of \$25,000, which shall be adjusted annually in proportion to increases in the Consumers Price Index of Urban Consumers (Revised Series), San Francisco-Oakland-San Jose Metropolitan area, All Items, 1982-84=100. The minimum amount shall be used exclusively to install compliant curb ramps or remove architectural barriers.

5. PROGRAM ACCESSIBILITY GUIDELINES, STANDARDS AND RESOURCES

5.1 Introduction

In order to facilitate access to Town programs by all residents, the Town will maintain these program accessibility guidelines, standards and resources. This information is available to all Town employees. Each department will add to these guidelines when necessary to address its special needs and include information and technological devices that help staff members communicate with individuals with a variety of disabilities. The Town will periodically review the components of this section as new technologies are developed in order to ensure that the best types of modifications are included. This section also contains the accessibility standards of care that govern new construction and alterations to facilities.

The Town will establish a "Resources Toolkit" of adaptive aids and human resources that will be available for use by programs without the means to assemble their own. Staff will explore local sources of assistive technology. Local and National community groups are listed below.

5.2 Federal and State Accessibility Standards and Regulations

5.2.1 Federal Regulations

5.2.1.1 U.S. Department of Justice

(a) The U.S. Department of Justice provides many free ADA materials including the Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [1.800.514.0301 (Voice) or 1.800.514.0383 (TDD)] Publications are available in standard print as well as large print, audiotope, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the Department of Justice website (<http://www.ada.gov/>).

(b) ADA Regulations for Title II: This publication describes Title II of the Americans with Disabilities Act, Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under Section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

(c) Title II Technical Assistance Manual (1993) and Yearly Supplements. This 56-page manual explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance.

(d) Accessibility of State and Local Government Websites to People with Disabilities. A 5-page publication providing guidance on making state and local government website accessible.

5.2.1.2 U.S. Access Board

The full texts of federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of the publications are available free and can be downloaded or ordered by completing a form available on the Access Board's website (<http://www.access-board.gov/>). In addition to regular print, publications are available in: large print, disk, audiocassette, and Braille. Multiple copies of the publications can be ordered by sending a request to pubs@access-board.gov. In addition to the guidelines, guidance material is also available to assist staff in understanding and implementing federal accessibility guidelines.

The following publications are currently available from the U.S. Access Board.

(a) *The ADA Accessibility Guidelines (ADAAG)*: This document contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990. These scoping and technical requirements are to be applied during the design, construction and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by federal agencies, including the Department of Justice and the Department of Transportation, under the ADA. This document must be used in conjunction with Title 24 of the California Building Code (see State of California Accessibility Standards and Regulations).

(b) *State and Local Government Facilities: ADAAG Amendments*: The Access Board is issuing final guidelines to provide additional guidance to the Department of Justice and the Department of Transportation in establishing accessibility standards for new construction and alterations of State and local government facilities covered by Title II of the American with Disabilities Act (ADA) of 1990. The guidelines will ensure that newly constructed and altered State and local government facilities are readily accessible to and usable by individuals with disabilities in terms of architecture, design and communication.

(c) *Building Elements for Children: ADAAG Amendments*: The Access Board is issuing final guidelines to provide additional guidance to the Department of Justice and the Department of Transportation in establishing alternate specifications for building elements designed for use by children. These specifications are based on children's dimensions and anthropometrics and apply to building elements designed specifically for use by children ages 12 and younger.

(d) *Play Areas: ADAAG Amendments*: The Access Board is issuing final accessibility guidelines to serve as the basis for standards to be adopted by the Department of Justice for new construction and alterations of play areas covered by the Americans with Disability Act (ADA). The guidelines includes scoping and technical provisions for ground level and elevated play components, accessible routes, ramps and transfer systems, ground surfaces and soft contained play structures.

(e) *Recreation Facilities: ADAAG Amendments:* The Access Board is issuing final accessibility guidelines to serve as the basis for standards to be adopted by the Department of Justice for new construction and alterations of recreation facilities covered by the Americans with Disability Act (ADA).). The guidelines includes scoping and technical provisions for amusement rides, boating facilities, fishing piers, and platforms, golf courses, miniature golf, sports facilities, swimming pools and spas.

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The Town will regularly review research material posted to the US Access Board's website and upgrading local guidelines and practices as new standards are adopted or existing standards are revised.

5.2.2 State of California Accessibility Standards and Regulations

5.2.2.1 Title 24, California Building Code

(a) The State of California has also adopted a set of design guidelines for accessible facilities, which can be found in the California Code of Regulations, Title 24, Part II, California Building Code (CBC). CBC contains general building design and construction requirements relating to fire and life safety, structural safety and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. Although California has adopted most of the ADAAG requirements, there are some differences. In general the more restrictive requirement (whether federal or state) should be applied when designing accessible facilities. The complete Title 24 or any of it parts is available for purchase from the International Code Council (ICC), 5360 South Workman Mill Road, Whittier, CA 90601, 1-800-423-6587, (website: www.iccsafe.org) or at various bookstores that carry technical books.

Since the CBC is updated every three years, the Town will implement an ongoing program of regularly reviewing these changes and updating Town policies and procedure related to accessibility to remain current.

(b) The Division of State Architecture (DSA) also provides information and resources for accessible or universal design. Publications are available for downloading at DSA's website (www.dsa.ca.gov) include:

- (1) DSA's 2003 California Access Compliance Referral Manual
- (2) Guidance Material and Advisory Reports for Facilities
- (3) ADAAG Technical Bulletin
- (4) Visual Alarms Technical Bulletin
- (5) Text Telephones technical Bulletin
- (6) Ground and Floor Surfaces technical Bulletin

- (7) Parking Technical Bulletin
- (8) Detectable Warnings Update
- (9) Assistive Listening Systems Technical Bulletin
- (10) Guide to the ADA Accessibility Guidelines for Play Areas
- (11) Summaries of Accessibility Guidelines for Recreation Facilities
- (12) Accessibility Guidelines for Outdoor Developed Areas

5.2.2.2 Guidelines and Standards for Communication

(a) Standards for Electronic and Information Technology: The Access Board is issuing final accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendment of 1998. Section 508 requires the Access Board to publish standards setting forth a definition of electronic and information technology and the technical and functional performance criteria necessary for such technology to comply with Section 508.

(b) Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

5.2.2.3 Guidance Material for Communication

(a) Bulletin on the Telecommunications Act Accessibility Guidelines: As technology continues to improve our means of telecommunication, it can pose challenges to accessibility on one hand, while on the other hold the key to innovative access solutions. Section 255 of the Telecommunications Act requires telecommunications products and services to be accessible to people with disabilities. This is required to the extent access is "readily achievable," meaning easily accomplishable, without much difficulty or expense. Telecommunications products covered included: wired and wireless telecommunication devices, such as telephones (including pay phones and cellular phones), pagers, and fax machines; other products that have a telecommunication service capability, such as a phone company's switching equipment.

(b) Summary of Standards for Electronic and Information Technology: An overview: This bulletin presents an overview of the new standards for electronic and information technology and Section 508.

5.2.2.4 Guidelines for Transportation

(a) ADA Accessibility Guidelines for Transportation Vehicles: This publication provides minimum guidelines and requirements for accessibility standards for transportation vehicles required to be accessible by the Americans with Disability Act (ADA) of 1990, including over-the road bus and tram systems.

(b) ADA Accessibility Guidelines for Transportation Vehicles; Over-the Road Buses: This publication outlines the amendments to the accessibility guidelines for over-the-road buses (OTRB) made by the Architectural and Transportation Barriers Compliance Board and the Department of Transportation to include scoping and technical provisions for lifts, ramps, wheelchair securement devices, and moveable aisle armrests. Revisions to the specifications for doors and lighting are also adopted. The specifications describe the design features that an OTRB must have to be readily accessible to and usable by persons who use wheelchairs or other mobility aids.

(c) American Association of State Highway and Transportation Officials: AASHTO is the organization that maintains the "Greek Book" for design of roads and highways and has begun to address accessibility of pedestrian networks. Several AASHTO publications, which can be ordered from the AASHTO website (<http://www.transportation.org/>), address accessible circulation systems, including: AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, 1st Edition and Guide for the Development of Bicycle Facilities, 3rd Edition.

(d) Federal Transit Administration: FTA regulates and enforces requirements of the ADA covering transportation facilities and systems. FTA maintains a technical assistance line on ADA questions at (888.446.4511) and on their website (<http://www.fta.dot.gov/>).

(e) Manuals on ADA Accessibility Guidelines for Transportation Vehicles: This technical assistance document is one of a series provided to help in understanding the background and underlining rationale of the Americans with Disabilities Act Accessibilities Guidelines for Transportation Vehicles (Vehicle Guidelines) and how the guidelines may apply in a particular case. The documents in this series include:

- (1) Buses, vans, and systems
- (2) Over-the-road buses and systems
- (3) Trams, similar vehicles, and systems

(f) Securement of Wheelchairs and Other Mobility Aids: As a public or private transit authority, the responsibility of safe, efficient service from public agencies who offer transportation services has been enlarged to affording ridership to people using a wide variety of mobility aids. In considering not only the many types of mobility aid devices, but the variety and sizes of lifts, and the numerous makes of buses and vans, it can be easily seen that there is no single, definitive solution to accessibility on mass transit accessibility leaders who have taken the initiative to involve the ridership in needs assessment and have established policies, educated operators, and informed the public to achieve greater accessibility in their bus transit systems.

5.3 Resources for Providing Accessible Programs and Facilities

5.3.1 Program Resources

(a) ADA Document Portal: This website (<http://www.adaportal.org/>) provides links to an ADA Collection consisting of more than 7,400 documents on a wide range of topics.

The ADA Document Portal is supported by the ten ADA & IT Technical Assistance Centers.

(b) DisabilityInfo.Gov: A one-stop interagency portal for information on Federal programs, services, and resources for people with disabilities, their families, employers, service providers, and other community members.

(c) California State Parks Accessibility Guidelines: These guidelines present principles for providing accessibility in park settings. They are intended for practical use in the field and as a reference manual that can accommodate many situations and settings. The guidelines cover all of the "building blocks of an accessible park" including accessible programs such as a guided and self-guided programs and tours, audiovisual programs, campfire centers and assembly areas, exhibits, historical sites, trails, visitors information, and special events. This publication is available for downloading from the California State Accessibility Section by phone (916.445.8949) or by email at access@park.ca.gov.

(d) American Association of Museums: Accessible exhibit design publications are available for purchase from AAM's website (<http://www.aam-us.org>) including Everyone's Welcome (available in a variety of formats), which addresses museum programs and the ADA, The Accessible Museum, which offers model programs of accessibility for older people and people with disabilities, and What Museum Guides Need to Know to provide access to blind and visual impaired visitors.

(e) Beneficial Design: Beneficial Designs works toward universal access through research, design, and education. Beneficial Designs develops assistive and adaptive technology, performs rehabilitation research, contract design, legal consultation, standards development, and serves as a rehabilitation information resource. Contact Beneficial Designs, Inc. at 2240 Meridian Boulevard, Suit C, Minden, NV 89423-8628, (775.783.8822), by email at mail@beneficialdesigns.com or website (<http://www.beneficialdesigns.com/>).

(f) Smithsonian Institution: The Accessibility Program has developed the Smithsonian Guidelines for Accessible Exhibition Design (1996), which are available for download from their website (<http://www.si.edu/opa/accessibility/exdesign/start.htm>). Further information is available from the Smithsonian Accessibility Program at the Arts and Industries Building, Room 1239 MRC 426, Washington, D.C. 20560 (202.786.2942).

(g) National Center on Accessibility: The Center (<http://www.ncaonline.org/>) is a cooperative project between the National Park Services and Indiana University to provide information and technical assistance, primarily on recreation access. An example of the activities of the NCA is the National Trails Surface Study. This study is primarily the result of questions that NCA has, for many years and continues to receive from organizations, agencies and individuals who desire to make their trails accessible; are interested in an unobtrusive surface that blend and is friendly to the environment; and provides a quality trail experience for people with and without disabilities. NCA also publishes "What is an Accessible Trail?" which summarizes the federal guidelines for outdoor developed areas and is available for downloading from its website. The NCA website also has information on campground accessibility, accessible picnic tables, access to beach, and inclusion of people with disabilities aquatic venues.

(h) National Center on Physical Activity and Disability: The Center (<http://www.ncpad.org/>) provides information and resources on physical activity to help people

with disabilities find ways to become more active and healthier. The Center also provides information on how to provide access to fitness centers, schools, recreation facilities, camps, and health and leisure services.

(i) National Park Services: NPS has many programs that address the issue of providing accessible recreation services to people with Disabilities (available for downloading at <http://planning.nps.gov/wilderness/toolbox3.cfm>) and Director's Order #42, Accessibility, which establishes the purpose and role of the NPS Accessibility Program, lists applicable laws, standards and authorities, implementation strategies, roles and responsibilities. It also addresses National Park Service policies and provides links to additional information sources (available for download at http://www.nps.gov/access/resources_online.htm).

(j) National Center on Accessibility: NCA publishes "What are Alternative Formats?" How Do They Apply to Program and Services? , which is available for downloading from their website (<http://www.ncaonline.org/>).

5.3.2 Technical Resources

(a) The Town should utilize the many disability-related resources available through the Internet. A good place to start is ABLEDATA the National Institution on Disability and Rehabilitation Research of the U.S Department of Education maintains a national web-based service (<http://www.abledata.com>), which provides up-to-date links to assistive technologies and disability-related resources. ABLEDATA's mission is to provide objective information on such assistive products as:

(1) Architectural elements: Products that make the built environment more accessible, including indoor and outdoor architectural elements, vertical lifts, lighting, and signs.

(2) Blind and low vision: Products for people with visual disabilities, including computers, educational aids, information storage, kitchen aids, labeling, magnification, office equipment, orientation and mobility, reading, recreation, sensors, telephones, tools, travel, typing, and writing (Braille).

(3) Communication: Products to help people with disabilities related to speech, writing and other methods of communication, including alternative and augmentative communication, signal systems, telephones, typing, and writing.

(4) Computers: Products to allow people with disabilities to use desktop and laptop computers and other kinds of information technology including software, hardware and computer accessories.

(5) Controls: Products that provide people with disabilities with the ability to start, stop or adjust electric or electronic devices including environmental controls and control switches.

(6) Deaf and hard of hearing: products for people with hearing disabilities, including amplification, recreational electronics, signal switches and telephones.

(7) Deaf Blind: Products for people who are both deaf and blind.

(8) Education: Products to provide people with disabilities with access to educational materials and instruction in school and in other learning environments including classroom and instructional materials.

(9) Recreation: Products to assist people with disabilities with their leisure and athletic activities including crafts, electronics, gardening, music, photography and sports.

(10) Seating: Products that assist people to sit comfortably and safely including seating systems and therapeutic seats.

(11) Transportation: Products to enable people with disabilities to drive or ride in cars, vans, trucks and buses including mass transit vehicles and facilities and vehicle accessories.

(12) Wheeled Mobility: Products and accessories that enable people with mobility disabilities to move freely indoors and outdoors including wheelchairs (manual, sport and powered), wheelchair alternatives (scooters), wheelchair accessories and carts.

(13) Workplace: Products to aid people with disabilities at work including agricultural equipment, office equipment, tools and works stations.

5.3.2.2 California Assistive Technology Systems (CATS)

CATS is a statewide project of the California Department of Rehabilitation that promotes access to assistive technologies, related services and information to enable people with disabilities to be successful, independent and productive. CATS maintains several directories on their website (<http://www.atnet.org>) including:

(1) On-site and remote real-time captioning services

(2) American Sign Language (ASL) interpreters

(3) Ergonomic office equipment vendors

(4) Augmentative and assistive communications manufacturers and vendors

(5) Organizations that provide low-cost and donated computers for organizations that provide services to people with disabilities

(6) Assistive technology vendors and service providers for:

(i) Hard of Hearing/Deaf

(ii) Learning Disability

(iii) Mobility/Physical/Orthopedic

- (iv) Speech Language
- (v) Visually impaired/Blind

5.3.2.3 International Commission on Technology Accessibility

ICTA initiates, facilitates and provides information regarding technology and accessibility through the World Wide Web. This information is available to people with disabilities, advocates and professionals in the field of disability, researchers, legislative bodies and the general community. Information and resources are available at ICTA website (<http://www.ictaglobal.org>).

5.3.2.4 National Center for Accessible Media

NCAM is a research and development facility dedicated to the issues of media and information technology for people with disabilities in their homes, schools, workplaces and communities. Developers of Web- and CD-ROM based multimedia need an authoring tool for making their materials accessible to persons with disabilities. NCAM has developed two such tools, version 1.0 and 2.01 of the Media Access Generator (MAGpie), for creating captions and audio descriptions for rich material. Media Access Generator (MAGpie) is available

5.3.2.5 American Sign Language Interpreters

(a) A pool of on-call American Sign Language interpreters should be developed. This list should be routinely updated to ensure their availability. Some programs may need to have a pool of interpreters who are available on a twenty-four-hour basis to handle emergency procedures.

(b) The required qualifications of these interpreters should be established. Many non-certified interpreters provided by local services may have excellent skills and be qualified to handle most circumstances. However, certain circumstances, such as the provision of emergency medical services, may require interpreters who are approved by the courts and can ensure a level of confidentiality.

(c) An on-line directory of ASL interpreters available at the California Assistive Technology System website (<http://www.atnet.org>).

(d) DCARA, Deaf Counseling Advocacy and Referral Agency, is located in San Leandro. They provide Interpreter Referral and Information, provide counseling, and job training: (<http://www.dcara.org/>).

5.3.2.6 Assistive Listening Systems and Devices

Systems and devices to amplify sound for persons with hearing disabilities should be available for public meetings and conferences. Various technologies exist for these devices. Different types of devices are more suitable for different types of hearing disabilities. Devices should be chosen to accommodate the greatest number of individuals.

(1) An on-line directory of augmentative and assistive communications Manufacturers and vendors available at the California Assistive Technology System website (<http://www.atnet.org>).

(2) Assistive Listening Systems Technical Bulletin is available on the U.S. Access Board's website (<http://www.access-board.gov/>).

5.3.2.7 Closed Caption Machine

To the extent practical, Town Departments should have access to device for encoding closed captioning on films and videotapes used for training and other programs.

(1) See the on-line directory of on-site and remote real-time captioning services available at the California Assistive Technology System website (<http://www.atnet.org>).

(2) TDI: (formerly known as Telecommunication for the Deaf, inc.) mission is to promote equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind. TDI's on-line resources (<http://www.tdi-online.org/>) include information about media access such as captioning, Internet, videos, and more.

5.3.2.8 Enlarging Printed Materials

A copy machine capable of enlarging printed materials should be available for each site where programs or transaction counter services are provided to the public.

5.3.2.9 Optical Readers

Equipment that can translate printed information into an audio format should be available within the Town.

5.3.2.10 Text Telephone (TDD)

To the extent necessary, Town Hall should have access to a text telephone or have access to a telephone transfer service as required by the law and offered by public telephone companies.

(1) TDI: TDI's (formerly known as Telecommunications for the Deaf, Inc.) mission is to promote equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind. TDI's on-line Resources (<http://www.tdi-online.org/>) include information about telecommunications access such a TTY, pagers, telephony, VoIP, and more.

(2) See Text Telephones Technical Bulletin available on U.S Access Board's website (<http://www.access-board.gov/>)

5.3.2.11 Transportation

Departments who provide transportation for their programs should provide accessible transportation as needed/requested by program participants. In the future the Town may want to purchase or contract lift-equipped vans or buses to transport individuals who use wheelchairs for programs conducted by the Town. Also see Federal Accessible Transportation Guidelines Above.

5.4 Guide to Disabilities and Disability Etiquette

A guide to disabilities and disability etiquette should be assembled and distributed to staff. The guide will ensure that the staff members are familiar with a variety of types of disabilities and that they are sensitive to the abilities and needs of people with disabilities in order not to offend or demean them. They should be periodically updated to ensure that it includes current acceptable language for talking about disabilities.

Disability Etiquette: Interacting with people with Disabilities is available on-Line at the City of Long Beach's website:

www.ci.longbeach.ca.us/hr/employees/ada/etiquette.htm.

5.5 Community Groups

(a) Accessibility Connections Community Map: A Directory Bay Area Assistive Technology Services is an on-line service available at (<http://www.cforat.org>).

(b) American Council of the Blind: ACB (<http://www.acb.org/>) is a national organization advocating on behalf of persons who are blind or have low vision. ACB also publishes A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired. ACB is located at 1155 15th St. NW, Suite 1004, Washington, DC 20005 (800.424.8666 or email at info@acb.org)

(c) American Association of People with Disabilities: The American Association of people with Disabilities (<http://www.aapd-dc.org/>) is the largest nonprofit, nonpartisan, cross-disability organizations in the United States.

(d) Adaptive Environments: This educational non-profit organization is committed to advancing the role design in expanding opportunity and Enhancing experience for people of all ages and abilities. Adaptive Environments provides education and consultation to public and private entities about strategies, precedents and best practices that go beyond legal requirements to design places, things, communications and policy that integrate solutions to the reality of human diversity (<http://www.adaptenv.org/>).

(e) The ARC: The ARC (formerly Association for Retarded Citizens of the United States) is the country's largest voluntary organization committed to the welfare of all children and adults with mental retardation and their families (<http://www.thearc.org>). Local information is available from Arc California, 1225 Eight Street, Suite 590, Sacramento, CA 95814 (916.552.6619) or by email at arcca@quicknet.com.

(f) Bay Area Outreach and Recreation Program: BORP was founded in 1976 by people with disabilities to create access to the outdoors, to fitness, to sports, and to recreation for a population who'd been left out. BORP offers a number of competitive sports programs, outdoor adventures, family outings, and integrated cycling. BORP staff has extensive experience in providing recreation services to people with disabilities, including involving disabled immigrants and minorities in recreation programs. BORP (<http://www.borp.org/>) is located at 830 Bancroft Way, Suite 205, Berkeley CA 94710 (510.849.4663) or by email at info@borp.org

(g) American Foundation for the Blind: The American foundation for the blind is committed to improving accessibility in all aspects of life – from cell phones to ATM's, on web sites and in workplaces. Services include assistance in making products and services accessible to people with visual impairments. AFB offers expert consulting services and accessible media production. AFB provides objective product evaluations of adaptive technologies through its assistive technology product database (<http://www.afb.org/>). Local assistance is available through the American Foundation for blind – West 44 Montgomery Street. Suite 1305, San Francisco, CA 94040 (415.392.4845) or by email sanfran@afb.net.

(h) California AT Network: California's AT Network is dedicated to expanding the accessibility of tools, resources and technology that will help increase independence, improve personal productivity and enhance the quality of life for all Californians. For information and assistance, contact the AT Network at 660J Street, Suite 270, Sacramento, CA 95814-2495 (800.390.2699), by email at info@atnet.org, or at their website (<http://www.catsca.org/>).

(i) Disability Resources, Inc.: Disability Resources, Inc. is a national nonprofit organization that provides information about resources and independent living. DRI maintains an on-line directory of assistive technology resources (<http://www.disabilityresources.org/>).

(j) Environmental Health Network: EHN's focus is on issues access and development relating to health and welfare of the environmentally sensitive and to promote public awareness of environmental sensitivities and causative factors. EHN provides information environmental and chemical sensitivities at EHN, PO BOX 1155, Larkspur California, 94977-1155 (415.541.5075) and on its website (<http://users.lmi.net/wilworks/>).

(k) National Association of the Deaf: NAD is a national consumer organization representing people who are deaf and hard of hearing. NAD provides information about standards for American Sign Language Interpreters and the Captioned Media Program on its website (<http://www.nad.org/>).

(l) National Federation of the Blind: NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provided on-line resources (<http://www.nfb.org/>) for technology for the blind, including a technology resources list, a computer resource list, screen access technology, source of large print software for computers , and sources of close circuit TV (CCTV's)

(m) National Organization on Disability: The National Organization on Disability promotes the full and equal participation and contribution of America's 54 million men, women and children with disabilities in all aspects of life. NOD maintains an on-line directory of information and links including transportation-related resources (<http://www.nod.org/>)

(n) Paralyzed Veterans of America: PVA is a national advocacy organization representing veterans. PVA's Sports and Recreation Program promotes a range of activities for people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. PVA's website (<http://pva.org/sports/sportsindex.htm>) provides information on useful sports publications and list of contacts.

(o) State and Council on Developmental Disabilities, 1507 21st street, Ste.210, Sacramento, CA 95814-5299 (916.322.8481), email: scdd@dss.ca.gov or website (<http://www.scd.ca.gov/>).

(p) State Office for Deaf access, Department of Social Services, 744 P Street, MS 6-91, Sacramento, Ca 95814-5299 (916.322.8481), email : deaf.access@dss.ca.gov or website (http://www.dss.cahwnet.gov/cdssweb/officeofDE_189.htm)

(q) State Office of Services to the Blind, California Department of Social Services, 744 P Street, MS 6-94, Sacramento, CA 95814 (9163657.3327 email : Blind.access@dss.ca.gov or website (http://www.dss.cahwnet.gov/cdssweb/blindservi_187.htm)

(r) United Cerebral Palsy Association: UCP's mission is to advance the independence, productivity and full citizenship of people with cerebral palsy and other disabilities, through our commitment to the principles of independence, inclusion and self-determination. UCP's Sports and Leisure channel is designed for people with disabilities who are interested in sports and other leisure activities and proposes creative ideas for inclusive community recreation programs, including outdoor adventure activities for people with disabilities. Information about the Sports and Leisure Channel is available at UCP's website (http://www.ucp.org/ucp_channel.cfm/1/15).

(s) United Spinal Association: United Spinal Association is a membership organization serving individuals with spinal cord injuries or disease. Formerly known as the Eastern Paralyzed Veterans Association, the organization expanded its mission to serve people with spinal chord injuries or disease regardless of their age, gender, or veteran status. Information on accessibility training and consulting services and recreational opportunities for people with spinal cord injuries or disease is available on their website (<http://www.unitedspinal.org/>)

(t) World Institute on Disability: WID is an international public policy center dedicated to carrying out research in disability issues and overcoming obstacles to independent living. WID maintains an on-line information and resource directory on technology, research, universal design and the ADA (<http://www.wid.org/reources/>)

5.6 Funding for Projects

Caltrans has published a transportation funding guidebook in August 2008 titled "State and Federal Funds Available for Local Agency Projects. This document provides concise, high level-level overviews of several Federal and State transportation funding programs available to local agencies. Each program description contains key facts about eligibility, project selection, significant dates, references, sources for assistance and other essential information.

Town of Colma – Program Survey Form

Americans with Disabilities Act (ADA) Program and Facility Access Checklist

The Town of Colma is in the process of updating the Town’s ADA Self Evaluation and Transition Plan. The following is a program and facility access survey, which is required for each Department.

Please take a moment to complete the Program Survey Form and return it to Brian Dossey by January 4, 2010. Thank you for your time and consideration.

Access Element	Don't Know	No or Disagree	No Opinion	Yes or Agree	Suggested Improvements/Comment
A. General Requirements.					
1. Has the Town designated an employee to coordinate efforts to comply with and carry out responsibilities under ADA?					
2. Do you know who the Town’s designated ADA Coordinator is?					If yes, please provide name.
3. Have you posted and noticed the name and address of the ADA Coordinator?					
4. Do you know the Town’s complaint procedures and process for requesting auxiliary aids (TDD’s, Documents in large print format or Braille, etc)?					
5. Has the Town taken steps to ensure that all employees and consumers been instructed and notified regarding their rights under ADA?					
6. Has the Town provided information to the public, in an accessible format, explaining its policy to provide accessible policies, programs, services or activities and practices?					
7. Has the Town ensured that written and/or audio-visual materials portray persons with disabilities in an appropriate manner?					

Access Element	Don't Know	No or Disagree	No Opinion	Yes or Agree	Suggested Improvements/Comment
8. Would your department benefit from training on the requirements of the ADA and/or relating to people with all types of disabilities?					
B. Policy Requirements.					
9. Do your department's policies ensure that persons with mobility and/or sensory disabilities are provided auxiliary aids or accommodations to fully participate in programs, services and activities?					
10. Do your department's publications, service announcements and advertisements make known that they are available in alternative formats (e.g. large print, audio, Braille, captioned)?					
C. Communication Requirements.					
11. Has your department reviewed its policies to ensure that its communications with persons with disabilities are as effective as its communications with others?					
12. Does your department conduct business or provide services or information by telephone to the public?					
13. If YES to Question 12, is a telecommunication device for deaf (TDD) or other equally effective system available to facilitate communications with hearing and/or speech impaired persons?					
For Police Department (Departments which provide 911 emergency services): 14. Does your department ensure direct access to persons who use telecommunication devices for the deaf (TDD's) and computer modems?					

Access Element	Don't Know	No or Disagree	No Opinion	Yes or Agree	Suggested Improvements/Comment
23. Are individuals with disabilities served or located in segregated areas of your facility?					
24. Do you require persons with disabilities to receive or participate in services at an alternate location?					If yes, describe:
25. Do you provide transportation for your programs, services, or activities?					If yes, describe transportation and its accessibility:
26. Do you follow a specific procedure or policy for use of the facility by organizations or members of the public?					If yes, describe:
27. Do you offer programs at your site that are not offered at other sites in the Town?					If yes, describe:
28. Have you made accommodations for individuals with disabilities (employees, members of the public, etc)?					If yes, describe:
29. Do you have a statement of accommodations in your literature or on public notices?					
30. Do you have any programs offered or located at a different site?					If yes, describe facilities:
31. Do you have any employees with disabilities at your site (if known):					
32. Are you aware of any community members or recipients of services with disabilities who utilize your site?					
33. Have you provided training or information to your staff regarding the requirements of the Americans with Disabilities Act?					If yes, describe:
34. Would you like additional training regarding the Americans with Disabilities Act?					If yes, describe:
35. Have you received any awards or special recognitions regarding programs or services for individuals with disabilities?					If yes, describe:
36. Do you have any construction or remodeling projects currently underway or planned within the next three years?					If yes, describe:
37. Do you have any volunteers?					

Access Element	Don't Know	No or Disagree	No Opinion	Yes or Agree	Suggested Improvements/Comment
38. If you have volunteers, have they received training on providing services or activities for individuals with disabilities?					
39. Do you have access to current City policies, procedures, or practices?					
40. Are there any issues or information with regard to persons with disabilities or accessibility that would be helpful to your facility?					

Optional

Department: _____

Name, Title of Person Completing Survey:

Phone Number: _____

E-mail: _____

Town of Colma

ADA ACCOMMODATION REQUEST

NAME: _____ DATE OF REQUEST: _____

PHONE NUMBER: _____ E-MAIL: _____

CELL PHONE: _____ ADDRESS: _____

1. Describe the Town service or program and location in connection with which access through a reasonable accommodation is being requested:

2. Describe the basis for the determination of disability (if any):

3. Describe how the disability affects a major life function:

4. Describe the reasonable accommodations that are necessary:

5. Additional Comments:

Signature: _____ Date: _____

The Town reserves the right to seek reasonable documentation from an applicant regarding his/her disability and functional limitations when the disability and/or the need for accommodation is not obvious. Contact ADA Coordinator at (650) 985-5690 or brian.dossey@colma.ca.gov if you have any questions.

Town of Colma

AMERICANS WITH DISABILITIES ACT GRIEVANCE FORM

NAME: _____ TODAY'S DATE: _____

ADDRESS: _____ E-MAIL: _____

PHONE NUMBER: _____ CELL PHONE: _____

Name, Address, and Telephone Number of Alternate Contact Person: _____

Department alleged to have denied access: _____

Location: _____

I was denied access on: _____ (date)

Disability Statement:

My disability is: _____

This problem is: _____(temporary) _____(permanent)

I am seeking access to the following Town of Colma program or activity in which I haven't been able to participate because I need an accommodation: _____

Proposed Access or Accommodation: _____

Incident or Barrier:

Please describe the particular way in which you believe you have been denied the benefits of any services, program or activity or have otherwise been subjected to discrimination. Please specify dates, times and places of incidents and names and/or positions of agency employees involved; if any, as well as names, addresses and telephone numbers of any eyewitnesses to any such incident. Attach additional pages if necessary. Include a description of the way in which you feel access may be facilitated to the benefits described above or the way in which accommodation could be provided to allow access.

Return this form to:

Sean Rabe', City Manager
1198 El Camino Real, Colma, CA 94014
650.997.8300; 650.997.8308 FAX
Sean.rabe@colma.ca.gov

Town of Colma

ADA Public Notice

NOTICE UNDER AMERICANS WITH DISABILITY ACT

In accordance with the requirements of Title II of the Americans with Disability Act of 1990 ("ADA"), and Section 504 of the Rehabilitation Act of 1973, the Town of Colma ("Town") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Town does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Town will generally, upon request, and without cost to the requestor, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town's programs, services and activities, including qualified sign language interpreters, documents in Braille and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals are welcomed in Town offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Town program, service, or activity, should contact the ADA Coordinator as soon as possible, but no later than two business days before the scheduled event.

The ADA does not require the Town to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden on the Town.

Complaints that a Town program, service, or activity is not accessible to persons with disabilities should be directed to the ADA Coordinator.

The Town will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons using mobility devices.

Brian Dossey, ADA Coordinator
Town of Colma – 1520 Hillside Boulevard, Colma, CA 94014
(650) 985-5690; (650) 997-3796 FAX; brian.dossey@colma.ca.gov

**Town of Colma
AMERICANS DISABILITY ACT – STAFF TOOLKIT**

**Guide for The Town Of Colma Employees to Title II of the
Americans with Disability Act (ADA)
*Serving Our Customer with Disabilities***

The Americans with Disabilities Act

On July 26, 1990, the Americans with Disabilities Act (“ADA”) was signed into law under the principal that this legislation would “let the shameful wall of exclusion finally come tumbling down.” ADA is one of the most important civil rights laws enacted since the Civil Rights of 1964, prohibiting discrimination against persons with disabilities. Under the ADA Town facilities, programs, services and activities must be accessible to persons with disabilities.

The Town of Colma is dedicated to ensure that no qualified person with a disability be excluded from participating in, or denied the benefits of, the programs, services and activities provided by the Town based on a disability. There are more than 50 million Americans with disabilities – nearly 18% of our population estimates suggest. Town employees are expected to be aware of and respectful of the various types of disabilities individuals may have. Disabilities may include the following: mobility, blindness and vision, deafness and hearing, speech and language and mental and learning disabilities. Some disabling conditions are not readily apparent and some are visible.

Accommodations for Individuals with Disabilities

The Town is fully committed to providing access for individuals with disabilities and improvements to access have been and continue to be made. While it is not required that every area of Town facilities be accessible, it is required that Town programs and services be accessible. Periodically, department staff may receive requests for accommodations to allow individuals to participate in and benefit from Town services. Staff should reference the Town’s ADA website for available resources or contact the ADA Coordinator. When responding to a request for accommodation, Town personnel are expected to respond graciously to requests and to make a good faith effort to meet the need, in a timely manner. This should include exploration of various alternatives, which may include:

- Relocation of a program or activity
- Provision of services at alternative accessible sites
- Delivery of services
- Provision of auxiliary aides (e.g. readers, interpreters, mobility assistants, hearing devices)
- Provision of information of an alternative format (e.g. audio tape, large print, Braille conversion)
- Structural alterations

Alternatives that integrate a participant with disabilities with other program participants are preferred. Although some additional costs may be incurred in accommodating the individual, these costs may not be passed on to the individual in the form of surcharges. Ideally, the chosen accommodation is acceptable to the individual and feasible for the Town. However, in some cases it may not be possible to reasonably accommodate the individual. The Town’s obligation under Title II of the ADA must not cause undue financial and administrative burdens to the Town or fundamental alternations in the nature of the program, services or activity. These determinations are best made based on the judgment and knowledge of the department staff and the Town ADA Title II Coordinator.

Any request and the departmental response should be documented using the Request for Accommodation form. Inabilities to provide accommodation due to a determination of fundamental

alteration or undue burden should be made I consultation with the Town's ADA Title II and include a written statement of the reasons for reaching the conclusion.

Disability Etiquette

To ensure full participation by all community members, it is imperative that individuals with disability feel welcomed and respected. One way to make people with disabilities feel welcomed is by practicing disability etiquette:

- Introduce yourself. Shake hands or touch the person on the arm or shoulder to welcome and acknowledge their presence. Treat people as you would like to be treated.
- Be yourself – everyone will feel more comfortable if you relax. Speak directly to that person – face to face. If the person is in a wheelchair, use a chair, in order to communicate at the person's eye level.
- Be courteous, but not condescending. Offer assistance in a dignified manner with sensitivity and respect and realize that asking first is better than assuming help is needed.
- Words Set the Tone – So use Words with Dignity. Place the individual first – “a person with a disability.” Avoid words such as, “handicapped” or “cripple” which are not only inappropriate and outdated, but demeaning.

The word “handicapped” allegedly originates from the “cap in hand/hand in cap” legislation of King Henry VII after a brutal war had left his country with a great number of disabled veterans. Henry could not envision disabled persons being financially self sufficient hence, he proclaimed that begging in the streets be legal for persons with disabilities. When we describe by “labels” we devalue and disrespect them as individuals.

- Allow a person with visual impairments to take your shoulder or arm at or about the elbow. This will enable you to guide rather than lead the person.
- Service animals assist persons with various disabilities some of which are apparent and invisible. Never touch a service animal or the person it assists without permission. Service animals are working; hence do not distract them as loss of their concentration could put their owners in danger. A service animal is not required to have any special certification.
- Remember that not all disabilities are apparent. Respect an individual's needs and requests whenever possible.

It's About Customer Service

Providing access to Town programs and services to individuals with disabilities is not just about complying with the law. It is about providing good customer service and being responsive. It is realizing that a disability does not define the individual, but that each person is unique and deserves respect and consideration, regardless of whether or not that person has a disability.

If you have questions or need information about available resources, contact the Town ADA Coordinator.

Brian Dossey, ADA Coordinator
1520 Hillside Boulevard, Colma, CA 94014
(650) 985-5690; (650) 997-3796 FAX
brian.dossey@colma.ca.gov

Town of Colma

ADA Concerns for Child Care Providers

1. What is ADA?

The Americans with Disability Act (ADA) is a federal civil rights law which was passed in 1990. Among other things, the ADA prohibits discrimination by child care centers and family child care providers against individuals with disabilities.

The ADA Amendments Act of 2008, which took effect January 2009, strengthens protections for people with disabilities. It also reinforces the focus of the ADA on whether covered entities complied with the statute and not simply whether the person has a disability.

States may provide greater protection for people with disabilities than what is guaranteed by the ADA. In California, the Unruh Civil Rights Act prohibits all business establishments including childcare providers, from discriminating on the basis of a disability.

2. Who is protected by the ADA?

Three groups of people receive protection under the ADA. They are:

- People with a physical or mental impairment which substantially limits one or more major life activities;
- People with a history of a physical or mental impairment which substantially limits one or more major life activities, and;
- People who are regarded as having a physical or mental impairment which substantially limits one or more major life activities.

3. What does the ADA require for providers?

The ADA prohibits providers from discriminating against persons simply because they have disabilities. Instead, providers have to make a case-by-case assessment of what the person with the disability requires to be fully integrated into the program. Once they know what is needed, they must assess whether reasonable accommodations can be made. A provider does not have to make a reasonable accommodation if a person qualifies as a person with a disability under the "regarded as" standard described in Question 2 above.

4. What types of accommodations does the ADA require?

The ADA sets out four primary types of accommodations:

- Admissions policies that screen out or tend to screen out persons with disabilities;
- Changes in policies, practices or procedures;
- Provision of auxiliary aids and services to ensure effective communications, and;
- Removal of physical barriers in existing program facilities.

5. How does a program determine reasonableness?

In practical terms, what is reasonable will vary. Generally, the three most important variables are:

- The needs of a person with a disability;
- The accommodations requested, and;
- The resources available to the program.

Because family child care homes generally have fewer resources and a smaller staff than centers, they may be required to do less. The accommodations, however, must be based on individualized assessments of the child's needs and the program's ability to make the necessary modifications.

The ADA requires childcare programs to make accommodations in the areas described in Question 4 unless:

- In cases of changes in policies, practices or procedures, the accommodation would fundamentally alter the nature of the program or services offered;
- In the case of auxiliary aids and services, the accommodation would fundamentally alter the nature of the program or pose an undue burden (i.e. pose a significant difficulty or expense) and;
- In the case of the removal of physical barriers, the accommodation is not readily achievable. The ADA allows programs to provide services to individuals with disabilities through alternative methods if physical barriers are not removed.

Child care providers should begin the process of identifying reasonable accommodations by submitting a copy of the Town's reasonable accommodation request for to the parent(s) or legal guardian. If the child has an individualized family services plan (IFSP) or an individualized education plan (IEP) to meet his or her educational needs as required under the Individuals with Disabilities Act, the ADA Coordinator can also use that as a guide for determining reasonable accommodations, although these are only one tool and not the definitive answer to what is reasonable. An IEP can provide information about what services and accommodations a school is providing to help the child attain his or her educational goals.

6. What do I do when another parent makes inquiries about a child with disabilities?

Information about a child's disability is confidential and should not be shared with others unless you have consent from the parents of the child with the disability. If you have a respectful relationship with the parents, you may be able to have a conversation with

them about how they would like to see you handle inquiries about their child's disability from the parents and the children. Some parents will prefer that information about their child's disability continue to be kept confidential while others may welcome the opportunity to share with other families the nature of their child's disability. If a family chooses to share information about their child and his or her disability, it can provide valuable learning opportunities for all the children in the program.

Once again, one of the best ways to respond to other families is outside of the context of a particular child by providing general information about what quality care is all about. High quality programs will provide opportunities for parent education, which should include discussions of the benefits to all children of the inclusive childcare.

7. Are there a certain number of Children I may care for If I care for a child with special needs?

There is no particular number of children you may care for when you care for children with special needs, as each child with special needs is different, and there are no required staffing ratios. The provider must evaluate his/her own program, keeping in mind the special needs of each child before determining how many children with special needs the program can accommodate.

8. I understand that the program may not discriminate, but in addition I want to be clear that my program welcomes children with disabilities. How do I say that in my brochure?

Your materials may include language that states your "program is fully accessible" or that your staff "have experience in caring for children with disabilities." This goes beyond what is required by law, but is helpful to make your facility visible as one that promotes inclusion.

9. How can I care for children with disabilities if I'm not trained or if I work on my own?

Many of the accommodations children need are not complicated and can be easily learned. If you work on your own, necessary accommodations can often be made without additional staffing. In other instances, where training is helpful or necessary, it may be available from the parent, early intervention or special education specialists, health professionals, disability organizations, local resources and referral agencies, or community colleges. An important first step is to identify community resources that can assist with inclusion.

10. May I automatically decline to serve a child with disabilities and simply refer them on to another provider who I think is better able to serve them?

No. A parent may prefer your care and if it is possible for you to make the reasonable accommodations necessary to serve that child he or she may not be turned away and referred to another program. If a program can document that it undertook an individualized assessment of the situation and found that accommodating the child

would not be reasonable, the program may then offer suggestions for other potential care.

11. If a parent of a child with a disability has conflicts with the provider or the parent fails to comply with rules applied to all families, can the family be terminated from the program?

Yes, if it can be documented that the reasons for termination have to do with failure to comply with rules or standards that are uniformly applied to all families, not relevant to any potential required accommodations, and are not used as pretexts for discrimination. So for example, a recent case found that a mother's belligerence and total lack of cooperation, coupled with her failure to comply with rules imposed on everyone which had nothing to do with her child's disability, caused her ADA claim to fail.¹

Please contact the ADA Coordinator with any questions or concerns:

Brian Dossey, ADA Coordinator
Town of Colma – 1520 Hillside Boulevard, Colma, CA 94014
(650) 985-5690; (650) 997-3796 FAX; brian.dossey@colma.ca.gov

¹ Q&A 1-11 Provided courtesy of the Child Law Center: Out of School Programs and the Americans with Disabilities Act, Updated March 2009

Effective practices and polices to ensure compliance:

- Continuing to use developmentally appropriate practices which emphasize individual growth patterns, strengths, interests and experiences of young children to design appropriate learning environments.
- Adopting an attitude of “how can I meet this child’s needs....” And adapting creatively.
- Making simple changes in the typical activities/routines in your program to meet the child’s needs (using tactile play materials for a child with vision impairments).
- Eliminating program eligibility standards which have the effect of screening out children with disabilities, such as being toilet trained (some children may never qualify)
- Include a question in your enrollment procedure that asks parents if there is anything you need to know that would help you care for their child (she goes to sleep with a pacifier or he wears hearing aids).
- Working closely with parents and professionals to integrate the child’s developmental and therapy goals into your daily routines and activities (using sign language to expand communication with children at snack or circle time).
- Identifying and removing barriers to the child’s participation (widening pathways between activity areas for walkers and wheelchairs or repositioning materials at child’s level for visual or motor activities). Costly structural changes are not required if affordable alternatives are available (providing pitchers and cups rather than lowering or raising a water fountain).
- Using community resources to make accommodations to your program and/or provide needed services or equipment. (Materials may be donated and/or built; recruiting volunteers may enhance child/staff ratios).

TOWN OF COLMA

ACCESSIBLE PUBLIC EVENT CHECKLIST

It is the policy of the Town of Colma that all Town sponsored public meetings and events are physically and programmatically accessible to people with disabilities. This checklist has been developed in order to assist Town departments in assessing potential sites and to ensure that all Town meetings and events comply with Federal and state law in being accessible to persons with disabilities.

Event Name/Description: _____

Event Location/Address: _____

Event On-Site Contact: _____

ph: _____ **e-mail:** _____

Date & Time of Event: _____

Responsible Department: _____

ADA Coordinator: _____

ph: _____ **e-mail:** _____

Contact Person: _____

(If not ADA Coordinator) ph: _____ **e-mail:** _____

Department ADA Coordinators or designated department staff is responsible for ensuring that this form is completed and that accessibility is verified at least 10 working days prior to any town-sponsored public meeting or event. It is not necessary to fill out this form more than once for regularly scheduled Town meetings, so long as the ADA Coordinator continues to ensure that the provisions herein are being complied with at each meeting. If upon filling out or reviewing this form, it is apparent that additional information is required, or it appears that the meeting or event cannot be made physically or programmatically accessible, please contact the ADA Coordinator to discuss possible alternative solutions or sites.

Section One of this checklist is designed to assess compliance with "programmatic" accessibility standards, to ensure that events will be accessible not only to persons with physical disabilities, but to people with sensory, cognitive, and other disabilities, as well.

Section Two of this checklist is designed to ensure that potential meeting sites and event locations comply with physical accessibility standards.

Individual Terms that are underlined are defined in the Definitions section of this document.

Please provide comments as needed.

NOTE: ITEMS LISTED FIRST AND IN **BOLD** ARE MINIMUM REQUIREMENTS.

PROGRAMMATIC ACCESSIBILITY CHECKLIST

<u>Notice</u>	YES	NO	N/A
1. All notices and announcements for the event or meeting include accessibility information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. All notices and announcements for the event or meeting include information on whom to contact to request accessibility accommodations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Communication Access

1. If a microphone is provided for public participation, the microphone cable is long enough to serve accessible seating areas or a wireless unit is provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Film or video materials produced by the Town are captioned.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Printed materials are available upon request, in alternative formats. This generally requires an electronic version of any materials. Large print Copies (18 point) are recommended.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. For meetings of 50 or more people, Assistive Listening Devices (ALDs) are available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Signage of where to obtain ALDs is posted with ALD symbol at the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. For meetings of 100 or more people, Real-Time Captioning has been scheduled.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. An aural description is available, either through the presenter or through pre-recorded audiotape.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. The meeting is accessible by speakerphone or Bridge Line.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PHYSICAL ACCESSIBILITY CHECKLIST

<u>Getting to the Event:</u>	YES	NO	N/A
1. An accessible route exists from the street to the event and all event activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. All public events should have <u>signage to direct the public to the location.</u> In the unusual situation in which the main route to the meeting is not accessible, the <u>accessible route</u> with <u>directional signage</u> is provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Transportation:</u>	YES	NO	N/A
1. If the event itself includes transportation, wheelchair accessible vehicles are also available and advertised as available to the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 2. The meeting or event is located close to accessible public transportation
- 3. An accessible route is provided from the public transportation stop to the building or facility entrance
- 4. Accessible parking is available (review # of car and van accessible spaces)
- 5. There is accessible passenger loading and unloading space

Amenities:

- 1. **Accessible toilets are available within 200 feet of the event's location**
- 2. **Accessible drinking fountains are available** (if drinking fountains provided).
- 3. **Accessible telephones are available** (if telephones are provided).
- 4. **Art displays or exhibits are positioned to provide an accessible route and to not be a hazard to people who are blind or have visual disabilities.**
- 5. **If food or beverages are provided, the service is located on an accessible route. Self-service items are reachable from a seated position with accessible operating mechanisms.** [Countertops are 28 – 34 inches high.]

Seating:

- 1. **If seating is provided, wheelchair and companion seating is dispersed in multiple location(s) and seating ratio.** (see definitions for ratio chart)
- 2. **Seating is available for deaf and hard of hearing people near the front of the space so that attendees may see the interpreter/captioner, or lip read.**
- 3. Signs are provided indicating the accessible seating areas for both wheelchair users and deaf and hard of hearing participants.

Event Set-up

- 1. **If a stage or platform is provided, it is accessible by means of a ramp, wheelchair lift, or portable wheelchair lift.**
- 2. **If a dais or podium is provided for the public, an accessible dais or podium is also provided.**
- 3. **Fencing or other crowd control barriers are placed so as to provide an accessible route, and barricading complies with SF DPW Barricade Order.**

ACCESSIBLE PUBLIC EVENT POLICY DEFINITIONS

Accessibility information – Meeting or Event Notice shall include information on how to request accommodations, including alternative formats or auxiliary aids and services, notice of wheelchair accessibility, and information on whom to contact to make accommodation requests. Please see "Sample Accessible Meeting Notice," and "Sample Accessible Event Notice" below.

Accessible Podium (Dais) – A fixed or mobile speaker or presenter's table or podium that is no higher than 34" on which a microphone and presentation materials can be placed.

Accessible drinking fountains – Drinking fountain with the bubbler no higher than 36" with knee clearance underneath that is 27" high x 18" minimum deep and a level clear floor area in front of it.

Accessible Entrance – An entry door or gate is a minimum 32 inches clear when opened 90 degrees; threshold is no higher than ½ inch (¾ inch may be permitted in existing conditions if beveled), and door is easily opened, or has automatic door opener.

Accessible exhibit materials – Alternative formats or services that provide equivalent exhibit information for people with sensory disabilities in a manner appropriate to the program material. Examples include but are not limited to:

1. Titles of work and narrative using large 14 point sans serif fonts on a high contrast background
2. Taped audio descriptions of photographs/artwork
3. Tactile replicas of art objects
4. Captioning of video or film presentations
5. Trained staff available to provide descriptions or tours

Accessible surface – Firm, stable and slip resistant surfaces, such as concrete, asphalt, wood, carpet, portable flooring etc. Grass, dirt, wood chips and sand are not accessible surfaces.

Accessible parking – A ratio of **parking** provided for the exclusive use of people with disabilities, located near the accessible entrance to the facility. Note: temporary accessible spaces can be created using signs and cones or chalk powder lines, provided that the minimum parking space and side access aisle dimensional requirements are met. The minimum parking ratios required are:

- 1 to 25 1 van accessible space
- 28 to 50 one auto and one van accessible spaces
- 51 to 75 2 auto and one van accessible spaces
- 76 to 100 2 auto and one van accessible spaces
- 101 to 150 4 auto and one van accessible spaces

Accessible Parking Space – an auto parking space with identification signage that is 9 feet min width and 19 feet min length with an adjacent 5 feet clear access aisle. The parking space and access aisle shall be level.

Accessible Van Parking Space. A van accessible parking space with identification signage that is 9 feet min. wide, 19 feet min long with an adjacent 8 feet clear access aisle. The parking and side access aisle space shall be level and have an 84 in. minimum clear height.

Accessible Passenger Drop Off – a 25-foot long vehicular passenger drop off area with a 5 feet min with adjacent aisle space that is level and 25 feet.

Accessible portable toilets and sinks – Toilets and sinks that meet state and federal requirements for wheelchair accessibility. Acceptable toilet manufacturers include but are not limited to Satellite and L&L Manufacturing. If one unit is to be provided, it must be accessible. When multiple units are provided, a minimum of 10% but not less than one unit and not less than one-unit per cluster of units... Accessible toilets and sinks shall be located on a level area, along an accessible route with an accessible surface Ramps to accessible units shall not exceed 1:12 slope, have handrails on both sides and a 60 inch square level landing at the unit door
Please note: this information is provided for situations in which the general public will be using portable toilets. A portable, accessible toilet is NEVER equivalent access if the general public is using in-door toilets.

Accessible toilets – Toilet rooms that are located on an accessible route and contain accessible features including 32" minimum entry, an interior 60" turning space, lavatory with 27" min. knee space, wide toilet compartments with grab bars, and all accessories mounted no higher than 44 inches to the upper most control etc.

Accessible route – A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

Accessible tables – A table providing knee space that is a minimum of 27" high, 30" wide and 19" deep unobstructed knee space with the tabletop no higher than 34".

Accessible Telephones – Telephones that are located on an accessible route mounted at 48" from the floor to the coin slot and have volume controls.

Assistive Listening Device – A device that takes a signal from a microphone or public address system and sends it to a personal amplification system. Assistive Listening Devices (ALDs) can be procured through companies who provide public address systems.

Captioned – Video or film program with subtitles reflecting the content of the spoken or descriptive material.

Directional Signage – Signage that indicate the direction of the accessible route when the accessible route is not the same as that of the general public **The signage may be directional arrows that** Include the International Symbol of Accessibility (ISA). Directional signage should be places at any directional change that is not the same as that of the path of the general public.

Hazards to blind or visually impaired participants – Pedestrian and participant areas shall be clear of objects (including plant branches and public art) which overhang less than 80" from the floor surface, or wall, and post mounted or freestanding objects that protrude 4" or more between 27" and 80" above the floor or ground into circulation areas.

Accessible Seating location - Accessible seating must be situated so those individuals who cannot stand can view the meeting or event over seated or standing participants. Seating for persons who are deaf must be provided in a location near the stage/presentation area with direct view to the stage/presentation location of sign language interpreters.

Seating ratio – The number of accessible seats in relation to the number of seats provided as follows:

1 to 25=1 seat

26 to 50=2 seats

51 to 300=4 seats

Wheelchair and companion seating – Seating for wheelchair users and adjacent, shoulder aligned seating for individuals accompanying wheelchair users that is located on the same level as that of the wheelchair user.

To receive a copy of this document in an alternate format or for additional information, please contact:

For additional information, please contact:

Brian Dossey

ADA Coordinator

Town of Colma

1520 Hillside Blvd.

Colma, CA 94014

650-985-5690

650-997-3796 Fax

Brian.dossey@colma.ca.gov

**ORDINANCE NO. 689
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**AN ORDINANCE AMENDING COLMA MUNICIPAL CODE SECTIONS 4.08.270,
5.04.120, 5.06.010, 5.06.060, 5.08.120, 5.08.280-5.08.310, 5.08.430-5.08.450, AND
ADDING DIVISION 6, SECTIONS 1.02.300-1.02.420 TO CHAPTER 1-02, RELATED TO
ACCESSIBILITY**

The City Council of the Town of Colma does hereby ordain as follows:

Article 1. Colma Municipal Code Chapter 1-02 Amended.

Division 6 is hereby added to Subchapter 2 of Chapter 1 of the Colma Municipal Code, entitled "City Council and Mayor" by adding Division 6, entitled "Americans with Disabilities Act and Accessibility to Services, Programs and Activities" to read as follows:

Division Six - Accessibility to Services, Programs and Activities

1.02.300 Findings.

The City Council of the Town of Colma finds as follows:

- (a) In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), and Section 504 of the Rehabilitation Act of 1973 (the "Acts"), the Town of Colma will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
- (b) The Town of Colma does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.
- (c) The Town of Colma is committed to ensuring that no qualified person with a disability is excluded from participating in, or denied the benefits of, the programs, services, and activities provided by the Town in the most integrated way appropriate to their needs, because of a disability, and that its communications with people with disabilities are as effective as its communications with others, and therefore it is the policy of the Town of Colma to provide reasonable accommodations for people with disabilities seeking access to Town of Colma services, programs, and activities or communications.
- (d) It is the policy of the Town of Colma to, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
- (e) It is the policy of the Town of Colma to make all reasonable modifications to policies, practices and procedures as needed to ensure that people with disabilities have an equal opportunity to enjoy all of its services, programs, and activities. For example, individuals with service animals are welcomed on all Town property, even where pets would otherwise be prohibited.

1.02.310 Purpose.

This subchapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to Town of Colma services, programs, activities, communications and public facilities. For purposes of this subchapter, public facilities include all or any portion of public buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the public building, property, structure, or equipment is located.

1.02.320 Applicability.

(a) *Authorized Applicants.* A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of any Town of Colma ordinance, rule, regulation, policy, procedure or practice acts as a barrier to equal access to Town of Colma services, programs, activities, communications and public facilities by a person with a disability.

(b) Requests should be directed to the City Manager

1.02.330 Definitions.

(a) A "person with a disability" is a person who has, or is regarded as or has a record of having, a physical or mental impairment that limits or substantially limits one or more major life activities. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

(b) A "physical impairment" is a physiological disorder or condition, cosmetic disfigurement or anatomical loss impacting one or more body systems. Examples of body systems include neurological, musculoskeletal (the system of muscles and bones), respiratory, cardiovascular, digestive, lymphatic and endocrine.

(c) A "mental impairment" is a mental or psychological disorder. Examples include mental retardation, emotional or mental illness, and organic brain syndrome.

(d) Other "impairments" that may qualify as a disability include, without limitation, contagious and noncontagious diseases; orthopedic, vision, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; specific learning disabilities; HIV disease (with or without symptoms), tuberculosis, drug addiction, and alcoholism.

(e) A "major life activity" is an activity that is central to daily life of most people, including, without limitation, walking, seeing, hearing, breathing, sleeping, speaking, eating, caring for oneself, sitting, standing, lifting, bending, learning, reading, thinking, working, concentrating, communicating, and performing manual tasks that are central to daily life. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(f) An impairment "substantially limits" a major life activity if the person cannot perform a major life activity the way an average person in the general population can, or is significantly restricted in the condition, manner or duration of doing so. An impairment is "substantially limiting" if the limitation is severe, significant, considerable, or to a large degree within the meaning of current ADA jurisprudence.

1.02.340 Methods of Compliance.

(a) The Town may comply with the requirements of this subchapter through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. In choosing among available methods for meeting the requirements of this subchapter, the Town shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(b) *Limitations on Obligation to Provide Reasonable Accommodation.*

(1) The Town is not required to grant a request for a reasonable accommodation where it can demonstrate that the requested accommodation would result in a fundamental alteration to the nature of its program, or activity, or would result in an undue financial or administrative burden. A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same.

(2) The Town is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this subchapter.

(3) The Town is not required to provide people with disabilities with personal or individually prescribed devices (wheelchairs, hearing aids or communication devices) or to provide services of a personal nature (such as assistance in eating, toileting or dressing) unless providing such services are part of the services offered by the program.

(4) The Town is not necessarily required to make a public facility fully compliant with current accessibility codes, so long as all Town services, programs, or activities are accessible to and usable by people with disabilities when viewed in their entirety.

1.02.350 Public Meeting Notices, Agendas, Minutes and Written Communications.

(a) All notices, agendas, minutes and written communications provided to the public in connection with a public meeting under any provision of this subchapter or Code shall be made available in appropriate alternative formats to persons with disabilities when requested pursuant to this division and when necessary as a reasonable accommodation to enable such persons to have equal access to the notice or hearing.

(b) All public meeting notices and agendas shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including

auxiliary aids or services, may be made by a person with a disability in order to participate in the public meeting or hearing for which notice is being given.

1.02.360 Notices Generally.

All notices required under, or provided in connection with any action taken by the Town of Colma pursuant to this Code, including without limitation, notices of pending permit and land use entitlement applications; notices of administrative hearings; notices of appeals; notices regarding local emergencies; and notices of the sale of public property shall be made available in appropriate alternative formats to persons with disabilities when requested pursuant to this division and when necessary as a reasonable accommodation to enable such persons to have equal access to the notice or program, service or activity.

1.02.370 Public Forms and Applications Generally.

All forms and applications provided by the Town of Colma, or required to be submitted to the Town of Colma pursuant to this Code or the Colma Administrative Code, including without limitation, employment applications; permit applications; applications for participation in Town recreation programs; applications for administrative hearings and requests for appeals; and forms for submitting claims against the Town of Colma pursuant to Chapter 1-14 of this Code, shall be made available in appropriate alternative formats to persons with disabilities when requested pursuant to this division and when necessary as a reasonable accommodation to enable such persons to have equal access to the application or related service, program or activity.

1.02.380 Equally Effective Communication.

(a) In order to ensure that its communications with people with disabilities are equally effective as its communications with others, the Town shall provide appropriate auxiliary aids and services where such aids and services are requested, and are necessary to ensure equally effective communication, including without limitation, at public meetings and administrative hearings. Examples of such aids or services for disabled individuals who are deaf or hard of hearing include qualified interpreters; notetakers; real-time captioning; written materials; assistive listening systems; open or closed captioning; Teletypewriters (TTYs) or Telecommunication Devices for the Deaf (TDDs); and exchange of written notes (if the communication is not complex). Examples of such aids or services for disabled individuals who are blind or low vision include qualified readers; audiotapes; Braille; or large print materials; audio-descriptions of Power Point or video presentations; and assistance in locating items. Examples of such aids or services for individuals with a speech disability include TTYs and computer terminals (take turns typing back and forth (if the communication is not complex)).

(b) In considering requests for auxiliary aids and services, the Town shall give primary consideration to the choice of auxiliary aid or service requested by the disabled person, and shall seek to provide such aid or service unless it determines that: (1) there is an equally effective way to communicate; or (2) such aid or service will result in a fundamental alteration in the program, or an undue financial or administrative burden.

1.02.390 Request for Reasonable Accommodations - Application Requirements.

(a) *Application.* A request for reasonable accommodation shall be initiated by submitting to the City Manager a completed application form, signed by the disabled individual or authorized agent, containing the following information:

- (1) The applicant's name, address and telephone number;
- (2) The basis for the claim that the individual is considered disabled under the Acts;
- (3) The Town service, program, or activity in connection with which access through a reasonable accommodation is being requested; and
- (4) An explanation of why the reasonable accommodation is necessary to make the Town service, program or activity accessible to the individual.

(b) Requests for reasonable accommodations involving the provision of auxiliary aids or services in connection with a public meeting or hearing must be made to the City Manager at least 48 hours in advance of the meeting or hearing.

(c) *Request Related to Land Use/Entitlement.* If the request for reasonable accommodation is being made in connection with a development project or some other land use or zoning related entitlement for which planning approval is required (such as a use permit, variance environmental and design review permit, zone change, general plan amendment or subdivision), then the applicant shall submit the request for accommodation pursuant to Section 5.15.050, *et seq.* of this Code.

1.02.400 Request for Reasonable Accommodations - Review Authority.

(a) The City Manager, or the Director of the Town Department having control over the service, program or activity that the request for reasonable accommodation relates to, shall review all requests for reasonable accommodations.

(b) The City manager or Department Director shall give "primary consideration" to the aid requested by the applicant. Primary consideration means that the aid requested should be supplied unless: (1) the Town can show that there is an equally effective way to communicate; or (2) the aid requested would fundamentally alter the nature of the program, service, or activity, or result in an undue financial or administrative burden.

1.02.410 Findings and Decision.

(a) *Consideration of Request.* In considering whether to grant or deny a request for a reasonable accommodation, the City Manager or Department Director shall consider all resources available to the Town for use in the funding and operation of the service, program, or activity. If the Town determines that a requested accommodation would result in a fundamental alteration or an undue financial or administrative burden, the Town shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive equal access to the benefits or services provided by the Town.

(b) *Findings.* The written decision to grant or deny a request for reasonable accommodation shall be based on consideration of the following factors:

- (1) Whether the Town service, program or activity, which is the subject of the request, will be used by an individual with a disability under the Acts;
- (2) Whether the request for reasonable accommodation is necessary to make the Town service, program or activity available to an individual with a disability;
- (3) Whether there is an alternative accommodation which may provide an equivalent level of benefit;
- (4) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the Town; and
- (5) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of the Town service, program or activity.

(c) *Conditions of Approval.* In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in subsection (b) of this section.

1.02.420 Appeal of Determination

A determination by the review authority to grant or deny a request for reasonable accommodation may be appealed in accordance with section 1.02.270 of the Colma Municipal Code.

Article 2. Colma Municipal Code Section 4.08.270(d)(1) and (d)(4) Amended.

Subsections 4.08.270(d)(1) and (d)(4) of Subchapter 8 of Chapter 4 of the Colma Municipal Code entitled "Cable System, Open Video, Telecommunications and Franchises" shall be and hereby are amended to read as follows

4.08.270 Construction Requirements - System.

(d) Any changes in or extensions of any poles, anchors, wires, cables, conduits, vaults, laterals or other fixtures and equipment (herein referred to as "Structures"), or the construction of any additional Structures, in, upon, along, across, under or over the streets, alleys and public ways shall be made under the direction of the City Engineer or designee, who shall, if the proposed change, extension or construction conforms to the provisions hereof, issue written permits therefor. The height above public thoroughfares of all aerial wires shall conform to the requirements of the California regulatory body having jurisdiction thereof.

- (1) Transmission and distribution Structures, lines and equipment erected by the Grantee shall be located so as not to interfere with the proper use or accessibility of the Public Rights-of-Way, and to cause minimum interference with the rights or reasonable

convenience of property owners who adjoin any of the said Public Rights-of-Way, and not to materially interfere with existing public and municipal utility installations.

(4) There shall be no unreasonable or unnecessary obstruction of the Public Rights-of-Way, including accessibility to the Public Rights-of-Way, by the Grantee in connection with any of the work provided for herein. The Grantee shall maintain the accessibility of Public Rights-of-Way and any barriers, signs and warning signals during any work performed on or about the Public Rights-of-Way or adjacent thereto as may be necessary to reasonably avoid injury or damage to life and property.

Article 3. Colma Municipal Code Section 5.04.120(d) Added.

Section 5.04.120(d) shall be and hereby is added to Subchapter 4 of Chapter 5 of the Colma Municipal Code entitled "Building & Construction" to read as follows:

5.04.120 Regulations.

(a) As used in this subchapter, "construction" means any and all acts associated with the building, erection, creation, production, conversion, modification, or improvement to create any residential, commercial, or industrial structure.

(b) No person shall, within any residential zone including Planned Developments that include residential uses, or within a radius of five hundred feet therefrom, operate equipment or perform any outside construction or repair work on any building, structure, or other project, or operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction-type device which shall exceed, between the weekday hours of seven a.m. and eight p.m. (weekend and holiday hours of ten a.m. and six p.m.), a noise level of eighty-five decibels as measured at twenty-five feet from the noise source, or exceed between the weekday hours of eight p.m. and seven a.m. (weekend and hours of six p.m. and ten a.m.) a noise level of sixty decibels as measured at twenty-five feet from the noise source, unless such person shall have first obtained written approval from the Building Official. Staging or placement of equipment in preparation for construction may occur at any hour provided that the activity does not exceed the noise restrictions established in this Section. No permit shall be required to perform emergency work. Other exempt work shall include utility and street repair, street sweeping, garbage collection, and emergency response warning noise.

(c) Construction hours within all non-residential zoning districts shall be assigned on a project-by-project basis by the Building Official, based on the evaluation of potential noise-related impacts on surrounding uses.

(d) All construction that interferes with or encroaches upon the public right-of-way shall maintain an accessible path of travel for use by persons with disabilities during construction and adequate signage directing persons to such path.

Article 4. Colma Municipal Code Sections 5.06.010 and 5.06.060 Amended.

Sections 5.06.010 and 5.06.060 of Subchapter 6 of Chapter 5 entitled "Tree Cutting & Removal" shall be and hereby are amended to read as follows:

5.06.010 Purpose and Findings.

The General Plan of the Town of Colma recognizes the contribution of both trees and views to the character and beauty of the Town. Removal of trees without reasonable care would destroy the natural beauty of certain areas, contribute to erosion and increase cost of drainage systems, reduce protection against wind, and impair residential privacy and quiet. Guidelines are needed to protect both trees and views and to ensure that access to public property and public rights-of-way, including sidewalks, by persons with disabilities is not constrained or inhibited. For such reasons, the City Council enacts these regulations to promote the public health, safety and welfare.

5.06.060 Exceptions.

- (a) If personal injury or substantial property damage is imminently threatened, or access to public property or public rights-of-way by disabled persons prevented, the Chief of Police, City Manager, or City Planner may authorize the removal of a tree without compliance with other provisions of this ordinance.
- (b) The provision of this article shall not apply to any project or activity being carried out by the Town of Colma.
- (c) The provisions of this article shall not apply to the removal or pruning of any tree, other than those required as part of an approved landscape plan, from any developed, residentially zoned land.

Article 5. Colma Municipal Code Sections 5-08.120, 5.08.280-5.08.310, and 5.08.430-5.08.450 Amended.

The following sections of Subchapter 8 of Chapter 5 of the Colma Municipal Code, entitled "Encroachments in Public Rights of Way and Watercourses" shall be and hereby are amended to read as follows:

5.08.120 Action on permit applications.

- (a) An application for an encroachment permit may be approved, conditionally approved or denied.
- (b) The City Engineer shall not issue a permit for encroachment if the Engineer finds that:
 - (1) The encroachment work proposed to be done thereunder will substantially damage the public ways, interfere with the current or future use of the public ways, create an unreasonable risk of harm to persons or property, or unreasonably limit access to the public ways by persons with disabilities without providing alternative accessible routes;
 - (2) Issuance of the permit is not in the interest of the public and the Town; or
 - (3) Issuance of the permit is inconsistent with the Town's General Plan or fails to meet requirements of the Colma Municipal Code.

(c) The City Engineer may issue a permit for the encroachment, attaching such conditions, as he may deem necessary for the health, safety and welfare of the public and the protection of the Town, including measures to protect the traveling public and the accessibility of the public way that is being encroached upon, if he or she determines that by doing so it would be in the interest of the public and the Town, no significant damage to the public ways would be created, and no unreasonable risk of harm to persons or property would be created. Nothing in this subsection shall require the City Engineer to approve an application subject to conditions, however.

(d) If the City Engineer finds the application is in conflict with the provisions of the Colma Municipal Code, he shall deny the permit, giving in writing the reasons for said denial.

5.08.280 Permittee liability.

The permittee shall be responsible for all liability imposed by law for personal injury, property damage, or any claim related to lack of access by a person with a disability, proximately caused by work permitted and done by permittee under permit or proximately caused by failure on the permittee's part to perform his obligations under said permit in respect to maintenance. If any claim of such liability is made against the Town, its officers or employees, permittee shall defend, indemnify and hold them and each of them, harmless from such insofar as permitted by law. The permittee shall take out such public liability insurance as the City Engineer may specify. The Town shall be named as additional insured and shall be furnished with an original or certified copy of the insurance policy.

5.08.290 Public safety.

The permittee in the conduct of the construction, use or maintenance of an encroachment authorized by a permit issued pursuant to this subchapter shall provide, erect, and maintain such lights, barriers, warning signs, patrols, watchmen and other safeguards as are required and set forth by the Standard Specifications referenced in section 5.08.400. Any deficiency in the measures provided, whether or not they are in full compliance with the Standard Specifications, shall not excuse the permittee from complying with all requirements of law and appropriate regulations and ordinances or from adequately protecting the safety of, or maintaining the accessibility for, those using the public street. If, at any time, the City Engineer finds that suitable safeguards are not being provided, the Town may provide, erect, maintain, relocate, or remove such safeguards as are deemed necessary or may cancel the permit and restore the right-of-way to its former condition, all at the expense of the permittee.

5.08.300 Maintaining traffic and street closures.

(a) The permittee shall give particular attention to facilitating the flow of vehicular and pedestrian traffic, and to maintaining the public way so that it is accessible to persons with disabilities. The permittee may be required to remove excavating material from the site of the encroachment as it is excavated rather than stockpiling it on the street when such removal is necessary to allow accessibility by persons with disabilities or permit traffic to pass freely and safely.

(b) When the temporary closure of a public street to pedestrian and/or vehicular traffic is requested by the permittee, the permit shall be applied for at least two weeks in advance of the

date of requested closure. The City Engineer shall determine the effect of the requested closure and, if satisfied as to adequate, available, accessible, alternate detour routes, may issue a permit; attaching such conditions as he may deem necessary for the health, safety and welfare of the public and for the protection of the Town. When emergency situations arise due to unforeseen circumstances or other causes, the two week period may be waived. Before closure of any public street, the permittee shall notify the police, fire and paramedic authorities having jurisdiction.

5.08.310 Proper execution of work.

(a) The permittee must plan and execute the work or use so as to cause the least inconvenience to the general public and abutting property owners. Owners of abutting property shall be notified of inconvenience to them which will result from any street cut as directed and required by the City Engineer.

(b) Permittee shall provide free and unobstructed access to all mailboxes, fire hydrants, wheelchair ramps, or other accessible feature of sidewalks, water gates, valves, manholes, drainage structures and other public service structures and property that may be required for emergency use. Permittee shall not remove such public service structures and property or relocate same without proper permission from the authorities charged with control and maintenance of same.

(c) The permittee shall, at his own expense, preserve and protect any adjoining property and improvements likely to be damaged during the progress of excavation work by providing proper foundations, shoring, or other appropriate measures. Wherein the protection of such property it is necessary to enter upon private property, the permittee shall obtain permission to enter from the owner. In the event of damage to adjoining property or improvements, restoration, repair or replacement shall be at least equal in quality and shall match in character, dimension and finish of the damaged and adjacent property and improvements.

5.08.430 Planting or erection of trees, hedges, shrubbery, fences.

(a) No tree, hedge, shrub or other planting, fence, trellis or similar structure shall be maintained across any existing walkway in a sidewalk area or road shoulder. The intent of this restriction is to keep free a walkway for pedestrian or other lawful public travel without interference by or with vehicular travel, and to keep such walkway accessible by and to persons with disabilities at all times. No encroachment of any nature will be permitted or maintained which impedes, obstructs, or denies such pedestrian or other lawful travel within the limits of the right-of-way of a public street, or which impairs adequate sight distance, accessibility for safe use by all pedestrians, including persons with disabilities, or vehicular traffic.

(b) No tree, hedge, shrub or other planting, fence, trellis or similar structure shall be maintained so as to protrude into any existing walkway in a sidewalk area or road shoulder, or so as to overhang any existing walkway in a sidewalk area or road shoulder in a way that creates less than 80 inches minimum vertical clearance at any point.

5.08.440 Maintenance of trees, hedges, shrubbery, fences.

The permittee, or the owner of the adjacent property, shall maintain the trees, hedges, shrubs, walls, fences or similar structures erected for landscaping purposes in a neat and orderly condition, and so as to maintain accessibility to the right-of-way by pedestrians and persons with disabilities at all times. If the encroachment is not maintained as specified in this subchapter, the City Engineer may order the permittee or property owner to remove the encroachment and restore the right-of-way or watercourse to its former condition at the expense of the permittee or property owner.

5.08.450 Lawns and ground covers.

Notwithstanding anything contained in this chapter to the contrary, any person may plant and maintain a lawn or ground cover of any grass, or type not prohibited by other law, within the right-of-way of a public street without a written permit. However, the lawn or ground cover shall not extend into the traveled way of the public street or into the drainage ditches, gutters or other drainage facilities, nor impede pedestrian travel, or the accessibility of the traveled way of the public street by persons with disabilities. The general public may not be denied the use of the planted area for pedestrian or other lawful travel. The Town may use the planted area for any purpose whatsoever, and may issue a permit to any applicant to go thereon to perform work or otherwise encroach pursuant to this subchapter. If the lawn is damaged or disturbed in the course of an authorized encroachment, it will be removed and replaced by the permittee unless the permit specifically states otherwise.

Article 6. Severability.

Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance 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 Ordinance.

Article 7. Not A CEQA Project.

The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

Article 8. Effective Date.

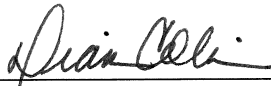
This Ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.

* * * * *

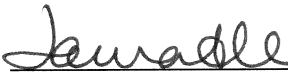
I certify that the foregoing Ordinance No. 689 was duly introduced at a regular meeting of the City Council of the Town of Colma held on February 10, 2010 and duly adopted at a regular meeting of said City Council held on March 10, 2010 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	√				
Helen Fiscaro	√				
Raquel "Rae" Gonzalez	√				
Joanne F. del Rosario	√				
Joseph Silva	√				
<i>Voting Tally</i>	5	0			

Dated 3/31/10



 Diana Colvin, Mayor

Attest: 

 Laura Allen, City Clerk

**ORDINANCE NO. 693
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**ORDINANCE AMENDING SECTIONS 1.02.390 TO 1.02.420 AND 5.15.030 to 5.15.080
AND ADDING SECTION 1.02.430, RELATING TO ADA GRIEVANCE PROCEDURES**

The City Council of the Town of Colma does hereby ordain as follows:

ARTICLE 1. COLMA MUNICIPAL CODE SECTION 1.02.390-420 AMENDED.

Sections 1.02.390 through 1.02.420 of Subchapter 2 of Chapter 1 of the Colma Municipal Code entitled "City Council and Mayor" shall be and hereby are amended to read as follows:

1.02.390 Request for Reasonable Accommodations - Application Requirements.

(a) *Application.* A request for reasonable accommodation shall be initiated by submitting to the appropriate Department Director a completed application form, signed by the disabled individual or authorized agent, containing the following information:

- (1) The applicant's name, address and telephone number;
- (2) The basis for the claim that the individual is considered disabled under the Acts;
- (3) The Town service, program, or activity in connection with which access through a reasonable accommodation is being requested; and
- (4) An explanation of why the reasonable accommodation is necessary to make the Town service, program or activity accessible to the individual.

(b) *Request for Auxiliary Aid for Public Meeting.* Notwithstanding subsection (a), requests for reasonable accommodations involving the provision of auxiliary aids or services in connection with a public meeting or hearing must be made to the ADA Coordinator at least 2 business days in advance of the meeting or hearing.

(c) *Request Related to Land Use/Entitlement.* Notwithstanding subsection (a), if the request for reasonable accommodation is being made in connection with a development project or some other land use or zoning related entitlement for which planning approval is required (such as a use permit, variance, design review permit, zone change, general plan amendment or subdivision), then the applicant shall submit the request for accommodation to the City Planner pursuant to Section 5.15.050, *et seq.* of this Code.

1.02.400 Role and Duties of ADA Coordinator.

(a) *Request Filed with ADA Coordinator.* A request for reasonable accommodation filed with the ADA Coordinator shall be deemed filed with the appropriate Department Director, and the ADA Coordinator shall direct the request to the appropriate Department Director.

(b) *Assistance with Preparation of Request.* The ADA Coordinator may assist any person requesting reasonable accommodation with the preparation and presentation of his or her request. The ADA Coordinator shall assist any person with a disability in submitting a request

for reasonable accommodation, or an appeal from a denial of the same, through an alternative method where the individual is unable to submit the request as required above because of his/her disability.

1.02.410 Findings and Decision.

(a) *Consideration of Request.* In considering whether to grant or deny a request for a reasonable accommodation, the Department Director shall consider all resources available to the Town for use in the funding and operation of the service, program, or activity.

(b) *Findings.* The written decision to grant or deny a request for reasonable accommodation shall be based on consideration of the factors set forth below.

- (1) Whether the Town service, program or activity, which is the subject of the request, will be used by an individual with a disability under the Acts.
- (2) Whether the request for reasonable accommodation is necessary to make the Town service, program or activity available to an individual with a disability.
- (3) Whether there is an alternative accommodation which may provide an equivalent level of benefit. However, the Department Director shall give primary consideration to the accommodation requested by the applicant, and shall endeavor to provide the requested accommodation, unless the Town's alternative will provide an equivalent level of benefit and the accommodation requested would fundamentally alter the nature of the program, service, or activity, or result in an undue financial or administrative burden.
- (4) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the Town.
- (5) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of the Town service, program or activity. If the Department Director determines that a requested accommodation would result in a fundamental alteration or an undue financial or administrative burden, the Town may take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive equal access to the benefits or services provided by the Town.

(c) *Conditions of Approval.* In granting a request for reasonable accommodation, the Department Director may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in subsection (b) of this section.

1.01.420 Appeal of Determination.

A determination by the Department Director to grant or deny a request for reasonable accommodation may be appealed in accordance with Section 1.02.430 of this Code.

ARTICLE 2. COLMA MUNICIPAL CODE SECTION 1.02.430 ADDED.

Section 1.02.430 shall be and hereby is added to Subchapter 2 of Chapter 1 of the Colma Municipal Code entitled "City Council and Mayor" to read as follows:

1.02.430 ADA Grievance Procedures; Appeal from Denial of Request for Reasonable Accommodation.

(a) *Appeal from Denial of Request for Reasonable Accommodation.* An appeal from a denial for a request for reasonable accommodation made under Section 1.02.390, or Section 5.15.010, *et seq.* of this Code shall be considered a complaint within the meaning of this Section and processed in accordance with this Section.

(b) *Filing a Grievance Complaint.* Any individual may file a written complaint alleging that the Town has discriminated against him or her on the basis of his or her disability in the provision of its services, activities, facilities or programs. The complaint shall be filed with the City Manager no later than 60 days from the date that the alleged discrimination occurred. If a complaint is based on the denial of a requested reasonable accommodation, the date that the alleged discrimination occurred shall be the date that the requested accommodation was denied.

(c) *Incomplete Complaint.* The complaint shall contain all information necessary to allege that the discrimination occurred. If the complaint fails to contain all necessary information, the City Manager shall notify the complainant in writing of any additional information that is needed to complete the complaint within fifteen (15) days of receiving it. If the complainant fails to complete the complaint form following notice from the City Manager, the City Manager shall close the complaint without prejudice.

(d) *Response to Complaint.* Within fifteen (15) calendar days after receipt of a complete complaint, the City Manager shall contact the complainant to discuss the complaint and possible resolutions. The City Manager shall provide the complainant with a written response determining whether the alleged discrimination has occurred, and offering options for resolution of the complaint, where applicable, within thirty (30) calendar days of the meeting. This deadline is not mandatory, and may be extended where necessary for the City Manager to work with other Town staff to formulate alternative resolution options by providing written notice to the complainant. The written notice shall inform the complainant of the amount of additional time needed and estimated date of decision.

(e) *Appeal.* If a complainant contests the City Manager's response, or contends that the options for resolution will not satisfactorily resolve the complaint, he or she may appeal the response to the City Council in accordance with Section 1.02.270 of the Colma Municipal Code.

(f) *Document Retention.* The Town shall keep all written complaints received pursuant to this Section; all Town written responses to those complaints; and all related written appeals and written appeal responses, for no less than three (3) years following their submission to the respective party.

(g) *Responding to Requests for Structural Improvements.* In responding to complaints regarding structural improvements, the City Manager is limited to the funds in established

Capital Improvement Projects and other miscellaneous funds. In the event that these allocated funds are insufficient to fund the improvement, already allocated, or otherwise inappropriate for the use the complainant is requesting, the City Manager shall direct the ADA Coordinator to include the requested improvements in the Town's ADA Transition Plan and the City Council shall prioritize and schedule the improvements as it deems appropriate.

(h) *Accessibility Accommodations.* If a complainant is unable to submit a written complaint or appeal under this Section as a result of his or her disability, the Town shall assist a complainant in completing the complaint form or submitting a complaint or appeal through an alternative format, such as a personal interview, or tape recording, upon request. Similarly, the Town shall provide the responses required by this Section in alternative accessible formats such as large print, Braille, or audio tape, where necessary to accommodate a complainant with a disability upon request.

(i) *Not Exclusive or Required.* The use of the grievance procedure set forth in this Section does not preclude filing a complaint of discrimination with any appropriate state or federal agency, and is not a prerequisite to the pursuit of other legal remedies.

ARTICLE 3. SECTIONS 5.15.030 THROUGH 5.15.080 AMENDED.

Sections 5.15.030 through 5.15.080 of Subchapter 15 of Chapter 5 of the Colma Municipal Code entitled "Requests for Reasonable Accommodations in Housing or Land Use Elements" shall be and hereby are amended to read as follows:

5.15.030 Application Requirements.

(a) *Application.* A request for reasonable accommodation sought to obtain equal access to housing or the use of land within the Town of Colma by a qualified individual with a disability shall be initiated by submitting to the City Planner a completed application form, signed by the property owner or authorized agent, containing the following information:

- (1) The applicant's name, address and telephone number;
- (2) Address of the property for which the request is being made;
- (3) The current use of the property;
- (4) The basis for the claim that the individual is considered disabled under the Acts;
- (5) The code provision or other Town regulation or policy from which accommodation is being requested; and
- (6) An explanation of why the accommodation is necessary to make the specific property accessible to the individual.

(b) *Review with Other Planning Applications.* If the request for reasonable accommodation is being made in connection with a project or other land use that also requires some other planning approval (such as a use permit, variance, design review permit, zone change, general

plan amendment or subdivision), then the applicant shall file the application containing the information required by subsection (a) with the City Planner together for concurrent review with the application(s) for approval.

5.15.040 [Repealed.]

5.15.050 Public Notice.

Written notice of a request for reasonable accommodation shall be given as follows:

(a) *No Related Discretionary Approval.* If there is no discretionary approval sought other than the request for reasonable accommodation, notice shall be mailed to the owners of record of all properties which are immediately adjacent to the property which is the subject of the request at least fifteen (15) days prior to the decision.

(b) *Related Discretionary Approval.* If the request is made in conjunction with another discretionary planning approval, notice of the requested accommodation shall be transmitted along with and in the manner prescribed for the other planning application.

(c) *Notice of Proposed Decision.* The notice required by this section shall inform adjacent property owners of the requested accommodation; the proposed decision whether to grant or deny the request; and that any person may make a request for a hearing with the City Planner to contest the proposed decision within 10 days of the date the notice is mailed. If no request for a hearing is received, the proposed decision shall become final on the date the notice of decision required by Section 5.15.070 (g) below is issued.

5.15.060 Consideration of Request; Public Hearing.

(a) *Consideration of Request.* In considering whether to grant or deny a request for reasonable accommodation, the City Planner shall consider all resources available to the Town for use in the funding and operation of the service, program or activity.

(b) *Public Hearing.* If a hearing is requested pursuant to Section 5.15.050(c), the City Planner shall notice and conduct a public hearing on the request for reasonable accommodation as set forth in Sections 1.02.230-1.02.240 of this Code.

(c) *Findings.* The written decision to grant or deny a request for reasonable accommodation shall be based on consideration of the factors set forth below.

- (1) Whether the housing, which is the subject of the request, will be used by an individual with a disability under the Acts.
- (2) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
- (3) Whether there is an alternative accommodation which may provide an equivalent level of benefit. However, the City Planner shall give "primary consideration" to the accommodation requested by the applicant, and shall endeavor to provide that accommodation, unless the Town's alternative will provide an equivalent

level of benefit and the requested accommodation would fundamentally alter the nature of the program, service, or activity, or result in an undue financial or administrative burden.

- (4) Whether the requested accommodation would negatively impact surrounding uses or properties.
- (5) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the Town.
- (6) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of the Town program or law, including, but not limited to, land use and zoning. If the Town determines that a requested accommodation would result in a fundamental alteration or an undue financial or administrative burden, the Town may take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive equal access to the benefits or services provided by the Town.

(d) *Conditions of Approval.* In granting a request for reasonable accommodation, the City Planner may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in subsection (a) of this section.

5.15.070 Notice of Decision.

A written notice of decision either granting or denying the request, including any reasonable conditions, shall be issued in the same manner as provided in Section 5.15.050 above, after the required 10 day notice period has ended. The notice of decision shall contain the factual findings, conclusions and reasons for the decision. A decision to deny a request shall include the reasons why providing the requested accommodation would fundamentally alter the nature of the service or program in question or would result in an undue financial or administrative burden.

5.15.080 Appeal Of Determination.

A determination by the City Planner to grant or deny a request for reasonable accommodation may be appealed to the City Manager in accordance with section 1.02.430 of the Colma Municipal Code.

ARTICLE 4. CMC § 5.15.040 REPEALED.

Section 5.15.040 of the Colma Municipal Code is repealed.

ARTICLE 5. SEVERABILITY.

Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason

ARTICLE 5. SEVERABILITY.

Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance 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 Ordinance.

ARTICLE 6. NOT A CEQA PROJECT.

The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

ARTICLE 7. EFFECTIVE DATE.


This Ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.


Certification of Adoption

I certify that the foregoing Ordinance No. 693 was duly introduced at a regular meeting of the City Council of the Town of Colma held on July 14, 2010 and duly adopted at an adjourned regular meeting of said City Council held on September 8, 2010 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor					
Helen Fisicaro					
Raquel "Rae" Gonzalez					
Joanne F. del Rosario					
Joseph Silva					
<i>Voting Tally</i>					

Dated 9/20/10


Diana Colvin, Mayor

Attest: 
Laura Allen, City Clerk

**RESOLUTION NO. 2010-09
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION ADDING SECTIONS 1.05.070, AND AMENDING SECTION
2.01.065 AND 2.01.100 OF THE COLMA ADMINISTRATIVE CODE, RELATING
TO ACCESSIBILITY**

The City Council of the Town of Colma hereby resolves:

ARTICLE 1. CAC § 1.05.070 ADDED.

Section 1.05.070 shall be and hereby is added to Subchapter 5 of Chapter 1 of the Colma Administrative Code entitled "Guidelines for Publication of the LiveWire Newsletter" to read as follows:

1.05.070 Alternative Accessible Format.

(a) The Town is committed to making the *LiveWire* newsletter accessible to the largest audience possible and to complying with and upholding the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

(b) The *LiveWire* newsletter shall be made available in appropriate alternative formats to persons with disabilities when requested pursuant to Division 6 of Chapter 1-02 of the Colma Municipal Code, and when necessary as a reasonable accommodation to provide persons with disabilities with equal access to the newsletter.

ARTICLE 2. CAC CHAPTER 2-01, SECTIONS 2.01.065 AND 2.01.100 AMENDED.

Section 2.01.065, and subsections (a) and (c) of Section 2.01.100 of Subchapter 2 of Chapter 1 of the Colma Administrative Code entitled "Recreation Programs, Events and Activities" shall be and hereby are amended to read as follows:

2.01.065. Accessibility.

Staff shall make all reasonable efforts to establish and schedule community events and activities so that each resident, including residents with disabilities, will have, over time, a reasonable opportunity to participate in all types of events and activities. However, nothing herein shall prevent the establishment or scheduling of events and activities that appeal to a particular age group or to the family unit.

2.01.100. Policies. The City Council hereby directs that recreational programs, events and activities should meet these policies. As used herein, the work "program" shall refer to a recreational concept or category of events (such as "classes" or "cultural events") while the terms "events" and "activities" shall be used to refer to specific events or activities within a program (such as a Cooking Class or the event, "Beauty and the Beast."

(a) Program Policies

(i) Programs should encompass the total needs of the individual, including

education, culture, fitness, social interaction, personal relaxation, and self-improvement;

(ii) Programs should be designed to meet all demographic and age needs of Colma residents, and so as to be accessible to all residents including those with disabilities;

(iii) Programs should provide participants with exposure to positive images of diversity;

(iv) There should be a mix of equity-based programs (programs targeting everyone equally) and need-based programs (programs targeting special needs of different age or demographic groups); and

(v) Programs that extend beyond individual leisure or passive activities are encouraged.

(c) Operational Policies

(i) Programs and activities should be easily accessible to Colma residents;

(ii) All programs held within the Town of Colma should be held in locations accessible to persons with disabilities, and, where the nature of the program requires that it be held in a non-accessible location, reasonable accommodations shall be made in response to requests for reasonable accommodation pursuant to Division 6 of Chapter 1-02 of the Colma Municipal Code, in order to enable persons with disabilities to participate unless such accommodation would fundamentally alter the program or result in an undue financial or administrative burden on the Town;

(iii) Programs and activities should be scheduled at times convenient to Colma residents, and should be offered at different times so that citizens with jobs, families, or other factors are not barred from attending;

(iv) Programs should be continuous throughout the year with special events and programs added every season to add variety or to encourage participation in regular programming;

(v) Programs should be consistently offered and regularly scheduled;

(vi) All employees and volunteers working in the Parks and Recreation Department should be (A) be fingerprinted and background-checked; (B) properly oriented; (C) provided training in working with program clients, the Town's standards of conduct, these Guidelines, and best practices in the field; and (D) regularly reviewed.

(vii) Staff should continuously monitor the recreation program. Such monitoring should include: maintaining detailed records to help determine user patterns, e.g., sign-in sheets and rosters; conducting ongoing and periodic surveys to determine user patterns, needs and desires; and conducting a comprehensive profile study approximately every five years, such as was conducted by the Colma Recreation Advisory Committee in 1998.

ARTICLE 3. 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 ordinance.

ARTICLE 4. NOT A CEQA PROJECT.

The City Council finds that adoption of this resolution is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

ARTICLE 5. EFFECTIVE DATE.

This ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.


Certification of Adoption

I certify that the foregoing Resolution No. 2010-09 was duly adopted at a regular meeting of the City Council of the Town of Colma held on February 10, 2010, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	√				
Helen Fisicaro	√				
Raquel "Rae" Gonzalez	√				
Joanne F. del Rosario	√				
Joseph Silva	√				
<i>Voting Tally</i>	5	0			

Dated 2/24/10


Diana Colvin, Mayor

Attest: 
Laura Allen, City Clerk

**RESOLUTION NO. 2010-46
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION APPROVING THE TOWN OF COLMA AMERICANS WITH
DISABILITIES ACT (ADA) SELF EVALUATION AND TRANSITION PLAN AND
THE ADA EXPENDITURE PLAN**

The City Council of the Town of Colma does hereby resolve as follows:

1. Background

(a) Title II of the Americans with Disabilities Act of 1990 ("ADA") requires the Town of Colma to make its programs, services and activities, when viewed in their entirety, readily accessible to and usable by individuals with disabilities in all cases, except where to do so would result in a fundamental alteration in the nature of the program, or in an undue financial or administrative burden to the Town. In order to meet this mandate, the ADA requires the Town to perform a self-evaluation to determine which of its programs, services, policies and practices are not in compliance with the ADA, and also to determine how, and a schedule to make all modifications necessary to remedy any identified deficiencies. Making Town "programs, services and activities" accessible includes removing physical barriers to accessibility in public facilities, and public rights of way.

(b) The Town conducted its first ADA self-evaluation in 2002 and 2004. Based on this self-evaluation, it developed a draft ADA Transition Plan in 2008. However, after having the draft ADA Transition Plan reviewed by an accessibility consultant, staff discovered additional work needed to be done to complete the document.

(c) In 2009 and 2010, staff reevaluated the Town's programs, as well as the physical and architectural barriers in its facilities and public rights of way, by having each department evaluate its services, policies and practices based on a checklist provided by the Department of Justice. Based on this 2009-2010 evaluation, staff developed an updated ADA Self-Evaluation and Transition Plan.

(d) A study session was held on September 8, 2010 and a duly-noticed public hearing on November 10, 2010 on this matter. The draft Self-Evaluation and Transition Plan dated November 10, 2010 ("Draft Plan"), a copy of which was attached to the Staff Report for the City Council meeting on November 10, 2010, was available to the public for inspection since before September 8, 2010, and was considered by the City Council at the public hearing.

(e) The City Council considered the staff report and evidence presented at the public hearing, and concurred in the findings and recommendations set forth in the Draft Plan except the findings and recommendations set forth in section 4.3.6 of the draft Plan.

2. Findings

(a) The City Council finds that the Self-Evaluation and Transition Plan properly and adequately:

(i) Identifies all of the Town's programs, activities and services and reviews all of the policies, practices and procedures that govern the administration of the Town's programs, activities, and services;

(ii) Includes these elements:

(1) A list of physical barriers in the Town's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;

(2) A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;

(3) A schedule for taking the steps necessary to achieve compliance with the ADA, Title II; and

(4) The name of the individual responsible for the Transition Plan implementation.

(iii) Guides the planning and implementation of necessary program and facility modifications over the next several years; and

(iv) Establishes the Town's ongoing commitment to the development and maintenance of policies, programs and facilities to include all of its citizenry.

(b) The Expenditure Plan is a schedule, with cost estimates, for making the improvements necessary to implement the Town's ADA Transition Plan, beginning with the current fiscal year. Barring unforeseen circumstances, it is the intent of the Town to complete all work described in the Transition Plan within seven years, which is the minimum time needed to complete the barrier-removal work described in the Transition Plan. Seven years is needed for a number of reasons, including the number of streets and barriers involved compared to the Town's resources and the fact that the Town may need to acquire land in some instances from adjacent property owners to make room for sidewalk widening. Therefore, the plan is to systematically remove barriers in the rights-of-way and curb ramps in phases to ensure equality among Town programs. In establishing this schedule, the City Council has considered many factors, including the immediate necessity, degree of complexity and overall cost. The highest priorities, which will be addressed in phase one, will be given to removing barriers that prevent access to public facilities and public transportation. Lower priorities are given to removing barriers that prevent access to commercial areas and, finally, to residential neighborhoods.

(c) The work described in the Expenditure Plan is generally consistent with the barrier removal priority schedule identified in the ADA Transition Plan (see sections 4.2.3, 4.3 and 4.3.1, with the following exceptions or deviations.

(i) Many physical barriers with a "high" priority rating are not scheduled until the third and fourth year because the Town will likely be required to acquire land from some owners of properties adjacent to the streets, and the Town will need to acquire all needed parcels before beginning work on any given stretch of roadway. This process is not completely within the control of the Town and will require time and resources to accomplish. The projected schedule is based upon a realistic estimate of the time necessary to implement such land acquisitions.

(ii) Conversely, some physical barriers with a "low" or "medium" priority rating are scheduled in the first and second year because they require little planning, can be achieved with minimal costs and can be completed by Town staff. Thus, these items were scheduled in the early years to help achieve the Town's commitment to completing all work within seven years.

(d) The Town of Colma has appropriated \$20,000 for ADA-related work to be done in Fiscal Year 2010-2011.

3. Order Approving Self-Evaluation and Transition Plan and Expenditure Plan

(a) The City Council hereby approves the Draft Plan, except for the findings and recommendations set forth in section 4.3.6. The City Council hereby directs the City Manager to revise the Draft Plan to delete section 4.3.6, and to re-number all subsequent sections, as necessary. The approved plan shall hereafter be referred to as the *Self-Evaluation and Transition Plan, November 10, 2010*, and the City Manager is instructed to maintain a true and correct copy of that plan and is instructed to implement the Transition Plan.

(b) The City Council hereby approves the Expenditure Plan set forth in Section 4, below, and directs the City Manager to implement the Expenditure Plan. Each year, the City Manager shall include in the proposed budget sufficient funds to implement the Expenditure Plan. The costs shown in the Expenditure Plan are known, estimated costs only. Costs that are unknown at the present time include costs for training and small office purchases such as TTY/DD machines, listening devices, etc.; costs of design, engineering and similar professional services for developing the plans to remove barriers are not in the Expenditure Plan; and land acquisition costs. These types of costs will be estimated and included in each year's proposed budget.

(c) Subject to the provisions of the next paragraph, the Expenditure Plan may be amended by the City Council based on a change in circumstances, such as a further decline in Town revenues.

(d) Each year except Fiscal Year 2010-2011, the Town will spend a minimum of \$25,000, plus an annual adjustment for increases in the Consumers Price Index of Urban Consumers (Revised Series), San Francisco-Oakland-San Jose Metropolitan area, All Items, 1982-84=100, to implement the Expenditure Plan. This minimum amount shall not be reduced because of any change of circumstances, and shall be used exclusively to install compliant curb ramps or remove architectural barriers. To guarantee sufficient funding to meet this minimum commitment, an *ADA Reserve* is hereby established, and the City Manager is directed to transfer not less than \$200,000 from the General Reserves to the ADA Reserves. Each year, the Town may transfer such funds from the ADA Reserves to the Operating Budget as may be needed to meet the Town's minimum commitment.

4. Expenditure Plan

(a) Fiscal Year 2010-11

(i) In Fiscal Year 2011-12, the Town will undertake the following barrier-removal projects that in-house staff can accomplish with minimal costs at an estimated cost of \$18,750, and staff will begin planning the additional barrier removal work identified in Fiscal Year 2011-12.

(ii) Barrier removal plan for FY 2011-12:

- Sidewalk work on Serramonte between Junipero Serra Boulevard and El Camino Real
- Curb ramp/signage work at Creekside Villas & Town Hall Annex
- Picnic accessibility and signage at Sterling Park

(b) Fiscal Year 2011-12

(i) In Fiscal Year 2011-12, the Town will remove all accessibility sidewalk barriers on Serramonte Boulevard from Junipero Serra Boulevard to El Camino Real and improve accessibility around the exterior at Town Hall, Town Hall Annex, Historical Museum and Sterling Park, at an estimated cost of \$93,500. These changes will allow access from Serra Center/public transportation to Town Hall and Town Hall Annex, and improve access at other Town facilities. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2012-13.

(ii) Barrier removal plan for Fiscal Year 2011-12:

- Sidewalk work on Serramonte between Junipero Serra Boulevard and El Camino Real
- Curb ramp work on Junipero Serra Boulevard & Serramonte
- Parking lot work and signage at Town Hall, Town Hall Annex, Historical Museum
- Replace water fountain at Sterling Park

(c) Fiscal Year 2012-13

(i) In Fiscal Year 2012-13, the Town will remove all accessibility sidewalk barriers on Serramonte Boulevard from Hillside Boulevard to El Camino Real and complete all exterior accessibility barriers at Town facilities, at an estimated cost of \$211,000. These changes will allow access from businesses on Hillside Boulevard/public transportation to Town Hall and Town Hall Annex, complete all physical barriers around the exterior of all Town facilities. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2013-14.

(ii) Barrier removal plan for Fiscal Year 2012-13:

- Sidewalk work on Serramonte between El Camino Real & Hillside Boulevard
- Accessible ramps and handrails at Town Hall, Town Hall Annex, and Freight Building
- Curb ramps at Museum, Community Center and Sterling Park
- Sidewalk work at Town Hall Annex

(d) Fiscal Year 2013-14

(i) In Fiscal Year 2013-14, the Town will remove all accessibility sidewalk barriers on Colma Boulevard from Junipero Serra Boulevard to El Camino Real and begin curb ramp work and interior barrier removal at Town facilities, at an estimated cost of \$67,000. These changes will allow access from 280 Metro and public transportation facilities to Town Hall and town Hall

Annex, and provides greater access on the interior of Town Facilities. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2014-15.

(ii) Barrier removal plan for Fiscal Year 2013-14:

- Sidewalk and curb ramp work on Colma Boulevard
- Curb ramp work on Mission Road and Hillside Boulevard
- Doorways at Town Hall, Community Center and Sterling Park

(e) Fiscal Year 2014-15

(i) In Fiscal Year 2014-15, the Town will make all curb ramps in the Sterling Park neighborhood made compliant to current ADA standards, and will correct all thresholds at Sterling Park to meet ADA standards, at an estimated cost of \$44,000. These changes will make the Sterling Park neighborhood and Sterling Park Recreation Center ADA compliant. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2015-16.

(ii) Barrier removal plan for Fiscal Year 2014-15:

- Curb ramp work in the Sterling Park neighborhood
- Door thresholds at Sterling Park

(f) Fiscal Year 2015-16

(i) In Fiscal Year 2015-16, the Town will remove the two interior barriers at Town Hall. These changes will provide greater access to Town Hall, at an estimated cost of \$212,000. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2016-17

(ii) Barrier removal plan for Fiscal Year 2015-16:

- Remodel upstairs restroom and widen doorway at Town Hall.

(g) Fiscal Year 2016-17

(i) In Fiscal Year 2016-17, the Town will remove the remaining interior barriers at Town Hall and Town Hall Annex, at an estimated cost of \$55,500. These changes will make Town Hall and town Hall Annex ADA compliant.

(ii) Barrier removal plan for Fiscal Year 2016-17:

- Front desk counters at Town Hall and Town Hall Annex
- Accessible ramp to dais in the Council Chamber.

Certification of Adoption

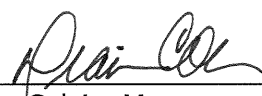
I certify that the foregoing Resolution No. 2010-46 was duly adopted at a regular meeting of the City Council of the Town of Colma held on November 10, 2010, by the following vote:

///

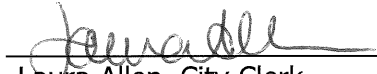
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Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	√				
Helen Fisicaro	√				
Raquel "Rae" Gonzalez	√				
Joanne F. del Rosario	√				
Joseph Silva	√				
<i>Voting Tally</i>	5	0			

Dated 11/19/10



Diana Colvin, Mayor

Attest: 

Laura Allen, City Clerk

Locations	Observation	Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References	Est. Cost \$	Finalized Action	Date Corrected
Location	Problem Identified	Recommended Solution	L = Low, M = Med, H = High	Photo #	Est. Cost \$	Est. Correction Date.	Date Corrected
Public Works/ Planning/ Bldg. Dept. Annex (1188-90 El Camino Real)	Handrail for the accessible ramp at front of building is 32" high.	Provide code-compliant handrails (between 34" - 36" in height, including wheel guides, and graspable surface 1 1/4" - 1 1/2" dia)	H	PWB1,3	\$5,000	FY2012-13	
	Route of travel from sidewalk to entrance of building has changes in surface level.	Provide beveled paving (slope no greater than 1:2) where changes in level exceed 1/2".	M	PWB2	\$4,500	FY2012-13	
	Route of travel from sidewalk to entrance of building exceeds 5% slope.	Remove and replace concrete sidewalk. Provide route of travel that is compliant and does not exceed 5% longitudinal slope and 2% cross-slope.	M	PWB4	\$5,500	FY2012-13	
	No detectable warnings on stairs at front entry.	Provide detectable warnings on stairs (painted stripes at each tread).	M	PWB13	\$1,000	FY2010-11	

Locations	Observation		Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References	Est. Cost \$	Finalized Action	Date Corrected
Senior Housing/ Creskide Villas (1180 El Camino Real)	Curb ramp pavement at South parking lot is damaged and has no detectable warning.	4.29.2	Repair damaged pavement and provide truncated domes.	H	PWB5	\$4,500	FY2010-11	
Public Works/ Planning/ Bldg. Dept. Annex (1188-90 El Camino Real)	Accessible parking at South side of bldg. needs restriping, and geometric reconfiguration for van access. Signage and striping is incomplete.	4.6	Parking spot shall be designated as van accessible; reconfiguration will be necessary. International Symbol of Accessibility and striping shall be repainted. Phone number for retrieving tow away car shall be provided on sign. Access aisle shall read "No Parking".	H	PWB 6,7, 12	\$12,500 \$1,000	FY2011-12	
Public Works/ Planning/ Bldg. Dept. Annex (1188-90 El Camino Real)	Route of travel from west parking lot to the front of the building exceeds 5% slope.	4.3.7	Provide code-compliant route of travel including signage.	M	PWB 8	\$15,000	FY2012-13	

Locations	Observations	Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References	Est. Cost \$	Est. Correction Date.	Finalized Action Date Corrected
Public Works/ Planning/ Bldg. Dept. Annex	Accessible parking at West side of bldg. needs restriping. Signage and striping is incomplete.	4.6 International Symbol of Accessibility and striping shall be repainted. Phone number for retrieving tow away car shall be provided on the sign. Access aisle shall read "No Parking". Updated "Parking Fine" sign shall be provided. Convert accessible space at North East area of lot to van accessible. Demo Pathway to widen access aisle	H	PWB 9	\$4,500	FY2011-12	
	Problem Identified	Recommended Solution	L = Low, M = Med, H = High	Photo #	Est. Cost \$	Est. Correction Date.	Date Corrected
	ADAAG Spec.						
	Curb ramp slope at West parking lot is 11% and has no detectable warning. Non-compliant space allowance and reach ranges at front counter.	4.29.2 Reconfigure ramp slope and provide truncated dome per appropriate standards. OR Remove existing accessible parking space. Convert accessible space at North East area of lot to van accessible. (closest direct route)	H	PWB 9,10, 11	\$3,500	FY2010-11	
	4.2	Reconfigure existing furniture layout. Lower ext. countertops or provide bell/signage indicating that special accommodations can be provided. These special accommodations can be carried over to an accessible desk or clipboard if required. Staff shall be trained to assist those with disabilities.	L	No Photo	\$5,500	FY2016-17	

ADA Architectural Barriers Summary List

APPENDIX I

Locations	Observations	Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References	Est. Cost \$	Finalized Action	Date Corrected
<p>Location</p>	<p>Problem Identified</p>	<p>Recommended Solution</p>	<p>L = Low, M = Med, H = High</p>	<p>Photo #</p>	<p>Est. Cost \$</p>	<p>Est. Correction Date.</p>	<p>Date Corrected</p>
<p>Town Hall (1198 El Camino Real)</p>	<p>Exist. handrails for the accessible ramp at the east entrance to council chamber are non compliant. Handrails are not provided on both sides of the ramp.</p>	<p>Provide fully compliant handrails per ADAAG 4.8.5.</p>	<p>H</p>	<p>TH3,4</p>	<p>\$5,500</p>	<p>FY2012-13</p>	
	<p>Exist. Handrails at the front entry stairway are non-compliant. No detectable warnings.</p>	<p>Provide handrails per ADAAG 4.9.4. and provide detectable warnings on stairs (painted stripes at each tread).</p>	<p>H</p>	<p>TH5</p>	<p>\$4,500</p>	<p>FY2012-13</p>	

Locations	Observations	Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References		Finalized Action	
				Photo #	Est. Cost \$	Est. Correction Date.	Date Corrected
Town Hall	<p>Force required to open front entry doors exceeds 5 lbs.</p>	<p>ADAAG Spec.</p> <p>Adjusted door closer to open/close adequately</p>	L	TH13, 17	\$0	N/A	Feb-09
	<p>Doorway connecting to the office west of the foyer is < 32" in width.</p>	<p>Enlarge existing doorway width or provide alternate entrance.</p>	H	TH14, 15	\$12,000	FY2015-16	
	<p>Non-compliant space allowance and reach ranges.</p>	<p>Reconfigure existing furniture layout. Lower exst. countertops or provide a clipboard as a temporary reasonable accommodation.</p>	L	TH16	\$35,000	FY2016-17	
	<p>Vertical access to the stage in the council chamber has not been provided.</p>	<p>Provide a compliant ramp with handrail or platform upon request.</p>	L	No Photo	\$15,000	FY2016-17	

ADA Architectural Barriers Summary List

Locations	Observations	Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References		Finalized Action	
			L = Low, M = Med, H = High	Photo #	Est. Cost \$	Est. Correction Date.	Date Corrected
Town Hall	<p>Force required to open entry doors to council chamber connecting to the corridor exceed 5 lbs (10 lbs.).</p>	<p>4.13.11 Provide push button or an equivalent mechanical solution. In the interim, provide a <i>doorbell for assistance</i> as an alternative solution. Reconfigure the swing of the door to require less than 5 lbs. of opening force. During business hours these doors will remain open.</p>	L	No Photo	\$4,500	FY2013-14	
	<p>ADAAG Spec.</p>						
	<p>Handrails for access ramp at Southwest end of building are non-compliant. One side is 32" high while the other is 42" high.</p>	<p>4.8.5 Provide code compliant handrails.</p>	H	TH8,9,10,11,19	\$6,500	FY2012-13	
	<p>In reference to ramp at Southwest end of bldg: intermediate landing is not level. Slope from Serramonte sidewalk down to intermediate landing is 14.8%.</p>	<p>4.8 Level existing landing and modify existing ramp to comply with a slope no greater than 8.33%.</p>	H	TH6,7	\$20,000	FY2012-13	

Locations	Observations	Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References		Finalized Action	
				Photo #	Est. Cost \$	Est. Correction Date.	Date Corrected
Location Colma Museum Building 1500 Hillside Blvd	Problem Identified No detectable warning at curb ramp located at front entrance.	ADAAG Spec. Recommended Solution Provide truncated dome per appropriate standards.	L = Low, M = Med, H = High H	MSM1	\$2,000	FY2012-13	
	Signage and striping is incomplete.	4.6 Repair the striping and indicate tow truck information on the parking sign.	H	MSM2,3	\$500	FY2011-12	
	Exterior railroad station: * Handrail extensions are non compliant	4.8.5 4.8.2 Provide ADA compliant modifications	L	MSM4,5	\$1,500	FY2012-13	

Locations	Observations	Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References		Finalized Action	
			L = Low, M = Med, H = High	Photo #	Est. Cost \$	Est. Correction Date.	Date Corrected
Community Center 1520 Hillside Blvd	Force required to open front entry doors exceeds 5 lbs.	4.13.11 Provided push button on front door Reconfigure the swing of the remaining doors to require less than 5 lbs. of opening force.	M	No Photo	\$5,500	N/A	Feb-09
	Accessible Path of Travel at north side in unclear	4.3.2 Install signage directing individuals in wheelchairs to accessible entrance Place on north side entrance door to office area.	M	CCC 1	\$1,000	FY2012-13	
	Accessible ramp in parking lot is non compliant.	4.3.2 4.29.2 Correct when parking lot is scheduled for re-surfacing	H	CCC 2	\$3,500	FY2012-13	

Locations	Observations	Recommended Corrections/Modifications	Urgency Criteria <small>L = Low, M = Med, H = High</small>	Additional Information/ References	Finalized Action	
Location Sterling Park/ Rec Ctr 427 F St	Problems Identified Existing water fountain. Public sidewalk ramp and crosswalk are not compliant Picnic Tables are non-compliant Non-compliant ramp to picnic tables Signage at bathrooms non-compliant Paper towel dispenser in men's room is not at correct height Opening force of doors exceeds allowable	ADAAG Spec. Recommended Solution Provide hi-lo combo drinking fountain. Reconstruct ramp to meet proper slope, provide a ramp at the public sidewalk on the south side of F Street. Provide crosswalk and truncated domes – each side. Switch picnic table benches to wheelchair accessible area (ramp is non-compliant) Install handicap accessible signage, directing those in need to (relocated) accessible picnic table Install correct bathroom signage (indoors & outdoors) Lower to correct height. As a temporary reasonable accommodation staff will place paper towels on countertops. Adjust all doors – provided with closers – to be opened with less than 5lbs of pressure	M	Photo # SRC1	Est. Cost \$ \$6,000 Est. Correction Date. FY2011-12 Date Corrected	
			4.15	M	SRC1	\$6,000 FY2011-12
			4.3.2 4.29.2	M	SRC2	\$5,500 FY2012-13
			4.32	M	SRC3	\$1,500 FY2010-11
			4.8	M	SRC4	\$1,000 FY2010-11
			4.3	L	SRC5	\$500 FY2010-11
4.27 4.23.7 4.22.7	L	No Photo	\$500 FY2010-11			
4.13.11	M	No Photo	\$2,500 FY2013-14			

Locations	Observations	Recommended Corrections/Modifications	Urgency Criteria	Additional Information/References		Finalized Action	
Location	<p>Problems Identified</p> <p>Door thresholds are non-compliant – exceed ½ inch above adjacent surfaces</p>	<p>ADAAG Spec.</p> <p>4.13.8 4.5.2</p> <p>Recommended Solution</p> <p>Correct at next re-model</p>	<p>L = Low, M = Med, H = High</p> <p>M</p>	<p>Photo #</p> <p>SRC 6</p>	<p>Est. Cost \$</p> <p>\$3,500</p>	<p>Est. Correction Date.</p> <p>FY2014-15</p>	<p>Date Corrected</p>

ADA Architectural Barrier Photographs

PUBLIC WORKS /PLANNING/ BLDG. DEPT



PWB1



PWB2

ADA Architectural Barrier Photographs

PUBLIC WORKS /PLANNING/ BLDG. DEPT



PWB3



PWB4

ADA Architectural Barrier Photographs

PUBLIC WORKS /PLANNING/ BLDG. DEPT



PWB5



PWB6

ADA Architectural Barrier Photographs

PUBLIC WORKS /PLANNING/ BLDG. DEPT



PWB7



PWB8

ADA Architectural Barrier Photographs

PUBLIC WORKS /PLANNING/ BLDG. DEPT



PWB9



PWB10

ADA Architectural Barrier Photographs

PUBLIC WORKS /PLANNING/ BLDG. DEPT



PWB11



PWB12

ADA Architectural Barrier Photographs

PUBLIC WORKS /PLANNING/ BLDG. DEPT



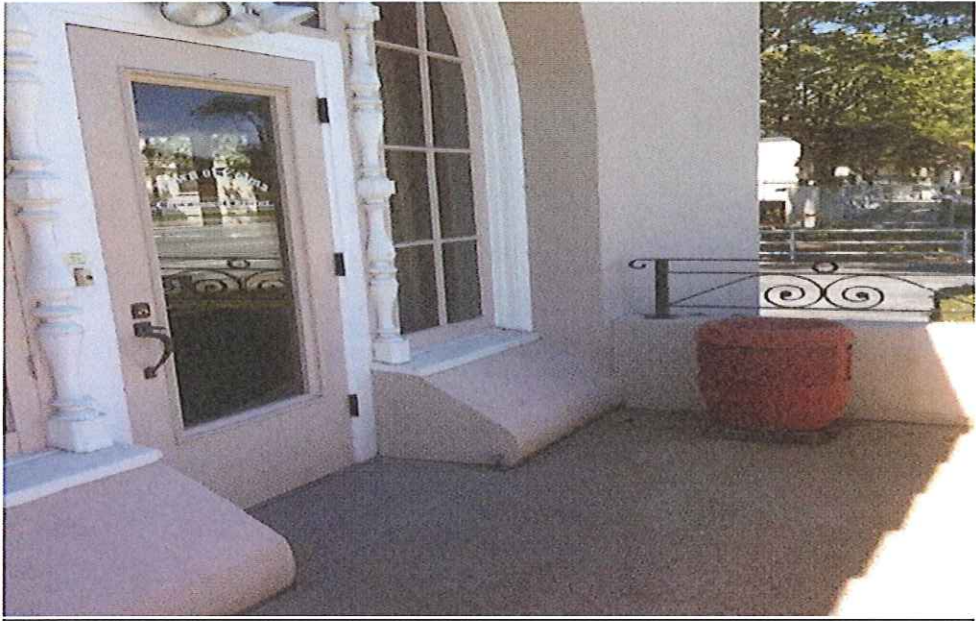
PWB13

ADA Architectural Barrier Photographs

TOWN HALL



TH 1



TH 2

ADA Architectural Barrier Photographs



TH3



TH4

ADA Architectural Barrier Photographs

TOWN HALL



TH5



TH6

ADA Architectural Barrier Photographs

TOWN HALL



TH7



TH8

TOWN HALL



TH9



TH10

ADA Architectural Barrier Photographs

TOWN HALL



TH11



TH12

ADA Architectural Barrier Photographs

TOWN HALL



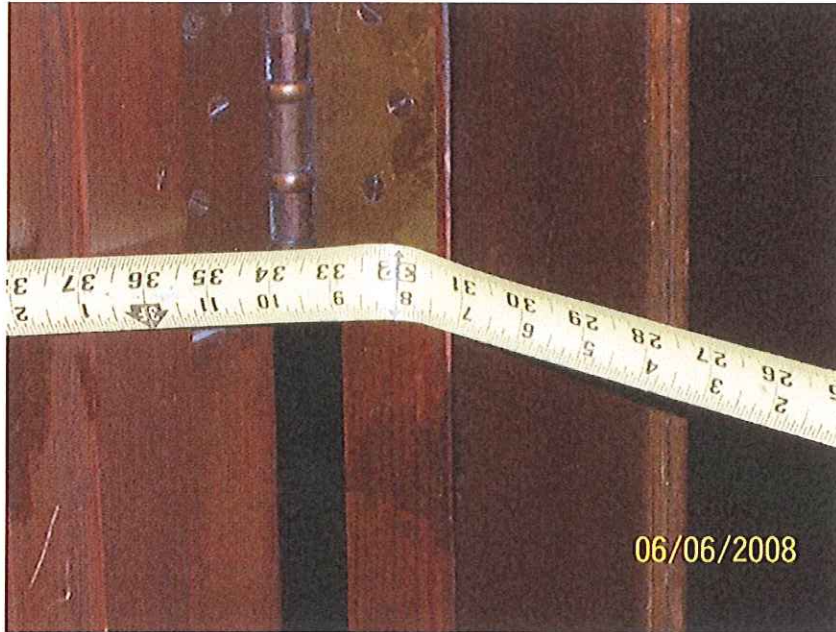
TH13



TH14

ADA Architectural Barrier Photographs

TOWN HALL



TH15



TH16

TOWN HALL



TH17

ADA Architectural Barrier Photographs

STERLING PARK



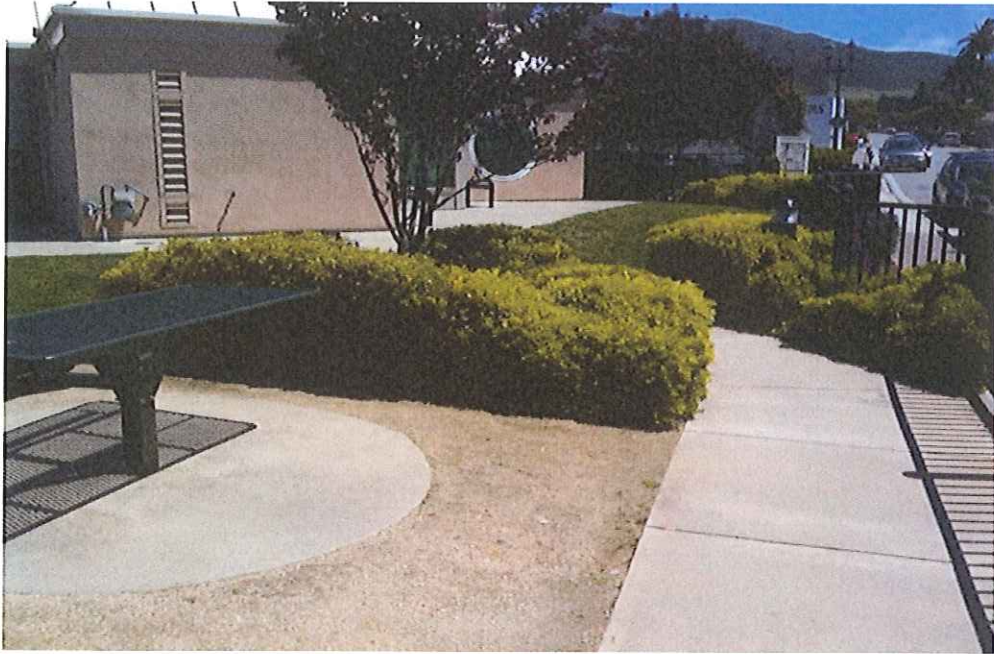
SRC1



SRC 2

ADA Architectural Barrier Photographs

STERLING PARK



SRC 3



SRC 4

ADA Architectural Barrier Photographs

STERLING PARK



SRC 5



SRC 6

ADA Architectural Barrier Photographs

MUSEUM



MSM 1



MSM 2

ADA Architectural Barrier Photographs

MUSEUM



MSM 3



MSM 4

ADA Architectural Barrier Photographs

MUSEUM



MSM 5

ADA Architectural Barrier Photographs

TOWN HALL



TH18



TH19

COMMUNITY CENTER



CCC 1



CCC 2

Serramonte Boulevard (Between El Camino Real and Hillside Blvd)										
No.	Sidewalk Width	Location/Reference/Pole No.	Object	Observation	Requirement	Urgency Criteria	Solution	Est Cost (\$)	Finalized Action	
	Excluding Curb Width (6")			Existing Clearance	Minimum Clear Space	L = Low, M = Med, H = High	Sidewalk Extension	April 2010 Rough Estimate	Est. Correction Date.	Date Corrected
1	4.5'	414	Streetlight	31" from back of sidewalk	36"	H		\$500	FY2012-13	
2		155' from light pole no.412 going towards Hillside Blvd	Fire Hydrant	31" from back of sidewalk		H		\$500	FY2012-13	
3		412	Streetlight	32" from back of sidewalk		H		\$500	FY2012-13	
4		176.3 ' from light pole no. 410 going towards Hillside Blvd	Fire Hydrant	32" from back of sidewalk		H		\$500	FY2012-13	
5		410	Streetlight	30" from back of sidewalk		H		\$500	FY2012-13	
6		142.8' from light pole no. 410 going towards El Camino Real	Fire Hydrant	32" from back of sidewalk		H		\$500	FY2012-13	
7		228.6' from light pole no. 410 going towards El Camino Real	Traffic Speedlimit Pole	41" from back of sidewalk		N/A		\$0	N/A	N/A
8		408	Streetlight	29" from back of sidewalk		H		\$500	FY2012-13	
9		91.5' from light pole no. 406 going towards Hillside Blvd	Fire Hydrant	60" Clear		H		\$0	N/A	N/A
10		406	Streetlight	30" from back of sidewalk		N/A		\$0	Corrected (5.2' clear)	N/A
11		18.6' from light pole no. 404 going towards Hillside Blvd	Fire Hydrant	30" from back of sidewalk		H		\$500	FY2012-13	
12		404	Streetlight	31" from back of sidewalk		H		\$500	FY2012-13	
13		24.9' from light pole no. 402 going towards Hillside Blvd	Fire Hydrant	28" from back of sidewalk		H		\$500	FY2012-13	
14		402	Streetlight	27" from back of sidewalk		H		\$500	FY2012-13	
15		400	Streetlight	27" from back of sidewalk		H		\$500	FY2012-13	
16		403	Streetlight	48" from back of sidewalk		N/A		\$0	Corrected	N/A
17		401	Streetlight	51" from back of sidewalk		N/A		\$0	Corrected	N/A
Est. Total**								\$6,000		
Note ** Estimate does not include costs to obtain and process the required public access easement in order to construct the proposed solution.										

Serramonte Boulevard (Between El Camino Real and Junipero Serra Blvd)										
No.	Sidewalk Width	Location/Reference/Pole No.	Object	Observation	Requirement	Urgency Criteria	Solution	Est Cost (\$)	Finalized Action	
	Excluding Curb Width (6")			Existing Clearance	Minimum Clear Space	L = Low, M = Med, H = High	Sidewalk Extension	April 2010 Rough Estimate**	Est. Correction Date.	Date Corrected
1	5'	S 297	Streetlight	30" from back of sidewalk Maintenance Needed to clear Landscaping/brush	36"	H		\$500	FY2011-12	
2	4.5'	S 296	Streetlight	28" from back of sidewalk		H		\$500	FY2011-12	
3	4.5'	294	Streetlight	29" from back of sidewalk		H		\$500	FY2010-11	
4	4.5'	292	Streetlight	28.5" from back of sidewalk		H		\$500	FY2011-12	
5	4.5'	290	Streetlight	24" from back of sidewalk		N/A	> 36"	N/A	Corrected	N/A
6	4.5'	S 288	Streetlight	29" from back of sidewalk		N/A	48"	N/A	Corrected	N/A
7	5.5'	S286	Streetlight	41" from back of sidewalk		N/A		N/A	N/A	N/A
8	4.5'	From Dodge showroom on to Collins Ave. going towards Serramonte	Cross-walk	No crosswalk at curb cuts (cross slope: 11.1%, running slope: 12.4%, No TD*)		H		\$250	FY2010-11	
9	4.5'	Intersection of Collins and Serramonte	Stop Sign	19" from back of sidewalk		H		\$500	FY2010-11	
10	4.5'	Corner of collins and Serramonte	Intersection sign	19" from back of sidewalk		H		\$500	FY2010-11	
11	4.5'	285	Streetlight EB	32" from back of sidewalk		H		\$500	FY2011-12	
12	4.5'	1' from light pole # 285 on serramonte, going towards El-Camino	Fire Hydrant	29" from back of sidewalk		H		\$500	FY2011-12	
13	4.5'	132.5' from light pole # S287 going towards El-Camino	Vacant pole	32" from back of sidewalk		H		\$500	FY2010-11	
14	4.5'	S 287	Streetlight EB	29" from back of sidewalk		H		\$500	FY2011-12	
15	4.5'	102.8' from light pole # S287 going towards El-Camino	Fire Hydrant	26" from back of sidewalk		H		\$500	FY2011-12	
16	4.5'	143.1' from light pole # S287	Stop Sign	36" from back of sidewalk		H		\$0	Compliant	N/A

going towards El-Camino										
Serramonte Boulevard (Between El Camino Real and Junipero Serra Blvd)										
No.	Sidewalk Width	Location/Reference/Pole No.	Object	Observation	Requirement	Urgency Criteria	Solution	Est Cost (\$)	Finalized Action	
	Excluding Curb Width			Existing Clearance	Minimum Clear Space	L = Low, M = Med, H = High	Sidewalk Extension	April 2010 Rough Estimate	Est. Correction Date.	Date Corrected
17		289	Streetlight	29" from back of sidewalk		H		\$500	FY2011-12	
18		204.1' from light pole # 289 going towards El-Camino	Fire Hydrant	27" from back of sidewalk		H		\$500	FY2011-12	
19			191	Streetlight	32" from back of sidewalk		H		\$500	FY2010-11
20	6'	S293	Streetlight	48" from back of sidewalk		N/A		\$0	Compliant	N/A
21	6'	Next to streetlight # 293	Fire Hydrant	43" from back of sidewalk		N/A		\$0	Compliant	N/A
22	6'	S295	Streetlight	47" from back of sidewalk		N/A		\$0	Compliant	N/A
23	7'	Fronting 707-711 Serramonte Blvd.	Fire Hydrant	60" Clear		N/A		\$0	2004	N/A
Est Total**								\$7,250		
TD* Detectable Warning Note** Estimate does not include costs to obtain and process the required public access easement in order to construct the proposed solution.										
Note: Majority of the driveways on this street have a cross-slope that exceeds 2%. Easement may have to be obtained and driveways replaced/reconstructed in order to meet the 2% cross-slope.										

Colma Boulevard										
No.	Sidewalk Width	Location/Reference/Pole No.	Object	Observation	Requirement	Urgency Criteria	Solution	Est Cost (\$)	Finalized Action	
	Including Curb Width			Existing Clearance	Minimum Clear Space	L = Low, M = Med, H = High	Sidewalk Extension	April 2010 Rough Estimate*	Est. Correction Date.	Date Corrected
1	5'	Pole 393	Streetlight	29"	36"	H		\$500	FY2013-14	
2		4.3' east of light pole # 393	Fire Hydrant	31"		H		\$500	FY2013-14	
3		Pole 392	Streetlight	31"		H		\$500	FY2013-14	
4		Pole 390	Streetlight	31"		H		\$500	FY2013-14	
5		Pole 388	Streetlight	31"		H		\$500	FY2013-14	
6		131.2' east of Pole 388	Fire Hydrant	31"		H		\$500	FY2013-14	
7		Pole 386	Streetlight	27"		H		\$500	FY2013-14	
8		Pole 384	Streetlight	32"		H		\$500	FY2013-14	
9		63.1' west of Pole 384	Fire Hydrant	27"		H		\$500	FY2013-14	
10		Pole 382	Streetlight	27"		H		\$500	FY2013-14	
11		Corner of Colma Blvd and Metro Mall Rd.	Fire Hydrant	31"		H		\$500	FY2013-14	
12		Pole 387	Streetlight	34"		H		\$500	FY2013-14	
Note** Estimate does not include costs to obtain & process the required public access easement in order to correct the proposed solution							Est Total**	\$6,000		

Note: Majority of the driveways on this street have a cross-slope that exceeds 2%. Easement may have to be obtained and driveways replaced/reconstructed in order to meet the 2% cross-slope.

F Street (West)										
No.	Sidewalk Width	Location/Reference/Pole No.	Object	Observation	Requirement	Urgency Criteria	Solution	Est Cost (\$)	Finalized Action	
	Excluding Curb Width			Existing Clearance	Minimum Clear Space	L = Low, M = Med, H = High	Sidewalk Extension	April 2010 Rough Estimate	Est. Correction Date.	Date Corrected
1	4.5'	2nd PG&E Pole on F-street (southside sidewalk), going east from El Camino Real.	Electric/ Streetlight	25"	36"	M		\$0	N/A	Mar-10
2		Pole # SC 243	Electric/ Streetlight	24"	36"	M		\$0	N/A	Mar-10
3		Next pole east of pole no. SC 243 eastbound	Electric	18"	36"	M		\$0	N/A	Mar-10
4		Guy Support	Electric	24"	36"	M		\$0	N/A	Mar-10

Note: Some driveways on this street have a cross-slope that exceeds 2%. Easement may have to be obtained and driveways replaced/reconstructed in order to meet the 2% cross-slope.

F Street (East)

All poles and obstructions on the sidewalk were removed. New complaint sidewalk was constructed in Jan/Feb 2010.

Hillside Blvd										
No.	Sidewalk Width	Location/Reference/Pole No.	Object	Observation	Requirement	Urgency Criteria	Solution	Est Cost (\$)	Finalized Action	
	Excluding Curb Width			Existing Clearance	Minimum Clear Space	L = Low, M = Med, H = High	Sidewalk Extension	April 2010 Rough Estimate	Est. Correction Date.	Date Corrected
	4.5'									
There is no continuous sidewalk on Hillside Blvd between the intersections of Serramonte Blvd and Lawndale Blvd . Continuous compliant sidewalk will be constructed as scheduled in the CIP plan and as specified in the general plan.										
Sidewalk between Hoffman Street and F Street was reconstructed in 2004. Poles and other obstructions were removed to make the sidewalk compliant. A new handicap ramp was added and cross-walk upgraded on the northwest corner of Hillside Blvd and Hoffman St intersection.										
New sidewalk was constructed in 2003 between F Street and Olivet Dr. and extended to Serramonte Blvd in 2004.										
Lawndale Blvd										
Sidewalk is compliant.										

Collins Avenue									
No.	Sidewalk Width	Location/Reference Pole No.	Object	Observation	Requirement	Urgency Criteria	Solution	Est Cost (\$)	Finalized Action
	Excluding Curb Width			Existing Clearance	Minimum Clear Space	L = Low, M = Med, H = High	Sidewalk Extension	April 2010 Rough Estimate	Date Corrected
There is no continuous sidewalk on Collins Avenue. The section(s) of existing sidewalk have streetlights and signs without the required clearance. Continuous compliant sidewalk will be constructed as scheduled in the CIP plan and as specified in the general plan.									
Mission Rd.									
There is no continuous sidewalk on Mission Rd. The section(s) of existing sidewalk have streetlights and signs without the required clearance. Continuous compliant sidewalk will be constructed as scheduled in the CIP plan and as specified in the general plan. A section of sidewalk fronting the Verano Townhomes was reconstructed in 2003/04 and is compliant.									
Note: Majority of the driveways on this street have a cross-slope that exceeds 2%. Easement may have to be obtained and driveways replaced/reconstructed in order to meet the 2% cross-slope.									

CURB RAMPS							
Street/Intersection	Violation	Comment	Priority	Solution	Est. Cost	Est Corrected Date	Date Corrected
B Street/Clark	No truncated domes on existing curb ramps.	Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Remove/replace ramps as needed.	\$4,500	FY2014-15	
C Street/Clark	No truncated domes on existing curb ramps.	Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Remove/replace ramps as needed.	\$4,500	FY2014-15	
D Street/Clark	No truncated domes on existing curb ramps.	Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Remove/replace ramps as needed.	\$4,500	FY2014-15	
E Street/Clark	No truncated domes on existing curb ramps.	Slope exceeds 8.33% at one location. Verify ramp compliance with current standards.	L	Replace Ramp	\$4,500	FY2014-15	
E Street (Across from 419 & 421 E Street)	Slope exceeds 8.33% slope.	Sidewalk entry ramp parallel with sidewalk that leads to Sterling Park on Southside of the street.	M	Remove end row of bricks and bevel to slope less than 8.33%. Replace ramp as needed.	\$4,500	FY2014-15	
F Street/ Clark	No truncated domes on existing curb ramps.	Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Replace ramp as needed.	\$9,000	FY2014-15	
F Street/Hillside (2 ramps)	No truncated domes on existing curb ramps. Slopes are not compliant	Verify ramp compliance with current standards.	L	Replace Ramp	\$9,000	FY2014-15	

Street/Intersection	Violation	Comment	Priority	Solution	Est. Cost	Est Corrected Date	Date Corrected
Mission Rd/Holy Cross Cemetery	No Handicap Ramp at driveway	The southmost driveway into Holy Cross Cemetery.	M	Install Ramps	\$9,000	FY2013-14	
Hillside Blvd/Lawndale	No truncated domes on existing curb ramp.	slopes not compliant. Verify ramp compliance with current standards.	L	Replace Ramp	\$4,500	FY2013-14	
Mission Rd/Lawndale	No truncated domes on existing curb ramps.	Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Replace ramp as needed.	\$4,500	FY2013-14	
Serramonte Blvd/SerraCtr	No truncated domes on existing curb ramps.	Intersection at Serramonte and the main entrance to Target Shopping Plaza. Verify ramp compliance with current standards.		Provide truncated domes at existing curb ramps.	\$0		Feb-09
Serramonte Blvd/Serra Ctr	No truncated domes on existing curb ramps.	Secondary entrance to Target Shopping Plaza adjacent to Lexus dealership. Verify ramp compliance with current standards.		Provide truncated domes at existing curb ramps.	\$0		Feb-09
Serramonte Blvd/Serra Ctr	No truncated domes on existing curb ramps.	Secondary entrance to Target Shopping Plaza behind Ono BBQ. Verify ramp compliance with current standards.		Provide truncated domes at existing curb ramps.	\$0		Feb-09
Junipero Serra Blvd and Serra Center	No truncated domes on existing curb ramps.	Entrance to Target Shopping Plaza adjacent to BevMo. Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Replace ramp as needed.	\$4,500	FY2011-12	
Colma Blvd	No truncated domes on existing curb ramps.	Entire intersection that serves as main entrance to Home Depot and 280 Metro Mall. Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Replace ramp as needed.	\$9,000	FY2013-14	

Street/Intersection	Violation	Comment	Priority	Solution	Est. Cost	Est Corrected Date	Date Corrected
Colma Blvd	No truncated domes on existing curb ramps.	Behind Bridal Business between Home Depot and the Best Buy. Existing ramps are on the North side. Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps.	\$4,500	FY2013-14	
Serramonte Blvd	Sidewalk ends without signage	On the north side near Colma PD	L	Install signage for ped detour and barricade.	\$1,500	FY2010-11	
Colma Blvd	No truncated domes on existing curb ramps.	Entire intersection that serves as main entrance to Best Buy. Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Replace ramp as needed.	\$9,000	FY2013-14	
Serramonte Blvd/Hillside	No truncated domes on existing curb ramps	Verify ramp compliance with current standards.	L	Provide truncated domes at existing curb ramps. Replace ramp as needed.	\$16K	FY2011-12	
Mission Rd/Isabelle Cir	No truncated domes on existing curb ramps.	Verify ramp compliance with current standards.	L	Provide truncated domes to existing curb ramps. Replace ramp as needed.	\$8,000	FY2013-14	
Collins Ave/Serramonte	Ramp at Ford Dealership is not standard. C/S exceeds 2%		L	Replace ramp	\$4,500	FY2011-12	
Junipero Serra Blvd	No truncated domes and signage for end of ramp	Southmost ramp near Hickey Blvd Verify ramp compliance with current standards.	L	Install detectable ramp, signage and barricade. Replace ramp as needed.	\$6,000	FY2011-12	
Juniper Serra Blvd	No truncated domes and slopes not compliant	Driveway into the southeast corner building	L	Replace ramps	\$9,000	FY2011-12	
Junipero Serrra Blvd and Serramonte	Ramps and pedestrisn push buttons not compliant	Intesection upgraded in 2005-06 JSB Phase II Project					2005/06

Street/Intersection	Violation	Comment	Priority	Solution	Est Cost	Est Corrected Date	Date Corrected
Junipero Serra Blvd and Serra Center	Ramps not compliant	Intesection upgraded in 2005-06 JSB Phase II Project					2005/06
Junipero Serra Blvd/Southgate	Ramps not compliant	Intersection upgraded in 2005/06. JSB Phase II Project					2005/06
Junipero Serra Blvd/Colma	Ramps not compliant	Intersection upgraded in 2005/06. JSB Phase II Project					2005/06
Hillside Blvd/Olivet Pkwy	Crosswalk Not-Complaint	Ramps were installed in 2006. There is no sidewalk on the east side of Hillside.	M	Remove crosswalk	\$2,000	FY2010-11	
TOTAL					\$132,000		

APPENDIX L – ADA EXPENDITURE PLAN

Purpose

The purpose of this Expenditure Plan is to plan to fund improvements necessary to implement the Town's ADA Transition Plan for seven fiscal years beginning with Fiscal Year 2010-2011.

Barring unforeseen circumstances, it is the intent of the Town to complete all work described in the Transition Plan within this seven-year period.

Consistency with Transition Plan

The work described in this Expenditure Plan is generally consistent with the barrier removal priority schedule identified in the ADA Transition Plan, e.g. sections 4.2.3, 4.3 and 4.3.1, with the following exceptions or deviations.

Many physical barriers with a "high" priority rating are not scheduled until the third and fourth year because the Town will likely be required to acquire land from some owners of properties adjacent to the streets, and the Town will need to acquire all needed parcels before beginning work on any given stretch of roadway. This process is not completely within the control of the Town and will require time and resources to accomplish. The projected schedule is based upon a realistic estimate of the time necessary to implement such land acquisitions.

Conversely, some physical barriers with a "low" or "medium" priority rating are scheduled in the first and second year because they require little planning, can be achieved with minimal costs and can be completed by Town staff. Thus, these items were scheduled in the early years to help achieve the Town's commitment to completing all work within seven years.

Additional Costs Not Included

The proposed Expenditure Plan does not include costs for training and small office purchases such as TTY/TDD machines, listening devices, etc. Those items will be purchased through the Town's Risk Management grant programs.

Similarly, the costs of design, engineering and similar professional services for developing the plans to remove barriers are not in the Expenditure Plan. These costs will be identified each year for work to be accomplished the following fiscal year.

Land acquisition costs are also not included in the Expenditure Plan, and will be identified as soon as possible to allow the sufficient time to begin the land acquisition process.

Fiscal Year 2010-11 - \$18,750

In the first year staff, the Town will undertake those barrier-removal projects that in-house staff can accomplish with minimal costs, and staff will begin planning the additional barrier removal work identified in Fiscal Year 2011-12.

Barrier removal plan for Fiscal Year 2010-11:

- Sidewalk work on Serramonte between Junipero Serra Boulevard and El Camino Real
- Curb ramp/signage work at Creekside Villas & Town Hall Annex
- Picnic accessibility and signage at Sterling Park

Fiscal Year 2011-12 - \$93,500

In Fiscal Year 2011-12, the Town will remove all accessibility sidewalk barriers on Serramonte Boulevard from Junipero Serra Boulevard to El Camino Real and improve accessibility around the exterior at Town Hall, Town Hall Annex, Historical Museum and Sterling Park. These changes will allow access from Serra Center/public transportation to Town Hall and Town Hall Annex, and improve access at other Town facilities. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2012-13.

Barrier removal plan for Fiscal Year 2011-12:

- Sidewalk work on Serramonte between Junipero Serra Boulevard and El Camino Real
- Curb ramp work on Junipero Serra Boulevard & Serramonte
- Parking lot work and signage at Town Hall, Town Hall Annex, Historical Museum
- Replace water fountain at Sterling Park

Fiscal Year 2012-13 - \$211,000

In Fiscal Year 2012-13, the Town will remove all accessibility sidewalk barriers on Serramonte Boulevard from Hillside Boulevard to El Camino Real and complete all exterior accessibility barriers at Town facilities. These changes will allow access from businesses on Hillside Boulevard/public transportation to Town Hall and Town Hall Annex, completes all physical barriers around the exterior of all Town facilities. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2013-14.

Barrier removal plan for Fiscal Year 2012-13:

- Sidewalk work on Serramonte between El Camino Real & Hillside Boulevard
- Accessible ramps and handrails at Town Hall, Town Hall Annex, and Freight Building
- Curb ramps at Museum, Community Center and Sterling Park
- Sidewalk work at Town Hall Annex

Fiscal Year 2013-14 - \$67,000

In Fiscal Year 2013-14, the Town will remove all accessibility sidewalk barriers on Colma Boulevard from Junipero Serra Boulevard to El Camino Real and begin curb ramp work and interior barrier removal at Town facilities. These changes will allow access from 280 Metro and public transportation facilities to Town Hall and Town Hall Annex, and provides greater access on the interior of Town Facilities. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2014-15.

Barrier removal plan for Fiscal Year 2013-14:

- Sidewalk and curb ramp work on Colma Boulevard
- Curb ramp work on Mission Road and Hillside Boulevard
- Doorways at Town Hall, Community Center and Sterling Park

Fiscal Year 2014-15 - \$44,000

In Fiscal Year 2014-15, the Town will make all curb ramps in the Sterling Park neighborhood made compliant to current ADA standards, and will correct all thresholds at Sterling Park to meet ADA standards. These changes will make the Sterling Park neighborhood and Sterling Park Recreation Center ADA compliant. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2015-16.

Barrier removal plan for Fiscal Year 2014-15:

- Curb ramp work in the Sterling Park neighborhood
- Door thresholds at Sterling Park

Fiscal Year 2015-16 - \$212,000

In Fiscal Year 2015-16, the Town will remove the two interior barriers at Town Hall. These changes will provide greater access to Town Hall. Staff will also begin planning the additional barrier removal work identified in Fiscal Year 2016-17

Barrier removal plan for Fiscal Year 2015-16:

- Remodel upstairs restroom and widen doorway at Town Hall.

Fiscal Year 2016-17 - \$55,500

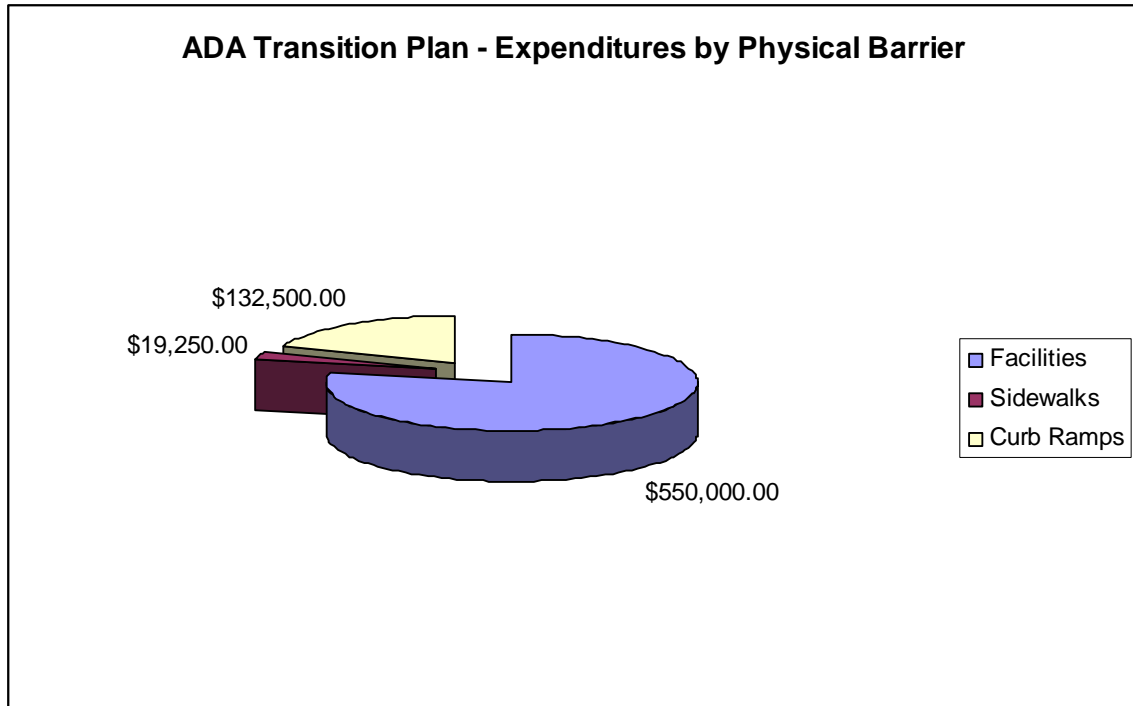
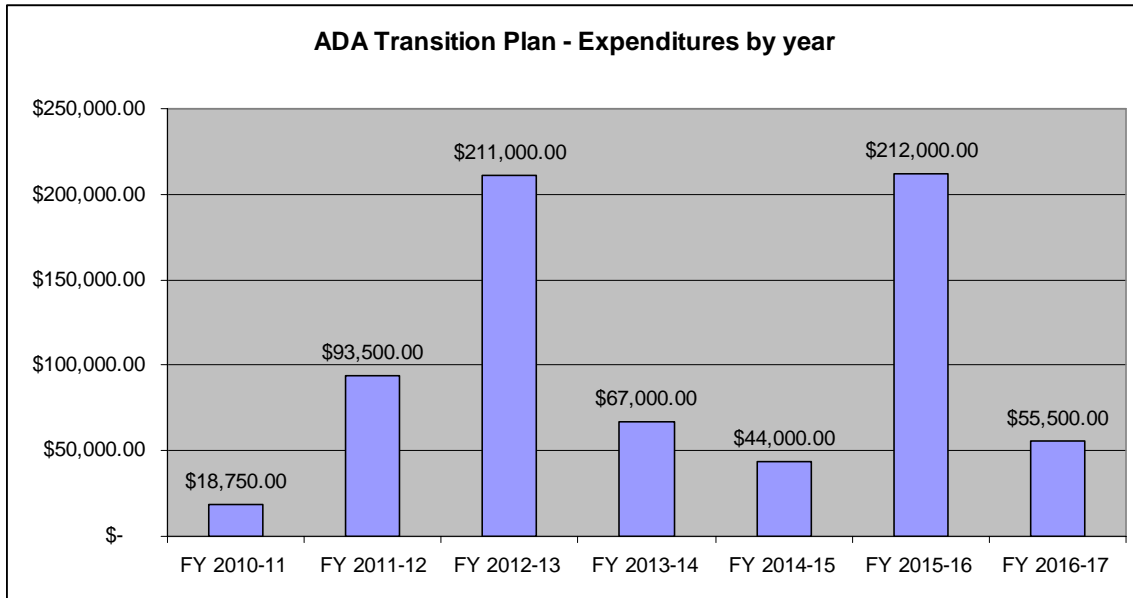
In Fiscal Year 2016-17, the Town will remove the remaining interior barriers at Town Hall and Town Hall Annex. These changes will make Town Hall and Town Hall Annex ADA compliant.

Barrier removal plan for Fiscal Year 2016-17:

- Front desk counters at Town Hall and Town Hall Annex
- Accessible ramp to dais in the Council Chamber.

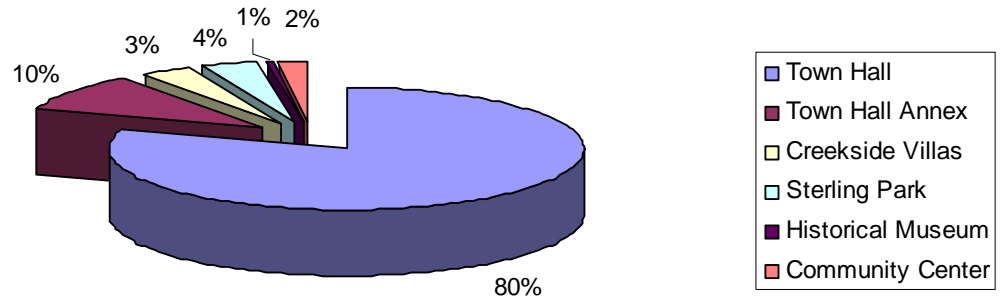
Tables

Below are tables that help show the expenditure of funds by year, by type of barrier and by facility.



The chart above does not include costs associated with bringing the following sidewalks into compliance: El Camino Real (CalTrans), Collins Ave, Hillside Boulevard (Future CIP project), and Mission Road.

**ADA Transition Plan - Expenditures by Physical Barriers -
Facilities**





**ADA Transition Plan
Physical Barriers Removed
FY 2013-14**

Locations	Problem Identified	Recommended Solution	Est. Cost	Actual Cost	Date Corrected
Colma Blvd North at ECR - Sidewalk	Cross slope is greater than 2% (actual 3.4%)	Replace sidewalk to proper grade and slope	\$ 1,000.00	\$ -	Integrated into the Colma Blvd. Improvement Project (Future/Unfunded)
Colma Blvd North just west of ECR - Driveway	Driveway does not meet current ADA standards (slope/path of travel)	Remove driveway, it serves no purpose.	\$ 1,000.00	\$ 2,640.00	Jun-14
Colma Blvd North just west of ECR - Fire Hydrant	Fire Hydrant less than 36 inches to back of side walk (34 inches)	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14
Colma Blvd North adjacent to Greenlawn cemetery - Curb Ramp	Non-Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp and correct transition	\$ 1,000.00	\$ 3,280.00	Jun-14
Colma Blvd North adjacent to Greenlawn cemetery - island's	Non existent curb ramps, incorrect slop and insufficient width for path of travel	Drop island to street level, asphalt and create boundary curb	\$ 10,000.00	\$ -	Redesigned and removed physical barriers, see below
Colma Blvd North adjacent to Greenlawn cemetery - island #1 - east side	Non-existent curb ramp	Install ADA compliant curb ramp	\$ -	\$ 1,337.00	Jun-14
Colma Blvd North adjacent to Greenlawn cemetery - island #1	Island has excessive cross-slope, off sets and raised panels	Replace sidewalk flatwork provide 48 inch wide walkway	\$ -	\$ 7,900.00	Jun-14
Colma Blvd North adjacent to Greenlawn cemetery - island #1 - west side	Non-existent curb ramp	Install ADA compliant curb ramp	\$ -	\$ 1,927.00	Jun-14

**ADA Transition Plan
Physical Barriers Removed
FY 2013-14**

Locations	Problem Identified	Recommended Solution	Est. Cost	Actual Cost	Date Corrected
Colma Blvd North adjacent to Greenlawn cemetery - island #2 - east side	Non-existent curb ramp	Install ADA compliant curb ramp	\$ -	\$ 1,337.00	Jun-14
Colma Blvd North adjacent to Greenlawn cemetery - island #2	Island has excessive cross-slope, off sets and raised panels	Replace sidewalk flatwork, provide 48 inch wide walkway	\$ -	\$ 6,474.00	Jun-14
Colma Blvd North adjacent to Greenlawn cemetery - island #2 - west side	Non-existent curb ramp	Install ADA compliant curb ramp	\$ -	\$ 1,927.00	Jun-14
Colma Blvd North across from Greenlawn cemetery sign - Curb ramp	Non-Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp and correct transition	\$ 1,000.00	\$ 3,870.00	Jun-14
Colma Blvd North at light pole #393 - Light Pole & Fire Hydrant	Fire Hydrant and light pole are less than 36 inches to back of side walk	Rebuild sidewalk, install bump out or pavers	\$ 1,000.00	\$ -	Jun-14
Colma Blvd North across from Greenlawn cemetery sign - Driveway	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops property	\$ -	\$ -	Integrated into the Colma Blvd. Improvement Project (Future/Unfunded)
Colma Blvd North across street from Greenlawn cemetery sign and west sidewalk	Cross slope is greater than 2% (actual 3.4%)	Replace sidewalk to proper grade and slope	\$ 1,000.00	\$ -	Integrated into the Colma Blvd. Improvement Project (Future/Unfunded)

**ADA Transition Plan
Physical Barriers Removed
FY 2013-14**

Locations	Problem Identified	Recommended Solution	Est. Cost	Actual Cost	Date Corrected
Colma Blvd North across from Greenlawn cemetery sign and west Driveway	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops property	\$ -	\$ -	Integrated into the Colma Blvd. Improvement Project (Future/Unfunded)
Colma Blvd North at street light pole #392 - Sidewalk	Cross slope is greater than 2% (actual 3.4%)	Replace sidewalk to proper grade and slope	\$ 500.00	\$ -	Integrated into the Colma Blvd. Improvement Project (Future/Unfunded)
Colma Blvd North at street light pole #392 - Street Light Pole	Street light pole is less than 36 inches to back of sidewalk	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14
Colma Blvd North between street light pole #392 & #390 - Sidewalk	Cross slope is greater than 2% (actual 3.4%)	Replace sidewalk to proper grade and slope	\$ 1,000.00	\$ -	Part of the Colma Blvd. Improvement Project (Future/Unfunded)
Colma Blvd North at street light pole #390 - Street Light Pole	Street light pole is less than 36 inches to back of sidewalk	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14
Colma Blvd North at street light pole #392 - Street Sign Pole	Street light pole is less than 36 inches to back of sidewalk	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14
Colma Blvd North at street light pole #388 - Street Light Pole	Street light pole is less than 36 inches to back of sidewalk (actual 32 inches)	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14

**ADA Transition Plan
Physical Barriers Removed
FY 2013-14**

Locations	Problem Identified	Recommended Solution	Est. Cost	Actual Cost	Date Corrected
Colma Blvd North at Street Light Pole #388 & Home Depot - Sidewalk	Cross slope is greater than 2% (actual 4.4%)	Replace sidewalk to proper grade and slope	\$ 1,000.00	\$ -	Integrated into the Colma Blvd. Improvement Project (Future/Unfunded)
Colma Blvd North west of street light pole #388 Fire Hydrant	Fire Hydrant less than 36 inches to back of side walk (34 inches)	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14
Colma Blvd North at Home Depot Pro and Best Buy intersection - Curb Ramps on north & south sidewalk	Non compliance curb ramp. Incorrect slope, no truncated domes	Install 3 compliant curb ramps and correct transitions	\$ 8,000.00	\$ 12,780.00	Jun-14
Colma Blvd North at street light pole #387 - Street Light Pole	Street light pole is less than 36 inches to back of side walk	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14
Colma Blvd North just west of street light pole #387 - sidewalk	Cross slope is greater than 2% (actual 3.8%)	Replace sidewalk to proper grade and slope	\$ 1,000.00	\$ -	Integrated into the Colma Blvd. Improvement Project (Future/Unfunded)
Colma Blvd North between street light pole #387 & #384 - sidewalk	Cross slope is greater than 2% (actual 5.6%)	Replace sidewalk to proper grade and slope	\$ 1,000.00	\$ -	Integrated into the Colma Blvd. Improvement Project (Future/Unfunded)

**ADA Transition Plan
Physical Barriers Removed
FY 2013-14**

Locations	Problem Identified	Recommended Solution	Est. Cost	Actual Cost	Date Corrected
Colma Blvd North at street light pole #384 - Street Light Pole & Sidewalk	Street light pole is less than 36 inches to back of sidewalk and cross slope is greater than 2% (actual 3.8%)	Rebuild sidewalk or install bump out and replace sidewalk to proper grade and slope	\$ 500.00	\$ 574.00	Jun-14
Colma Blvd North west of street light pole #384 Fire Hydrant	Fire Hydrant less than 36 inches to back of sidewalk (31.5 inches)	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14
Colma Blvd North at intersection of Ulta & David's Bridal - Curb Ramps	Non-Compliant curb ramp. Incorrect slope, no truncated domes	Install 2 compliant curb ramps and correct transitions	\$ 4,000.00	\$ 7,970.00	Jun-14
Colma Blvd North at street light pole #382 - Street light pole	Street light pole is less than 36 inches to back of sidewalk (actual 31 inches) and cross slope is greater than 2% (actual 2.4%)	Rebuild sidewalk or install bump out and replace sidewalk to proper grade and slope	\$ 1,000.00	\$ 574.00	Jun-14
Colma Blvd North at intersection of "Metro Mall" Home Depot, Pier 1 and Burger King - Curb Ramps	Non-Compliant curb ramp. Incorrect slope, no truncated domes	Install 2 compliant curb ramps and correct transitions	\$ 2,000.00	\$ 6,790.00	Jun-14
Colma Blvd North fire hydrant at "Metro Mall" intersection - Fire Hydrant	Fire Hydrant less than 36 inches to back of sidewalk (34 inches)	Rebuild sidewalk or install bump out	\$ 500.00	\$ 574.00	Jun-14
Town Hall interior Doors to Council Chamber	Force required to open entry doors to council chamber connecting to the corridor exceeds 5 lbs. of pressure	Provide push button automatic door opener or reconfigure the door to open with less than 5lbs of pressure	\$ -		Dec-18. See FY 2015-16 for full cost of project

**ADA Transition Plan
Physical Barriers Removed
FY 2013-14**

Locations	Problem Identified	Recommended Solution	Est. Cost	Actual Cost	Date Corrected
Sterling Park Recreation Center	Opening force of doors exceeds maximum allowance of 5 lbs. of pressure	Adjust all doors that are provided with closers to be opened with less than 5 lbs. of pressure	\$ 2,500.00		Jun-14
Sterling Park Recreation Center	Door threshold exceed 1/2 inch above adjacent surfaces	Install thresholds that meet ADA standards	\$ 3,500.00		Jun-14
Mission Road at southern most driveway at Holy Cross	No curb ramp at driveway	Install ramps	\$ 8,000.00	\$ 8,082.00	Jun-14
Hillside Blvd at Lawndale	Non-compliance curb ramp	Correct slope and install truncated domes	\$ 4,000.00		Jun-14
Mission Road at Lawndale Blvd	Non-compliance curb ramp	Correct slope and install truncated domes	\$ 4,000.00	\$ 344.00	Jun-14
Mission Road at Isabelle Circle	Non-compliance curb ramp	Correct slope and install truncated domes	\$ 9,000.00	\$ 11,283.00	Jun-14
		SUBTOTAL	\$ 71,500.00	\$ 84,255.00	
		TOTAL - FY 2013-14	\$ 71,500.00	\$ 84,255.00	

Town of Colma
ADA Survey - Collins Ave
September 2012

No.	Location	Observation	Recommendation	Urgency	Photo		Actual		Date Corrected
					Ref	Est. Cost	Cost	Est. Correction Date	
1	Collins Ave South - Update curb ramp at Collins Ave & El Camino Real	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp and correct transition	H	1	\$ 5,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
2	Collins Ave South - at Fire Hydrant at 1300 El Camino Real. Fire hydrant is on Collins	Cross slope on bump out is greater than 2%	Rebuild sidewalk or reinstall bump out	H	2	\$ 2,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
3	Collins Ave South - at 1300 El Camino Real - east driveway on Collins Ave	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	3	\$ -			
4	Collins Ave South - at 1300 El Camino Real - sidewalk adjacent to property on Collins Ave	Cross slope exceeds 2%. Level reading 3.6	Replace sidewalk	H	4	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
5	Collins Ave South - at 1300 El Camino Real - center driveway on Collins Ave at 1300 El Camino Real	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	5	\$ -			
6	Collins Ave South - sidewalk that crosses over Colma Creek Culvert	Cross slope exceeds 2%.	Replace sidewalk	H	6	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	

**Town of Colma
ADA Survey - Collins Ave
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo		Actual		Date
					Ref	Est. Cost	Cost	Est. Correction Date	Corrected
7	Collins Ave South - at 1300 El Camino Real - western most driveway on Collins Ave at 1300 El Camino Real- West of Colma Creek	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	7	\$ -			
8	Collins Ave South - sidewalk just west of last parking lot to 1300 El Camino Real on Collins Ave.	Level readings 4.4 & 5.8. Cross slope exceeds 2%.	Replace sidewalk	H	8	\$ 2,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
9	Collins Ave South - Driveway across street from 245 Collins Ave	Driveway does not meet current ADA standards (slope/path of travel)	Remove driveway, it serves no purpose. There is a side of a mountain behind sidewalk	M	9	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
10	Collins Ave South - sidewalk across the street from 245 collins going up hill	Cross slope exceeds 2%.	Replace sidewalk	H	10	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
11	Collins Ave South - sidewalk just east of 248 Collins ave	Cross slope exceeds 2%. Level reading 3.8	Replace sidewalk	H	11	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
12	Collins Ave South - at 248 Collins Ave - driveway	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	12	\$ -			

**Town of Colma
ADA Survey - Collins Ave
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo		Actual		Date
					Ref	Est. Cost	Cost	Est. Correction Date	Corrected
13	Collins Ave South - sidewalk just at 248 Collins Ave.	Level reading 3.8. Cross slope exceeds 2%.	Replace sidewalk	H	13	\$ 1,000.00			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)
14	Collins Ave South - Driveway just west of 248 Collins Ave	Driveway does not meet current ADA standards (slope/path of travel)	it serves no purpose. There is a wall at the back of sidewalk	M	14	\$ 1,000.00			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)
15	Collins Ave South - in front of Cypress Property	grates in vault that are more than 1/2 inch that follow the path of travel	Have PG&E replace vaul or vault lid	H	15	\$ -			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)
16	Collins Ave South - Driveway in front of Cypress Property	Driveway does not meet current ADA standards (slope/path of travel)	it serves no purpose. There is a wall at the back of sidewalk. Install	M	16	\$ 1,000.00			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)
17	Collins Ave South - Driveway in front of Cypress Property	Driveway does not meet current ADA standards (slope/path of travel)	it serves no purpose. There is a wall at the back of sidewalk	M	17	\$ 1,000.00			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)
18	Collins Ave South - sidewalk in front of Cypress Property	Cross slope exceeds 2%.	Replace sidewalk	H	18	\$ 1,000.00			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)

**Town of Colma
ADA Survey - Collins Ave
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo	Est. Cost	Actual	Est. Correction Date	Date
					Ref		Cost		Corrected
19	Collins Ave South - Driveway in front of Cypress Property	Driveway does not meet current ADA standards (slope/path of travel)	it serves no purpose. There is a wall at the back of sidewalk. Install sidewalk	H	19	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
20	Collins Ave South - sidewalk in front of Cypress Property	Cross slope exceeds 2%.	Replace sidewalk	H	20	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
21	Collins Ave South - Driveway at 480 Collins Ave	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	21	\$ -			
22	Collins Ave South - sidewalk at 480 Collins Ave	Cross slope exceeds 2%.	Replace sidewalk	H	22	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
23	Collins Ave South - Sidewalk/PG&E Vault	Tripping Hazard	Have PG&E replace vault or vault lid or grind sidewalk	H	23	\$ -		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
24	Collins Ave South - driveway at 500 Collins Ave	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	24	\$ -			

Town of Colma
ADA Survey - Collins Ave
September 2012

No.	Location	Observation	Recommendation	Urgency	Photo		Actual		Date Corrected
					Ref	Est. Cost	Cost	Est. Correction Date	
25	Collins Ave South - Sidewalk/PG&E Vault at 500 Collins Ave	PG&E Vault has grates in vault that are more than 1/2 inch that follow the path of travel	Have PG&E replace vault or vault lid	H	25	\$ -		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
26	Collins Ave South - driveway at 650 Collins Ave	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	26	\$ -			
27	Collins Ave South - Sidewalk between 650-850 Collins Ave	Sidewalk is less than 48 inches wide	Reinstall ADA compliant sidewalk	H	27	\$ 5,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
28	Collins Ave South - driveway at 850 Collins Ave	Both Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	28-29	\$ -			
29	Collins Ave South - Sidewalk at Honda/Lexus Inventory Lot	Sidewalk is less than 48 inches wide	Reinstall ADA compliant sidewalk	H	30	\$ 5,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	

**Town of Colma
ADA Survey - Collins Ave
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo	Est. Cost	Actual	Est. Correction Date	Date
					Ref		Cost		Corrected
30	Collins Ave South - Driveways at 1000 Collins Ave	Both Driveways do not meet current ADA standards (slope/path of travel) also no sidewalk	Have property owner update when he/she develops property. Install ADA compliant sidewalk	M/H	35-38	\$ 25,000.00			
31	Collins Ave South - sidewalk east of 1000 Collins Ave	No sidewalk	Install ADA compliant sidewalk	H	31-34	\$ 25,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
32	Collins Ave South - Streetlight at 1500 Collins Ave	Less than 36 inches to back of side walk	Rebuild sidewalk or install bump out or remove light pole/base	H	39-40	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
33	Collins Ave North - from 999 Serramonte on Collins Ave side to across the street from 500 Collins Ave	No Accessible path of travel or no sidewalk	Build sidewalk	H	41-42	\$ 30,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
34	Collins Ave North - sidewalk across street from 500 Collins Ave	Cross slope exceeds 2%.	Replace sidewalk	H	43-44	\$ 2,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
35	Collins Ave North - Telephone Vault across the street from 500 Collins Ave	Tripping Hazard	Replace vault or vault lid	H	45	\$ -		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	

**Town of Colma
ADA Survey - Collins Ave
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo		Actual		Date
					Ref	Est. Cost	Cost	Est. Correction Date	Corrected
36	Collins Ave North - PG&E Vault across the street from 500 Collins Ave	Tripping Hazard Vault lid is broken	Replace vault or vault lid	H	46	\$ -		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
37	Collins Ave North - sidewalk across street from 480 Collins Ave	Level reading 2.6. Cross slope exceeds 2%.	Replace sidewalk	H	47	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
38	Collins Ave North - light pole number 310	Cross slope around Light pole exceed 2% Less than 36 inches to back of side walk	Rebuild sidewalk or install bump out and cross slope exceeds 2%	H	48	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
39	Collins Ave North - sidewalk across street from Cypress Property	Cross slope exceeds 2%.	Replace sidewalk	H	49	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
40	Collins Ave North - Fire Hydrant across street from Cypress Property	Less than 36 inches to back of side walk	Rebuild sidewalk or install bump out	H	50	\$ 1,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
41	Collins Ave North - Driveway across street from Cypress Property	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	51	\$ -			

**Town of Colma
ADA Survey - Collins Ave
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo		Actual		Date
					Ref	Est. Cost	Cost	Est. Correction Date	Corrected
42	Collins Ave North - sidewalk in front of 245 Collins Ave	Cross slope exceeds 2%.	Replace sidewalk	H	52	\$ 1,000.00			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)
43	Collins Ave North - Driveway at 245 Collins Ave	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	54	\$ -			
44	Collins Ave North - PG&E Vault at 245 Collins Ave	PG&E Vault has damaged vault lid	Have PG&E replace vaul or vault lid	H	53	\$ -			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)
45	Collins Ave North, PG&E Vault near 205 Collins Ave	PG&E Vault has grates in vault that are more than 1/2 inch that follow the path of travel	Have PG&E replace vaul or vault lid	H	55	\$ -			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)
46	Collins Ave North - Driveways at 205 Collins Ave	Both Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	56-57	\$ -			
47	Collins Ave North - Sidewalk at 205 Collins Ave to corner of Collins and El Camino Real	Cross slope exceeds 2%.	Replace sidewalk	H	58	\$ 1,000.00			Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)

**Town of Colma
 ADA Survey - Collins Ave
 September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual Cost	Est. Correction Date	Date Corrected
48	Collins Ave North - Update curb ramp at Collins Ave & El Camino Real	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp and correct transition	H	59	\$ 5,000.00		Integrated into Serramonte - Collins Improvement Project (Future/Unfunded)	
			Total Cost			\$126,000.00			

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 1

Collins Ave South, non-compliant curb ramp on south east corner of Collins and El Camino Real



Photo 2

Collins Ave South, Fire Hydrant at 1300 El Camino Real, Fire Hydrant is on Collins Ave. Repair/replace bump out – cross slope greater than 2%



Photo 3

Collins Ave South, East driveway at 1300 El Camino Real, driveway is on Collins Ave. Driveway does not meet current ADA Standards

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 4

Collins Ave South, at 1300 El Camino Real, sidewalk is on Collins Ave. Sidewalk cross slope is greater than 2% - Level reading 3.6



Photo 5

Collins Ave South, Center driveway at 1300 El Camino Real, driveway is on Collins Ave. Driveway does not meet current ADA Standards



Photo 6

Collins Ave South, sidewalk west of 1300 El Camino Real, sidewalk that passes over Colma Creek on Collins Ave. Sidewalk cross slope is greater than 2%

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 7

Collins Ave South, West driveway at 1300 El Camino Real, driveway is on Collins Ave. Driveway is west of Colma Creek. Driveway does not meet current ADA Standards



Photo 8

Collins Ave South, sidewalk just to the west of the last parking lot at 1300 El Camino Real, sidewalk is on Collins Ave. Sidewalk cross slope is greater than 2% - Level reading 4.4 & 5.8



Photo 9

Collins Ave South, driveway across the street from 245 Collins Ave. Driveway does not meet current ADA Standards. Remove driveway for it serves no purpose.

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 10

Collins Ave South, sidewalk across street from 245 Collins Ave. Sidewalk cross slope is greater than 2%



Photo 11

Collins Ave South, sidewalk just east of 248 Collins Ave. Sidewalk cross slope is greater than 2%. Level reading 3.8



Photo 12

Collins Ave South, driveway at 248 Collins Ave. Driveway does not meet current ADA Standards

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 13

Collins Ave South, sidewalk at 248 Collins Ave. Sidewalk cross slope is greater than 2%. Level reading 3.8



Photo 14

Collins Ave South, driveway just west of 248 Collins Ave. Driveway does not meet current ADA Standards. Remove driveway for it serves no purpose.



Photo 15

Collins Ave South, in front of Cypress property. PG&E vault has grates that are more than ½ inch tha follow the path of travel.

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 16

Collins Ave South, driveway in front of Cypress Property. Driveway does not meet current ADA Standards. Remove driveway for it serves no purpose.



Photo 17

Collins Ave South, driveway in front of Cypress Property. Driveway does not meet current ADA Standards. Remove driveway for it serves no purpose.



Photo 18

Collins Ave South, sidewalk in front of Cypress property. Sidewalk cross slope is greater than 2%. Level reading 2.8

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 19

Collins Ave South, driveway in front of Cypress Property. Driveway does not meet current ADA Standards. Remove driveway for it serves no purpose.



Photo 20

Collins Ave South, sidewalk in front of Cypress property. Sidewalk cross slope is greater than 2%.



Photo 21

Collins Ave South, driveway at 480 Collins Ave. Driveway does not meet current ADA Standards

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 22

Collins Ave South, sidewalk in front of 480 Collins Ave. Sidewalk cross slope is greater than 2%. Level reading 2.6



Photo 23

Collins Ave South, PG&E Vault between 480 & 500 Collins presents tripping hazard. Replace vault or grind sidewalk.



Photo 24

Collins Ave South, driveway at 500 Collins Ave. Driveway does not meet current ADA Standards

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 25

Collins Ave South, PG&E vault has grates greater than ½ inch in the path of travel. Recommend replace vault lid or vault.



Photo 26

Collins Ave South, driveway at 650 Collins Ave. Driveway does not meet current ADA Standards



Photo 27

Collins Ave South, sidewalk between 650 – 850 Collins Ave. Sidewalk cross slope is greater than 2%. Level reading 2.7. Sidewalk less than 48 inches.

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 28-29
Collins Ave South, driveways at 850 Collins Ave. Driveways does not meet current ADA Standards



Photo 30
Collins Ave South, sidewalk at Lexus/Honda Overflow lot. Sidewalk cross slope is greater than 2%. Level reading 3.0. Sidewalk less than 48 inches.

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 31, 32, 33 & 34
Collins Ave South, sidewalk east of
1000 Collins Ave. Install ADA
compliant sidewalk

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 35, 36, 37 & 38

Collins Ave South, driveways at 1000 Collins Ave. Driveways do not meet current ADA Standards. No sidewalk or accessible path of travel. Install sidewalk



**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 39 & 40

Collins Ave South, Street light/base at 1500 Collins Ave. Less than 36 inches to back of sidewalk. Recommend build bump out, rebuild sidewalk, or remove light and base altogether.



Photo 41 & 42

Collins Ave North, from 999 Serramonte on Collins Ave to across the street from 500 Collins there is no accessible path of travel.



**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 43 & 44

Collins Ave North, sidewalk across the street from 500 Collins Ave. Sidewalk cross slope is greater than 2%.



Photo 45

Collins Ave North, Telephone vault lid across the street from 500 Collins Ave. is damaged and needs to be replaced. The cross slope at the vault is greater than 2%. Level reading 2.7.

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 46

Collins Ave North, PG&E vault lid across the street from 500 Collins Ave. is damaged and needs to be replaced.



Photo 47

Collins Ave North, sidewalk across the street from 480 Collins. The cross slope is greater than 2%. Level reading 2.7.



Photo 48

Collins Ave North, light pole #310, there is less than 36 inches to back of sidewalk. Cross slope around light pole is greater than 2%.

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 49

Collins Ave North, sidewalk across the street from the Cypress property. The cross slope is greater than 2%.



Photo 50

Collins Ave North, fire hydrant across the street from the Cypress property, there is less than 36 inches to back of sidewalk.



Photo 51

Collins Ave North, driveway across the street from Cypress property. Driveway does not meet current ADA Standards.

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 52

Collins Ave North, sidewalk at 245 Collins. The cross slope is greater than 2%.



Photo 53

Collins Ave North, PG&E vault lid near 245 Collins Ave. is damaged and needs to be replaced.



Photo 54

Collins Ave North, driveway at 245 Collins Ave. Driveway does not meet current ADA Standards.

**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 55

Collins Ave North, PG&E vault has grates greater than ½ inch in the path of travel. Recommend replace vault lid or vault.



Photo 56 & 57

Collins Ave North, driveways at 205 Collins Ave. Driveways do not meet current ADA Standards.



**Town of Colma – ADA Survey
Collins Ave – Photos
September 2012**



Photo 58

Collins Ave North, sidewalk at 205 Collins. The cross slope is greater than 2%.



Photo 59

Collins Ave North, non-compliant curb ramp on south east corner of Collins and El Camino Real

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual Cost	Est. Correction Date	Date Corrected
1	Old Mission Road SE corner at Lawndale	Non Compliant curb ramp. Incorrect slope, no truncated domes and transition needs to be flush	Install compliant curb ramp and correct transition	H	1 & 2	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
2	OMR East side - Sidewalk in front of Holy Cross from Lawndale corner to most southern driveway at Holy Cross near bus stop and four hour parking sign	Cross slope exceeds 2%. Needs turn out for passing since sidewalk is greater than 200 feet in length.	Replace sidewalk with proper slope and install turnout.	H	3	\$ 10,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
3	OMR - East side from southern most Holy Cross Driveway to the main entrance gate at Holy Cross	Non accessible sidewalk or no sidewalk	Install Accessible sidewalk	H	4 & 5	\$ 25,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
4	OMR - East side at southern entrance at Holy Cross main gate	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp	H	6	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
5	OMR - East side at northern entrance at Holy Cross main gate	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp - may need to relocate storm drain	H	7	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	

Town of Colma
ADA Survey - Mission Road
September 2012

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual		Date Corrected
							Cost	Est. Correction Date	
6	OMR - East side, just north of main gate traveling north to Holy Cross property line	Cross slope exceeds 2%.	Replace sidewalk	H	8	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
7	OMR - East side, northern most driveway at Holy Cross, south side of Driveway	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp	H	9	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
8	OMR - East side, northern most driveway at Holy Cross, north side of Driveway	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp	H	10	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
9	OMR - East side, sidewalk just north of Holy Cross Cemetery entrance sign & adjacent to Mobile Home Park	Cross slope exceeds 2%.	Replace sidewalk	H	11	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
10	OMR - East side, Driveway at BART Vent Station, across the street from Malloys	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	12	\$ -			

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual		Date Corrected
							Cost	Est. Correction Date	
11	OMR - East side, sidewalk just north of BART vent station driveway travelling north, sidewalk across street from Malloys	Cross slope exceeds 2%.	Replace sidewalk	H	13	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
12	OMR - East side, Curb Ramp across street from Malloys	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp	H	14	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
13	OMR - East side, Tension Pole/Power Pole	Less than 36 inches to back of side walk	Rebuild sidewalk or install bump out	H	15	\$ 2,500.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
14	OMR - East side, Sidewalk across street from 1675 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	No Photo	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
15	OMR - East side, Driveway across street from 1685 OMR	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	16	\$ -			

Town of Colma
ADA Survey - Mission Road
September 2012

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual		Date Corrected
							Cost	Est. Correction Date	
16	OMR - East side, Driveway across street from 1707 OMR	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	17	\$ -			
17	OMR - East side, sidewalk across street from from 1715 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	No Photo	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
18	OMR - East side, Driveway across from 1755 OMR	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	18	\$ -			
19	OMR - East side, sidewalk across street from from 1755 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	No Photo	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
20	OMR - East side, Driveway across street from 1773 OMR	Driveway does not meet current ADA standards (slope/path of travel)	Remove driveway, it serves no purpose. Well established trees block access to property behind driveway	M	19	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual Cost	Est. Correction Date	Date Corrected
21	OMR - East side, Driveway across from 1773 OMR	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	20	\$ -			
22	OMR - East side, Driveway at 1770 OMR	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	21	\$ -			
23	OMR - East side, Power pole, just north of northern most crosswalk on OMR	Less than 36 inches to back of side walk	Rebuild sidewalk or install bump out	H	22	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
24	OMR - East side, Driveway across street from 1791 OMR or northern most Driveway on east side of OMR	Driveway does not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	23	\$ -			
25	OMR - East side, northern most power pole	Guy wire off power pole needs dilineation (visual)	Install bollard or vertical wire	H	24	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual Cost	Est. Correction Date	Date Corrected
26	OMR - East side, Old Mission Road & El Camino Real Street sign (northern)	Less than 36 inches to back of side walk	Rebuild sidewalk or install bump out or move sign/ pole	H	25	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
27	OMR - West side, northern most point to just north of 1655 OMR	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	26, 27 & 28	\$ -			
28	OMR - West side, curb ramp north of 1655 OMR	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp	H	29	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
29	OMR - West side, 3 Driveways at 1655 OMR	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	30 & 31	\$ -			
30	OMR - West side, Driveway at 1609 OMR	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	32	\$ -			

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual		Date Corrected
							Cost	Est. Correction Date	
31	OMR - West side, sidewalk in front of 1609 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	33	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
32	OMR - West side, sidewalk in front of Trailer Park	Cross slope exceeds 2%.	Replace sidewalk	H	No Photo	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
33	OMR - West side, Driveway at Trailer Park	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	34	\$ -			
34	OMR - West side, sidewalk just south of Trailer Park	Cross slope exceeds 2%.	Replace sidewalk	H	No Photo	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
35	OMR - West side, Driveway at SMCFC sign	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	35	\$ -			

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual		Date Corrected
							Cost	Est. Correction Date	
36	OMR - West side, 3 power poles across the street from Northern end of Holy Cross Cemetery	Less than 36 inches to back of side walk	Rebuild sidewalk or install bump out	H	36, 37 & 38	\$ 3,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
37	OMR - West side, sidewalk across the street from Holy Cross main gate	Cross slope exceeds 2%.	Replace sidewalk	H	No Photo	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
38	OMR - West side, 2 Driveways at Donohue/Carroll Building across street from Holy Cross main gate	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	39 & 40	\$ -			
39	OMR - West side, determine property line in front of Donohue/Carroll Building across street from Holy Cross main gate	Trees and Tree grates may be blocking the accessible path of travel	Determine property line and possibly remove trees and grates or work out agreement with property owner	M	41	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
40	OMR - West side, sidewalk at 1539 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	No Photo	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual		Date Corrected
							Cost	Est. Correction Date	
41	OMR - West side, Driveway south of 1539 OMR	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	42	\$ -			
42	OMR - West side, Driveways between 1533-1537 OMR	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	43	\$ -			
43	OMR - West side, Driveway at 1475 OMR	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	44	\$ -			
44	OMR - West side, Power pole at 1455 OMR	Less than 36 inches to back of side walk and sidewalk exceeds cross slope	Rebuild sidewalk or install bump out	H	45	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
45	OMR - West side, Driveway at 1455 OMR	Driveways do not meet current ADA standards (slope/path of travel)	Have property owner update when he/she develops or improves property	M	No Photo	\$ -			

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual Cost	Est. Correction Date	Date Corrected
46	OMR - West side, northern most driveway at Verano Townhomes (Emergency vehicle driveway)	Driveways do not meet current ADA standards (slope/path of travel) - rolled curb	Have property owner update when he/she develops or improves property	M	46	\$ -			
47	OMR - West side, sidewalk at 1319 & 1323 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	47 & 48	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
48	OMR - West side, sidewalk at 1307 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	49	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
49	OMR - West side, curb ramps at main entrance to Verano Townhomes	Non Compliant curb ramp. Incorrect slope, no truncated domes	Install compliant curb ramp	H	50 & 51	\$ 5,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
50	OMR West side, sidewalk at 1287 OMR	Cross slope exceeds 2%.	Replace sidewalk/reset vault	H	52	\$ 3,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	

**Town of Colma
ADA Survey - Mission Road
September 2012**

No.	Location	Observation	Recommendation	Urgency	Photo Ref	Est. Cost	Actual Cost	Est. Correction Date	Date Corrected
51	OMR West side, sidewalk at 1279 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	53	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
52	OMR West side, sidewalk at 1267/1271 OMR	Cross slope exceeds 2%.	Replace sidewalk	H	54	\$ 1,000.00		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
53	OMR - West side, southern most driveway at Verano Townhomes (Emergency vehicle driveway)	Driveways do not meet current ADA standards (slope/path of travel) - rolled curb	Have property owner update when he/she develops or improves property	M	55	\$ -		Integrated into Mission Road Improvement Project (Estimated Completion - Fall 2020)	
			Total Cost			\$ 108,500.00			

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 1 & 2

Old Mission Road east, Cross slope greater than 2%.



Photo 3

Old Mission Road east, non-compliant curb ramp on NE corner of Lawndale & OMR

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 4 & 5

Old Mission Road east, non-compliant sidewalk, or no sidewalk



Photo 6

Old Mission Road east, non-compliant curb ramp

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 7

Old Mission Road east, non-compliant curb ramp – drain may be an issue



Photo 8

Old Mission Road east, Cross slope greater than 2%.



Photo 9

Old Mission Road east, non-compliant curb ramp

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 10

Old Mission Road east, non-compliant curb ramp



Photo 11

Old Mission Road east, Cross slope greater than 2%.



Photo 12

Old Mission Road east, Driveway does not meet current standards under ADA

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 13

Old Mission Road east, Cross slope greater than 2%.



Photo 14

Old Mission Road east, non-compliant curb ramp



Photo 15

Old Mission Road east, Tension Pole is less than 36 inches to back of sidewalk

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 16

Old Mission Road east, Driveway does not meet current standards under ADA



Photo 17

Old Mission Road east, Driveway does not meet current standards under ADA



Photo 18

Old Mission Road east, Driveway does not meet current standards under ADA

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 19

Old Mission Road east, Driveway does not meet current standards under ADA – Driveway serves no purpose - trees



Photo 20

Old Mission Road east, Driveway does not meet current standards under ADA



Photo 21

Old Mission Road east, Driveway does not meet current standards under ADA

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 22

Old Mission Road east, power pole is less than 36 inches to back of sidewalk



Photo 23

Old Mission Road east, Driveway does not meet current standards under ADA

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 24

Old Mission Road east, Guywire needs delineation for visually impaired



Photo 25

Old Mission Road east, sign pole is less than 36 inches to back of sidewalk

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 26, 27 & 28
Old Mission Road west,
Driveways/sidewalk does not meet
ADA Standards for path of travel

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 29

Old Mission Road west, non-compliant curb ramp



Photo 30 & 31

Old Mission Road west, Driveways does not meet ADA Standards



**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 32

Old Mission Road west, Driveways does not meet ADA Standards



Photo 33

Old Mission Road west, Cross slope on sidewalk exceeds 2%

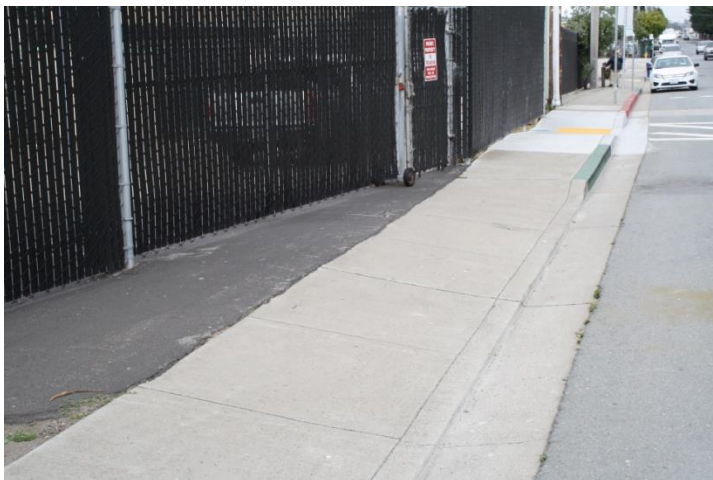


Photo 34

Old Mission Road west, Driveways does not meet ADA Standards

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 35

Old Mission Road west, Driveways does not meet ADA Standards



Photo 36 & 37

Old Mission Road west, power pole is less than 36 inches to back of sidewalk



**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 38

Old Mission Road west, power pole is less than 36 inches to back of sidewalk



Photo 39 & 40

Old Mission Road west, Driveways does not meet ADA Standards



**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 41

Old Mission Road west, Trees & tree grates may be blocking accessible path of travel – need to determine property line



Photo 42

Old Mission Road west, Driveways does not meet ADA Standards

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 43

Old Mission Road west, Driveways
does not meet ADA Standards



Photo 44

Old Mission Road west, Driveways
does not meet ADA Standards

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 45

Old Mission Road west, power pole is less than 36 inches to back of sidewalk



Photo 46

Old Mission Road west, Driveways does not meet ADA Standards



Photo 47

Old Mission Road west, Cross slope on sidewalk exceeds 2%

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 48

Old Mission Road west, Cross slope on sidewalk exceeds 2%



Photo 49

Old Mission Road west, Cross slope on sidewalk exceeds 2%



Photo 50

Old Mission Road west, non-compliant curb ramps

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 51

Old Mission Road west, non-compliant curb ramps



Photo 52

Old Mission Road west, Cross slope on sidewalk exceeds 2% on P, G & E Vault



Photo 53

Old Mission Road west, Cross slope on sidewalk exceeds 2%

**Town of Colma – ADA Survey
Mission Road – Photos
September 2012**



Photo 54

Old Mission Road west, Cross slope on sidewalk exceeds 2%



Photo 55

Old Mission Road west, Driveway does not meet ADA Standards





STAFF REPORT

TO: Mayor and City Council
 FROM: Brian Dossey, City Manager
 Christopher J. Diaz, City Attorney
 MEETING DATE: January 8, 2020
 SUBJECT: CAC Chapter Three Amendment – Employment Law Update

RECOMMENDATION

Staff recommends that the City Council adopt the following Resolutions:

RESOLUTION AMENDING CHAPTER THREE OF THE COLMA ADMINISTRATIVE CODE,
 RELATING TO VARIOUS EMPLOYMENT-RELATED POLICIES

EXECUTIVE SUMMARY

The attached resolution makes various changes to the personnel policies set forth in Colma's Administrative Code to effectuate some administrative clean-up and clarification. The attached resolution also makes various changes recommended by the City Attorney's Office to ensure legal compliance with changes in employment-related laws and regulations.

FISCAL IMPACT

The approval of the attached resolutions will not result in a notable increase in employee compensation or benefits. While indirect costs could be incurred for providing certain forms of paid leave as required by law, these are not changes that should have an obvious fiscal impact.

BACKGROUND

The Town's Administrative Code includes various employment-related sections, which appear in Subdivisions 3.01-3.07. In order to keep these policies current and consistent with existing law, these sections underwent legal review in late 2019. In addition to reviewing the Code for legal compliance, the Town evaluated the policies to ensure that policies are being enforced and to identify any necessary clarification. All of the proposed changes to address legal compliance and address needed clarification are included within the proposed resolution.

ANALYSIS

The following generally summarizes the changes that are included in the Administrative Code:

- 3.01: Section 3.01 has been updated to include all “protected characteristics” that have been enacted or otherwise recognized under the law since the Administrative Code was last reviewed. In addition, the accommodation section has been updated to confirm the Town’s commitment to providing reasonable accommodations to those with disabilities. Various sections within this subdivision have been clarified to mention the role of the Town’s Human Resources Manager when implementing and enforcing employment-related policies. In addition, changes have been implemented to ensure compliance with changes in the law to criminal background checks for employees.
- 3.02: Section 3.02 has been updated to clarify the hiring/promotional process and the determination of whether outside employment raises a conflict of interest. It also expands the discretion of the City Manager to approve temporary out-of-class assignments for vacant positions and authorizes pay at the higher classification sooner.
- 3.03: Section 3.03 has been updated to reflect all currently recognized “protected characteristics.” It also requires disclosure of any personal relationships between employees, so that the City can determine whether a conflict of interest exists. The tobacco policy has been updated to include vaping products. Other clarifying changes are recommended.
- 3.04: The recommended changes in this section pertain to clarifications in the harassment prevention and disciplinary action sections.
- 3.05: This section includes only an administrative clarification.
- 3.06: This section includes a few recommended changes to the mandatory sick leave policy, including confirmation that unused sick leave will be reinstated for an employee who has a break in service of less than one year, as required by applicable law. This section also includes recommended changes to the leave policy to coincide with updated regulations regarding the definition of “health care provider.” This section also included recommended clarifying changes regarding the administration of leave benefits while an employee is on family medical leave. This section also addresses the circumstances under which cash-out of accrued leave is available.
- 3.07: This section includes some recommended sections regarding reimbursement of expenses.
- 3.08: This section includes some recommended changes regarding the definition of “public record.”

COUNCIL ADOPTED VALUES

The Staff recommendation is consistent with the Council adopted values of:

- *Responsibility*: Making decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- *Fairness*: Treat all persons, claims and transactions in a fair and equitable manner.

ALTERNATIVES

The City Council could choose to not adopt the resolution approving the changes to the Administrative Code, or could chose to direct Staff to reconsider the recommended changes. Doing so is not recommended, however, as most of the changes are intended to abide by changes in the law and/or to provide clarification in the administration of policies.

CONCLUSION

Staff recommends that the City Council adopt the attached resolution.

ATTACHMENTS

- A. Resolution
- B. Redline Resolution showing changes



RESOLUTION NO. 2020-__
OF THE CITY COUNCIL OF THE TOWN OF COLMA

RESOLUTION AMENDING CHAPTER 3 OF THE
COLMA ADMINISTRATIVE CODE,
RELATING TO VARIOUS EMPLOYMENT RELATED
POLICIES

The City Council of the Town of Colma hereby resolves:

ARTICLE 1. CAC SUBCHAPTER 3.01 AMENDED.

Sections 3.01.010 and 3.01.100, "protected characteristic" are hereby amended to read as follows:

3.01.010 Personnel Records

- (a) *Custodian.* The City Manager is responsible for establishing and maintaining the personnel files for all employees of the Town.
- (b) *Review.*
- (1) An employee has the right to review his or her own personnel records during normal business hours and with reasonable notice to the City Manager.
- (2) Each employee is responsible for the verification of information contained in the personnel file through periodic review. The City Manager must be present when a personnel file is reviewed. All reviews or inspection of records by employees shall be scheduled through the City Manager. The purpose of the review or inspection is to provide for accuracy and completeness of the file.
- (c) *Complaints.* The Chief of Police is responsible for establishing and maintaining the files of all internal investigations of complaints regarding conduct of police officers as follows:
- (1) *Chronological File.* The Department shall maintain a chronological file of all complaints along with the disposition of each complaint. The chronological file should not contain the investigative reports or witness statements. Records of citizen complaints are considered a personnel record of the respective employee, and therefore the chronological file shall be kept confidential.
- (2) *Frivolous or Unfounded Claims.* Complaints that are determined to be frivolous, unfounded or exonerated shall not be maintained in the employee's general personnel file and are not to be considered in making personnel decisions. However, such complaints shall be considered personnel records for purposes of the California Public Records Act.

[Reference: PENAL CODE § 832.5]

(d) *Specially Protected Documents.* The following records shall be kept in a file folder separate from the employee's general personnel records folder because of heightened privacy concerns or to prevent claims that access to certain records exposed the employee to retaliation:

- (1) Verification of the right to work in the United States;
- (2) Equal Employment Opportunity Commission (EEOC) charge of discrimination and related documents;
- (3) Department of Fair Employment and Housing (DFEH) charge of discrimination and related documents;
- (4) Workers' compensation claims;
- (5) Medical information, including psychiatric evaluations, physicians' reports, and authorizations to return to work; and
- (6) Any information that is not job related.

[Reference: 42 U.S.C. § 12112(D); CALIF. CIVIL CODE § 56.05, *et seq.*]

(e) *Confidentiality.* The following employee information is not confidential: name, job title, department, work phone, work address, work email address, salary scale for the position, and dates of employment. All other information in an employee's personnel file is confidential.

(f) *Access.* Access to information contained in the personnel file will be limited to Town employees and city officers who require the information to perform their duties, which can, in appropriate instances, include the City Manager, Assistant City Manager, Administrative Services Director, City Attorney, Human Resources Manager, administrative staff assisted HR duties and who have signed a confidentiality agreement, and the employee's Department Director or supervisor.

(g) *Disclosure of Confidential information.* Confidential information may not be disclosed to third parties except as follows:

- (1) When written permission is provided by the employee;
- (2) When disclosure is required by law;
- (3) To a person directly involved in investigating, hearing, or reviewing, on behalf of the Town, any matter that is, or may become, a basis for disciplinary action or a grievance; or
- (4) When confidentiality is waived by the employee or when the employee asserts as fact information that is inconsistent with a fact shown in the employee's personnel file.

(h) *Removal of Items.* The City Manager, Assistant City Manager, Human Resources Manager and Chief of Police are the only persons authorized to remove records from an employee's personnel file.

(i) *Personnel Action Form*. Each appointment, transfer, promotion, demotion, change of salary rate and any other temporary or permanent change in the status of employees shall be recorded on a Personnel Action Form, copies of which shall be transmitted to the Department Director, payroll officer, the employee and the personnel file.

[Reference: GOV'T CODE §§ 1098, 6254(c); LABOR CODE § 1102.6]

3.01.100 Definitions

Protected Characteristic means a characteristic of a person that is protected by federal or state law prohibiting discrimination in employment, whether actual or perceived, including but not limited to race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, pregnancy, childbirth, or related medical condition, gender identity, gender expression, marital status, sex, age, or sexual orientation, and military and veteran status.

ARTICLE 2. CAC SUBCHAPTER 3.02 AMENDED.

Subchapter 3.02 is hereby amended in its entirety to read as follows:

SUBCHAPTER 3.02: EMPLOYMENT

Division 1: General

3.02.010 Equal Employment Opportunity Policy

(a) The Town of Colma is an equal employment opportunity employer. The Town will not unlawfully discriminate against qualified applicants and employees with respect to any terms or conditions of employment based on any Protected Characteristic.

(b) The goals and objectives of the Equal Employment Opportunity Policy are to:

- (1) Establish fair treatment and non-discrimination in the terms and conditions of employment of all persons;
- (2) Provide compliance with state and federal laws; and
- (3) Encourage those who do business with the Town to practice equal employment opportunity.

3.02.020 ADA Compliance/Disability Accommodation

The Town will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA). The Town will make reasonable accommodations for qualified individuals with disabilities that are necessary to comply with all applicable disability discrimination laws for the known physical or mental disability of an applicant or employee, unless doing so would result in an undue hardship. If an employee is unable to perform the essential functions of his/her job because of a disability and needs some type of accommodation, the employee should notify the Human Resources Manager. The employee requesting accommodation may be required to provide medical certification regarding the disability and need for accommodation. All medical

information is kept in a confidential medical information file and shared only on a need-to-know basis.

While the Town welcomes all suggestions for accommodations to enable an employee to perform the essential functions of his or her assigned job, the Town will make the final decision regarding whether it can provide a reasonable accommodation and, if so, which accommodation to provide in accordance with its legal obligation.

3.02.030 Equal Employment Opportunity Officer

The City Manager shall serve as the Equal Employment Opportunity Officer to carry out the Equal Employment Opportunity Policy and Program for all departments. The City Manager (with the assistance of the Human Resources Manager) shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy, and be responsible for the successful execution of the program, utilizing the assistance of appropriate state and community agencies. The Equal Employment Opportunity Officer will have the responsibility to examine existing internal policies or procedures that may serve as barriers to implementing the Equal Employment Opportunity Program.

3.02.040 Equal Employment Opportunity Practices

(a) The City Manager, with the assistance of the Human Resources Manager, shall undertake the following actions to assure equal employment opportunities in the Town:

- (1) Periodically review all position qualifications and job descriptions to establish requirements that are relevant to the tasks to be performed and to delete requirements not reasonably related to the tasks to be performed;
- (2) Periodically review Town practices for compliance with the Equal Employment Opportunity Policy;
- (3) Inform and provide guidance to staff and management personnel who make employment decisions to ensure such decisions are considered without unlawful discrimination and that all applicants be given equal opportunity;
- (4) Hire only qualified candidates who were selected through the Hiring Process (set forth in Division 3) in order to encourage diversity and establish equal employment opportunity in hiring; and
- (5) Provide orientation for all new employees specifically emphasizing how the Town assures equal opportunity.

(b) Applications for employment will include an equal opportunity clause.

3.02.050 Nepotism

Any person who is a Close Relative of an employee or elected official of the Town may not be employed in a position where it is reasonably foreseeable that such person may be directly or indirectly supervised by his or her Close Relative, or be the supervisor of his or her Close Relative. For purposes of this section only, the term "Close Relative" means, whether related by blood,

marriage or registered domestic partner, a spouse, registered domestic partner, child, parent, grandparent, grandchild, brother, sister, nephew, niece, aunt, uncle, first cousin, or the spouse of any such persons and any person who resides in the subject person's home.

3.02.060 Employment Eligibility

An applicant may be disqualified from employment for any of the following reasons:

- (1) Failure to possess the qualifications for the job;
- (2) Inability to perform the essential functions of the job with or without accommodations;
- (3) Making a false statement of any material fact or practicing deception in his or her application or part of the hiring process;
- (4) Not being within the legal age limits prescribed by law;
- (5) Failing to pass a required pre-employment physical examination; or
- (6) Failure to pass a required background investigation.

Division 2: Qualifications

3.02.061 Criminal History

In performing the function of hiring persons to be employed by the Town of Colma, the City Manager (with the assistance of the Human Resources Manager) shall determine whether the candidate is fit for the position for which he or she is being considered. If an applicant has a criminal record, the Town will consider the relevant factors and abide by the applicable procedure to determine a particular individual's eligibility for employment. A person may be disqualified from consideration because of a criminal record that indicates that he or she may be unfit for the position.

[*History*: Res 2014-32, 6/11/14]

3.02.062 Consideration of Relevant Factors

In addition to considering any information the applicant chooses to provide, the Town will consider the following factors when evaluating criminal history.

(a) *Time elapsed since conviction*: Where, in the judgment of the City Manager, the conviction occurred so long ago and was an isolated incident in the remote past, the City Manager may, in his/her discretion, determine that the conviction is not grounds for disqualification and deem the presumption to be rebutted.

(b) *Age at time of conviction*: Where, in the judgment of the City Manager the conviction came when the applicant was young and appears to be caused by a lapse or absence of mature judgment, the City Manager may, in his/her discretion, determine that the conviction is not grounds for disqualification and deem the presumption to be rebutted.

(c) *Rehabilitation:* If, in the judgment of the City Manager, there is affirmative evidence that the applicant has been rehabilitated and is no longer likely to exercise similar criminal behavior, the City Manager may, in his/her discretion, determine that the conviction is not grounds for disqualification and deem the presumption to be rebutted.

(d) *Nexus:* If, in the judgment of the City Manager, the conviction is not related to and would not impact the scope of duties, the City Manager may, in his/her discretion, determine that the conviction is not grounds for disqualification and deem the presumption to be rebutted.

[*History:* Res 2014-32, 6/11/14]

3.02.063 Peace Officers

The Town shall never hire a person to be a peace officer if the applicant has been:

- (a) Convicted of a felony.
- (b) Convicted of an offense in any other jurisdiction that would have been a felony if committed in the State of California.
- (c) Convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony.
- (d) Charged with a felony and adjudged by a superior court to be mentally incompetent.
- (e) Found not guilty of a felony crime by reason of insanity.
- (f) Determined to be a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.
- (g) Adjudged addicted, or in danger of becoming addicted, to narcotics, and convicted and committed to a state institution.

[*History:* Res 2014-32, 6/11/14]

3.02.064 Recreational Department Employees and Volunteers

The Town shall never hire a person, or select a volunteer, to perform services at a park, playground or recreational center where the position has supervisory or disciplinary authority over a minor if the person or volunteer has been convicted of any of the following:

- (1) A violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5 of the Penal Code, or a sex offense listed in Section 290 of the Penal Code, except for the offense specified in subdivision (d) of Section 243.4 of the Penal Code.
- (2) A felony or misdemeanor conviction specified in subparagraph (3) below within 10 years of the date of the Town's request for criminal history information.

- (3) A felony conviction that is over 10 years old, if the person or volunteer was incarcerated within 10 years of the Town's request for criminal history information, for a violation or attempted violation of:
- an offense specified in Chapter 3 (commencing with Section 207) of Title 8 of Part 1 of the Penal Code, Section 211 or 215 of the Penal Code, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022 of the Penal Code, in the commission of that offense,
 - Section 217.1 of the Penal Code;
 - Section 236 of the Penal Code,
 - an offense specified in Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code, or
 - an offense specified in subdivision (c) of Section 667.5 of the Penal Code.

[History: Res 2014-32, 6/11/14]

Division 3: Hiring

3.02.070 Hiring Process – General

- (a) The City Manager may not hire any employee, except a temporary employee, without going through the Hiring Process.
- (b) The City Manager (with the assistance of the Human Resources Manager) will administer and coordinate the Hiring Process for all position vacancies. The City Manager is responsible for compliance with contractual, legal and equal employment opportunity requirements.
- (c) Special preference may be extended to veterans in the Hiring Process, e.g., veteran status may be a factor in selecting which applicants may be identified to participate in the Hiring Process.

[History: Adopted by Res 2008-03, 2/13/08; Amended by Res 2014-04, 2/13/14]

3.02.080 Hiring Process – Notice

- (a) Job announcements for regular and casual employment positions shall be publicly posted at City Hall for a minimum of ten work days whether recruitment is internal or external.
- (b) If there are one or more qualified, in-house, regular or casual employees who were hired through the Hiring Process consistent with the provisions of this section, the City Manager may determine, in his or her discretion, to hire or promote an in-house employee to a job vacancy without external recruitment. If there are no qualified in-house, regular or casual employees who were recruited through an open hiring process, an announcement of the position must be circulated, posted or published in accordance with the provisions of the next paragraph.

(c) In cases of external recruitment, job announcements must be circulated, posted or published in media reaching out to a substantial audience in San Mateo and San Francisco Counties such as local newspapers, local college placement services, community-based organizations, local governments, Town newsletter and other recruitment services. The Town may use for job referral purposes only those recruitment services that do not discriminate on the basis of any Protected Characteristic.

(d) Applications for a position may be accepted after the published application deadline if the City Manager determines that there were an insufficient number of applications received as of the application deadline.

3.02.090 Hiring Process – Applicant Expenses

The Town shall not reimburse any applicant for travel or re-location costs in conjunction with the Hiring Process without express, written authorization from the City Manager.

3.02.100 Hiring Process – Testing

(a) Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required and resources available.

(b) The examination may consist of an oral interview, an application review, a structured questionnaire, practical tests, written tests, in-basket exercise or assessment center, etc. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills and abilities for the position.

(c) The City Manager shall develop the examination. Examination contents are confidential, and an unauthorized disclosure to any candidate is grounds for discipline.

(d) The Town shall provide reasonable accommodations for testing of persons with disabilities. Testing announcements shall advise applicants of how to request reasonable accommodations.

3.02.110 Hiring Process – Interviews

(a) The primary function of the interview is to obtain data or certain knowledge, skills, and abilities of an applicant not available through review of resumes or other testing mechanisms.

(b) The City Manager shall select panel members who will be objective in evaluating candidates. An applicant's Immediate Relatives will, and close personal friends may, be excluded from serving on the panel. Generally, a panel member should have technical expertise, knowledge or experience in the position being filled, experience in personnel administration, or experience in evaluating applicants.

(c) The City Manager or the City Manager's designee shall supervise the interview process. The questions must be job related and all applicants must be asked substantially the same questions. Questions will be designed to measure job knowledge, experience, and education or to solicit responses that reflect those personal traits that are job related. Questions that pertain to Protected Characteristics or other inquiries that tend to directly or indirectly disclose such

information are prohibited. Inquiries as to an applicant's ability to read, write or speak foreign languages are permitted when such inquiries are based on job requirements.

3.02.120 Hiring Process – Reference Checks

(a) Before making any offer of employment to a new employee or promoting or transferring an existing employee, the City Manager or the City Manager's designee shall conduct a reference check on the prospective or subject employee.

(b) A basic reference check includes verification of employment duties, date of employment, work record, attendance record, strengths, weaknesses, safety record and other pertinent information.

(c) Applicants shall be required to undergo a thorough background check by the Police Department.

- (1) Positions in the Police Department;
- (2) Positions with supervisory or disciplinary authority over minors; and
- (3) Positions with access to substantial amounts of Town funds.

(d) No reference check or background investigation will be conducted without first notifying the applicant or employee of the investigation and obtaining a signed release from the subject authorizing the reference check. Inquiry into criminal history for non-peace officer positions will be done after a conditional job offer is made. The Town will provide the applicant or employee a copy of any public records received within seven days of receipt of the information. Further, the Town will notify the subject of the report as to who issued the report and how the subject can contact that person if he or she has questions.

(e) In the event that the Town contracts with a third party to conduct any reference check or background investigation, the Town will comply with applicable provisions of the Fair Credit Reporting Act (15 U.S.C. §§ 1681 *et seq.*) and the Investigative Consumer Reporting Agencies Act (CIVIL CODE §§ 1786 *et seq.*).

[Reference: CIVIL CODE §§ 1786 *et seq.*; GOV'T CODE § 1031; PUBLIC RESOURCES CODE § 5164]

[History: Res 2014-32, 6/11/14]

3.02.130 Hiring Process – List of Qualified Persons

The City Manager may hire from a list of qualified persons for one year from the date of conclusion of the testing process. That time period may be extended in the City Manager's discretion.

3.02.140 Orientation

New employees will be oriented on Town policies and operations.

3.02.150 Probation Period

(a) *Appointment.*

- (1) An employee hired for appointment to a regular position must serve a period of probation of at least one year. During this period, the Town may terminate a probationary employee without cause and without advance notice, except that the Town may not terminate a probationary employee for any reason prohibited by law. Upon successful completion of the probation, a probationary employee will be considered a regular employee.
- (2) Informal performance evaluations will be conducted during the course of the probation period to assess performance and to advise an employee of expectations regarding performance. Significant job deficiencies shall be documented in the employee's personnel file. After six months and at the end of the probation period, the employee will be formally evaluated and provided written documentation of progress.
- (3) If an employee is granted a leave of absence during his or her probationary period, such time off will not be considered as time worked towards completion of the probation period.

(b) *Promotion.*

- (1) A regular employee promoted to a higher position must serve a period of probation of six months from the date of promotion. During the probationary period, a promoted employee shall receive all benefits included with the new position.
- (2) Informal performance evaluations will be conducted during the course of the probation period to assess performance and to advise an employee of expectations regarding performance. Significant job deficiencies shall be documented in the employee's personnel file. After six months, the employee will be formally evaluated and provided written documentation of progress.
- (3) At any time during the probationary period, the Town may rescind the promotion without cause and without advance notice. An employee whose promotion has been rescinded has the right to be reinstated to his or her former position, only if the position has not been filled. If the promoted employee's former position has been filled, the promoted employee may be placed in a vacant position for which he or she qualifies with substantially the same pay and benefits that the employee possessed in his or her former position. If there is no available position with substantially the same pay and benefits that the employee possessed in his or her former position, the employee may be terminated. An employee shall have no right to appeal or otherwise challenge the rescinding of his or her promotion, except where the rescission of the promotion results in a termination of employment, in which case the employee is entitled to a hearing in accordance with Subchapter 3.04 of this Chapter.

- (4) If an employee is granted a leave of absence during his or her probationary period, such time off will not be considered as time worked towards completion of the probation period.
- (5) Notwithstanding the foregoing, the Town shall, upon request of an employee, conduct a "liberty interest" hearing when the Town intends to rescind a promotion based on charges of misconduct or mismanagement which stigmatizes his or her reputation, seriously impairs his or her opportunity to earn a living, or seriously damages his or her standing in the community. Charges concerning competency or inability to get along with others do not warrant a liberty interest hearing. The sole purpose of the liberty interest hearing is to afford the employee an opportunity to clear his or her name and refute the charges, not to have his or her job or promotion reinstated or termination rescinded.

3.02.160 Special Employment Programs

The Hiring Process shall not apply to people hired under any Special Employment Program funded or managed by a third-party organization, such as youth training programs, AARP Senior Placement Program, university internships, work training programs, etc.

3.02.170 Volunteers

- (a) The Hiring Process shall not apply to volunteers.
- (b) Volunteers shall receive no pay or benefits, except that the Town shall maintain workers' compensation insurance on volunteers.
- (c) Volunteers may not fill a vacant position on the City Council approved classification plan and salary schedule.

3.02.180 Outside Employment or Undertaking

- (a) An employee may not carry on, concurrently with their public employment, any other employment, business or activity, which conflicts or interferes with his or her Town employment.
- (b) An employee may not perform any function related to outside employment or activities during Town working hours.
- (c) Prior to commencing or changing outside employment or business, a regular, probationary, casual or temporary employee must report to the City Manager the name of firm, nature of employment, business or undertaking, hours of work, and address where the work will be performed. The City Manager will exercise discretion to determine if a conflict (or prospective conflict) exists. This advance notification is required in the following instances:
 - (1) If a full-time employee will be working in a paid position for another employer for eight (8) or more hours each week;
 - (2) If a full-time employee will be volunteering for another public agency or devoting sixteen (16) or more hours each week to another business enterprise; or

- (3) If any employee will be performing any paid work for any of the City's vendors or contractors.

[Reference: GOV'T CODE § 1126]

[History: Adopted by Res 2008-03, 2/13/08; Amended by Res 2014-04, 2/13/14]

Division 4: Promotions and Demotions

3.02.190 Employee Development

The City Manager shall:

- (1) Actively encourage all employees to increase their skills and job potential through training and educational opportunities; and
- (2) Offer guidance and counseling in developing programs tailored to individual aptitudes and desires.

3.02.200 Promotions

(a) The City Manager may promote a regular employee to a higher classification without following the Hiring Process described in this Subchapter, except that the noticing provisions of section 3.02.080 shall be followed. In all other cases, the City Manager shall follow the Hiring Process before promoting an employee.

(b) Unless otherwise authorized by the City Manager, whenever an employee is promoted to a new position, that employee will enter the salary range for the new position at the step that increases salary at least five percent. If the top step of the new position is not at least five percent greater, the employee will be placed at the top step.

(c) Promotions do not change the person's date of hire. However, the Review Date for future pay increases will be revised to coincide with obtaining regular status in the new position.

(d) A promoted employee shall serve a period of probation, as specified in section 3.02.150.

3.02.205 Transfers

(a) The City Manager may transfer a regular employee to a different classification without following the Hiring Process described in this Subchapter, except that the noticing provisions of section 3.02.080 shall be followed.

(b) Unless otherwise authorized by the City Manager, whenever an employee is transferred to a new position, that employee will enter the salary range for the new position at the step that is closest to his or her then current salary without decreasing salary.

(c) A transfer does not change the employee's date of hire or Review Date.

3.02.210 Temporary Assignments

Consistent with CalPERS limitations, the City Manager may temporarily assign an employee to work out of classification for a specified time in a vacant position. If, in the City Manager's discretion, the assigned employee will assume all duties of the higher classification, the assigned employee's salary shall be adjusted in accordance with section 3.02.320, entitled "Pay for Working in a Higher Classification." In other instances, an employee may be provided with a special temporary assignment which, in the discretion of the City Manager, may be compensated with 5% special assignment pay. Upon completion of the temporary assignment, the employee shall return to his or her previous classification and pay.

Temporary assignments under this provision are intended to be used when a position is temporarily vacant due to an extended leave of absence or pending recruitment. Temporary light duty assignments provided as an accommodation to an employee as a result of an industrial or non-industrial medical condition, illness, or injury do not qualify as "special temporary assignments."

3.02.220 Demotions

(a) An employee may be reassigned to a position in a lower classification for disciplinary reasons, in lieu of layoff, as an accommodation, or as a result of a re-classification study. The employee shall receive pay commensurate with the nature of the demotion as determined by the Department Director in consultation with the City Manager. This may result in a reduction of pay.

(b) Demotions do not change the person's date of hire. However, the Review Date shall change for future salary increases.

(c) An employee may not be demoted to a position for which he or she does not possess the minimum qualifications.

(d) The City Manager may reconsider the demotion when the employee's previous position is reopened.

(e) Any demotion for disciplinary reasons shall be conducted in conformance with Subchapter 3.04. An employee reassigned to a position in a lower classification in lieu of layoff, as an accommodation, or as a result of a re-classification study is not entitled to an evidentiary hearing.

Division 5: Compensation and Hours

3.02.230 Compensation Plan

(a) The City Council shall from time to time adopt a compensation plan applicable to all employees except employees covered by a labor agreement whose compensation shall be provided in the agreement.

(b) The City Manager shall be responsible for the continuous maintenance and administration of the Town's compensation plan, which shall include an analysis of prevailing rates of pay for similar positions in comparable labor markets, cost-of-living factors, budgetary considerations, information exchanged with representatives of Recognized Employee Organizations and other

related factors. On the basis of this information, the City Manager shall recommend to the City Council changes to keep the plan current, uniform and equitable.

(c) The compensation plan for members of Recognized Employee Organizations shall be reviewed when the labor agreements are up for renewal and re-negotiation.

(d) The compensation plan for unrepresented employees may be reviewed annually.

3.02.235 Starting Step and Step Increases

(a) A probationary or casual employee, other than a Police Recruit, shall be hired at Step One upon appointment.

(b) A person hired as a Police Recruit shall receive 95% of Police Officer's Step One salary during academy training. After a Police Recruit is sworn as a public safety officer, his or her salary shall increase to Step One.

(c) After each Review Date, a regular or casual employee shall advance to the next higher step until the employee has reached the top step, provided that the employee has received a satisfactory performance evaluation. An employee shall be deemed to have received a satisfactory performance evaluation if:

- (1) the employee's supervisor rates the employee's overall performance as satisfactory or "exceeds standards," and the employee's performance evaluation is approved on review by the next higher level of management; or

(d) If an employee is denied a step or salary increase because of a performance evaluation that is less than satisfactory, the City Manager shall establish a schedule for the supervisor to conduct periodic performance evaluations of the employee and shall determine whether or not the missed step increase shall become effective when the employee receives an interim satisfactory performance evaluation.

(e) Any change in salary will take effect the first day of the pay period following the date of the qualifying event.

(f) Notwithstanding the foregoing:

- (1) the City Manager may, at the recommendation of the Department Director and because of relevant experience or qualifications of the employee, hire a person at Step Two or higher; and
- (2) the City Manager may, at the recommendation of the Chief of Police, grant a newly-hired sworn peace officer a step increase after completing six continuous months of satisfactory service in the step at which the employee was hired.

3.02.240 Classification

(a) The City Manager shall create a list of every category of all regular and casual employee job positions in the Town together with a job description for each class, which shall be consistent with the staffing level authorized by the City Council.

(b) All job descriptions shall consist of the position title, department, essential functions, basic tasks performed, description of typical duties and responsibilities and minimum qualifications, including physical qualifications, if any.

(c) The position description does not constitute an employment agreement between the Town and the employee and is subject to change as the needs of the Town and the requirements of the job change.

3.02.250 Reclassification Procedure

The City Manager shall periodically examine the nature of all positions and allocate them to existing or newly created classes, make changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, and recommend to the City Council appropriate changes in the classification plan and salary schedules.

3.02.260 Work Period/Work Week

(a) *Public Safety Officers.* Pursuant to FLSA Section 207(k), the work period established for public safety officers is a regularly recurring period of 84 hours in 14 consecutive days.

(b) *Other Employees.* The work period for all employees other than public safety officers begins 00:01 each Monday and ends at 24:00 the following Sunday.

3.02.270 Work Hours

(a) Normal working hours for all employees shall be determined by the City Manager.

(b) Shift assignments shall be established by the Department Director.

3.02.271 After Work Hour Communications

It is recognized that sometimes a non-exempt employee may receive a work related email, text, phone call, or other form of communication after working hours. The Town does not expect or require non-exempt employees to act upon such a communication. To the contrary, non-exempt employees are not permitted to respond to such communications during non-working hours unless (a) there is an emergency, (b) the employee is on call or standby, or (c) the employee has been given specific direction and permission by his or her supervisor to respond after work hours due to special, temporary circumstances, and time spent responding to such communication is recorded on employee's timecard as time worked. This policy applies whether the after work hour communication is sent to or received by a personal device or Town owned device.

[*History:* Res 2016-17, 4/13/16]

3.02.272 Standby Duty

(a) Public Works Department employees are specifically assigned duty to be available outside their normal work schedule to provide urgent repairs or maintenance, access to facilities, or other necessary tasks, as determined by the City Manager or designee.

(b) An employee on standby must be ready and able to report to the Town of Colma within one hour of being contacted. Specifically, but without limitation, the employee must not be under the influence of alcohol or a controlled substance while on standby duty.

(c) The routine standby period rotates amongst employees on a weekly basis. The standby period includes all periods of time outside of normal working hours during that week which the employee is scheduled on standby. The Public Works Director shall be responsible for creating the standby schedule and for ensuring the schedule is delivered to the Colma Police Department.

(d) An employee scheduled for standby duty may trade with another eligible employee to fill his/her standby commitment. The employee initiating the trade is responsible for notifying his/her department head of the replacement at least two days before standby week commences. If the employee cannot find a replacement, he or she is responsible to work standby as assigned.

(e) Standby pay shall be set by the City Council.

[History: Res 2014-44, 10/8/14]

3.02.273 Callback Pay

An employee who is called to work on his/her day off or after having been relieved of duty for the day at least one hour prior shall earn overtime for the time the employee is called back.

- (1) An employee who is called back to work is paid a minimum of two hours of overtime.
- (2) Compensable time under this policy does not include travel time to or from the employee's residence to the Town Corporation Yard. Compensable time under this policy shall begin when the employee reaches the Town Corporation Yard and shall end when the employee returns to the Town Corporation Yard.

[History: Res 2014-44, 10/8/14]

3.02.274 Value of Uniforms for CalPERS Purposes

(a) The Town shall report to CalPERS a uniform allowance as special compensation in the amount of \$68.67 per pay period for Public Works Maintenance Workers.

(b) The foregoing shall be subject to the provisions and limitations under the Public Employees Retirement Law, including the prohibition against reporting uniform allowance as pensionable compensation for "new members" under the Public Employees' Pension Reform Act of 2013.

[History: Res 2017-45, 9/13/17]

3.02.275 Non-Conflicting Provision

Nothing in this policy shall conflict with provisions of any active and existing labor agreement with any recognized bargaining group within the Town. Should such a conflict arise with this policy and any provisions of any active and existing labor agreement, the labor agreement shall prevail.

[History: Res 2014-44, 10/8/14]

3.02.280 Overtime

- (a) Unrepresented, non-exempt employees shall be paid one and one-half times his or her base rate of pay for time worked in excess of forty (40) hours in a work period.
- (b) FLSA overtime will be paid in accordance with the FLSA.
- (c) An employee may not work overtime without prior written authorization from his or her Department Director.

[Reference: 29 U.S.C. §§ 201-215]

[History: Res 2010-13, 4/14/2010]

3.02.290 Compensatory Time Off

- (a) The City Manager may allow an employee to take compensatory time off instead of receiving overtime pay for overtime work, as provided herein.
- (b) Compensatory time off is earned at the same rate as overtime pay.
- (c) Compensatory time off may be accumulated to a maximum of 48 hours to be used by the employee at a later time upon approval of the City Manager except as otherwise defined in any applicable Memorandum of Understanding.
- (d) At any time, an employee may request that all or any part of his or her bank of compensatory time off hours be converted to the equivalent in pay.

3.02.300 Recognition of Longevity

- (a) *Recognition.* After the first and every fifth full year of service, the Town will recognize eligible employees with a tangible award. This program does not constitute a contract to make an award and may be amended or repealed in the sole and absolute discretion of the City Council.
- (b) *Eligibility*
 - (1) To receive a recognition award, an employee must meet all of the following requirements:
 - (2) The employee must be a regular employee, a probationary employee or a casual employee who worked more than 300 hours in the twelve months prior to October 1;
 - (3) The employee must have reached his or her recognizable anniversary date on or before December 31 prior to the recognition event; and
 - (4) The employee must be on paid status on the date of the recognition event.

- (5) Casual employees who work less than 300 hours in the twelve months prior to October 1, temporary employees and elected officials are not eligible to participate in the Town's Employee Recognition Program.

(c) *Gifts*

- (1) The amount of money allowed for gifts shall be established by the City Council from time to time in its discretion. The City Manager shall, in his or her discretion, select a vendor and shall designate the type(s) and value of gifts for the anniversaries to be recognized.
- (2) Elected Officials may not be given a gift, but may be given a commemorative item of nominal value, such as a Town logo pin recognizing the first anniversary of service.

(d) *Recognition Event.* The Employee Recognition Event occurs annually, usually immediately prior to the November City Council meeting. Residents and employees and their families are invited. Employees marking a service year that qualifies for recognition need not attend the event to receive a gift.

3.02.305 Retention Pay

Effective in the first pay period after April 10, 2019, employees will be eligible for retention pay as follows:

(a) Full-time employees will be eligible for retention pay in the amount of 2.5% for continuous ten (10) years of Town of Colma service, and an additional 2.5% for twenty (20) years of continuous Town of Colma service, to a combined maximum of 5% retention pay. The percentage of retention pay shall be calculated on the employee's base pay (not including incentive pay or any other differential pay). After the effective date above, employees are eligible for retention pay beginning in the first pay period following their anniversary date in which the employee meets the 10 year or 20 year of continuous Town service. For purposes of this section, "continuous" service shall include vacation, sick leave, other paid time off, as well as Town-approved leaves of absence and other leaves required by law.

(b) Part-time employees will be eligible for retention pay based on actual hours worked. Once a part-time employee has worked 2,080 hours, the part-time employee will be credited with one year of service credit for purposes of determining eligibility for retention pay. For purposes of applying this provision, "part-time employee" means an employee who normally works a schedule of less than 40 hours per week whether classified as "part-time" or "casual." For purposes of this section, "continuous" service shall include vacation, sick leave, other paid time off, as well as Town-approved leaves of absence and other leaves required by law. When applying service credit for any approved leaves of absence for part-time and casual employees, only the employee's anticipated scheduled hours will be credited. For casual employees, only the employee's anticipated scheduled hours will be credited. For casual employees who work intermittently, any period of the year when work is not assigned will not be counted.

[History: Adopted by Res 2019-17, 4/10/19]

3.02.310 Garnishment

- (a) The City Manager (or his/her designee) will notify an employee who is subject to a wage garnishment, in writing, that a garnishment has been levied against the employee's pay.
- (b) Repeated garnishments may be considered a cause for disciplinary action.

3.02.320 Pay for Working in a Higher Classification

- (a) Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification.
- (b) Compensation for working out of classification will be provided only if each of the following conditions are met:
 - (1) The employee has assumed the full range of responsibilities of a vacant, higher classification for 30 consecutive days; and
 - (2) The City Manager has approved the assignment to the higher classification.
- (c) Working out of classification pay shall not be given to employees on temporary training assignments.
- (d) Employee assigned to work in a higher classification, which assignment is expected to last for at least thirty days, shall be compensated at the starting salary of the higher classification in which the employee is working or five percent above the employee's then existing salary, whichever is higher, effective at the commencement of the assignment. If the salary of the higher classification is set by contract approved by the City Council, then the employee's salary shall be increased by five percent over his or her then existing salary. If an assignment is not expected to last for at least thirty days but is thereafter extended, the employee will receive the additional pay retroactive to the date the assignment commenced.
- (e) When the higher class assignment is completed, the employee's salary will be readjusted to its previous level. The employee's date of hire and Review Date will remain unchanged.

3.02.330 Pay Advance

An advance in pay will not be granted except by the City Manager for a case of extreme hardship.

3.02.340 Time Sheets

- (a) All non-exempt employees shall accurately and completely report time worked and leave taken on time sheets and shall sign and submit the time sheets to their respective Department Director for review and approval.
- (b) Exempt employees shall accurately report days not worked on an Exception Report.
- (c) Falsification of time sheets or Exception Reports shall be a ground for disciplinary action up to, and including, termination.

(d) An employee may not sign a time sheet or Exception Report for another person.

3.02.345 Payroll Errors

(a) To ensure that system or other errors which affect an employee's pay are processed in an efficient and effective manner, once the Town detects a payroll error, it shall notice the affected employee as soon as practicable.

(b) Payroll errors detected by an employee shall, as soon as practicable, be communicated to the Finance Department.

(c) Under payments will be processed as soon as practicable.

(d) In the event of an overpayment, the Accountant or his or her designee will determine a reasonable repayment schedule and inform the employee of the schedule directly or through the Department Director. The affected employee shall be given an opportunity to discuss the repayment schedule and, if necessary, to request a reasonable adjustment to it. Factors considered in determining a reasonable adjustment to the repayment schedule include, but are not limited to, the employee's normal salary and other financial obligations of the employee. The Town will use any and all legal remedies to recover any salary overpayment made to the employee from the employee's wages in the event that (1) the employee does not respond within five working days of being notified of the overpayment or (2) mutual agreement on the repayment schedule is not achieved within 10 working days of the employee being notified of the overpayment.

3.02.350 Performance Evaluations

(a) The functions of the employee performance evaluation are:

- (1) To provide each employee with timely reports of the employee's progress and allow for correction of deficiencies;
- (2) To provide the employee with positive recognition of strengths and special abilities and an opportunity to improve deficiencies;
- (3) To provide an ongoing performance record which may become part of documentation used in making personnel actions;
- (4) To provide a basis for step advancements and salary increases;
- (5) To provide the employee with an opportunity to discuss ways and means for improvement;
- (6) To serve as a mechanism for updating job descriptions;
- (7) To allow the employee to give feedback to her or his supervisor; and
- (8) To reflect higher performance expectations as a result of employee growth and development.

- (b) Each employee should be evaluated at least once a year.
- (c) Prior to an employee's Review Date, the employee's supervisor shall meet with the employee and evaluate the employee's overall job performance as exceeds standards, satisfactory, needs improvement or unsatisfactory. The City Manager may, for good cause, extend the time for a performance evaluation until after the employee's Review Date.
- (d) Performance evaluations may be considered by the City Manager in determining the advisability of transfers, the level of employee discipline, and in promotional examinations. Performance evaluations are maintained in the employee's personnel file and are available only to the employee's supervisor, the Human Resources Manager, the Department Director, the City Manager, and, when necessary, the City Attorney.
- (e) A performance evaluation is not subject to the grievance procedure.
- (f) The City Manager, in his or her sole discretion, may require varying levels of review in the evaluation process.

3.02.360 Change of Name, Address and Telephone Number

- (a) Each employee shall provide the City Manager with his or her current legal name, mailing address and personal telephone number.
- (b) An employee must report any change of legal name, mailing address or telephone number within three business days of such change.
- (c) A violation of this policy may result in disciplinary action.

Division 6: Separation

3.02.370 Resignation

An employee wanting to resign in good standing with the Town is requested to provide a written resignation to his or her Department Director at least 14 calendar days prior to the effective date of resignation, is expected to be reasonably available for work during that period, and is expected to participate in an exit interview. Providing less than two weeks notice may affect the employee's ability to be rehired.

3.02.380 Termination

- (a) The Town may terminate a regular employee for cause which shall include, but not be limited to, any violation of this Chapter.
- (b) The Town may terminate an at-will, probationary or temporary employee at any time, with or without cause and with or without giving advance notice. At-will, probationary and temporary employees shall have no right to appeal or otherwise challenge the termination of their employment.
- (c) Upon request of the employee, the Town shall conduct a "liberty interest" hearing when the Town terminates an employee based on charges of misconduct or mismanagement which

stigmatizes his or her reputation, seriously impairs his or her opportunity to earn a living, or seriously damages his or her standing in the community. Charges concerning competency or inability to get along with others do not warrant a liberty interest hearing. The sole purpose of the liberty interest hearing is to afford the employee an opportunity to clear his or her name and refute the charges, not to have his or her job or promotion reinstated or termination rescinded.

3.02.390 Lay-offs; Re-Employment

(a) If the City Council determines, in its discretion, to reduce the Town's workforce for economic reasons, regular employees in those classifications identified for reduction will be laid off in reverse order of seniority.

(b) Any former regular employee who resigned from the Town in good standing, who is terminated because of an abolishment of position, or who is laid off because of a reduction in workforce, is eligible for re-employment as a new employee. The employee must file a completed Town application form and proceed through the regular hiring procedures with other applicants as described in the Hiring Process.

(c) If a position that was abolished because of a reduction in workforce is reinstated within six months thereafter, the Town shall notify all former employees who had been laid off within six months prior to reinstatement of the position. An employee who was laid-off because of that reduction who applies for reemployment shall be given preference over other applicants for that position, and offers of re-employment will be made to former employees who apply for the position in order of seniority.

(d) Reemployment of an employee in the retirement system will be made in accordance with the rules and regulations as set by CalPERS.

(e) All individuals re-employed by the Town must complete a new probationary period.

3.02.400 Out-Processing

An employee who resigns or is terminated for any reason must return all keys to Town buildings and Town automobiles, employee identification cards, all Town records, uniforms and equipment purchased by the Town, and any other Town equipment in the employee's possession or control. The employee shall also disclose in writing any and all passwords to files and documents created or used by the employee, whether authorized or unauthorized.

ARTICLE 3. CAC SUBCHAPTER 3.03 AMENDED.

Section 3.03.030(b)(2) is hereby amended to read as follows:

(b)

(2) Refusal to testify under oath before any court, grand jury proceeding, or administrative hearing over any then pending matter regarding any personal knowledge of any suspected misconduct or illegal action by any Town employee in the course and scope of employment with the Town.

Section 3.03.050(b) is hereby amended to read as follows:

(b) Specifically, but without limitation, each employee is prohibited from engaging in any of the following acts or omissions in connection with employment with the Town:

Section 3.03.140(b)(1) is hereby amended to read as follows:

(b)

- (1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to Town business. Notwithstanding the foregoing, an employee may use public resources, such as equipment or office space, for personal purposes, provided that such use is occasional, necessary, does not interfere with performance of work duties and this minimal usage does not cause the Town to incur additional expenses.

Section 3.03.160(b)(1) is hereby amended to read as follows:

(b)

- (1) "Protected Characteristic" means any characteristic protected by California's Fair Employment and Housing Act (FEHA), including race, color, religious creed, sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, physical and mental disability, medical condition, age, or military and veteran status.

Section 3.03.160(c)(4) is hereby amended to read as follows:

(c)

- (4) Any retaliation against the party complaining about or who has reported any discrimination or harassment, or any party for participating in an investigation of discrimination, retaliation, or harassment.

Section 3.03.160(d) is hereby amended to read as follows:

(d) The Town prohibits and will take all reasonable steps to prevent any retaliation against the complaining party or witnesses."

Section 3.03.170 is hereby amended as follows:

(a) Harassment is any behavior related to an individual, based on a Protected Characteristic, that is unwelcome or offensive

when:

- (1) Such conduct affects, explicitly or implicitly, a term or condition of an individual's employment;

- (2) Submission to or rejection of such conduct is the basis of employment decisions concerning an individual; or
 - (3) Such conduct creates an intimidating, hostile, or offensive working environment.
- (b) Unwelcome or offensive behavior can be of any form or combination of a verbal, nonverbal, visual, or physical nature. Examples of harassment include, but are not limited to, the following:
- (1) Offensive jokes, slurs, derogatory comments, epithets, leering, or insulting noises;
 - (2) Assault, threats or other acts of verbal or physical intimidation;
 - (3) Pictures, cartoons, objects, or written displays that are derogatory or of a degrading nature; or
 - (4) Withholding support or assistance for carrying out a task or assignment.
- (c) Any form of harassment, including sexual harassment, is not within the course and scope of an individual's employment with the Town of Colma.
- (d) Sexual harassment includes:
- (1) *Verbal Harassment*: Repeated, unsolicited, derogatory comments or slurs, or continued request for social or sexual contact after being advised such is unwelcome.
 - (2) *Physical Harassment*: Physical interference or contact including, but not limited to assault; touching; or impeding or blocking movements.
 - (3) *Visual Harassment*: Derogatory posters, cartoons, or drawings, staring or leering.
 - (4) *Sexual Favors*: Sexual advances which condition an employment benefit in exchange for sexual favors, or which may be perceived as such.
- (e) The Town does not intend to regulate or control any relationship or social interactions of employees which are freely entered into by both parties. However, the Town discourages romantic or sexual relationships between supervisors and subordinates because there is an inherent imbalance of power and potential for exploitation in such relationships; the relationships may create an appearance of impropriety and lead to charges of favoritism by other employees; and a welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes harassing. Additionally, such a relationship, especially where the employees work in the same department or have a supervisor/subordinate relationship, can create a potential for an actual or potential conflict of interest. An employee involved in a romantic or sexual relationship with another employee is required to disclose that information to his or her immediate supervisor, so that the Town may determine whether a potential or actual conflict exists. If an actual or potential conflict is determined, the Town may take whatever corrective action appears appropriate according to the circumstances.

Section 3.03.190 (a) and (b) are hereby amended to read as follows:

(a) Individual supervisors are responsible to report to the Human Resources Manager and work in conjunction with the Human Resources Manager to facilitate the investigation of discrimination, harassment, and sexual harassment incidents where the supervisor knows or should have known of the incident by nature of his or her supervisory position.

(b) Whether the complaining party requests formal or informal action, the supervisor must follow through, either by the formal complaint process or by verbally warning the harasser and documenting the admonishment. In any case, the supervisor should work in conjunction with the Human Resources Manager to facilitate the investigation of the complaint fairly and timely and take appropriate corrective action if the complaint is substantiated. The supervisor and the Human Resources Manager shall also maintain confidentiality of all parties involved and any information shared, to the extent possible.

Section 3.03.220(a) and (b)(1) are hereby amended to read as follows:

(a) An employee is prohibited from using any tobacco-related products while on-duty or during work hours:

(b):

(1) "tobacco-related products" means any kind of lighted pipe, cigar, cigarette, or chewing tobacco; it also includes all vaping products; and

Section 3.03.240(a)(3) and (a)(4) are hereby amended to read as follows:

(a)

(3) Has operated a Town vehicle or Town equipment that was involved in an accident or vehicle collision; or

(4) Has committed an action, or failed to take an action, that has proximately caused an accident or vehicle collision while performing services for the Town or on Town property (e.g., by failing to maintain the vehicle or equipment or work-site where the accident occurred).

Section 3.03.250(b) is hereby amended to read as follows:

(b) The Town will make every effort to provide reasonable accommodation to officers and employees who voluntarily come forward to seek counseling or treatment. This accommodation may take the form of time off from work, sick leave, Personal Leave or an adjusted work schedule. The time to request assistance is before any violation of this policy has occurred. The Town is not obligated to refrain from imposing or to set aside any discipline imposed for violation of these standards.

ARTICLE 4. CAC SUBCHAPTER 3.04 AMENDED.

Section 3.04.010(c)(1) and (2) are hereby amended to read as follows:

(c)

- (1) The reporting employee should report the matter to a supervisor, the City Manager, the Human Resources Manager, or the Chief of Police. The reporting employee does not have to follow the normal Chain of Command.
- (2) The person receiving the report must take appropriate action, which may include reporting the matter to the City Manager or another person in a position to take action, and conducting an informal or formal investigation. The report will be kept confidential, to the extent possible. However, if disciplinary action is taken against the alleged perpetrator, the reporting employee may be requested to testify in an appeal hearing in order for the Town to impose discipline on that person.

Section 3.04.060(f), (g), (g)(1) and (g)(2) are hereby amended to read as follows:

(f) *Investigation.* Upon receipt of a complaint of harassment, retaliation, or discrimination, the City Manager and/or the Human Resources Manager shall ensure that a prompt and thorough investigation is conducted. Any investigation of a peace officer must comply with the requirements of the Public Safety Officers' Procedural Bill of Rights Act.

(g) *Determination and Report.* Upon completion of an investigation, the Appropriate Department Director shall, in consultation with the City Manager and/or the Human Resources Manager:

- (1) Make a determination whether the alleged conduct constitutes harassment, discrimination, or other misconduct within the meaning of Town policy, after giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incidents occurred; and
- (2) Through the Human Resources Manager, report the results of the investigation (i.e., "merit," "no merit," or "inconclusive") to the appropriate persons, including the complainant and the alleged harasser, other management-level employees will be informed of necessary information on a need-to-know basis ; and

Section 3.04.070(b)(5) is hereby amended to read as follows:

(b)

- (5) Appeal or otherwise challenge a reduction in pay, demotion, suspension, termination, or other form of disciplinary action.

Section 3.04.270(a) is hereby amended to read as follows:

(a) All hearings shall be closed.

ARTICLE 5. CAC SUBCHAPTER 3.05 AMENDED.

Section 3.05.030(b)(4) is hereby amended to read as follows:

(b)

(4) Retirement Health Savings Program (RHSP)

The Town offers a Retirement Health Savings Program (RHSP), administered by a third party administrator selected by the Town. The design of the RHSP is intended to be a tax advantaged savings plan to be used exclusively for qualifying medical expenses during retirement.

ARTICLE 6. CAC SUBCHAPTER 3.06 AMENDED.

Subchapter 3.06 is hereby amended in its entirety to read as follows:

SUBCHAPTER 3.06: LEAVES

Division 1: General

3.06.010 Inconsistent Actions; Failure to Return to Work

An employee may not take any action during a leave of absence that is inconsistent with an intention to return to employment with the Town, such as accepting employment with another employer or failing without authorization to return after expiration of leave. An employee who takes any action during his or her leave of absence that is inconsistent with an intention to return to employment with the Town may be terminated.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.020 Exhaustion of Paid Leave

An employee who is absent from work may be required to use his or her accrued and available paid leave to the extent allowed by law and these policies.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.030 General Rule for Accruing Paid Leave

(a) An employee must be in paid status in order to earn and accrue paid leave of any type. An employee who has exhausted all paid leave shall not earn any paid leave until he or she has returned to paid status.

(b) An employee will not accrue vacation or sick leave, nor will the employee be paid for holidays that occur during the employee's leave of absence except during those periods when the employee is on paid sick leave, Personal Leave or compensatory time off.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.040 Unpaid Leave of Absence

(a) An employee taking an unpaid leave of absence may request or be required to use his or her accumulated and available sick leave, Personal Leave, or compensatory time off.

(b) An employee is not entitled to an unpaid leave of absence except as expressly provided in this Subchapter or where granted by the City Manager for good cause.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.050 Coordination of Benefits

(a) Workers Compensation and State Disability Insurance benefits will be integrated with paid leaves described in this Subchapter so that an employee does not receive over 100 percent of the employee's regular pay.

(b) When an employee is eligible for benefits under the Workers Compensation Act or the State Disability Act, he/she may apply his/her accrued sick leave or other paid leave pro rata to supplement the expected benefit payment, up to a maximum of 100% of the employee's regular pay.

(c) Payments under a long-term disability insurance policy are not subject to coordination of benefits by the Town but may be reduced by the insurance carrier.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.060 Conflicting Provisions

In the event of a conflict between the provisions of this Subchapter and any collective bargaining agreement, the terms and conditions of the collective bargaining agreement shall apply.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.070 General Rules of Eligibility; Prorated Paid Leave

(a) Except as expressly provided herein, regular and probationary employees are eligible for paid leaves provided in this Subchapter, while casual and temporary employees are eligible only for sick leave as defined in Division 3 of this subchapter.

(b) Paid leave for a part-time employee shall be prorated according to the employee's Full-Time Equivalency.

3.06.080 [Reserved]

Division 2: Holidays

3.06.090 Holiday Leave

(a) Regular and probationary employees are entitled to holiday pay as provided in this section. Town holidays are set forth in section 1.01.050 of the Colma Municipal Code.

(b) An exempt employee who observes a Town holiday shall be entitled to his or her regular monthly salary.

(c) A non-exempt employee who was in paid status the workday before and the workday after a Town holiday shall be paid for the holiday. If the non-exempt employee worked full-time, the employee shall be paid for a full day. If the non-exempt employee worked part-time, the employee's holiday pay shall be prorated at his or her Full-Time Equivalency.

(d) Regular and probationary employees required to work on a Town holiday will be paid an amount equal to one and one-half times his or her regular rate of pay, which shall be in addition to holiday pay to which he or she is entitled.

[Originally 3.06.080; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.100 [Reserved]

Division 3: Sick Leave

3.06.110 Sick Leave Eligibility and Accrual

(a) Regular and Probationary Employees

- (1) A regular or probationary full-time employee who is full-time paid status shall accrue paid sick leave at the rate of eight hours per month. Accruals begin on the first day of employment.
- (2) A regular or probationary part-time employee who is in paid status shall accrue sick leave prorated at his or her Full-Time Equivalency. Accruals begin on the first day of employment.
- (3) A regular or probationary full-time employee may accrue sick leave up to a maximum of 1,040 hours. An employee who has accrued 1,040 hours of unused sick leave shall not earn additional sick leave unless and until he or she has an accrued balance of less than 1,040 hours of unused sick leave.
- (4) A regular or probationary part-time employee may accrue sick leave up to a maximum of 1,040 hours prorated at his or her Full-Time Equivalency. An employee who has accrued 1,040 hours of unused sick leave prorated to his or her Full-Time Equivalency shall not earn additional sick leave unless and until he or she has an accrued balance of less than the prorated amount of unused sick leave.
- (5) All sick leave is paid at an employee's regular rate of pay as of the time of the absence, exclusive of overtime or other irregular pay enhancements.

(b) Casual and Temporary Employees

- (1) Effective on the first day of employment or July 1, 2015, a casual or temporary employee shall accrue one hour of sick leave per every 30 hours worked.
- (2) A casual or temporary employee may accrue sick leave up to a maximum accrual cap of 48 hours or six days. A casual or temporary employee who has accrued 48 hours or six days of unused sick leave shall not earn additional sick leave unless

and until he or she has an accrued balance of less than 48 hours of unused sick leave.

[Originally 3.06.090; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.120 When Sick Leave May Be Used

- (a) An eligible employee may use his or her sick leave for any of the following reasons:
 - (1) An illness or injury which makes the employee unable to fully perform the essential functions of his or her job duties;
 - (2) For an appointment with a health care provider for preventative care or for a medical procedure, provided that if the appointment or procedure is foreseeable, the employee must have made a reasonable effort to schedule it during non-work hours and so as not to unduly disrupt the Town's operations;
 - (3) To care for a newborn child or a newly placed child;
 - (4) To care for a child, grandchild, parent, parent-in-law, grandparent, sibling, spouse or Registered Domestic Partner who is ill;
 - (5) To accompany a child, grandchild, parent, parent-in-law, grandparent, sibling, spouse or Registered Domestic Partner to an appointment with a health care provider for treatment, preventative care or a medical procedure; or
 - (6) To obtain relief or attempt to gain relief or services related to domestic violence, sexual assault or stalking for the purposes described in Labor Code section 230(c) and 231(a).
- (b) Usage Restrictions.

Notwithstanding the foregoing:

- (1) Absent conditions qualifying for FMLA/CFRA leave, a regular or probationary employee may use up to half his or her annual (i.e. calendar year) sick leave accrual to care for a spouse, child, grandchild, parent, parent-in-law, grandparent, sibling or Registered Domestic Partner.
 - (2) A casual or temporary employee may use up to 3 days or 24 hours per calendar year for any permissible purpose. Such employee may carry over unused accrued sick leave to the following year, subject to the maximum accrual cap of six days or 48 hours.
 - (3) Any employee who has a break in service of less than one year will have his or her accrued and unused sick leave reinstated and does not need to wait an additional 90 days of employment to use accrued sick leave.
- (c) For purposes of this section:

- (1) A "child" is a biological, foster or adopted child, a stepchild, a legal ward, a child of a Registered Domestic Partner, or a child of a person standing in the place of a parent; and
- (2) A "parent" is a biological, foster, or adoptive parent, a stepparent, or a legal guardian or a person who stood in the place of a parent when the employee was a minor.

[Reference: Labor Code §§ 233, 246]

[Originally 3.06.100; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.130 Conversion or Payment for Unused Sick Leave

Upon separation of employment with the Town, an employee is not entitled to be paid for his or her accrued and unused sick leave except as follows:

(a) An employee who is eligible for and who has applied for retirement under CalPERS within four (4) months of separation from the Town of Colma may, at the employee's option, convert unused and accrued sick leave to additional PERS service credit or be paid for unused and accrued sick leave, provided that the number of hours to be converted or paid shall not exceed 1,040 hours.

(b) An employee hired after July 1, 2019 who is eligible for and who has applied for retirement under the California Public Employees Retirement System within four (4) months of separation from the Town may, at the employee's options, convert unused and accrued sick leave to additional PERS service credit provided that the number of hours to be converted shall not exceed 1,040 hours. Accrued but unused sick leave shall have no cash value at separation for such employees.

[Originally, 3.06.110; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2019-17, 4/10/19]

3.06.140 Sick Leave Not to Extend Family and Medical Leave Period

Nothing in this Division shall extend the maximum period of leave to which an employee is entitled under the California Family Rights Act (CFRA), the federal Family and Medical Leave Act (FMLA), or this Subchapter, whether or not the employee received sick leave compensation during that period.

[Originally, 3.06.120; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.150 Reporting Requirements

(a) Any employee taking sick leave shall notify his or her supervisor in accordance with rules established by the City Manager. An employee who is on sick leave shall keep his or her supervisor advised as to his or her expected date of return to duty. A non-exempt employee shall report sick

leave taken on his or her time sheet, and an exempt employee shall report sick leave taken on his or her Exception Report.

(b) An eligible employee who is on sick leave for a period exceeding three consecutive days may be required to provide a certificate from his or her health care provider verifying the need for the absence from work and releasing the employee to return to duty with or without restrictions. Except where sick leave is taken for an occupational disability, the certificate should not disclose the underlying diagnosis of the patient's condition.

(c) In appropriate circumstances, the Town may require the employee to participate in a fitness-for-duty examination by a doctor selected by the Town before allowing the employee to return to work.

[Originally, 3.06.130; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.160 Prevention of Sick Leave Abuse

(a) The City Manager shall establish guidelines for identifying and correcting abuse of sick leave.

(b) If sick leave abuse is identified, corrective action will be taken, including requiring appropriate documentation.

3.06.170 [Reserved]

Division 4: Family and Medical Leave

3.06.180 Family and Medical Leaves of Absence

(a) The Town provides Family and Medical Leave benefits that are more generous than, and are consistent with, state (the California Family Rights Act – "CFRA") and federal (the Family and Medical Leave Act – "FMLA") leave laws. Specifically, the Town, in its discretion, provides Family and Medical Leave as set forth in this Division, even though there may be fewer than 50 employees within 75 miles, which is the threshold for providing Family and Medical Leave under law. To the extent that the law does not require the Town to provide Family and Medical Leave, this Division may be repealed at the discretion of the City Council. U.S. Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (FMLA) and the implementing regulations for the California Family Rights Act (CFRA) may be used to supplement the provisions in this division. Unless otherwise provided by this Division, "leave" under this policy shall mean leave pursuant to FMLA and CFRA, as FMLA and CFRA leave shall run concurrently when permitted by law.

(b) To the extent that the law requires the Town to provide Family and Medical Leave and to the extent the Town has agreed to voluntarily provide these rights, the respective rights and obligations of the Town and its employees are set forth in the following provisions and implementing federal and state regulations.

[Reference: 29 C.F.R. 825.100 et seq.]

[History: Formerly § 3.06.150(a); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.190 Definitions for this Division

As used in this Division, specific terms are defined in the FMLA, CFRA and their respective implementing regulations, and as set forth below. To the extent any conflict arises between definitions below and definitions set forth in FMLA/CFRA and their regulations, the FMLA/CFRA definitions shall control.

“12-month period” means a rolling 12-month period measured backward from the date the leave is taken and continuous with each additional leave day taken; a “single 12-month period” means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered military service member and ends 12 months after that date.

“Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child as well as a child for whom the employee stands in loco parentis (in place of parents).

“Covered active duty” means:

- (1) In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; or
- (2) In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

“Covered military service” member means:

- (1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness; or
- (2) A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

“Domestic Partner,” as defined by Family Code §§297 and 299.2, shall have the same meaning as “Spouse” for purposes of CFRA Leave.

“Health care provider” means:

- (1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;

- (2) Individuals duly licensed as a physician, surgeon or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
- (3) Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- (4) Nurse practitioners and nurse mid-wives, clinical social workers, marriage and family therapists, acupuncturists, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined by California State law;
- (5) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston Massachusetts; and
- (6) Any other health care providers that fall within the definition of FMLA or CFRA regulations; and
- (7) Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

"Leave" means leave pursuant to FMLA and CFRA.

"Next of Kin of a covered military service member" means the nearest blood relative other than the covered military service member's spouse, parent or child in the following order of priority: blood relatives who have been granted legal custody of the covered military service member by court decree or statutory provisions, siblings, grandparents, aunts and uncles and first cousins unless the covered military service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under FMLA.

"Outpatient status" means, with respect to a covered military service member, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control if members of the Armed Forces are receiving medical care as outpatients.

"Parent" means the biological, adoptive, step or foster parent of an employee or an individual who stands or stood in loco parentis (in place of parents) to an employee when the employee was a child. This term does not include parents-in-law.

"Serious health condition" means an illness, injury (including but not limited to, on-the-job injuries), impairment or physical or mental condition of the employee or a child, parent or spouse of the employee that involves inpatient care or continuing treatment, including but not limited to treatment for substance abuse (and except for certain injuries or illnesses incurred by a member of the Armed Forces as defined later in this section):

- (1) Inpatient care (i.e. an overnight stay or admission to the facility with an expectation of an overnight stay, even if later discharged) in a hospital, hospice or residential medical care facility, including any period of incapacity (i.e. inability to work or perform other regular daily activities due to the serious health condition, treatment involved or recovery there from); or
- (2) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - (A) A period of incapacity (i.e., inability to work or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - i. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances are certified by a health care provider, a nurse or by a provider of health care services (e.g. a physical therapist) under orders of or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or
 - ii. Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 - (B) Any period of incapacity due to pregnancy or for prenatal care. This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave (see section 3.06.300 *et seq.*, of this subchapter).
 - (C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse, continues over an extended period of time (including recurring episodes of a single underlying conditions), and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave, even if the absence lasts only one day.
 - (D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or eligible family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

- (E) Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, whether for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment. "Serious Injury or Illness," in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating. In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed Forces) and that manifested itself before or after the member became a veteran.

[References: Cal. Family Code §§ 297 and 299.2; 29 CFR § 114]

[History: Formerly § 3.06.150(b); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.200 Eligibility and Duration

(a) To be eligible for Family and Medical Leave, an employee must have at least 12 months of service with the Town and must have worked at least 1,250 hours during the 12-month period preceding the date the leave is to begin. Employment periods prior to a break in service of seven or more years need not be counted in determining whether an employee has been employed for at least 12 months.

(b) Except as provided in this subchapter with regard to certain types of military-related family or medical leave, employees may take up to a maximum of 12 workweeks of Family and Medical Leave within a 12-month period. The Town uses a "rolling" 12-month period to determine an employee's eligibility for leave. The 12-month period is measured backward from the date an employee uses any family leave.

[History: Formerly § 3.06.150(c); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.210 Permitted Reasons for Leave

An employee eligible for Family or Medical Leave under this Division may take a leave of absence for any of the following reasons:

- (1) The birth of a child of the employee and to care for a newborn;
- (2) The placement of a child with an employee in connection with the adoption or foster care of a child by the employee;
- (3) To care for a child, parent, spouse or Registered Domestic Partner who has a serious health condition;
- (4) Due to the employee's own serious health condition that makes the employee unable to perform the essential functions of his or her position;
- (5) Because of any "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call or order to covered active duty status, as set forth in section 3.06.290 of this subchapter; or
- (6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember, as set forth in section 3.06.290 of this subchapter.

[History: Formerly § 3.06.150(d); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.220 Procedure for Obtaining Medical and Family Leave

(a) *Advanced Notice.* Whenever possible, the employee must provide at least 30 days advance written notice of the employee's need to take a leave of absence under this Division for foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or an eligible member of the employee's family). If an employee requests a leave of absence that is foreseeable because of a scheduled medical procedure, the employee must make a reasonable effort to schedule it so that it will not unduly disrupt Town operations, subject to the approval of the employee's health care provider. For events which are unforeseeable, the employee must notify the Human Resources Manager and his or her supervisor, at least verbally, as soon as the employee learns of the need for the leave.

(b) *Request for Leave.* Regardless of the nature of the leave of absence and in addition to the advanced notice, an employee must submit a written Request for Leave of Absence to the Human Resources Manager, with a copy to his or her supervisor, as soon as possible. The employee must also submit written certification from the patient's health care provider, or another qualified person approved by the City Manager, containing the following information:

- (1) The date on which the qualifying condition began or will begin;
- (2) The probable duration of the qualifying condition; and

- (3) In situations where the leave is due to the employee's own condition, a statement that, due to the employee's serious health condition, the employee is (or will be) unable to perform the essential functions of the employee's position; or
- (4) In situations where the leave is needed to care for a family member having a serious health condition, the date of commencement of the serious health condition, the probable duration of the condition, an estimate of the amount of time that the health care provider believes the employee needs to take in order to care for the child, parent, or spouse, and confirmation that the serious health condition warrants the participation of the employee.

(c) *Recertification.* Recertification may be required if the employee requests an extension beyond the original certification.

(d) Qualifying Exigency Leave.

- (1) The first time an employee requests qualifying exigency leave, the employee must provide a copy of the covered military service member's active duty orders or other documentation issued by the military which indicates that the covered military service member is on covered active duty or call to active duty status in a foreign country and the dates of the covered military service member's active duty service.
- (2) An employee must provide a copy of new active duty orders or similar documentation if the need qualifying exigency leave arises out of a different active duty or call to active duty status of the same or different covered military member.

(e) *Incomplete Medical Certification.* If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. If an employee fails to provide a medical certification within the timeframe established by this policy, the Town may delay the taking of FMLA/CFRA leave until the required certification is provided.

(f) *Second Opinion.* If the Town has a good faith, objective reason to doubt the validity of a certification of the employee's own medical condition, the Town may require a medical opinion of a second health care provider chosen and paid for by the Town. The health care provider designated by the Town will not be the one who is employed on a regular basis by the Town. If the second opinion is different from the first, the Town may require the opinion of a third provider jointly approved by the Town and the employee, but paid for by the Town. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

[History: Formerly § 3.06.150(e), (f), and (g); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.230 Intermittent Schedule

(a) Family or Medical Leave may be taken intermittently (in blocks of time or on a reduced-time schedule) if the leave is for the serious health condition of the employee or the employee's family member and if such intermittent leave is medically necessary as determined by the health

care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is fifteen (15) minutes.

(b) If an employee requests intermittent leave or leave on a reduced-time leave schedule, the employee also must provide certification of the medical necessity for either kind of leave, its expected duration, and, if applicable, the date on which the patient's medical treatment is to be given and the duration of the treatment. If an appropriate medical certification is provided, an employee may take medical leave on an intermittent basis or use a reduced-time schedule, that is, work fewer hours per day or per week than the employee's usual schedule requires.

[History: Formerly § 3.06.150(h); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.240 Additional Time

If the employee needs additional family or medical leave after the time stated in the employee's original certification, the employee must submit re-certification containing the information outlined above.

[History: Formerly § 3.06.150(i); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.250 Periodic Reports

If an employee is granted a family or medical leave of absence, he or she may be required to provide periodic status reports, as requested by the Town, which certify the patient's continuing serious health condition and expected date of return to work.

[History: Formerly § 3.06.150(j); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.260 Non-compliance

Failure to comply with these rules is grounds for, and may result in, deferral or denial of the requested leave.

[History: Formerly § 3.06.150(k); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.270 Compensation and Benefits

(a) Family and Medical Leave is unpaid leave, but during the leave period, the employee can or may be required to use other forms of paid leave as set forth in this subchapter. During any absence qualifying for non-pregnancy-related Family and Medical leave that is unpaid, an employee must use his or her accrued paid leave (including sick leave, vacation, and any other form of accrued paid leave available to the employee). This includes, but is not limited to, waiting periods applicable to various wage replacement programs such as SDI. Leave periods when an employee is receiving wage replacement benefits (e.g. SDI, PFL or workers' compensation) are not considered unpaid leaves for purposes of this Section.

(b) If an employee is on Family and Medical Leave for his or her own serious health condition, the employee must use any accrued paid leave, to the extent allowed by other Town policies, during the unpaid portion of the leave (unless the employee is on leave that also qualifies as pregnancy disability leave, in which case the employee is required to use accrued sick leave and has the option of whether to use accrued vacation). For any period of time that the employee is eligible for and is receiving outside wage replacement benefits (e.g., short- or long-term disability benefits, SDI, and/or workers' compensation benefits), if the employee elects to use available paid leave, the Town will apply accrued paid leave as a supplement to the wage replacement benefit on a pro-rated basis to bring the employee to full compensation.

(c) If an employee is on Family and Medical Leave to care for a family member with a serious health condition, the employee must use accrued paid leave during the unpaid portion of the leave to the extent allowed by other Town policies. For any period of time that the employee is eligible for and is receiving outside wage replacement benefits (e.g., California paid family leave), if an employee elects to use available paid leave, the Town will apply accrued paid leave as a supplement to the wage replacement benefit on a pro-rated basis to bring the employee to full compensation.

(d) If an employee is on Family and Medical Leave to bond with a new baby, the employee must use accrued paid leave to the extent allowed by other Town policies. For any period of time that the employee is eligible for and is receiving outside wage replacement benefits (e.g., California paid family leave), if an employee elects to use available paid leave, the Town will apply accrued paid leave as a supplement to the wage replacement benefit on a pro-rated basis to bring the employee to full compensation.

(e) In any event, if all paid leave available from the Town is exhausted, Family and Medical Leave will continue on an unpaid basis for the remainder (if any) of the available 12 weeks. Any Family and Medical Leave, whether paid, unpaid, or a combination thereof, will be counted toward the 12-week leave entitlement. During any period of unpaid leave (i.e. when not using accrued paid leave), employees will not continue to accrue paid leave and will not be paid for holidays that occur during the unpaid leave.

(f) An employee taking Family and Medical Leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for up to a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The Town will continue to make the same premium contribution as if the employee had continued working, and the employee is expected to continue to pay his or her share of the monthly premiums. An employee who fails to make his or her required premium payment may lose coverage if the payment is more than 30 days late (and upon 15-days advance notice by the Town). The continued participation in health benefits begins on the date leave first begins. Employees are eligible for a maximum of 12 weeks of FMLA benefits continuation during any 12-month period. If leave lasts longer than 12 weeks, then the employee will be placed on COBRA and can opt for continued coverage at his or her own expense. An employee who does not return from leave may be required, under certain circumstances provided by the law, to reimburse the Town for any employee contributions paid by the Town while the employee was on unpaid leave. Note that for employees on Pregnancy Disability Leave, benefits will be continued as provided in section 3.06.360 of the Town's Pregnancy Disability Leave policy.

[History: Formerly § 3.06.150(l); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.280 Special Rules for Birth, Adoption or Foster Care Placement of a Child

Leave may be taken for the birth, adoption, or foster placement of a child (i.e. "baby bonding" leave) within one year of the birth or placement of the child with the employee. The basic minimum duration of baby bonding leave is two weeks. An employee may take baby bonding leave for at least one day, but less than two weeks, on two occasions. In addition, employees whose spouses or co-parents are also employed by the Town are entitled to a combined total of 12 weeks of baby bonding leave.

[History: Formerly § 3.06.150(m); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.290 Service Member Family and Medical Leave

(a) *Eligibility.* Eligible employees are entitled to unpaid "Service Member Family and Medical Leave" in the following instances:

- (1) *Military Qualifying-Exigency Leave.* Eligible employees with a spouse, child, or parent on active duty or called to active duty in the National Guard or Reserves in support of a contingency operation may take up to the normal 12 weeks of leave because of any "qualifying exigency." For purposes of this policy, "qualifying exigency" includes: short-notice deployment, military events and related activities, childcare and school activities, finance and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities agreed to by the employer and the employee. This leave is available only to families of service members in the National Guard or Reserves – not to families of service members in the Regular Armed Forces.
- (2) *Military Caregiver Leave.* An eligible employee who is the spouse, son, daughter, parent, or next-of-kin of a covered service member (includes a current member of the Regular Armed Forces as well as the National Guard or Reserves) may take up to 26 weeks of leave within a twelve-month period to care for such a service member with a serious injury or illness incurred in the line of active duty or which existed before the beginning of the military member's active duty and was aggravated in the line of duty while on active duty. For purposes of this type of leave, the 12-month period begins on the first day the employee takes leave for this purpose and ends 12 months thereafter. This leave entitlement applies on a per-covered service member, per injury basis. Leave to care for an injured or ill service member – when combined with other FMLA-qualifying leave – may not exceed 26 weeks in a single 12-month period.

(b) *Duration.*

- (1) For a qualifying exigency, an employee is entitled to a maximum of 12 weeks leave (when combined with leave for any other qualifying reason) in accordance with the rolling 12-month period measured backward.

- (2) To care for an ill or injured service member, an eligible employee is entitled to a combined total of 26 weeks of leave for any FMLA-qualifying reason during the single 12-month period that starts when the leave begins. During this 12-month period, an employee is entitled to no more than 12 weeks of leave for any qualifying reason other than caring for a service member.

(c) *Other Military Leave Entitlements.* The Town also complies with any applicable leave entitlements provided by any state or local law. Where allowed, military leave under this policy runs concurrently with these other leaves.

(d) *Procedures.* Except in the case of exigency leave for short-notice deployment, the employee shall follow the procedures set forth in section 3.06.190.

[References: 29 CFR 825.126]

[History: Adopted by Res 2014-04, 2/13/14]

3.06.300 Return to Work and Reinstatement

(a) *Right to Reinstatement.* Upon return from a Family and Medical Leave or a Service Member Family and Medical Leave, an employee will be reinstated to his or original position or to an comparable position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, an employee is not entitled to reinstatement if one of the following conditions exists:

- (1) The employee's job has ceased to exist for legitimate business reasons;
- (2) The employee has directly or indirectly indicated the employee's intention not to return to the employee's job;
- (3) The employee is no longer able to perform the essential functions of the employee's job with or without reasonable accommodation (the Town will engage in an interactive process with the employee at the conclusion of his or her Family and Medical Leave before reaching this determination); or
- (4) The employee is no longer qualified for the job. (However, if the loss of qualification is due to the employee's temporarily inability to attend a necessary course, renew a license, etc. as the result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon returning to work.

(e) *Ability to Perform.* When the employee is ready to return to work from an authorized leave of absence under this Division, and where the leave was due to the employee's own condition, the employee must present certification from the employee's physician that the employee is able to safely perform all of the essential functions of the employee's position, or can do so with reasonable accommodation. The Town may require the employee to participate in a fitness-for-duty examination by a doctor selected by the Town before allowing the employee to return to work.

(f) *Placement in Similar Position.* If the Town cannot reinstate an eligible employee to the employee's position held before leave was taken, the Town will offer the employee a substantially similar position provided that:

- (1) A substantially similar position exists and is available;
- (2) Filling the available position would not substantially undermine the Town's ability to operate safely and efficiently; and
- (3) The employee is qualified for the position.

(g) *Key employee.* A key employee, as defined by 29 C.F.R. 825.217 or 2 Cal. Code Regs. 11089(d)(2), may not be entitled to reinstatement.

(h) *Fraudulently-obtained Leave.* An employee who fraudulently obtains or uses Family and Medical Leave is not protected by job restoration or maintenance of health benefits.

[Reference: 29 C.F.R. 825.100 et seq.]

[History: Formerly § 3.06.150(n), (o), (p) and (q); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.310 [Reserved]

Division 5: Pregnancy Disability Leave

3.06.320 Eligibility and Terms of Leave

(a) Pursuant to the California Fair Employment and Housing Act (FEHA), a female employee is entitled to an unpaid pregnancy disability leave during the time that the employee is actually disabled on account of pregnancy, childbirth, or related medical conditions, up to a maximum period of seventeen and one-third weeks (Pregnancy Disability Leave).

(b) The employee may take this leave, as needed, for all disabilities related to each pregnancy. Specifically, the employee may take time off for necessary prenatal or postnatal care, as well as for conditions such as severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, childbirth, loss or end of pregnancy, and recovery from childbirth.

(c) An employee may request a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she provides the Town with medical certification from her health care provider. In addition to other possible forms of reasonable accommodation, a pregnant employee may transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties, if she so requests, and the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated. However, the Town is not required to create additional employment that would otherwise not be created, discharge other employees, transfer another employee with more seniority, violate a collective bargaining agreement, or promote any employee (including the pregnant employee) to a position for which the employee is not qualified.

[History: Formerly § 3.06.160(a), (h); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.330 Procedure

(a) *Advanced Notice.* Whenever possible, the employee must provide at least 30 days advance written notice of the employee's need to take a Pregnancy Disability Leave. If an employee requests a leave of absence that is foreseeable because of a scheduled medical procedure, the employee must make a reasonable effort to schedule it so that it will not unduly disrupt Town operations, subject to the approval of the employee's health care provider. For events which are unforeseeable, the employee must notify the City Manager and her supervisor, at least verbally, as soon as the employee learns of the need for the leave.

(b) *Request for Leave and Certification.* As soon as possible, the employee must also submit to the City Manager, with a copy to her supervisor, a written Request for Leave of Absence accompanied by a written statement from the patient's health care provider, or another qualified person approved by the City Manager, verifying the employee's pregnancy disability or the medical advisability of a temporary transfer to a less strenuous or hazardous position or job duties, and stating: the date on which the employee became disabled due to pregnancy, childbirth or related medical condition or the date on which the need for a transfer became medically advisable; the probable duration of the period(s) of disability or the duration of the need for a transfer; and a statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons, or that the transfer is medically advisable.

(c) The Town may require re-certification if the employee requests an extension beyond the original certification.

(d) If there is any change in the information contained in the health care provider's statement, the employee must report these changes promptly to the City Manager.

[History: Formerly § 3.06.160(d), (e), (f); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.340 Length of Leave

Normally, full-time employees are granted unpaid leave for the period of actual disability, up to a maximum of seventeen and one-third weeks (i.e., the number of days or hours the employee would work in four calendar months [17 $\frac{1}{3}$ weeks]). For full-time employees, this period is typically 88 working days. Part-time and/or variable schedule employees are granted unpaid leave on a pro-rata or proportional basis. The leave benefits available under this policy are "per pregnancy" rather than "per year." Pregnancy Disability Leave runs concurrently with leave under the federal Family and Medical Leave Act (FMLA), but not with leave under the California Family Rights Act (CFRA), which is a separate leave benefit.

[History: Formerly § 3.06.160(a); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.350 Intermittent Leave

(a) Pregnancy Disability Leave does not need to be taken in one continuous period of time, but can be taken on an as-needed basis. Such leave may be taken intermittently, or on a reduced-hours schedule, when medically necessary as determined by the employee's health care provider. The smallest increment of time that can be used for such leave is 15 minutes.

(b) The Town may transfer the employee to an alternative position or alter the existing job to accommodate intermittent leave or a reduced work schedule. The employee will receive the same pay and benefits in the alternative position.

[History: Formerly § 3.06.160(b); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.360 Compensation and Benefits

(a) Generally, employees taking pregnancy disability leave will be treated the same as other similarly situated employees taking disability leave.

(b) Pregnancy disability leave is unpaid leave, but during the leave period, the employee can or may be required to use other forms of paid leave as set forth in section 3.06.250.

(c) When an eligible employee is on pregnancy disability leave running concurrent with FMLA leave, the Town will continue the employee's group health care benefits for up to a maximum of 12 workweeks under the same terms and conditions as applied prior to the leave of absence as outlined in Section 3.06.250.

(d) During a Pregnancy Disability Leave, the employee shall accrue seniority and participate in employee benefit plans (e.g. short- or long-term disability plans, pension and retirement plans, etc.) to the same extent and under the same conditions as would apply to any other unpaid disability leave granted by the Town for any reason other than a pregnancy-related disability. Specifically:

- (1) The employee shall retain employee status during the period of the Pregnancy Disability Leave, and the leave shall not constitute a break in service for purposes of longevity and/or seniority under any collective bargaining agreement or employee benefit plan; and
- (2) Medical, Dental and Vision coverage will continue during Pregnancy Disability Leave in the same manner as if the employee was actively at work. This means that the employee will be responsible for her contributing premium payments for the entire length of the leave. Failure to timely pay the employee share could result in termination of benefits.

(e) An employee taking Pregnancy Disability Leave must use all accrued sick leave before continuing on an unpaid basis. An employee may substitute accrued vacation, compensatory time and floating holidays before continuing leave on an unpaid basis. Substituted paid leave time will be counted toward the four-month (i.e., 88 working days) entitlement. The employee may also

be eligible for State Disability Insurance, in which case sick leave and (where requested) other leave will be applied pro rata to bring the employee to full compensation.

(f) Except while using accrued Town-paid leave, employees on Pregnancy Disability Leave will not continue to accrue additional sick leave or vacation time and will not be paid for holidays during the leave.

(g) Except as provided in paragraph (e)(ii) above, the employee will need to make arrangements to pay her portion of benefits for any time during which an employee is on unpaid leave.

[Reference: 2 CCR 7291.11(b)(2)]

[History: Formerly § 3.06.160(g); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.370 Coordination with FMLA and CFRA Leaves

FMLA leave may run concurrently with Pregnancy Disability Leave, however, CFRA leave does not run based on disability due to pregnancy. Upon the birth of a child, an eligible female employee may request CFRA bonding leave. CFRA bonding leave need not be taken right after the baby is born, but must be concluded within one year of the child's birth.

[History: Formerly § 3.06.160(c); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.380 Reinstatement

(a) Generally, an employee is entitled to be reinstated to the same position at the end of the leave upon release to return to work by her health care provider, subject to any exceptions allowed under applicable law.

(b) In order that the Town can properly schedule an employee's return to work, an employee on Pregnancy Disability Leave should provide the City Manager with at least two weeks' advance notice of the date she intends to return to work.

(c) When a Pregnancy Disability Leave ends, the Town will reinstate an employee to her original position or to a comparable position with equivalent pay, benefits, and other employment terms and conditions, in accordance with state and federal law, e.g. 2 Code of California Regulations section 7291.10(c)(1) and (2). However, an employee has no greater right to reinstatement than if the employee had been continuously at work rather than on leave or transferred. For example, if an employee on Pregnancy Disability Leave would have been laid off had she not gone on leave, or if the employee's position has been eliminated during the leave and there is no comparable position available, then the employee would not be entitled to reinstatement. An employee's use of Pregnancy Disability Leave will not result in the loss of any employment benefit that the employee earned or was entitled to before the leave.

(d) Employees returning from Pregnancy Disability Leave must submit a health care provider's verification of their fitness to return to work.

(e) If an employee fails to make contact, communicate about any needs for continuing leave, or report to work promptly at the end of the Pregnancy Disability Leave (or any approved additional leave commencing after Pregnancy Disability Leave), the Town will assume that the employee has "voluntarily resigned."

[Reference: 2 CCR § 7291 et seq.]

[History: Formerly § 3.06.160(j); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.390 [Reserved]

Division 6: Personal Leaves

3.06.400 Eligibility for Vacation Leave

(a) A regular or probationary full-time employee who is in paid status shall earn vacation leave as follows:

- (1) From date of hire through the fifth year of continuous service with the Town, at the rate of 80 hours per year;
- (2) From the sixth through the tenth year of continuous service with the Town, at the rate of 120 hours per year;
- (3) From the eleventh through the fifteen year of continuous service with the Town, at the rate of 160 hours per year; and
- (4) (After fifteen years of continuous service with the Town, at the rate of 200 hours per year.

(b) A regular or probationary part-time employee who is in paid status shall earn vacation leave prorated at his or her Full-Time Equivalency (FTE).

(c) A regular or probationary part-time employee shall accrue vacation time at the end of each pay period.

(d) An employee may not take vacation leave until completion of six months of service without the City Manager's approval.

(e) Upon resignation or retirement from Town employment, an employee shall be paid at the normal rate of pay for his or her unused vacation time.

[History: Formerly § 3.06.170; Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Renumbered by Res 2014-04, 2/13/14]

3.06.410 Administering Vacation Leave

(a) An employee must submit a written request to take vacation leave to his or her Department Director for approval a reasonable time prior to the commencement of the requested vacation.

(b) A Department Director must submit a written request to take vacation leave to the City Manager for approval a reasonable time prior to the commencement of the requested vacation.

(c) The City Manager shall provide reasonable advance notice to the City Council before he or she takes vacation leave.

(d) The person reviewing a request for vacation shall consider the requirements of the Town and the efficiency of Town operations as well as the wishes of the employee.

(e) An employee may accrue unused vacation time up to two times the number of hours the employee may earn in one year. Once an employee has accrued the maximum number of hours of unused vacation time, the employee shall not earn any additional vacation time.

(f) Commencing October 1, 2019, an employee may elect to cash out vacation to be earned in a subsequent twelve month period, provided that:

- (1) The employee has in excess of 160 hours of accrued vacation by the last day of the last pay period in July;
- (2) The employee makes such an election in writing to the Human Resources Division between August 1 and August 15, to cash-out vacation that will be accrued during the following calendar year;
- (3) The employee can cash-out up to the amount the employee earns on an annual basis as specified in section 3.06.400 (for example, an employee with five or less years of service can elect to cash-out a maximum of 80 hours of vacation);
- (4) The election is non-revocable;
- (5) The payout is processed on the first pay date in January of the following year (in other words, if an employee elects on August 15, 2019, to cash-out 80 hours of vacation that will accrue between January 1, 2020, and December 31, 2020, those hours will be paid in the first pay period in January 2021);
- (6) The pay rate used is the employee's base rate as of the date on which the payout is made;
- (7) The employee must have no less than a zero vacation balance after the payout;
- (8) Should the employee use all or part of the vacation elected for cash-out prior to the payout date, the remaining portion of the election shall be cashed-out on the payout date. Similarly, should the employee not earn all of the vacation elected for cash-out (i.e., due to separation from employment or unpaid leave), the

amount of the election actually earned shall be cashed-out on the pay-out date;
and

- (9) The employee has taken at least 40 consecutive vacation hours off in the previous twelve months from August 1.

[History: Formerly § 3.06.180; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.420 Management Leave

(a) All unrepresented, exempt, regular employees placed in the *Managerial, Professional and Confidential Employees Unit* pursuant to the Town's Employer-Employee Relations Resolution (Resolution 98-40 or any successor EERR), shall annually be granted 80 hours of management leave, up to a maximum of 80 hours ("cap").

(b) Management leave shall be credited to an eligible employee in advance, as follows:

- (1) In a prorated amount on the date of hire; and
- (2) In the full amount on January 1 of each calendar year thereafter.

(c) The Town shall grant each eligible employee ten days of management leave per year, less the employee's management leave balance at close of business on December 31, if any. Management leave shall be earned and accrued on January 1 of each year only. If an employee has a management leave balance at close of business on December 31, that balance shall be carried over to January 1, and the number of hours of management leave that will be granted to an employee will be ten days minus the balance carried over from December 31 to January 1.

(d) On termination of employment, any unused management leave shall be paid.

[History: Formerly § 3.06.190; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.430 Floating Holidays

(a) Beginning on January 1 following the date of hire, the Town shall grant each regular or probationary, non-exempt, full-time employee placed in the managerial, professional and confidential employees unit or in the maintenance unit, as described in the Town's employer-employee relations resolution (Colma Administrative Code, Subchapter 3.09), three floating holidays each calendar year less the employee's floating holiday balance at close of business on December 31, if any, as provided in this section.

(b) Floating holidays shall be earned and accrued on January 1 of each year only. If an employee has a floating holiday balance at close of business on December 31, that balance shall be carried over to January 1, and the number of hours of floating holidays that will be granted to an employee will be three days minus the balance carried over from December 31 to January 1.

(c) A regular or probationary part-time employee who is in paid status shall be granted floating holidays as provided in paragraphs (a) and (b), prorated at his or her Full-Time Equivalency (FTE), rounded to the nearest quarter hour.

(d) A newly hired employee, non-exempt, full-time employee in the managerial, professional and confidential employees unit or in the maintenance unit shall be granted floating holidays as provided in paragraphs (a) and (b), prorated from the date of hire to the following December 31, rounded to the nearest quarter hour.

(e) On termination of employment, the Town shall pay the employee any unused floating holidays.

[History: Formerly § 3.06.200; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.440 Bereavement Leave

(a) A regular or probationary employee in paid status shall receive up to three work days off with pay as bereavement leave to arrange and/or attend funeral activities for a member of his or her immediate family. For purposes of this section only, "immediate family" means whether related by blood, marriage or registered domestic partner, the spouse/registered domestic partner, child, grandchild, sibling, parent and grandparent of the employee.

(b) A regular or probationary part-time employee in paid status shall earn bereavement leave prorated at his or her Full-Time Equivalency (FTE).

[History: Formerly § 3.06.250; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.450 [Reserved]

Division 7: Leaves for Public Duties

3.06.460 Election Officer Leave

(a) An employee may take unpaid leave to serve as an Election Officer in a local, special or statewide election.

(b) An employee who knows or has reason to believe that he or she will be an Election Officer shall give at least five days' advance notice to the employee's supervisor.

(c) An employee may take accrued paid leave, except sick leave, to serve as an Election Officer.

[Reference: Cal. Elections Code § 12312]

[History: Formerly § 3.06.210; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.470 Jury Duty Leave

- (a) A regular or probationary employee who is called for jury duty shall be granted paid leave.
- (b) Juror leave pay for part-time employees shall be prorated at his or her Full-Time Equivalency.
- (c) A probationary employee called to serve on jury duty will have his or her probationary period extended by the same amount of time as required for serving on jury duty.
- (d) The employee shall relinquish to the Town all juror fees to the Town, excluding mileage fees.
- (e) If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

[History: Formerly § 3.06.220; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.480 Leave to Attend Court as a Witness

- (a) A regular or probationary employee who is required to appear in court or at an administrative proceeding in any action arising out of the course and scope of his or her employment shall be paid as being on duty. The employee shall turn over to the Town any witness fees received by the employee for attendance at court or an administrative hearing. Payments for travel expenses shall be retained by the employee.
- (b) A regular or probationary employee who is required to appear in court or at an administrative proceeding in any action not arising out of the course and scope of his or her employment may request or be required to take Personal Leave, and/or compensatory time for any time off.

[History: Formerly § 3.06.230; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.490 Leave Time for Voting

- (a) If a regular or probationary employee does not have sufficient time outside working hours to vote at a federal, statewide or local election, then he or she may, without loss of pay, take off enough working time to enable him or her to vote.
- (b) No more than two hours of the time taken off for voting shall be with pay. If additional time is needed, an employee may request use of his or her available Personal Leave.
- (c) Employees shall give their supervisor at least two business days' notice. The supervisor will determine if time off will be allowed at the beginning or end of the shift. If the employee fails to provide proper notice, the employee will be required to use his or her available Personal Leave and/or compensatory time off.

[Reference: Cal. Elections Code § 14000]

[History: Formerly § 3.06.240; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.500 [Reserved]

Division 8: Administrative Leaves

3.06.510 Paid Administrative Leave

(a) The City Manager may, in his or her sole discretion, place an employee on paid administrative leave on any of the following grounds:

- (1) Pending investigation and review of a potential disciplinary action;
- (2) Pending a determination of the employee's fitness for duty; or
- (3) When the City Manager determines that it is in the best interests of the Town or in the interest of public safety to immediately and temporarily remove the employee from Town service.

(b) An employee on paid administrative leave will have a workweek beginning at one minute after midnight Monday and ending at midnight the following Sunday, and must be available for assignment and able to appear in Colma within two hours of notification, Monday through Friday, except holidays, from 8:00 AM until 4:30 PM (excepting lunch time). An employee on paid administrative leave may, at the sole discretion of his or her Department Director, be required to attend court or administrative hearings relating to the Town's affairs or may be required to be present in Colma for an assignment. An employee on administrative leave who is not so available shall not be entitled to pay during that time but may take his or her unused Personal Leave, unused sick leave (if eligible and for a qualifying reason) or compensatory time off.

[History: [Originally, 3.06.220; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14] Formerly § 3.06.260; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.520 Unpaid Administrative Leave

The City Manager may, after providing the appropriate level of due process, place an employee on unpaid administrative leave, or change paid administrative leave to unpaid administrative leave, in any of the following circumstances:

- (1) When the employee is unable or unwilling to perform the essential functions of his or her job;
- (2) When the employee takes any action which is inconsistent with his or her status as an employee of the Town; or
- (3) When the employee engages in misconduct, on or off-duty, which is detrimental to the public service.

[History: Res 2014-04, 2/13/14]

ARTICLE 7. CAC SUBCHAPTER 3.07 AMENDED.

Section 3.07.040(a)(9) is hereby amended to read as follows:

- (a) The following are not property business expenses:
 - (9) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline arising out of personal use.

Section 3.07.080(c) and (e) are hereby amended to read as follows:

(c) Hotel and motel expenses will be reimbursed on completion of authorized travel upon submittal of proper claim, or lodging may be pre-arranged with payment made before travel occurs. A reasonable class of accommodation shall be selected here choice is available. The single rate should be clearly indicated on all receipts.

(e) No reimbursement for mileage shall exceed the dollar amount of round trip airfare at the coach rate on a licensed common carrier, plus auto rental or taxi fare at point of destination. When two or more employees are attending the same seminar, convention, or meeting, carpooling shall be practiced whenever possible. The actual odometer reading from City Hall to destination and return to City Hall is to be used. If not available, mileage will be determined by usage of GPS or other reasonably reliable form of distance estimation through a navigation program.

Section 3.07.090(b) is hereby amended to read as follows:

(b) Long-term parking should be used for travel exceeding 24-hours. If an employee opts for more expensive option, the employee is responsible for the difference.

Section 3.07.100 is hereby amended to read as follows:

Employees and elected officials will be reimbursed for actual telephone and fax expenses incurred on Town business. For calls made on an employee or elected official's personal cell phone, the employee or elected official may obtain reimbursement for business calls based on the following formula: minutes used on public business divided by the total minutes allowed under a monthly plan, plus long-distance charges for those calls. The City will pay that portion of the monthly charge for the device used.

Section 3.07.150(a) and (b) are hereby amended as follows:

(a) To receive reimbursement of expenses, the elected official or employee must submit a written expense report, accompanied by receipts issued by the provider of the service or product, within 30 days of incurring the expense. Credit card invoices, by themselves, do not constitute a receipt. The inability to provide proper documentation in a timely fashion may result in reimbursement being denied and the expense being borne by the elected official or employee.

(b) Expense reports must support a claim that the expense in question met the requirements of the policy. For example, if the employee seeks reimbursement for the cost of a meeting or meal with a legislator, the local agency official should provide the names of each person for whom

a meal was purchased and explain what issues were discussed and how those relate to the Town's adopted legislative positions and priorities."

Section 3.07.190 is hereby amended as follows:

- (a) Falsifying expense reports in violation of this policy may result in any or all of the following:
 - (1) a demand for restitution to the Town;
 - (2) the agency's reporting the falsified expenses as income to the elected official or employee to state and federal tax authorities; and
 - (3) employee discipline up to and including termination.

[*Authority:* Gov't Code §§ 36514.5, 53232.2, 53232.3, 53232.4]

[*History:* Res. 2005-59, 10/12/05; Res. 2008-48, 9/10/08]

ARTICLE 8. CAC SECTION 3.08 AMENDED.

Subchapter 3.08.020 is hereby amended as follows:

"Electronic Communication" means any communication or writing created by, retrieved by, sent to, or stored by any employee using the Town's Electronic Communication System, including all information, data, and attachments to the communication.

"Electronic Communication System" means the system of devices (including hardware, software, and other equipment) used by the Town for the purpose of facilitating the transmission and storage of electronic information (including the E-Mail System, telephones, radios, computers, and all peripheral storage devices such as hard drives, disks, CDs, DVDs and flash ["thumb"] drives).

"E-Mail" means any electronic Communication to or from any employee using the Town's E-Mail System, including all information, data, and attachments to the communication.

"E-Mail System" means the system of devices (including hardware, software, and other equipment) used, owned and provided by the Town for the purpose of facilitating the electronic transmission of information, including internet communications, and the Town's use of *Microsoft Outlook* program (including E-Mail, Calendar, and Tasks).

"Information Technology Officer" or "IT Officer" means a qualified computer technician or consulting company appointed or selected by the City Manager to administer the Town's Electronic Communications System;

"Public Record" means any writing defined as such under the Public Records Act.

"Public Records Act" means California Government Code sections 6250, et seq.

“Records Retention Policy” means the Town’s Records Retention Policy and Detention, as set forth in Chapter One, Subchapter Seven of the Colma Administrative Code.

“Writing” means, as defined by California Government Code section 6252(g), any handwriting, typewriting, printing, photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the records has been stored.

ARTICLE 9. 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 10. NOT A CEQA PROJECT.

The City Council finds that adoption of this resolution is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

ARTICLE 11. EFFECTIVE DATE.

This resolution shall take effect upon adoption.

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Certification of Adoption

I certify that the foregoing Resolution No. 2020-___ was duly adopted at a regular meeting of said City Council held on January 8, 2020 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor					
Diana Colvin					
Helen Fiscaro					
Raquel Gonzalez					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated _____

John Irish Goodwin, Mayor

Attest: _____
Caitlin Corley, City Clerk

RESOLUTION NO. 2020-__
OF THE CITY COUNCIL OF THE TOWN OF COLMA

RESOLUTION AMENDING CHAPTER 3 OF THE
COLMA ADMINISTRATIVE CODE,
RELATING TO VARIOUS EMPLOYMENT RELATED
POLICIES

The City Council of the Town of Colma hereby resolves:

ARTICLE 1. CAC SUBCHAPTER 3.01 AMENDED.

Sections 3.01.010 and 3.01.100, "protected characteristic" are hereby amended to read as follows:

3.01.010 Personnel Records

- (a) *Custodian.* The City Manager is responsible for establishing and maintaining the personnel files for all employees of the Town.
- (b) *Review.*
- (1) An employee has the right to review his or her own personnel records during normal business hours and with reasonable notice to the City Manager.
 - (2) Each employee is responsible for the verification of information contained in the personnel file through periodic review. The City Manager must be present when a personnel file is reviewed. All reviews or inspection of records by employees shall be scheduled through the City Manager. The purpose of the review or inspection is to provide for accuracy and completeness of the file.
- (c) *Complaints.* The Chief of Police is responsible for establishing and maintaining the files of all internal investigations of complaints regarding conduct of police officers as follows:
- (1) *Chronological File.* The Department shall maintain a chronological file of all complaints along with the disposition of each complaint. The chronological file should not contain the investigative reports or witness statements. Records of citizen complaints are considered a personnel record of the respective employee, and therefore the chronological file shall be kept confidential.
 - (2) *Frivolous or Unfounded Claims.* Complaints that are determined to be frivolous, unfounded or exonerated shall not be maintained in the employee's general personnel file and are not to be considered in making personnel decisions. However, such complaints shall be considered personnel records for purposes of the California Public Records Act.

[Reference: PENAL CODE § 832.5]

(d) *Specially Protected Documents.* The following records shall be kept in a file folder separate from the employee's general personnel records folder because of heightened privacy concerns or to prevent claims that access to certain records exposed the employee to retaliation:

- (1) Verification of the right to work in the United States;
- (2) Equal Employment Opportunity Commission (EEOC) charge of discrimination and related documents;
- (3) Department of Fair Employment and Housing (DFEH) charge of discrimination and related documents;
- (4) Workers' compensation claims;
- (5) Medical information, including psychiatric evaluations, physicians' reports, and authorizations to return to work; and
- (6) Any information that is not job related.

[Reference: 42 U.S.C. § 12112(D); CALIF. CIVIL CODE § 56.05, *et seq.*]

(e) *Confidentiality.* The following employee information is not confidential: name, job title, department, work phone, work address, work email address, salary scale for the position, and dates of employment. All other information in an employee's personnel file is confidential.

(f) *Access.* Access to information contained in the personnel file will be limited to Town employees and city officers who require the information to perform their duties, ~~e.g.,~~ which can, in appropriate instances, include the City Manager, Assistant City Manager, Administrative Services Director, City Attorney, Human Resources Manager, administrative staff assisted HR duties and who have signed a confidentiality agreement, and the employee's Department Director or supervisor.

(g) *Disclosure of Confidential information.* Confidential information may not be disclosed to third parties except as follows:

- (1) When written permission is provided by the employee;
- (2) When disclosure is required by law;
- (3) To a person directly involved in investigating, hearing, or reviewing, on behalf of the Town, any matter that is, or may become, a basis for disciplinary action or a grievance; or
- (4) When confidentiality is waived by the employee or when the employee asserts as fact information that is inconsistent with a fact shown in the employee's personnel file.

(h) *Removal of Items.* The City Manager, Assistant City Manager, Human Resources Manager and Chief of Police are the only persons authorized to remove records from an employee's personnel file.

(i) *Personnel Action Form.* Each appointment, transfer, promotion, demotion, change of salary rate and any other temporary or permanent change in the status of employees shall be recorded on a Personnel Action Form, copies of which shall be transmitted to the Department Director, payroll officer, the employee and the personnel file.

[Reference: GOV'T CODE §§ 1098, 6254(c); LABOR CODE § 1102.6]

3.01.100 Definitions

Protected Characteristic means a characteristic of a person that is protected by federal or state law prohibiting discrimination in employment, whether actual or perceived, including but not limited to race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, pregnancy, childbirth, or related medical condition, gender identity, gender expression, marital status, sex, age, or sexual orientation, ~~except where the characteristic is a bona fide occupational qualification~~ and military and veteran status.

ARTICLE 2. CAC SUBCHAPTER 3.02 AMENDED.

Subchapter 3.02 is hereby amended in its entirety to read as follows:

SUBCHAPTER 3.02: EMPLOYMENT

Division 1: General

3.02.010 Equal Employment Opportunity Policy

(a) The Town of Colma is an equal employment opportunity employer. The Town will not unlawfully discriminate against qualified applicants and employees with respect to any terms or conditions of employment based on any Protected Characteristic.

(b) The goals and objectives of the Equal Employment Opportunity Policy are to:

- (1) Establish fair treatment and non-discrimination in the terms and conditions of employment of all persons;
- (2) Provide compliance with state and federal laws; and
- (3) Encourage those who do business with the Town to practice equal employment opportunity.

3.02.020 ADA Compliance/Disability Accommodation

The Town will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA). The Town will make reasonable accommodations for qualified individuals with disabilities that are necessary to comply with all applicable disability discrimination laws for the known physical or mental disability of an applicant or employee,

unless doing so would result in an undue hardship. If an employee is unable to perform the essential functions of his/her job because of a disability and needs some type of accommodation, the employee should notify the Human Resources Manager. The employee requesting accommodation may be required to provide medical certification regarding the disability and need for accommodation. All medical information is kept in a confidential medical information file and shared only on a need-to-know basis.

While the Town welcomes all suggestions for accommodations to enable an employee to perform the essential functions of his or her assigned job, the Town will make the final decision regarding whether it can provide a reasonable accommodation and, if so, which accommodation to provide in accordance with its legal obligation.

3.02.030 Equal Employment Opportunity Officer

The City Manager shall serve as the Equal Employment Opportunity Officer to carry out the Equal Employment Opportunity Policy and Program for all departments. The City Manager (with the assistance of the Human Resources Manager) shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy, and be responsible for the successful execution of the program, utilizing the assistance of appropriate state and community agencies. The Equal Employment Opportunity Officer will have the responsibility to examine existing internal policies or procedures that may serve as barriers to implementing the Equal Employment Opportunity Program.

3.02.040 Equal Employment Opportunity Practices

(a) The City Manager, with the assistance of the Human Resources Manager, shall undertake the following actions to assure equal employment opportunities in the Town:

- (1) Periodically review all position qualifications and job descriptions to establish requirements that are relevant to the tasks to be performed and to delete requirements not reasonably related to the tasks to be performed;
- (2) Periodically review Town practices for compliance with the Equal Employment Opportunity Policy;
- (3) Inform and provide guidance to staff and management personnel who make employment decisions to ensure such decisions are considered without unlawful discrimination and that all applicants be given equal opportunity;
- (4) Hire only qualified candidates who were selected through ~~an open~~the Hiring Process (set forth in Division 3) in order to encourage diversity and establish equal employment opportunity in hiring; and
- (5) Provide orientation for all new employees specifically emphasizing how the Town assures equal opportunity.

(b) Applications for employment will include an equal opportunity clause.

3.02.050 Nepotism

Any person who is a Close Relative of an employee or elected official of the Town may not be employed in a position where it is reasonably foreseeable that such person may be directly or indirectly supervised by his or her Close Relative, or be the supervisor of his or her Close Relative. For purposes of this section only, the term "Close Relative" means, whether related by blood, marriage or registered domestic partner, a spouse, registered domestic partner, child, parent, grandparent, grandchild, brother, sister, nephew, niece, aunt, uncle, first cousin, or the spouse of any such persons and any person who resides in the subject person's home.

3.02.060 Employment Eligibility

An applicant may be disqualified from employment for any of the following reasons:

- (1) Failure to possess the qualifications for the job;
- (2) Inability to perform the essential functions of the job with or without accommodations;
- (3) Making a false statement of any material fact or practicing deception in his or her application or part of the hiring process;
- (4) Not being within the legal age limits prescribed by law;
- (5) Failing to pass a required pre-employment physical examination; or
- (6) Failure to pass a required background investigation.

Division 2: Qualifications

3.02.061 ~~Presumption of Unfitness for Employees and Police Officers~~ Criminal History

~~(a)~~ In performing the function of hiring persons to be employed by the Town of Colma, the City Manager (with the assistance of the Human Resources Manager) shall determine whether the candidate is fit for the position for which he or she is being considered. If an applicant has a criminal record, the Town will consider the relevant factors and abide by the applicable procedure to determine a particular individual's eligibility for employment. A person may be disqualified from consideration because of a criminal record that indicates that he or she may be unfit for the position.

~~(b) When candidates have been convicted of a felony or a misdemeanor involving moral turpitude, it will be presumed that those candidates are not fit for the position.~~

[History: Res 2014-32, 6/11/14]

3.02.062 ~~Rebuttal of the Presumption~~ Consideration of Relevant Factors

~~If a presumption is established that a candidate is unfit for a position, the presumption may be rebutted in the following manner by any of the following factors or a combination thereof:~~

In addition to considering any information the applicant chooses to provide, the Town will consider the following factors when evaluating criminal history.

(a) *Time elapsed since conviction:* Where, in the judgment of the City Manager, the conviction occurred so long ago and was an isolated incident in the remote past, the City Manager may, in his/her discretion, determine that the conviction is not grounds for disqualification and deem the presumption to be rebutted.

(b) *Age at time of conviction:* Where, in the judgment of the City Manager the conviction came when the applicant was young and appears to be caused by a lapse or absence of mature judgment, the City Manager may, in his/her discretion, determine that the conviction is not grounds for disqualification and deem the presumption to be rebutted.

(c) *Rehabilitation:* If, in the judgment of the City Manager, there is affirmative evidence that the applicant has been rehabilitated and is no longer likely to exercise similar criminal behavior, the City Manager may, in his/her discretion, determine that the conviction is not grounds for disqualification and deem the presumption to be rebutted.

(d) *Nexus:* If, in the judgment of the City Manager, the conviction is not related to and would not impact the scope of duties, the City Manager may, in his/her discretion, determine that the conviction is not grounds for disqualification and deem the presumption to be rebutted.

[History: Res 2014-32, 6/11/14]

3.02.063 Peace Officers

~~Despite the ability of the City Manager to rebut a presumption of unfitness,~~ The Town shall never hire a person to be a peace officer if the applicant has been:

(a) Convicted of a felony.

(b) Convicted of an offense in any other jurisdiction that would have been a felony if committed in the State of California.

(c) Convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony.

(d) Charged with a felony and adjudged by a superior court to be mentally incompetent.

(e) Found not guilty of a felony crime by reason of insanity.

(f) Determined to be a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(g) Adjudged addicted, or in danger of becoming addicted, to narcotics, and convicted and committed to a state institution.

[History: Res 2014-32, 6/11/14]

3.02.064 Recreational Department Employees and Volunteers

~~(a) Despite the ability of the City Manager to rebut a presumption of unfitness,~~ The Town shall never hire a person, or select a volunteer, to perform services at a park, playground or recreational center where the position has supervisory or disciplinary authority over a minor if the person or volunteer has been convicted of any of the following:

- (1) A violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5 of the Penal Code, or a sex offense listed in Section 290 of the Penal Code, except for the offense specified in subdivision (d) of Section 243.4 of the Penal Code.
- (2) A felony or misdemeanor conviction specified in subparagraph (3) below within 10 years of the date of the Town's request for criminal history information.
- (3) A felony conviction that is over 10 years old, if the person or volunteer was incarcerated within 10 years of the Town's request for criminal history information, for a violation or attempted violation of:
 - an offense specified in Chapter 3 (commencing with Section 207) of Title 8 of Part 1 of the Penal Code, Section 211 or 215 of the Penal Code, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022 of the Penal Code, in the commission of that offense,
 - Section 217.1 of the Penal Code;
 - Section 236 of the Penal Code,
 - an offense specified in Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code, or
 - an offense specified in subdivision (c) of Section 667.5 of the Penal Code.

~~(b) The Town may charge a prospective employee, or volunteer, a fee to cover the actual costs to the Town in verifying criminal history information pursuant to this section.~~

[History: Res 2014-32, 6/11/14]

Division 3: Hiring

3.02.070 Hiring Process – General

- (a) The City Manager may not hire any employee, except a temporary employee, without going through the Hiring Process.
- (b) The City Manager ([with the assistance of the Human Resources Manager](#)) will administer and coordinate the Hiring Process for all position vacancies. The City Manager is responsible for compliance with contractual, legal and equal employment opportunity requirements.
- (c) Special preference may be extended to veterans in the Hiring Process, e.g., veteran status may be a factor in selecting which applicants may be identified to participate in the Hiring Process.

[History: Adopted by Res 2008-03, 2/13/08; Amended by Res 2014-04, 2/13/14]

3.02.080 Hiring Process – Notice

- (a) Job announcements for regular and casual employment positions shall be publicly posted at City Hall for a minimum of ten work days whether recruitment is internal or external.
- (b) If there are one or more qualified, in-house, regular [or casual](#) employees who were hired through the Hiring Process consistent with the provisions of this section, the City Manager may determine, in his or her discretion, to hire or promote an in-house employee to a job vacancy without external recruitment. If there are no qualified in-house, regular [or casual](#) employees who were recruited through an open hiring process, an announcement of the position must be circulated, posted or published in accordance with the provisions of the next paragraph.
- (c) In cases of external recruitment, job announcements must be circulated, posted or published in media reaching out to a substantial audience in San Mateo and San Francisco Counties such as local newspapers, local college placement services, community-based organizations, local governments, Town newsletter and other recruitment services. The Town may use for job referral purposes only those recruitment services that do not discriminate on the basis of any Protected Characteristic.
- (d) Applications for a position may be accepted after the published application deadline if the City Manager determines that there were an insufficient number of applications received as of the application deadline.

3.02.090 Hiring Process – Applicant Expenses

The Town shall not reimburse any applicant for travel or re-location costs in conjunction with the Hiring Process without express, written authorization from the City Manager.

3.02.100 Hiring Process – Testing

- (a) Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required and resources available.
- (b) The examination may consist of an oral interview, an application review, a structured questionnaire, practical tests, written tests, in-basket exercise or assessment center, etc. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills and abilities for the position.
- (c) The City Manager shall develop the examination. Examination contents are confidential, and an unauthorized disclosure to any candidate is grounds for discipline.
- (d) The ~~City-Manager~~Town shall provide reasonable accommodations for testing of persons with disabilities. Testing announcements shall advise applicants of ~~special accommodation provisions~~how to request reasonable accommodations.

3.02.110 Hiring Process – Interviews

- (a) The primary function of the interview is to obtain data or certain knowledge, skills, and abilities of an applicant not available through review of resumes or other testing mechanisms.
- (b) The City Manager shall select panel members who will be objective in evaluating candidates. An applicant's Immediate Relatives will, and close personal friends may, be excluded from serving on the panel. Generally, a panel member should have technical expertise, knowledge or experience in the position being filled, experience in personnel administration, or experience in evaluating applicants.
- (c) The City Manager or the City Manager's designee shall supervise the interview process. The questions must be job related and all applicants must be asked substantially the same questions. Questions will be designed to measure job knowledge, experience, and education or to solicit responses that reflect those personal traits that are job related. Questions that pertain to Protected Characteristics or other inquiries that tend to directly or indirectly disclose such information are prohibited. Inquiries as to an applicant's ability to read, write or speak foreign languages are permitted when such inquiries are based on job requirements.

3.02.120 Hiring Process – Reference Checks

- (a) Before making any offer of employment to a new employee or promoting or transferring an existing employee, the City Manager or the City Manager's designee shall conduct a reference check on the prospective or subject employee.
- (b) A basic reference check includes verification of employment duties, date of employment, work record, attendance record, strengths, weaknesses, safety record and other pertinent information.

(c) Applicants shall be required to undergo a thorough background check by the Police Department.

- (1) Positions in the Police Department;
- (2) Positions with supervisory or disciplinary authority over minors; and
- (3) Positions with access to substantial amounts of Town funds.

(d) No reference check or background investigation will be conducted without first notifying the applicant or employee of the investigation and obtaining a signed release from the subject authorizing the reference check. [Inquiry into criminal history for non-peace officer positions will be done after a conditional job offer is made.](#) The Town will provide the applicant or employee a copy of any public records received within seven days of receipt of the information. Further, the Town will notify the subject of the report as to who issued the report and how the subject can contact that person if he or she has questions.

(e) In the event that the Town contracts with a third party to conduct any reference check or background investigation, the Town will comply with applicable provisions of the Fair Credit Reporting Act (15 U.S.C. §§ 1681 *et seq.*) and the Investigative Consumer Reporting Agencies Act (CIVIL CODE §§ 1786 *et seq.*).

[Reference: CIVIL CODE §§ 1786 *et seq.*; GOV'T CODE § 1031; PUBLIC RESOURCES CODE § 5164]

[*History:* Res 2014-32, 6/11/14]

3.02.130 Hiring Process – List of Qualified Persons

The City Manager may hire from a list of qualified persons for one year from the date of conclusion of the testing process. [That time period may be extended in the City Manager's discretion.](#)

3.02.140 Orientation

New employees will be oriented on Town policies and operations.

3.02.150 Probation Period

(a) *Appointment.*

- (1) An employee hired for appointment to a regular position must serve a period of probation of at least one year. During this period, the Town may terminate a probationary employee without cause and without advance notice, except that the Town may not terminate a probationary employee for any reason prohibited by law. Upon successful completion of the probation, a probationary employee will be considered a regular employee.

- (2) Informal performance evaluations will be conducted during the course of the probation period to assess performance and to advise an employee of expectations regarding performance. Significant job deficiencies shall be documented in the employee's personnel file. After six months and at the end of the probation period, the employee will be formally evaluated and provided written documentation of progress.
- (3) If an employee is granted a leave of absence during his or her probationary period, such time off will not be considered as time worked towards completion of the probation period.

(b) *Promotion.*

- (1) A regular employee promoted to a higher position must serve a period of probation of six months from the date of promotion, ~~unless specifically waived by the City Manager.~~ During the probationary period, a promoted employee shall receive all benefits included with the new position.
- (2) Informal performance evaluations will be conducted during the course of the probation period to assess performance and to advise an employee of expectations regarding performance. Significant job deficiencies shall be documented in the employee's personnel file. After six months, the employee will be formally evaluated and provided written documentation of progress.
- (3) At any time during the probationary period, the Town may rescind the promotion without cause and without advance notice. An employee whose promotion has been rescinded has the right to be reinstated to his or her former position, only if the position has not been filled. If the promoted employee's former position has been filled, the promoted employee may be placed in a vacant position for which he or she qualifies with substantially the same pay and benefits that the employee possessed in his or her former position. If there is no available position with substantially the same pay and benefits that the employee possessed in his or her former position, the employee may be terminated. An employee shall have no right to appeal or otherwise challenge the rescinding of his or her promotion, except where the rescission of the promotion results in a termination of employment, in which case the employee is entitled to a hearing in accordance with Subchapter 3.04 of this Chapter.
- (4) If an employee is granted a leave of absence during his or her probationary period, such time off will not be considered as time worked towards completion of the probation period.
- (5) Notwithstanding the foregoing, the Town shall, upon request of an employee, conduct a "liberty interest" hearing when the Town intends to rescind a promotion based on charges of misconduct or mismanagement which stigmatizes his or her reputation, seriously impairs his or her opportunity to earn a living, or seriously damages his or her standing in the community.

Charges concerning competency or inability to get along with others do not warrant a liberty interest hearing. The sole purpose of the liberty interest hearing is to afford the employee an opportunity to clear his or her name and refute the charges, not to have his or her job or promotion reinstated or termination rescinded.

3.02.160 Special Employment Programs

The Hiring Process shall not apply to people hired under any Special Employment Program funded or managed by ~~an outside agency~~ [a third-party organization](#), such as youth training programs, AARP Senior Placement Program, university internships, work training programs, etc.

3.02.170 Volunteers

- (a) The Hiring Process shall not apply to volunteers.
- (b) Volunteers shall receive no pay or benefits, except that the Town shall maintain workers' compensation insurance on volunteers.
- (c) [Volunteers may not fill a vacant position on the City Council approved classification plan and salary schedule.](#)

3.02.180 Outside Employment [or Undertaking](#)

- (a) An employee may not carry on, concurrently with their public employment, any other employment, business or activity, which conflicts or interferes with his or her Town employment.
- (b) An employee may not perform any function related to outside employment or activities during Town working hours.
- (c) Prior to commencing or changing outside employment or business, a regular, probationary, casual or temporary employee must report to the City Manager the name of firm, nature of employment, business or undertaking, hours of work, and address where the work will be performed. [The City Manager will exercise discretion to determine if a conflict \(or prospective conflict\) exists. This advance notification is required in the following instances:](#)

~~(1)~~

- (1) [If a full-time employee will be working in a paid position for another employer for eight \(8\) or more hours each week;](#)
- (2) [If a full-time employee will be volunteering for another public agency or devoting sixteen \(16\) or more hours each week to another business enterprise;](#)
[or](#)

- (3) [If any employee will be performing any paid work for any of the City's vendors or contractors.](#)

[Reference: GOV'T CODE § 1126]

[History: Adopted by Res 2008-03, 2/13/08; Amended by Res 2014-04, 2/13/14]

Division 4: Promotions and Demotions

3.02.190 Employee Development

The City Manager shall:

- (1) Actively encourage all employees to increase their skills and job potential through training and educational opportunities; and
- (2) Offer guidance and counseling in developing programs tailored to individual aptitudes and desires.

3.02.200 Promotions

- (a) The City Manager may promote a regular employee to a higher classification without following the Hiring Process described in this Subchapter, except that the noticing provisions of section 3.02.080 shall be followed. In all other cases, the City Manager shall follow the Hiring Process before promoting an employee.
- (b) Unless otherwise authorized by the City Manager, whenever an employee is promoted to a new position, that employee will enter the salary range for the new position at the step that increases salary at least five percent. If the top step of the new position is not at least five percent greater, the employee will be placed at the top step.
- (c) Promotions do not change the person's date of hire. However, the Review Date for future pay increases will be revised to coincide with obtaining regular status in the new position.
- (d) A promoted employee shall serve a period of probation, as specified in section 3.02.150.

3.02.205 Transfers

- (a) The City Manager may transfer a regular employee to a different classification without following the Hiring Process described in this Subchapter, except that the noticing provisions of section 3.02.080 shall be followed.
- (b) Unless otherwise authorized by the City Manager, whenever an employee is transferred to a new position, that employee will enter the salary range for the new position at the step that is closest to his or her then current salary without decreasing salary.
- (c) A transfer does not change the employee's date of hire or Review Date.

3.02.210 Temporary Assignments

Consistent with CalPERS limitations, the City Manager may temporarily assign an employee to work out of classification for a specified time, ~~and the~~ in a vacant position. If, in the City Manager's discretion, the assigned employee will assume all duties of the higher classification, the assigned employee's salary shall be adjusted in accordance with section 3.02.320, entitled "Pay for Working in a Higher Classification." In other instances, an employee may be provided with a special temporary assignment which, in the discretion of the City Manager, may be compensated with 5% special assignment pay. Upon completion of the temporary assignment, the employee shall return to his or her previous classification and pay.

Temporary assignments under this provision are intended to be used when a position is temporarily vacant due to an extended leave of absence or pending recruitment. Temporary light duty assignments provided as an accommodation to an employee as a result of an industrial or non-industrial medical condition, illness, or injury do not qualify as "special temporary assignments."

3.02.220 Demotions

(a) An employee may be reassigned to a position in a lower classification for disciplinary reasons, in lieu of layoff, as an accommodation, or as a result of a re-classification study. The employee shall receive pay commensurate with the nature of the demotion as determined by the Department Director in consultation with the City Manager. This may result in a reduction of pay.

(b) Demotions do not change the person's date of hire. However, the Review Date shall change for future salary increases.

(c) An employee may not be demoted to a position for which he or she does not possess the minimum qualifications.

(d) The City Manager may reconsider the demotion when the employee's previous position is reopened.

(e) Any demotion for disciplinary reasons shall be conducted in conformance with Subchapter 3.04. An employee reassigned to a position in a lower classification in lieu of layoff, as an accommodation, or as a result of a re-classification study is not entitled to an evidentiary hearing.

Division 5: Compensation and Hours

3.02.230 Compensation Plan

(a) The City Council shall from time to time adopt a compensation plan applicable to all employees except employees covered by a labor agreement whose compensation shall be provided in the agreement.

(b) The City Manager shall be responsible for the continuous maintenance and administration of the Town's compensation plan, which shall include an analysis of prevailing rates of pay for similar positions in comparable labor markets, cost-of-living factors, budgetary considerations, information exchanged with representatives of Recognized Employee Organizations and other related factors. On the basis of this information, the City Manager shall recommend to the City Council changes to keep the plan current, uniform and equitable.

(c) The compensation plan for members of Recognized Employee Organizations shall be reviewed when the labor agreements are up for renewal and re-negotiation.

(d) The compensation plan for unrepresented employees may be reviewed annually.

3.02.235 Starting Step and Step Increases

(a) A probationary or casual employee, other than a Police Recruit, shall be hired at Step One upon appointment.

(b) A person hired as a Police Recruit shall receive 95% of Police Officer's Step One salary during academy training. After a Police Recruit is sworn as a public safety officer, his or her salary shall increase to Step One.

(c) After each Review Date, a regular or casual employee shall advance to the next higher step until the employee has reached the top step, provided that the employee has received a satisfactory performance evaluation. An employee shall be deemed to have received a satisfactory performance evaluation if:

(1) the employee's supervisor rates the employee's overall performance as satisfactory or "exceeds standards," and the employee's performance evaluation is approved on review by the next higher level of management; or

~~(2) the employee's supervisor fails to perform a written performance evaluation of the employee within three months following the employee's Review Date.~~

(d) If an employee is denied a step or salary increase because of a performance evaluation that is less than satisfactory, the City Manager shall establish a schedule for the supervisor to conduct periodic performance evaluations of the employee and shall determine whether or not the missed step increase shall become effective when the employee receives an interim satisfactory performance evaluation.

(e) Any change in salary will take effect the first day of the pay period following the date of the qualifying event.

(f) Notwithstanding the foregoing:

(1) the City Manager may, at the recommendation of the Department Director and because of relevant experience or qualifications of the employee, hire a person at Step Two or higher; and

- (2) the City Manager may, at the recommendation of the Chief of Police, grant a newly-hired sworn peace officer a step increase after completing six continuous months of satisfactory service in the step at which the employee was hired.

3.02.240 Classification

(a) The City Manager shall create a list of every category of all regular and casual employee job positions in the Town together with a job description for each class, which shall be consistent with the staffing level authorized by the City Council.

(b) All job descriptions shall consist of the position title, department, essential functions, basic tasks performed, description of typical duties and responsibilities and minimum qualifications, including physical qualifications, if any.

(c) The position description does not constitute an employment agreement between the Town and the employee and is subject to change as the needs of the Town and the requirements of the job change.

3.02.250 Reclassification Procedure

The City Manager shall periodically examine the nature of all positions and allocate them to existing or newly created classes, make changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, and recommend to the City Council appropriate changes in the classification plan and salary schedules.

3.02.260 Work Period/Work Week

(a) *Public Safety Officers.* Pursuant to FLSA Section 207(k), the work period established for public safety officers is a regularly recurring period of 84 hours in 14 consecutive days.

(b) *Other Employees.* The work period for all employees other than public safety officers begins 00:01 each Monday and ends at 24:00 the following Sunday.

3.02.270 Work Hours

(a) Normal working hours for all employees shall be determined by the City Manager.

(b) Shift assignments shall be established by the Department Director.

3.02.271 After Work Hour Communications

It is recognized that sometimes a non-exempt employee may receive a work related email, text, phone call, or other form of communication after working hours. The Town does not

expect or require non-exempt employees to act upon such a communication. To the contrary, non-exempt employees are not permitted to respond to such communications during non-working hours unless (a) there is an emergency, (b) the employee is on call or standby, or (c) the employee has been given specific direction and permission by his or her supervisor to respond after work hours due to special, temporary circumstances, and time spent responding to such communication is recorded on employee's timecard as time worked. This policy applies whether the after work hour communication is sent to or received by a personal device or Town owned device.

[*History*: Res 2016-17, 4/13/16]

3.02.272 Standby Duty

(a) Public Works Department employees are specifically assigned duty to be available outside their normal work schedule to provide urgent repairs or maintenance, access to facilities, or other necessary tasks, as determined by the City Manager or designee.

(b) An employee on standby must be ready and able to report to the Town of Colma within one hour of being contacted. Specifically, but without limitation, the employee must not be under the influence of alcohol or a controlled substance while on standby duty.

(c) The routine standby period rotates amongst employees on a weekly basis. The standby period includes all periods of time outside of normal working hours during that week which the employee is scheduled on standby. The Public Works Director shall be responsible for creating the standby schedule and for ensuring the schedule is delivered to the Colma Police Department.

(d) An employee scheduled for standby duty may trade with another eligible employee to fill his/her standby commitment. The employee initiating the trade is responsible for notifying his/her department head of the replacement at least two days before standby week commences. If the employee cannot find a replacement, he or she is responsible to work standby as assigned.

(e) Standby pay shall be set by the City Council.

[*History*: Res 2014-44, 10/8/14]

3.02.273 Callback Pay

An employee who is called to work on his/her day off or after having been relieved of duty for the day at least one hour prior shall earn overtime for the time the employee is called back.

- (1) An employee who is called back to work is paid a minimum of two hours of overtime.
- (2) Compensable time under this policy does not include travel time to or from the employee's residence to the Town Corporation Yard. Compensable time under

this policy shall begin when the employee reaches the Town Corporation Yard and shall end when the employee returns to the Town Corporation Yard.

[*History*: Res 2014-44, 10/8/14]

3.02.274 Value of Uniforms for CalPERS Purposes

(a) The Town shall report to CalPERS a uniform allowance as special compensation in the amount of \$68.67 per pay period for Public Works Maintenance Workers.

(b) The foregoing shall be subject to the provisions and limitations under the Public Employees Retirement Law, including the prohibition against reporting uniform allowance as pensionable compensation for "new members" under the Public Employees' Pension Reform Act of 2013.

[*History*: Res 2017-45, 9/13/17]

3.02.275 Non-Conflicting Provision

Nothing in this policy shall conflict with provisions of any active and existing labor agreement with any recognized bargaining group within the Town. Should such a conflict arise with this policy and any provisions of any active and existing labor agreement, the labor agreement shall prevail.

[*History*: Res 2014-44, 10/8/14]

3.02.280 Overtime

(a) Unrepresented, non-exempt employees shall be paid one and one-half times his or her base rate of pay for time worked in excess of forty (40) hours in a work period.

(b) FLSA overtime will be paid in accordance with the FLSA.

(c) An employee may not work overtime without prior written authorization from his or her Department Director.

[Reference: 29 U.S.C. §§ 201-215]

[*History*: Res 2010-13, 4/14/2010]

3.02.290 Compensatory Time Off

(a) The City Manager may allow an employee to take compensatory time off instead of receiving overtime pay for overtime work, as provided herein.

(b) Compensatory time off is earned at the same rate as overtime pay.

(c) Compensatory time off may be accumulated to a maximum of 48 hours to be used by the employee at a later time upon approval of the City Manager except as otherwise defined in any applicable Memorandum of Understanding.

(d) At any time, an employee may request that all or any part of his or her bank of compensatory time off hours be converted to the equivalent in pay.

3.02.300 Recognition of Longevity

(a) *Recognition.* After the first and every fifth full year of service, the Town will recognize eligible employees with a tangible award. This program does not constitute a contract to make an award and may be amended or repealed in the sole and absolute discretion of the City Council.

(b) *Eligibility*

(1) To receive a recognition award, an employee must meet all of the following requirements:

(2) The employee must be a regular employee, a probationary employee or a casual employee who worked more than 300 hours in the twelve months prior to October 1;

(3) The employee must have reached his or her recognizable anniversary date on or before December 31 prior to the recognition event; and

(4) The employee must be on paid status on the date of the recognition event.

(5) Casual employees who work less than 300 hours in the twelve months prior to October 1, temporary employees and elected officials are not eligible to participate in the Town's Employee Recognition Program.

(c) *Gifts*

(1) The amount of money allowed for gifts shall be established by the City Council from time to time in its discretion. The City Manager shall, in his or her discretion, select a vendor and shall designate the type(s) and value of gifts for the anniversaries to be recognized.

(2) Elected Officials may not be given a gift, but may be given a commemorative item of nominal value, such as a Town logo pin recognizing the first anniversary of service.

(d) *Recognition Event.* The Employee Recognition Event occurs annually, usually immediately prior to the November City Council meeting. Residents and employees and their families are invited. Employees marking a service year that qualifies for recognition need not attend the event to receive a gift.

3.02.305 Retention Pay

Effective in the first pay period after April 10, 2019, employees will be eligible for retention pay as follows:

(a) Full-time employees will be eligible for retention pay in the amount of 2.5% for continuous ten (10) years of Town of Colma service, and an additional 2.5% for twenty (20) years of continuous Town of Colma service, to a combined maximum of 5% retention pay. The percentage of retention pay shall be calculated on the employee's base pay (not including incentive pay or any other differential pay). After the effective date above, employees are eligible for retention pay beginning in the first pay period following their anniversary date in which the employee meets the 10 year or 20 year of continuous Town service. For purposes of this section, "continuous" service shall include vacation, sick leave, other paid time off, as well as Town-approved leaves of absence and other leaves required by law.

(b) Part-time employees will be eligible for retention pay based on actual hours worked. Once a part-time employee has worked 2,080 hours, the part-time employee will be credited with one year of service credit for purposes of determining eligibility for retention pay. For purposes of applying this provision, "part-time employee" means an employee who normally works a schedule of less than 40 hours per week whether classified as "part-time" or "casual." For purposes of this section, "continuous" service shall include vacation, sick leave, other paid time off, as well as Town-approved leaves of absence and other leaves required by law. When applying service credit for any approved leaves of absence for part-time and casual employees, only the employee's anticipated scheduled hours will be credited. For casual employees, only the employee's anticipated scheduled hours will be credited. For casual employees who work intermittently, any period of the year when work is not assigned will not be counted.

[History: Adopted by Res 2019-17, 4/10/19]

3.02.310 Garnishment

(a) The City Manager ([or his/her designee](#)) will notify an employee who is subject to a wage garnishment, in writing, that a garnishment has been levied against the employee's pay.

(b) Repeated garnishments may be considered a cause for disciplinary action.

3.02.320 Pay for Working in a Higher Classification

(a) Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification.

(b) Compensation for working out of classification will be provided only if each of the following conditions are met:

- (1) The employee has assumed the full range of responsibilities of a vacant, higher classification for 30 consecutive days; and
 - (2) The City Manager has approved the assignment to the higher classification.
- (c) Working out of classification pay shall not be given to employees on temporary training assignments.
- (d) ~~Thirty days after commencement of~~Employee assigned to work in a higher classification, ~~an employee's salary for working out of classification shall be increased to~~which assignment is expected to last for at least thirty days, shall be compensated at the starting salary of the higher classification in which the employee is working or five percent above the employee's then existing salary, whichever is higher, effective at the commencement of the assignment. If the salary of the higher classification is set by contract approved by the City Council, then the employee's salary shall be increased by five percent over his or her then existing salary. If an assignment is not expected to last for at least thirty days but is thereafter extended, the employee will receive the additional pay retroactive to the date the assignment commenced.
- (e) When the higher class assignment is completed, the employee's salary will be readjusted to its previous level. The employee's date of hire and Review Date will remain unchanged.

3.02.330 Pay Advance

An advance in pay will not be granted except by the City Manager for a case of extreme hardship.

3.02.340 Time Sheets

- (a) All non-exempt employees shall accurately and completely report time worked and leave taken on time sheets and shall sign and submit the time sheets to their respective Department Director for review and approval.
- (b) Exempt employees shall accurately report days not worked on an Exception Report.
- (c) Falsification of time sheets or Exception Reports shall be a ground for disciplinary action up to, and including, termination.
- (d) An employee may not sign a time sheet or Exception Report for another person.

3.02.345 Payroll Errors

- (a) To ensure that system or other errors which affect an employee's pay are processed in an efficient and effective manner, once the Town detects a payroll error, it shall notice the affected employee as soon as practicable.

(b) Payroll errors detected by an employee shall, as soon as practicable, be communicated to the Finance Department.

(c) Under payments will be processed as soon as practicable.

(d) In the event of an overpayment, the Accountant or his or her designee will determine a reasonable repayment schedule and inform the employee of the schedule directly or through the Department Director. The affected employee shall be given an opportunity to discuss the repayment schedule and, if necessary, to request a reasonable adjustment to it. Factors considered in determining a reasonable adjustment to the repayment schedule include, but are not limited to, the employee's normal salary and other financial obligations of the employee. The Town will use any and all legal remedies to recover any salary overpayment made to the employee from the employee's wages in the event that (1) the employee does not respond within five working days of being notified of the overpayment or (2) mutual agreement on the repayment schedule is not achieved within 10 working days of the employee being notified of the overpayment.

3.02.350 Performance Evaluations

(a) The functions of the employee performance evaluation are:

- (1) To provide each employee with timely reports of the employee's progress and allow for correction of deficiencies;
- (2) To provide the employee with positive recognition of strengths and special abilities and an opportunity to improve deficiencies;
- (3) To provide an ongoing performance record which may become part of documentation used in making personnel actions;
- (4) To provide a basis for step advancements and salary increases;
- (5) To provide the employee with an opportunity to discuss ways and means for improvement;
- (6) To serve as a mechanism for updating job descriptions;
- (7) To allow the employee to give feedback to her or his supervisor; and
- (8) To reflect higher performance expectations as a result of employee growth and development.

(b) Each employee should be evaluated at least once a year.

(c) Prior to an employee's Review Date, the employee's supervisor shall meet with the employee and evaluate the employee's overall job performance as exceeds standards, satisfactory, needs improvement or unsatisfactory. The City Manager may, for good cause, extend the time for a performance evaluation until after the employee's Review Date.

(d) Performance evaluations may be considered by the City Manager in determining the advisability of transfers, the level of employee discipline, and in promotional examinations. Performance evaluations are maintained in the employee's personnel file and are available only to the employee's supervisor, the Human Resources Manager, the Department Director, the City Manager, and, when necessary, the City Attorney.

(e) A performance evaluation is not subject to the grievance procedure.

(f) The City Manager, in his or her sole discretion, may require varying levels of review in the evaluation process.

3.02.360 Change of Name, Address and Telephone Number

(a) Each employee ~~or consultant functioning as an employee~~ shall provide the City Manager with his or her current legal name, ~~home~~ mailing address and ~~home~~ personal telephone number.

(b) An employee must report any change of legal name, ~~home~~ mailing address or telephone number within three business days of such change.

(c) A violation of this policy may result in disciplinary action.

Division 6: Separation

3.02.370 Resignation

An employee wanting to resign in good standing with the Town ~~shall~~ is requested to provide a written resignation to his or her Department Director at least 14 calendar days prior to the effective date of resignation, ~~shall~~ is expected to be reasonably available for work during that period, and ~~shall~~ is expected to participate in an exit interview. ~~Exceptions to the time limit requirement may be granted by the City Manager or Chief of Police.~~ Providing less than two weeks notice may affect the employee's ability to be rehired.

3.02.380 Termination

(a) The Town may terminate a regular employee for cause which shall include, but not be limited to, any violation of this Chapter.

(b) The Town may terminate an at-will, probationary or temporary employee at any time, with or without cause and with or without giving advance notice. At-will, probationary and temporary employees shall have no right to appeal or otherwise challenge the termination of their employment.

(c) Upon request of the employee, the Town shall conduct a "liberty interest" hearing when the Town terminates an employee based on charges of misconduct or mismanagement which stigmatizes his or her reputation, seriously impairs his or her opportunity to earn a living, or seriously damages his or her standing in the community. Charges concerning competency or inability to get along with others do not warrant a liberty interest hearing. The sole purpose of the liberty interest hearing is to afford the employee an opportunity to clear

his or her name and refute the charges, not to have his or her job or promotion reinstated or termination rescinded.

3.02.390 Lay-offs; Re-Employment

(a) If the City Council determines, in its discretion, to reduce the Town's workforce for economic reasons, regular employees in those classifications identified for reduction will be laid off in reverse order of seniority.

(b) Any former regular employee who resigned from the Town in good standing, who is terminated because of an abolishment of position, or who is laid off because of a reduction in workforce, is eligible for re-employment as a new employee. The employee must file a completed Town application form and proceed through the regular hiring procedures with other applicants as described in the Hiring Process.

(c) If a position that was abolished because of a reduction in workforce is reinstated within six months thereafter, the Town shall notify all former employees who had been laid off within six months prior to reinstatement of the position. An employee who was laid-off because of that reduction who applies for reemployment shall be given preference over other applicants for that position, and offers of re-employment will be made to former employees [who apply for the position](#) in order of seniority.

(d) Reemployment of an employee in the retirement system will be made in accordance with the rules and regulations as set by CalPERS.

(e) All individuals re-employed by the Town must complete a new probationary period.

3.02.400 Out-Processing

An employee who resigns or is terminated for any reason must return all keys to Town buildings and Town automobiles, employee identification cards, all Town records, ~~and~~ uniforms and equipment purchased by the Town, and ~~shall~~[any other Town equipment in the employee's possession or control. The employee shall also](#) disclose in writing any and all passwords to files and documents created or used by the employee, whether authorized or unauthorized.

ARTICLE 3. CAC SUBCHAPTER 3.03 AMENDED.

Section 3.03.030(b)(2) is hereby amended to read as follows:

(b)

- (2) Refusal to testify under oath before any court, grand jury proceeding, or administrative hearing over any then pending matter regarding any [personal knowledge of any](#) suspected misconduct or illegal action by any Town employee: [in the course and scope of employment with the Town.](#)

Section 3.03.050(b) is hereby amended to read as follows:

(b) Specifically, but without limitation, each employee is prohibited from engaging in any of the following acts or omissions [in connection with employment with the Town](#):

Section 3.03.140(b)(1) is hereby amended to read as follows:

(b)

- (1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to Town business. Notwithstanding the foregoing, an employee may use public resources, such as equipment or office space, for personal purposes, provided that such use is occasional, necessary, [does not interfere with performance of work duties](#) and this minimal usage does not cause the Town to incur additional expenses.

Section 3.03.160(b)(1) is hereby amended to read as follows:

(b)

- (1) "Protected Characteristic" means any characteristic protected by California's Fair Employment and Housing Act (FEHA), including race, color, religious creed, sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, physical and mental disability, medical condition, age, [or](#) military and veteran status, ~~or denial of family and medical leave or pregnancy disability leave.~~

Section 3.03.160(c)(4) is hereby amended to read as follows:

(c)

- (4) Any retaliation against the party complaining about or ~~any witness to~~ [who has reported any](#) discrimination or harassment, or any party for participating in an investigation of discrimination, [retaliation](#), or harassment.

Section 3.03.160(d) is hereby amended to read as follows:

(d) The Town [prohibits and](#) will take all reasonable steps to prevent any retaliation against the complaining party or witnesses."

Section 3.03.170 is hereby amended as follows:

(a) Harassment is any behavior related to an individual, based on a Protected Characteristic, that is unwelcome or offensive

[when:](#)

- (1) ~~(b) Harassment may occur when:~~ Such conduct affects, explicitly or implicitly, a term or condition of an individual's employment;
 - (2) Submission to or rejection of such conduct is the basis of employment decisions concerning an individual; or
 - (3) Such conduct creates an intimidating, hostile, or offensive working environment.
- (b) Unwelcome or offensive behavior can be of any form or combination of a verbal, nonverbal, visual, or physical nature. Examples of harassment include, but are not limited to, the following:
- (1) Offensive jokes, slurs, derogatory comments, epithets, leering, or insulting noises;
 - (2) Assault, threats or other acts of verbal or physical intimidation;
 - (3) Pictures, cartoons, objects, or written displays that are derogatory or of a degrading nature; or
 - (4) Withholding support or assistance for carrying out a task or assignment.
- (c) Any form of harassment, including sexual harassment, is not within the course and scope of an individual's employment with the Town of Colma.
- (d) Sexual harassment includes:
- (1) *Verbal Harassment:* Repeated, unsolicited, derogatory comments or slurs, or continued request for social or sexual contact after being advised such is unwelcome.
 - (2) *Physical Harassment:* Physical interference or contact including, but not limited to assault; touching; or impeding or blocking movements.
 - (3) *Visual Harassment:* Derogatory posters, cartoons, or drawings, staring or leering.
 - (4) *Sexual Favors:* Sexual advances which condition an employment benefit in exchange for sexual favors, or which may be perceived as such.
- (e) The Town does not intend to regulate or control any relationship or social interactions of employees which are freely entered into by both parties. However, the Town discourages romantic or sexual relationships between supervisors and subordinates because there is an inherent imbalance of power and potential for exploitation in such relationships; the relationships may create an appearance of impropriety and lead to charges of favoritism by other employees; and a welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes harassing. Additionally, such a relationship, especially where the employees work in the same department of have a supervisor/subordinate relationship, can create a potential for an actual or potential conflict of

interest. An employee involved in a romantic or sexual relationship with another employee is required to disclose that information to his or her immediate supervisor, so that the Town may determine whether a potential or actual conflict exists. If an actual or potential conflict is determined, the Town may take whatever corrective action appears appropriate according to the circumstances.

Section 3.03.190 (a) and (b) are hereby amended to read as follows:

(a) Individual supervisors are responsible to report to the Human Resources Manager and work in conjunction with the Human Resources Manager to ~~investigate~~facilitate the investigation of discrimination, harassment, and sexual harassment incidents where the supervisor knows or should have known of the incident by nature of his or her supervisory position.

(b) Whether the complaining party requests formal or informal action, the supervisor must follow through, either by the formal complaint process or by verbally warning the harasser and documenting the admonishment. In any case, the supervisor should work in conjunction with the Human Resources Manager to ~~investigate~~facilitate the investigation of the complaint fairly and timely and take appropriate corrective action if the complaint is substantiated. The supervisor and the Human Resources Manager shall also maintain confidentiality of all parties involved and any information shared, to the extent possible.

Section 3.03.220(a) and (b)(1) are hereby amended to read as follows:

(a) An employee is prohibited from using ~~tobacco~~any tobacco-related products while on-duty or during work hours:

(b):

- (1) "~~using tobacco~~tobacco-related products" means ~~the smoking or carrying of~~ any kind of lighted pipe, cigar ~~or~~, cigarette, or ~~the~~ chewing ~~of~~ tobacco; it also includes all vaping products; and

Section 3.03.240(a)(3) and (a)(4) are hereby amended to read as follows:

(a)

- (3) Has operated a Town vehicle or Town equipment that was involved in an accident or vehicle collision; or
- (4) Has committed an action, or failed to take an action, that has proximately caused an accident or vehicle collision while performing services for the Town or on Town property (e.g., by failing to maintain the vehicle or equipment or work-site where the accident occurred).

Section 3.03.250(b) is hereby amended to read as follows:

(b) The Town will make every effort to provide reasonable accommodation to officers and employees who voluntarily come forward to seek counseling or treatment. This

accommodation may take the form of time off from work, sick leave, Personal Leave or an adjusted work schedule. The time to request assistance is before any violation of this policy has occurred. The Town is not obligated to refrain from imposing or to set aside any discipline imposed for violation of these standards.

ARTICLE 4. CAC SUBCHAPTER 3.04 AMENDED.

Section 3.04.010(c)(1) and (2) are hereby amended to read as follows:

(c)

- (1) The reporting employee should report the matter to a supervisor, the City Manager, the Human Resources Manager, or the Chief of Police. The reporting employee does not have to follow the normal Chain of Command.
- (2) The person receiving the report must take appropriate action, which may include reporting the matter to the City Manager or another person in a position to take action, and conducting an informal or formal investigation. The report will be kept confidential, to the extent possible. However, if disciplinary action is taken against the alleged perpetrator, the reporting employee may be requested to testify ~~against the alleged perpetrator~~ in an appeal hearing in order for the Town to impose discipline on that person.

Section 3.04.060(f), (g), (g)(1) and (g)(2) are hereby amended to read as follows:

(f) *Investigation.* Upon receipt of a complaint of harassment, retaliation, or discrimination, the ~~Appropriate Department Director shall cause a formal or informal investigation to be made~~ City Manager and/or the Human Resources Manager shall ensure that a prompt and thorough investigation is conducted. Any investigation of a peace officer must comply with the requirements of the Public Safety Officers' Procedural Bill of Rights Act.

(g) *Determination and Report.* Upon completion of an investigation, the Appropriate Department Director shall, in consultation with the City Manager and/or the Human Resources Manager:

- (1) Make a determination whether the alleged conduct constitutes harassment, discrimination, or other misconduct within the meaning of Town policy, after giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incidents occurred; and
- (2) Through the Human Resources Manager, report the results of the investigation ~~and the determination (i.e., "merit," "no merit," or "inconclusive")~~ to the appropriate persons, including the complainant; and the alleged harasser, ~~the supervisor, the Department Director, the City Manager and the City Attorney;~~ and Section other management-level employees will be informed of necessary information on a need-to-know basis ; and

Section 3.04.070(b)(5) is hereby amended to read as follows:

(b)

- (5) Appeal or otherwise challenge a reduction in pay, demotion, suspension, termination, or other form of disciplinary action.

Section 3.04.270(a) is hereby amended to read as follows:

- (a) All hearings shall be ~~closed unless the appellant makes a request for a public hearing before the commencement of the hearing~~ closed.

ARTICLE 5. CAC SUBCHAPTER 3.05 AMENDED.

Section 3.05.030(b)(4) is hereby amended to read as follows:

(b)

- (4) Retirement Health Savings Program (RHSP)

~~As soon as administratively possible, The Town will establish~~ offers a Retirement Health Savings Program (RHSP). ~~The RHSP will use, administered by~~ a third party administrator selected by the Town. The design of the RHSP is intended to be a tax advantaged savings plan to be used exclusively for qualifying medical expenses during retirement.

ARTICLE 6. CAC SUBCHAPTER 3.06 AMENDED.

Subchapter 3.06 is hereby amended in its entirety to read as follows:

SUBCHAPTER 3.06: LEAVES

Division 1: General

3.06.010 Inconsistent Actions; Failure to Return to Work

An employee may not take any action during a leave of absence that is inconsistent with an intention to return to employment with the Town, such as accepting employment with another employer or failing without authorization to return after expiration of leave. An employee who takes any action during his or her leave of absence that is inconsistent with an intention to return to employment with the Town may be terminated.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.020 Exhaustion of Paid Leave

An employee who is absent from work may be required to use his or her accrued and available paid leave to the extent allowed by law and these policies.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.030 General Rule for Accruing Paid Leave

(a) An employee must be in paid status in order to earn and accrue paid leave of any type. An employee who has exhausted all paid leave shall not earn any paid leave until he or she has returned to paid status.

(b) An employee will not accrue vacation or sick leave, nor will the employee be paid for holidays that occur during the employee's leave of absence except during those periods when the employee is on paid sick leave, Personal Leave or compensatory time off.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.040 Unpaid Leave of Absence

(a) An employee taking an unpaid leave of absence may request or be required to use his or her accumulated and available sick leave, Personal Leave, or compensatory time off.

(b) An employee is not entitled to an unpaid leave of absence except as expressly provided in this Subchapter or where granted by the City Manager for good cause.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.050 Coordination of Benefits

(a) Workers Compensation and State Disability Insurance benefits will be integrated with paid leaves described in this Subchapter so that an employee does not receive over 100 percent of the employee's regular pay.

(b) When an employee is eligible for benefits under the Workers Compensation Act or the State Disability Act, he/she may apply his/her accrued sick leave or other paid leave pro rata to supplement the expected benefit payment, up to a maximum of 100% of the employee's regular pay.

(c) Payments under a long-term disability insurance policy are not subject to coordination of benefits by the Town but may be reduced by the insurance carrier.

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.060 Conflicting Provisions

In the event of a conflict between the provisions of this Subchapter and any collective bargaining agreement, the terms and conditions of the collective bargaining agreement shall apply. ~~Without limiting the generality of the foregoing, the following sections of this Subchapter shall not apply to employees represented by a Recognized Employee Organization: 3.06.080, 3.06.090(d), 3.06.110, 3.06.210, and 3.06.260.~~

[History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.070 General Rules of Eligibility; Prorated Paid Leave

(a) Except as expressly provided herein, regular and probationary employees are eligible for paid leaves provided in this Subchapter, while casual and temporary employees are eligible only for sick leave as defined in Division 3 of this subchapter.

(b) Paid leave for a part-time employee shall be prorated according to the employee's Full-Time Equivalency.

3.06.080 [Reserved]

Division 2: Holidays

3.06.090 Holiday Leave

(a) Regular and probationary employees are entitled to holiday pay as provided in this section. Town holidays are set forth in section 1.01.050 of the Colma Municipal Code.

(b) An exempt employee who observes a Town holiday shall be entitled to his or her regular monthly salary.

(c) A non-exempt employee who was in paid status the workday before and the workday after a Town holiday shall be paid for the holiday. If the non-exempt employee worked full-time, the employee shall be paid for a full day. If the non-exempt employee worked part-time, the employee's holiday pay shall be prorated at his or her Full-Time Equivalency.

(d) Regular and probationary employees required to work on a Town holiday will be paid an amount equal to one and one-half times his or her regular rate of pay, which shall be in addition to holiday pay to which he or she is entitled.

[Originally 3.06.080; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.100 [Reserved]

Division 3: Sick Leave

3.06.110 Sick Leave Eligibility and Accrual

(a) Regular and Probationary Employees

(1) A regular or probationary full-time employee who is full-time paid status shall accrue paid sick leave at the rate of eight hours per month. Accruals begin on the first day of employment.

- (2) A regular or probationary part-time employee who is in paid status shall accrue sick leave prorated at his or her Full-Time Equivalency. Accruals begin on the first day of employment.
- (3) A regular or probationary full-time employee may accrue sick leave up to a maximum of 1,040 hours. An employee who has accrued 1,040 hours of unused sick leave shall not earn additional sick leave unless and until he or she has an accrued balance of less than 1,040 hours of unused sick leave.
- (4) A regular or probationary part-time employee may accrue sick leave up to a maximum of 1,040 hours prorated at his or her Full-Time Equivalency. An employee who has accrued 1,040 hours of unused sick leave prorated to his or her Full-Time Equivalency shall not earn additional sick leave unless and until he or she has an accrued balance of less than the prorated amount of unused sick leave.
- (5) All sick leave is paid at an employee's regular rate of pay as of the time of the absence, exclusive of overtime or other irregular pay enhancements.

(b) Casual and Temporary Employees

- (1) Effective on the first day of employment or July 1, 2015, a casual or temporary employee shall accrue one hour of sick leave per every 30 hours worked.
- (2) A casual or temporary employee may accrue sick leave up to a maximum accrual cap of 48 hours or six days. A casual or temporary employee who has accrued 48 hours or six days of unused sick leave shall not earn additional sick leave unless and until he or she has an accrued balance of less than 48 hours of unused sick leave.

[Originally 3.06.090; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.120 When Sick Leave May Be Used

- (a) An eligible employee may use his or her sick leave for any of the following reasons:
 - (1) An illness or injury which makes the employee unable to fully perform the essential functions of his or her job duties;
 - (2) For an appointment with a health care provider for preventative care or for a medical procedure, provided that if the appointment or procedure is foreseeable, the employee must have made a reasonable effort to schedule it during non-work hours and so as not to unduly disrupt the Town's operations;
 - (3) To care for a newborn child or a newly placed child;

- (4) To care for a child, grandchild, parent, parent-in-law, grandparent, sibling, spouse or Registered Domestic Partner who is ill;
- (5) To accompany a child, grandchild, parent, parent-in-law, grandparent, sibling, spouse or Registered Domestic Partner to an appointment with a health care provider for treatment, preventative care or a medical procedure; or
- (6) To obtain relief or attempt to gain relief or services related to domestic violence, sexual assault or stalking for the purposes described in Labor Code section 230(c) and 231(a).

(b) Usage Restrictions.

Notwithstanding the foregoing:

- (1) Absent conditions qualifying for FMLA/CFRA leave, a regular or probationary employee may use up to half his or her annual (i.e. calendar year) sick leave accrual to care for a spouse, child, grandchild, parent, parent-in-law, grandparent, sibling or Registered Domestic Partner.
- (2) A casual or temporary employee may use up to 3 days or 24 hours per calendar year for any permissible purpose. Such employee may carry over unused accrued sick leave to the following year, subject to the maximum accrual cap of six days or 48 hours.
- (3) ~~A casual or temporary~~Any employee who has a break in service of less than one year will have his or her accrued and unused sick leave reinstated and does not need to wait an additional 90 days of employment to use accrued sick leave.

(c) For purposes of this section:

- (1) A "child" is a biological, foster or adopted child, a stepchild, a legal ward, a child of a Registered Domestic Partner, or a child of a person standing in the place of a parent; and
- (2) A "parent" is a biological, foster, or adoptive parent, a stepparent, or a legal guardian or a person who stood in the place of a parent when the employee was a minor.

[Reference: Labor Code §§ 233, 246]

[Originally 3.06.100; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.130 Conversion or Payment for Unused Sick Leave

Upon separation of employment with the Town, an employee is not entitled to be paid for his or her accrued and unused sick leave except as follows:

(a) An employee who is eligible for and who has applied for retirement under CalPERS within four (4) months of separation from the Town of Colma may, at the employee's option, convert unused and accrued sick leave to additional PERS service credit or be paid for unused and accrued sick leave, provided that the number of hours to be converted or paid shall not exceed 1,040 hours.

(b) An employee hired after July 1, 2019 who is eligible for and who has applied for retirement under the California Public Employees Retirement System within four (4) months of separation from the Town may, at the employee's options, convert unused and accrued sick leave to additional PERS service credit provided that the number of hours to be converted shall not exceed 1,040 hours. Accrued but unused sick leave shall have no cash value at separation for such employees.

[Originally, 3.06.110; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2019-17, 4/10/19]

3.06.140 Sick Leave Not to Extend Family and Medical Leave Period

Nothing in this Division shall extend the maximum period of leave to which an employee is entitled under the California Family Rights Act (CFRA), the federal Family and Medical Leave Act (FMLA), or this Subchapter, whether or not the employee received sick leave compensation during that period.

[Originally, 3.06.120; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.150 Reporting Requirements

(a) Any employee taking sick leave shall notify his or her supervisor in accordance with rules established by the City Manager. An employee who is on sick leave shall keep his or her supervisor advised as to his or her ~~condition and~~ expected date of return to duty. A non-exempt employee shall report sick leave taken on his or her time sheet, and an exempt employee shall report sick leave taken on his or her Exception Report.

(b) An eligible employee who is on sick leave for a period exceeding three consecutive days may be required to provide a certificate from his or her health care provider verifying the need for the absence from work and releasing the employee to return to duty with or without restrictions. Except where sick leave is taken for an occupational disability, the certificate ~~needs~~should not disclose the underlying diagnosis of the patient's condition.

(c) In appropriate circumstances, the Town may require the employee to participate in a fitness-for-duty examination by a doctor selected by the Town before allowing the employee to return to work.

[Originally, 3.06.130; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.160 Prevention of Sick Leave Abuse

(a) The City Manager shall establish guidelines for identifying and correcting abuse of sick leave.

(b) If sick leave abuse is identified, corrective action will be taken, including requiring ~~the employee to submit a doctor's statement for each use of sick leave or to participate in a fitness-for-duty examination by a doctor selected by the Town~~appropriate documentation.

3.06.170 [Reserved]

Division 4: Family and Medical Leave

3.06.180 Family and Medical Leaves of Absence

(a) The Town provides Family and Medical Leave benefits that are more generous than, and are consistent with, state (the California Family Rights Act – "CFRA") and federal (the Family and Medical Leave Act – "FMLA") leave laws. Specifically, the Town, in its discretion, provides Family and Medical Leave as set forth in this Division, even though there may be fewer than 50 employees ~~at a facility~~within 75 miles, which is the threshold for providing Family and Medical Leave under law. To the extent that the law does not require the Town to provide Family and Medical Leave, this Division may be repealed at the discretion of the City Council. U.S. Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (FMLA) and the implementing regulations for the California Family Rights Act (CFRA) may be used to supplement the provisions in this division. Unless otherwise provided by this Division, "leave" under this policy shall mean leave pursuant to FMLA and CFRA, as FMLA and CFRA leave shall run concurrently when permitted by law.

(b) To the extent that the law requires the Town to provide Family and Medical Leave and to the extent the Town has agreed to voluntarily provide these rights, the respective rights and obligations of the Town and its employees are set forth in the following provisions and implementing federal and state regulations.

[Reference: 29 C.F.R. 825.100 et seq.]

[History: Formerly § 3.06.150(a); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.190 Definitions for this Division

As used in this Division, specific terms are defined in the FMLA, CFRA and their respective implementing regulations, and as set forth below. To the extent any conflict arises between definitions below and definitions set forth in FMLA/CFRA and their regulations, the FMLA/CFRA definitions shall control.

“12-month period” means a rolling 12-month period measured backward from the date the leave is taken and continuous with each additional leave day taken; a “single 12-month period” means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered military service member and ends 12 months after that date.

“Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child as well as a child for whom the employee ~~as-stood~~stands in loco parentis (in place of parents).

“Covered active duty” means:

- (1) In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; or
- (2) In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

“Covered military service” member means:

- (1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness; or
- (2) A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

“Domestic Partner,” as defined by Family Code §§297 and 299.2, shall have the same meaning as “Spouse” for purposes of CFRA Leave.

“Health care provider” means:

- (1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
- (2) Individuals duly licensed as a physician, surgeon or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
- (3) Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct

a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

- (4) Nurse practitioners and nurse mid-wives, clinical social workers, [marriage and family therapists](#), [acupuncturists](#), and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined by California State law;
- (5) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston Massachusetts; and
- (6) [Any other health care providers that fall within the definition of FMLA or CFRA regulations; and](#)
- (7) ~~(6)~~ Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

"Leave" means leave pursuant to FMLA and CFRA.

"Next of Kin of a covered military service member" means the nearest blood relative other than the covered military service member's spouse, parent or child in the following order of priority: blood relatives who have been granted legal custody of the covered military service member by court decree or statutory provisions, siblings, grandparents, aunts and uncles and first cousins unless the covered military service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under FMLA.

"Outpatient status" means, with respect to a covered military service member, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control if members of the Armed Forces are receiving medical care as outpatients.

"Parent" means the biological, adoptive, step or foster parent of an employee or an individual who stands or stood in loco parentis (in place of parents) to an employee when the employee was a child. This term does not include parents-in-law.

"Serious health condition" means an illness, injury (including but not limited to, on-the-job injuries), impairment or physical or mental condition of the employee or a child, parent or spouse of the employee that involves inpatient care or continuing treatment, including but not limited to treatment for substance abuse (and except for certain injuries or illnesses incurred by a member of the Armed Forces as defined later in this section):

- (1) Inpatient care (i.e. an overnight stay or admission to the facility with an expectation of an overnight stay, even if later discharged) in a hospital, hospice or residential medical care facility, including any period of incapacity

(i.e. inability to work or perform other regular daily activities due to the serious health condition, treatment involved or recovery there from); or

- (2) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
- (A) A period of incapacity (i.e., inability to work or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
- i. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances are certified by a health care provider, a nurse or by a provider of health care services (e.g. a physical therapist) under orders of or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or
 - ii. Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
- (B) Any period of incapacity due to pregnancy or for prenatal care. This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave (see section 3.06.300 *et seq.*, of this subchapter).
- (C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse, continues over an extended period of time (including recurring episodes of a single underlying conditions), and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave, even if the absence lasts only one day.
- (D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or

eligible family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

- (E) Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, whether for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment. "Serious Injury or Illness," in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating. In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed Forces) and that manifested itself before or after the member became a veteran.

[References: Cal. Family Code §§ 297 and 299.2; 29 CFR § 114]

[History: Formerly § 3.06.150(b); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.200 Eligibility and Duration

(a) To be eligible for Family and Medical Leave, an employee must have at least 12 months of service with the Town and must have worked at least 1,250 hours during the 12-month period preceding the date the leave is to begin. Employment periods prior to a break in service of seven or more years need not be counted in determining whether an employee has been employed for at least 12 months.

(b) Except as provided in this subchapter with regard to certain types of military-related family or medical leave, employees may take up to a maximum of 12 workweeks of Family and Medical Leave within a 12-month period. The Town uses a "rolling" 12-month period to determine an employee's eligibility for leave. The 12-month period is measured backward from the date an employee uses any family leave.

[History: Formerly § 3.06.150(c); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.210 Permitted Reasons for Leave

An employee eligible for Family or Medical Leave under this Division may take a leave of absence for any of the following reasons:

- (1) The birth of a child of the employee and to care for a newborn;
- (2) The placement of a child with an employee in connection with the adoption or foster care of a child by the employee;
- (3) To care for a child, parent, spouse or Registered Domestic Partner who has a serious health condition;
- (4) Due to the employee's own serious health condition that makes the employee unable to perform the essential functions of his or her position;
- (5) Because of any "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call or order to covered active duty status, as set forth in section 3.06.290 of this subchapter; or
- (6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember, as set forth in section 3.06.290 of this subchapter.

[History: Formerly § 3.06.150(d); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.220 Procedure for Obtaining Medical and Family Leave

(a) *Advanced Notice.* Whenever possible, the employee must provide at least 30 days advance written notice of the employee's need to take a leave of absence under this Division for foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or an eligible member of the employee's family). If an employee requests a leave of absence that is foreseeable because of a scheduled medical procedure, the employee must make a reasonable effort to schedule it so that it will not unduly disrupt Town operations, subject to the approval of the employee's health care provider. For events which are unforeseeable, the employee must notify the [City Human Resources](#) Manager and his or her supervisor, at least verbally, as soon as the employee learns of the need for the leave.

(b) *Request for Leave.* Regardless of the nature of the leave of absence and in addition to the advanced notice, an employee must submit a written Request for Leave of Absence to the [City Human Resources](#) Manager, with a copy to his or her supervisor, as soon as possible. The employee must also submit written certification from the patient's health care provider,

or another qualified person approved by the City Manager, containing the following information:

- (1) The date on which the qualifying condition began or will begin;
- (2) The probable duration of the qualifying condition; and
- (3) In situations where the leave is due to the employee's own condition, a statement that, due to the employee's serious health condition, the employee is (or will be) unable to perform the essential functions of the employee's position; or
- (4) In situations where the leave is needed to care for a family member having a serious health condition, the date of commencement of the serious health condition, the probable duration of the condition, an estimate of the amount of time that the health care provider believes the employee needs to take in order to care for the child, parent, or spouse, and confirmation that the serious health condition warrants the participation of the employee.

(c) *Recertification.* Recertification may be required if the employee requests an extension beyond the original certification.

(d) Qualifying Exigency Leave.

- (1) The first time an employee requests qualifying exigency leave, the employee must provide a copy of the covered military service member's active duty orders or other documentation issued by the military which indicates that the covered military service member is on covered active duty or call to active duty status in a foreign country and the dates of the covered military service member's active duty service.
- (2) An employee must provide a copy of new active duty orders or similar documentation if the need qualifying exigency leave arises out of a different active duty or call to active duty status of the same or different covered military member.

(e) *Incomplete Medical Certification.* If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. If an employee fails to provide a medical certification within the timeframe established by this policy, the Town may delay the taking of FMLA/CFRA leave until the required certification is provided.

(f) *Second Opinion.* If the Town has a good faith, objective reason to doubt the validity of a certification of the employee's own medical condition, the Town may require a medical opinion of a second health care provider chosen and paid for by the Town. The health care provider designated by the Town will not be the one who is employed on a regular basis by the Town. If the second opinion is different from the first, the Town may require the opinion of a third provider jointly approved by the Town and the employee, but paid for by the Town.

The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

[History: Formerly § 3.06.150(e), (f), and (g); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.230 Intermittent Schedule

(a) Family or Medical Leave may be taken intermittently (in blocks of time or on a reduced-time schedule) if the leave is for the serious health condition of the employee or the employee's family member and if such intermittent leave is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is fifteen (15) minutes.

(b) If an employee requests intermittent leave or leave on a reduced-time leave schedule, the employee also must provide certification of the medical necessity for either kind of leave, its expected duration, and, if applicable, the date on which the patient's medical treatment is to be given and the duration of the treatment. If an appropriate medical certification is provided, an employee may take medical leave on an intermittent basis or use a reduced-time schedule, that is, work fewer hours per day or per week than the employee's usual schedule requires.

[History: Formerly § 3.06.150(h); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.240 Additional Time

If the employee needs additional family or medical leave after the time stated in the employee's original certification, the employee must submit re-certification containing the information outlined above.

[History: Formerly § 3.06.150(i); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.250 Periodic Reports

If an employee is granted a family or medical leave of absence, he or she may be required to provide periodic status reports, as requested by the Town, which certify the patient's continuing serious health condition and expected date of return to work.

[History: Formerly § 3.06.150(j); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.260 Non-compliance

Failure to comply with these rules is grounds for, and may result in, deferral or denial of the requested leave.

[History: Formerly § 3.06.150(k); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.270 Compensation and Benefits

(a) Family and Medical Leave is unpaid leave, but during the leave period, the employee can or may be required to use other forms of paid leave as set forth in this subchapter. During any absence qualifying for non-pregnancy-related Family and Medical leave that is unpaid, an employee must use his or her accrued paid leave (including sick leave, vacation, and any other form of accrued paid leave available to the employee). This includes, but is not limited to, waiting periods applicable to various wage replacement programs such as SDI. Leave periods when an employee is receiving wage replacement benefits (e.g. SDI, PFL or workers' compensation) are not considered unpaid leaves for purposes of this Section.

(b) If an employee is on Family and Medical Leave for his or her own serious health condition, the employee ~~may~~**must** use any accrued paid leave, to the extent allowed by other Town policies, during the unpaid portion of the leave (unless the employee is on leave that also qualifies as pregnancy disability leave, in which case the employee is required to use accrued sick leave and has the option of whether to use accrued vacation). For any period of time that the employee is eligible for and is receiving outside wage replacement benefits (e.g., short- or long-term disability benefits, SDI, and/or workers' compensation benefits), if the employee elects to use available paid leave, the Town will apply accrued paid leave as a supplement to the wage replacement benefit on a pro-rated basis to bring the employee to full compensation.

(c) If an employee is on Family and Medical Leave to care for a family member with a serious health condition, the employee ~~may~~**must** use accrued paid leave during the unpaid portion of the leave to the extent allowed by other Town policies. For any period of time that the employee is eligible for and is receiving outside wage replacement benefits (e.g., California paid family leave), if an employee elects to use available paid leave, the Town will apply accrued paid leave as a supplement to the wage replacement benefit on a pro-rated basis to bring the employee to full compensation.

(d) If an employee is on Family and Medical Leave to bond with a new baby, the employee ~~may~~**must** use accrued paid leave to the extent allowed by other Town policies. For any period of time that the employee is eligible for and is receiving outside wage replacement benefits (e.g., California paid family leave), if an employee elects to use available paid leave, the Town will apply accrued paid leave as a supplement to the wage replacement benefit on a pro-rated basis to bring the employee to full compensation.

(e) In any event, if all paid leave available from the Town is exhausted, Family and Medical Leave will continue on an unpaid basis for the remainder (if any) of the available 12 weeks. Any Family and Medical Leave, whether paid, unpaid, or a combination thereof, will be counted toward the 12-week leave entitlement. During any period of unpaid leave (i.e. when not using accrued paid leave), employees will not continue to accrue paid leave and will not be paid for holidays that occur during the unpaid leave.

(f) An employee taking Family and Medical Leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for up to a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The Town will continue to make the same premium contribution as if the employee had continued working, and the employee is expected to continue to pay his or her share of the monthly premiums. An employee who fails to make his or her required premium payment may lose coverage if the payment is more than 30 days late (and upon 15-days advance notice by the Town). The continued participation in health benefits begins on the date leave first begins. Employees are eligible for a maximum of 12 weeks of FMLA benefits continuation during any 12-month period. If leave lasts longer than 12 weeks, then the employee will be placed on COBRA and can opt for continued coverage at his or her own expense. An employee who does not return from leave may be required, under certain circumstances provided by the law, to reimburse the Town for any employee contributions paid by the Town while the employee was on unpaid leave. [Note that for employees on Pregnancy Disability Leave, benefits will be continued as provided in section 3.06.360 of the Town's Pregnancy Disability Leave policy.](#)

[History: Formerly § 3.06.150(l); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.280 Special Rules for Birth, Adoption or Foster Care Placement of a Child

Leave may be taken for the birth, adoption, or foster placement of a child (i.e. "baby bonding" leave) within one year of the birth or placement of the child with the employee. The basic minimum duration of baby bonding leave is two weeks. An employee may take baby bonding leave for at least one day, but less than two weeks, on two occasions. In addition, employees whose spouses or co-parents are also employed by the Town are entitled to a combined total of 12 weeks of baby bonding leave.

[History: Formerly § 3.06.150(m); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.290 Service Member Family and Medical Leave

(a) *Eligibility.* Eligible employees are entitled to unpaid "Service Member Family and Medical Leave" in the following instances:

- (1) *Military Qualifying-Exigency Leave.* Eligible employees with a spouse, child, or parent on active duty or called to active duty in the National Guard or Reserves in support of a contingency operation may take up to the normal 12 weeks of leave because of any "qualifying exigency." For purposes of this policy, "qualifying exigency" includes: short-notice deployment, military events and related activities, childcare and school activities, finance and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities agreed to by the employer and the employee. This leave is available only to families of service members in the National Guard or Reserves – not to families of service members in the Regular Armed Forces.

(2) *Military Caregiver Leave.* An eligible employee who is the spouse, son, daughter, parent, or next-of-kin of a covered service member (includes a current member of the Regular Armed Forces as well as the National Guard or Reserves) may take up to 26 weeks of leave within a twelve-month period to care for such a service member with a serious injury or illness incurred in the line of active duty or which existed before the beginning of the military member's active duty and was aggravated in the line of duty while on active duty. For purposes of this type of leave, the 12-month period begins on the first day the employee takes leave for this purpose and ends 12 months thereafter. This leave entitlement applies on a per-covered service member, per injury basis. Leave to care for an injured or ill service member – when combined with other FMLA-qualifying leave – may not exceed 26 weeks in a single 12-month period.

(b) *Duration.*

(1) For a qualifying exigency, an employee is entitled to a maximum of 12 weeks leave (when combined with leave for any other qualifying reason) in accordance with the rolling 12-month period measured backward.

(2) To care for an ill or injured service member, an eligible employee is entitled to a combined total of 26 weeks of leave for any FMLA-qualifying reason during the single 12-month period that starts when the leave begins. During this 12-month period, an employee is entitled to no more than 12 weeks of leave for any qualifying reason other than caring for a service member.

(c) *Other Military Leave Entitlements.* The Town also complies with any applicable leave entitlements provided by any state or local law. Where allowed, military leave under this policy runs concurrently with these other leaves.

(d) *Procedures.* Except in the case of exigency leave for short-notice deployment, the employee shall follow the procedures set forth in section 3.06.190.

[References: 29 CFR 825.126]

[History: Adopted by Res 2014-04, 2/13/14]

3.06.300 Return to Work and Reinstatement

(a) *Right to Reinstatement.* Upon return from a Family and Medical Leave or a Service Member Family and Medical Leave, an employee will be reinstated to his or original position or to an comparable position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, an employee is not entitled to reinstatement if one of the following conditions exists:

(1) The employee's job has ceased to exist for legitimate business reasons;

- (2) The employee has directly or indirectly indicated the employee's intention not to return to the employee's job;
- (3) The employee is no longer able to perform the essential functions of the employee's job with or without reasonable accommodation (the Town will engage in an interactive process with the employee at the conclusion of his or her Family and Medical Leave before reaching this determination); or
- (4) The employee is no longer qualified for the job. (However, if the loss of qualification ~~is due~~ to the employee's temporarily inability to attend a necessary course, renew a license, etc. as the result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon returning to work.

(e) *Ability to Perform.* When the employee is ready to return to work from an authorized leave of absence under this Division, and where the leave was due to the employee's own condition, the employee must present certification from the employee's physician that the employee is able to safely perform all of the essential functions of the employee's position, or can do so with reasonable accommodation. The Town may require the employee to participate in a fitness-for-duty examination by a doctor selected by the Town before allowing the employee to return to work.

(f) *Placement in Similar Position.* If the Town cannot reinstate an eligible employee to the employee's position held before leave was taken, the Town will offer the employee a substantially similar position provided that:

- (1) A substantially similar position exists and is available;
- (2) Filling the available position would not substantially undermine the Town's ability to operate safely and efficiently; and
- (3) The employee is qualified for the position.

(g) *Key employee.* A key employee, as defined by 29 C.F.R. 825.217 or 2 Cal. Code Regs. 11089(d)(2), may not be entitled to reinstatement.

(h) *Fraudulently-obtained Leave.* An employee who fraudulently obtains or uses Family and Medical Leave is not protected by job restoration or maintenance of health benefits.

[Reference: 29 C.F.R. 825.100 et seq.]

[History: Formerly § 3.06.150(n), (o), (p) and (q); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Res 2015-26, 6/10/15]

3.06.310 [Reserved]

Division 5: Pregnancy Disability Leave

3.06.320 Eligibility and Terms of Leave

(a) Pursuant to the California Fair Employment and Housing Act (FEHA), a female employee is entitled to an unpaid pregnancy disability leave during the time that the employee is actually disabled on account of pregnancy, childbirth, or related medical conditions, up to a maximum period of ~~four months~~ seventeen and one-third weeks (Pregnancy Disability Leave).

(b) The employee may take this leave, as needed, for all disabilities related to each pregnancy. Specifically, the employee may take time off for necessary prenatal or postnatal care, as well as for conditions such as severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, childbirth, loss or end of pregnancy, and recovery from childbirth.

(c) An employee may request a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she provides the Town with medical certification from her health care provider. In addition to other possible forms of reasonable accommodation, a pregnant employee may transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties, if she so requests, and the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated. However, the Town is not required to create additional employment that would otherwise not be created, discharge other employees, transfer another employee with more seniority, violate a collective bargaining agreement, or promote any employee (including the pregnant employee) to a position for which the employee is not qualified.

[History: Formerly § 3.06.160(a), (h); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.330 Procedure

(a) *Advanced Notice.* Whenever possible, the employee must provide at least 30 days advance written notice of the employee's need to take a Pregnancy Disability Leave. If an employee requests a leave of absence that is foreseeable because of a scheduled medical procedure, the employee must make a reasonable effort to schedule it so that it will not unduly disrupt Town operations, subject to the approval of the employee's health care provider. For events which are unforeseeable, the employee must notify the City Manager and her supervisor, at least verbally, as soon as the employee learns of the need for the leave.

(b) *Request for Leave and Certification.* As soon as possible, the employee must also submit to the City Manager, with a copy to her supervisor, a written Request for Leave of Absence accompanied by a written statement from the patient's health care provider, or another qualified person approved by the City Manager, verifying the employee's pregnancy disability or the medical advisability of a temporary transfer to a less strenuous or hazardous position or job duties, and stating: the date on which the employee became disabled due to

pregnancy, childbirth or related medical condition or the date on which the need for a transfer became medically advisable; the probable duration of the period(s) of disability or the duration of the need for a transfer; and a statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons, or that the transfer is medically advisable.

(c) The Town may require re-certification if the employee requests an extension beyond the original certification.

(d) If there is any change in the information contained in the health care provider's statement, the employee must report these changes promptly to the City Manager.

[History: Formerly § 3.06.160(d), (e), (f); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.340 Length of Leave

Normally, full-time employees are granted unpaid leave for the period of actual disability, up to a maximum of ~~four (4) months~~ seventeen and one-third weeks (i.e., the number of days or hours the employee would work in four calendar months [17 $\frac{1}{3}$ weeks]). For full-time employees, this period is typically 88 working days. Part-time and/or variable schedule employees are granted unpaid leave on a pro-rata or proportional basis. The leave benefits available under this policy are "per pregnancy" rather than "per year." Pregnancy Disability Leave runs concurrently with leave under the federal Family and Medical Leave Act (FMLA), but not with leave under the California Family Rights Act (CFRA), which is a separate leave benefit.

[History: Formerly § 3.06.160(a); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.350 Intermittent Leave

(a) Pregnancy Disability Leave does not need to be taken in one continuous period of time, but can be taken on an as-needed basis. Such leave may be taken intermittently, or on a reduced-hours schedule, when medically necessary as determined by the employee's health care provider. The smallest increment of time that can be used for such leave is 15 minutes.

(b) The Town may transfer the employee to an alternative position or alter the existing job to accommodate intermittent leave or a reduced work schedule. The employee will receive the same pay and benefits in the alternative position.

[History: Formerly § 3.06.160(b); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.360 Compensation and Benefits

(a) Generally, employees taking pregnancy disability leave will be treated the same as other similarly situated employees taking disability leave.

(b) Pregnancy disability leave is unpaid leave, but during the leave period, the employee can or may be required to use other forms of paid leave as set forth in section 3.06.250.

(c) When an eligible employee is on pregnancy disability leave running concurrent with FMLA leave, the Town will continue the employee's group health care benefits for up to a maximum of 12 workweeks under the same terms and conditions as applied prior to the leave of absence as outlined in Section 3.06.250.

(d) During a Pregnancy Disability Leave, the employee shall accrue seniority and participate in employee benefit plans (e.g. short- or long-term disability plans, pension and retirement plans, etc.) to the same extent and under the same conditions as would apply to any other unpaid disability leave granted by the Town for any reason other than a pregnancy-related disability. Specifically:

- (1) The employee shall retain employee status during the period of the Pregnancy Disability Leave, and the leave shall not constitute a break in service for purposes of longevity and/or seniority under any collective bargaining agreement or employee benefit plan; and
- (2) Medical, Dental and Vision coverage will continue during Pregnancy Disability Leave in the same manner as if the employee was actively at work. This means that the employee will be responsible for her contributing premium payments for the entire length of the leave. Failure to timely pay the employee share could result in termination of benefits.

(e) An employee taking Pregnancy Disability Leave must use all accrued sick leave before continuing on an unpaid basis. An employee may substitute accrued vacation, compensatory time and floating holidays before continuing leave on an unpaid basis. Substituted paid leave time will be counted toward the four-month (i.e., 88 working days) entitlement. The employee may also be eligible for State Disability Insurance, in which case sick leave and (where requested) other leave will be applied pro rata to bring the employee to full compensation.

(f) Except while using accrued Town-paid leave, employees on Pregnancy Disability Leave will not continue to accrue additional sick leave or vacation time and will not be paid for holidays during the leave.

(g) Except as provided in paragraph (e)(ii) above, the employee will need to make arrangements to pay her portion of benefits for any time during which an employee is on unpaid leave.

[Reference: 2 CCR 7291.11(b)(2)]

[History: Formerly § 3.06.160(g); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.370 Coordination with FMLA and CFRA Leaves

FMLA leave may run concurrently with Pregnancy Disability Leave, however, CFRA leave does not run based on disability due to pregnancy. Upon the birth of a child, an eligible female employee may request CFRA bonding leave. CFRA bonding leave need not be taken right after the baby is born, but must be concluded within one year of the child's birth.

[History: Formerly § 3.06.160(c); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.380 Reinstatement

(a) Generally, an employee is entitled to be reinstated to the same position at the end of the leave upon release to return to work by her health care provider, subject to any exceptions allowed under applicable law.

(b) In order that the Town can properly schedule an employee's return to work, an employee on Pregnancy Disability Leave should provide the City Manager with at least two weeks' advance notice of the date she intends to return to work.

(c) When a Pregnancy Disability Leave ends, the Town will reinstate an employee to her original position or to a comparable position with equivalent pay, benefits, and other employment terms and conditions, in accordance with state and federal law, e.g. 2 Code of California Regulations section 7291.10(c)(1) and (2). However, an employee has no greater right to reinstatement than if the employee had been continuously at work rather than on leave or transferred. For example, if an employee on Pregnancy Disability Leave would have been laid off had she not gone on leave, or if the employee's position has been eliminated during the leave and there is no comparable position available, then the employee would not be entitled to reinstatement. An employee's use of Pregnancy Disability Leave will not result in the loss of any employment benefit that the employee earned or was entitled to before the leave.

(d) Employees returning from Pregnancy Disability Leave must submit a health care provider's verification of their fitness to return to work.

(e) If an employee fails to [make contact, communicate about any needs for continuing leave, or](#) report to work promptly at the end of the Pregnancy Disability Leave (or any approved additional leave commencing after Pregnancy Disability Leave), the Town will assume that the employee has "voluntarily resigned."

[Reference: 2 CCR § 7291 et seq.]

[History: Formerly § 3.06.160(j); Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]

3.06.390 [Reserved]

Division 6: Personal Leaves

3.06.400 Eligibility for Vacation Leave

(a) A regular or probationary full-time employee who is in paid status shall earn vacation leave as follows:

- (1) From date of hire through the fifth year of continuous service with the Town, at the rate of 80 hours per year;
- (2) From the sixth through the tenth year of continuous service with the Town, at the rate of 120 hours per year;
- (3) From the eleventh through the fifteen year of continuous service with the Town, at the rate of 160 hours per year; and
- (4) (After fifteen years of continuous service with the Town, at the rate of 200 hours per year.

(b) A regular or probationary part-time employee who is in paid status shall earn vacation leave prorated at his or her Full-Time Equivalency (FTE).

(c) A regular or probationary part-time employee shall accrue vacation time at the end of each pay period.

(d) An employee may not take vacation leave until completion of six months of service without the City Manager's approval.

(e) Upon resignation or retirement from Town employment, an employee shall be paid at the normal rate of pay for his or her unused vacation time.

[History: Formerly § 3.06.170; Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14; Renumbered by Res 2014-04, 2/13/14]

3.06.410 Administering Vacation Leave

(a) An employee must submit a written request to take vacation leave to his or her Department Director for approval a reasonable time prior to the commencement of the requested vacation.

(b) A Department Director must submit a written request to take vacation leave to the City Manager for approval a reasonable time prior to the commencement of the requested vacation.

(c) The City Manager shall provide reasonable advance notice to the City Council before he or she takes vacation leave.

(d) The person reviewing a request for vacation shall consider the requirements of the Town and the efficiency of Town operations as well as the wishes of the employee.

(e) An employee may accrue unused vacation time up to two times the number of hours the employee may earn in one year. Once an employee has accrued the maximum number of hours of unused vacation time, the employee shall not earn any additional vacation time.

(f) Commencing October 1, 2019, an employee may elect to cash out ~~a portion of his or her accrued~~ vacation ~~on an annual basis~~ to be earned in a subsequent twelve month period, provided that:

- (1) The employee has in excess of 160 hours of accrued vacation by the last day of the last pay period in July;
- (2) The employee makes such an election in writing to the Human Resources Division between August 1 and August 15, to cash-out vacation that will be accrued during the following calendar year;
- (3) The employee can cash-out up to the amount the employee earns on an annual basis as specified in section 3.06.400 (for example, an employee with five or less years of service can elect to cash-out a maximum of 80 hours of vacation);
- (4) ~~(3)~~ The election is non-revocable;
- (5) ~~(4)~~ The payout is processed on the first pay date in ~~September~~ January of the following year (in other words, if an employee elects on August 15, 2019, to cash-out 80 hours of vacation that will accrue between January 1, 2020, and December 31, 2020, those hours will be paid in the first pay period in January 2021);
- (6) ~~(5)~~ The pay rate used is the employee's base rate as of ~~September 1~~ the date on which the payout is made;
- (7) ~~(6)~~ The employee must have ~~a minimum~~ no less than a zero vacation balance of 80 hours after the payout; ~~and~~
- (8) Should the employee use all or part of the vacation elected for cash-out prior to the payout date, the remaining portion of the election shall be cashed-out on the payout date. Similarly, should the employee not earn all of the vacation elected for cash-out (i.e., due to separation from employment or unpaid leave), the amount of the election actually earned shall be cashed-out on the pay-out date; and
- (9) ~~(7)~~ The employee has taken at least 40 consecutive vacation hours off in the previous twelve months from August 1.

[History: Formerly § 3.06.180; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.420 Management Leave

(a) All unrepresented, exempt, regular employees placed in the *Managerial, Professional and Confidential Employees Unit* pursuant to the Town's Employer-Employee Relations Resolution (Resolution 98-40 or any successor EERR), shall annually be granted 80 hours of management leave, up to a maximum of 80 hours ("cap").

(b) Management leave shall be credited to an eligible employee in advance, as follows:

(1) In a prorated amount on the date of hire; and

(2) In the full amount on January 1 of each calendar year thereafter.

(c) The Town shall grant each eligible employee ten days of management leave per year, less the employee's management leave balance at close of business on December 31, if any. Management leave shall be earned and accrued on January 1 of each year only. If an employee has a management leave balance at close of business on December 31, that balance shall be carried over to January 1, and the number of hours of management leave that will be granted to an employee will be ten days minus the balance carried over from December 31 to January 1.

(d) On termination of employment, any unused management leave shall be paid.

[History: Formerly § 3.06.190; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.430 Floating Holidays

(a) Beginning on January 1 following the date of hire, the Town shall grant each regular or probationary, non-exempt, full-time employee placed in the managerial, professional and confidential employees unit or in the maintenance unit, as described in the Town's employer-employee relations resolution (Colma Administrative Code, Subchapter 3.09), three floating holidays each calendar year less the employee's floating holiday balance at close of business on December 31, if any, as provided in this section.

(b) Floating holidays shall be earned and accrued on January 1 of each year only. If an employee has a floating holiday balance at close of business on December 31, that balance shall be carried over to January 1, and the number of hours of floating holidays that will be granted to an employee will be three days minus the balance carried over from December 31 to January 1.

(c) A regular or probationary part-time employee who is in paid status shall be granted floating holidays as provided in paragraphs (a) and (b), prorated at his or her Full-Time Equivalency (FTE), rounded to the nearest quarter hour.

(d) A newly hired employee , non-exempt, full-time employee in the managerial, professional and confidential employees unit or in the maintenance unit shall be granted floating holidays as provided in paragraphs (a) and (b), prorated from the date of hire to the following December 31, rounded to the nearest quarter hour.

(e) On termination of employment, the Town shall pay the employee any unused floating holidays.

[History: Formerly § 3.06.200; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.440 Bereavement Leave

(a) A regular or probationary employee in paid status shall receive up to three work days off with pay as bereavement leave to arrange and/or attend funeral activities for a member of his or her immediate family. For purposes of this section only, "immediate family" means whether related by blood, marriage or registered domestic partner, the spouse/registered domestic partner, child, grandchild, sibling, parent and grandparent of the employee.

(b) A regular or probationary part-time employee in paid status shall earn bereavement leave prorated at his or her Full-Time Equivalency (FTE).

[History: Formerly § 3.06.250; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.450 [Reserved]

Division 7: Leaves for Public Duties

3.06.460 Election Officer Leave

(a) An employee may take unpaid leave to serve as an Election Officer in a local, special or statewide election.

(b) An employee who knows or has reason to believe that he or she will be an Election Officer shall give at least five days' advance notice to the employee's supervisor.

(c) An employee may take accrued paid leave, except sick leave, to serve as an Election Officer.

[Reference: Cal. Elections Code § 12312]

[History: Formerly § 3.06.210; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.470 Jury Duty Leave

(a) A regular or probationary employee who is called for jury duty shall be granted paid leave.

(b) Juror leave pay for part-time employees shall be prorated at his or her Full-Time Equivalency.

(c) A probationary employee called to serve on jury duty will have his or her probationary period extended by the same amount of time as required for serving on jury duty.

(d) The employee shall relinquish to the Town all juror fees to the Town, excluding mileage fees.

(e) If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

[History: Formerly § 3.06.220; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.480 Leave to Attend Court as a Witness

(a) A regular or probationary employee who is required to appear in court or at an administrative proceeding in any action arising out of the course and scope of his or her employment shall be paid as being on duty. The employee shall turn over to the Town any witness fees received by the employee for attendance at court or an administrative hearing. Payments for travel expenses shall be retained by the employee.

(b) A regular or probationary employee who is required to appear in court or at an administrative proceeding in any action not arising out of the course and scope of his or her employment may request or be required to take Personal Leave, and/or compensatory time for any time off.

[History: Formerly § 3.06.230; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.490 Leave Time for Voting

(a) If a regular or probationary employee does not have sufficient time outside working hours to vote at a federal, statewide or local election, then he or she may, without loss of pay, take off enough working time to enable him or her to vote.

(b) No more than two hours of the time taken off for voting shall be with pay. If additional time is needed, an employee may request use of his or her available Personal Leave.

(c) Employees shall give their supervisor at least two business days' notice. The supervisor will determine if time off will be allowed at the beginning or end of the shift. If the employee fails to provide proper notice, the employee will be required to use his or her available Personal Leave and/or compensatory time off.

[Reference: Cal. Elections Code § 14000]

[History: Formerly § 3.06.240; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.500 [Reserved]

Division 8: Administrative Leaves

3.06.510 Paid Administrative Leave

(a) The City Manager may, in his or her sole discretion, place an employee on paid administrative leave on any of the following grounds:

- (1) Pending investigation and review of a potential disciplinary action;
- (2) Pending a determination of the employee's fitness for duty; or
- (3) When the City Manager determines that it is in the best interests of the Town or in the interest of public safety to immediately and temporarily remove the employee from Town service.

(b) An employee on paid administrative leave will have a workweek beginning at one minute after midnight Monday and ending at midnight the following Sunday, and must be available for assignment and able to appear in Colma within two hours of notification, Monday through Friday, except holidays, from 8:00 AM until 4:30 PM (excepting lunch time). An employee on paid administrative leave may, at the sole discretion of his or her Department Director, be required to attend court or administrative hearings relating to the Town's affairs or may be required to be present in Colma for an assignment. An employee on administrative leave who is not so available shall not be entitled to pay during that time but may take his or her unused Personal Leave, unused sick leave (if eligible and for a qualifying reason) or compensatory time off.

[History: [Originally, 3.06.220; History: Res 2008-03, 2/13/08; Res 2014-04, 2/13/14; Res 2014-39, 9/10/14]Formerly § 3.06.260; Adopted by Res 2008-03, 2/13/08; Amended by Res 2011-08, 4/13/2011; Renumbered by Res 2014-04, 2/13/14]

3.06.520 Unpaid Administrative Leave

The City Manager may, after providing the appropriate level of due process, place an employee on unpaid administrative leave, or change paid administrative leave to unpaid administrative leave, in any of the following circumstances:

- (1) When the employee is unable or unwilling to perform the essential functions of his or her job;
- (2) When the employee takes any action which is inconsistent with his or her status as an employee of the Town; or

- (3) When the employee engages in misconduct, on or off-duty, which is detrimental to the public service.

[History: Res 2014-04, 2/13/14]

ARTICLE 7. CAC SUBCHAPTER 3.07 AMENDED.

Section 3.07.040(a)(9) is hereby amended to read as follows:

- (a) The following are not property business expenses:
- (9) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline [arising out of personal use.](#)

Section 3.07.080(c) and (e) are hereby amended to read as follows:

(c) Hotel and motel expenses will be reimbursed on completion of authorized travel upon submittal of proper claim, or lodging may be pre-arranged with payment made before travel occurs. A reasonable class of accommodation shall be selected here choice is available. The single rate should be clearly indicated on all receipts.

(e) No reimbursement for mileage shall exceed the dollar amount of round trip airfare at the coach rate on a licensed common carrier, plus auto rental or taxi fare at point of destination. When two or more employees are attending the same seminar, convention, or meeting, carpooling shall be practiced whenever possible. The actual odometer reading from City Hall to destination and return to City Hall is to be used. [If not available, mileage will be determined by usage of GPS or other reasonably reliable form of distance estimation through a navigation program.](#)

Section 3.07.090(b) is hereby amended to read as follows:

(b) Long-term parking should be used for travel exceeding 24-hours. [If an employee opts for more expensive option, the employee is responsible for the difference.](#)

Section 3.07.100 is hereby amended to read as follows:

Employees and elected officials will be reimbursed for actual telephone and fax expenses incurred on Town business. For calls made on an employee or elected official's personal cell phone, the employee or elected official may obtain reimbursement for business calls based on the following formula: minutes used on public business divided by the total minutes allowed under a monthly plan, plus long-distance charges for those calls. [The City will pay that portion of the monthly charge for the device used.](#)

Section 3.07.150(a) and (b) are hereby amended as follows:

(a) To receive reimbursement of expenses, the elected official or employee must submit a written expense report, accompanied by receipts issued by the provider of the service or product, within 30 days of incurring the expense. Credit card invoices, by themselves, do not constitute a receipt. The inability to provide proper documentation in a timely fashion may

result in [reimbursement being denied and](#) the expense being borne by the elected official or employee.

(b) Expense reports must support a claim that the expense in question met the requirements of the policy. For example, if the employee seeks reimbursement for the cost of a meeting or meal with a legislator, the local agency official should ~~explain~~[provide](#) the names of each person for whom a meal was purchased; ~~and explain~~ what issues were discussed and how those relate to the Town's adopted legislative positions and priorities."

Section 3.07.190 is hereby amended as follows:

(a) Falsifying expense reports in violation of this policy may result in any or all of the following:

- ~~(1)~~ ~~loss of reimbursement privileges;~~
- ~~(2)~~ a demand for restitution to the Town;
- ~~(3)~~ the agency's reporting the [falsified](#) expenses as income to the elected official or employee to state and federal tax authorities; and
- ~~(4)~~ employee discipline up to and including termination.

[*Authority:* Gov't Code §§ 36514.5, 53232.2, 53232.3, 53232.4]

[*History:* Res. 2005-59, 10/12/05; Res. 2008-48, 9/10/08]

ARTICLE 8. CAC SECTION 3.08 AMENDED.

Subchapter 3.08.020 is hereby amended as follows:

"Electronic Communication" means any communication or writing created by, retrieved by, sent to, or stored by any employee using the Town's Electronic Communication System, including all information, data, and attachments to the communication.

"Electronic Communication System" means the system of devices (including hardware, software, and other equipment) used by the Town for the purpose of facilitating the transmission and storage of electronic information (including the E-Mail System, telephones, radios, computers, and all peripheral [storage](#) devices such as hard drives, disks, CDs, DVDs and flash ["thumb"] drives).

"E-Mail" means any electronic Communication to or from any employee using the Town's E-Mail System, including all information, data, and attachments to the communication.

"E-Mail System" means the system of devices (including hardware, software, and other equipment) used, owned and provided by the Town for the purpose of facilitating the electronic transmission of information, including internet communications, and the Town's use of *Microsoft Outlook* program (including E-Mail, Calendar, and Tasks).

"Information Technology Officer" or "IT Officer" means a qualified computer technician or consulting company appointed or selected by the City Manager to administer the Town's Electronic Communications System;

"Public Record" means any writing ~~containing information relating to the conduct of the public's business prepared, owned, used, or retained by the Town regardless of physical form or characteristics~~defined as such under the Public Records Act.

"Public Records Act" means California Government Code sections 6250, et seq.

"Records Retention Policy" means the Town's Records Retention Policy and Detention, as set forth in Chapter One, Subchapter Seven of the Colma Administrative Code.

"Writing" means, as defined by California Government Code section 6252(g), any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the records has been stored.

ARTICLE 9. 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 10. NOT A CEQA PROJECT.

The City Council finds that adoption of this resolution is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

ARTICLE 11. EFFECTIVE DATE.

This resolution shall take effect upon adoption.

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Certification of Adoption

I certify that the foregoing Resolution No. 2020-___ was duly adopted at a regular meeting of said City Council held on January 8, 2020 by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
John Irish Goodwin, Mayor					
Diana Colvin					
Joanne F. del Rosario					
Helen Fisicaro					
Raquel Gonzalez					
Voting Tally					

Dated _____

John Irish Goodwin, Mayor

Attest: _____
Caitlin Corley, City Clerk

Summary report:	
Litéra® Change-Pro 7.5.0.135 Document comparison done on 1/2/2020 2:31:12 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://iManage/iManage/32594943/3	
Modified DMS: iw://iManage/iManage/32594943/4	
Changes:	
Add	161
Delete	92
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	253





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Michael Laughlin, City Planner
 Brandon H DeLucas, Assistant Planner
 VIA: Brian Dossey, City Manager
 MEETING DATE: January 8, 2020
 SUBJECT: Olivet Parkway Street Name Change to Eternal Home Parkway

RECOMMENDATION

Staff recommends that the City Council introduce the following:

RESOLUTION APPROVING THE RENAMING OF OLIVET PARKWAY BETWEEN EL CAMINO REAL AND HILLSIDE BLVD TO ETERNAL HOME PARKWAY.

EXECUTIVE SUMMARY

The Town of Colma has received a request from Sinai Memorial Chapel, the owners of Eternal Home Cemetery to rename Olivet Parkway between El Camino Real and Hillside Blvd to Eternal Home Parkway. The street was abandoned in the early 2000's and has been part of the cemetery since that time. The street renaming is considered reasonable since it no longer is connected to Olivet Cemetery and primarily under private ownership.

FISCAL IMPACT

The fiscal impact on the Town consists of paying for installation of a new street signs to replace existing Olivet Parkway signs, however this cost will be reimbursed by the applicant. Changes to Town maps will be made as reprints and updates are made.

ANALYSIS

In the early 2000s, The Town abandoned Olivet Parkway from the edge of the BART right of way to Hillside Blvd as part of a land swap with Eternal Home for the land where the Community Center is located. Since the abandonment, Sinai Memorial Chapel has owned that portion of Olivet Parkway and has incorporated it into the Eternal Home Cemetery. The Town still controls a portion of Olivet Parkway from El Camino Real east approximately 215 feet to the edge of the BART right-of-way.

The Town of Colma has received a request from Sinai Memorial Chapel, the owners of Eternal Home Cemetery to rename Olivet Parkway between El Camino Real and Hillside Blvd to Eternal

Home Parkway. Sinai Memorial Chapel believes that renaming Olivet parkway would be helpful in accommodating their families and visitors arriving to the cemetery. The renaming of Olivet Parkway would only affect 1 address, a caretaker unit, which is owned by the applicant. There are no other business or residences addressed from Olivet Parkway.

In accordance with California Government Code Section 34091.1, the City Council of the Town of Colma may adopt a resolution designating a name for or change the name of any city street.

Staff reached out to different community groups for their input on the request to rename Olivet Parkway. As part of this outreach staff received a letter from the Colma Historical Association stating that the Historical Association's board has no objections to the renaming of Olivet Parkway. Through the Town's Recreation Department, staff also reached out to our seniors to discuss the possible name change. After a brief discussion there were no objections from the seniors who were present.

In addition, staff contacted the following outside agencies for comments on the proposed name change:

- California Highway Patrol- No issue with proposed name
- San Mateo Sheriff's Office - No issue with proposed name
- PG&E- No issue with proposed name
- Colma Fire Protection District - No issue with proposed name
- San Mateo County Assessors- No issue with proposed name
- Caltrans- No Response

In addition to noticing all property owners and tenants within 300 ft. of Olivet Parkway, Staff also sent a notice to the Daly City and South San Francisco City Manager's office. Staff has not received any correspondence in response to the notices.

There is one street sign that currently identifies Olivet Parkway. This sign is located at the intersection of Olivet Parkway and El Camino Real. The applicant will reimburse the Town for all costs associated with the replacement of the street sign. Included in the resolution is a recommendation that the existing Olivet Parkway street sign be donated to the Colma Historical Association. The resolution would take effect 90 days after approval to allow for the replacement of the street sign.

CEQA ANALYSIS

The adoption of this resolution is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

Council Adopted Values

The recommendation is consistent with the Council value of **Fairness** because it appropriately allows a property owner to rename a private street on their property and is consistent with the Council value of **Responsibility** because it maintains consistency in naming between the Town's portion of Olivet Parkway and Eternal Home's portion.

Sustainability Impact

None

Alternatives

The City Council could choose not to introduce the resolution. Under this alternative Olivet Parkway would not be renamed. However, it is recommended that that street name change be approved.

CONCLUSION

Staff recommends the City Council introduce the resolution.

ATTACHMENTS

- A. Resolution
- B. Letter request for name change from Sinai Chapel
- C. Letter from the Colma Historical Association



RESOLUTION NO. 2020-__
OF THE CITY COUNCIL OF THE TOWN OF COLMA

**RESOLUTION APPROVING THE RENAMING OF OLIVET PARKWAY
BETWEEN EL CAMINO REAL AND HILLSIDE BLVD TO ETERNAL HOME
PARKWAY.**

The City Council of the Town of Colma does hereby resolve:

1. Background.

- a) In the early 2000s, The Town abandoned Olivet Parkway from the edge of the BART right of way to Hillside Blvd as part of a land transfer with Sinai Memorial Chapel who owns the abandoned portion of Olivet Parkway and has incorporated it into the Eternal Home Cemetery. The Town owns the portion of Olivet Parkway from El Camino Real east approximately 215 feet to the edge of the BART right-of-way.
- b) The Town of Colma has received a request from Sinai Memorial Chapel, the owners of Eternal Home Cemetery, to rename Olivet Parkway between El Camino Real and Hillside Blvd to Eternal Home Parkway. Sinai Memorial Chapel believes that renaming Olivet parkway would be helpful in accommodating their families and visitors arriving to the cemetery. The area affected by the renaming is shown on Exhibit A.
- c) In accordance with California Government Code Section 34091.1, the City Council of the Town of Colma may adopt a resolution designating a name for, or change the name of any city street.
- d) A Notice of Public Hearing was duly posted on the three official bulletin boards of the Town and in a conspicuous place on or near the subject property and was duly mailed to the persons to whom given, as required by law, on December 20, 2019.
- e) A public hearing was held on this matter on January 8, 2020 and evidence was taken at the public hearing.
- f) The City Council has duly considered said application, the staff report and public comments thereon.

2. Findings.

The City Council finds that each of the following facts are true:

- a) The renaming of Olivet Parkway would only directly affect 1 address, which is owned by the applicant.
- b) There are no other businesses or residences addressed from Olivet Parkway.
- c) There are no other streets in San Mateo County also named Eternal Home Parkway.
- d) The Town received a letter from the Colma Historical Association stating that the Historical Association's board has no objections to the renaming of Olivet Parkway.

- e) The Town's Recreation Department, staff also reached out to our seniors to discuss the possible name change. After a brief discussion there were no objections from the seniors who were present.
- f) All property owners and tenants within 300 ft of Olivet Parkway were noticed, including Olivet Cemetery and the property owner, StoneMor Partners.
- g) Staff has taken all necessary actions to affect this street name change, including complying with regulations regarding street name changes under California Government Code Section 34091.1 and California Street and Highway Code Section 5026.

3. Finding related to CEQA

- a) The adoption of this resolution and street renaming request is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

4. Order.

- a) The City Council of the Town of Colma hereby approves the renaming of Olivet Parkway between El Camino Real and Hillside Blvd to Eternal Home Parkway, as shown in Exhibit A.
- b) The existing Olivet Parkway sign, once removed, shall be donated to the Colma Historical Association.
- c) The City Council directs the City Clerk to promptly forward a copy of this resolution to the San Mateo County Surveyor and to the San Mateo County Board of Supervisors in accordance with California Street and Highways Code Section 5026 and California Government Code Section 34092.
- d) The street name change shall take effect 90 days after adoption of this resolution.

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Certification of Adoption

I certify that the foregoing Resolution No. 2020-__ was duly adopted at a regular meeting of said City Council held on January 8th, 2020 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor					
Diana Colvin					
Helen Fisicaro					
Raquel Gonzalez					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated _____

 John Irish Goodwin, Mayor

Attest: _____
 Caitlin Corley, City Clerk

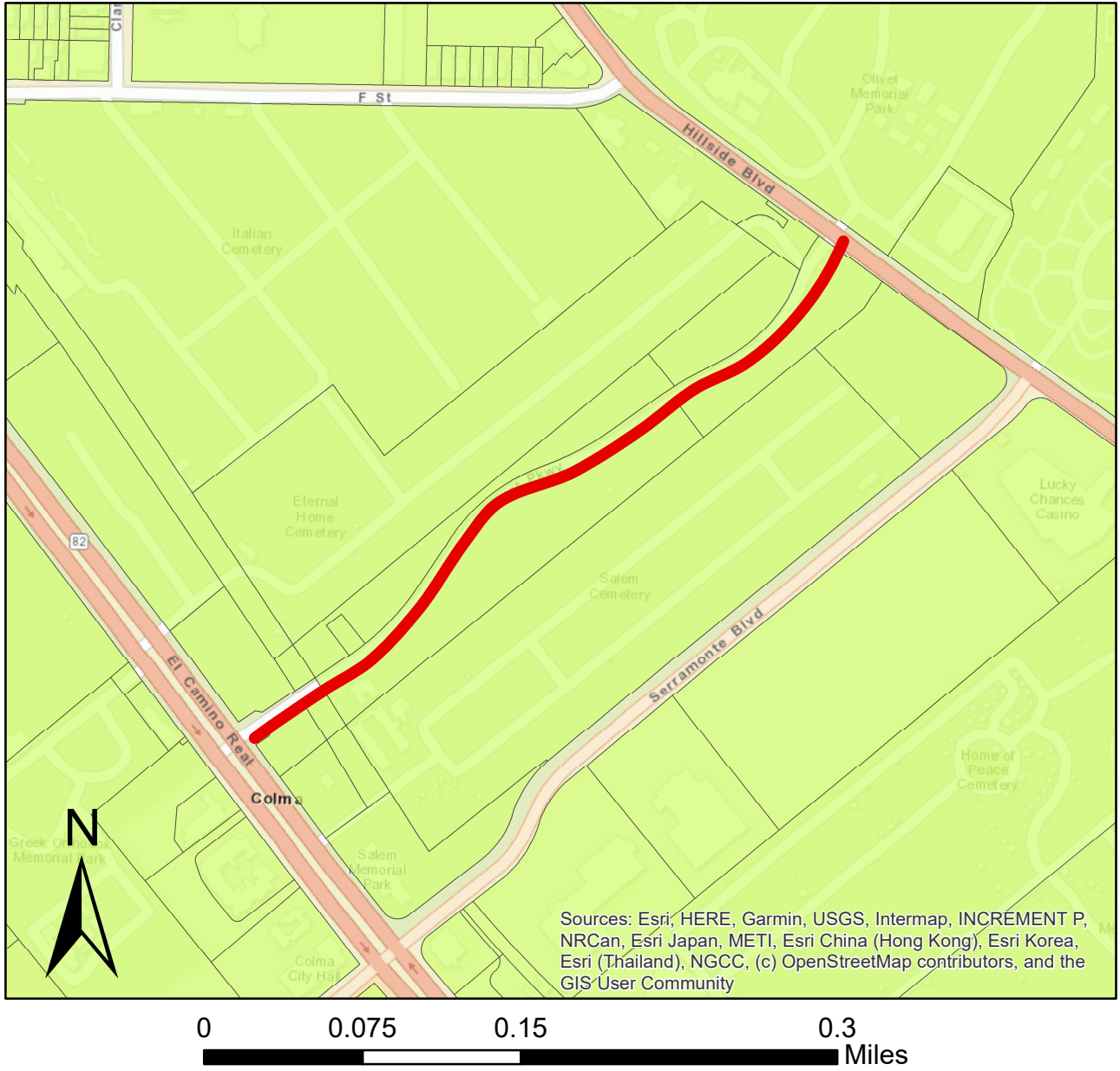


Exhibit A

Olivet Parkway Rename to Eternal Home Parkway

 Street area to be renamed



November 15, 2019

Michael P. Laughlin, AICP
Town of Colma Planning Department
1198 El Camino Real
Colma, CA 94014

www.sinaichapel.org

Dear Colma Leaders,

On behalf of the Board of Directors of Sinai Memorial Chapel and staff at Eternal Home Cemetery, I want to thank you for considering our request to change the name of the street on our property to Eternal Home Drive. Parkway - OKed with Daniel

11/15/19 @ 3:40pm
New phone call

Rabbi Meyers of San Francisco founded Eternal Home Cemetery in 1901. The original purchase consisted of two acres and served the needs of his congregation and the Jewish community. At that time, the cemetery was known as the Chevra Kadisha Cemetery and was referred to as "The gate to the eternal home."

The first recorded interments took place in early 1903 within what is now known as our Historic Sections. In 1926, Sinai Memorial Chapel, the only provider of both funeral and burial services for the local Jewish community, obtained the cemetery. We began to operate and maintain it under our nonprofit mission to provide funeral and burial services to all Jewish families able or unable to afford them. It was then that it became permanently known as Eternal Home Cemetery.

Eternal Home Cemetery provides a variety of options for families and visitors and it would be incredibly helpful to change the name of the street sign to be increasingly accommodating to our families and visitors.

Thank you for considering our request.

Sincerely,

Daniel Villa
General Manager

OFFICERS

Susan Morris
President

John Verber, Esq.
First Vice President

Harmon Shragge, Jr.
Second Vice President

Wayne Sosnick
Secretary

David Nissim
Treasurer

Samuel J. Salkin
Executive Director

DIRECTORS

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Bonnie Guttman

Fred L. Karren

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Jaqueline Shelton-Miller

Alan P. Zimmerman, Esq.

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Roberta Cohn

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Michael Rubenstein, Esq.

Peter A. Samuels

Stuart Seiler

Sander Stadler

HONORARY DIRECTORS

Burton J. Greenberg

Grace A. Rosenberg

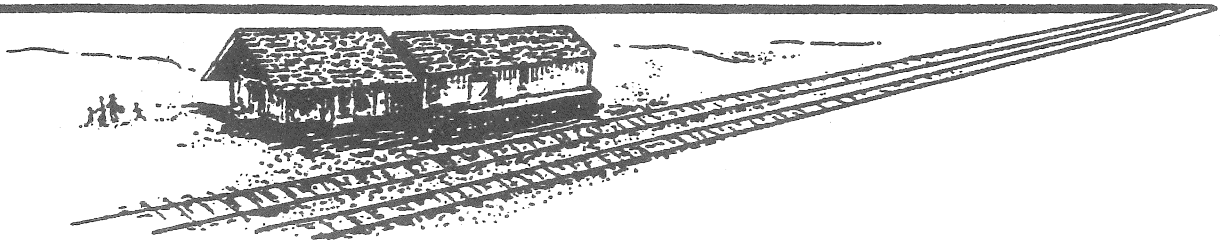
Joyce Share

Gene B. Kaufman

Executive Director Emeritus



COLMA HISTORICAL ASSOCIATION 1993



November 5, 2019

Michael Laughlin
Colma City Planner
1098 El Camino Real
Colma, CA 94014

RE: Request to rename Olivet Parkway

Dear Michael,

The Colma Historical Association (CHA) Board discussed the request by the Sinai Memorial Chapel/Eternal Home Cemetery Board to rename Olivet Parkway. The CHA Board has no objections to renaming this private roadway.

Sincerely,

A handwritten signature in cursive script that reads "Maureen O'Connor".

Maureen O'Connor
President

Cc: Daniel Villa, General Manager
Sinai Memorial Chapel/Eternal Home Cemetery
1051 El Camino Real
Colma, CA 94014

NOV 12 '19 PM 8:24





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Brad Donahue, Director of Public Works
 Chai Lor, Building Official
 Christopher J. Diaz, City Attorney
 VIA: Brian Dossey, City Manager
 MEETING DATE: January 8, 2020
 SUBJECT: 2019 Colma Building Codes

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing on, waive the second reading of, and adopt:

AN ORDINANCE AMENDING CHAPTER 5, SUBCHAPTER 4 OF THE TOWN OF COLMA MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, THE 2019 CALIFORNIA FIRE CODE, THE 2019 CALIFORNIA ENERGY CODE, THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2019 CALIFORNIA HISTORICAL BUILDING CODE, THE 2019 CALIFORNIA EXISTING BUILDING CODE AND THE 2019 CALIFORNIA REFERENCED STANDARDS CODE; THE 1997 EDITION OF THE UNIFORM HOUSING CODE; AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS, AND DELETIONS.

EXECUTIVE SUMMARY

The State mandates that the California building and construction codes, adopted and published by the California Building Standards Commission, are updated every three years in all cities and counties throughout the state. The State published the 2019 California Building Standards Code on July 1, 2019, which will become effective statewide on January 1, 2020.

At the Town of Colma's December 11, 2019 City Council meeting, City Council introduced and approved the first reading of an ordinance that would adopt the following model codes as the Colma Building Codes:

- 2019 California Building Code
- 2019 California Electrical Code
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Energy Code
- 2019 California Residential Code
- 2019 California Green Building Standards Code
- 2019 California Fire Code
- 2019 California Referenced Standards Code
- 2019 California Existing Building Code
- 2019 California Historical Building Code
- 1997 Uniform Housing Code, and
- 2018 International Property Maintenance Code

The attached ordinance sets forth the necessary findings to enable the Town to amend the Town's current Building Code to adopt and mirror the State's 2019 California Building Standards Code, along with various local code amendments, and adopts other model codes.

Adoption of the new codes with local amendments will make Town buildings safer, more energy efficient and more sustainable.

FISCAL IMPACT

Adoption of this ordinance has no fiscal impact on the Town's finances.

BACKGROUND

The California Health and Safety Code requires local governments to adopt the most recent editions of the model codes related to construction. Alternatively, if a local government chooses not to adopt the most recent model code, the codes adopted by the California Building Standards Commission become applicable to the local jurisdiction with no local amendments.

The California Building Standards Commission adopts and amends the model codes every three years and then publishes them as the California Building Standards Code (Title 24 California Code of Regulations). The 2019 Edition of the California Code of Regulations, Title 24, consisting of the following codes, should now be adopted by the Town:

- 2019 California Building Code
- 2019 California Electrical Code
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Energy Code
- 2019 California Residential Code
- 2019 California Green Building Standards Code
- 2019 California Fire Code
- 2019 California Referenced Standards Code
- 2019 California Existing Building Code
- 2019 California Historical Building Code

In addition to the California Building Standards Code, cities and towns can adopt other model codes not included within the California Building Standards Code to assist in its implementation, such as the 1997 Uniform Housing Code and 2018 International Property Maintenance Code.

The Town may adopt amendments to the state-approved codes. However, any changes to the State amended code must be more restrictive than the state codes, filed with and approved by the California Building Standards Commission, and must be necessary because of local climatic, geographic or topographical conditions.

ANALYSIS

On December 11, 2019, the City Council introduced an ordinance to Amend Chapter 5, Subchapter 4 of the Colma Municipal Code (CMC) to adopt the 2019 California Building Standards Codes. Within the proposed ordinance, various amendments were set forth, supported by the necessary findings with local conditions to enable the Town to amend the new construction codes.

Amendments to California Fire Code

The Town of Colma is adopting the 2019 California Fire Code with the same amendments adopted by the Colma Fire Protection District. The amendments include requirements that all premises must have identification numbers that meet specified size requirements and all new buildings that meet certain specified criteria must be equipped with automatic sprinkler systems.

Since the introduction of the proposed ordinance on December 11, the Colma Fire Protection District noticed and corrected a typographical error to its numbering of code sections in its amendment to Section 903 of the 2019 California Fire Code. Staff has consequently made the correction in the Town's ordinance adopting the 2019 California Fire Code. A red-line of the proposed ordinance with the correction is provided in Attachment 2.

As the error was typographical and not a substantive correction under the meaning of Government Code Section 36934, a re-introduction of the ordinance is not necessary.

SPECIAL PROCEDURE

Government Code Section 50022.3 established the following procedure for adopting another code by reference, which is different from the usual procedure in adopting ordinances. At the first meeting (December 11, 2019) to consider the ordinance, the Colma City Council introduced the ordinance, waived a further reading, and ordered a public hearing to be conducted. The public hearing was set for January 8, 2020. Noticing of the public hearing for the adoption of the 2019 Colma Building Code was required to be published twice in a local newspaper at least 14 days before the public hearing. The Ordinance may be adopted at the conclusion of the public hearing.

The Town has published the notice of public hearing as required by law.

Council Values

Acting to protect the health and safety of building occupants is the best indicator of a *responsible* action by the City Council. Adopting the 2019 state building codes and other model codes as the Colma Building Codes, with the proposed local amendments, will make buildings safer, more efficient and will help to preserve the Town's resources.

Sustainability Impact

Adoption of the new codes, which include the 2019 California Energy Code and the 2019 California Green Building Standards Code, is consistent with the Town's sustainability goals.

Staff is working on reach codes that will amend parts of the 2019 California Building Standards Code along with Peninsula Clean Energy. The Town held a presentation and study session, and the City Council directed staff to explore the reach codes further. Staff will be coming back with a proposed reach code ordinance in early 2020.

Alternatives

An alternative would be to not adopt the ordinance. In that case, the codes adopted by the California Building Standards Commission would become applicable to all construction in the Town without local amendments.

CONCLUSION

The Council should conduct a public hearing on, waive a second reading of, and adopt the attached ordinance on January 8, 2019.

ATTACHMENTS:

- A. Final Ordinance
- B. Ordinance with red-line edits to Fire Code amendment

ORDINANCE NO. _____
OF THE CITY COUNCIL OF THE TOWN OF COLMA

AN ORDINANCE AMENDING CHAPTER 5, SUBCHAPTER 4 OF THE TOWN OF COLMA MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, THE 2019 CALIFORNIA FIRE CODE, THE 2019 CALIFORNIA ENERGY CODE, THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2019 CALIFORNIA HISTORICAL BUILDING CODE, THE 2019 CALIFORNIA EXISTING BUILDING CODE AND THE 2019 CALIFORNIA REFERENCED STANDARDS CODE; THE 1997 EDITION OF THE UNIFORM HOUSING CODE; AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS, AND DELETIONS

The City Council of the Town of Colma does ordain as follows:

ARTICLE 1. FINDINGS, PURPOSE AND AUTHORITY

The City Council of the Town of Colma finds:

- (a) Pursuant to Government Code Section 50022.1 et seq., the Town may adopt by reference the California Building Standards Code, 2019 Edition as provided in Title 24 of the California Code of Regulations, and other codes, including, without limitation, the 1997 Uniform Housing Code and the 2018 International Property Maintenance Code.
- (b) The California Building Standards Commission ("Commission") recently adopted the 2019 Edition of the California Building Standards Code.
- (c) California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions.
- (d) Title 25, section 52 of the California Code of Regulations empowers the Town to use its own abatement procedures so long as these procedures are equivalent to the procedures contained in Title 25 sections 48 through 70 of the California Code of Regulations, and provided such procedures provide an efficient and effective procedure for the abatement of substandard conditions with fairness to both owners and residents.
- (e) The 1997 Uniform Housing Code and the 2018 International Property Maintenance Code provide efficient and effective procedures for the abatement of substandard buildings, structures and nuisances that are fair and equitable to both owners and residents and are equivalent to the procedures contained in Title 25 of the California Code of Regulations to serve the purpose intended therein.

(f) The City Council desires to adopt the 2019 edition of the California Building Standards Code, Title 24 of the California Code of Regulations, consisting of the 2019 California Building Code (incorporating and amending the 2018 International Building Code), the 2019 California Residential Code (incorporating and amending the 2018 International Residential Code), the 2019 California Electrical Code (incorporating and amending the 2017 National Electrical Code), the 2019 California Mechanical Code (incorporating and amending the 2018 Uniform Mechanical Code), the 2019 California Plumbing Code (incorporating and amending the 2018 Uniform Plumbing Code), the 2019 California Fire Code (incorporating and amending the 2018 International Fire Code), the 2019 California Energy Code, the 2019 California Green Building Standards Code, the 2019 California Historical Building Code, the 2019 California Existing Building Code, and the 2019 California Referenced Standards Code; the 1997 Edition of the Uniform Housing Code; and the 2018 International Property Maintenance Code for safety, health and welfare relating to property maintenance within the Town of Colma, (collectively, the “Codes”); together with the necessary amendments to assure the Codes are tailored to the particular safety needs of the Town as required by its unique climatic, geological and topographical conditions.

(g) The following local climatic, geographic or topographical conditions make it necessary to amend the Codes:

(1) *Topography.* A large portion of the Town’s residential community is built on hills, with roadways less than the required width which tend to slow response times for fire apparatus, and this same terrain complicates firefighter access to those buildings. Numerous areas are heavily treed with thick vegetative undergrowth, creating increased fuel loading during the summer months.

(2) *Geography.* Colma is located in Seismic Zone D and within two (2) miles of the San Andreas fault. There are two large underground tunnels that run the full length of the Town for the Bay Area Rapid Transit System (BART) as well as two underground sixty (60) inch diameter forced water mains that run parallel to the Bart tunnels. These two features are separated by a regional state thoroughfare, El Camino Real. Failure of either underground system will disrupt traffic flow through the town and further hamper First Responder efforts.

(3) *Climate.* Colma is subject to frequent periods of heavy fog, limiting visibility. This same fog contains salt which has a deleterious effect on metals including exterior electrical service cabinets and conduits.

(4) Amendments.

The below table provides the express findings and determinations (where necessary pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5) justifying the Town of Colma’s amendments to the 2019 California Building Standards Code as reasonably necessary because of local climatic, geologic or topographic conditions.

<u>Section</u>	<u>Caption</u>	<u>Finding</u>
California Building Code Section 1008.3	Emergency Power for Illumination	Topography and Geography

California Residential Code Section R313	Automatic Fire Sprinkler Systems	Topography and Geography
California Fire Code Section 505.1	Address Identification	Topography and Climate
California Fire Code Section 507.5.7	Fire Hydrant Standards	Topography
California Fire Code Section 507.5.8	Identification of Hydrants	Topography and Climate
California Fire Code Section 903.2	Where Required	Topography and Geography
California Fire Code Section 903.2.11.7	Fire Walls	Topography and Geography
California Fire Code Section 903.3.1.3.1	Installation Requirements	Administrative
California Fire Code Section 903.4.2	Alarms	Topography and Geography
California Fire Code Section 903.4.3	Floor Control Valves	Topography and Geography
California Fire Code Section 907	Fire Alarm and Detection Systems	Topography and Geography
California Fire Code 1008.3	Emergency Power for Illumination	Topography and Geography

(i) The changes and modifications made to the Codes not listed in the table are necessary for administrative clarification and to establish administrative standards for the effective enforcement of the building standards of the Town of Colma and do not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5.

(j) The Town published notice of a public hearing pursuant to California Government Code Section 6066 on December 20, 2019, and December 27, 2019.

(k) The Town held a public hearing on January 8, 2020, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein.

(l) At least one copy of each of the Codes adopted by reference by this ordinance were available for public inspection at the office of the City Clerk fifteen (15) days preceding the public hearing pursuant to Government Code Section 50022.6.

(m) Any and all other legal prerequisites relating to the adoption of this ordinance have occurred.

ARTICLE 2. SUBCHAPTER 5.04 AMENDED

Sections 5.04.010 to 5.04.250 of subchapter 5.04 of the Colma Municipal Code are hereby repealed and restated in its entirety to read as provided herein. Sections 5.04.260 to 5.04.350 remain unchanged.

ARTICLE 3. SUBCHAPTER 5.04, DIVISION 1 - GENERAL

The following sections are added to subchapter 5.04, Building and Construction Regulations, of the Colma Municipal Code as "Division 1 – General."

Subchapter 5.04 - Building and Construction Regulations

Division 1: General

5.04.010 Application.

(a) The provisions of this subchapter shall hereafter apply to the construction, alteration, moving, repair and use or maintenance of any building or structure, site, and the equipment therein, within the Town of Colma, and shall be known as the "Colma Building Codes".

(b) The Colma Building Codes shall be the primary source of regulations for the construction, addition to, alteration, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building, and for the maintenance of existing buildings. It shall be unlawful for any person to perform any of the above in conflict with the provisions of this subchapter and the codes referred to in herein.

5.04.020 Conflicts with Other Laws, Rules, etc.

In the event of any conflict between the Colma Building Codes and any law, rule or regulation of the State of California, that requirement which establishes the higher standard of safety shall govern.

5.04.030 Titles.

The term, "Colma Building Codes," means the collection of laws and regulations described in this subchapter, while the term, "Colma Building Code," refers to the particular code adopted by section 5.04.050 of this subchapter.

5.04.040 [Reserved].

ARTICLE 4. SUBCHAPTER 5.04, DIVISION 2 – COLMA BUILDING CODES

The following sections are added to subchapter 5.04 of the Colma Municipal Code as "Division 2 – Colma Building Codes."

Division 2: Colma Building Codes

5.04.050 Colma Building Code Adopted

The 2019 Edition of the California Building Code, contained in Part 2 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Building Code published by the International Code Council, together with Chapter 1, and with the changes, additions, and deletions set forth in the following section, is hereby adopted by reference as the Colma Building Code.

5.04.060 Administration of Colma Building Code

The following provisions of the California Building Code are hereby amended as follows:

(a) *Section 1.11.2.1 Amended.*

Item 1 of Section 1.11.2.1 of Chapter 1, Division I is amended to read: The Town of Colma specifically delegates the enforcement of building standards adopted by the State Fire Marshal, and published in the Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, as they relate to Group R-3 Occupancies (one and two family dwellings) to the Building Official of Town of Colma.

(b) *Section 101.1 Amended.*

Section 101.1 of Chapter 1, Division II is amended to state as follows: "These regulations shall be known as the Colma Building Code, hereinafter referred as 'this code'."

(c) *Section 103 Amended.*

The term "Department of Building Safety" in Section 103 of Chapter 1 Division II of the California Building Code, as well as all other codes adopted in this subchapter where the term appears, refers to the Building Department of the Town of Colma.

(d) *Section 103.2 Amended.*

Section 103.2 is amended to state as follows: "The Building Official shall be appointed by the City Manager."

(e) *Section 105.5 Amended.*

Section 105.5, "Expiration," is amended to state as follows:

105.5 Expiration.

(a) Every permit issued by the Building Official, or his or her designee, under the provisions of his Code shall expire by limitation and become null and void if:

- (1) the building or work authorized by such permit is not commenced within twelve (12) months from the date of such permit;

(2) the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days

(b) For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; (3) the project would not be impacted by a change in the current adopted codes, and; (4) the applicant pays a reactivation fee equal to one half the amount of the original permit fee.

(c) For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

(f) *Section 109.2 Amended.*

Section 109.2, "Schedule of Permit Fees," is amended to state as follows:

For any work on buildings or structures which requires a permit and/or plan review, fees shall be paid in accordance with Resolutions and Ordinances that are established by action of the City Council of the Town of Colma.

(g) *Section 109.4 Amended.*

Section 109.4, "Work Commencing Before Permit Issuance," is amended by adding thereto the following paragraph:

That fee, for commencing work prior to permit issuance, may be equal to up to ten times the permit fee to a maximum amount of \$ 5,000.00 as determined by the Building Official. This fee is in addition to the permit costs and any additional investigative fees.

(h) *Section 110.1 Amended.*

Section 110.1, "General," is amended by adding the following to the end:

When required, Survey Stakes shall be provided prior to first inspection, and maintained so they are clearly visible until after the Certificate of Occupancy has been issued.

- (i) *Section 1008.3.3 Amended.*

Section 1008.3.3, "Rooms and Spaces," is amended by adding thereto the following:

6. All bathrooms, and paths of egress from those bathrooms to an exit discharge.

- (j) *Appendix B Adopted.*

Appendix B, "Board of Appeals," is adopted as part of the Colma Building Code.

- (k) *Appendix C Adopted.*

Appendix C, "Group U Agricultural Buildings," is adopted as part of the Colma Building Code.

- (l) *Appendix H Adopted.*

Appendix H, "Signs," is adopted as part of the Colma Building Code.

- (m) *Appendix I Adopted.*

Appendix I, "Patio Covers," is adopted as part of the Colma Building Code.

5.04.070 Colma Residential Code Adopted

The 2019 Edition of the California Residential Code, contained in Part 2.5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Residential Code published by the International Code Council, together with Chapter 1, with the following changes, additions, and deletions set forth in the following section, is adopted by reference as the Colma Residential Code.

5.04.080 Administration of Colma Residential Code

The following provisions of the California Residential Code are hereby amended as follows:

- (a) *Section R103 Amended.*

The term "Department of Building Safety" in Section R103 of the California Residential Code, as well as all other codes adopted in this subchapter where the term appears, refers to the Building Department of the Town of Colma.

- (b) *Section R103.2 Amended.*

Section R103.2 is amended to state as follows: "The Building Official shall be appointed by the City Manager."

- (c) *Section R105.5 Amended.*

Section R105.5, "Expiration," is amended to state as follows:

105.5 Expiration.

(a) Every permit issued by the Building Official, or his or her designee, under the provisions of this Code shall expire by limitation and become null and void if:

(1) the building or work authorized by such permit is not commenced within twelve (12) months from the issuance date of such permit;

(2) the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

(b) For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) the project would not be impacted by a change in the current adopted codes, and; (4) the applicant pays a reactivation fee equal to one half the amount of the original permit fee.

(c) For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

(d) *Section R109.2 Amended.*

Section R109.2, "Schedule of Permit Fees," is amended to state as follows:

For any work on buildings or structures which requires a permit and/or plan review, fees shall be paid in accordance with Resolutions and Ordinances that are established by action of the City Council of the Town of Colma.

(e) *Section R109.4 Amended.*

Section R109.4, "Work Commencing Before Permit Issuance," is amended by adding thereto the following paragraph:

That fee, for commencing work prior to permit issuance, may be equal to up to ten times the permit fee to a maximum amount of \$ 5,000.00 as determined by the Building Official. This fee is in addition to the permit costs and any additional investigative fees.

(f) *Section R313.2 Amended.*

Section R313.2, "One- and Two-Family Dwellings automatic fire sprinkler systems," is amended

to replace Item 1 with the following: An automatic residential fire sprinkler system is not required where an addition and/or alteration to an existing residential structure does not exceed 50% of the existing floor area.

(g) *Section R313.3.1 Amended.*

The second sentence in Section R313.3.1 "General" is amended to state: Partial Fire Sprinkler Systems are not allowed, all areas of the structure shall be protected in accordance with this chapter.

(h) *Section R313.3.1.2 Amended.*

Section R313.3.1.2 "Required Sprinkler Locations" Exception #4 is amended to read: Detached garages; carports with no habitable space above; open attached porches, unless they are located at the only egress door from the dwelling; and patio covers open on 3 sides or more.

(i) *Appendix H Adopted.*

Appendix H, "Patio Covers," is adopted as part of the Colma Residential Code.

(j) *Appendix J Adopted.*

Appendix J, "Existing Buildings and Structures," is adopted as part of the Colma Residential Code.

(k) *Appendix V Adopted.*

Appendix V, "Swimming Pools Safety Act," is adopted as part of the Colma Residential Code.

5.04.090 Colma Electrical Code

(a) The 2019 Edition of the California Electrical Code, contained in Part 3 of Title 24 of the California Code of Regulations, which incorporates and amends the 2017 Edition of the National Electrical Code published by the National Fire Protection Association, together with Article 89, with the following changes, additions, and deletions, is adopted by reference as the Colma Electrical Code.

5.04.100 Colma Mechanical Code

(a) The 2019 Edition of the California Mechanical Code, contained in Part 4 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, together with Chapter 1, with the following changes, additions, and deletions set forth, is adopted by reference as the Colma Mechanical Code.

(b) Appendix F, "Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design," is adopted as part of the Colma Mechanical Code.

5.04.110 Colma Plumbing Code

(a) The 2019 Edition of the California Plumbing Code, contained in Part 5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Plumbing Officials, together with Chapter 1, with the following changes, additions, and deletions, is adopted by reference as the Colma Plumbing Code.

(b) Appendix A, "Recommended Rules for Sizing the Water Supply System," is adopted as part of the Colma Plumbing Code.

(c) Appendix B, "Explanatory Notes on Combination Waste and Vent Systems," is adopted as part of the Colma Plumbing Code.

(d) Appendix C, "Alternate Plumbing Systems," is adopted as part of the Colma Plumbing Code.

(e) Appendix D, "Sizing Storm Water Drainage Systems," is adopted as part of the Colma Plumbing Code.

(f) Appendix I, "Installation Standard for PEX Tubing Systems for Hot- and Cold- Water Distribution," is adopted as part of the Colma Plumbing Code.

(g) Appendix J, "Combination of Indoor and Outdoor Combustion and Ventilation Opening Design," is adopted as part of the Colma Plumbing Code.

(h) Appendix K, "Potable Rainwater Catchment Systems," is adopted as part of the Colma Plumbing Code.

5.04.120 Colma Energy Conservation Code

The 2019 Edition of the California Energy Code, contained in Part 6 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Energy Conservation Code.

5.04.130 Colma Historical Building Code

The 2019 Edition of the California Historical Building Code, contained in Part 8 of Title 24 of the California Code of Regulations is adopted by reference as the Colma Historical Building Code.

5.04.140 Colma Fire Prevention Code

(a) The 2019 Edition of the California Fire Code, contained in Part 9 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Fire Code published by the International Code Council, together with Chapter 1, with the following changes, additions, and deletions, is adopted by reference as the Colma Fire Prevention Code.

(b) Chapter 1 Division II, Administration, is adopted, in its entirety, for the administration and enforcement of the provisions of the Colma Fire Prevention Code, excepting amendments as provided herein:

- (1) Delete section 103.1, *General*.
- (2) Replace section 103.2, *Appointment*, with the following:

103.2 Fire Code Official.

The Fire Chief of the Colma Fire Protection District shall also be known as the Fire Code Official, or the Fire Marshal, and may delegate certain responsibilities to a deputy fire code official or sworn personnel.

The Colma Building Official shall serve as the Fire Code Official and may delegate the responsibilities under this Code to qualified personnel retained by the Town, where relating to State Fire Marshal Building Standards in R-3 Occupancies. The Building Official may enforce other provisions of this code with the approval of the Fire Chief of the Colma Fire Protection District.

- (3) Replace section 105.3.3, *Occupancy Prohibited Before Approval*, with the following:

SECTION 105.3.3 FIRE DISTRICT APPROVAL REQUIRED.

No final inspection by the Colma Building Official, or his or her designee, shall be made for occupancy of new or altered construction, and no certificate of occupancy shall be issued and no occupancy or temporary occupancy shall be granted until the installation of the prescribed fire protection features and access ways have been completed and approved by the Fire Code Official, excluding R-3 Single Family Dwellings in accordance with Health and Safety Code Section 13146.

- (4) Amend section 105.4, *Submittals*, to read as follows:

SECTION 105.4.1 Submittals. Construction documents shall be in accordance with this section. When required by the Fire Code Official, plans submitted to the Colma Building Department or Building Official for a permit shall also be reviewed by the Fire Code Official to determine compliance with the Colma Fire Prevention Code. Upon review, a written report shall be returned to the local building official listing deficiencies or compliance with the Code.

- (5) Amend section 110.4, *Violation Penalties*, to read as follows:

SECTION 110.4 VIOLATION PENALTIES. Persons who violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or falsification of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable as set forth in section 1.05.010 of the

Colma Municipal Code. Each day that a violation continues shall be deemed a separate offense.

- (6) Adopt Chapter 4, *Emergency Planning and Preparedness*, in its entirety.
- (7) Amend the sixth (6th) sentence of Section 505.1, *Address Identification*, to read as follows:

SECTION 505.1 Address Identification. Numbers typically shall be a minimum of 4 inches in height with a minimum stroke of 1/2 inch for individual residential structures, and a minimum of 6 inches in height for commercial structures with a minimum stroke of 3/4 inch, or other approved sizes based on distances from roadways. In multi-tenant buildings, with rear doors, addresses shall also be posted upon those tenant space doors at the rear of the building. The numerals on the rear doors shall be 3 inches in height and 1/2 inch in stroke.

- (8) Add new section 507.5.7, *Fire Hydrant Standards*, to read as follows:

SECTION 507.5.7 FIRE HYDRANT STANDARDS. All fire hydrants to be installed, or replaced, shall be new, UL listed, or equivalent, wet-barrel type having a minimum of two 2-1/2 inch and one 4-1/2 inch outlets equipped with National Standard Threads.

- (9) Add new section 507.5.8, *Identification of Hydrants*, as follows:

SECTION 507.5.8 IDENTIFICATION OF HYDRANTS. With respect to fire hydrants located in commercial and residential areas on public streets, and on private access roadways, the curbs/spaces in front of the fire hydrant shall be painted red or otherwise appropriately marked for a distance of fifteen feet (15') in either direction from any hydrant and not less than three feet (3') on any one side. On public streets in residential areas the fifteen feet (15') may be reduced to five (5') feet – when approved by the Fire Code Official. The Colma Fire Protection District shall have the authority to require any fire hydrant location be identified by installing a blue reflector on the street or access road adjacent to the fire hydrant, with the specific location of the fire hydrant to be determined by the Fire Code Official.

- (10) Amend Section 903, *Automatic Sprinkler Systems*, to delete Sections 903.2 through 903.2.10.1 and replace with the following:

903.2 WHERE REQUIRED. Notwithstanding the provisions of this Code or the provisions of any other codes applicable within the Town of Colma, an approved automatic fire extinguishing system shall be installed in the following:

- A. All new non-residential buildings having a total floor area of one thousand five hundred (1,500) square feet or more, or;
- B. All new residential buildings, or;
- C. All new buildings or structures thirty feet (30') or more in height as defined in the California Building Code, or;
- D. Buildings or structures which are three (3) stories or more, irrespective of height, or;
- E. All Group H occupancies, or;
- F. All new habitable basements, regardless of floor area, or;
- G. Existing residential structures which undergo any alteration or addition, or combination thereof, within a five (5) year period, wherein the area of alteration and/or addition, or combination thereof, exceeds fifty percent (50%) of the existing floor area, or;
- H. Existing non-residential structures which undergo any addition or alteration, or combination thereof, within a five (5) year period, wherein the area of alteration and/or addition, or combination thereof, exceeds fifty percent (50%) of the existing floor area, or;
- I. Non-residential buildings which undergo a change of use which results in a more hazardous occupancy classification as determined by the fire code official.

Automatic Sprinkler System Exceptions:

- 1. Mausoleum and columbarium structures as defined in the Cemetery Act, State of California; and
- 2. Where this Code or the California Building Code, California Code Of Regulations Title 24, Part 2 is more restrictive.

(11) Add Section 903.2.11.7, *Fire Walls*, to state the following:

Section 903.2.11.7 FIRE WALLS. The use of fire walls may be used for area increases in accordance with the California Building Code, but shall not be used to negate the requirements for an automatic fire extinguishing system as required by this section.

(12) Add Section 903.3.1.3.1, *NFPA 13D Sprinkler System Installation*, to state the following:

903.3.1.3.1 INSTALLATION REQUIREMENTS. In addition to the requirements of NFPA 13D the following policy shall be followed:

PLAN REVIEW –

1. Applicant shall provide a copy of a recent (within past 6 months) water flow test report. The test report shall be supplied by the water purveyor and printed on the water purveyor's letterhead.
2. A two-head calculation is required for occupancies up to 3600 sq ft. When a single family residence cannot meet California minimum water flow or access requirements, additional water flow and/or sprinkler head calculations may be required.

INSTALLATION –

1. Approved back flow assemblies shall be installed in accordance with water department requirements.
2. Water meter size shall be not less than 1 inch, with equal size service unless the Town makes exceptions.
3. When a hanger is being supported by a composite wood truss, pipe hangers shall have backing nuts on all threaded rods.
4. Approved annunciation devices shall be provided at locations designated by the Town, both exterior and interior. Exterior devices shall be an approved audible and visual sprinkler flow alarm. All notification appliances shall receive primary power from the kitchen refrigerator circuit.
5. The inspector's test valve shall be provided at the far remote-side of the system away from the riser and be clearly identified.
6. The location of the riser shall be in accordance with the Town requirements and shall conform with any Colma Planning Department requirements.
7. Attic (pilot) heads, for fire detection, shall be installed in attics with greater than 30 inches of vertical space and have access for storage, or if mechanical equipment is in the attic. Fire sprinkler heads shall be located at the attic access point and spaced every 30 feet on center at the ridgeline.
8. Fire sprinkler system main drains and Inspector's Test drains, shall be clearly identified, and shall either discharge into a

Sanitary Sewer or a landscape area large enough to contain the system contents, in accordance with provisions of Municipal Regional Stormwater Permit.

INSPECTION REQUIREMENTS -

Inspections by the Town shall consist of not less than:

1. A rough installation inspection and hydrostatic test, prior to concealing any components.
2. The hydrostatic test shall be performed at 200 psi for a period of not less than 2 hours.
3. Underground piping system shall be flushed prior to connecting to the sprinkler riser.
4. Where concealed sprinkler heads are used a pre-final inspection shall be performed prior to the installation of the concealing plates to verify no presence of contaminants on the heads.
5. A final inspection.

(13) Replace Section 903.4.2, *Alarms*, with the following:

903.4.2 ALARMS. An approved audible and visual sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An audible and visual sprinkler flow alarm shall be provided in the interior of the building in a normally occupied location. Multi-tenant buildings shall be provided with an audible and visual sprinkler flow alarm and a manual pull station within each separate tenant space, at an approved location. Multi-story buildings, regardless of tenancy, shall be provided with an audible and visual sprinkler flow alarm at each floor level, in an approved location. All bathrooms shall be provided with visual notification appliances where a fire alarm system is installed, actuation of the automatic sprinkler system shall activate the building fire alarm system.

(14) Replace Section 903.4.3, *Floor Control Valves*, with the following:

903.4.3 FLOOR CONTROL VALVES. Approved supervised indicating control valves and water-flow switches shall be provided at the point of connection to the riser on each floor in multi-level buildings.

EXCEPTION: Within individual dwelling units.

(15) Replace Sections 907.2 and 907.9 with the following:

907.2 AND 907.9 WHERE REQUIRED IN NEW BUILDINGS AND EXISTING STRUCTURES. An approved fire alarm system shall be installed including manual fire alarm boxes in each tenant space of a multi-tenant building and on each floor of a multi-story building regardless of tenancy.

- (16) Replace Section 907.2.9 Group R-2, R-2.1 and R-2.2 with the following:

907.2.9 Group R-2, R-2.1 and R-2.2. Fire alarm systems with manual fire alarm boxes shall be installed at each exit and on each floor. Automatic smoke detection systems and smoke alarms shall be installed in Group R-2, R-2.1 and R-2.2 Occupancies as required in Sections 907.2.8.2, 907.2.9.1 and 907.2.10.2.

- (17) Add item 6 to Section 1008.3.3, *Rooms and Spaces*, with the following:

6. All bathrooms, and paths of egress from those bathrooms to an exit discharge.

- (c) The following Appendix Chapters are adopted;

Appendix A	Board of Appeals
Appendix B	Fire-Flow Requirements for Buildings
Appendix BB	Fire-Flow Requirements for Buildings (Schools)
Appendix C	Fire Hydrant Locations and Distribution <i>Amend Table C102.1, Required Number and Spacing of Fire Hydrants, Footnote C, to state the following:</i> Where water mains are extended along streets where fire hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided with spacing determined by the Fire Code Official, to provide for transportation hazards.
Appendix CC	Fire Hydrant Locations and Distribution (Schools)
Appendix D	Fire Apparatus Access Roads
Appendix F	Hazard Ranking
Appendix H	HMMP / HMIS (HazMat Inventory)
Appendix I	Fire Protection Systems – Noncompliant Conditions

5.04.150 Colma Existing Building Code

The 2019 Edition of the California Existing Building Code, contained in Part 10 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Existing Building Code.

5.04.160 Colma Green Building Standards Code

(a) The 2019 Edition of the California Green Building Standards Code, contained in Part 11 of Title 24 of the California Code of Regulations, with the following changes, additions, and deletions, is adopted by reference as the Colma Green Building Standards Code.

(b) Section 4.408, "Construction Waste Reduction, Disposal and Recycling," is amended by deleting Sections 4.408.1 through 4.408.5 and adding a new Section 4.408.1 to state as follows:

4.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

(c) Section 5.408, "Construction Waste Reduction, Disposal and Recycling," is amended by deleting Sections 5.408.1 through 5.408.1.4 and adding a new Section 5.408.1 to state as follows:

5.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

(d) Section 5.04.290 of the Colma Municipal Code, "Diversion Requirements," is amended and restated in its entirety to read as follows:

5.04.290 Diversion Requirements

The Builder shall follow the diversion requirements in the 2019 California Green Building Standards Code, as adopted by reference and amended by the Town in subdivision A of this Section 5.04.160.

5.04.170 Colma Referenced Standards Code

The 2019 Edition of the California Referenced Standards Code, contained in Part 12 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Referenced Standards Code.

5.04.180 Colma Housing Code

(a) The 1997 Edition of the Uniform Housing Code published by the International Conference of Building Officials, with the following changes, additions, and deletions, is adopted by reference as the Colma Housing Code.

(b) Section 203.1 is hereby deleted.

(c) Section 302, *Fees*, is amended in its entirety to read as follows:

Whenever work is required to be done under the provisions of this code, a building, plumbing, electrical or mechanical permit may be

required by the Building Official prior to commencement of the work. Fees may be assessed pursuant to permit fee resolutions adopted by the City Council from time to time. If abatement proceedings are initiated against a property to gain compliance with the provisions of this code, all costs associated with the abatement shall be paid by the property owner pursuant to the provisions of subchapter 2.01 of the Colma Municipal Code.

(d) Section 1001.2, *Inadequate Sanitation*, is amended by adding the following:

16. Lack of an approved potable water supply.

5.04.190 Colma Property Maintenance Code

The 2018 Edition of the International Property Maintenance Code as published by the International Code Council is adopted by reference as the Colma Property Maintenance Code.

5.04.200 Interpretation

The provisions of these Codes are enacted for the public health, safety, and welfare and are to be liberally construed for those purposes thereof.

5.04.210 Codes Available to the Public

A complete set of the above referenced codes adopted in this subchapter shall be maintained in the Building Department and shall be made available for review by the public.

ARTICLE 5. SUBCHAPTER 5.04, DIVISION 3 – HOURS OF CONSTRUCTION

The following sections are added to subchapter 5.04, Building and Construction, of the Colma Municipal Code as “Division 3 – Hours of Construction.”

Division 3: Hours of Construction

5.04.220 Standard Hours of Construction

(a) The City Council finds that regulation of construction noise is necessary to protect the public health and safety, and that construction noise at early or late times of the day is a nuisance to neighboring properties.

(b) As used in this subchapter, “noise generating construction activity” means the use of any noise generating equipment or tool, including but not limited to: excavators, backhoes, post diggers, pile drivers, saws, electric screw drivers, grinders, nail guns, compressors, generators, hammers, jack hammers, power washers, paint guns, scaffolding erection, or similar noise generating equipment. “Noise generating construction activity” also includes construction material delivery, demolition activities and the servicing of tools and equipment. “Noise generating construction activity” does not include activities such as drywall finishing, painting,

tile laying, carpet installation or the use of small hand tools in a fully enclosed structure with windows and doors closed.

(c) Within a radius of 500 feet from any residential unit within the Town boundaries, noise generating construction activity shall only be permitted between the following hours/days:

Monday Through Friday	8:00 AM through 7:00 PM
Saturday	9:00 AM through 5:00 PM
Sunday	12:00 PM through 5:00 PM

Noise generating construction activity is prohibited on all of the following federal holidays: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

The Building Official, or his or her designee, may grant an exception for special conditions when requested in writing and approved by the Building Official, or his or her designee, prior to the start of noise generating activity. The above requirements do not apply to emergency repair work, work for public utility and street repair, street sweeping, garbage collection and emergency response warning systems.

(d) For projects more than 500 feet from a residential unit in the Town of Colma, construction hours shall be assigned on a project-by-project basis by the Building Official, or his or her designee, or as established within a project's Conditions of Approval, based on evaluation of potential noise-related impacts on surrounding uses.

5.04.230 Accessibility and Pedestrian Access During Construction

No person shall conduct any construction or repair work that interferes with or encroaches upon the public right-of-way unless that person establishes and maintains an accessible path of travel during construction for use by persons, including those with disabilities, and posts adequate approved signage directing users to that path.

ARTICLE 6. SUBCHAPTER 5.04, DIVISION 4 – ENFORCEMENT

The following sections are added to subchapter 5.04, Building and Construction, of the Colma Municipal Code as "Division 4 – Enforcement."

Division 4: Enforcement

5.04.240 Enforcement Responsibilities

(a) The Building Official of the Town of Colma, or his or her designee, shall enforce the provisions of this Code, acting for and on behalf of the Town of Colma.

(b) Pursuant to Health and Safety Code Section 13146, the responsibility for the enforcement of Building Standards adopted by the State Fire Marshal and contained within these codes, relating to fire and panic safety and other regulations of the Office of the State Fire Marshal as they apply to Group R, Division 3 One and Two Family Dwellings, shall be delegated to the Building Official of the Town of Colma.

5.04.250 Violation and Penalties

(a) A willful violation of a lawful order of the Building Official issued pursuant to the Colma Building Codes is a misdemeanor, punishable as set forth in subchapter 1.05.010 of the Colma Municipal Code.

(b) A violation of any other provision of this subchapter is an infraction, punishable as set forth in subchapter 1.05 of the Colma Municipal Code, including paragraph (c)(4) of section 1.05.020.

(c) A violation of this subchapter shall also be deemed to be a public nuisance under section 2.01.060 of the Colma Municipal Code, and may be abated pursuant to the procedures set forth in subchapter 2.01 of the Code. The costs of abatement shall become a lien upon the property involved. Notwithstanding any other provision in subchapter 2.01, the authority granted the Code Enforcement Officer, in subchapter 2.01 may also be exercised by a Colma Building Official, or his or her designee. Specifically, but without limitation, the Colma Enforcement Officer or the Colma Building Official may issue Administrative Citations in accordance with the procedures set forth in subchapter 2.01 of the Colma Municipal Code.

ARTICLE 6. FILING OF ORDINANCE

The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

ARTICLE 7. LIABILITY

The provisions of the Colma Building Codes shall not be construed as imposing upon the Town of Colma any liability or responsibility for damage to persons or property resulting from defective work, nor shall the Town of Colma, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of the Colma Building Codes of any permits or certificates issued under the Codes.

ARTICLE 8. SEVERABILITY

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

ARTICLE 9. CEQA COMPLIANCE

The City Council finds that the changes made to the Codes are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, high winds and fire. Therefore, it can be seen with certainty that adoption of this ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City Planner is directed to file a notice of exemption within five (5) days of the adoption of this ordinance.

ARTICLE 10. PUBLICATION

This ordinance including the vote for and against the same shall be posted in the office of the City Clerk and on the three (3) official bulletin boards of the Town of Colma within fifteen (15) days of its passage and shall take force and effect thirty (30) days after its passage.

ARTICLE 11. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days following its adoption by the City Council.

Certification of Adoption

I certify that the foregoing Ordinance No.____ was duly introduced at a regular meeting of the City Council of the Town of Colma held on December 11, 2019, and adopted at a regular meeting of the City Council of the Town of Colma held on January _____, 2020, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor					
Diana Colvin					
Helen Fisicaro					
Raquel Gonzalez					
Joanne F. del Rosario					

<i>Voting Tally</i>			
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Dated: _____

John Irish Goodwin, Mayor

Attest: _____

Caitlin Corley, City Clerk

ORDINANCE NO. _____
OF THE CITY COUNCIL OF THE TOWN OF COLMA

AN ORDINANCE AMENDING CHAPTER 5, SUBCHAPTER 4 OF THE TOWN OF COLMA MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, THE 2019 CALIFORNIA FIRE CODE, THE 2019 CALIFORNIA ENERGY CODE, THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2019 CALIFORNIA HISTORICAL BUILDING CODE, THE 2019 CALIFORNIA EXISTING BUILDING CODE AND THE 2019 CALIFORNIA REFERENCED STANDARDS CODE; THE 1997 EDITION OF THE UNIFORM HOUSING CODE; AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS, AND DELETIONS

The City Council of the Town of Colma does ordain as follows:

ARTICLE 1. FINDINGS, PURPOSE AND AUTHORITY

The City Council of the Town of Colma finds:

- (a) Pursuant to Government Code Section 50022.1 et seq., the Town may adopt by reference the California Building Standards Code, 2019 Edition as provided in Title 24 of the California Code of Regulations, and other codes, including, without limitation, the 1997 Uniform Housing Code and the 2018 International Property Maintenance Code.
- (b) The California Building Standards Commission ("Commission") recently adopted the 2019 Edition of the California Building Standards Code.
- (c) California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions.
- (d) Title 25, section 52 of the California Code of Regulations empowers the Town to use its own abatement procedures so long as these procedures are equivalent to the procedures contained in Title 25 sections 48 through 70 of the California Code of Regulations, and provided such procedures provide an efficient and effective procedure for the abatement of substandard conditions with fairness to both owners and residents.
- (e) The 1997 Uniform Housing Code and the 2018 International Property Maintenance Code provide efficient and effective procedures for the abatement of substandard buildings, structures and nuisances that are fair and equitable to both owners and residents and are equivalent to the procedures contained in Title 25 of the California Code of Regulations to serve the purpose intended therein.

(f) The City Council desires to adopt the 2019 edition of the California Building Standards Code, Title 24 of the California Code of Regulations, consisting of the 2019 California Building Code (incorporating and amending the 2018 International Building Code), the 2019 California Residential Code (incorporating and amending the 2018 International Residential Code), the 2019 California Electrical Code (incorporating and amending the 2017 National Electrical Code), the 2019 California Mechanical Code (incorporating and amending the 2018 Uniform Mechanical Code), the 2019 California Plumbing Code (incorporating and amending the 2018 Uniform Plumbing Code), the 2019 California Fire Code (incorporating and amending the 2018 International Fire Code), the 2019 California Energy Code, the 2019 California Green Building Standards Code, the 2019 California Historical Building Code, the 2019 California Existing Building Code, and the 2019 California Referenced Standards Code; the 1997 Edition of the Uniform Housing Code; and the 2018 International Property Maintenance Code for safety, health and welfare relating to property maintenance within the Town of Colma, (collectively, the “Codes”); together with the necessary amendments to assure the Codes are tailored to the particular safety needs of the Town as required by its unique climatic, geological and topographical conditions.

(g) The following local climatic, geographic or topographical conditions make it necessary to amend the Codes:

(1) *Topography.* A large portion of the Town’s residential community is built on hills, with roadways less than the required width which tend to slow response times for fire apparatus, and this same terrain complicates firefighter access to those buildings. Numerous areas are heavily treed with thick vegetative undergrowth, creating increased fuel loading during the summer months.

(2) *Geography.* Colma is located in Seismic Zone D and within two (2) miles of the San Andreas fault. There are two large underground tunnels that run the full length of the Town for the Bay Area Rapid Transit System (BART) as well as two underground sixty (60) inch diameter forced water mains that run parallel to the Bart tunnels. These two features are separated by a regional state thoroughfare, El Camino Real. Failure of either underground system will disrupt traffic flow through the town and further hamper First Responder efforts.

(3) *Climate.* Colma is subject to frequent periods of heavy fog, limiting visibility. This same fog contains salt which has a deleterious effect on metals including exterior electrical service cabinets and conduits.

(4) Amendments.

The below table provides the express findings and determinations (where necessary pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5) justifying the Town of Colma’s amendments to the 2019 California Building Standards Code as reasonably necessary because of local climatic, geologic or topographic conditions.

<u>Section</u>	<u>Caption</u>	<u>Finding</u>
California Building Code Section 1008.3	Emergency Power for Illumination	Topography and Geography

California Residential Code Section R313	Automatic Fire Sprinkler Systems	Topography and Geography
California Fire Code Section 505.1	Address Identification	Topography and Climate
California Fire Code Section 507.5.7	Fire Hydrant Standards	Topography
California Fire Code Section 507.5.8	Identification of Hydrants	Topography and Climate
California Fire Code Section 903.2	Where Required	Topography and Geography
California Fire Code Section 903.2.11.7	Fire Walls	Topography and Geography
California Fire Code Section 903.3.1.3.1	Installation Requirements	Administrative
California Fire Code Section 903.4.2	Alarms	Topography and Geography
California Fire Code Section 903.4.3	Floor Control Valves	Topography and Geography
California Fire Code Section 907	Fire Alarm and Detection Systems	Topography and Geography
California Fire Code 1008.3	Emergency Power for Illumination	Topography and Geography

(i) The changes and modifications made to the Codes not listed in the table are necessary for administrative clarification and to establish administrative standards for the effective enforcement of the building standards of the Town of Colma and do not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5.

(j) The Town published notice of a public hearing pursuant to California Government Code Section 6066 on December 20, 2019, and December 27, 2019.

(k) The Town held a public hearing on January 8, 2020, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein.

(l) At least one copy of each of the Codes adopted by reference by this ordinance were available for public inspection at the office of the City Clerk fifteen (15) days preceding the public hearing pursuant to Government Code Section 50022.6.

(m) Any and all other legal prerequisites relating to the adoption of this ordinance have occurred.

ARTICLE 2. SUBCHAPTER 5.04 AMENDED

Sections 5.04.010 to 5.04.250 of subchapter 5.04 of the Colma Municipal Code are hereby repealed and restated in its entirety to read as provided herein. Sections 5.04.260 to 5.04.350 remain unchanged.

ARTICLE 3. SUBCHAPTER 5.04, DIVISION 1 - GENERAL

The following sections are added to subchapter 5.04, Building and Construction Regulations, of the Colma Municipal Code as "Division 1 – General."

Subchapter 5.04 - Building and Construction Regulations

Division 1: General

5.04.010 Application.

(a) The provisions of this subchapter shall hereafter apply to the construction, alteration, moving, repair and use or maintenance of any building or structure, site, and the equipment therein, within the Town of Colma, and shall be known as the "Colma Building Codes".

(b) The Colma Building Codes shall be the primary source of regulations for the construction, addition to, alteration, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building, and for the maintenance of existing buildings. It shall be unlawful for any person to perform any of the above in conflict with the provisions of this subchapter and the codes referred to in herein.

5.04.020 Conflicts with Other Laws, Rules, etc.

In the event of any conflict between the Colma Building Codes and any law, rule or regulation of the State of California, that requirement which establishes the higher standard of safety shall govern.

5.04.030 Titles.

The term, "Colma Building Codes," means the collection of laws and regulations described in this subchapter, while the term, "Colma Building Code," refers to the particular code adopted by section 5.04.050 of this subchapter.

5.04.040 [Reserved].

ARTICLE 4. SUBCHAPTER 5.04, DIVISION 2 – COLMA BUILDING CODES

The following sections are added to subchapter 5.04 of the Colma Municipal Code as "Division 2 – Colma Building Codes."

Division 2: Colma Building Codes

5.04.050 Colma Building Code Adopted

The 2019 Edition of the California Building Code, contained in Part 2 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Building Code published by the International Code Council, together with Chapter 1, and with the changes, additions, and deletions set forth in the following section, is hereby adopted by reference as the Colma Building Code.

5.04.060 Administration of Colma Building Code

The following provisions of the California Building Code are hereby amended as follows:

(a) *Section 1.11.2.1 Amended.*

Item 1 of Section 1.11.2.1 of Chapter 1, Division I is amended to read: The Town of Colma specifically delegates the enforcement of building standards adopted by the State Fire Marshal, and published in the Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, as they relate to Group R-3 Occupancies (one and two family dwellings) to the Building Official of Town of Colma.

(b) *Section 101.1 Amended.*

Section 101.1 of Chapter 1, Division II is amended to state as follows: "These regulations shall be known as the Colma Building Code, hereinafter referred as 'this code'."

(c) *Section 103 Amended.*

The term "Department of Building Safety" in Section 103 of Chapter 1 Division II of the California Building Code, as well as all other codes adopted in this subchapter where the term appears, refers to the Building Department of the Town of Colma.

(d) *Section 103.2 Amended.*

Section 103.2 is amended to state as follows: "The Building Official shall be appointed by the City Manager."

(e) *Section 105.5 Amended.*

Section 105.5, "Expiration," is amended to state as follows:

105.5 Expiration.

(a) Every permit issued by the Building Official, or his or her designee, under the provisions of his Code shall expire by limitation and become null and void if:

- (1) the building or work authorized by such permit is not commenced within twelve (12) months from the date of such permit;

(2) the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days

(b) For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; (3) the project would not be impacted by a change in the current adopted codes, and; (4) the applicant pays a reactivation fee equal to one half the amount of the original permit fee.

(c) For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

(f) *Section 109.2 Amended.*

Section 109.2, "Schedule of Permit Fees," is amended to state as follows:

For any work on buildings or structures which requires a permit and/or plan review, fees shall be paid in accordance with Resolutions and Ordinances that are established by action of the City Council of the Town of Colma.

(g) *Section 109.4 Amended.*

Section 109.4, "Work Commencing Before Permit Issuance," is amended by adding thereto the following paragraph:

That fee, for commencing work prior to permit issuance, may be equal to up to ten times the permit fee to a maximum amount of \$ 5,000.00 as determined by the Building Official. This fee is in addition to the permit costs and any additional investigative fees.

(h) *Section 110.1 Amended.*

Section 110.1, "General," is amended by adding the following to the end:

When required, Survey Stakes shall be provided prior to first inspection, and maintained so they are clearly visible until after the Certificate of Occupancy has been issued.

- (i) *Section 1008.3.3 Amended.*

Section 1008.3.3, "Rooms and Spaces," is amended by adding thereto the following:

6. All bathrooms, and paths of egress from those bathrooms to an exit discharge.

- (j) *Appendix B Adopted.*

Appendix B, "Board of Appeals," is adopted as part of the Colma Building Code.

- (k) *Appendix C Adopted.*

Appendix C, "Group U Agricultural Buildings," is adopted as part of the Colma Building Code.

- (l) *Appendix H Adopted.*

Appendix H, "Signs," is adopted as part of the Colma Building Code.

- (m) *Appendix I Adopted.*

Appendix I, "Patio Covers," is adopted as part of the Colma Building Code.

5.04.070 Colma Residential Code Adopted

The 2019 Edition of the California Residential Code, contained in Part 2.5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Residential Code published by the International Code Council, together with Chapter 1, with the following changes, additions, and deletions set forth in the following section, is adopted by reference as the Colma Residential Code.

5.04.080 Administration of Colma Residential Code

The following provisions of the California Residential Code are hereby amended as follows:

- (a) *Section R103 Amended.*

The term "Department of Building Safety" in Section R103 of the California Residential Code, as well as all other codes adopted in this subchapter where the term appears, refers to the Building Department of the Town of Colma.

- (b) *Section R103.2 Amended.*

Section R103.2 is amended to state as follows: "The Building Official shall be appointed by the City Manager."

- (c) *Section R105.5 Amended.*

Section R105.5, "Expiration," is amended to state as follows:

105.5 Expiration.

(a) Every permit issued by the Building Official, or his or her designee, under the provisions of this Code shall expire by limitation and become null and void if:

(1) the building or work authorized by such permit is not commenced within twelve (12) months from the issuance date of such permit;

(2) the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

(b) For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) the project would not be impacted by a change in the current adopted codes, and; (4) the applicant pays a reactivation fee equal to one half the amount of the original permit fee.

(c) For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

(d) *Section R109.2 Amended.*

Section R109.2, "Schedule of Permit Fees," is amended to state as follows:

For any work on buildings or structures which requires a permit and/or plan review, fees shall be paid in accordance with Resolutions and Ordinances that are established by action of the City Council of the Town of Colma.

(e) *Section R109.4 Amended.*

Section R109.4, "Work Commencing Before Permit Issuance," is amended by adding thereto the following paragraph:

That fee, for commencing work prior to permit issuance, may be equal to up to ten times the permit fee to a maximum amount of \$ 5,000.00 as determined by the Building Official. This fee is in addition to the permit costs and any additional investigative fees.

(f) *Section R313.2 Amended.*

Section R313.2, "One- and Two-Family Dwellings automatic fire sprinkler systems," is amended

to replace Item 1 with the following: An automatic residential fire sprinkler system is not required where an addition and/or alteration to an existing residential structure does not exceed 50% of the existing floor area.

(g) *Section R313.3.1 Amended.*

The second sentence in Section R313.3.1 "General" is amended to state: Partial Fire Sprinkler Systems are not allowed, all areas of the structure shall be protected in accordance with this chapter.

(h) *Section R313.3.1.2 Amended.*

Section R313.3.1.2 "Required Sprinkler Locations" Exception #4 is amended to read: Detached garages; carports with no habitable space above; open attached porches, unless they are located at the only egress door from the dwelling; and patio covers open on 3 sides or more.

(i) *Appendix H Adopted.*

Appendix H, "Patio Covers," is adopted as part of the Colma Residential Code.

(j) *Appendix J Adopted.*

Appendix J, "Existing Buildings and Structures," is adopted as part of the Colma Residential Code.

(k) *Appendix V Adopted.*

Appendix V, "Swimming Pools Safety Act," is adopted as part of the Colma Residential Code.

5.04.090 Colma Electrical Code

(a) The 2019 Edition of the California Electrical Code, contained in Part 3 of Title 24 of the California Code of Regulations, which incorporates and amends the 2017 Edition of the National Electrical Code published by the National Fire Protection Association, together with Article 89, with the following changes, additions, and deletions, is adopted by reference as the Colma Electrical Code.

5.04.100 Colma Mechanical Code

(a) The 2019 Edition of the California Mechanical Code, contained in Part 4 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, together with Chapter 1, with the following changes, additions, and deletions set forth, is adopted by reference as the Colma Mechanical Code.

(b) Appendix F, "Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design," is adopted as part of the Colma Mechanical Code.

5.04.110 Colma Plumbing Code

(a) The 2019 Edition of the California Plumbing Code, contained in Part 5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Plumbing Officials, together with Chapter 1, with the following changes, additions, and deletions, is adopted by reference as the Colma Plumbing Code.

(b) Appendix A, "Recommended Rules for Sizing the Water Supply System," is adopted as part of the Colma Plumbing Code.

(c) Appendix B, "Explanatory Notes on Combination Waste and Vent Systems," is adopted as part of the Colma Plumbing Code.

(d) Appendix C, "Alternate Plumbing Systems," is adopted as part of the Colma Plumbing Code.

(e) Appendix D, "Sizing Storm Water Drainage Systems," is adopted as part of the Colma Plumbing Code.

(f) Appendix I, "Installation Standard for PEX Tubing Systems for Hot- and Cold- Water Distribution," is adopted as part of the Colma Plumbing Code.

(g) Appendix J, "Combination of Indoor and Outdoor Combustion and Ventilation Opening Design," is adopted as part of the Colma Plumbing Code.

(h) Appendix K, "Potable Rainwater Catchment Systems," is adopted as part of the Colma Plumbing Code.

5.04.120 Colma Energy Conservation Code

The 2019 Edition of the California Energy Code, contained in Part 6 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Energy Conservation Code.

5.04.130 Colma Historical Building Code

The 2019 Edition of the California Historical Building Code, contained in Part 8 of Title 24 of the California Code of Regulations is adopted by reference as the Colma Historical Building Code.

5.04.140 Colma Fire Prevention Code

(a) The 2019 Edition of the California Fire Code, contained in Part 9 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Fire Code published by the International Code Council, together with Chapter 1, with the following changes, additions, and deletions, is adopted by reference as the Colma Fire Prevention Code.

(b) Chapter 1 Division II, Administration, is adopted, in its entirety, for the administration and enforcement of the provisions of the Colma Fire Prevention Code, excepting amendments as provided herein:

- (1) Delete section 103.1, *General*.
- (2) Replace section 103.2, *Appointment*, with the following:

103.2 Fire Code Official.

The Fire Chief of the Colma Fire Protection District shall also be known as the Fire Code Official, or the Fire Marshal, and may delegate certain responsibilities to a deputy fire code official or sworn personnel.

The Colma Building Official shall serve as the Fire Code Official and may delegate the responsibilities under this Code to qualified personnel retained by the Town, where relating to State Fire Marshal Building Standards in R-3 Occupancies. The Building Official may enforce other provisions of this code with the approval of the Fire Chief of the Colma Fire Protection District.

- (3) Replace section 105.3.3, *Occupancy Prohibited Before Approval*, with the following:

SECTION 105.3.3 FIRE DISTRICT APPROVAL REQUIRED.

No final inspection by the Colma Building Official, or his or her designee, shall be made for occupancy of new or altered construction, and no certificate of occupancy shall be issued and no occupancy or temporary occupancy shall be granted until the installation of the prescribed fire protection features and access ways have been completed and approved by the Fire Code Official, excluding R-3 Single Family Dwellings in accordance with Health and Safety Code Section 13146.

- (4) Amend section 105.4, *Submittals*, to read as follows:

SECTION 105.4.1 Submittals. Construction documents shall be in accordance with this section. When required by the Fire Code Official, plans submitted to the Colma Building Department or Building Official for a permit shall also be reviewed by the Fire Code Official to determine compliance with the Colma Fire Prevention Code. Upon review, a written report shall be returned to the local building official listing deficiencies or compliance with the Code.

- (5) Amend section 110.4, *Violation Penalties*, to read as follows:

SECTION 110.4 VIOLATION PENALTIES. Persons who violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or falsification of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable as set forth in section 1.05.010 of the

Colma Municipal Code. Each day that a violation continues shall be deemed a separate offense.

- (6) Adopt Chapter 4, *Emergency Planning and Preparedness*, in its entirety.
- (7) Amend the sixth (6th) sentence of Section 505.1, *Address Identification*, to read as follows:

SECTION 505.1 Address Identification. Numbers typically shall be a minimum of 4 inches in height with a minimum stroke of 1/2 inch for individual residential structures, and a minimum of 6 inches in height for commercial structures with a minimum stroke of 3/4 inch, or other approved sizes based on distances from roadways. In multi-tenant buildings, with rear doors, addresses shall also be posted upon those tenant space doors at the rear of the building. The numerals on the rear doors shall be 3 inches in height and 1/2 inch in stroke.

- (8) Add new section 507.5.7, *Fire Hydrant Standards*, to read as follows:

SECTION 507.5.7 FIRE HYDRANT STANDARDS. All fire hydrants to be installed, or replaced, shall be new, UL listed, or equivalent, wet-barrel type having a minimum of two 2-1/2 inch and one 4-1/2 inch outlets equipped with National Standard Threads.

- (9) Add new section 507.5.8, *Identification of Hydrants*, as follows:

SECTION 507.5.8 IDENTIFICATION OF HYDRANTS. With respect to fire hydrants located in commercial and residential areas on public streets, and on private access roadways, the curbs/spaces in front of the fire hydrant shall be painted red or otherwise appropriately marked for a distance of fifteen feet (15') in either direction from any hydrant and not less than three feet (3') on any one side. On public streets in residential areas the fifteen feet (15') may be reduced to five (5') feet – when approved by the Fire Code Official. The Colma Fire Protection District shall have the authority to require any fire hydrant location be identified by installing a blue reflector on the street or access road adjacent to the fire hydrant, with the specific location of the fire hydrant to be determined by the Fire Code Official.

- (10) Amend Section 903, *Automatic Sprinkler Systems*, to delete Sections 903.2 through 903.2.10, 17 and ~~Sections 903.2.3 through 903.10.1, and~~ replace with the following:

903.2 WHERE REQUIRED. Notwithstanding the provisions of this Code or the provisions of any other codes applicable within the Town of Colma, an approved automatic fire extinguishing system shall be installed in the following:

- A. All new non-residential buildings having a total floor area of one thousand five hundred (1,500) square feet or more, or;
- B. All new residential buildings, or;
- C. All new buildings or structures thirty feet (30') or more in height as defined in the California Building Code, or;
- D. Buildings or structures which are three (3) stories or more, irrespective of height, or;
- E. All Group H occupancies, or;
- F. All new habitable basements, regardless of floor area, or;
- G. Existing residential structures which undergo any alteration or addition, or combination thereof, within a five (5) year period, wherein the area of alteration and/or addition, or combination thereof, exceeds fifty percent (50%) of the existing floor area, or;
- H. Existing non-residential structures which undergo any addition or alteration, or combination thereof, within a five (5) year period, wherein the area of alteration and/or addition, or combination thereof, exceeds fifty percent (50%) of the existing floor area, or;
- I. Non-residential buildings which undergo a change of use which results in a more hazardous occupancy classification as determined by the fire code official.

Automatic Sprinkler System Exceptions:

- 1. Mausoleum and columbarium structures as defined in the Cemetery Act, State of California; and
- 2. Where this Code or the California Building Code, California Code Of Regulations Title 24, Part 2 is more restrictive.

(11) Add Section 903.2.11.7, *Fire Walls*, to state the following:

Section 903.2.11.7 FIRE WALLS. The use of fire walls may be used for area increases in accordance with the California Building Code, but shall not be used to negate the requirements for an automatic fire extinguishing system as required by this section.

(12) Add Section 903.3.1.3.1, *NFPA 13D Sprinkler System Installation*, to state the following:

903.3.1.3.1 INSTALLATION REQUIREMENTS. In addition to the requirements of NFPA 13D the following policy shall be followed:

PLAN REVIEW –

1. Applicant shall provide a copy of a recent (within past 6 months) water flow test report. The test report shall be supplied by the water purveyor and printed on the water purveyor's letterhead.
2. A two-head calculation is required for occupancies up to 3600 sq ft. When a single family residence cannot meet California minimum water flow or access requirements, additional water flow and/or sprinkler head calculations may be required.

INSTALLATION –

1. Approved back flow assemblies shall be installed in accordance with water department requirements.
2. Water meter size shall be not less than 1 inch, with equal size service unless the Town makes exceptions.
3. When a hanger is being supported by a composite wood truss, pipe hangers shall have backing nuts on all threaded rods.
4. Approved annunciation devices shall be provided at locations designated by the Town, both exterior and interior. Exterior devices shall be an approved audible and visual sprinkler flow alarm. All notification appliances shall receive primary power from the kitchen refrigerator circuit.
5. The inspector's test valve shall be provided at the far remote-side of the system away from the riser and be clearly identified.
6. The location of the riser shall be in accordance with the Town requirements and shall conform with any Colma Planning Department requirements.
7. Attic (pilot) heads, for fire detection, shall be installed in attics with greater than 30 inches of vertical space and have access for storage, or if mechanical equipment is in the attic. Fire sprinkler heads shall be located at the attic access point and spaced every 30 feet on center at the ridgeline.
8. Fire sprinkler system main drains and Inspector's Test drains, shall be clearly identified, and shall either discharge into a

Sanitary Sewer or a landscape area large enough to contain the system contents, in accordance with provisions of Municipal Regional Stormwater Permit.

INSPECTION REQUIREMENTS -

Inspections by the Town shall consist of not less than:

1. A rough installation inspection and hydrostatic test, prior to concealing any components.
2. The hydrostatic test shall be performed at 200 psi for a period of not less than 2 hours.
3. Underground piping system shall be flushed prior to connecting to the sprinkler riser.
4. Where concealed sprinkler heads are used a pre-final inspection shall be performed prior to the installation of the concealing plates to verify no presence of contaminants on the heads.
5. A final inspection.

- (13) Replace Section 903.4.2, *Alarms*, with the following:

903.4.2 ALARMS. An approved audible and visual sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An audible and visual sprinkler flow alarm shall be provided in the interior of the building in a normally occupied location. Multi-tenant buildings shall be provided with an audible and visual sprinkler flow alarm and a manual pull station within each separate tenant space, at an approved location. Multi-story buildings, regardless of tenancy, shall be provided with an audible and visual sprinkler flow alarm at each floor level, in an approved location. All bathrooms shall be provided with visual notification appliances where a fire alarm system is installed, actuation of the automatic sprinkler system shall activate the building fire alarm system.

- (14) Replace Section 903.4.3, *Floor Control Valves*, with the following:

903.4.3 FLOOR CONTROL VALVES. Approved supervised indicating control valves and water-flow switches shall be provided at the point of connection to the riser on each floor in multi-level buildings.

EXCEPTION: Within individual dwelling units.

- (15) Replace Sections 907.2 and 907.9 with the following:

907.2 AND 907.9 WHERE REQUIRED IN NEW BUILDINGS AND EXISTING STRUCTURES. An approved fire alarm system shall be installed including manual fire alarm boxes in each tenant space of a multi-tenant building and on each floor of a multi-story building regardless of tenancy.

- (16) Replace Section 907.2.9 Group R-2, R-2.1 and R-2.2 with the following:

907.2.9 Group R-2, R-2.1 and R-2.2. Fire alarm systems with manual fire alarm boxes shall be installed at each exit and on each floor. Automatic smoke detection systems and smoke alarms shall be installed in Group R-2, R-2.1 and R-2.2 Occupancies as required in Sections 907.2.8.2, 907.2.9.1 and 907.2.10.2.

- (17) Add item 6 to Section 1008.3.3, *Rooms and Spaces*, with the following:

6. All bathrooms, and paths of egress from those bathrooms to an exit discharge.

- (c) The following Appendix Chapters are adopted;

Appendix A	Board of Appeals
Appendix B	Fire-Flow Requirements for Buildings
Appendix BB	Fire-Flow Requirements for Buildings (Schools)
Appendix C	Fire Hydrant Locations and Distribution <i>Amend Table C102.1, Required Number and Spacing of Fire Hydrants, Footnote C, to state the following:</i> Where water mains are extended along streets where fire hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided with spacing determined by the Fire Code Official, to provide for transportation hazards.
Appendix CC	Fire Hydrant Locations and Distribution (Schools)
Appendix D	Fire Apparatus Access Roads
Appendix F	Hazard Ranking
Appendix H	HMMP / HMIS (HazMat Inventory)
Appendix I	Fire Protection Systems – Noncompliant Conditions

5.04.150 Colma Existing Building Code

The 2019 Edition of the California Existing Building Code, contained in Part 10 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Existing Building Code.

5.04.160 Colma Green Building Standards Code

(a) The 2019 Edition of the California Green Building Standards Code, contained in Part 11 of Title 24 of the California Code of Regulations, with the following changes, additions, and deletions, is adopted by reference as the Colma Green Building Standards Code.

(b) Section 4.408, "Construction Waste Reduction, Disposal and Recycling," is amended by deleting Sections 4.408.1 through 4.408.5 and adding a new Section 4.408.1 to state as follows:

4.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

(c) Section 5.408, "Construction Waste Reduction, Disposal and Recycling," is amended by deleting Sections 5.408.1 through 5.408.1.4 and adding a new Section 5.408.1 to state as follows:

5.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

(d) Section 5.04.290 of the Colma Municipal Code, "Diversion Requirements," is amended and restated in its entirety to read as follows:

5.04.290 Diversion Requirements

The Builder shall follow the diversion requirements in the 2019 California Green Building Standards Code, as adopted by reference and amended by the Town in subdivision A of this Section 5.04.160.

5.04.170 Colma Referenced Standards Code

The 2019 Edition of the California Referenced Standards Code, contained in Part 12 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Referenced Standards Code.

5.04.180 Colma Housing Code

(a) The 1997 Edition of the Uniform Housing Code published by the International Conference of Building Officials, with the following changes, additions, and deletions, is adopted by reference as the Colma Housing Code.

(b) Section 203.1 is hereby deleted.

(c) Section 302, *Fees*, is amended in its entirety to read as follows:

Whenever work is required to be done under the provisions of this code, a building, plumbing, electrical or mechanical permit may be

required by the Building Official prior to commencement of the work. Fees may be assessed pursuant to permit fee resolutions adopted by the City Council from time to time. If abatement proceedings are initiated against a property to gain compliance with the provisions of this code, all costs associated with the abatement shall be paid by the property owner pursuant to the provisions of subchapter 2.01 of the Colma Municipal Code.

(d) Section 1001.2, *Inadequate Sanitation*, is amended by adding the following:

16. Lack of an approved potable water supply.

5.04.190 Colma Property Maintenance Code

The 2018 Edition of the International Property Maintenance Code as published by the International Code Council is adopted by reference as the Colma Property Maintenance Code.

5.04.200 Interpretation

The provisions of these Codes are enacted for the public health, safety, and welfare and are to be liberally construed for those purposes thereof.

5.04.210 Codes Available to the Public

A complete set of the above referenced codes adopted in this subchapter shall be maintained in the Building Department and shall be made available for review by the public.

ARTICLE 5. SUBCHAPTER 5.04, DIVISION 3 – HOURS OF CONSTRUCTION

The following sections are added to subchapter 5.04, Building and Construction, of the Colma Municipal Code as “Division 3 – Hours of Construction.”

Division 3: Hours of Construction

5.04.220 Standard Hours of Construction

(a) The City Council finds that regulation of construction noise is necessary to protect the public health and safety, and that construction noise at early or late times of the day is a nuisance to neighboring properties.

(b) As used in this subchapter, “noise generating construction activity” means the use of any noise generating equipment or tool, including but not limited to: excavators, backhoes, post diggers, pile drivers, saws, electric screw drivers, grinders, nail guns, compressors, generators, hammers, jack hammers, power washers, paint guns, scaffolding erection, or similar noise generating equipment. “Noise generating construction activity” also includes construction material delivery, demolition activities and the servicing of tools and equipment. “Noise generating construction activity” does not include activities such as drywall finishing, painting,

tile laying, carpet installation or the use of small hand tools in a fully enclosed structure with windows and doors closed.

(c) Within a radius of 500 feet from any residential unit within the Town boundaries, noise generating construction activity shall only be permitted between the following hours/days:

Monday Through Friday	8:00 AM through 7:00 PM
Saturday	9:00 AM through 5:00 PM
Sunday	12:00 PM through 5:00 PM

Noise generating construction activity is prohibited on all of the following federal holidays: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

The Building Official, or his or her designee, may grant an exception for special conditions when requested in writing and approved by the Building Official, or his or her designee, prior to the start of noise generating activity. The above requirements do not apply to emergency repair work, work for public utility and street repair, street sweeping, garbage collection and emergency response warning systems.

(d) For projects more than 500 feet from a residential unit in the Town of Colma, construction hours shall be assigned on a project-by-project basis by the Building Official, or his or her designee, or as established within a project's Conditions of Approval, based on evaluation of potential noise-related impacts on surrounding uses.

5.04.230 Accessibility and Pedestrian Access During Construction

No person shall conduct any construction or repair work that interferes with or encroaches upon the public right-of-way unless that person establishes and maintains an accessible path of travel during construction for use by persons, including those with disabilities, and posts adequate approved signage directing users to that path.

ARTICLE 6. SUBCHAPTER 5.04, DIVISION 4 – ENFORCEMENT

The following sections are added to subchapter 5.04, Building and Construction, of the Colma Municipal Code as "Division 4 – Enforcement."

Division 4: Enforcement

5.04.240 Enforcement Responsibilities

(a) The Building Official of the Town of Colma, or his or her designee, shall enforce the provisions of this Code, acting for and on behalf of the Town of Colma.

(b) Pursuant to Health and Safety Code Section 13146, the responsibility for the enforcement of Building Standards adopted by the State Fire Marshal and contained within these codes, relating to fire and panic safety and other regulations of the Office of the State Fire Marshal as they apply to Group R, Division 3 One and Two Family Dwellings, shall be delegated to the Building Official of the Town of Colma.

5.04.250 Violation and Penalties

(a) A willful violation of a lawful order of the Building Official issued pursuant to the Colma Building Codes is a misdemeanor, punishable as set forth in subchapter 1.05.010 of the Colma Municipal Code.

(b) A violation of any other provision of this subchapter is an infraction, punishable as set forth in subchapter 1.05 of the Colma Municipal Code, including paragraph (c)(4) of section 1.05.020.

(c) A violation of this subchapter shall also be deemed to be a public nuisance under section 2.01.060 of the Colma Municipal Code, and may be abated pursuant to the procedures set forth in subchapter 2.01 of the Code. The costs of abatement shall become a lien upon the property involved. Notwithstanding any other provision in subchapter 2.01, the authority granted the Code Enforcement Officer, in subchapter 2.01 may also be exercised by a Colma Building Official, or his or her designee. Specifically, but without limitation, the Colma Enforcement Officer or the Colma Building Official may issue Administrative Citations in accordance with the procedures set forth in subchapter 2.01 of the Colma Municipal Code.

ARTICLE 6. FILING OF ORDINANCE

The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

ARTICLE 7. LIABILITY

The provisions of the Colma Building Codes shall not be construed as imposing upon the Town of Colma any liability or responsibility for damage to persons or property resulting from defective work, nor shall the Town of Colma, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of the Colma Building Codes of any permits or certificates issued under the Codes.

ARTICLE 8. SEVERABILITY

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

ARTICLE 9. CEQA COMPLIANCE

The City Council finds that the changes made to the Codes are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, high winds and fire. Therefore, it can be seen with certainty that adoption of this ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City Planner is directed to file a notice of exemption within five (5) days of the adoption of this ordinance.

ARTICLE 10. PUBLICATION

This ordinance including the vote for and against the same shall be posted in the office of the City Clerk and on the three (3) official bulletin boards of the Town of Colma within fifteen (15) days of its passage and shall take force and effect thirty (30) days after its passage.

ARTICLE 11. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days following its adoption by the City Council.

Certification of Adoption

I certify that the foregoing Ordinance No.____ was duly introduced at a regular meeting of the City Council of the Town of Colma held on December 11, 2019, and adopted at a regular meeting of the City Council of the Town of Colma held on January _____, 2020, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor					
Diana Colvin					
Helen Fisicaro					
Raquel Gonzalez					
Joanne F. del Rosario					

<i>Voting Tally</i>			
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Dated: _____

John Irish Goodwin, Mayor

Attest: _____
Caitlin Corley, City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Pak Lin, Administrative Services Director
 Brad Donohue, Director of Public Works
 VIA: Brian Dossey, City Manager
 MEETING DATE: January 8, 2020
 SUBJECT: 2019 Capital Project Update

RECOMMENDATION

Staff recommends that the City Council adopts the following:

RESOLUTION APPROVIING FY 2019-20 FISCAL YEAR BUDGET AMENDMENT CARRYING OVER \$2,549,548 OF UNSPENT CAPITAL PROJECT BUGETS FROM PRIOR YEARS TO FY 2019-20 FISCAL YEAR BUDGET, RELEASING \$64,985 OF UNSPENT CAPITAL PROJECT FUNDING BACK TO RESERVES, WITH \$33,418 TO CAPITAL RESERVE FUND 31 AND \$31,567 TO FLEET REPLACEMENT FUND 61, AND INCREASING THE SERRAMONTE BLVD/COLLINS AVE MASTER PLAN BUDGET BY \$25,000

EXECUTIVE SUMMARY

The Town conducts periodic reviews of it's operating budget but has not provided such an update for the capital program. In the spirit of transparency and accountability, this report summarizes the capital project description, status, budget, and spending for all 25 active projects, as listed in Attachment B. This report also provides actual project budgets for bookkeeping purposes.

The Town's capital program, unlike the Town's operating budget, does not reset on July 1 of each year, and the unspent capital budget needs to be carried over to the new fiscal year. For transparency and accountability purposes, this report lists in Table 1 the Unspent Capital Project Budget, Project Budget Carryover, Additional Requests per FY 2019-20 budget, and the actual FY 2019-20 Capital Project Budget. The total carryover budget from FY2018-19 is \$2,549,548 bringing the aggregate FY2019-20 capital project budget to \$3,662,188.

In reviewing the capital program, five projects were also identified as projects that can be financially closed, which involves reducing the project budget and releasing earmarked funds to be redesignated as available and to the unassigned reserve. As of December 31, 2019, five projects meet the criteria: Roadway Network Plan (SSAR), Sanitary Sewer System Assessment,

Sterling Park Playground Improvement, Access Control at Town Facilities, and Dispatch Furniture Upgrade.

Lastly, in the process of reviewing the capital program, Staff identified three projects that will need additional funds. One project that requires a budget amendment is the Serramonte/Collins Master Plan. Two other CIP projects, the Mission Road Improvement Project and the General Plan Update are being costed out and will be brought forward for a budget amendment at a later time.

Overall, the Town's capital program is on track to meet the targeted completion dates and is within budget. Of the 25 active projects in FY 2019-20, 18 are in progress and seven will begin in the second half of FY 2019-20.

FISCAL IMPACT

1. Increasing the FY 2019-20 Budget by \$2,549,548 to reflect the unspent prior years' project budget has no fiscal impact. The fund was earmarked for the projects listed in Table 1, below.
2. Releasing the \$64,985 of unspent capital project budgets back to Fund 31 and 61 has no fiscal impact. The releasing of earmarked funds and redesignating it as available unassigned reserves allows the City Council to reallocate the funds to other projects.
3. Increasing the project budget for Serramonte Blvd/Collins Ave Master Plan will reduce Fund 32 reserve by \$25,000.

BACKGROUND

The 2019-2024 Five-Year Capital Improvement Plan was approved by the City Council on March 13, 2019 and incorporated into the FY 2019-20 Annual Budget on June 12, 2019. The program included 17 active projects in FY 2019-20, nine future or unfunded projects, and eight projects to be completed by June 30, 2019. The capital project budgets for the eight projects were kept open into FY 2019-20 to pay for trailing invoices from contractors and subcontractors.

A periodic review of the Town's capital program provides transparency and accountability. Attachment B of this report provides a status update on all capital projects, total spending through December 31, 2019, and actual carryover capital project budget at July 1, 2019.

ANALYSIS

Of the 25 capital projects listed in Attachment B, seven projects will begin in 2020 and 18 projects have been completed or are in progress. Through December 31, 2019, the Town has:

- Expended \$640,000 of its FY 2019-20 capital budget;
- Is carrying over \$2,549,548 of prior fiscal years' capital project budget;
- Can release \$64,985 of capital project budget funding back to Capital Fund 31 and Fleet Replacement Fund 61; and,
- Is requesting to increase the budget for one project.

Attachment B summarizes the capital project scope, project status, spending since the start of project, capital project budget since the start of project, and available capital project budget as of December 31, 2019. Since the Town operates on a cash basis during the fiscal year, the expenditure total in this report does not account for any unpaid invoices that Staff is still reviewing or waiting for from the contractors.

Carryover Project Budget

The Town's financial system, like many financial systems available in the market, is designed to record and reset at fiscal year-end. As a result, unspent active capital project budgets do not automatically carry over to the following fiscal year. To remedy this limitation, budget amendments are used to increase capital project budgets in the new year by the unspent capital project budgets from the prior year. The FY 2019-20 Capital Budget of \$1.1 million will increase by \$2.5 million (carry over from FY2018-19) via a budget amendment.

Table 1	Project Budget Thru 6/30/2019	Spending Thru 6/30/2019	Unspent Project Budget at 7/1/2019	Project Budget Carryover to 7/1/2019	Additional Request @ 7/1/2019	2019/20 Project Budget
Project Title (Number)	[a]	[b]	[a] - [b]	[c]	[d]	[c] + [d]
Category 1: Streets, Sidewalks, and Bikeways						
El Camino Real Bicycle and Pedestrian Improvement Plan (914)	\$ 225,000	\$ (24,091)	\$ 200,909	\$ 200,909	\$ 0	\$ 200,909
Mission Road Bicycle and Pedestrian Improvement Project (903)	\$ 1,608,500	\$ (163,899)	\$ 1,444,601	\$ 1,444,601	\$ 0	\$ 1,444,601
Roadway Network Plan (SSAR) (993)	\$ 300,000	\$ (292,905)	\$ 7,095	\$ 0	\$ 0	\$ 0
Serramonte Boulevard/Collins Avenue Master Plan (913)	\$ 400,000	\$ (341,049)	\$ 58,951	\$ 58,951	\$ 0	\$ 58,951
New projects in FY 2019-20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 195,000	\$ 195,000
Category 2: Sewers & Storm Drains						
Sanitary Sewer System Assessment (971)	\$ 166,000	\$ (154,269)	\$ 11,731	\$ 1,294	\$ 0	\$ 1,294
New projects in FY 2019-20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 95,000	\$ 95,000
Category 3: City Facilities & Long-Range Plans						
Climate Action Plan Update (994)	\$ 35,000	\$ (20,708)	\$ 14,292	\$ 14,292	\$ 0	\$ 14,292
General Plan Update (991)	\$ 403,650	\$ (29,760)	\$ 373,890	\$ 373,890	\$ 0	\$ 373,890
Sterling Park Playground Improvement (944)	\$ 537,500	\$ (510,138)	\$ 27,362	\$ 24,943	\$ 0	\$ 24,943
Town Hall Campus Renovation (947)	\$ 18,075,349	\$ (17,729,485)	\$ 345,864	\$ 345,864	\$ 0	\$ 345,864
New projects in FY 2019-20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 145,000	\$ 145,000
Category 4: Major Equipment, Technology & Fleet						
Access Control at Town Facilities (983)	\$ 335,000	\$ (313,331)	\$ 21,669	\$ 8,542	\$ 0	\$ 8,542
Dispatch Furniture Upgrade (988)	\$ 56,371	\$ (55,209)	\$ 1,162	\$ 1,157	\$ 0	\$ 1,157
Geographic Information System (985)	\$ 25,105	\$ 0	\$ 25,105	\$ 25,105	\$ 0	\$ 25,105
IT Infrastructure Upgrades (986)	\$ 55,000	\$ (54,665)	\$ 335	\$ 0	\$ 50,000	\$ 50,000
Records Management System (989)	\$ 50,000	\$ 0	\$ 50,000	\$ 50,000	\$ 0	\$ 50,000
Vehicle Replacement (987)	\$ 145,000	\$ (113,433)	\$ 31,567	\$ 0	\$ 277,640	\$ 277,640
New projects in FY 2019-20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 350,000	\$ 350,000
Total	22,417,475	(19,802,942)	2,614,533	2,549,548	1,112,640	3,662,188

Project Closeout and Fund Release

On Page 152 of the FY 2019-20 Budget, eight projects were listed to close by June 30, 2019. Based on our assessment, five of the eight projects are ready to be closed and \$64,985 of unspent capital budget funding should be released back to Capital Fund 31 (\$33,418) and Fleet Replacement Fund 61 (\$31,567). The five projects are:

- Roadway Network Plan SSAR (993)
- Sanitary Sewer System Assessment (971)
- Sterling Park Playground Improvement (944)
- Access Control at Town Facilities (983)
- Dispatch Furniture Upgrade (988)

Table 2

Project Title (Number)	Project Budget Thru 6/30/2019 [a]	Spending Thru 6/30/2019 [b]	Unspent Project Budget at 7/1/2019 [c] = [a] - [b]	Project Budget Carryover to 7/1/2019	Fund Release		
					Capital Fund 31	Fleet Replacement Fund 61	
Category 1: Streets, Sidewalks, and Bikeways							
Roadway Network Plan (SSAR) (993)	\$ 300,000	\$ (292,905)	\$ 7,095	\$ 0	\$ 7,095	\$ 0	
Category 2: Sewers & Storm Drains							
Sanitary Sewer System Assessment (971)	\$ 166,000	\$ (154,269)	\$ 11,731	\$ 1,294	\$ 10,437	\$ 0	
Category 3: City Facilities & Long-Range Plans							
Climate Action Plan Update (994)	\$ 35,000	\$ (20,708)	\$ 14,292	\$ 14,292	\$ 0	\$ 0	
Sterling Park Playground Improvement (944)	\$ 537,500	\$ (510,138)	\$ 27,362	\$ 24,943	\$ 2,419	\$ 0	
Town Hall Campus Renovation (947)	\$ 18,075,349	\$ (17,729,485)	\$ 345,864	\$ 345,864	\$ 0	\$ 0	
Category 4: Major Equipment, Technology & Fleet							
Access Control at Town Facilities (983)	\$ 335,000	\$ (313,331)	\$ 21,669	\$ 8,542	\$ 13,127	\$ 0	
Dispatch Furniture Upgrade (988)	\$ 56,371	\$ (55,209)	\$ 1,162	\$ 1,157	\$ 5	\$ 0	
Geographic Information System (985)	\$ 25,105	\$ 0	\$ 25,105	\$ 25,105	\$ 0	\$ 0	
IT Infrastructure Upgrades (986)	\$ 55,000	\$ (54,665)	\$ 335	\$ 0	\$ 335	\$ 0	
Vehicle Replacement (987)	\$ 145,000	\$ (113,433)	\$ 31,567	\$ 0	\$ 0	\$ 31,567	
Total	19,730,325	(19,244,143)	486,182	421,197	33,418	31,567	

Currently, the Climate Action Plan Update (994) is on hold while the San Mateo County RICAPS is finishing the Climate Action Plan report template for all San Mateo County agencies to use.

The Town Hall Campus Renovation (947) project is being kept open to address final building purchases.

IT Infrastructure Upgrades (986) and Vehicle Replacement (987) projects are ongoing in nature and prior fiscal year's unspent budget should be returned to the corresponding fund reserve to be used for future purchases or improvements.

Lastly, the Geographic Information System (985) can be closed once the Town receives the interactive computer monitor for plan review at the front counter.

Budget Amendments

From time to time, capital project budgets need to be adjusted due to unforeseen regulatory changes or a change in scope. Such will be the case for the following three projects.

- **Serramonte Blvd/Collins Ave Master Plan (913).** The project was commissioned in October of 2017 and was to be completed in October of 2018. The project was approved at the City Council's November 26, 2019 meeting. The project did run more than a year longer than expected due to a Contract Amendment (1st Amendment) and complications with the consultant. The Consultant and their team were requesting enhanced traffic modeling to review the lane reduction concept (Road Diet) centering in on traffic flow, traffic queuing, signal coordination and extended work with CalTrans Highway operations,

(ingress and egress regarding El Camino Real and Junipero Serra Boulevard). Along with the extra work, it included extra meetings with Staff, Caltrans and City Council Presentations. Though the Consultant was able to keep within their original budget, except for the 1st amendment, the contract did extend longer than estimated which included more staff time and involvement in the final product. Serramonte Boulevard and Collins Master Plan exceeded its original budget by an estimated \$25,000. (The requested budget increase includes costs for the 1st Amendment, added staff time and contingency for any unforeseen closeout costs).

- **Mission Road Bicycle and Pedestrian Improvement Plan (903).** The original budget estimate to improve Mission Road (Approximately 1.6 million) is estimated to grow in cost. The main factors in the cost increase are due to the required work and research from the Federal Highway Administration's extensive work in the environmental clearance. The Scope of work for the Mission Road Improvement project has expanded to include resurfacing the entire roadway from Lawndale to El Camino Real, adding one high visibility crosswalk, and additional street lights. Cost of Construction has also been trending upwards over the last few years, it is anticipated that our original construction estimates have increased some 20%. A Budget amendment for the Mission Road Improvement Plan will be presented to the City Council separately, once all comments from from Caltrans and other regulatory agencies have made their final comments. Once that phase is complete, staff will come back to the City Council with revised estimates and approval to go to bid.
- **General Plan Update (991).** On July 24, 2019, the City Council authorized the Town to apply for SB2 grant to offset the cost for the General Plan Update. The Town's contribution to the Plan, prior to the grant award, was \$403,650. On October 30, 2019, the Town was awarded \$160,000 towards the completion of the General Plan. At this time additional costs are still being assembled from various consultants and staff regarding the Environmental Impact Report (EIR) and public outreach efforts. Once assembled staff will come back to City Council for an amendment to the General Plan Update budget.

Reasons For the Recommended Action/Findings

Staff is recommending the City Council:

1. Approve budget amendment of \$2,549,548 to carryover unspent prior years' capital project budget. This will allow the Financial Software to reflect the true capital project budget for the projects listed in Table 1.
2. Approve release of \$64,985 of unspent capital project budget, as listed in Table 2, with \$33,418 going back to Capital Reserve Fund 31 and \$31,567 going back to Fleet Replacement Reserve Fund 61. By releasing the unspent capital project budget, the projects can be closed out in the financial system and the funding will now be available for reallocation to other capital improvement projects.
3. Approve project budget increase of \$25,000 for Serramonte Blvd/Collins Ave Master Plan.

Council Adopted Values

Periodic review of the Capital Program is an exercise of government transparency, fiscal accountability, and thoughtfulness in the use of public funds. Periodic review provides a brief project scope and progress, project budget and spending summary, and explanation for budget amendments and project delays. It allows the City Council to thoughtfully decide and direct staff whether to continue the current course or to shift priorities.

CONCLUSION

Overall, the Town's capital program is on track to meet the targeted completion date and is within budget. Of the 25 active projects in FY 2019-20, 18 are in progress and seven will begin in the second half of FY 2019-20. Of the 18 projects in progress, five are ready to close and the corresponding project fund can be released back to fund reserve.

ATTACHMENTS

- A. Resolution
- B. 2019 Capital Program Status Update

**RESOLUTION NO. 2020-##
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION APPROVING FY 2019-20 FISCAL YEAR BUDGET AMENDMENT
CARRYING OVER \$2,549,548 OF UNSPENT CAPITAL PROJECT BUDGETS FROM
PRIOR YEARS TO FY 2019-20 FISCAL YEAR BUDGET, RELEASING \$64,985 OF
UNSPENT CAPITAL PROJECT FUNDING BACK TO RESERVES, WITH \$33,418 TO
CAPITAL RESERVE FUND 31 AND \$31,567 TO FLEET REPLACEMENT FUND 61, AND
INCREASING THE SERRAMONTE BLVD/COLLINS AVE MASTER PLAN CAPITAL
PROJECT BUDGET BY \$25,000**

The City Council of the Town of Colma does resolve as follows.

1. Background

- (a) On June 12, 2019, the City Council approved and adopted the FY 2019-20 Budget with the expectation that five capital projects will carry over a estimate of \$1,895,884 to the new fiscal year and eight projects would be closed by June 30, 2019;
- (b) Completed projects, with a notice of completion submitted and approved by the City Council, are held open to ensure all trailing invoices are paid;
- (c) As of December 31, 2019, 18 projects are still being held open financially and the total capital project budget to be carried over to FY 2019-20 is \$2,549,548;
- (d) As of December 31, 2019, five capital projects are ready to be closed financially, releasing \$64,985 of unspent funding – with \$33,418 going to Capital Reserve Fund 31 and \$31,567 going to Fleet Replacement Fund 61;
- (e) Reviews of Town's active projects and spending pattern indicates that three of the 25 active projects will need budget amendments; and
- (f) The City Council duly considered the proposed budget amendments and public comments, if any, thereon.

2. Findings and Order.

- (a) *Summary of Carryover Appropriation.* Table 1, column C below, lists the carryover appropriation and the final project budget for FY 2019-20, shall be, and hereby is, adopted as the carryover budget amendment for the Town of Colma for Fiscal Year 2019-20.

Table 1	Project Budget Thru 6/30/2019	Spending Thru 6/30/2019	Unspent Project Budget at 7/1/2019	Project Budget Carryover to 7/1/2019	Additional Request @ 7/1/2019	2019/20 Project Budget
Project Title (Number)	[a]	[b]	[a] - [b]	[c]	[d]	[c] + [d]
Category 1: Streets, Sidewalks, and Bikeways						
El Camino Real Bicycle and Pedestrian Improvement Plan (914)	\$ 225,000	\$ (24,091)	\$ 200,909	\$ 200,909	\$ 0	\$ 200,909
Mission Road Bicycle and Pedestrian Improvement Project (903)	\$ 1,608,500	\$ (163,899)	\$ 1,444,601	\$ 1,444,601	\$ 0	\$ 1,444,601
Roadway Network Plan (SSAR) (993)	\$ 300,000	\$ (292,905)	\$ 7,095	\$ 0	\$ 0	\$ 0
Serramonte Boulevard/Collins Avenue Master Plan (913)	\$ 400,000	\$ (341,049)	\$ 58,951	\$ 58,951	\$ 0	\$ 58,951
New projects in FY 2019-20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 195,000	\$ 195,000
Category 2: Sewers & Storm Drains						
Sanitary Sewer System Assessment (971)	\$ 166,000	\$ (154,269)	\$ 11,731	\$ 1,294	\$ 0	\$ 1,294
New projects in FY 2019-20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 95,000	\$ 95,000
Category 3: City Facilities & Long-Range Plans						
Climate Action Plan Update (994)	\$ 35,000	\$ (20,708)	\$ 14,292	\$ 14,292	\$ 0	\$ 14,292
General Plan Update (991)	\$ 403,650	\$ (29,760)	\$ 373,890	\$ 373,890	\$ 0	\$ 373,890
Sterling Park Playground Improvement (944)	\$ 537,500	\$ (510,138)	\$ 27,362	\$ 24,943	\$ 0	\$ 24,943
Town Hall Campus Renovation (947)	\$ 18,075,349	\$ (17,729,485)	\$ 345,864	\$ 345,864	\$ 0	\$ 345,864
New projects in FY 2019-20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 145,000	\$ 145,000
Category 4: Major Equipment, Technology & Fleet						
Access Control at Town Facilities (983)	\$ 335,000	\$ (313,331)	\$ 21,669	\$ 8,542	\$ 0	\$ 8,542
Dispatch Furniture Upgrade (988)	\$ 56,371	\$ (55,209)	\$ 1,162	\$ 1,157	\$ 0	\$ 1,157
Geographic Information System (985)	\$ 25,105	\$ 0	\$ 25,105	\$ 25,105	\$ 0	\$ 25,105
IT Infrastructure Upgrades (986)	\$ 55,000	\$ (54,665)	\$ 335	\$ 0	\$ 50,000	\$ 50,000
Records Management System (989)	\$ 50,000	\$ 0	\$ 50,000	\$ 50,000	\$ 0	\$ 50,000
Vehicle Replacement (987)	\$ 145,000	\$ (113,433)	\$ 31,567	\$ 0	\$ 277,640	\$ 277,640
New projects in FY 2019-20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 350,000	\$ 350,000
Total	22,417,475	(19,802,942)	2,614,533	2,549,548	1,112,640	3,662,188

(b) *Summary of Project Closeout.* Table 2, columns titled "Fund Release" below, summarizes project budgets to be closed and the amount to be transferred back to undesignated capital reserves Fund 31 and fleet replacement fund 61.

Table 2

Project Title (Number)	Project Budget Thru 6/30/2019 [a]	Spending Thru 6/30/2019 [b]	Unspent Project Budget at 7/1/2019 [c] = [a] - [b]	Project Budget Carryover to 7/1/2019	Fund Release		
					Capital Fund 31	Fleet Replacement Fund 61	
Category 1: Streets, Sidewalks, and Bikeways							
Roadway Network Plan (SSAR) (993)	\$ 300,000	\$ (292,905)	\$ 7,095	\$ 0	\$ 7,095	\$ 0	
Category 2: Sewers & Storm Drains							
Sanitary Sewer System Assessment (971)	\$ 166,000	\$ (154,269)	\$ 11,731	\$ 1,294	\$ 10,437	\$ 0	
Category 3: City Facilities & Long-Range Plans							
Climate Action Plan Update (994)	\$ 35,000	\$ (20,708)	\$ 14,292	\$ 14,292	\$ 0	\$ 0	
Sterling Park Playground Improvement (944)	\$ 537,500	\$ (510,138)	\$ 27,362	\$ 24,943	\$ 2,419	\$ 0	
Town Hall Campus Renovation (947)	\$ 18,075,349	\$ (17,729,485)	\$ 345,864	\$ 345,864	\$ 0	\$ 0	
Category 4: Major Equipment, Technology & Fleet							
Access Control at Town Facilities (983)	\$ 335,000	\$ (313,331)	\$ 21,669	\$ 8,542	\$ 13,127	\$ 0	
Dispatch Furniture Upgrade (988)	\$ 56,371	\$ (55,209)	\$ 1,162	\$ 1,157	\$ 5	\$ 0	
Geographic Information System (985)	\$ 25,105	\$ 0	\$ 25,105	\$ 25,105	\$ 0	\$ 0	
IT Infrastructure Upgrades (986)	\$ 55,000	\$ (54,665)	\$ 335	\$ 0	\$ 335	\$ 0	
Vehicle Replacement (987)	\$ 145,000	\$ (113,433)	\$ 31,567	\$ 0	\$ 0	\$ 31,567	
Total	19,730,325	(19,244,143)	486,182	421,197	33,418	31,567	

(c) *Budget Amendment – increase project budget.* The following project requires additional funding

- (1) Due to changes in project scope and extension of project timeframe, Serramonte Blvd/Collins Ave Master Plan needs an additional \$25,000 to cover project management cost and the City Council allocates an additional \$25,000 from Fund 32 to the Serramonte Blvd/Collins Ave Master Plan budget.

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Certification of Adoption

I certify that the foregoing Resolution No. 2019-## was duly adopted at a regular meeting of the City Council of the Town of Colma held on January 8, 2020, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor					
Diana Colvin					
Raquel "Rae" Gonzalez					
Helen Fisicaro					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated _____

John Irish Goodwin, Mayor

Attest: _____
Caitlin Corley, City Clerk

"EXHIBIT A": SUMMARY OF APPROPRIATIONS FY 2019-20

Town-wide Financial	General	Special Revenues and Debt Funds	Capital	Vehicle Replacement	Enterprise	Total
	Funds (11,12)	(21, 23, 24, 25, 27, 29, 43)	Funds (31, 32, 33)	Fund (61)	Funds (81, 82, 83)	
Revenues by Categories						
Sales tax	11,400,000	0	0	0	0	11,400,000
Cardroom tax	4,250,000	0	0	0	0	4,250,000
Property and other taxes	751,700	0	0	0	0	751,700
Licenses and permits	277,034	0	0	0	0	277,034
Fines and forfeitures	92,846	0	0	0	0	92,846
Use of money and property	609,998	1,730	0	7,300	193,700	812,728
Revenues from other agencies	67,010	250,871	349,192	0	0	667,073
Charges for current services	159,942	0	0	0	894,000	1,053,942
Allocations	65,000	0	0	250,000	0	315,000
Other revenues	127,300	0	4,000	0	0	131,300
Total Revenues	17,800,830	252,601	353,192	257,300	1,087,700	19,751,623
Expenditures by Function						
General Government						
City Council (110)	333,490	0	0	0	0	333,490
City Attorney (130)	312,500	0	0	0	0	312,500
City Manager (140)	1,364,030	0	0	0	0	1,364,030
Human Resources (141)	218,482	0	0	0	0	218,482
Finance (150)	561,407	0	0	0	0	561,407
General Services (151)	1,209,650	0	0	0	0	1,209,650
COP Debt (620)	0	297,369	0	0	0	297,369
Public Safety						
Administration (210)	1,716,548	0	0	0	0	1,716,548
Patrol (220)	5,566,357	10,033	0	0	0	5,576,390
Communication/Dispatch (230)	1,121,777	0	0	0	0	1,121,777
Community Services CSO (240)	36,189	228,039	0	0	0	264,228
Public Works & Planning						
Admin/Engr/Building (310)	982,400	0	0	0	0	982,400
Maintenance/Sewer (320)	1,214,033	30,000	0	0	1,054,700	2,298,733
Facility Operations (800s)	706,175	0	0	0	98,550	804,725
Planning (410)	497,420	0	0	0	0	497,420
Recreation (510)	1,115,908	0	0	0	0	1,115,908
Capital Projects	0	0	1,060,984	277,640	95,000	1,433,624
Total Expenditure by Category	16,971,516	565,441	1,060,984	277,640	1,254,150	20,129,731
Operating Surplus/ (Deficit)	829,314	(312,840)	(707,792)	(20,340)	(166,450)	(378,108)
Other Activities						
Transfers In	0	297,369	1,317,000	0	160,700	1,775,069
Transfers (Out)	(1,775,069)	0	0	0	0	(1,775,069)
Net Transfers In/(Out)	(1,775,069)	297,369	1,317,000	0	160,700	0
Fund Balance						
Change in Fund Balance	(945,755)	(15,471)	609,208	(20,340)	(5,750)	(378,108)
Beginning Fund Balance @ 7/1/19	23,788,035	447,384	2,605,350	592,701	91,518	27,524,988
Ending Fund Balance	22,842,280	431,913	3,214,558	572,361	85,768	27,146,880
Trust Funds Balance						
OPEB Trust (71)						4,822,340
Pension Trust (72)						1,369,675
Ending Fund Balance - All Funds						33,338,896



Town of Colma

2019 Capital Project Update

Status	Project Budget Thru 6/30/2019 [a]	Spending Thru 6/30/2019 [b]	Carryover at 7/01/2019 [c] = [a] - [b]	Additional Request @ 7/01/2019 [d]	2019/20 Total Project Budget [e] = [c] + [d]	2019/20 Spending Thru 12/31/2019 [f]	Available Project Budget [e] - [f]
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Category 1: Streets, Sidewalks, and Bikeways**Annual Roadway Rehabilitation and Preventative Maintenance Program (906)****Overall Project Budget = \$917,900 [2020-22 Portion: \$767,900]****Overall Project Spending = \$0**

Description: The Annual Roadway Rehabilitation and Preventative Maintenance Program includes minor repairs, such as crack sealing, and major rehabilitation, such as slurry seal and mill and fill. The goal of the program is to maintain the Town's Pavement Condition Index at 80 or above. For FY 2019-20, the Public Works Department identified the 300 Block of F Street is in need of a mill and fill.

Status: Construction bid process will begin in 2020 to complete mill and fill at 300 block of F Street.

\$ 0	\$ (0)	\$ 0	\$ 150,000	\$ 150,000	\$ (0)	\$ 150,000
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El Camino Real Bicycle and Pedestrian Improvement Plan (914)**Overall Project Budget = \$225,000 [Grant Portion: \$199,192]****Overall Project Spending = \$89,924**

Description: Comprehensive bicycle and pedestrian safety program along a portion of the El Camino Real corridor, (State Route 82) in the Town of Colma, from Daly City to South San Francisco, including enhancing transit, walkway and bicycle path options and opportunities to increase ridership on public transportation.

Status: In progress. Fehr & Peers is working on the conceptual plan.

\$ 225,000	\$ (24,091)	\$ 200,909	\$ 0	\$ 200,909	\$ (65,833)	\$ 135,076
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Lawndale and El Camino Real Landscape and Median (956)**Overall Project Budget = \$30,000 [2020-22 Portion: \$200,000]****Overall Project Spending = \$12,275**

Description: Rehabilitate median landscapes along Lawndale and ECR. FY 2019/20 scope of work includes developing conceptual plans for the area.

Status: Development of conceptual design began in September 2019. The conceptual plan is scheduled to be brought before the City Council in February/March 2020.

\$ 0	\$ (0)	\$ 0	\$ 30,000	\$ 30,000	\$ (12,275)	\$ 17,725
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Mission Road Bicycle and Pedestrian Improvement Project (903)**Overall Project Budget = \$1,608,500 [Grant Portion: \$825,000]****Overall Project Spending = \$339,307**

Description: The Mission Road Bicycle and Pedestrian Improvements Project includes implementation of several safety-related improvements for pedestrians, bicyclists and vehicles along Mission Road between El Camino Real and Lawndale Boulevard.

Status: The design phase is completed. Design spending exceeded projection due to a more extensive environmental review process. Currently, the project is under review by CalTrans and awaiting authorization to proceed. The next step is the construction bid process. A budget amendment will be needed.

\$ 1,608,500	\$ (163,899)	\$ 1,444,601	\$ 0	\$ 1,444,601	\$ (175,408)	\$ 1,269,193
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Roadway Network Plan (SSAR) (993)**Overall Project Budget = \$300,000 [2020-22 Portion: \$0]****Overall Project Spending = \$292,905**

Description: The Town of Colma was awarded a grant from the State to prepare a Systemic Safety Analysis Report (SSAR). The purpose of this grant is to study and identify safety deficiencies in the Town's roadway network including pedestrian sidewalks, bike paths, crosswalks, accessibility barriers and street lights. The study will review and recommend the proper countermeasures to correct potential safety issues.

Status: Completed. Funds will be released back to Capital Fund 31.

\$ 300,000	\$ (292,905)	\$ 7,905	\$ 0	\$ 7,905	\$ (0)	\$ 7,905
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Status	Project Budget Thru 6/30/2019 [a]	Spending Thru 6/30/2019 [b]	Carryover at 7/01/2019 [c] = [a] - [b]	Additional Request @ 7/01/2019 [d]	2019/20 Total Project Budget [e] = [c] + [d]	2019/20 Spending Thru 12/31/2019 [f]	Available Project Budget [e] - [f]
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Category 1: Streets, Sidewalks, and Bikeways (Cont.)

Serramonte Boulevard/Collins Avenue Master Plan (913)

Overall Project Budget = \$400,000 [2020-22 Portion: \$0] **Overall Project Spending = \$412,662**
Description: This project will provide a Comprehensive Review and Master Plan for Serramonte Boulevard as well as Collins Avenue.
Status: The consultant is working with Staff is finalizing the report. The final report will be provided in early-2020. A budget amendment of \$25,000 is needed.

\$	400,000	\$	(341,049)	\$	58,951	\$	0	\$	58,951	\$	(71,613)	\$	(12,662)
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Sterling Park Residential Streetlight Replacement Plan (926)

Overall Project Budget = \$15,000 [2020-22 Portion: \$0] **Overall Project Spending = \$0**
Description: The first phase of the project will provide a conceptual plan for the replacement of the streetlights within the Sterling Park residential area. The study will also evaluate responsible parties for the replacement of the lights. The estimated replacement cost is \$800,000.
Status: Will begin in 2020

\$	0	\$	(0)	\$	0	\$	15,000	\$	15,000	\$	(0)	\$	15,000
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Category 2: Sewers & Storm Drains

Colma Creek Channel Repairs (934)

Overall Project Budget = \$25,000 [2020-22 Portion: \$0] **Overall Project Spending = \$0**
Description: Project will be in three phases. FY 2019/20 will be phase 1. This study will identify, categorize and map the deteriorated areas, estimate costs to repair and identify what outside permits are to be required to enter and repair the creek walls and floor.
Status: In progress.

\$	0	\$	(0)	\$	0	\$	25,000	\$	25,000	\$	(0)	\$	25,000
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Sanitary Sewer System Assessment (971)

Overall Project Budget = \$166,000 [2020-22 Portion: \$0] **Overall Project Spending = \$155,563**
Description: The Sanitary Sewer System Assessment will review the capacity of the Town’s Sewer System to determine if more commercial and residential growth can be accommodated. The study is being done in two phases.
Status: Completed. Funds to be released back to Capital Fund 31.

\$	166,000	\$	(154,269)	\$	11,371	\$	0	\$	11,371	\$	(1,294)	\$	10,437
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Storm Drain System Assessment and Mapping (972)

Overall Project Budget = \$70,000 [2020-22 Portion: \$140,000] **Overall Project Spending = \$0**
Description: Complete video of storm drain system and incorporate data to GIS layer.
Status: Begin bid process in 2020.

\$	0	\$	(0)	\$	0	\$	70,000	\$	70,000	\$	(0)	\$	70,000
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Category 3: City Facilities & Long-Range Plans

Climate Action Plan Update (994)

Overall Project Budget = \$35,000 [2020-22 Portion: \$0] **Overall Project Spending = \$23,155**
Description: The Climate Action Plan (CAP) guides the Town’s actions for greenhouse gas (GHG) reduction targets established under State Law (Assembly Bill 32, signed into law in 2006). Colma has completed an updated Community-wide Greenhouse Gas Inventory Report which confirmed that the Town should meet reduction targets.
Status: San Mateo County RICAPS requested for all San Mateo County agencies to use the same report format for its Climate Action Plan Update. As a result, the final report is delayed until the release of the template report.

\$	30,000	\$	(20,708)	\$	14,292	\$	0	\$	14,292	\$	(2,447)	\$	11,846
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Status	Project Budget Thru 6/30/2019 [a]	Spending Thru 6/30/2019 [b]	Carryover at 7/01/2019 [c] = [a] - [b]	Additional Request @ 7/01/2019 [d]	2019/20 Total Project Budget [e] = [c] + [d]	2019/20 Spending Thru 12/31/2019 [f]	Available Project Budget [e] - [f]
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Category 4: Major Equipment, Technology & Fleet (Cont.)

Dispatch Furniture Upgrade (988)

Overall Project Budget = \$56,371 [2020-22 Portion: \$0] **Overall Project Spending = \$56,366**

Description: Purchase and installation of the dispatch furnitures to meet ergonomics standards.

Status: Complete. Funds to be released back to Capital Fund 31.

\$	56,371	\$	(55,209)	\$	1,162	\$	0	\$	1,162	\$	(1,157)	\$	5
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Financial Software Replacement (965)

Overall Project Budget = \$50,000 [2020-22 Portion: \$0] **Overall Project Spending = \$0**

Description: Upgrade the Town's Financial System (ERP) prior to the current system is phased out.

Status: Will begin bid process in 2020 for a consulting to conduct a need assessment and coordinate system demos.

\$	0	\$	(0)	\$	0	\$	50,000	\$	50,000	\$	(0)	\$	50,000
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Geographic Information System (985)

Overall Project Budget = \$25,105 [2020-22 Portion: \$0] **Overall Project Spending = \$7,824**

Description: The Geographic Information System (GIS) project includes costs associated with developing and deploying mapping and other geographic data for use in providing public services. Remaining work involves developing key base layer maps and obtaining any additional computer hardware and software to use the system.

Status: Waiting for the delivery of new planning screens for plan reviews at the front counter.

\$	25,105	\$	(0)	\$	25,105	\$	0	\$	25,105	\$	(7,824)	\$	17,281
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IT Infrastructure Upgrades (986)

Overall Project Budget = \$50,000 [2020-22 Portion: \$50,000/year] **Overall Project Spending = \$44,146**

Description: Ongoing program for technology infrastructure upgrades. FY 2019-20 includes the replacement of desktop computers at Town Hall and Recreation. Desktop computers at Police was replaced in FY 2018-19.

Status: Desktop computers for Town Hall and Recreation are purchased and installed. IT Infrastructure Upgrade is an ongoing program. Unspent prior-year budget of \$335 will be released back to Capital Fund 31 and not be carried over to the new fiscal year.

FY 2018-19	\$	55,000	\$	(54,665)	\$	335	\$	0	\$	0	\$	(0)	\$	0
FY 2019-20	\$	0	\$	(0)	\$	0	\$	50,000	\$	50,000	\$	(44,146)	\$	5,854

Parking Permit Software (981)

Overall Project Budget = \$0 [2020-22 Portion: \$0] **Overall Project Spending = \$0**

Description: Purchase and implement parking permit program/system.

Status: Continue to research for available plug-and-play applications.

\$	0	\$	(0)	\$	0	\$	50,000	\$	50,000	\$	(0)	\$	50,000
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Records Management System (989)

Overall Project Budget = \$0 [2020-22 Portion: \$0] **Overall Project Spending = \$0**

Description: Purchase and implement record management system.

Status: Finalizing contract with vendor.

\$	50,000	\$	(0)	\$	50,000	\$	0	\$	50,000	\$	(0)	\$	50,000
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Status	Project Budget Thru 6/30/2019 [a]	Spending Thru 6/30/2019 [b]	Carryover at 7/01/2019 [c] = [a] - [b]	Additional Request @ 7/01/2019 [d]	2019/20 Total Project Budget [e] = [c] + [d]	2019/20 Spending Thru 12/31/2019 [f]	Available Project Budget [e] - [f]
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Category 4: Major Equipment, Technology & Fleet (Cont.)

Vehicle Replacements (987)

Overall Project Budget = \$277,640 [2020-22 Portion: \$808,460] Overall Project Spending = \$70,973

Description: Purchase of patrol vehicle, detective vehicle, police motorcycle, and public works dump truck.

Status: Purchased and outfitted the detective vehicle and police motorcycle. Detective vehicle replacement was less than budgeted. The Town was able to reuse existing hardwares and equipment in the new vehicle. Vehicle Replacement fund is an ongoing program. Unspent prior-year budget of \$31,567 will be released back to Fleet Replacement Fund 61 and not be carried over to the new fiscal year.

FY 2018-19	\$ 145,000	\$ (113,433)	\$ 31,567	\$ 0	\$ 0	\$ (0)	\$ 0
FY 2019-20	\$ 0	\$ (0)	\$ 0	\$ 277,640	\$ 277,640	\$ (70,973)	\$ 206,667

Equipment Purchase and Replacement (984)

Overall Project Budget = \$0 [2020-22 Portion: \$0] Overall Project Spending = \$0

Description: Purchase and implementation of major equipment. For FY 2019-20, the project is upgrading the Police Dispatch Center radio and equipment.

Status: Finalizing contract with vendor.

\$ 0	\$ (0)	\$ 0	\$ 250,000	\$ 250,000	\$ (0)	\$ 250,000
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Total	\$ 22,217,474	\$ (19,802,942)	\$ 2,614,533	\$ 1,112,640	\$ 3,662,188	\$ (636,553)	\$ 3,025,636
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Less: Fund Released	\$ (64,985)	CIP Fund 31 (\$33,418), Vehicle Fund 61 (\$31,567)
Add: Budget Amendment	\$ 25,000	For Serramonte Blvd/Collins Ave Master Plan (913)
Total Carryover	\$ 2,574,548	

