



**AGENDA
REGULAR MEETING
CITY COUNCIL OF THE TOWN OF COLMA
Wednesday, October 12, 2022
7:00 PM**

The City Council meeting will be conducted virtually pursuant to the provisions of Assembly Bill 361 amending the Ralph M. Brown Act and Government Code Section 54953(e) (and without compliance with section 54953(b)(3)) related to conducting public meetings during the COVID-19 pandemic based on the current State of Emergency and the existing State recommendations on social distancing. The Council Chambers will not be open to the public for this City Council meeting.

Members of the public may view the meeting by attending, via telephone or computer, the Zoom Meeting listed below:

Join Zoom Meeting: <https://us02web.zoom.us/j/81289976261>
Passcode: 074407

Meeting ID: 812 8997 6261
Passcode: 074407

One tap mobile
+16699006833,,81289976261#,,,,,0#,,074407# US (San Jose)
+13462487799,,81289976261#,,,,,0#,,074407# US (Houston)

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+1 669 900 6833 US (San Jose)
+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)

Meeting ID: 812 8997 6261
Passcode: 074407

Find your local number: <https://us02web.zoom.us/j/kco5bgxkcc>

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

PLEDGE OF ALLEGIANCE AND ROLL CALL

ADOPTION OF AGENDA

PRESENTATIONS

- Italian Flag Raising Recognition

PUBLIC COMMENTS

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

CONSENT CALENDAR

1. Motion to Accept the Minutes from the September 28, 2022 Regular Meeting.
2. Motion to Approve Report of Checks Paid for September 2022.
3. Motion to Reconfirm the Findings and Determinations Made in Resolution No. 2021-33 and Under Assembly Bill 361 for the Continuation of Virtual Meetings, with Acknowledgment that the California Department of Public Health has Updated the Definition of "Close Contact" in Regulation 3205 from Being within 6 Feet of Another Person to Sharing the Same Indoor Space with Another Person for 15 Minutes or More, Which Further Supports the Findings.
4. Motion to Accept Informational Report on Recreation Department Programs, Activities, Events, and Trips for the Third Quarter of 2022.
5. Motion Approving the Town's Response to the Grand Jury Report Dated August 9, 2022, Titled "A Delicate Balance Between Knowledge and Power: Government Transparency and the Public's Right to Know."

NEW BUSINESS

6. VACANT COMMITTEE ASSIGNMENTS

Consider: Motion to Motion to Approve Appointments to Certain Committee Assignment Vacancies and Grant to the Appointee Discretion in Voting on Matters Brought Before the Committee.

STUDY SESSION

7. UPDATES TO THE BROWN ACT

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

REPORTS

Mayor/City Council

City Manager

ADJOURNMENT

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

Reasonable Accommodation

Upon request, this publication will be made available in appropriate alternative formats to persons with disabilities, as required by the Americans with Disabilities Act of 1990. Any person with a disability, who requires a modification or accommodation to view the agenda, should direct such a request to 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
Meeting Held Remotely via Zoom.us
Wednesday, September 28, 2022
CLOSED SESSION – 6:00 PM
REGULAR SESSION – 7:00 PM

CLOSED SESSION – 6:00 PM

1. In Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators.

Agency Negotiator: Austris Rungis, IEDA
Employee Organizations: Colma Communications/Records Association

PLEDGE OF ALLEGIANCE AND ROLL CALL – 7:00 PM

Mayor Fiscaro called the regular session to order at 7:02 p.m.

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

Staff Present – City Manager Brian Dossey, City Attorney Christopher Diaz, Chief of Police John Munsey, Administrative Services Director Pak Lin, Director of Public Works and Planning Brad Donohue, City Planner Farhad Mortazavi, City Clerk Caitlin Corley, and Associate Planner Alvin Jen were in attendance.

The Mayor announced, “As always, we are accepting public comments through email or the zoom chat function—you can email our City Clerk at ccorley@colma.ca.gov or use the chat function to let her know which item you would like to speak on. Please keep your comments to 3 minutes or less. Thank you.”

REPORT FROM CLOSED SESSION

Mayor Fiscaro announced, “Direction was given to staff at the end of tonight’s closed session.”

ADOPTION OF THE AGENDA

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

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

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

PRESENTATIONS

- Chief of Police John Munsey introduced new Police Officer Reinalyn Duma and new Reserve Police Officer Andres Abarca.
- **Armenian Flag Raising Recognition:**

The Mayor announced, "Last Wednesday, on September 21st, we had a wonderful event at the Colma Community Center to raise the Armenian Flag in honor of Armenian Independence Day. We were joined by so many members of the local Armenian Community, including John Kevranian, Northern California Regional Council Co-Chair of Armenian Assembly of America, as well as the principal and a contingent of students from Krouzian-Zekarian-Vasbouragan Armenian School. It was especially wonderful to have the students sing the Armenian National Anthem as the flag was raised."

She read selections from the proclamation.

PUBLIC COMMENTS

Mayor Fiscaro opened the public comment period at 7:12 p.m. Astrid Varteressian of Warm Water Wellness thanked the Council for their support for the reopening of the Mickelson Therapy Pool. The Mayor closed the public comment period at 7:15 p.m.

CONSENT CALENDAR

2. Motion to Accept the Minutes from the September 14, 2022 Regular Meeting.
3. Motion to Accept the Minutes from the September 21, 2022 Special Meeting.
4. Motion to Adopt a Resolution in Support of Proposition 1, to Amend the California Constitution to Expressly Include an Individual's Fundamental Right to Reproductive Freedom, in the November 8, 2022 Statewide General Election.

Action: Council Member Goodwin moved to approve the consent calendar items #2 through 4; the motion was seconded by Council Member Colvin and carried by the following vote:

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

NEW BUSINESS

5. **AMENDED CONDITIONAL USE PERMIT AND DESIGN REVIEW – KIA SERVICE CENTER**

City Planner Farhad Mortazavi informed the City Clerk that he would log out of the meeting for this item, as he has a conflict of interest. Associate Planner Alvin Jen presented the staff report. The Mayor opened the public comment period at 7:32 p.m. The applicant Mathew Zaheri made a comment. Resident Thomas Taylor made a comment. The Mayor closed the public comment period at 7:39 p.m. Council discussion followed.

Action: Vice Mayor del Rosario moved to Adopt a Resolution Approving an Amended Conditional Use Permit and Granting an Exception to the Spanish Mediterranean Design Review Overlay to Allow for an Auto Dealership Expansion to Add a New Service Center to an Existing Auto Dealership in a Modern Design Architecture Located at 600 Serramonte Boulevard - APN:008-392-140; and the motion was seconded by Council Member Goodwin and carried by the following vote:

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

City Planner Farhad Mortazavi rejoined the meeting.

COUNCIL CALENDARING

There will be a Special Meeting for the Italian Flag Raising Ceremony on Wednesday, October 12, 2022 at 10:00 a.m. at the Colma Community Center.

The next Regular Meeting will be on Wednesday, October 12, 2022 at 7:00 p.m.

REPORTS

City Manager Brian Dossey gave an update on the following topics:

- Thank you to Human Resources Analyst Gioia Perez and Recreation Coordinators Daisy Esquivias and Dinora Navarro for the excellent Staff Potluck Barbeque this week. It was very nice to be back together in person.
- Thank you and congratulations to the Police Dispatchers, especially Dispatch Supervisor Amanda Velasquez, for becoming certified in the California Incident Based Reporting System. Chief Munsey spoke more about the new system and thanked his staff for all the hard work.

ADJOURNMENT

Mayor Fiscaro adjourned the meeting at 8:03 p.m. in memory of Paul A. DeNatale, longtime community member and Daly City firefighter.

Respectfully submitted,

Caitlin Corley
City Clerk

apCkHist
10/05/2022 9:11AM

Check History Listing
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55316	09/06/2022	03267 ACC BUSINESS			222228386	09/06/2022	1,345.33	1,345.33
55317	09/06/2022	00623 ARAMARK			5180044541	08/01/2022	111.92	
					5180048066	08/08/2022	111.92	
					5180052132	08/15/2022	111.92	
					5180055817	08/22/2022	111.92	
					5180040811	07/25/2022	111.92	
					5180059599	08/29/2022	111.92	
					5180044540	08/01/2022	25.90	
					5180048064	08/08/2022	25.90	
					5180052128	08/15/2022	25.90	
					5180055815	08/22/2022	25.90	
					5180040809	07/25/2022	25.90	
					5180059597	08/29/2022	25.90	
					5180048050	08/08/2022	18.90	
					5180052125	08/15/2022	18.90	
					5180052106	08/15/2022	18.90	
					5180055813	08/22/2022	18.90	
					5180055800	08/22/2022	18.90	
					5180044538	08/01/2022	18.90	
					5180059595	08/29/2022	18.90	
					5180044527	08/01/2022	18.90	
					5180059583	08/29/2022	18.90	997.02
55318	09/06/2022	00002 AT&T			08/18/2022	08/18/2022	41.80	41.80
55319	09/06/2022	03519 BAY AREA JUMP			09/10/2022 Activity	08/30/2022	1,427.75	1,427.75
55320	09/06/2022	00087 CITY OF DALY CITY			AR258820	08/25/2022	200.23	200.23
55321	09/06/2022	01037 COMCAST CABLE			08/25-09/24 Internet	08/20/2022	251.72	
					80/27-09/26 XFINITY	08/17/2022	10.94	262.66
55322	09/06/2022	00452 CPRS/CA PARK & REC SOC			2022 D.Esquivias	08/19/2022	145.00	145.00
55323	09/06/2022	00071 CSG CONSULTANTS, INC.			202	09/06/2022	118,644.15	118,644.15
55324	09/06/2022	03224 DECORATIVE PLANT SERV			0029039	09/01/2022	157.45	157.45

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Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55325	09/06/2022	00112 DEPARTMENT OF JUSTICE			511613	08/04/2022	371.00	371.00
55326	09/06/2022	03522 LINDA FIELDER			41581P-Refund	08/30/2022	17.00	17.00
55327	09/06/2022	02499 (RICOH) GE CAPITAL INFOI			106450755	08/19/2022	513.17	1,062.69
					106456101	08/23/2022	274.76	
					106450757	08/19/2022	274.76	
55328	09/06/2022	02382 MARIA GONZALEZ			2002348.003	08/29/2022	150.00	150.00
55329	09/06/2022	02119 CHRISTOPHER GRANT			07/18-19/22EEReimb	09/03/2022	164.50	164.50
55330	09/06/2022	00236 LAURETTA PRINTING COM			32882	08/29/2022	673.48	673.48
55331	09/06/2022	00223 LESTER'S FLOWER SHOP			1869	08/25/2022	103.91	103.91
55332	09/06/2022	02788 MARGARET-ROSE S. LUNA			3	08/24/2022	350.00	350.00
55333	09/06/2022	03520 DANIELLE MARCIC			2002345.003	08/29/2022	30.00	30.00
55334	09/06/2022	00254 METRO MOBILE COMMUNI			220916	09/01/2022	602.00	700.91
					056527	08/16/2022	98.91	
55335	09/06/2022	00280 OFFICE DEPOT, INC.			262133880001	09/06/2022	245.74	245.74
55336	09/06/2022	00307 PACIFIC GAS & ELECTRIC			08/25/2022	08/25/2022	2,227.18	2,415.00
					0567147369-1	08/30/2022	187.82	
55337	09/06/2022	03311 GABRIELA PLANCARTE			2002347.003	08/29/2022	300.00	300.00
55338	09/06/2022	03521 JOANN SEAVER			2002346.003	08/29/2022	275.00	275.00
55339	09/06/2022	00069 SSF POLICE ASSN (SSFPA)			2022.09.07 LUNCHEON	09/06/2022	160.00	160.00
55340	09/06/2022	00830 STAPLES BUSINESS CRED			1643866593	08/25/2022	727.42	727.42
55341	09/06/2022	03518 STEVE LUCKY & THE RHUI			8-24-22 2nd install	08/24/2022	1,000.00	1,000.00
55342	09/06/2022	02849 6746050100 U.S. BANK PAF			2022.09 OPEB	09/01/2022	128,788.00	128,788.00
55347	09/13/2022	03526 STEVEN AGID			CO057805-Refund	09/12/2022	298.00	298.00
55348	09/13/2022	00013 ANDY'S WHEELS & TIRES			August 2022	08/31/2022	4,489.77	4,489.77

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Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55349	09/13/2022	00020 ASSOCIATED SERVICES IN			122090196	09/01/2022	40.00	
					122090195	09/01/2022	9.00	49.00
55350	09/13/2022	00057 CINTAS CORPORATION #2			4130096080	09/01/2022	172.33	172.33
55351	09/13/2022	01037 COMCAST CABLE			08/26/22 Cable	08/26/2022	15,262.72	15,262.72
55352	09/13/2022	02583 CRIME SCENE CLEANERS,			85274	08/24/2022	283.00	283.00
55353	09/13/2022	01461 BRIAN DOSSEY			20220912 EE Reimb	09/12/2022	154.36	154.36
55354	09/13/2022	03525 VICTORIA ESTRADA			2002349.003	09/01/2022	275.00	275.00
55355	09/13/2022	02606 F. FERRANDO & CO.			43046	08/23/2022	2,148.00	2,148.00
55356	09/13/2022	03034 FLEX ADVANTAGE			146976	08/31/2022	205.00	205.00
55357	09/13/2022	02330 FOREMOST PROMOTIONS			S-2008688	07/19/2022	353.05	353.05
55358	09/13/2022	02499 (RICOH) GE CAPITAL INFOI			5065464164	09/01/2022	1,429.67	1,429.67
55359	09/13/2022	03416 GOVERNMENTJOBS.COM,			INV-23346	08/01/2022	16,769.68	16,769.68
55360	09/13/2022	00181 IEDA			23856	09/01/2022	1,628.05	1,628.05
55361	09/13/2022	03523 ADRIANA MARTINEZ			2002352.003	09/06/2022	200.00	200.00
55362	09/13/2022	03524 ANAIS NAVARRO			2002353.003	09/06/2022	80.00	80.00
55363	09/13/2022	01340 NAVIA BENEFIT SOLUTION			11997	09/12/2022	1,433.80	
					10507729	08/30/2022	117.70	1,551.50
55364	09/13/2022	00280 OFFICE DEPOT, INC.			258050808001	09/01/2022	24.60	
					258638531001	09/01/2022	9.45	
					258977271001	09/01/2022	9.45	43.50
55365	09/13/2022	01023 PRIORITY 1			8910	08/31/2022	615.70	615.70
55366	09/13/2022	02216 RAMOS OIL CO. INC.			818325	08/20/2022	2,354.43	2,354.43
55367	09/13/2022	03479 ROBERT HALF INTERNATIK			60650859	09/05/2022	1,012.78	
					60645279	09/01/2022	1,006.72	2,019.50

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Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55368	09/13/2022	01113 SAN DIEGO POLICE EQUIP			653413	08/31/2022	3,331.98	3,331.98
55369	09/13/2022	00500 (PARKING) SMC CONTROL			August 2022	09/06/2022	3,309.00	3,309.00
55370	09/13/2022	00534 SMC INFORMATION SERVI			1YCL12208	08/31/2022	82.25	82.25
55371	09/13/2022	01030 STEPFORD, INC.			2201533	08/30/2022	1,187.06	1,187.06
55372	09/13/2022	02443 SUN RIDGE SYSTEMS, INC			7266	09/06/2022	19,130.00	19,130.00
55373	09/13/2022	02383 JESSICA TOSCANO			2002351.003	09/06/2022	275.00	275.00
55374	09/13/2022	00411 TURBO DATA SYSTEMS			38333	08/31/2022	1,355.25	1,355.25
55375	09/13/2022	03015 U.S. BANK CORPORATE PM			08/22/22 Azzopardi	08/22/2022	3,404.89	
					08/22/22 Abellana	08/22/2022	3,287.27	
					08/22/22 Dossey	08/22/2022	3,209.26	
					08/22/22 Wollman	08/22/2022	2,022.43	
					08/22/22 Lum	08/22/2022	1,106.32	
					08/22/22 Gotelli	08/22/2022	1,012.02	
					08/22/22 Navarro	08/22/2022	976.61	
					08/22/22 Esquivias	08/22/2022	705.56	
					08/22/22 Dometita	08/22/2022	202.97	
					08/22/22 Lin	08/22/2022	146.49	
					08/22/22 Velasquez	08/22/2022	76.97	
					08/22/22 Goodwin	08/22/2022	53.49	
					08/22/22 Corley	08/22/2022	-525.00	15,679.28
55376	09/13/2022	03204 WATERLOGIC AMERICAS L			1725963	09/07/2022	226.42	226.42
55377	09/13/2022	02799 WAVE (ASTOUND)			103745301-0009691	09/01/2022	400.00	400.00
55378	09/13/2022	02132 JASON WOLLMAN			08.25.2022 Reimb	08/30/2022	20.00	20.00
55379	09/13/2022	00464 HINDERLITER, DE LLAMAS			SIN020672	08/23/2022	2,374.84	2,374.84
55380	09/20/2022	00004 AT&T			000018724372	09/01/2022	37.11	37.11
55381	09/20/2022	03334 LLC AT&T MOBILITY NATIO			287296200335X0910202	09/02/2022	5,073.97	5,073.97
55382	09/20/2022	01643 HELEN AUSTRIA			2002356.003	09/14/2022	300.00	300.00

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Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55383	09/20/2022	01565 BAY CONTRACT MAINTEN/			28006	08/10/2022	2,740.50	
					28135	09/10/2022	2,740.50	
					28136	09/10/2022	2,661.35	
					28139	09/10/2022	2,661.35	
					28140	09/10/2022	1,552.45	
					28138	09/10/2022	633.64	
					28141	09/10/2022	221.30	
					28137	09/10/2022	193.34	13,404.43
55384	09/20/2022	00038 BROADMOOR LUMBER & F			August 2022	08/31/2022	186.79	186.79
55385	09/20/2022	00051 CALIFORNIA WATER SERV			08/26/2022	08/26/2022	9,368.22	9,368.22
55386	09/20/2022	01995 CELETTA INVESTIGATIVE S			22-0913	09/13/2022	660.00	660.00
55387	09/20/2022	00057 CINTAS CORPORATION #2			4130834862	09/08/2022	566.62	
					4128050556	08/11/2022	566.62	
					4129411436	08/25/2022	564.97	
					4128050430	08/11/2022	323.74	
					4130834770	09/08/2022	323.74	
					4129411458	08/25/2022	322.65	
					4128828340	08/18/2022	172.33	
					4125995101	07/21/2022	172.33	3,013.00
55388	09/20/2022	01037 COMCAST CABLE			09/02 - 10/1/2022	08/27/2022	246.72	246.72
55389	09/20/2022	02182 DALY CITY KUMON CENTE			August 2022	09/13/2022	1,930.00	1,930.00
55390	09/20/2022	00112 DEPARTMENT OF JUSTICE			603569	09/06/2022	196.00	196.00
55391	09/20/2022	02793 DITO'S MOTORS			26321	08/05/2022	749.09	
					26470	08/30/2022	100.00	849.09
55392	09/20/2022	03034 FLEX ADVANTAGE			2022.10 Coverage	09/19/2022	57,551.17	57,551.17
55393	09/20/2022	03177 FUNFLICKS SF BAY AREA			10210677	09/13/2022	621.97	
					10210765	09/13/2022	621.97	1,243.94
55394	09/20/2022	02773 GRAPHICS ON THE EDGE			4792	09/09/2022	488.13	488.13
55395	09/20/2022	02965 HAPPYCAKE FACE PAINTIN			687127	08/10/2022	450.00	450.00

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Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55396	09/20/2022	01548 HEART OF SAN MATEO CO			798	09/08/2022	533.00	533.00
55397	09/20/2022	00174 HOME DEPOT CREDIT SEF			Jul 30 - Aug 29	08/29/2022	660.28	660.28
55398	09/20/2022	03273 HOME DEPOT PRO, THE			705009405	09/02/2022	1,068.79	1,068.79
55399	09/20/2022	03223 JAMES STANDFIELD CATEI			9287	09/10/2022	7,244.83	7,244.83
55400	09/20/2022	00211 KELLY-MOORE PAINTS			August 2022	08/31/2022	1,205.37	1,205.37
55401	09/20/2022	03061 NICK BARBIERI TRUCKING			2346845	08/31/2022	585.78	585.78
55402	09/20/2022	02155 DBA ALAMO GROUP (VA) IN			8215558	09/13/2022	956.43	956.43
55403	09/20/2022	00307 PACIFIC GAS & ELECTRIC			3007220528-6 08Sep22	09/08/2022	4,777.69	5,346.68
					9248309814-8 25Aug22	08/25/2022	312.75	
					0576889222-5 08Sep22	09/08/2022	237.97	
					0035222590-8 8Sep22	09/08/2022	18.27	
55404	09/20/2022	03366 PREMIER LOCKSMITH			08945	09/15/2022	350.00	350.00
55405	09/20/2022	00349 SEGALE & CERINI INC.			17258	08/31/2022	1,730.00	1,730.00
55406	09/20/2022	00352 SERRAMONTE FORD, INC.			317708	09/09/2022	82.80	82.80
55407	09/20/2022	00388 SONITROL			317227	08/16/2022	211.49	211.49
55408	09/20/2022	01030 STEPFORD, INC.			2205395	09/08/2022	1,278.75	1,278.75
55409	09/20/2022	00412 TELECOMMUNICATIONS E			47839	09/10/2022	1,515.00	1,515.00
55410	09/20/2022	00414 TERMINEX INTERNATIONAL			424290556	08/31/2022	265.00	348.00
					424290557	08/31/2022	83.00	
55411	09/20/2022	03457 TOWNSEND PUBLIC AFFAI			18908	09/01/2022	6,000.00	6,000.00
55416	09/27/2022	00003 A. S. F. ELECTRIC			1904	09/16/2022	434.65	434.65
55417	09/27/2022	03267 ACC BUSINESS			222538413	09/27/2022	13.99	13.99
55418	09/27/2022	02787 AECO SYSTEMS, INC.			55115	09/15/2022	550.16	550.16
55419	09/27/2022	00013 ANDY'S WHEELS & TIRES			65262	09/14/2022	875.21	

Check History Listing
Town of Colma

Bank code: first

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55422	09/27/2022	01355 BANK OF NEW YORK MELL			10/15/2022 Interest	09/20/2022	82,245.63	82,245.63
55423	09/27/2022	01183 BEST BEST & KRIEGER LLF			945428	09/16/2022	20,589.00	
					945429	09/16/2022	3,531.60	
					945430	09/16/2022	1,728.00	25,848.60
55424	09/27/2022	00051 CALIFORNIA WATER SERV			1727052702 14Sep22	09/14/2022	382.87	382.87
55425	09/27/2022	00057 CINTAS CORPORATION #2			4131568532	09/15/2022	172.33	172.33
55426	09/27/2022	01037 COMCAST CABLE			09/11-10/10 601 F St	09/07/2022	113.72	
					09/17-10/16 PD	09/12/2022	44.58	158.30
55427	09/27/2022	02827 CORODATA SHREDDING, II			RS3421619	08/31/2022	85.82	85.82
55428	09/27/2022	00076 COSTCO MEMBERSHIP			Nov 2022 Renewal	10/01/2022	240.00	240.00
55429	09/27/2022	02583 CRIME SCENE CLEANERS,			85534	09/20/2022	108.00	108.00
55430	09/27/2022	00071 CSG CONSULTANTS, INC.			07/30-08/26/22	09/09/2022	139,716.35	139,716.35
55431	09/27/2022	02662 DAVE'S CARPET INSTALLA'			1226	09/12/2022	5,019.65	5,019.65
55432	09/27/2022	00649 DAVEY TREE EXPERT COM			917000442	09/08/2022	3,220.00	3,220.00
55433	09/27/2022	00117 DELTA DENTAL OF CALIFOI			BE005152303	10/01/2022	13,738.60	13,738.60
55434	09/27/2022	00112 DEPARTMENT OF JUSTICE			601787	09/06/2022	435.00	435.00
55435	09/27/2022	02935 EMCOR SERVICES-MESA E			940010271	09/16/2022	3,076.00	3,076.00
55436	09/27/2022	02643 ENVIRONMENTAL SYSTEM			94325732	09/19/2022	1,500.00	1,500.00
55437	09/27/2022	02606 F. FERRANDO & CO.			43056	09/16/2022	5,932.00	5,932.00
55438	09/27/2022	02330 FOREMOST PROMOTIONS			706161	09/20/2022	1,269.13	1,269.13
55439	09/27/2022	02499 (RICOH) GE CAPITAL INFOI			106516141	09/09/2022	76.15	76.15

Check History Listing
Town of Colma

Bank code: first

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55442	09/27/2022	01036 MANAGED HEALTH NETWC			PRM-075208	09/16/2022	99.20	99.20
55443	09/27/2022	03191 MAZE & ASSOCIATES			46679	08/31/2022	18,745.00	18,745.00
55444	09/27/2022	00280 OFFICE DEPOT, INC.			266637233001	09/13/2022	53.77	53.77
55445	09/27/2022	02155 DBA ALAMO GROUP (VA) IN			8222605	09/16/2022	1,270.99	1,270.99
55446	09/27/2022	00307 PACIFIC GAS & ELECTRIC			1918250367-2 15Sep22	09/15/2022	6,279.59	
					0512181543-4-09Sep22	09/09/2022	1,943.82	8,223.41
55447	09/27/2022	01184 PENINSULA UNIFORMS & E			Aug 31, 2022	08/31/2022	2,400.31	2,400.31
55448	09/27/2022	00311 PITNEY BOWES INC.			3105713729	09/15/2022	899.64	899.64
55449	09/27/2022	03311 GABRIELA PLANCARTE			2002357.003	09/16/2022	650.00	650.00
55450	09/27/2022	02926 INC PRECISION BODY SHC			17158	09/19/2022	35.00	
					17050	09/12/2022	35.00	70.00
55451	09/27/2022	02216 RAMOS OIL CO. INC.			819877	08/31/2022	2,638.03	
					24959	09/10/2022	2,300.21	4,938.24
55452	09/27/2022	02886 READY REFRESH BY NEST			0210036457661	09/08/2022	42.97	42.97
55453	09/27/2022	03479 ROBERT HALF INTERNATIK			60410977	07/25/2022	1,024.90	
					60763501	09/22/2022	1,018.84	
					60446851	08/01/2022	994.60	
					60771260	09/26/2022	994.60	
					60716089	09/14/2022	944.87	4,977.81
55454	09/27/2022	00584 SAN MATEO COUNTY DEM			FY22-23JPA005	09/21/2022	6,046.00	6,046.00
55455	09/27/2022	02320 GUILLERMO SANCHEZ			2002358.003	09/19/2022	50.00	50.00
55456	09/27/2022	00349 SEGAL & CERINI INC.			17257	08/31/2022	19,888.50	19,888.50
55457	09/27/2022	00357 SIERRA DISPLAY, INC.			26582	08/22/2022	5,335.00	5,335.00

Check History Listing
Town of Colma

Bank code: first

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55459	09/27/2022	00388 SONITROL			319105	09/09/2022	1,143.11	1,143.11
55460	09/27/2022	02224 STANDARD INSURANCE C			2022.10 BLife	09/14/2022	232.57	232.57
55461	09/27/2022	01030 STEPFORD, INC.			2201579	09/20/2022	7,763.40	7,763.40
55462	09/27/2022	01101 TERRYBERRY COMPANY L			L76325	09/15/2022	578.99	578.99
55463	09/27/2022	00421 U.S. POSTAL SERVICE			#1433 Bulk 202209	09/27/2022	2,000.00	2,000.00
55464	09/27/2022	01414 VERANO OWNERS ASSOC			1365 Mission Rd-1022	09/21/2022	350.00	350.00
55465	09/27/2022	00432 VISION SERVICE PLAN			816113760	09/19/2022	1,029.20	
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9062022	09/06/2022	00282 CALIFORNIA PUBLIC EMPL			100000016904854	08/17/2022	6,715.59	6,715.59
first Total:								864,649.49

143 checks in this report

Total Checks: 864,649.49





STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Christopher J. Diaz, City Attorney

VIA: Brian Dossey, City Manager

MEETING DATE: September 14, 2022

SUBJECT: Motion to Reconfirm Findings and Determinations Under Resolution No. 2021-33 and Assembly Bill 361 for the Continuation of Virtual Meetings

RECOMMENDATION

Staff recommends that the City Council make the following motion:

MOTION TO RECONFIRM THE FINDINGS AND DETERMINATIONS MADE IN RESOLUTION NO. 2021-33 AND UNDER ASSEMBLY BILL 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS, WITH ACKNOWLEDGMENT THAT THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH HAS UPDATED THE DEFINITION OF "CLOSE CONTACT" IN REGULATION 3205 FROM BEING WITHIN 6 FEET OF ANOTHER PERSON TO SHARING THE SAME INDOOR SPACE WITH ANOTHER PERSON FOR 15 MINUTES OR MORE, WHICH FURTHER SUPPORTS THE FINDINGS.

EXECUTIVE SUMMARY

On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained at Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public

- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended allowing councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum in the jurisdiction. As the City Council is well aware, this allowed City Council meetings to be conducted by Zoom with councilmembers, staff, and the public, all joining from remote virtual locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21 which continued to allow for complete virtual meetings until September 30, 2021.

With the expiration of the Governor's Executive Order along with the uncertainty that surrounded the Governor's potential recall, the State Legislature also took the remote meeting issue into its own hands through the adoption of Assembly Bill 361, which is explained more in depth in the Analysis section below.

On October 13, 2021 the City Council adopted Resolution No.2021-33 making findings under AB 361 that state or local officials continue to recommend social distancing measures to prevent the spread of COVID-19 and including reference in particular to Cal-OSHA regulation 3205, which recommends physical distancing in the workplace. By motion and majority vote, the City Council may renew the findings of Resolution No. 2021-33 to continue to hold virtual meetings pursuant to AB 361.

ANALYSIS

On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and either:

- (1) state or local officials have imposed or recommended measures to promote social distancing; or
- (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

The Governor by executive order signed on September 20, 2021, suspended the effective date of AB 361 to October 1, 2021. As a result, if the City desires to have virtual meetings on or after October 1, 2021, it must do so consistent with the requirements of AB 361.

AB 361 preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given

item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation.

2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the City Council must, within thirty (30) days of its first meeting under AB 361, and every thirty (30) days thereafter, make findings that (a) state or local officials continue to recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees.

The above conditions continue to exist at this time, and staff recommends the City Council by motion reconfirm the findings and determinations made in Resolution No. 2021-33 so that the City Council may continue to meet virtually under AB 361.

Lastly, it is important to note that AB 361 is optional. If the City Council wishes, it may meet in person. In addition, hybrid meetings are permissible where Council attends in person and the public attends remotely via Zoom.

FISCAL IMPACT

The City Council's motion to continue with virtual meetings will maintain the status quo and no financial impact is anticipated.

ENVIRONMENTAL ISSUES

The City Council's approval of a motion to reconfirm findings does not constitute a project under the California Environmental Quality Act (CEQA) Guideline 15378(b)(5) as it constitutes an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment. Further, virtual meetings are likely to reduce certain impacts associated with vehicular travel related to in-person public meetings.

RECOMMENDATION

Move to reconfirm the findings and determinations made in Resolution No. 2021-33 and under Assembly Bill 361 for the continuation of virtual meetings.





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Angelika Abellana, Recreation Manager
 VIA: Brian Dossey, City Manager
 MEETING DATE: October 12, 2022
 SUBJECT: Recreation Services Department Quarterly Review, July - September 2022

RECOMMENDATION

Staff recommends that the City Council adopt:

MOTION TO ACCEPT INFORMATIONAL REPORT ON RECREATION DEPARTMENT
 PROGRAMS, ACTIVITIES, EVENTS, AND TRIPS FOR THE THIRD QUARTER OF 2022.

EXECUTIVE SUMMARY

In the third quarter of 2022, a total of 2,416 participants attended 47 programs. This represents an increase of 1,091 participants from the third quarter of 2021. Staff attributes the increase to the participation in community events such as the Summer Concert Series, Community Fair and the increase of allotted participants for Summer Day Camp.

There was a total of 37 rentals, which is an increase of 34 rental from the third quarter of 2021.

As the Recreation Department shifts from the post-pandemic state, staff continues to modify programs to align with health recommendations and guidelines. Staff was able to bring back Adults/Senior trips geared towards outdoor excursions to provide safe and leisurely programs for aging adults. To enhance socialization for the youth and teens during the summer months, staff reintroduced summer excursions at limited capacity. In addition, staff has shifted a majority senior programs in-person with the exception of the hybrid Senior Luncheon (in person and pick up).

As we move into winter, staff plans to offer more in-person programming depending on the state of the pandemic and case rate in San Mateo County.

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 102 adults and seniors participated in enrichment programs. This represents an increase of 44 participants from the third quarter of 2021. Staff attributes the increase in participation to increase of interest of Friday Films and Arm Chair program, and Zumba Gold fitness class.
- A total of 153 adults and seniors participated in trips and events. This represents a decrease of 60 participants from the third quarter of 2021. Staff attributes the decrease in participation due to Senior Luncheon Deliveries and Virtual Breakfast and Bingo shifting to an in-person/pick up program.
- A total of 814 youth and teens participated in Enrichment Programs. This represents an increase of 548 participants from the third quarter of 2021. Staff attributes the increase due to the participation of in-person Summer Camp and the increase of allowed participants for day camp. In addition, this quarter there was a increase in interest for the Summer Food Program from the community.
- A total of 124 youths and teens participated in events and trips. This represents an increase of 119 participants from the third quarter of 2021. Staff attributes the increase due to the return of the Summer Camp off-site field trips.
- A total of 1,223 youth, adults and seniors participated in Community Programs. This represents an increase of 349 participants from the third quarter of 2021. Staff attributes the increase due to additional Summer Concert added to the series, as well as increase in participation to the Annual Town Picnic.

The attachment contains a detailed breakdown of participation by program.

Rental Activity

The Colma Community Center was rented for 30 different events:

- Resident Rental (17 social, 1 funeral)
- Colma Non-Profit (1 fundraiser)
- Non-Resident Rental (1 social, 6 funeral)
- In House Reservations (1 event, 1 blood drives, 2 meeting)

The Sterling Park Recreation Center was rented for 17 different events:

- Sterling Park Resident Rental Reservations (17 social events)

ATTACHMENTS

- A. 2022 Recreation Services Department Quarterly Review – Participation Detail

**Recreation Services Department Quarterly Review
July - September 2022
Participation Detail**

Adult/Senior Enrichment Programs

Program	Registered	Sessions	New or Existing Program
Armchair Travel	17	3	Existing
Boot Camp Fitness	6	1	Existing
Chair Yoga	8	1	Existing
Colma Ladies Social	16	3	Existing
Friday Films	26	3	Existing
Let's Get Crafty	3	3	Existing
Talks and Tea	Cancelled	1	<i>NEW</i>
Zumba	16	1	Existing
Zumba Gold	10	1	<i>NEW</i>

Adult & Senior Trips & Events

Program	Registered	Sessions	New or Existing Program
Breakfast and Bingo	22	2	Existing
Senior Luncheon	94	3	Existing
Color Me Mine	Cancelled	1	Existing
San Francisco Japanese Tea Garden	7	1	Existing
Cypress Lawn – Tree Tour - Seniors	2	1	<i>NEW</i>
Veterans Village Colma ID Day	28	1	Existing

Youth & Teen Enrichment Programs

Program	Registered	Sessions	New or Existing Program
Kids' Club Afterschool Program	Cancelled	4	Existing
Kumon Math Tutoring	23	3	Existing
Kumon Reading Tutoring	15	3	Existing
Leaders in Training - Summer	5	1	Existing
Open Teen Center	Cancelled	1	Existing
Parents Night Out	Cancelled	3	Existing
Pokémon Engineering using Lego	Cancelled	1	<i>NEW</i>
Summer Day Camp	200	6	Existing
Summer Day Camp – Afternoon Care	159	6	Existing
Summer Day Camp – Early Morning Care	201	6	Existing
Summer Food Program	210	1	Existing
Tae Kwon Do	0	3	Existing
Vibo Beginning Piano	1	1	Existing
Vibo Guitar Workshop	Cancelled	1	Existing

Youth and Teen Events & Trips

Program	Registered	Sessions	New or Existing Program
Alcatraz Night Tour – Teen Trip	Cancelled	1	<i>NEW</i>
Cypress Lawn – Tree Tour – Day Camp	30	1	<i>NEW</i>
Dessert and Arts & Crafts	5	3	Existing
Exploratorium	24	1	Existing
Friday Night Lights	Cancelled	1	Existing
Open Teen Center	Cancelled	1	Existing
San Jose Discovery Museum	14	1	<i>NEW</i>
SF Giants Game – Day Camp	26	1	Existing
SF Giants Game – Teen Trip	Cancelled	1	<i>NEW</i>
SJ Earthquakes Game – Teen Trip	Cancelled	1	<i>NEW</i>
Stagecoach Greens SF	25	1	Existing

Community Programs

Program	Registered	Sessions	New or Existing Program
Colma Community Fair	350	1	Existing
Cypress Lawn – Tree Tour	2	1	<i>NEW</i>
Food Pantry Delivery Program	58	1	Existing
Grandparents Day Celebration	Cancelled	1	Existing
Multi-Cultural Craft Night	28	1	<i>NEW</i>
Summer Concerts	580	3	Existing
Town Picnic	205	1	Existing



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Caitlin Corley, City Clerk
 VIA: Brian Dossey, City Manager
 MEETING DATE: October 12, 2022
 SUBJECT: Grand Jury Response – Public Records Act

RECOMMENDATION

Staff recommends that the City Council make the following motion:

MOTION APPROVING THE TOWN’S RESPONSE TO THE GRAND JURY REPORT DATED August 9, 2022, TITLED “A DELICATE BALANCE BETWEEN KNOWLEDGE AND POWER: GOVERNMENT TRANSPARENCY AND THE PUBLIC’S RIGHT TO KNOW.”

EXECUTIVE SUMMARY

The City Council is required under California Penal Code sections 933 and 933.05 to respond to the Grand Jury report. The draft response letter is attached as Attachment B.

FISCAL IMPACT

There are no fiscal implications associated with the approval of the Town’s response to the Grand Jury report.

Background

The County Grand Jury is a volunteer body of 19 citizens, selected at random from a pool of nominees, to investigate local governmental agencies and make recommendations to improve the efficiency of local government. The August 9, 2022 Grand Jury report contains findings and recommendations on the Public Records Act and policies and procedures taken by local agencies in San Mateo County to respond to these requests.

The Presiding Judge of the County Superior Court has formally requested that the Town review the report and file a written response indicating the following:

- That the Town agrees or disagrees, in whole or in part, with the findings;

- That the recommendation has been implemented, will be implemented, requires further analysis, or will not be implemented; and
- An explanation of the reason for any disagreement with findings or recommendations;
- The response was approved by the Town City Council at a public meeting.

ANALYSIS

Grand Jury Findings

The proposed Grand Jury response letter, which includes the Grand Jury's findings and recommendations, is attached as Attachment B.

Council Adopted Values

Approving the Town's Grand Jury response is **responsible**, as it is legally required, and contributes to valuable information sharing between municipalities in the county.

CONCLUSION

Staff recommends that the City Council approve, by motion, the Town's proposed response to the August 9, 2022 Grand Jury Report Titled "A Delicate Balance Between Knowledge and Power: Government Transparency And The Public's Right To Know."

ATTACHMENTS

- A. Grand Jury Report – Public Records Act
- B. Town's draft response letter for Grand Jury Report - Public Records Act



A Delicate Balance between Knowledge and Power: Government Transparency and the Public’s Right to Know

Release Date: August 9, 2022

[Issue](#) | [Summary](#) | [Background](#) | [Discussion](#) | [Findings](#) | [Recommendations](#)
[Request for Responses](#) | [Methodology](#) | [Bibliography](#) | [Appendices](#) | [Responses](#)

ISSUE

The California Public Records Act requires that inspection or disclosure of governmental records be available to the public upon request. How do the cities in San Mateo County meet the requirements of this Act?

SUMMARY

The California Public Records Act (PRA) is an essential tool for the public to find out what their government agencies are doing. It’s one of the freedom of information laws enacted in every state in the Union to ensure that the public can witness the actions of their governments. The PRA’s purpose is to promote government transparency in California.

Fifteen years ago, the 2006-2007 San Mateo County Civil Grand Jury’s report, “Electronic Communication Among City Officials: A Valuable Tool in Need of Careful Guidance,” addressed the rise in local governments’ use of electronic forms of communication between elected and appointed officials.¹ As it observed, these valuable and efficient tools can quickly disseminate information, and they can constitute public documents subject to public disclosure. Reviewing that Grand Jury’s report alerted the 2021-2022 San Mateo County Civil Grand Jury to the potential that cities may be facing increased complexity and potential burdens in the processing of requests for public records.

The Grand Jury sought to understand how San Mateo County’s 20 cities respond to PRA requests, including:

- Cities’ policies and procedures for handling requests;
- The types of records requests they receive;
- The training of key employees, elected officials, and appointed officials about PRA-related matters; and
- How legal changes may impact cities with regard to fulfilling PRA requests.

¹ 2006-2007 San Mateo County Civil Grand Jury, Electronic Communication among City Officials: A Valuable Tool in Need of Careful Guidance
https://sanmateocourt.org/documents/grand_jury/2006/ElectronicCommunicationfinal.pdf, retrieved June 9, 2022.

While the PRA does not require cities to adopt a formal policy, the Grand Jury sought to identify the cities that have written policy or procedure documents and the methods cities use to process the public's requests. It also wanted to learn how key staff keep up to date with changes in PRA law. Failing to comply with these laws can subject a city to litigation and, more importantly, lead to erosion of the public's trust.

The Grand Jury recommends that city councils of the subject cities should:

1. Consider directing staff to create a written PRA procedures document for circulation to all relevant staff.
2. Consider directing staff to perform a cost/benefit analysis regarding the purchase of commercially available public records request software.
3. Consider directing staff to place information about how to access public records on the home page of their official website.
4. Consider directing staff to create a submittable online PRA request form.
5. Consider directing staff to review and consider adopting a records management practice analogous to the City of San Mateo's "Records Cleanup Day."

BACKGROUND

Two centuries ago, James Madison wrote these words:

"A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."²

He further asserted, "Knowledge [is] the only Guardian of true liberty."³

John Moss, a California member of the U.S. House of Representatives, used Madison's quote to generate support for a bill he was introducing in Congress. In 1967, after a 12-year struggle, he was finally successful in passing the Federal Freedom of Information Act (FOIA). It served as the model for California's similar Public Records Act enacted one year later.

The California Public Records Act was signed into law by Governor Ronald Reagan in 1968 and acknowledges one simple concept – that secrecy is contrary to a democratic system of "government of the people, by the people, and for the people". Specifically, the PRA declares

² Letter from James Madison to W.T. Barry (August 4, 1822), in *The Writings of James Madison* (Gaillard Hunt ed.).

³ Letter from James Madison to George Thomson (June 30, 1825) (on file with *The James Madison Papers* at The Library of Congress).

that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state”.⁴

Every state has some form of freedom of information law that governs public access to state and local government documents.⁵ In addition, every state has some form of a “Sunshine Law” or “Open Meetings” law that requires public access to meetings of public legislative bodies. California’s Ralph M. Brown Act is such a Sunshine Law.⁶ Passed in 1953, it guarantees the public’s right to attend and participate in meetings of local legislative bodies. The PRA and the Brown Act are California’s primary laws intended to promote government transparency.

What are Public Records?

The PRA defines the term “public records” as any “writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by a state or local agency regardless of physical form or characteristics.”⁷ Thus, a “writing” is not simply a hand-written or printed document; writings include an ever-broadening range of communications including audio and video recordings, emails, photos, drawings, computer data, and more.⁸

The agencies that hold these public records, and are subject to the PRA, include every county, city, town, school district, special district, police and fire department, commission, and board in California.⁹ Certain private entities that carry out public functions using funding from a local agency may also be subject to the PRA. The PRA applies to nearly every public agency one can imagine except for the Legislature and the courts.¹⁰

A public record refers to information that has been recorded or maintained by a public agency. Typical examples of records that the public might request include:

- Property records,
- Building permits,
- Business registrations
- Employee compensation information
- Financial documents
- Code enforcement records
- Public works documents, and
- Police records.

⁴ California Government Code, Section 6250 (2021).

⁵ FOIA Advocates, State Public Records Laws. <http://www.foiadvocates.com/records.html> Retrieved May 11, 2022

⁶ CA Govt Code § 54950 et seq.

⁷ CA Govt Code § 6252(e).

⁸ CA Govt Code § 6252(g).

⁹ CA Govt Code § 6252(f). Excluded from the definition of state agency are those agencies provided for in article IV (except section 20(k)) and article VI of the Cal. Constitution.

¹⁰ The Legislature has its own sunshine law, Gov. Code, § 1070. Most court records are disclosable under a number of legal decisions and the First Amendment of the U.S. Constitution.

Merely addressing a question to a local agency official or employee is not sufficient to constitute a public records request under the PRA. “What time do the lights go off at the neighborhood park?” Or “Why are there so many potholes on my street?” are not public records requests. However, a request to see the contract for the vendor who installed the lights or paved the street would be a public records request.

The Form of PRA Request

The PRA ensures that all persons must receive equal access to public records. “Persons” can be corporations, partnerships, homeowners’ associations, and the media.¹¹ Simply put, every person has the right to inspect public records, and no one type of person has a greater right of access to public records than any other person.¹²

Because the intent of the law is to enable easy access to public records, it is expansive in the available ways requests may be made. The request can be made in writing or orally, by physical or electronic means, remotely or in person. Persons making a PRA request are not required to explain the reason for the request.¹³

Public records are to be open for inspection during office hours at the local agency. To preserve the orderly function of their offices, agencies may establish reasonable policies for the inspection and copying of records. If the request asks for copies of documents, the agency is required to respond within ten days to determine whether they have disclosable records in their possession and to notify the person making the request of that determination. The agency must then make the records “promptly” available.¹⁴

An agency may extend the normal ten-day requirement for responding whether it has any disclosable documents for up to 14 additional days under certain circumstances.¹⁵ For example, if the agency needs to search through and collect a voluminous number of records or to consult with another agency with an interest in the requested records, such an extension is available.

The agency is required to assist the requester who is having difficulty making a focused and effective PRA request.¹⁶ And while the request may be burdensome, that burden alone is not sufficient to justify noncompliance. However, the agency is also not required to perform a “needle in a haystack” search for records.¹⁷ Additionally, a PRA request only applies to records that exist at the time of the request, not for records to be created in the future.

¹¹ CA Govt Code § 6252(c); *Connell v. Superior Court (Intersource, Inc.)* (1997) 56 Cal.App.4th 601.

¹² CA Govt Code § 6252.5; *Los Angeles Unified School Dist. v. Superior Court* (2007) 151 Cal.App.4th 759; *Dixon v. Superior Court* (2009) 170 Cal.App.4th 1271, 1279.

¹³ CA Govt Code § 6250; California Constitution, Article I, Section 3.

¹⁴ CA Govt Code § 6253(c).

¹⁵ CA Govt Code § 6253(c)(1-4).

¹⁶ CA Govt Code § 6253.1.

¹⁷ *Cal. First Amend Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159, 166.

Widespread Use of Electronic Communications

The public's business increasingly relies on electronic communications. Email, social media postings, video and audio recordings, and the use of personal devices have created enormous volumes of public records for cities. In a case with broad consequences related to PRA requests, *City of San Jose v. Superior Court of Santa Clara County* (2017), the California Supreme Court ruled that communications carried out using a personal account or device were disclosable if the communication was related to the conduct of public business.¹⁸

For example, such a PRA request might be for all communications between city officials and a vendor that was granted a city-awarded contract. The search for responsive records could include reviewing all the emails, voice mails, and texts between the parties for relevant material, including on officials' personal devices. This can be problematic since this communication, especially if voluminous, could require attorneys to determine what might be non-disclosable for reasons of privacy or privilege. In *Getz v County of El Dorado* (2021), a California appeals court ruled that El Dorado County's unsubstantiated claim that a PRA request was overly broad and burdensome was not a valid reason for denial of records. The court explained that establishing that a request is overly burdensome requires more than the vague prospect of having to review lots of records. The County was ultimately compelled to produce over 40,000 email records.¹⁹

Law Enforcement Records

In recent years the most publicized form of an electronic record has been police body-cam footage. Landmark legislation has broadened PRA access to law enforcement records, including a limited subset of these audio and video recordings. On January 1, 2019, SB 1421 became law. Called the Peace Officers: Release of Records bill, it requires law enforcement agencies to make records (including body-cam footage) related to certain serious officer use of force incidents, sexual assault, and acts of dishonesty available under the PRA.²⁰ Police unions have filed multiple challenges to the law asserting concerns about officers' privacy, retroactivity of the law, and the cost of producing records.²¹ These challenges have been consistently denied by courts.²² And in January 2022, SB 16, became effective. This new law now requires additional police disciplinary records, involving allegations of discrimination, unlawful arrest, and cover-ups of excessive force by fellow officers, to be made available under the PRA.²³

¹⁸ Latham & Watkins, Client Alert Commentary, <https://www.lw.com/thoughtLeadership/california-supreme-court-government-communications-on-private-accounts-are-public>, retrieved May 11, 2022.

¹⁹ *Getz v. The Superior Court*, 72 Cal.App.5th 637, 287 Cal. Rptr. 3d 722 (Cal. Ct. App. 2021) <https://law.justia.com/cases/california/court-of-appeal/2021/c091337.html>, retrieved June 1, 2022.

²⁰ CA Penal Code § 832.7 and § 832.8.

²¹ Voice of San Diego, A Brief History of Police Challenges. <https://voiceofsandiego.org/2019/06/10/brief-history-of-police-challenges-and-losses-sb-1421/>, retrieved March 18, 2022.

²² JD Supra, Another SB1421 Decision Against Law Enforcement. <https://www.jdsupra.com/legalnews/another-sb-1421-decision-against-law-45114/>, retrieved March 18, 2022.

²³ BBK Attorneys at Law, SB 16 Compliance Expanded Public Access. <https://www.bbklaw.com/News-Events/Insights/2021/Legal-Alerts/12/SB-16-Compliance-Expanded-Public-Access-to-Law-Enf>, retrieved March 18, 2022.

Methods of Handling Requests

The PRA does not mandate any specific method for agency handling of records requests. Some local agencies simply monitor the process manually using an internally created document. Many other agencies now use commercially available software that links to information on their public websites. Often marketed to city clerks through professional organizations, such as the City Clerks Association of California, these software applications offer solutions to manage large portions of the PRA request process.

These applications can:

- Manage intake of requests through a public portal;
- Provide an automated response of receipt to the person making a request;
- Alert agency staff to deadlines;
- Promote coordination across departments;
- Gather records and track their production to person making a request;
- Provide tools to redact information; and
- Display and store responsive records.

The software enables anyone making a PRA request to see the status of their request through a portal. It also enables cities to make both the request and the records responsive to the request visible to the public.

Fees

An agency may charge a fee for costs of complying with the PRA, but only for the direct costs of making copies of responsive records – typically a nominal fee per page of paper copies. Since today most records are produced and delivered to the requester electronically, many responsive records are cost-free to the requesting party.

In *National Lawyers Guild v. City of Hayward* (2019), the California Supreme Court held that an effort by the city to charge \$3,000 for labor related to redacting requested bodycam footage was not permissible as a “data extraction” cost.²⁴ With this decision, the Court reaffirmed that local agencies may not charge for ancillary costs such as the labor required to retrieve documents or the inspection and handling of files.²⁵

Voter-approved Propositions Affecting the PRA

In 2004, voters overwhelmingly passed Proposition 59, the “Public Records, Open Meetings Legislative Constitutional Amendment.” It essentially adds a “sunshine” amendment to the Declaration of Rights section of the California Constitution (similar to the U.S. Constitution’s

²⁴ Reporters Committee, *National Lawyers Guild v City of Hayward*. <https://www.rcfp.org/briefs-comments/national-lawyers-guild-v-hayward-california-supreme-court>, retrieved June 14, 2022.

²⁵ BBK Attorneys at Law, *California Public Records Act Update*. <https://www.bbklaw.com/news-events/insights/2021/legal-alerts/01/california-public-records-act-update>, retrieved March 16, 2022.

Bill of Rights) stating, “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”²⁶

Proposition 42, the “Public Records. Open Meetings. State Reimbursement to Local Agencies. Legislative Constitutional Amendment” was approved by voters in 2014. It was the result of a dispute over a controversial bill that would stop local governments from being required to follow key provisions of the PRA. The State legislature had considered the bill to be a budget move, since at that time it was required to reimburse local governments for complying with some aspects of records requests. The backlash over the signing of this bill caused the legislature to rescind it and put the matter before the voters as a constitutional amendment. When it passed, by a 62% yes vote, it required local governments to comply with the PRA without being reimbursed by the State for the cost of public access to records.”²⁷ The full financial burden of compliance with the PRA now falls entirely on local governments.

Exemptions

While the PRA states that “the people” have the right to know what their government is doing, clearly circumstances arise where a balance must be achieved between the public interest and individual privacy rights. The PRA contains at least 76 express exemptions, for matters as diverse as library circulation records, copyright protected building plans, and medical and personnel records.²⁸ In some instances a public document may not be considered exempt but may contain private information such as social security numbers and home addresses. Those specific portions will be redacted before release to the public.

Government Code section 6254 specifies a large number of exemptions under the PRA. Several of the more notable exemptions are listed below:

- **Records Not in Existence**

The agency is under no obligation to create records where none exist; agencies are not required to provide records that may be produced in the future relevant to the original request.

- **Disclosure of records exempted by Federal or other State law**

Records shielded from disclosure by existing state or federal law, such as individual health records, are not accessible using the PRA.

- **Public Interest Test and Deliberative Process Privilege**

Agencies may withhold certain records if they can demonstrate that the public interest served by not disclosing the record clearly outweighs the public interest served by its disclosure.

²⁶ Cal. Const., Art I, § 3, subd. (b)(1)

²⁷ Cal. Const., Art. I, § 3, subd. (b)(7)

²⁸ CA Govt Code § 6254

- **Preliminary Drafts**

Preliminary drafts, notes, or memos not normally preserved in the course of business are exempt.

- **Attorney Client Communications**

Confidential communications between lawyers and clients, and attorney work product, are exempt from disclosure.

- **Pending Litigation**

Records pertaining to pending litigation or claims to which a public agency is a party until the litigation or claim has been finally adjudicated or otherwise settled.

- **Personal Information**

This exemption is intended to protect the confidentiality of personnel, medical or other similar files which would constitute an unwarranted invasion of personal privacy.

- **Trade Secrets**

Businesses engaged in public contracts are not required to disclose their trade secrets in response to a PRA request.

Recourse When Responsive Documents Are Not Produced

If a local agency has unlawfully refused to disclose a public record, a person may ask a judge to enforce their rights under the PRA. This enforcement is primarily through a special, expedited civil judicial process.²⁹ The PRA provides specific relief in the form of court costs and attorneys' fees when an agency unlawfully denies access or copies of public records.

Conversely, a local agency cannot bring an action for relief to determine its obligation to disclose records.³⁰ That would require the person requesting documents to defend a civil action and discourage them from requesting records in the first place. It would frustrate the central purpose of the act and the constitutional amendments specifically designed to provide access to information.

The PRA is an indispensable tool for the responsible exercise of democracy in California. Government transparency, accountability and effectiveness depend on how our local agencies handle the information they create and are entrusted with maintaining. A changing legal framework, the ubiquity of electronic records, new communications technologies and the treatment of their related records, and the public's demonstrated desire for "open government" present significant challenges to the efficient handling of PRA requests for the cities in our county.

²⁹ CA Govt Code § 6258 and 6259.

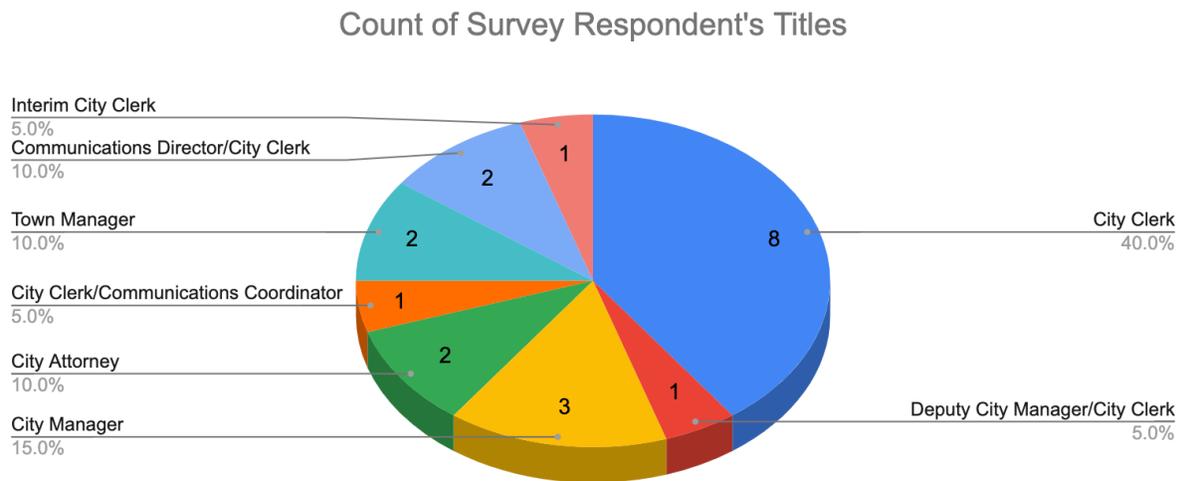
³⁰ *Filarsky v. Superior Court* (2002) 28 Cal.4th 419, 426.

DISCUSSION

As stated above, the PRA applies to all of the public agencies in San Mateo County. To narrow the focus of our investigation, the Grand Jury opted to concentrate on the 20 cities, including their police and other departments, and the committees and commissions formed by those cities.

Survey Respondents

The Grand Jury began by sending a survey to the 20 city managers in the County (a copy of the survey appears in Appendix A). It asked six questions related to the processing of public records requests, policies and procedures used, and the PRA training of staff and officials. In most cases (13 of 20) the responses came from city clerks who are responsible for maintaining a city's public records. Some of the clerks perform multiple roles for their cities, reflected in some cases (15%) by an additional job title. The following graphic illustrates the various job titles of survey respondents.



In two cities, the city clerk position is determined by public election; in the remainder of the cities, clerks are appointed by the city manager. Our investigation found that the city clerk is typically the official primarily responsible for the acknowledging receipt of a PRA request, tracking it through the city's internal processes, and delivering correspondence and responsive records to the person submitting the request.³¹

The Grand Jury conducted follow-up interviews with representatives of all 20 cities, confirming their survey responses and gathering additional information. We asked the cities to provide written documentation of their PRA policies and procedures, if any exist. Fourteen cities replied that they had existing policies or procedures and supplied them to the Grand Jury. We also conducted in-depth interviews with five selected cities.³² These cities were chosen to give us a cross section sample based on city population, method of tracking, and volume of requests. The

³¹ In one city, the city attorney assumed most of this role, but even there the city clerk was involved in the process.

³² Belmont, Daly City, San Bruno, San Mateo, and South San Francisco

Grand Jury notes that respondents from all 20 cities were entirely cooperative and knowledgeable about their city’s PRA request procedures.

Documentation of PRA Policies and Procedures

The PRA does not require local agencies to create policies or documentation of how they receive, route, track, and fulfill records requests. When the Grand Jury asked respondents and interviewees to provide documentation describing how they handled PRA requests, we learned that six cities had no such documentation.³³ In some cases, the documentation received from the remaining 14 cities was simply a description of the PRA’s requirements (perhaps supplied to staff for training for information). The Grand Jury also received documents such as the city’s internal procedures, as well as some that were formal policies signed and dated by the city manager. In interviews, all respondents could describe their processes.

The documentation received and reviewed by the Grand Jury varied widely. Atherton’s document is a colorful presentation defining the PRA and describing what is and isn’t a public record.

Public Records Requests

Town of Atherton Records Coordinators

What is the California Public Records Act?

The Public Records Act assures the public’s right to access information concerning *the People’s Business*. Adopted in 1968, the CPRA’s legislative findings declare that access to information about the conduct of the public’s business is a *fundamental and necessary right* of every person in the state. The findings also assert that the Legislature is mindful of the right of individual’s privacy, and for the past 40+ years, courts have balanced those competing interests within the CPRA.

³³ Grand Jury survey (December 2021) Belmont, Daly City, Half Moon Bay, Hillsborough, Menlo Park, and Woodside.

It generally outlines city staff's role in responding to a request. In contrast, Redwood City's document is an administrative policy detailing the purpose and scope of how they respond to PRA requests. It notes specific types of records such as political reform act records and requests for electronic communications. It also specifies that the document will be reviewed every two years. Copies of the PRA documentation provided by Atherton and Redwood City can be found in Appendix B.

The Grand Jury noted that some cities relied on an individual staff member (city clerk or city attorney) to respond to records requests. In the event of illness, vacation, resignation or other interruption of service, no documentation exists to guide replacement personnel.

Written PRA policies or procedures provided to the Grand Jury typically covered subjects such as:

- The purpose of the PRA;
- Resources for PRA training;
- The steps in processing a request; and
- Specific staff responsibilities.

Website Portals

The Grand Jury found that while cities do receive PRA requests in various ways - submitted in-person at city offices, by telephone, and postal mail - they are most frequently submitted via email. We found that 16 of the 20 city websites included a portal containing a submittable form for the filing of a PRA request and four cities had no such form.³⁴

Every city website somewhere provides instructions on how to make a PRA request. Some have links to those instructions on the home page, but most require steps to navigate to it. In some cases, the Grand Jury found broken links indicating inconsistencies in the level of maintenance of the PRA related pages. Some city websites simply instruct the public to send a public records request to the city clerk and provide contact information including an email address, a phone number, or a physical address at which to file.

³⁴ Belmont, Brisbane, Hillsborough, and Portola Valley.

Example of Easy and Accessible PRA-Information on a City Website

The website for the City of South San Francisco provides easily accessible information regarding PRA requests. The home page includes a “Public Records Request” link.



Clicking on the link brings up a page full of useful titles including how to make a request, the city’s PRA policy, who can make a request, and tips to expedite requests.



Clicking on “Public Records Request” takes the user to a third-party public records web application where they can search by request reference number, track the status of a previous request, view a public archive, and submit a new request.

The screenshot displays the 'Public Records Center' website for the City of South San Francisco, California. The header features the city name in white text on a dark blue background. Below the header, the page is organized into a left-hand navigation menu and a main content area with four large, light-colored buttons.

Public Records Center

Public Records Menu

- Home
- FAQs
- Submit a Request
- My Request Center

FAQs

See All FAQs

- How much does it cost to process my request?
- How long does it take to process my request?
- How can I review responsive records?
- How detailed should I be when explaining what I'm looking for?

Search by Reference Number
Search with a specific reference number to find your request.

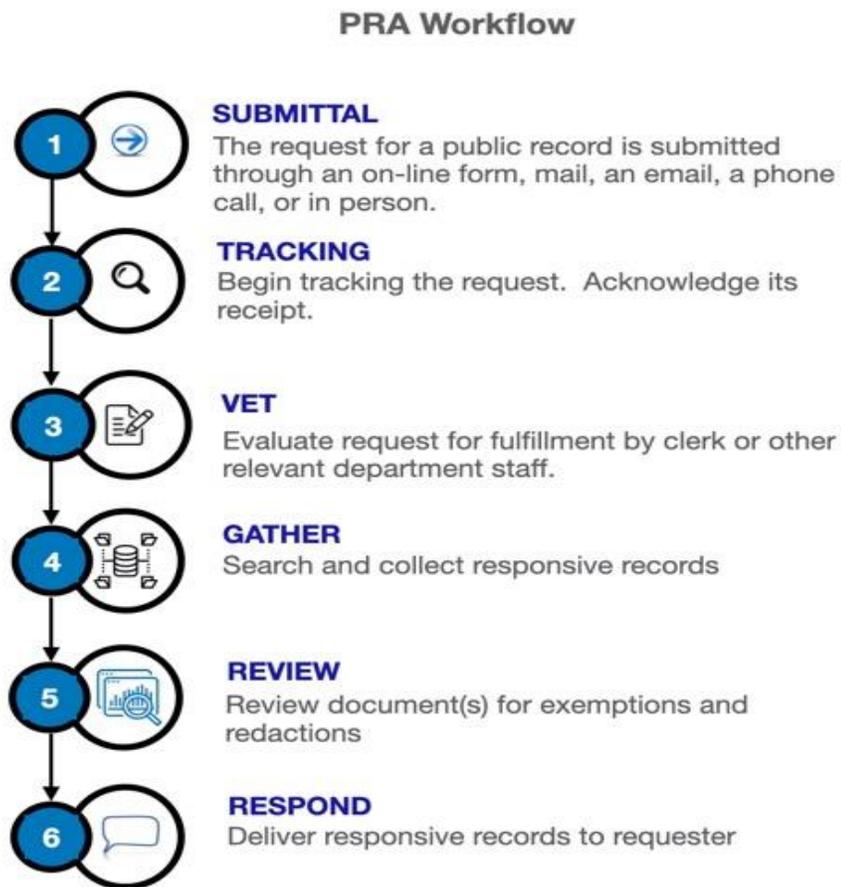
Submit a Request
Submit a Public Records Request to the City.

Visit My Records Center
Track the status of requests, manage account information, and download your records by logging into your account.

View Public Archive
View previously released public record requests

Tracking a Public Records Request

Since the PRA mandates specific deadlines for public agencies to respond to a public records request, the ability to track submissions is vital in order to ensure legal compliance.³⁵ All cities informed the Grand Jury that they track PRA requests, utilizing a variety of methods to do so. Regardless of the specific method used by a city, the workflow is generally as follows.



Ten cities, which were generally smaller and field fewer requests, reported that they track PRA requests manually using an Excel spreadsheet or similar internal document.³⁶ These documents

³⁵ CA Govt Code § 6253(c).

³⁶ Atherton, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Hillsborough, Portola Valley, San Bruno, and Woodside as of May 16, 2022.

require manual data entry and maintenance by staff. For example, see San Bruno’s spreadsheet at Appendix C. While these cities indicated general satisfaction with their current methods of tracking, one city was actively seeking proposals from commercial software vendors and others were considering doing so. Appendix D shows such a vendor’s proposal.

The ten other cities, including most of the larger ones, use third-party software that automates the handling of PRA requests.³⁷ These cities use one of two software applications.³⁸ In interviews, staff generally expressed satisfaction with both products, citing their effectiveness and efficiency. Pricing of these applications will vary based on the configuration and storage options selected. One city indicated a desire to purchase software but cited the city’s budget constraints. Another city noted that the cost was prohibitive for a city of their size and volume of requests.

Volume of Requests

Thirteen cities reported receiving more than 100 PRA requests in the past year. Two cities reported receiving fewer than 50 requests, while one city indicated that it received more than 1,600 requests for records. Another city noted a 500% increase from the previous year. All cities reported significant increases in the volume of requests received since the outset of the Covid pandemic.

Subjects of Requested Records

All 20 cities reported that the majority of the PRA requests they received were for routine records such as property-related documents, police records, public works documents, and business registrations. For example, in San Mateo, the City Clerk’s office recorded 1,695 PRA requests in the fiscal year ended June 30, 2021. The largest percentage (46%) were directed to the Community Development Department and typically asked for property records of some kind, including planning applications, building permits, blueprints, inspections, and code violations. Requests for police records (35%) were the next most frequently requested type of record. The clerk’s office noted that the police department directly receives substantially more requests than come to the clerk through their PRA request software.

Time-Consuming Requests

The Grand Jury learned that a relatively small number of records requests are disproportionately time-consuming to fulfill. In particular, requests for communications records may fall into this category. The request may require a broad search of all relevant communications created and stored on electronic devices, including employees’ cell phones and laptops. Recently, Portola Valley received what was characterized as a “massive” PRA request for “all town communications regarding the housing element since July 1, 2021, including communications among elected officials, staff, consultants or members of the committee, like emails and text

³⁷ Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Carlos, San Mateo, and South San Francisco as of May 16, 2022.

³⁸ GovQA, If You Have a Public Records Problem. <https://www.govqa.com/solutions/public-records-software/> Retrieved May 16, 2022, and NextRequest, The All-In-One Open Records Request Platform. <https://www.nextrequest.com/>, retrieved May 16, 2022.

messages, including on personal devices.”³⁹ The request was the result of a potential change to the town’s zoning laws to allow for more dense housing in one residential neighborhood.

Several cities reported to the Grand Jury that on rare occasions a disgruntled citizen or ex-employee has intentionally crafted a detailed records request intending to be time-consuming and annoying for the city. One respondent reported that the search and review of electronics communications in response to one request took months to complete, due to the number of responsive records and the broad search of multiple devices.

Training

State law does not mandate training for those implementing its provisions. City clerks often attend training through annual City Clerks Association of California conferences and other professional associations.

ARC: ADVANCED RECORDS CENTER

Public Records Act Overview

(including Police Records)

City Clerks New Law and Elections Seminar
December 17, 2020

Best Best & Krieger
Company/BestBestKrieger
@BBKlaw

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ATTORNEYS AT LAW

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Half of the cities interviewed by the Grand Jury mandate formal PRA training for their key employees. Others offer training but do not mandate it, while some cities have no formal arrangements for PRA training at all.⁴⁰ Training, if offered, is conducted by the city attorney. In

³⁹ Angela Swartz, “‘Massive’ public records request escalates battle over Portola Valley’s housing element,” *Almanac*, March 21, 2022.

<https://www.almanacnews.com/news/2022/03/21/massive-public-records-request-escalates-battle-over-portola-valleys-housing-element>, retrieved June 9, 2022.

⁴⁰ Burlingame, Portola Valley, and Woodside.

our investigation, respondents agreed that formal training for key city employees would make the handling of records requests more efficient and consistent.

Twelve cities informed the Grand Jury that they provide PRA training for their appointed and elected officials. This training is also typically provided by the city attorney, sometimes with the assistance of the city clerk. Eight cities reported that they do not offer specific PRA training to such officials, but some noted that their training in Brown Act compliance includes PRA training content.⁴¹

While the PRA does not include criminal penalties for noncompliance with its provisions, civil actions, as described earlier, may be filed and cities can be liable for court costs and attorneys' fees.

Increasing Efficiency in Records Request Processing

Some cities have demonstrated how commonly requested records can be made available to the public without formal PRA requests.

Making public records available online is a convenient and efficient mechanism for both the requester and the municipality. Cities generally do this for many common records, such as meeting agendas for public meetings (which are legally required to be posted publicly).⁴² At the time of this investigation, some cities, such as San Carlos, also posted many records online. Using the search term "public records" on the San Carlos city website brings up "Records

⁴¹BBK, Attorneys at Law, Summary of the Major Provisions and Requirements of the Ralph M. Brown Act. <https://www.bbklaw.com/bbk/media/library/pdf/major-provisions-and-requirements-of-the-brown-act.pdf>, retrieved June 9, 2022.

⁴² CA Govt Code § 54954.2.

Available Online for Your Easy Access,” which connects to records such as budgets, building permits, and public works documents.

Submit a Public Records Request

If you are unable to locate the records you want online, please submit a Public Records Request via our NextRequest portal:



Our goal is to provide you with timely access to the City's public records. All requests for documents will be reviewed and responded to within ten (10) days, in compliance with the California Public Records Act. Fees are charged according to our fee schedule, however, there is no charge to review records in person at City Hall.

- [Master fee schedule](#)

Records Available Online for Your Easy Access

- [Accounts payable cash disbursements journal](#)
- [Active business registrations](#)
- [Budgets](#)
- [Building Permits](#)
- [City Council and Commission agendas, minutes and videos](#)
- [City Municipal Code](#)
- [Citywide Reports](#)
- [Financial Reports and Documents](#)
- [Ordinances and Resolutions](#)
- [Various Public Works Documents, including documents pertaining to sewers, streets, traffic, etc.](#)

The Half Moon Bay website offered a “Document Center” containing more than 2,000 city documents going back a decade.

Showing all descriptions

- ADA / 504 Grievance Forms
- BID/RFP Center
- City Clerk
 - Cannabis Ballot Measures
 - Manufacturing**
 - Mature Cultivation
 - Rebuttals
 - Retail
 - Starts
 - Tax
 - City Council Committee Agend
 - City Council Photos 2020
 - Commissions/Committee Form
 - Council Actions
 - districting
 - Future Leaders
 - Smoking Ordinances
 - City Manager
 - City Projects
 - Communications
 - Community Development
 - COVID Testing
 - Emergency Preparedness
 - Engineering
 - Finance
 - Homeless
 - Human Resources
 - Newsletters
 - Parklet Program
 - Public Works
 - Recreation
 - Sheriffs
 - Sidewalk R&R

Display Name		Size (KB)
1	IA_ManufacturingAdvisory	120
	Manufacturing_WEB-argument against mfg	100
	Manufacturing_WEB-argument for mfg	135
	Rebuttal to Argument Against Measure MM_mfg.WEB	148
	Rebuttal to Argument in Favor of Measure MM_mfg.WEB	148

Displaying items 1 - 5 of 5

Several cities noted that they often receive requests for the same records repeatedly. For example, this can occur when a sought-after property is offered for sale and brokers, architects, attorneys, and potential buyers are doing their due diligence. Cities using commercially provided software applications, or that post public records as do San Carlos and Half Moon Bay, can reduce the number of such duplicative PRA requests.

Records Management

Proper records management policies and practices facilitate effective compliance with the PRA. Having better control of these records makes their timely and appropriate production more accurate and efficient. All cities in the County reported having records retention schedules that determine what documents must be retained and for how long. For example, in South San Francisco, leases for city owned properties must be kept in hard copy for the current year plus two-years. Board and commission resolutions must be kept permanently (a copy of the records retention schedule for South San Francisco is at Appendix E).

The City of San Mateo reported a unique method for encouraging city staff in one element of the effective management of public records. There, the city clerk held a “Records Clean Up Day” (related materials are contained in Appendix F). During this event employees are tasked with:

- Reducing the number of duplicate records;
- Preparing records for off-site storage;
- Imaging and indexing electronic records; and
- Identifying electronic records eligible for destruction.

The retention life cycle of various records determined how different categories of documents are handled. The program was designed to create an enjoyable environment around these tedious tasks by employing a food truck, encouraging casual dress, creating contests with prizes, and printing T-shirts commemorating the day. The program included an on-site shred truck, and the city attorney was available for consultation.



In an email to the Grand Jury, a city staffer wrote, “In addition to elevating the employee understanding that these public records are an asset of the city (just like the vac truck, fleet, and streets) ...we have a duty to manage and maintain them well; reinforce the policy and procedures we have adopted; and let’s face it, maintaining records can become back burner in the flurry of day-to-day needs and requests. Setting aside time to honor the need, accomplish an objective and then celebrate it – keeps it more in the forefront of the mind and honors the importance of the public’s records.”⁴³

⁴³ Grand Jury correspondence April 26, 2022.

Law Enforcement Records

Some cities reported receiving significant numbers of requests for police records. All such requests were forwarded directly to city police departments or the County Sheriff's Office (for those cities contracting for police services).⁴⁴ Law enforcement agencies typically employ a records manager tasked with responding to public records requests. In some cities the disposition of these requests was reported back to the city clerk for inclusion in their tracking systems; in others, the city clerk had no knowledge of the status of a police records request. The Grand Jury did not investigate how these requests for law enforcement records were handled in compliance with the PRA. It is of note that most law enforcement records are exempted from the Public Records Act pursuant to Government Code Section 6254(f).

FINDINGS

- F1. The city has no written documentation of its PRA policy and internal procedures, making it more likely that requests could be handled inconsistently.
- F2. The city uses a commercially available software application that includes a web portal enabling the public to easily request records and track their disposition.
- F3. Information about how to access public records requires multiple clicks to find on the city's website, which hinders the public's access to public records.
- F4. The City of San Mateo implements a Records Cleanup Day with the purpose of increasing employee understanding of the need to effectively maintain public records, thereby improving PRA request responsiveness.
- F5. The city has no PRA request form online, making public access to public records less efficient.

RECOMMENDATIONS

- R1. The city council should direct city staff to consider and report back by June 30, 2023, on the creation of a written PRA policy or procedures document for circulation to all relevant staff.
- R2. The city council should direct city staff to consider performing a cost/benefit analysis and report back by September 1, 2023, on the purchase of commercially available public records request software.
- R3. By June 30, 2023, the city council should consider directing city staff to place information about how to access public records on the home page of the city's official website.
- R4. By June 30, 2023, the city council should direct city staff to review and consider adopting a records management practice analogous to the City of San Mateo's "Records Cleanup Day."
- R5. By June 30, 2023, the city council should direct city staff to create, on the city clerk's page of its website, a submittable PRA request form.

⁴⁴ Contracting cities are Half Moon Bay, Millbrae, San Carlos, Woodside, and Portola Valley.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the selected city and town councils as follows (x):

City	F1	F2	F3	F4	F5	R1	R2	R3	R4	R5
Atherton			X		X		X	X	X	
Belmont	X		X		X	X	X	X	X	X
Brisbane			X		X		X	X	X	X
Burlingame							X		X	
Colma							X		X	
Daly City	X	X				X			X	
East Palo Alto							X		X	
Foster City		X							X	
Half Moon Bay	X	X				X		X	X	
Hillsborough	X		X		X	X	X		X	X
Menlo Park	X	X				X		X	X	
Millbrae		X							X	
Pacifica		X							X	
Portola Valley			X		X		X	X	X	X
Redwood City		X						X	X	
San Bruno			X		X		X	X	X	
San Carlos		X							X	
San Mateo		X		X						
South San Francisco		X							X	
Woodside	X				X	X	X		X	

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

RESPONSE REQUIREMENTS

California Penal Code Section 933.05, provides (emphasis added):

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following:

(1) The respondent **agrees** with the finding.

(2) The respondent **disagrees** wholly or partially with the finding; in which case the response shall **specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.**

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, **with a summary regarding the implemented action.**

(2) The recommendation has not yet been implemented, but will be implemented in the future, **with a timeframe for implementation.**

(3) The recommendation requires further analysis, **with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.**

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, **with an explanation therefor.**

METHODOLOGY

Through examination of surveys, interviews, the documentation provided by the cities, a demonstration of third-party software, and a site visit, the Grand Jury studied how cities respond to public records requests, and how they keep up with changes in the law.

Survey

- The Grand Jury developed an online survey consisting of six questions and a request for copies of their PRA policies and procedures.
- The survey was sent to all 20 city managers in the County and various respondents completed the survey.
- We then followed up with a brief phone interview to confirm the responses received from those completing the survey, and to request written policy and procedures documents and records retention policies.

Documents

The Grand Jury reviewed:

- Policy and procedure documents from all cities that indicated having them.
- Records retention policies from several cities.
- Proposals and contracts for third-party software received from various vendors
- Marketing material of third-party software vendors
- Research on best practices in records management

Site Tour

- GJ conducted a site visit to the San Bruno City Attorney's office.
- San Mateo conducted a virtual demonstration of their third-party software.

Interviews

- The Grand Jury conducted further interviews with city attorneys, city clerks and city managers based on those with written policies or procedures documents, training of key employees and elected and appointed officials (advisory bodies), number of public records requests received per year, and those with an elected city clerk.

Web Sites

- The official websites of the 20 cities in the County were reviewed to assess the ease in locating information relating to public records, the methods of submission of a public records request, as well as users' direct access to commonly requested public records.

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- Ballotpedia. “Transparency Checklist”. https://ballotpedia.org/Transparency_checklist. Accessed June 7, 2022

LIST OF APPENDICES

Appendix A – The Grand Jury Survey Results

Appendix B – PRA Policies and Procedures: Atherton and Redwood City

Appendix C – San Bruno PRA Request Log

Appendix D – GovQA Proposal for Services

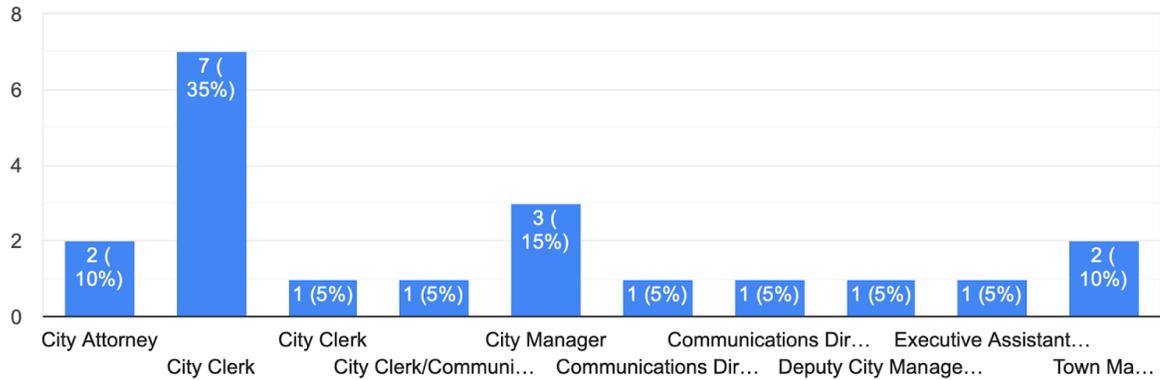
Appendix E – South San Francisco Retention Schedule

Appendix F – City of San Mateo’s Clean-Up Day Staff Plan and Flyer

APPENDIX A The Grand Jury Survey Results

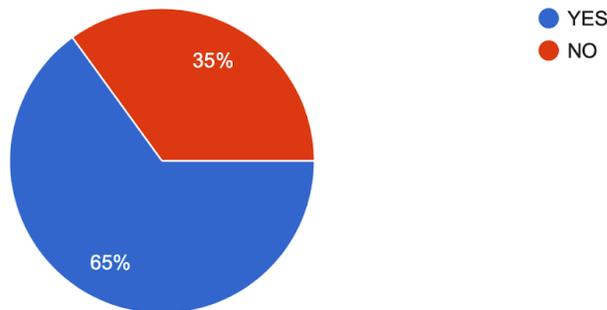
What is your job title?

20 responses

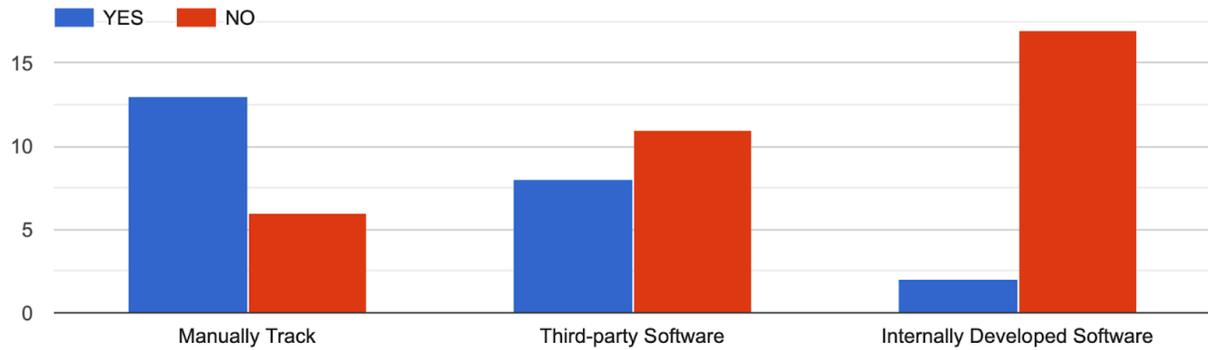


2. Have you established internal written procedures, or policies, for handling Public Records Act requests? If YES, please provide documentation to: rweiss@smcivilgrandjury.org.

20 responses

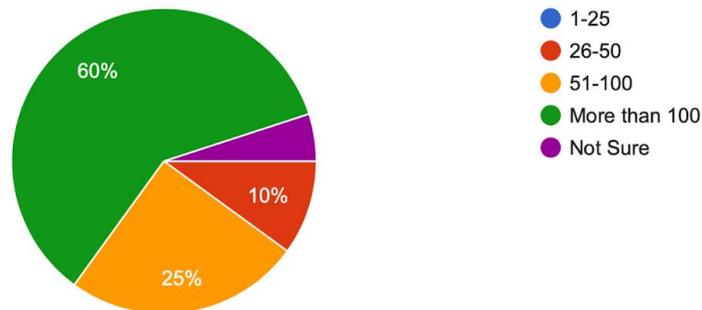


3. Please indicate if you use any of the following to track the status of each Public Records Act request.



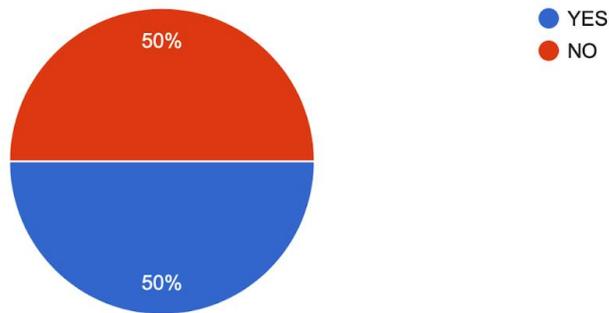
4. How many requests do you receive per year?

20 responses

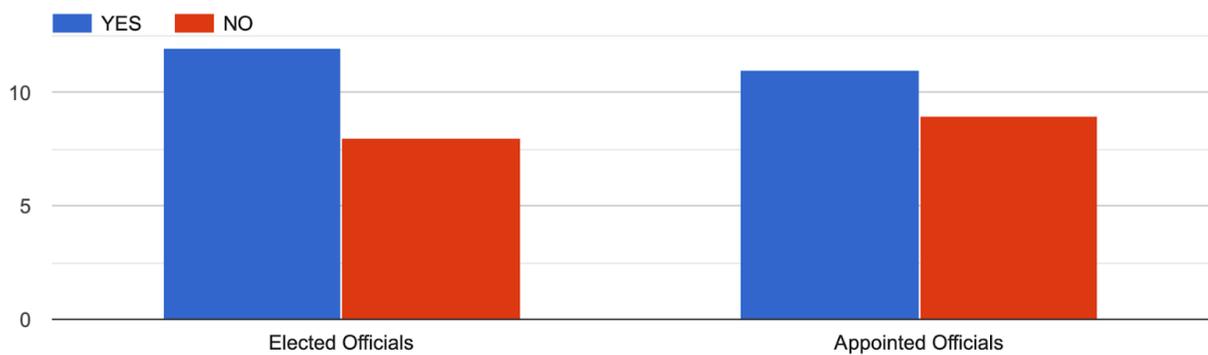


5. Does your city mandate formal Public Records Act training for key employees?

20 responses

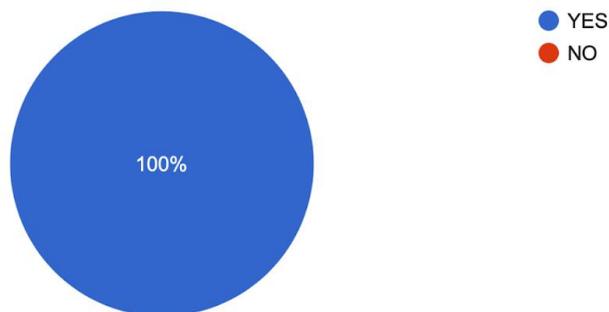


6. Does your city offer Public Records Act training for elected and appointed officials (i.e. advisory boards, commissions, committees)?



7. Have you adopted a written document retention policy?

20 responses



APPENDIX B

PRA Policies and Procedures: Atherton and Redwood City

Atherton: https://www.sanmateocourt.org/documents/grand_jury/2021/Appendix B - PRA PAP Atherton.pdf

Redwood City: https://www.sanmateocourt.org/documents/grand_jury/2021/Appendix B - PRA PAP Redwood City.pdf

APPENDIX C
San Bruno PRA Request Log
(sample page with requester names removed)

#	PRA	Sbpna	Date of request	Date Received	Requester Name	Description of Records	Dept(s)	Response Due Date	Acknowledgment Letter Out	Records Provided
1	X		07/01/21	07/01/21		June 2021 Building permits	CD	07/12/21	Emailed rmps on 07/08/21	07/08/21
2	X		07/01/21	07/01/21		Docs re CPUC approval of purchase of streetlights from	PW	07/12/21	Emailed rmps on 07/08/21	7/8/2021
3	X		07/07/21	07/07/21		Records involving code enforcement, utility shut offs, and fire damaged properties	CD/CE/FD/ Finance	07/19/21 08/18/21	req 30 day ext - now due 08/18/21. Emailed rmps on 08/18/21	08/18/21
4	X		07/08/21	07/08/21		June 2021 Business licenses	Finance	07/19/21	Emailed report on 07/19/21	07/19/21
5	X		07/13/21	7/13/2021		June 2021 Building permits	CD	07/23/21	Emailed rmps on 07/13/21	7/13/2021
6	X		07/13/21	07/13/21		Records involving code enforcement, utility shut offs, and fire damaged properties	CD/CE/FD/ Finance	7/23/2021 08/23/21	07/23/21 req 30 day ext - now due 08/23/21. Emailed rmps on 08/18/21.	08/18/21
7		X				Subpoena for records involving 692 Green Ave	CE/CD/ PW	07/19/21	Emailed rcds on 07/23/21	07/23/21
8	X		07/14/21	07/15/21		Oldest current standing houses in SB	CD??	07/26/21	Emailed rmps on 07/23/21	X
9	X		07/15/21	07/15/21		Private tows from 04/01/21 thru 06/30/21	PD	07/26/21	Emailed report on 07/26/21	07/26/21
10	X		07/17/21	07/19/21		Electronic copy of all payment transactions for fiscal year 2020	Finance	07/29/21	Emailed link to agenda packets on 07/29/21	7/29/2021
11	X		07/20/21	07/20/21		2020 Pension Benefit/Payout Report	Finance	07/30/21	Request was meant for City of Concord - withdrawn on 07/31/21	Withdrawn
12	X		07/19/21	07/20/21		Uncashed checks	Finance	07/30/21	Emailed link to website on 07/29/21	7/29/2021
13	X		07/22/21	07/22/21		Building & FD rcds for 787 E SB Ave	CD/FD	08/02/21	Emailed rcds on 08/02/21	8/2/2021
14	X		07/09/21	07/09/21		Firearm & Ammunition arrests & related demographic	PD	7/19/2021 08/18/21	req 30 day ext - now due 08/18/21. Emailed rmps on 08/18/21	8/18/2021

APPENDIX D GovQA Proposal for Services



Order Form

PRICING SUMMARY

The pricing and terms within this Proposal are specific to the products and volumes contained within this Proposal.

One-Time Fees			
Solution	Billing Frequency	Quantity/Unit	One-Time Fee
FOIA Platform Onboarding	Up Front	1 Each	\$0.00
Online Training – Administrator	Up Front	1 Each	\$0.00
Online Training – Users	Up Front	1 Each	\$0.00
SUBTOTAL:			\$0.00
New Subscription Fees			
Solution	Billing Frequency	Quantity/Unit	Annual Fee
Essentials Package 3	Annual	1 Each	\$10,500.00
PST Email Extractor	Annual	1 Each	\$1,500.00
Payments Module	Annual	1 Each	\$0.00
Hosted Data Storage (TB)	Annual	1 Each	\$0.00
Invoicing Module	Annual	1 Each	\$0.00
FOIA Module for Enterprise Sales	Annual	1 Each	\$0.00
Redaction License (per named user)	Annual	3 Each	\$0.00
ADFS/Single Sign-on Module	Annual	1 Each	\$0.00
Advanced Email Tracking	Annual	1 Each	\$0.00
SUBTOTAL:			\$12,000.00

 GRANICUS
FUTURE YEAR PRICING

Solution(s)	Period of Performance	
	Year 2	Year 3
Essentials Package 3	\$11,235.00	\$12,021.45
PST Email Extractor	\$1,605.00	\$1,717.35
Payments Module	\$0.00	\$0.00
Hosted Data Storage (TB)	\$0.00	\$0.00
Invoicing Module	\$0.00	\$0.00
FOIA Module for Enterprise Sales	\$0.00	\$0.00
Redaction License (per named user)	\$0.00	\$0.00
ADFS/Single Sign-on Module	\$0.00	\$0.00
Advanced Email Tracking	\$0.00	\$0.00
SUBTOTAL:	\$12,840.00	\$13,738.80

APPENDIX E
South San Francisco Records Retention Schedule 2016

[https://www.sanmateocourt.org/documents/grand_jury/2021/Appendix E - SSF Retention Schedule 2016.pdf](https://www.sanmateocourt.org/documents/grand_jury/2021/Appendix_E_-_SSF_Retention_Schedule_2016.pdf)

APPENDIX F
City of San Mateo's Clean-Up Day Staff Plan and Flyer

San Mateo Records Clean-Up Day Staff Plan

Department/Location/Division: _____

Your Name: _____

Date of Clean-Up: **May 05, 2022 Cinco De Mayo**

This Form Due To Your Dept. Record Coordinator **4/28/22**

Goal(s) for clean-up day (select all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Prepare paper records for destruction | <input type="checkbox"/> Email clean-up (delete unnecessary emails. Move attachments that are records to the correct records repository e.g., One Drive, SharePoint, Laserfiche) |
| <input type="checkbox"/> Dispose of duplicate records | <input type="checkbox"/> Identify electronic records that are eligible for destruction |
| <input type="checkbox"/> Prepare records for off-site storage | <input type="checkbox"/> Focus on imaging, indexing electronic records |
| <input type="checkbox"/> Sort through off-site storage records | <input type="checkbox"/> Ensure website content is accurate and up-to-date (Remove old/outdated documents and/ or pages from website) |
| <input type="checkbox"/> File paper files | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Develop file inventory | |

Key Activities and Strategies: What will you do to accomplish these goals? Be as specific as possible.

Welcome Back San Mateo

ANNUAL CINCO DE MAYO

RECORDS CLEAN-UP DAY PICNIC

*Let's Celebrate being together in person again
with a picnic of specialty tacos in our backyard with your colleagues!*

How to join the fun (and yes, records clean-up is fun!)

1. Ask your Department's Records Coordinator for a records clean-up commitment form.
2. Choose from a list of clean-up activities or create your own
3. Sign the form and provide it to your Records Coordinator by **April 28, 2022** - this is your RSVP for the luncheon. Sorry: No form - no tacos.
4. On or before 5/5/22 clean-up, purge, & organize those records!

Questions? Talk to your Records Coordinator
or Alesha Boyd in the City Clerk's Office

Join us here!



**Join us for Tacos in City Hall Backyard
11:00 am - 12:30 pm**

*Courtesy of the Clerks for anyone who committed to
Records Clean-up*

- Salad
- Tacos - Grilled Chicken, Steak, Carnitas
- Veggie Spanish Rice and Veggie Beans
- Grilled Veggies
- Guacamole, sour cream and cheese fixins
- Corn tortillas
- Chips and Salsa
- Churros for dessert! Yum!





TOWN OF COLMA

1198 El Camino Real • Colma, California • 94014-3212
Tel 650.997.8300 • Fax 650.997.8308

October 13, 2022

Honorable Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Civil Grand Jury Coordinator
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report: "A Delicate Balance Between Knowledge and Power: Government Transparency And The Public's Right To Know."

Dear Judge Lee:

The City Council received the San Mateo Civil Grand Jury report titled, "A Delicate Balance Between Knowledge and Power: Government Transparency And The Public's Right To Know."

The Town was requested to submit comments regarding the findings and recommendations within 90 days and no later than November 9, 2022. The Town of Colma's response to both the findings and recommendations are listed below.

The Grand Jury instructed the Town of Colma to respond to recommendations R2 and R4.

For each Grand Jury "recommendation", the Town was requested to report one of the following actions;

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Helen Fisicaro, Mayor
Joanne F. del Rosario, Vice Mayor
John Irish Goodwin, Council Member • Diana Colvin, Council Member • Ken Gonzalez, Council Member
Brian Dossey, City Manager

The following are responses to recommendations R2 and R 4:

R2. The city council should direct city staff to consider performing a cost/benefit analysis and report back by September 1, 2023, on the purchase of commercially available public records request software.

Town Response: This recommendation will not be implemented. The Town receives a minimal number of public records request and staff has not encountered any difficulties with providing timely responses. The Town does not find it necessary to perform cost/benefit analysis or look into acquiring a commercially available public records request software.

R4. By June 30, 2023, the city council should direct city staff to review and consider adopting a records management practice analogous to the City of San Mateo's "Records Cleanup Day."

Town Response: This recommendation has been implemented. Staff will look into implementing a similar records clean up event by June 30, 2023.

This response was approved by the City Council at the October 12, 2022 public meeting.

On behalf of the Town of Colma, I would like to thank the Grand Jury for their work on this report.

Sincerely,

Helen Fisicaro
Mayor



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Caitlin Corley, City Clerk
 VIA: Brian Dossey, City Manager
 MEETING DATE: October 12, 2022
 SUBJECT: Vacant Committee Assignments

RECOMMENDATION

Staff recommends that the City Council make the following motion:

MOTION TO APPROVE APPOINTMENTS TO CERTAIN COMMITTEE ASSIGNMENT
 VACANCIES AND GRANT TO THE APPOINTEE DISCRETION IN VOTING ON MATTERS
 BROUGHT BEFORE THE COMMITTEE.

EXECUTIVE SUMMARY

In addition to their primary role as Elected Officials of the Town of Colma, the City Council Members serve on a variety of committees that involve the direct participation of its members in a host of local and regional issues and organizations. Following the retirement of Vice Mayor Raquel Gonzalez on July 28, 2022, several committee assignments that she had previously filled were left vacant.

Staff is recommending that the City Council appoint a Council Member or Council Members to fill the current vacancies.

ANALYSIS

Vice Mayor Gonzalez previously served as the primary representative on the Peninsula Clean Energy Board of Directors and Peninsula Traffic Congestion Relief Alliance "Commute.org" Board of Directors.

She also served as an alternate on the Association of Bay Area Governments (ABAG) General Assembly and the California Cities Gaming Authority.

Council Adopted Values

The filling of these vacancies is a responsible decision, as it makes sure that the Town is represented on regional committees.

ALTERNATIVES

Council may choose not to fill these vacancies at this time and may wait to fill them at the annual Reorganization in December 2022.

FISCAL IMPACT

There is no fiscal impact.

CONCLUSION

Staff recommends that Council select a Council Member or Council Members to fill the current committee vacancies.

ATTACHMENTS

- A. Council Committee Assignment Vacancies Worksheet

Vacant Council Committee Assignments

Committee Name	2022 Primary	2022 Secondary	NEW Primary	NEW Secondary
Association of Bay Area Governments (ABAG) (GENERAL ASSEMBLY MEETS TWICE PER YEAR APRIL & OCTOBER)	del Rosario	R. Gonzalez	del Rosario	
California Cities Gaming Authority (MEETS 3 RD WEDNESDAY, 10:00AM)	Fisicaro	R. Gonzalez	Fisicaro	
Peninsula Clean Energy Board of Directors (MEETS 4 TH THURSDAY, 6:30PM AT THE COUNTY OFFICE OF EDUCATION BUILDING IN REDWOOD CITY)	R. Gonzalez	del Rosario		del Rosario
Peninsula Traffic Congestion Relief Alliance - "Commute.org" Board of Directors (6 X A YEAR, THURSDAY MORNINGS)	R. Gonzalez	Colvin		Colvin





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Christopher J. Diaz, City Attorney
 VIA: Brian Dossey, City Manager
 MEETING DATE: October 12, 2022
 SUBJECT: Presentation on Updates to the Brown Act

RECOMMENDATION

Staff recommends that the City Council Receive a Presentation on Brown Act Updates. No action is requested.

EXECUTIVE SUMMARY AND ANALYSIS

Summary

The State Legislature has recently adopted two new laws that amend the Brown Act, and that could impact all of the Town's public meetings going forward. In an effort to provide a broad overview of some of these changes, including options for continued virtual meetings in some circumstances, the City Attorney's Office will be providing a presentation detailing these new Brown Act laws taking effect in 2023.

In short, the most important changes are summarized below with more detail provided further in this staff report and in the presentation:

- Codification of Assembly Bill (AB) 361 as a permanent part of the Brown Act, providing for remote meetings with relaxed agenda requirements any time a state of emergency is proclaimed and local authorities are recommending measures for social distancing.
- Codification of AB 2449 providing a new set of rules for when less than a quorum of a public body needs to attend a meeting remotely due to "just cause" (childcare or family care need, contagious illness, physical or mental disability, or travel while on official public business) or an "emergency" (physical or family medical emergency).
- Codification of Senate Bill (SB) 1100 providing a new rule authorizing public bodies to address disruptions to a meeting by (1) warning the person their behavior is disruptive (as defined by the law), and (2) if the disruption persists, removing the person from the meeting. This does not impair a public body's pre-existing ability, under the Brown Act, to clear the entire room if a group is willfully interrupting an orderly meeting; it simply adds a new tool to the Town's arsenal for dealing with meeting disruptions.

Analysis

AB 2449 – Limited Teleconferencing in Specified Scenarios

AB 2449 reiterates the standard Brown Act teleconference rules, re-codifies the rules set out in AB 361 for times of declared emergency, and also provides for relaxed teleconferencing rules when a member of the legislative body needs to attend remotely for an emergency, or other reasons supported by “just cause.”

Under the new teleconference rules, a legislative body may hold a “hybrid” (partial teleconference, partial in-person) meeting without having to comply with certain procedural requirements (post agendas at teleconference locations, identify teleconference locations in the agenda, make all teleconference locations open to the public) in the following limited circumstances:

- One or more members of the legislative body (but less than a quorum) have “just cause” for not attending the meeting in person (childcare or family caregiving need, contagious illness, physical or mental disability need, or travel while on official public business); or
- One or more members of the legislative body (but less than a quorum) experience an emergency circumstance (a physical or family medical emergency that prevents in-person attendance).

There are restrictions on the number of times any one member may attend remotely in a year under one of these exceptions. Further, a quorum of the body must still be meeting in-person, and the body must meet the following relaxed remote access rules:

- Provide either a two-way audio visual system or a two-way phone service in addition to live webcasting;
- Identify a call-in or internet-based access option on the agenda, in addition to the in-person meeting location;
- Ensure that if a disruption to the online meeting occurs, the body takes no further action on agenda items until public access is restored; and
- Avoid requiring public comments to be submitted in advance, and provide a real-time option for the public to address the body at the meeting.

SB 1100 – Removing Disruptive Meeting Attendees

Under SB 1100, recently passed by the Legislature and signed by Gov. Newsom, legislative bodies now have an additional tool to address meeting disruptions. The Brown Act authorizes a legislative body to order the room cleared and continue in session if a group or groups willfully interrupts the orderly conduct of the meeting, provided certain requirements are met. SB 1100 amends the Brown Act to provide that the presiding member of a legislative body may have an individual removed for disrupting a meeting of the body. Before removing any person, the person must be warned that their behavior is disruptive, and that continued disruption may

result in the person's removal (however, no prior warning is required if the person is engaging in use of force or threatening to use force against anyone). Behavior is otherwise "disruptive" if it disrupts or impedes the orderly conduct of the meeting.

FISCAL IMPACT

This is an informational presentation only, and will not result in any financial impact to the Town.

ENVIRONMENTAL

The act of receiving this presentation is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15061(b)(3) as it can be seen with certainty that the action will not cause any potentially significant impact on the environment

Council Adopted Values

The City Council's action in receiving the presentation is *responsible* and *fair* as it ensures the City Council is aware of the new laws applicable to all public meetings, and that the public also has a fair opportunity to hear how these updates may impact the Town going forward.

CONCLUSION

The City Council should receive the presentation.

