



**AGENDA  
REGULAR MEETING  
CITY COUNCIL OF THE TOWN OF COLMA  
Wednesday, January 11, 2023  
CLOSED SESSION – 6:00 PM  
REGULAR SESSION – 7:00 PM**

*This City Council meeting will be conducted pursuant to the provisions of Assembly Bill 361 and Government Code Section 54953(e) (and without compliance with section 54953(b)(3) related to conducting public meetings during the COVID-19 pandemic. The City Council, staff and members of the public may participate in the meeting in person at Town Hall or virtually via Zoom Video Conference.*

**To attend the meeting in person:**

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

**To participate in the meeting via Zoom Video Conference:**

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

Passcode: 074407

Meeting ID: 812 8997 6261

Dial by your location

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 812 8997 6261

Passcode: 074407

**To provide Public Comment in person:**

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

**To provide Public Comment via Zoom Video Conference:**

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

**To provide Public Comment in writing:**

Members of the public may provide written comments by email to the City Clerk at [ccorley@colma.ca.gov](mailto: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.

## **CLOSED SESSION – 6:00 PM**

### **1. In Closed Session under Government Code § 54957.6, CONFERENCE WITH LABOR NEGOTIATOR**

Agency Negotiator: Austris Rungis, IEDA

Employee Organizations: Colma Communications/Records Association

Unrepresented Employees: City Clerk

## **PLEDGE OF ALLEGIANCE AND ROLL CALL – 7:00 PM**

## **ADOPTION OF AGENDA**

## **PRESENTATIONS**

- Holiday House Decorating Contest Award Recipients

## **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**

2. Motion to Accept the Minutes from the December 13, 2022 Special Meeting.
3. Motion to Accept the Minutes from the December 14, 2022 Regular Meeting.
4. Motion to Approve Report of Checks Paid for December 2022.
5. 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.
6. Motion to Adopt an Ordinance Amending Section 1.02.020 of the Colma Municipal Code Relating to a Council Vacancy Pursuant to CEQA Guideline 15061(b)(3) (second reading).
7. Motion to Accept Informational Report on Recreation Department Programs, Activities, Events, and Trips for the Fourth Quarter of 2022.
8. Motion to Adopt a Resolution Directing Town Staff to Fly Various Commemorative Flags in Lieu of the Town of Colma Flag at the Colma Community Center.
9. Motion to Introduce an Ordinance Amending Chapter 5, Subchapter 4 of the Town of Colma Municipal Code, Adopting by Reference the 2022 Edition of the California Building Standards Code (California Code of Regulations, Title 24), Consisting of the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Electrical Code, the 2022 California Mechanical Code, the 2022 California Plumbing Code, the 2022 California Fire Code, the 2022 California Energy Code, the 2022 California Green Building Standards Code, the 2022 California Historical Building Code, the 2022 California Existing Building Code and the 2022 California Referenced Standards Code; the 1997 Edition of the Uniform Housing Code; and the 2018 International Property Maintenance Code, Together With Certain Additions, Amendments, and Deletions, All Pursuant to CEQA Guidelines 15061(b)(3) and 15378, and Waive Further Reading of the Ordinance; and Schedule a Public Hearing for February 8, 2023.

## **PUBLIC HEARING**

### **10. ORDINANCE ADDING COLMA MUNICIPAL CODE SUBCHAPTER 2.10 RELATING TO FIREWORKS**

*Consider:* Motion to Introduce and Waive Further Reading of an Ordinance Adding Subchapter 2.10 to the Colma Municipal Code Relating to Fireworks Pursuant to CEQA Guidelines 15061(b)(3), 15307, and 15308.

## **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](http://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](mailto: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](mailto:pak.lin@colma.ca.gov). Please allow two business days for your request to be processed.



**1. In Closed Session under Government Code § 54957.6, CONFERENCE WITH LABOR NEGOTIATOR**

Agency Negotiator: Austris Rungis, IEDA

Employee Organizations: Colma Communications/Records Association

Unrepresented Employees: City Clerk

There is no staff report associated with this item.



**MINUTES  
SPECIAL MEETING**

City Council of the Town of Colma  
Town Hall Council Chamber  
1198 El Camino Real, Colma CA  
Also Accessible via Zoom.us  
**Tuesday, December 13, 2022**  
**6:00 PM**

**PLEDGE OF ALLEGIANCE AND ROLL CALL**

Mayor Fiscaro called the meeting to order at 6:04 p.m.

Council Present – Mayor Helen Fiscaro, Vice Mayor Joanne F. del Rosario, Council Members John Irish Goodwin, Ken Gonzalez and Carrie Slaughter 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 Administrative Technician Abigail Dometita were in attendance.

**INTRODUCTIONS**

Mayor Fiscaro welcomed the audience and acknowledged local dignitaries and elected officials in attendance:

- Dennis Fiscaro, Former Mayor
- Mary Brodzin, Former Council Member
- David Canepa, San Mateo County Supervisor
- Sandie Arnott, San Mateo County Treasurer-Tax Collector
- Madeline Bradshaw, representing Assemblymember Phil Ting's Office
- Felicia Leong, CEO of the Daly City Colma Chamber of Commerce
- Maureen O'Conner, President of the Colma Historical Association

**ADOPTION OF RESOLUTION DECLARING RESULTS OF NOVEMBER 8, 2022 ELECTION**

Mayor Fiscaro announced, "Because the Vice Mayor and myself are among the persons who ran for re-election to the Council, I have asked the Council Member Goodwin to handle this portion of the agenda."

Council Member Goodwin called on City Clerk Caitlin Corley to read the certified results of the election held on November 8, 2022. He opened the public comment period at 6:06 p.m. and seeing no one come forward to speak, he closed the public comment period. Council discussion followed.

**Action:** Council Member Goodwin moved to Adopt a Resolution Declaring the Results of the General Municipal Election Held on November 8, 2022, and Such Other Matters as Provided By Law; the motion was seconded by Council Member Gonzalez and carried by the following vote:

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

### ADMINISTRATION OF OATHS OF OFFICE TO RE-ELECTED COUNCIL MEMBERS

Council Member Goodwin asked Sandie Arnott, San Mateo County Treasurer-Tax Collector, to come to the podium and administer the Oath of Office to re-elected Council Member Helen Fisicaro.

Council Member Goodwin asked Cherie Querol Moreno, to come to the podium and administer the Oath of Office to re-elected Council Member Joanne F. del Rosario.

### PRESENTATIONS TO OUTGOING MAYOR REMARKS BY OUT-GOING MAYOR FISICARO

The City Council presented Mayor Fisicaro with a proclamation, a gavel, flowers and a donation to the Colma Historical Association. They also presented her with a photobook of her representing the Town at various events this year.

Mayor Fisicaro made remarks as the out-going Mayor.

### NOMINATION AND APPOINTMENT OF MAYOR

Mayor Fisicaro nominated Joanne F. del Rosario for Mayor, and the nomination was seconded by Council Member Goodwin. There were no other nominations, and Mayor Fisicaro closed the nominations for Mayor and called for a vote.

**Action:** Mayor Fisicaro moved to select Joanne F. del Rosario as Mayor, 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 Fisicaro, Mayor	✓				
Joanne F. del Rosario	✓				
John Irish Goodwin	✓				
Ken Gonzalez	✓				
Carrie Slaughter	✓				
	5	0			



**ADMINISTRATION OF THE OATH OF OFFICE TO NEW MAYOR**

Outgoing Mayor Fiscaro asked Rene Malimban to come to the podium to administer the Oath of Office to the new Mayor Joanne F. del Rosario. Outgoing Mayor Fiscaro presented Mayor del Rosario with flowers to celebrate her new term as Mayor. Mayor del Rosario introduced her guests and gave her remarks as the in-coming Mayor.

**NOMINATION AND APPOINTMENT OF VICE MAYOR**

Mayor del Rosario called upon the Council to make nominations for Vice Mayor. Council Member Fiscaro nominated John Irish Goodwin for Vice Mayor, and the nomination was seconded by Council Member Slaughter. There were no other nominations, and Mayor del Rosario closed the nominations for Vice Mayor and called for a vote.

**Action:** Council Member Fiscaro moved to select John Irish Goodwin as Vice Mayor, and the motion was seconded by Council Member Slaughter and carried by the following vote:

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

**ADMINISTRATION OF THE OATH OF OFFICE TO VICE MAYOR**

Mayor del Rosario asked Yamel Rodriguez to come to the podium to administer the Oath of Office to the new Vice Mayor John Irish Goodwin. Vice Mayor Goodwin introduced his guests and gave his remarks as the in-coming Vice Mayor.

**OTHER PRESENTATIONS BY DISTINGUISHED GUESTS**

The following individuals made presentations:

- Maureen O’Conner, President of the Colma Historical Association
- Rico E. Medina, Mayor of the City of San Bruno
- Felicia Leong, CEO of the Daly City Colma Chamber of Commerce
- Sandie Arnott, San Mateo County Treasurer-Tax Collector
- Gladys Buckner, resident
- Yamel Rodriguez, community member
- Cherie Querol Moreno, community member
- Madeline Bradshaw, representing Assemblymember Phil Ting’s Office
- Gabriel Gonzales, resident

**SIGNING OF THE VALUES BASED CODE OF CONDUCT**

Mayor del Rosario announced, “In 2009, the City Council adopted the Values Based Code of Conduct to promote and maintain the highest standards of personal and professional

conduct in the Town's government. In 2019, Council and staff participated in a team building exercise and worked together to revise and update the pledge. The newly updated Code of Conduct includes the longstanding values of fairness, honesty and integrity, responsibility, vision and respect, and focuses on practical ways to live up to these values while highlighting the importance of trust, communication, collaboration and compassion. Council will now sign this pledge. Staff will also sign and it will be posted on our website as a reminder of our commitment to the public and to each other."

The Mayor and each member of Council signed the pledge.

## **ADJOURNMENT**

Mayor del Rosario adjourned the meeting at 7:08 p.m. and asked everyone to stay for the reception.

Respectfully submitted,

Caitlin Corley  
City Clerk

**MINUTES  
REGULAR MEETING**

City Council of the Town of Colma  
Town Hall Council Chamber  
1198 El Camino Real, Colma CA  
Also Accessible via Zoom.us  
**Wednesday, December 14, 2022**  
**7:00 PM**

**PLEDGE OF ALLEGIANCE AND ROLL CALL**

Mayor del Rosario called the meeting to order at 7:01 p.m.

Council Present – Mayor Joanne F. del Rosario, Vice Mayor John Irish Goodwin, Council Members Ken Gonzalez, Carrie Slaughter and Helen Fisicaro 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 Administrative Technician Abigail Dometita were in attendance.

The Mayor announced, “Good evening and welcome to this hybrid Council Meeting, conducted both in person and remotely via Zoom.

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

**ADOPTION OF THE AGENDA**

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

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

## **PRESENTATIONS**

- **Recognition of Retired Council Member Diana Colvin**

The Mayor announced, "Tonight, we will be honoring Retired Council Member Diana Colvin, who is joining us this evening via zoom. I will begin by reading a proclamation recognizing her service to the Town."

She then read the proclamation while a slideshow played of photos of Council Member Colvin's time on Council.

The Mayor continued, "Earlier today, several gifts were delivered to Council Member Colvin's home; I'd now like to invite each of my fellow Council Members to present each gift and say a few words of thanks to Diana."

Vice Mayor Goodwin shared that the Town put together a photo book filled with many memories of Council Member Colvin's time on Council throughout the years. Council Member Gonzalez shared that a donation has been made in her name to the Colma Historical Association. Council Member Slaughter shared that the Town has sent flowers to her home. Council Member Fiscaro shared that the Town has given her the nameplates from her time on Council as a memento.

Mayor del Rosario thanked the Council for their remarks, asked if anyone from the public would like to speak. Director of Public Works Brad Donohue and resident Liz Taylor made remarks.

## **PUBLIC COMMENTS**

Mayor Fiscaro opened the public comment period at 7:17 p.m. Chris Sturken of HIP Housing made a comment. Seeing no one else request to speak, she closed the public comment period at 7:17 p.m.

## **CONSENT CALENDAR**

1. Motion to Accept the Minutes from the November 9, 2022 Regular Meeting.
2. Motion to Accept the Minutes from the November 16, 2022 Special Meeting.
3. Motion to Approve Report of Checks Paid for November 2022.
4. 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.
5. Motion Accepting the Fiscal Year 2021-22 Annual Investment Report Through June 30, 2022.
6. Motion to Adopt a Resolution Approving and Authorizing the City Manager to Execute All Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, and Any Amendments for All Federal and/or State Funding Projects with the California Department of Transportation Pursuant to CEQA Guideline 15305.

7. Motion Approving and Accepting the Development Impact Fee Report for Fiscal Year Ending June 30, 2022.

**Action:** Council Member Fiscaro moved to approve the consent calendar items #1 through 7; the motion was seconded by Council Member Slaughter and carried by the following vote:

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

**PUBLIC HEARING**

**8. URGENCY ORDINANCE RELATING TO ACCESSORY DWELLING UNITS**

Principal Planner Lorraine Weiss presented the staff report. The Mayor opened the public comment period at 7:29 p.m. and seeing no one request to speak, she closed the public comment period. Council discussion followed.

**Action:** Vice Mayor Goodwin moved to Adopt an Urgency Ordinance Amending Chapter 5, Subchapter 5.19, of the Colma Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Determining the Ordinance to be Exempt from CEQA Per Guideline 15282 and Public Resources Code 21080.17; the motion was seconded by Council Member Fiscaro and carried by the following vote:

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

**9. ORDINANCE AMENDING COLMA MUNICIPAL CODE RELATING TO A COUNCIL VACANCY**

Chris Diaz presented the staff report. The Mayor opened the public comment period at 7:48 p.m. and seeing no one request to speak, she closed the public comment period. Council discussion followed.

**Action:** Council Member Fiscaro moved to Introduce and Waive First Reading of an Ordinance Amending Section 1.02.020 of the Colma Municipal Code Relating to a Council Vacancy Pursuant to CEQA Guideline 15061(b)(3); the motion was seconded by Council

Member Gonzalez and carried by the following vote:

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

## NEW BUSINESS

### 10. AGE FRIENDLY ACTION PLAN

City Manager Brian Dossey presented the staff report. The Mayor opened the public comment period at 8:02 p.m. Residents Maureen O'Connor and Liz Taylor spoke. The Mayor closed the public comment period at 8:08 p.m. Council discussion followed.

**Action:** Council Member Slaughter moved to Approve the Town of Colma's Age Friendly Action Plan and Submission of the Plan to the American Association of Retired Persons (AARP) and the World Health Organization (WHO) Maintaining the Town of Colma's Age-Friendly City Designation Pursuant to CEQA Guideline 15378; the motion was seconded by Vice Mayor Goodwin and carried by the following vote:

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

### 11. SUPLUS LAND INVENTORY

Associate Planner Alvin Jen presented the staff report. The Mayor opened the public comment period at 8:26 p.m. and seeing no one request to speak, she closed the public comment period. Council discussion followed.

**Action:** Vice Mayor Goodwin moved to Adopt a Resolution Declaring Certain Properties as Exempt Surplus Land and Non Surplus Land, as Defined in Government Code § 54221(b); and Authorizing the Filing of the Inventory List Establishing the Town's Inventory in Compliance with Government Code § 54230(a)(1) Pursuant to CEQA Guidelines 15378 and 15061(b)(3); the motion was seconded by Council Member Fisicaro and carried by the following vote:

Name	Voting	Present, Not Voting	Absent

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

## 12. CITY SELECTION COMMITTEE AND COUNCIL OF CITIES

City Clerk Caitlin Corley presented the staff report. The Mayor opened the public comment period at 8:30 p.m. and seeing no one request to speak, she closed the public comment period. Council discussion followed.

**Action:** Council Member Fisicaro moved to Confirm Designation of the Mayor as the Voting Member for the Council of Cities, Designate the Alternate Voting Member as the Vice Mayor and Other Council Members in Order of Seniority, and Give the Voting Member Discretion on any and All Matters to be Considered; the motion was seconded by Council Member Gonzalez and carried by the following vote:

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

## 13. CITY COUNCIL COMMITTEE ASSIGNMENTS FOR 2023

City Clerk Caitlin Corley presented the staff report. The Mayor opened the public comment period at 8:34 p.m. and seeing no one request to speak, she closed the public comment period. Council discussion followed. Below is the list of 2023 Committee Assignments that the Council discussed and agreed on:

Committee Name	Primary	Secondary
<a href="#">Association of Bay Area Governments (ABAG)</a> (GENERAL ASSEMBLY MEETS TWICE PER YEAR APRIL & OCTOBER)	del Rosario	Gonzalez
<a href="#">California Cities Gaming Authority</a> (MEETS 3 <sup>RD</sup> WEDNESDAY, 10:00AM)	Fisicaro	Gonzalez
<a href="#">City/County Association of Governments (C/CAG)</a> (MEETS 2 <sup>ND</sup> THURSDAY OF THE MONTH, 7:00PM)	Goodwin	Slaughter
<a href="#">Colma Creek Flood District</a>	Fisicaro	

(MEETS QUARTERLY, 2 <sup>ND</sup> TUESDAY @ 3:00PM IN MARCH, JUNE, SEPTEMBER AND DECEMBER AT CITY HALL, SOUTH SAN FRANCISCO)		
<a href="#">Emergency Services Council</a> (MEETS QUARTERLY, 3 <sup>RD</sup> THURSDAY at 5:30PM IN JANUARY, APRIL, JUNE & SEPTEMBER, AT THE HALL OF JUSTICE, JURY ASSEMBLY ROOM IN REDWOOD CITY)	Slaughter	del Rosario
<a href="#">Peninsula Clean Energy Board of Directors</a> (MEETS 4 <sup>TH</sup> THURSDAY, 6:30PM AT THE COUNTY OFFICE OF EDUCATION BUILDING IN REDWOOD CITY)	Gonzalez	del Rosario
<a href="#">Peninsula Traffic Congestion Relief Alliance - "Commute.org" Board of Directors</a> (6 X A YEAR, THURSDAY MORNINGS)	Gonzalez	Slaughter
<a href="#">San Francisco International Airport Community Roundtable</a> (MEETS 1 <sup>ST</sup> WEDNESDAY, 7:00PM AT MILLBRAE CITY HALL)	Goodwin	del Rosario
<a href="#">San Mateo County Council of Cities</a> (MONTHLY DINNER AND MEETING)	del Rosario	Goodwin

**Action:** Council Member Gonzalez moved to Approve Committee Assignments for 2023 and Grant to the Appointee Discretion in Voting on Matters Brought Before the Committee; the motion was seconded by Council Member Fiscaro and carried by the following vote:

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

## COUNCIL CALENDARING

- The Regular Meeting on Wednesday, December 28, 2022 will be cancelled.
- The next Regular Meeting will be on Wednesday, January 11, 2023 at 7:00pm.

## REPORTS

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



- Thank you to Caitlin Corley, Abigail Dometita and the recreation staff for coordinating the Reorganization reception yesterday.
- The holiday party will be on Saturday, December 17. See you there!
- Happy Holidays!

### **ADJOURNMENT AND CLOSE IN MEMORY**

Mayor Fiscaro adjourned the meeting at 8:42 p.m. in memory of Richard Neves, husband of Yvonne Neves and father of Yvette Cortes, owners of Simply Uniforms.

Respectfully submitted,

Caitlin Corley  
City Clerk





# STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Christopher J. Diaz, City Attorney

VIA: Brian Dossey, City Manager

MEETING DATE: January 11, 2023

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.



apCkHist  
01/04/2023 7:57AM

**Check History Listing**  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55777	12/02/2022	01340 NAVIA BENEFIT SOLUTION			20221202 Bi - fsa125	12/02/2022	1,240.08	1,240.08
55778	12/02/2022	02944 ASSOCIATION OF CALIFOF			20221202 bi	12/02/2022	45.00	45.00
55779	12/02/2022	02945 PORAC LEGAL DEFENSE F			20221202 Bi	12/02/2022	168.00	168.00
55780	12/06/2022	00003 A. S. F. ELECTRIC			2003	11/30/2022	395.00	395.00
55781	12/06/2022	01031 A-1 RHINO LININGS, LLC			12075	11/29/2022	661.09	661.09
55782	12/06/2022	00013 ANDY'S WHEELS & TIRES			65498	11/10/2022	1,153.25	1,244.03
					65485	11/09/2022	45.39	
					65503	11/14/2022	45.39	
55783	12/06/2022	00623 ARAMARK			5180097283	11/07/2022	111.92	664.68
					5180105474	11/21/2022	111.92	
					5180101371	11/14/2022	111.92	
					5180109816	11/28/2022	111.92	
					5180097279	11/07/2022	25.90	
					5180105462	11/21/2022	25.90	
					5180101365	11/14/2022	25.90	
					5180109806	11/28/2022	25.90	
					5180097278	11/07/2022	18.90	
					5180097254	11/07/2022	18.90	
					5180105437	11/21/2022	18.90	
					5180101316	11/14/2022	18.90	
					5180101363	11/14/2022	18.90	
					5180109783	11/28/2022	18.90	
55784	12/06/2022	01565 BAY CONTRACT MAINTEN/			28007	08/10/2022	2,661.35	7,923.43
					28010	08/10/2022	2,661.35	
					28011	08/10/2022	1,552.45	
					28009	08/10/2022	633.64	
					28012	08/10/2022	221.30	
					28008	08/10/2022	193.34	
55785	12/06/2022	03543 BAY TRUCK ACCESSORIES			10446M	11/07/2022	2,498.59	2,498.59

Check History Listing  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55786	12/06/2022	01183 BEST BEST & KRIEGER LLF			952004	12/03/2022	20,494.00	
					952002	12/03/2022	3,008.40	
					952003	12/03/2022	1,382.40	24,884.80
55787	12/06/2022	00093 CITY OF SOUTH SAN FRAN			519156	11/22/2022	2,114.40	
					519085	10/14/2022	1,117.00	3,231.40
55788	12/06/2022	03539 CLARK PEST CONTROL			32369169	11/18/2022	850.00	
					32368109	11/16/2022	640.00	
					32369166	11/18/2022	185.00	1,675.00
55789	12/06/2022	00095 CLEARLITE TROPHIES			89299	11/30/2022	58.23	58.23
55790	12/06/2022	01037 COMCAST CABLE			11/25-12/24 Internet	11/20/2022	251.72	
					11/25-12/24 427 F St	11/20/2022	241.72	
					11/27-12/26 XFINITY	11/17/2022	10.94	504.38
55791	12/06/2022	03224 DECORATIVE PLANT SERV			0030120	12/01/2022	157.45	157.45
55792	12/06/2022	00117 DELTA DENTAL OF CALIFOI			BE005244218	12/01/2022	14,115.00	14,115.00
55793	12/06/2022	02793 DITO'S MOTORS			26963	11/29/2022	99.34	99.34
55794	12/06/2022	03450 FLOCK SAFETY			INV-4341	11/11/2022	10,000.00	10,000.00
55795	12/06/2022	02499 GE CAPITAL INFORMATION			5066236471	12/01/2022	1,561.06	1,561.06
55796	12/06/2022	02499 GE CAPITAL INFORMATION			106711872	11/18/2022	513.17	
					106711874	11/18/2022	274.76	
					106719904	11/22/2022	274.76	1,062.69
55797	12/06/2022	00254 METRO MOBILE COMMUNI			46787	11/21/2022	1,108.75	
					221212	12/01/2022	602.00	1,710.75
55798	12/06/2022	01340 NAVIA BENEFIT SOLUTION			10532764	11/30/2022	117.70	117.70
55799	12/06/2022	00307 PACIFIC GAS & ELECTRIC			11/23/2022	11/23/2022	2,164.20	
					11/08/2022	11/08/2022	1,976.80	
					11/18/2022	11/18/2022	73.74	4,214.74
55800	12/06/2022	00309 PAUL'S FLOWERS			16272	09/30/2022	164.06	164.06



Check History Listing  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55801	12/06/2022	00352 SERRAMONTE FORD, INC.			322104	12/01/2022	603.34	603.34
55802	12/06/2022	00388 SONITROL			323807	11/14/2022	1,143.11	1,143.11
55803	12/06/2022	02849 6746050100 U.S. BANK PAF			2022-12 OPEB	12/01/2022	128,788.00	128,788.00
55804	12/06/2022	01687 UNITED SITE SERVICES OI			INV-01205026	11/24/2022	168.16	168.16
55805	12/13/2022	03546 JUDIT ABARCA			2002399.003	11/28/2022	300.00	300.00
55806	12/13/2022	03544 ALPHACARD			INV6937363	10/12/2022	196.85	196.85
55807	12/13/2022	00002 AT&T			11/18/2022	11/18/2022	36.72	36.72
55808	12/13/2022	03541 LENORA BANKS			2002394.003	11/21/2022	275.00	275.00
55809	12/13/2022	03542 DENISE BERMUDEZ			2002395.003	11/21/2022	300.00	300.00
55810	12/13/2022	02623 CYNTHIA BLOEBAUM			62854	12/07/2022	2,596.00	2,596.00
55811	12/13/2022	03545 BUDGET BLINDS OF SF WI			Quote#2204	12/04/2022	10,191.75	10,191.75
55812	12/13/2022	00051 CALIFORNIA WATER SERV			11/29/22 BILL DATE	11/29/2022	4,813.36	
					11/30/22 BILL DATE	11/30/2022	148.50	4,961.86
55813	12/13/2022	00087 CITY OF DALY CITY			AR259800	12/02/2022	206.08	206.08
55814	12/13/2022	03539 CLARK PEST CONTROL			32480782	12/06/2022	135.00	
					32480783	12/06/2022	135.00	
					32480784	12/06/2022	115.00	385.00
55815	12/13/2022	01037 COMCAST CABLE			December 2022 Cable	11/26/2022	15,262.72	
					12/02/22-01/01/23	11/27/2022	246.72	15,509.44
55816	12/13/2022	02827 CORODATA SHREDDING, II			RS3449210	11/30/2022	83.18	83.18
55817	12/13/2022	01601 MARIA THERESA DELA CRI			2002384.003	11/07/2022	325.00	
					2002385.003	11/07/2022	275.00	600.00
55818	12/13/2022	02793 DITO'S MOTORS			27003	12/05/2022	95.31	95.31
55819	12/13/2022	02913 FARALLON COMPANY ENG			2206-1	10/31/2022	74,261.50	74,261.50

Check History Listing  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55820	12/13/2022	03034 FLEX ADVANTAGE			151410	11/30/2022	210.00	210.00
55821	12/13/2022	03535 AILEEN FLORES			2002396.003	11/21/2022	80.00	80.00
55822	12/13/2022	00709 LORENA FLORES			2002398.003	11/28/2022	300.00	300.00
55823	12/13/2022	01413 GLOBALSTAR USA			000000041406246	11/16/2022	4,854.59	4,854.59
55824	12/13/2022	03540 MARTIN GOMEZ			2002387.003	11/07/2022	300.00	300.00
55825	12/13/2022	00433 GRAINGER INC			9522854752	11/22/2022	151.84	151.84
55826	12/13/2022	00174 HOME DEPOT CREDIT SEF			November 1-16, 2022	11/29/2022	527.18	527.18
55827	12/13/2022	01907 KRISTINE MARQUEZ			2002391.003	11/15/2022	300.00	300.00
55828	12/13/2022	03260 LUCAS MONTALVO			2002407.003	12/05/2022	300.00	300.00
55829	12/13/2022	02993 VANESSA MOSQUEDA VEL			12/01/2022	12/01/2022	800.00	800.00
55830	12/13/2022	00263 LIVIEN MULIMBAYAN			2002383.003	11/07/2022	130.00	130.00
55831	12/13/2022	03009 MUTT MITT			517856	11/22/2022	2,607.69	2,607.69
55832	12/13/2022	03061 NICK BARBIERI TRUCKING			CL00756	11/15/2022	577.80	577.80
55833	12/13/2022	00280 ODP BUSINESS SOLUTION			278252192001	11/18/2022	29.66	29.66
55834	12/13/2022	00307 PACIFIC GAS & ELECTRIC			0567147369-1 30Nov22	11/30/2022	227.76	
					9248309814-8 23Nov22	11/23/2022	111.79	339.55
55835	12/13/2022	03004 PROUDCITY INC			1549	10/19/2022	2,500.00	2,500.00
55836	12/13/2022	01629 R. J. RICCIARDI INC., CPAS			13366	11/30/2022	7,312.50	7,312.50
55837	12/13/2022	00352 SERRAMONTE FORD, INC.			10/7/2022	10/07/2022	59,965.94	59,965.94
55838	12/13/2022	00500 SMC CONTROLLERS OFFIK			November 2022	12/02/2022	3,354.70	3,354.70
55839	12/13/2022	00830 STAPLES BUSINESS CRED			1645547427	11/25/2022	506.67	506.67
55840	12/13/2022	01030 STEPFORD, INC.			2201691	11/20/2022	7,695.90	7,695.90
55841	12/13/2022	03015 U.S. BANK CORPORATE PN			11/22/2022	11/22/2022	22,529.76	22,529.76

Check History Listing  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55842	12/13/2022	03075 SUAN MERAZ VARELA			2002400.003	11/28/2022	50.00	50.00
55843	12/16/2022	00047 C.L.E.A.			12162022 B	12/16/2022	216.00	216.00
55844	12/16/2022	01340 NAVIA BENEFIT SOLUTION			12162022 B	12/16/2022	997.78	
					12162022 B	12/16/2022	242.30	1,240.08
55845	12/16/2022	01375 NATIONWIDE RETIREMEN			12162022 B	12/16/2022	4,996.96	4,996.96
55846	12/16/2022	02224 STANDARD INSURANCE CO			12162022 B	12/16/2022	519.00	519.00
55847	12/20/2022	03034 FLEX ADVANTAGE			2023-01-RETIRE	12/19/2022	57,767.53	57,767.53
55848	12/20/2022	03267 ACC BUSINESS			223148455	11/27/2022	679.66	679.66
55849	12/20/2022	00020 ASSOCIATED SERVICES IN			122120028	12/01/2022	40.00	
					122120027	12/01/2022	9.00	49.00
55850	12/20/2022	00004 AT&T			000019160364	12/01/2022	33.76	33.76
55851	12/20/2022	03447 NIKOLE AZZOPARDI			12/12/2022 REIMB	12/12/2022	26.44	26.44
55852	12/20/2022	01565 BAY CONTRACT MAINTEN/			28517	12/10/2022	2,740.50	
					28521	12/10/2022	2,661.35	
					28518	12/10/2022	2,661.35	
					28522	12/10/2022	1,552.45	
					28520	12/10/2022	633.64	
					28523	12/10/2022	221.30	
					28519	12/10/2022	193.34	10,663.93
55853	12/20/2022	00054 C/CAG			21323	12/09/2022	3,851.68	3,851.68
55854	12/20/2022	00095 CLEARLITE TROPHIES			89346	12/07/2022	185.97	185.97
55855	12/20/2022	00064 COLMA FLORAL SHOP			4860	12/05/2022	202.34	202.34
55856	12/20/2022	02793 DITO'S MOTORS			26864	12/10/2022	1,057.41	
					26878	12/10/2022	343.80	
					26849	12/10/2022	107.71	
					26920	12/10/2022	98.95	
					26914	12/10/2022	57.26	1,665.13

Check History Listing  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55857	12/20/2022	02935 EMCOR SERVICES-MESA E			940011730	11/30/2022	1,127.00	
					940011727	11/30/2022	1,127.00	2,254.00
55858	12/20/2022	02913 FARALLON COMPANY ENG			2206-2	10/31/2022	120,346.00	120,346.00
55859	12/20/2022	00709 LORENA FLORES			2002408.003	12/12/2022	300.00	300.00
55860	12/20/2022	00803 ANITA GONZALEZ			2002409.003	12/12/2022	200.00	200.00
55861	12/20/2022	00181 IEDA			23966	12/01/2022	1,628.05	1,628.05
55862	12/20/2022	00220 LC ACTION POLICE SUPPL			446247	11/30/2022	2,043.83	2,043.83
55863	12/20/2022	00223 LESTER'S FLOWER SHOP			1882	12/12/2022	1,389.06	1,389.06
55864	12/20/2022	03191 MAZE & ASSOCIATES			47671	11/30/2022	3,685.00	3,685.00
55865	12/20/2022	03396 DINORA NAVARRO			12/16/2022 REIMB	12/16/2022	48.15	48.15
55866	12/20/2022	00280 ODP BUSINESS SOLUTION			282602619001	12/06/2022	28.22	28.22
55867	12/20/2022	02271 O'GRADY PAVING, INC.			6480	10/25/2022	7,453.46	7,453.46
55868	12/20/2022	03548 EVELYN OLIVARES			2002406.003	12/05/2022	50.00	50.00
55869	12/20/2022	00307 PACIFIC GAS & ELECTRIC			3007220528-6 8Dec22	12/08/2022	3,976.39	
					0576889222-5 8Dec22	12/08/2022	252.12	
					0035222590-8 8Dec22	12/08/2022	21.62	4,250.13
55870	12/20/2022	02681 EVA PONCE			2002410.003	12/13/2022	50.00	50.00
55871	12/20/2022	02970 PRODUCTIVE PRINTING &			36462	12/13/2022	124.84	124.84
55872	12/20/2022	02216 RAMOS OIL CO. INC.			833628	11/30/2022	1,857.24	1,857.24
55873	12/20/2022	02886 READY REFRESH BY NEST			02L0036457661	12/08/2022	8.99	8.99
55874	12/20/2022	00364 SMC FORENSIC LAB			PS-INV104128	11/30/2022	1,649.00	1,649.00
55875	12/20/2022	00534 SMC INFORMATION SERVI			1YCL12211	11/30/2022	82.25	82.25
55876	12/20/2022	01030 STEPFORD, INC.			2201719	12/01/2022	512.00	
					2205547	12/07/2022	260.00	

Check History Listing  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
					2205546	12/07/2022	155.00	927.00
55877	12/20/2022	01118 SWRCB ACCOUNTING OFF			SW-0241881	11/29/2022	7,067.00	
					WD-0212875	12/08/2022	3,453.00	10,520.00
55878	12/20/2022	03549 GORDON TANGANYIKA			2002412.003	12/15/2022	275.00	275.00
55879	12/20/2022	00412 TELECOMMUNICATIONS E			47945	12/05/2022	12,702.66	12,702.66
55880	12/20/2022	03547 ELENA TELLEZ			2002405.003	12/02/2022	40.00	40.00
55881	12/20/2022	00394 TENNANT			919189152	11/30/2022	589.88	589.88
55882	12/20/2022	00414 TERMINEX INTERNATIONA			427536821	11/26/2022	275.00	
					427536822	11/28/2022	88.00	363.00
55883	12/20/2022	03457 TOWNSEND PUBLIC AFFAI			19285	12/01/2022	6,000.00	6,000.00
55884	12/20/2022	00411 TURBO DATA SYSTEMS			39002	11/30/2022	1,795.81	1,795.81
55885	12/20/2022	02123 TYLER TECHNOLOGIES, IN			045-400359	12/01/2022	26,406.68	26,406.68
55886	12/20/2022	00421 U.S. POSTAL SERVICE			12/08/2022 REFILL	12/08/2022	1,000.00	1,000.00
55887	12/20/2022	03075 SUAN MERAZ VARELA			2002411.003	12/13/2022	50.00	50.00
55888	12/20/2022	02799 WAVE (ASTOUND)			103745301-0009859	12/01/2022	489.42	489.42
55889	12/27/2022	00071 CSG CONSULTANTS, INC.			08/27/22-09/30/22	12/27/2022	195,299.19	
					10/01/22-10/28/22	12/27/2022	135,821.06	331,120.25
55890	12/30/2022	01340 NAVIA BENEFIT SOLUTION			12302022 B	12/30/2022	1,597.78	
					12302022 B	12/30/2022	242.30	1,840.08
55891	12/29/2022	00003 A. S. F. ELECTRIC			2002	12/14/2022	885.95	885.95
55892	12/29/2022	00002 AT&T			12/18/2022	12/18/2022	44.41	44.41
55893	12/29/2022	00051 CALIFORNIA WATER SERV			12/13/22 BILL DATE	12/13/2022	110.07	110.07
55894	12/29/2022	00087 CITY OF DALY CITY			AR259910	12/08/2022	21,970.00	21,970.00
55895	12/29/2022	00507 COLMA FIRE PROTECTION			12/20/2022	12/20/2022	145.00	
					12/21/2022	12/21/2022	145.00	290.00

Check History Listing  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
55896	12/29/2022	01037 COMCAST CABLE			Dec11/22-Jan10/23	12/07/2022	113.72	113.72
55897	12/29/2022	00307 PACIFIC GAS & ELECTRIC			1918250367-2 16Dec22	12/16/2022	5,552.58	
					0512181543-4 8Dec22	12/08/2022	1,974.93	7,527.51
55898	12/29/2022	02216 RAMOS OIL CO. INC.			835108	12/10/2022	1,960.75	1,960.75
55899	12/29/2022	03392 ROMEO PACKING COMPAN			159387	12/14/2022	481.25	481.25
55900	12/29/2022	00349 SEGALE & CERINI INC.			17373	11/30/2022	19,881.00	
					17374	11/30/2022	2,102.25	21,983.25
55901	12/29/2022	00388 SONITROL			326321	12/09/2022	1,143.11	1,143.11
94748	12/02/2022	00282 CALIFORNIA PUBLIC EMPL			20221202 bi&m	12/02/2022	76,430.77	76,430.77
94749	12/02/2022	00068 COLMA PEACE OFFICER'S			20221202 bi	12/02/2022	652.14	652.14
94750	12/02/2022	00130 EMPLOYMENT DEVELOPM			20221202 bi&m caltx	12/02/2022	13,269.69	13,269.69
94751	12/02/2022	00130 EMPLOYMENT DEVELOPM			2021202 bi&m sdi	12/02/2022	1,088.67	1,088.67
94752	12/02/2022	01360 MISSIONSQUARE RETIREM			20221202 Bi 457	12/02/2022	5,169.17	5,169.17
94753	12/02/2022	01360 MISSIONSQUARE RETIREM			20221202 bi rhs	12/02/2022	1,450.15	1,450.15
94754	12/02/2022	01360 MISSIONSQUARE RETIREM			20221202 m 457	12/02/2022	450.00	450.00
94755	12/02/2022	01360 MISSIONSQUARE RETIREM			20221202 m RHS	12/02/2022	28.84	28.84
94757	12/02/2022	00631 P.E.R.S.			20221202 bi	12/02/2022	44,746.62	44,746.62
94758	12/02/2022	00631 P.E.R.S.			20221202 m	12/02/2022	699.36	699.36
94759	12/02/2022	00521 UNITED STATES TREASUR			20221202 bi&m	12/02/2022	53,277.88	53,277.88
94760	12/02/2022	01375 NATIONWIDE RETIREMEN			20221202 bi&m	12/02/2022	6,484.46	6,484.46
94763	12/16/2022	00130 EMPLOYMENT DEVELOPM			12162022 B	12/16/2022	15,103.83	15,103.83
94764	12/16/2022	00521 UNITED STATES TREASUR			12162022 B	12/16/2022	54,896.78	54,896.78
94765	12/16/2022	00631 P.E.R.S.			12162022 B	12/16/2022	39,575.89	39,575.89

Check History Listing  
Town of Colma

Bank code: first

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
94766	12/16/2022	01360 MISSIONSQUARE RETIREM			12162022 B	12/16/2022	6,549.88	6,549.88
94767	12/16/2022	00068 COLMA PEACE OFFICER'S			12162022 B	12/16/2022	652.14	652.14
94771	12/30/2022	00130 EMPLOYMENT DEVELOPM			12302022 B	12/30/2022	15,220.29	15,220.29
94772	12/30/2022	00521 UNITED STATES TREASUR			12302022 B	12/30/2022	54,327.94	54,327.94
94773	12/30/2022	00631 P.E.R.S.			12302022 B	12/30/2022	39,627.23	39,627.23
94774	12/30/2022	01360 MISSIONSQUARE RETIREM			12302022 B	12/30/2022	1,396.46	1,396.46
94775	12/30/2022	00068 COLMA PEACE OFFICER'S			12302022 B	12/30/2022	652.14	652.14
12062022	12/06/2022	00282 CALIFORNIA PUBLIC EMPL			100000017000212	11/14/2022	6,712.70	6,712.70

first Total: **1,553,160.11**

148 checks in this report

Total Checks: **1,553,160.11**





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

**ORDINANCE AMENDING SECTION 1.02.020 OF THE  
COLMA MUNICIPAL CODE RELATING TO A COUNCIL VACANCY  
PURSUANT TO CEQA GUIDELINE 15061(B)(3)**

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

---

**ARTICLE 1. RECITALS.**

The City Council of the Town of Colma finds:

(a) The Colma Municipal Code (CMC) presently states that it is the preference of the City Council to fill vacancies in elective municipal offices by appointment, and offer as many citizens as may be interested the opportunity to apply for the appointment; and

(b) Section 1.02.020 of the CMC presently states that if the City Council does not appoint a person to a vacancy, or call an election to fill it, within 30 days of the vacancy occurring, the office will remain vacant until the next regular general election; and

(c) The state law upon which the Town's 30-day period to fill a vacancy was based has since been amended to provide that the City Council has 60 days to fill such vacancy, and the Town now wishes to amend the CMC to conform to current state law.

---

**ARTICLE 2. INCORPORATION OF RECITALS.**

The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

---

**ARTICLE 3. CMC SECTION 1.02.020(b)(4) AMENDED.**

Subdivision (b) of Section 1.02.020 of the Colma Municipal Code is hereby amended to read as follows<sup>1</sup>:

**"1.02.020 Filling a Vacancy on the Council.**

...

(b) To assist the City Council in meeting its goals, the following procedures are hereby established:

- (1) Upon the occurrence of a vacancy, the City Manager shall promptly send a notice by letter to the residents of the Town advising of the vacancy and inviting interested, qualified citizens to submit a letter of interest, which letter shall be

---

<sup>1</sup> Deletions are shown in strikethrough, additions shown in underline format.

delivered to Colma City Hall on or before the 20th day following the day the office becomes vacant and the City Manager shall advise the local newspaper of the foregoing.

- (2) On the 21st day following the vacancy, or as soon thereafter as the City Council can meet, the City Council shall hold a special meeting to consider appointment from among the interested citizens.
- (3) If the City Council, upon consideration of the interested candidates, cannot agree by majority vote on a qualified, acceptable appointee at said special meeting or any continuance thereof, the City Council may, within ~~30~~ 60 days of the occurrence of the vacancy, call for a special election to fill the vacancy.
- (4) If the City Council does not, within ~~30~~ 60 days after the vacancy had occurred, appoint a person to the office or call an election to fill the vacancy, the office shall remain vacant until the next regular general election."

---

**ARTICLE 4. EFFECTIVE DATE.**

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

---

**ARTICLE 5. SEVERABILITY.**

If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of this ordinance that can be given effect without the invalid provision or application and, to this extent, the provisions of this ordinance are hereby declared to be severable.

---

**ARTICLE 5. NOT A CEQA PROJECT.**

The City Council's action to adopt this ordinance is not a project subject to the California Environmental Quality Act, as it can be seen with certainty that the action will not have a significant effect on the environment pursuant to CEQA Guideline 15061(b)(3).

//  
//  
//  
//  
//  
//

### Certification of Adoption

I certify that the foregoing Ordinance No. \_\_\_ was duly introduced at a regular meeting of the City Council of the Town of Colma held on December 14, 2022, and adopted at a regular meeting of the City Council of the Town of Colma held on January 11, 2023, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario					
John Irish Goodwin					
Ken Gonzalez					
Carrie Slaughter					
Helen Fisicaro					
<i>Voting Tally</i>					

Dated: \_\_\_\_\_

\_\_\_\_\_  
Joanne F. del Rosario, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk





# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Angelika Abellana, Recreation Manager  
 VIA: Brian Dossey, City Manager  
 MEETING DATE: January 11, 2022  
 SUBJECT: Recreation Services Department Quarterly Review, October - December 2022

---

## RECOMMENDATION

Staff recommends that the City Council adopt:

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

## EXECUTIVE SUMMARY

In the fourth quarter of 2022, a total of 2,254 participants attended 51 programs. This represents an increase of 457 participants from the fourth quarter of 2021. Staff attributes the increase in participation to Cinema at the Cemetery, outdoor Halloween & Holiday Events, and the Adult Holiday Party.

Staff estimates that 32 percent of the population had a current Colma I.D. during the fourth quarter of 2022.

There was a total of 42 rentals which is a decrease of 6 rentals from the fourth 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 safely bring back community-based programs such as Cinema at the Cemetery, Dia De Los Muertos, Trunk or Treat and the annual Tree Lighting event. We safely held our popular Breakfast with Santa, and Trunk or Treat event splitting them into separate sessions, accommodating more participants. Staff has safely offered regular senior programming in-person with the exception of the hybrid Senior Luncheon (in person and pick up).

As we move into Spring, staff plans to offer more in-person programming depending on new variables regarding the pandemic and health directives from 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 99 adults and seniors participated in enrichment programs. This represents a decrease of 17 participants from the fourth quarter of 2021. Staff attributes the decrease to the cancellations of Let's Get Crafty and the Ladies Social programs due to low attendance.
- A total of 311 adults and seniors participated in trips and events. This represents an increase of 166 participants from the fourth quarter of 2021. Staff attributes the increase to the Adult Holiday Party event and increased interest in Adult and Senior Trips such as Graton Casino.
- A total of 54 youth and teens participated in Enrichment Programs. This represents a decrease of 89 participants from the fourth quarter of 2021. Staff attributes the decrease due to cancelling the fall After School Program Fall due to low participation caused by the surge in the pandemic.
- A total of 428 youths and teens participated in events and trips. This represents an increase of 3 participants from the fourth quarter of 2021. Staff attributes the increase due to adding a "Letters to Santa" station at the Tree Lighting event, and advertising Parents Night Out to run with the Adult Holiday Party.
- A total of 1,362 youth, adults and seniors participated in Community Programs. This represents an increase of 394 participants from the fourth quarter of 2021. Staff attributes the increase due to outdoor programs such as Cinema at the Cemetery, Día De Los Muertos Celebration and Holiday Tree Lighting.

The attachment contains a detailed breakdown of participation by program.

### Rental Activity

The Colma Community Center was rented for 34 different events:

- Resident Rentals (17 social events)
- Colma Business (1 holiday event)
- Non-Resident Rentals (1 funeral reception)
- Non-Resident Non-profit (14 rentals)
- In House Reservations (1 Blood Drive, 22 events/programs)

The Sterling Park Recreation Center was rented for 8 different events:

- Sterling Park Resident Rentals (8 social events)

## **ATTACHMENTS**

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

**Recreation Services Department Quarterly Review  
October - December 2022  
Participation Detail**

**Adult/Senior Enrichment Programs**

<b>Program</b>	<b>Registered</b>	<b>Sessions</b>	<b>New or Existing Program</b>
Arm Chair Travel	10	1	Existing
Boot Camp Fitness	6	1	Existing
Breakfast and Bingo	21	1	Existing
First Aid & CPR Training	Cancelled	1	Existing
Friday Films	13	1	Existing
Ladies Social	16	1	Existing
Let's Get Crafty	8	3	Existing
Mixtiso Happy Chair Yoga	6	1	Existing
Zumba Gold	8	1	<i>NEW</i>
Zumba Toning	11	1	Existing

**Adult & Senior Trips & Events**

<b>Program</b>	<b>Registered</b>	<b>Sessions</b>	<b>New or Existing Program</b>
Adult Holiday Party	161	1	Existing
Exploratorium After Dark	Cancelled	1	Existing
Gingerbread House Decorating	4	1	<i>NEW</i>
Graton Casino	22	1	Existing
Meet Up at the Movies	9	1	<i>NEW</i>
Senior Luncheon	101	3	Existing
Wine and Canvas	14	1	Existing

**Youth & Teen Enrichment Programs**

<b>Program</b>	<b>Registered</b>	<b>Sessions</b>	<b>New or Existing Program</b>
Fall Camp	6	1	Existing
Guitar Workshop for Beginner	Cancelled	1	Existing
Kid's Club After School Program	Cancelled	7	Existing
Kumon Math Tutoring	20	3	Existing
Kumon Reading Tutoring	15	3	Existing
Open Teen Center	Cancelled	1	Existing
Piano Workshop for Beginners	1	1	Existing
PNO to GO	Cancelled	1	Existing
Tae Kwon Do	2	1	Existing
Winter Day Camp	10	1	Existing

**Youth and Teen Events & Trips**

<b>Program</b>	<b>Registered</b>	<b>Sessions</b>	<b>New or Existing Program</b>
A Day in the Snow	Cancelled	1	Existing
Dessert and Arts & Crafts	Cancelled	1	Existing
Great America's Halloween Haunt	Cancelled	1	Existing
Holiday Breakfast with Santa	119	2	Existing

Ice Skating at Union Square	Cancelled	1	<i>NEW</i>
Letters to Santa	15	1	Existing
Open Teen Center	Cancelled	1	Existing
Parents Night Out	9	3	Existing
Pumpkin Carving Party	33	1	Existing
San Francisco Giants Game – Teen Trip	Cancelled	1	<i>NEW</i>
Trunk or Treat	252	1	<i>NEW</i>

### Community Programs

Program	Registered	Sessions	New or Existing Program
CAPE	8	1	Existing
Cinema at the Cemetery	770	2	Existing
Colma Fall Recycling Event	10	1	Existing
Colma Game Night	27	1	Existing
Dia de los Muertos	120	1	Existing
Food Pantry Delivery Program	150	3	Existing
Halloween House Decorating Contest	36	1	Existing
Holiday Craft Night	56	1	Existing
Holiday House Decorating Contest	83	1	Existing
Holiday Pet Photos	4	1	Existing
Holiday Tree Lighting	75	1	Existing
Parol Lantern Workshop	17	1	Existing
Veterans Village ID Day	6	1	Existing





# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Caitlin Corley, City Clerk  
 VIA: Brian Dossey, City Manager  
 MEETING DATE: January 11, 2023  
 SUBJECT: Commemorative Flag Schedule 2023

## RECOMMENDATION

Staff recommends that the City Council adopt:

RESOLUTION DIRECTING TOWN STAFF TO FLY VARIOUS COMMEMORATIVE FLAGS IN LIEU OF THE TOWN OF COLMA FLAG AT THE COLMA COMMUNITY CENTER

## EXECUTIVE SUMMARY

On June 26, 2019, the City Council of the Town of Colma adopted a new flag policy, codified as Subchapter 1.18 of the Colma Administrative Code, which states that Council may by resolution direct Town staff to fly commemorative flags in lieu of the Town of Colma flag on the flagpole located at Town Hall or at the Colma Community Center, as an expression of the Town's official sentiments, consistent with the Town's vision, mission, and guiding principles, incorporating themes of diversity, equity, social justice, and inclusion. Commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.

The proposed resolution would authorize the commemorative flag schedule of 2023, which includes the flying of the five commemorative flags that the City Council has previously authorized, the Philippine Flag, the LGBT/Pride Flag, the Italian Flag, the Israeli Flag, and the Armenian Flag.

## FISCAL IMPACT

The proposed resolution would have no anticipated fiscal impacts; the authorized flags have already been purchased.

## ANALYSIS

When the policy was adopted, staff indicated that for expediency, rather than approve each commemorative flag individually each year, the schedule of various commemorative flags could be adopted in each year in January.

Council has previously discussed and approved the flying of all five commemorative flags. On June 26, 2019, Council approved a resolution to fly the LGBT/Pride Commemorative flag in recognition of June being Pride Month. On September 25, 2019, Council approved a resolution to fly the Italian flag in recognition of October being Italian Heritage and Culture Month. On June 24, 2020, Council approved a resolution to fly the Philippine flag in recognition of Philippine Independence Day on June 12. On January 12, 2022, Council approved a resolution to fly the Israeli Flag in recognition of Israeli Independence Day, which changes date based on the Hebrew calendar. On September 14, 2022, Council approved a resolution to fly the Armenian Flag in recognition of Armenian Independence Day on September 21.

**Proposed Schedule**

In an effort to simplify the flag schedule, the Town has had a policy for all commemorative flags be flown for one week at the Colma Community Center in lieu of the Town of Colma flag, beginning on the date of a Council Meeting in close proximity to the date of recognition, to allow for a ceremonial flag raising if Council wishes.

There is one exception to this policy. Israeli Flag protocol does not allow the flag to be flown after sunset except in special circumstances. For this reason, staff is proposing that the Israeli Flag will be flown only on April 26th at the Colma Community Center in lieu of the Town of Colma flag and removed at sunset.

The attached resolution directs staff to fly the following flags on the following dates:

Flag	Occasion	Duration
Israeli Flag	Israeli Independence Day	April 26, 2023 until sundown
Philippine Flag	Philippine Independence Day	June 14, 2023 to June 21, 2023
LGBT/Pride Flag	Pride Month	June 28, 2023 to July 5, 2023
Armenian Flag	Armenian Independence Day	September 13, 2023 to September 20, 2023
Italian Flag	Italian Heritage and Culture Month	October 11, 2023 to October 18, 2023

This resolution does not prohibit Council from flying additional commemorative flags throughout the year. Per the policy, to allow the flying of a commemorative flag, any single Council Member may make a request to the City Manager to allow for the Council to consider the flying of the commemorative flag. The Council would then discuss the issue at a Council Meeting and decide whether to authorize the flying of the commemorative flag. If additional flags are considered and approved, they would be added to the commemorative flag schedule that would be approved for the following year.

## **Alternatives**

The City Council could choose not to approve a commemorative flag schedule, and instead approve each flag individually throughout the year. Staff does not recommend this, however, as a single schedule approval is a more efficient use of Council and staff time.

## **CONCLUSION**

The City Council should adopt the proposed resolutions authorizing the flying of commemorative flags in 2023.

## **ATTACHMENTS**

- A. Resolution Directing Town Staff to Fly Various Commemorative Flags in 2023



**RESOLUTION NO. 2023-\_\_\_**  
**OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION DIRECTING TOWN STAFF TO FLY VARIOUS COMMEMORATIVE FLAGS  
IN LIEU OF THE TOWN OF COLMA FLAG AT THE COLMA COMMUNITY CENTER**

The City Council of the Town of Colma hereby resolves:

**1. Recitals and Background.**

(a) On June 26, 2019, the City Council of the Town of Colma adopted a new flag policy codified at Subchapter 1.18 of the Colma Administrative Code to memorialize the fact that the Town's flag poles are a nonpublic forum.

(b) Pursuant to Subchapter 1.18 of the Colma Administrative Code, Council may by resolution direct Town staff to fly commemorative flags in lieu of the Town of Colma flag on the flag pole located at Town Hall or at the Colma Community Center, as an expression of the Town's official sentiments, consistent with the Town's vision, mission, and guiding principles, incorporating themes of diversity, equity, social justice, and inclusion. Commemorative Flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.

(c) The Council has previously approved the flying of five commemorative flags. On June 26, 2019, the City Council approved a resolution to fly the LGBT/Pride Commemorative flag in recognition of Pride Month; on September 25, 2019, the City Council approved a resolution to fly the Italian flag in recognition of Italian Heritage and Culture Month. On June 24, 2020, the City Council approved a resolution to fly the Philippine flag in recognition of Philippine Independence Day. On January 12, 2022, Council approved a resolution to fly the Israeli Flag in recognition of Israeli Independence Day, which changes date based on the Hebrew calendar. On September 14, 2022, Council approved a resolution to fly the Armenian Flag in recognition of Armenian Independence Day on September 21.

(d) The flying of these commemorative flags is an expression of one of the Town's guiding principles of celebrating diversity; as such, the Town intends to fly these commemorative flags again in 2023.

(e) In honor of Israeli Independence Day, which changes date based on the Hebrew calendar, the Town intends to fly the Israeli flag in lieu of the Town of Colma Flag at the Colma Community Center on April 26, 2023 until sunset.

(f) In honor of Philippine Independence Day on June 12, the Town intends to fly the Philippine flag in lieu of the Town of Colma Flag at the Colma Community Center June 14, 2023 to June 21, 2023.

(g) In honor of June as Pride Month, the Town intends to fly the LGBT/pride flag in lieu of the Town of Colma Flag at the Colma Community Center from June 28, 2023 to July 5, 2023.

(h) In honor of Armenian Independence Day on September 21, the Town intends to fly the Armenian Flag in lieu of the Town of Colma Flag at the Colma Community Center September 13, 2023 to September 20, 2023.

(i) In honor of October as Italian Heritage and Culture Month, the Town intends to fly the Italian flag in lieu of the Town of Colma Flag at the Colma Community Center from October 11, 2023 to October 18, 2023.

**2. Order.**

(a) The City Council has considered the full record before and finds the recitals set forth above true and correct and hereby incorporates them by reference.

(b) Pursuant to Subchapter 1.18 of the Colma Administrative Code, the City Council hereby directs staff to fly:

(i) the Israeli flag in lieu of the Town of Colma Flag at the Colma Community Center on April 26, 2023 until sunset;

(ii) the Philippine flag in lieu of the Town of Colma Flag at the Colma Community Center from June 14, 2023 to June 21, 2023;

(iii) the LGBT/pride flag in lieu of the Town of Colma Flag at the Colma Community Center from June 28, 2023 to July 5, 2023;

(iv) the Armenian Flag in lieu of the Town of Colma Flag at the Colma Community Center from September 13, 2023 to September 20, 2023; and

(v) fly the Italian flag in lieu of the Town of Colma Flag at the Colma Community Center from October 11, 2023 to October 18, 2023.

**3. Effective Date.**

(a) This resolution shall take effect immediately upon adoption.

//

//

//

//

//

### Certification of Adoption

I certify that the foregoing Resolution No. 2023-\_\_ was adopted at a regular meeting of said City Council held on January 11, 2023 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor					
John Irish Goodwin					
Ken Gonzalez					
Carrie Slaughter					
Helen Fisicaro					
<i>Voting Tally</i>					

Dated \_\_\_\_\_

\_\_\_\_\_  
Joanne F. del Rosario, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk







# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Brad Donohue, Director of Public Works  
 Chai Lor, Building Official  
 Christopher J. Diaz, City Attorney  
 VIA: Brian Dossey, City Manager  
 MEETING DATE: January 11, 2023  
 SUBJECT: 2022 Building Codes

## RECOMMENDATION

Staff recommends that the City Council take the following actions:

(1) Introduce the following ordinance:

AN ORDINANCE AMENDING CHAPTER 5, SUBCHAPTER 4 OF THE TOWN OF COLMA MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2022 CALIFORNIA BUILDING CODE, THE 2022 CALIFORNIA RESIDENTIAL CODE, THE 2022 CALIFORNIA ELECTRICAL CODE, THE 2022 CALIFORNIA MECHANICAL CODE, THE 2022 CALIFORNIA PLUMBING CODE, THE 2022 CALIFORNIA FIRE CODE, THE 2022 CALIFORNIA ENERGY CODE, THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2022 CALIFORNIA HISTORICAL BUILDING CODE, THE 2022 CALIFORNIA EXISTING BUILDING CODE AND THE 2022 CALIFORNIA REFERENCED STANDARDS CODE; THE 1997 EDITION OF THE UNIFORM HOUSING CODE; AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS, AND DELETIONS, ALL PURSUANT TO CEQA GUIDELINES 15061(B)(3) AND 15378, AND WAIVE FURTHER READING OF THE ORDINANCE

(2) Schedule a public hearing for February 8, 2023.

## EXECUTIVE SUMMARY

The State mandates that the building and construction codes be updated every three years in all cities and counties throughout the state. The State published the 2022 California Building Standards Code on July 1, 2022, which became effective statewide on January 1, 2023.

The proposed ordinance would adopt the following model codes as the Colma Building Codes:

- 2022 California Building Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Residential Code
- 2022 California Green Building Standards Code
- 2022 California Fire Code
- 2022 California Referenced Standards Code
- 2022 California Existing Building Code
- 2022 California Historical Building Code
- 1997 Uniform Housing Code, and
- 2018 International Property Maintenance Code

The new codes will make buildings safer, more energy efficient and more sustainable.

### **FISCAL IMPACT**

Adoption of this ordinance has no fiscal impact on the Town's finances.

### **BACKGROUND**

The California Health and Safety Code requires local governments to adopt the most recent editions of the model codes related to construction. Alternatively, if a local government chooses not to adopt the most recent model code, the codes adopted by the California Building Standards Commission become applicable to the local jurisdiction. The Town last adopted the model codes in 2019. Meanwhile, the Town's Building Official has been applying the model codes to all construction activities requiring any type of building permit.

The California Building Standards Commission adopts and amends the model codes every three years and then publishes them as the California Building Standards Code (Title 24 California Code of Regulations). The 2022 Edition of the California Code of Regulations, Title 24, should now be adopted by the Town:

- 2022 California Building Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Residential Code
- 2022 California Green Building Standards Code
- 2022 California Fire Code
- 2022 California Referenced Standards Code
- 2022 California Existing Building Code
- 2022 California Historical Building Code

In addition to the California Building Standards Code, cities and towns can adopt other model codes not included within the California Building Standards Code to assist in its implementation. For example, staff recommends that the Town adopt the 1997 Edition of the Uniform Housing Code and the 2018 edition of the International Property Maintenance Code.

The Town may adopt amendments to the state-approved codes. However, any changes to the State amended code must be more restrictive than the state codes, filed with and approved by the California Building Standards Commission, and must be necessary because of local climatic, geographic, or topographical conditions.

## **ANALYSIS**

The new 2022 State codes will make buildings and structures safer, more efficient, and sustainable. The proposed ordinance will adopt the State-amended codes with amendments based on local conditions.

Staff have also been working on reach codes that will amend parts of the 2022 California Building Standards Code. The Town will hold a presentation and study session with the City Council at its March 8, 2023, City Council meeting to discuss potential code amendments to the Town of Colma 2022 Building Code.

### **Amendment to California Fire Code**

The Town is adopting the 2022 California Fire Code with the same amendments adopted by the Colma Fire Protection District. The amendments include requirements that all premises must have identification numbers that meet specified size requirements and all new buildings that meet certain specified criteria must be equipped with automatic sprinkler systems.

## **SPECIAL PROCEDURE**

Government Code Section 50022.3 establishes the following procedure for adopting another code by reference, which is different from the usual procedure in adopting ordinances. At the first meeting to consider the ordinance, the Council should introduce the ordinance, waive a further reading, and schedule a public hearing to be conducted. Notice of the public hearing must be published twice in a local newspaper at least 14 days before the public hearing. The Ordinance may be adopted at the conclusion of the public hearing. Staff suggests that the public hearing and adoption be scheduled for the January 25, 2023 regular meeting.

## **ENVIRONMENTAL**

The City Council's action in introducing and adopting this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines 15061(b)(3) as it can be seen with certainty that the action is not anticipated to have any significant effect on the environment. It is also exempt pursuant to CEQA Guidelines 15378(b)(2) and 15378(b)(5) as ongoing administrative or organizational activities that will not result in a direct or indirect physical change in the environment.

## **Values**

Acting to protect the health and safety of building occupants is the best indicator of a *responsible* action by the Council. Adopting the 2022 state codes as the Colma Building Codes, with the proposed local amendments, will make buildings safer, more efficient and will help to preserve the Town's resources.

## **Sustainability Impact**

Adoption of the new codes, which include the 2022 California Energy Code and the 2022 California Green Building Standards Code, is consistent with the Town's sustainability goals.

## **Alternatives**

An alternative would be to not adopt the ordinance. In that case, the codes adopted by the California Building Standards Commission would become applicable to all construction in the Town without local amendments.

## **CONCLUSION**

The Council should introduce the ordinance and schedule a public hearing on the ordinance for February 8, 2022.

## **ATTACHMENTS:**

- A. Ordinance No. \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**  
**OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**AN ORDINANCE AMENDING CHAPTER 5, SUBCHAPTER 4 OF THE TOWN OF COLMA MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2022 CALIFORNIA BUILDING CODE, THE 2022 CALIFORNIA RESIDENTIAL CODE, THE 2022 CALIFORNIA ELECTRICAL CODE, THE 2022 CALIFORNIA MECHANICAL CODE, THE 2022 CALIFORNIA PLUMBING CODE, THE 2022 CALIFORNIA FIRE CODE, THE 2022 CALIFORNIA ENERGY CODE, THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2022 CALIFORNIA HISTORICAL BUILDING CODE, THE 2022 CALIFORNIA EXISTING BUILDING CODE AND THE 2022 CALIFORNIA REFERENCED STANDARDS CODE; THE 1997 EDITION OF THE UNIFORM HOUSING CODE; AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS, AND DELETIONS, ALL PURSUANT TO CEQA GUIDELINES 15061(B)(3) AND 15378**

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

---

**ARTICLE 1. FINDINGS, PURPOSE AND AUTHORITY**

The City Council of the Town of Colma finds:

- (a) Pursuant to Government Code Section 50022.1 *et seq.*, the Town may adopt by reference the California Building Standards Code, 2022 Edition as provided in Title 24 of the California Code of Regulations, and other codes, including, without limitation, the 1997 Uniform Housing Code and the 2018 International Property Maintenance Code.
- (b) The California Building Standards Commission ("Commission") recently adopted the 2022 Edition of the California Building Standards Code.
- (c) California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions.
- (d) Title 25, section 52 of the California Code of Regulations empowers the Town to use its own abatement procedures so long as these procedures are equivalent to the procedures contained in Title 25 sections 48 through 70 of the California Code of Regulations, and provided such procedures provide an efficient and effective procedure for the abatement of substandard conditions with fairness to both owners and residents.
- (e) The 1997 Uniform Housing Code and the 2018 International Property Maintenance Code provide efficient and effective procedures for the abatement of substandard buildings, structures and nuisances that are fair and equitable to both owners and residents and are equivalent to the procedures contained in Title 25 of the California Code of Regulations to serve the purpose intended therein.

(f) The City Council desires to adopt the 2022 edition of the California Building Standards Code, Title 24 of the California Code of Regulations, consisting of the 2022 California Building Code (incorporating and amending the 2021 International Building Code), the 2022 California Residential Code (incorporating and amending the 2021 International Residential Code), the 2022 California Electrical Code (incorporating and amending the 2020 National Electrical Code), the 2022 California Mechanical Code (incorporating and amending the 2021 Uniform Mechanical Code), the 2022 California Plumbing Code (incorporating and amending the 2021 Uniform Plumbing Code), the 2022 California Fire Code (incorporating and amending the 2021 International Fire Code), the 2022 California Energy Code, the 2022 California Green Building Standards Code, the 2022 California Historical Building Code, the 2022 California Existing Building Code, and the 2022 California Referenced Standards Code; the 1997 Edition of the Uniform Housing Code; and the 2018 International Property Maintenance Code for safety, health and welfare relating to property maintenance within the Town of Colma, (collectively, the “Codes”); together with the necessary amendments to assure the Codes are tailored to the particular safety needs of the Town as required by its unique climatic, geological and topographical conditions.

(g) The following local climatic, geographic or topographical conditions make it necessary to amend the Codes:

(1) *Topography.* A large portion of the Town’s residential community is built on hills, with roadways less than the required width which tend to slow response times for fire apparatus, and this same terrain complicates firefighter access to those buildings. Numerous areas are heavily treed with thick vegetative undergrowth, creating increased fuel loading during the summer months.

(2) *Geography.* Colma is located in Seismic Zone D and within two (2) miles of the San Andreas fault. There are two large underground tunnels that run the full length of the Town for the Bay Area Rapid Transit System (BART) as well as two underground sixty (60) inch diameter forced water mains that run parallel to the Bart tunnels. These two features are separated by a regional state thoroughfare, El Camino Real. Failure of either underground system will disrupt traffic flow through the town and further hamper First Responder efforts.

(3) *Climate.* Colma is subject to frequent periods of heavy fog, limiting visibility. This same fog contains salt which has a deleterious effect on metals including exterior electrical service cabinets and conduits.

(h) Amendments.

The below table provides the express findings and determinations (where necessary pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5) justifying the Town of Colma’s amendments to the 2022California Building Standards Code as reasonably necessary because of local climatic, geologic or topographic conditions.

<u>Section</u>	<u>Caption</u>	<u>Finding</u>
California Building Code Section 1008.3	Means of Egress Illumination	Topography and Geography
California Residential Code Section R313	Automatic Fire Sprinkler Systems	Topography and Geography

California Fire Code Section 505.1	Address Identification	Topography and Climate
California Fire Code Section 507.5.7	Fire Hydrant Standards	Topography
California Fire Code Section 507.5.8	Identification of Fire Hydrants	Topography and Climate
California Fire Code Section 903.2	Automatic Fire Sprinkler Systems Where Required	Topography and Geography
California Fire Code Section 903.2.11.7	Area Separation Walls	Topography and Geography
California Fire Code Section 903.3.1.3.1	Automatic Fire Sprinkler Systems Installation Requirements	Administrative
California Fire Code Section 903.4.2	Alarms	Topography and Geography
California Fire Code Section 903.4.3	Floor Control Valves	Topography and Geography
California Fire Code Section 907	Fire Alarm and Detection Systems	Topography and Geography
California Fire Code Section 1008.3	Means of Egress Illumination	Topography and Geography

(i) The changes and modifications made to the Codes not listed in the table are necessary for administrative clarification and to establish administrative standards for the effective enforcement of the building standards of the Town of Colma and do not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5.

(j) The Town published notice of a public hearing pursuant to California Government Code Section 6066.

(k) The Town held a public hearing on February 8, 2023 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein.

(l) At least one copy of each of the Codes adopted by reference by this ordinance were available for public inspection at the office of the City Clerk fifteen (15) days preceding the public hearing pursuant to Government Code Section 50022.6.

(m) Any and all other legal prerequisites relating to the adoption of this ordinance have occurred.

---

**ARTICLE 2. SUBCHAPTER 5.04, DIVISION 2 – COLMA BUILDING CODES**

The following sections of subchapter 5.04 of the Colma Municipal Code, titled as “Division 2 – Colma Building Codes” are hereby amended to read as follows:

*Division 2: Colma Building Codes*

**5.04.050 Colma Building Code Adopted**

The 2022 Edition of the California Building Code, contained in Part 2 of Title 24 of the California Code of Regulations, which incorporates and amends the 2021 Edition of the International Building Code published by the International Code Council, together with Chapter 1, and with the changes, additions, and deletions set forth in the following section, is hereby adopted by reference as the Colma Building Code.

**5.04.060 Administration of Colma Building Code**

The following provisions of the California Building Code are hereby amended as follows:

(a) *Section 1.11.2.1 Amended.*

Item 1 of Section 1.11.2.1 of Chapter 1, Division I is amended to read: The Town of Colma specifically delegates the enforcement of building standards adopted by the State Fire Marshal and published in the Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, as they relate to Group R-3 Occupancies (one and two family dwellings) to the Building Official of Town of Colma.

(b) *Section 101.1 Amended.*

Section 101.1 of Chapter 1, Division II is amended to state as follows: “These regulations shall be known as the Colma Building Code, hereinafter referred as ‘this code’.”

(c) *Section 103 Amended.*

The term “Department of Building Safety” in Section 103 of Chapter 1 Division II of the California Building Code, as well as all other codes adopted in this subchapter where the term appears, refers to the Building Department of the Town of Colma.

(d) *Section 103.2 Amended.*

Section 103.2 is amended to state as follows: “The Building Official shall be appointed by the City Manager.”

(e) *Section 105.5 Amended.*

Section 105.5, “Expiration,” is amended to state as follows:

105.5 Expiration.



(a) Every permit issued by the Building Official, or his or her designee, under the provisions of his Code shall expire by limitation and become null and void if:

(1) the building or work authorized by such permit is not commenced within twelve (12) months from the date of such permit;

(2) the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days

(b) For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; (3) the project would not be impacted by a change in the current adopted codes, and; (4) the applicant pays a reactivation fee equal to one half the amount of the original permit fee.

(c) For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

(f) *Section 109.2 Amended.*

Section 109.2, "Schedule of Permit Fees," is amended to state as follows:

For any work on buildings or structures which requires a permit and/or plan review, fees shall be paid in accordance with Resolutions and Ordinances that are established by action of the City Council of the Town of Colma.

(g) *Section 109.4 Amended.*

Section 109.4, "Work Commencing Before Permit Issuance," is amended by adding thereto the following paragraph:

That fee, for commencing work prior to permit issuance, may be equal to up to ten times the permit fee to a maximum amount of \$ 5,000.00 as determined by the Building Official. This fee is in addition to the permit costs and any additional investigative fees.

(h) *Section 110.1 Amended.*

Section 110.1, "General," is amended by adding the following to the end:

When required, Survey Stakes shall be provided prior to first inspection, and maintained so they are clearly visible until after the Certificate of Occupancy has been issued.

(i) *Section 1008.3.3 Amended.*

Section 1008.3.3, "Rooms and Spaces," is amended by adding thereto the following:

6. All bathrooms, and paths of egress from those bathrooms to an exit discharge.

(j) *Appendix B Adopted.*

Appendix B, "Board of Appeals," is adopted as part of the Colma Building Code.

(k) *Appendix C Adopted.*

Appendix C, "Group U Agricultural Buildings," is adopted as part of the Colma Building Code.

(l) *Appendix H Adopted.*

Appendix H, "Signs," is adopted as part of the Colma Building Code.

(m) *Appendix I Adopted.*

Appendix I, "Patio Covers," is adopted as part of the Colma Building Code.

**5.04.070 Colma Residential Code Adopted**

The 2022 Edition of the California Residential Code, contained in Part 2.5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2021 Edition of the International Residential Code published by the International Code Council, together with Chapter 1, with the following changes, additions, and deletions set forth in the following section, is adopted by reference as the Colma Residential Code.

**5.04.080 Administration of Colma Residential Code**

The following provisions of the California Residential Code are hereby amended as follows:

(a) *Section R103 Amended.*

The term "Department of Building Safety" in Section R103 of the California Residential Code, as well as all other codes adopted in this subchapter where the term appears, refers to the Building Department of the Town of Colma.

(b) *Section R103.2 Amended.*

Section R103.2 is amended to state as follows: "The Building Official shall be appointed by the City Manager."

(c) *Section R105.5 Amended.*

Section R105.5, "Expiration," is amended to state as follows:

105.5 Expiration.

(a) Every permit issued by the Building Official, or his or her designee, under the provisions of this Code shall expire by limitation and become null and void if:

(1) the building or work authorized by such permit is not commenced within twelve (12) months from the issuance date of such permit;

(2) the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

(b) For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) the project would not be impacted by a change in the current adopted codes, and; (4) the applicant pays a reactivation fee equal to one half the amount of the original permit fee.

(c) For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

(d) *Section R108.2 Amended.*

Section R108.2, "Schedule of Permit Fees," is amended to state as follows:

For any work on buildings or structures which requires a permit and/or plan review, fees shall be paid in accordance with Resolutions and Ordinances that are established by action of the City Council of the Town of Colma.

(e) *Section R108.6 Amended.*

Section R108.6, "Work Commencing Before Permit Issuance," is amended by adding thereto the following paragraph:

That fee, for commencing work prior to permit issuance, may be equal to up to ten times the permit fee to a maximum amount of \$ 5,000.00 as determined by the Building Official. This fee is in addition to the permit costs and any additional investigative fees.

(f) *Section R313.2 Amended.*

Section R313.2, "One- and Two-Family Dwellings automatic fire sprinkler systems," is amended to replace Item 1 with the following: An automatic residential fire sprinkler system is not required where an addition and/or alteration to an existing residential structure does not exceed 50% of the existing floor area.

(g) *Section R313.3.1 Amended.*

The second sentence in Section R313.3.1 "General" is amended to state: Partial Fire Sprinkler Systems are not allowed, all areas of the structure shall be protected in accordance with this chapter.

(h) *Section R313.3.1.2 Amended.*

Section R313.3.1.2 "Required Sprinkler Locations" Exception #4 is amended to read: Detached garages; carports with no habitable space above; open attached porches, unless they are located at the only egress door from the dwelling; and patio covers open on 3 sides or more.

(i) *Appendix AH Adopted.*

Appendix AH, "Patio Covers," is adopted as part of the Colma Residential Code.

(j) *Appendix AJ Adopted.*

Appendix AJ, "Existing Buildings and Structures," is adopted as part of the Colma Residential Code.

(k) *Appendix AX Adopted.*

Appendix AX, "Swimming Pools Safety Act," is adopted as part of the Colma Residential Code.

#### **5.04.090 Colma Electrical Code**

(a) The 2022 Edition of the California Electrical Code, contained in Part 3 of Title 24 of the California Code of Regulations, which incorporates and amends the 2020 Edition of the National Electrical Code published by the National Fire Protection Association, together with Article 89, with the following changes, additions, and deletions, is adopted by reference as the Colma Electrical Code.

#### **5.04.100 Colma Mechanical Code**

(a) The 2022 Edition of the California Mechanical Code, contained in Part 4 of Title 24 of the California Code of Regulations, which incorporates and amends the 2021 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, together with Chapter 1, with the following changes, additions, and deletions set forth, is adopted by reference as the Colma Mechanical Code.

(b) Appendix F, "Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design," is adopted as part of the Colma Mechanical Code.

#### **5.04.110 Colma Plumbing Code**

(a) The 2022 Edition of the California Plumbing Code, contained in Part 5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2021 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Plumbing Officials, together with Chapter 1, with the following changes, additions, and deletions, is adopted by reference as the Colma Plumbing Code.

(b) Appendix A, "Recommended Rules for Sizing the Water Supply System," is adopted as part of the Colma Plumbing Code.

(c) Appendix B, "Explanatory Notes on Combination Waste and Vent Systems," is adopted as part of the Colma Plumbing Code.

(d) Appendix C, "Alternate Plumbing Systems," is adopted as part of the Colma Plumbing Code.

(e) Appendix D, "Sizing Storm Water Drainage Systems," is adopted as part of the Colma Plumbing Code.

(f) Appendix I, "Installation Standard for PEX Tubing Systems for Hot- and Cold- Water Distribution," is adopted as part of the Colma Plumbing Code.

(g) Appendix J, "Combination of Indoor and Outdoor Combustion and Ventilation Opening Design," is adopted as part of the Colma Plumbing Code.

(h) Appendix K, "Potable Rainwater Catchment Systems," is adopted as part of the Colma Plumbing Code.

#### **5.04.120 Colma Energy Conservation Code**

The 2022 Edition of the California Energy Code, contained in Part 6 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Energy Conservation Code.

#### **5.04.130 Colma Historical Building Code**

The 2022 Edition of the California Historical Building Code, contained in Part 8 of Title 24 of the California Code of Regulations is adopted by reference as the Colma Historical Building Code.

#### **5.04.140 Colma Fire Prevention Code**

(a) The 2022 Edition of the California Fire Code, contained in Part 9 of Title 24 of the California Code of Regulations, which incorporates and amends the 2021 Edition of the International Fire Code published by the International Code Council, together with Chapter 1, with the following changes, additions, and deletions, is adopted by reference as the Colma Fire Prevention Code.

(b) Chapter 1 Division II, Administration, is adopted, in its entirety, for the administration and enforcement of the provisions of the Colma Fire Prevention Code, excepting amendments as provided herein:

- (1) Replace section 103.2, Appointment, and 103.3 Deputies with the following:

**103.3 Fire Code Official.**

The Fire Chief of the Colma Fire Protection District shall also be known as the Fire Code Official, or the Fire Marshal, and may delegate certain responsibilities to a deputy fire code official, and or sworn personnel.

- (2) Replace section 105.3.3, *Occupancy Prohibited Before Approval*, with the following:

**SECTION 105.3.3 FIRE DISTRICT APPROVAL REQUIRED.** No final inspection by the Building Official shall be made for occupancy of new or altered construction, as to all or any portion of a building or structure shall be deemed complete, and no certificate of occupancy issued, occupancy or temporary occupancy granted until the installation of the prescribed fire protection features and access ways have been completed and approved by the Fire Code Official, excluding R-3 Single Family Dwellings in accordance with Health and Safety Code Section 13146.

- (3) Amend section 106.1, *Submittals*, to read as follows:

**SECTION 105.4.1 Submittals.** Construction documents shall be in accordance with this section. When required by the Fire Code Official, plans submitted to the Colma Building Department or Building Official for a permit shall also be reviewed by the Fire Code Official to determine compliance with the Colma Fire Prevention Code. Upon review, a written report shall be returned to the local building official listing deficiencies or compliance with the Code.

- (4) Amend section 112.4, *Violation Penalties*, to read as follows:

**SECTION 112.4 VIOLATION PENALTIES.** Persons who violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or falsification of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 6 month, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (5) Adopt Chapter 4, *Emergency Planning and Preparedness*, in its entirety.

- (6) Amend the seventh (7th) sentence of Section 505.1, *Address Identification*, to read as follows:

**SECTION 505.1 Address Identification.** Numbers typically shall be a minimum of 4 inches in height with a minimum stroke of 1/2 inch for individual residential structures, and a minimum of 6 inches in height for commercial structures with a minimum stroke of 1 inch, or other approved sizes based on distances from roadways. In multi-tenant buildings, with rear doors, addresses shall also be posted upon those tenant space doors at the rear of the building. The numerals on the rear doors shall be 3 inches in height and 1/2 inch in stroke.

- (7) Add new section 507.5.7, *Fire Hydrant Standards*, to read as follows:

**SECTION 507.5.7 FIRE HYDRANT STANDARDS.** All fire hydrants to be installed, or replaced, shall be new, UL listed, or equivalent, wet-barrel type having a minimum of two 2-1/2 inch and one 4-1/2 inch outlets equipped with National Standard Threads.

- (8) Add new section 507.5.8, *Identification of Fire Hydrants*, as follows:

**SECTION 507.5.8 IDENTIFICATION OF FIRE HYDRANTS.** With respect to fire hydrants located on public streets in commercial, residential and on private access roadways, the space in front of the fire hydrant shall be painted red or otherwise appropriately marked for a distance of fifteen feet (15') in either direction from any hydrant and not less than three feet (3') on any one side. The fifteen feet (15') may be reduced to six (6') feet – when approved by the Fire Code Official. The Colma Fire Protection District shall have the authority to require any fire hydrant location be identified by installing a blue reflector on the street or access road adjacent to the fire hydrant, with the specific location of the fire hydrant to be determined by the Fire Code Official.

- (9) Amend Section 903, *Automatic Sprinkler Systems*, to delete Sections 903.2 through 903.2.10.1 and replace with the following:

**903.2 WHERE REQUIRED.** Notwithstanding the provisions of this Code or the provisions of any other codes applicable within the Colma Fire Protection District, an approved automatic fire extinguishing system shall be installed in the following:

- A. All new non-residential buildings having a total floor area of one thousand five hundred (1,500) square feet or more, or;
- B. All new residential buildings, or;

- C. All new buildings or structures thirty feet (30') or more in height as defined in the California Building Code, or;
- D. Buildings or structures which are three (3) stories or more, irrespective of height, or;
- E. All Group H occupancies, or;
- F. All new habitable basements, regardless of floor area, or;
- G. Existing residential structures which undergo any alteration or addition, or combination thereof, within a five (5) year period, wherein the area of alteration and/or addition, or combination thereof, exceeds fifty percent (50%) of the existing floor area, or;
- H. Existing non-residential structures which undergo any addition or alteration, or combination thereof, within a five (5) year period, wherein the area of alteration and/or addition, or combination thereof, exceeds fifty percent (50%) of the existing floor area, or;
- I. Non-residential buildings which undergo a change of use which results in a more hazardous occupancy classification as determined by the fire code official.

The 50% Rule Explained:

The renovation of any structure and/or when combined with any additions to the structure, affects a gross floor area which exceeds fifty percent (50%) of the existing floor area of the structure. For the purpose of this section, when determining the affected gross floor area of an existing structure, whenever more than fifty percent (50%) of the wall or ceiling coverings (e.g., wallboard, plaster, etc.) have been removed from within a room or space bounded by three or more walls within the structure, the entire gross floor area of the room or space shall be counted towards the total affected gross floor area of the existing structure.

Automatic Sprinkler System Exceptions:

- 1. Mausoleum and columbarium structures as defined in the Cemetery Act, State of California; and
- 2. Where this Code or the California Building Code, California Code Of Regulations Title 24, Part 2 is more restrictive.

- (10) Add Section 903.2.11.7, *Area Separation Walls* to state the following:



**Section 903.2.11.7 AREA SEPARATION WALLS.** The use of area separation walls may be used for area increases in accordance with the California Building Code, but shall not be used to negate the requirements for an automatic fire extinguishing system as required by this section.

- (11) Add Section 903.3.1.3.1, *NFPA 13D Sprinkler System Installation*, to state the following:

**903.3.1.3.1 INSTALLATION REQUIREMENTS.** In addition to the requirements of NFPA 13D the following policy shall be followed:

**PLAN REVIEW –**

1. Applicant shall provide a copy of a recent (within past 6 months) water flow test report. The test report shall be supplied by the water purveyor and printed on the water purveyor's letterhead.
2. A two-head calculation is required for occupancies up to 3600 sq ft. When a single family residence cannot meet California minimum water flow or access requirements, additional water flow and/or sprinkler head calculations may be required.

**INSTALLATION –**

1. Approved back flow assemblies shall be installed in accordance with water department requirements.
2. Water meter size shall be not less than 1 inch, with equal size service unless the Colma Fire Protection District makes exceptions.
3. When a hanger is being supported by a composite wood truss, pipe hangers shall have backing nuts on all threaded rods.
4. Approved annunciation devices shall be provided at locations designated by the Colma Fire Protection District, both exterior and interior. Approved interior mini horn devices and approved exterior audible and visual devices shall activate upon fire sprinkler water flow alarm. All notification appliances shall receive primary power from the kitchen refrigerator circuit.
5. The inspector's test valve shall be provided at the far remote-side of the system away from the riser and be clearly identified.
6. The location of the riser shall be in accordance with the Colma Fire Protection District requirements.

7. Attic (pilot) heads, for fire detection, shall be installed at attic access points with greater than 30 inches of vertical space. If the attic has room for storage, or if mechanical equipment is in the attic, fire sprinkler heads shall be installed throughout the entire attic space.

8. Fire sprinkler system main drains and Inspector's Test drains, shall be clearly identified, and shall either discharge into a Sanitary Sewer or a landscape area large enough to contain the system contents, in accordance with provisions of Municipal Regional Stormwater Permit.

#### INSPECTION REQUIREMENTS -

Inspections by the Colma Fire Protection District shall consist of not less than:

1. A rough installation inspection and hydrostatic test, prior to concealing any components.

2. The hydrostatic test shall be performed at 200 psi for a period of not less than 2 hours.

3. Underground piping system shall be flushed prior to connecting to the sprinkler riser.

4. Where concealed sprinkler heads are used a pre-final inspection shall be performed prior to the installation of the concealing plates to verify no presence of contaminants on the heads.

5. A final inspection.

(12) Replace Section 903.4.2, *Alarms*, with the following:

**903.4.2 ALARMS.** An approved audible and visual sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An audible and visual sprinkler flow alarm shall be provided in the interior of the building in a normally occupied location. Multi-tenant buildings shall be provided with an audible and visual sprinkler flow alarm and a manual pull station within each separate tenant space, at an approved location. Multi-story buildings, regardless of tenancy, shall be provided with an audible and visual sprinkler flow alarm at each floor level, in an approved location. All bathrooms and walk-in coolers/freezers shall be provided with visual notification appliances where a fire alarm system is installed, actuation of the automatic sprinkler system shall activate the building fire alarm system.

(13) Replace Section 903.4.3, *Floor Control Valves*, with the following:

**903.4.3 FLOOR CONTROL VALVES.** Approved supervised indicating control valves and water-flow switches shall be provided at the point of connection to the riser on each floor in multi-level buildings.

EXCEPTION: Within individual dwelling units.

- (14) Replace Sections 907.2 and 907.9 with the following:

**907.2 AND 907.9 WHERE REQUIRED IN NEW BUILDINGS AND EXISTING STRUCTURES.** An approved fire alarm system shall be installed including manual fire alarm boxes at each exit in each tenant space of a multi-tenant building and at each exit stairway on every floor of a multi-story building regardless of tenancy.

- (15) Replace Section 907.2.9 Group R-2, R-2.1 and R-2.2 with the following:

**907.2.9 Group R-2, R-2.1 and R-2.2.** Fire alarm systems with manual fire alarm boxes shall be located at each ground floor exit and on each floor's exit stairways. Automatic smoke detection systems and smoke alarms shall be installed in Group R-2, R-2.1 and R-2.2 Occupancies as required in Sections 907.2.8.2, 907.2.9.1 and 907.2.10.2.

- (16) Replace Section 1008.3.3, *Rooms and Spaces*, Item #5 with the following:

5. All public restrooms, and paths of egress from those restrooms to an exit discharge.

- (c) The following Appendix Chapters are adopted;

Appendix A Board of Appeals

Appendix B Fire-Flow Requirements for Buildings

Appendix BB Fire-Flow Requirements for Buildings (Schools)

Appendix C Fire Hydrant Locations and Distribution

Amend Table C102.1, *Required Number and Spacing of Fire Hydrants*, Footnote C, to state the following:

Where water mains are extended along streets where fire hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided with spacing determined by the Fire Code Official, to provide for transportation hazards.

Appendix CC Fire Hydrant Locations and Distribution (Schools)

Appendix D	Fire Apparatus Access Roads
Appendix F	Hazard Ranking
Appendix I	Fire Protection Systems – Noncompliant Conditions

#### **5.04.150 Colma Existing Building Code**

The 2022 Edition of the California Existing Building Code, contained in Part 10 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Existing Building Code.

#### **5.04.160 Colma Green Building Standards Code**

(a) The 2022 Edition of the California Green Building Standards Code, contained in Part 11 of Title 24 of the California Code of Regulations, with the following changes, additions, and deletions, is adopted by reference as the Colma Green Building Standards Code.

(b) Section 4.408, “Construction Waste Reduction, Disposal and Recycling,” is amended by deleting Sections 4.408.1 through 4.408.5 and adding a new Section 4.408.1 to state as follows:

4.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

(c) Section 5.408, “Construction Waste Reduction, Disposal and Recycling,” is amended by deleting Sections 5.408.1 through 5.408.1.4 and adding a new Section 5.408.1 to state as follows:

5.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

(d) Section 5.04.290 of the Colma Municipal Code, “Diversion Requirements,” is amended and restated in its entirety to read as follows:

#### **5.04.290 Diversion Requirements**

The Builder shall follow the diversion requirements in the 2022 California Green Building Standards Code, as adopted by reference and amended by the Town in subdivision A of this Section 5.04.160.

#### **5.04.170 Colma Referenced Standards Code**

The 2022 Edition of the California Referenced Standards Code, contained in Part 12 of Title 24 of the California Code of Regulations, is adopted by reference as the Colma Referenced Standards Code.

#### **5.04.180 Colma Housing Code**

(a) The 1997 Edition of the Uniform Housing Code published by the International Conference of Building Officials, with the following changes, additions, and deletions, is adopted by reference as the Colma Housing Code.

(b) Section 203.1 is hereby deleted.

(c) Section 302, *Fees*, is amended in its entirety to read as follows:

Whenever work is required to be done under the provisions of this code, a building, plumbing, electrical or mechanical permit may be required by the Building Official prior to commencement of the work. Fees may be assessed pursuant to permit fee resolutions adopted by the City Council from time to time. If abatement proceedings are initiated against a property to gain compliance with the provisions of this code, all costs associated with the abatement shall be paid by the property owner pursuant to the provisions of subchapter 2.01 of the Colma Municipal Code.

(d) Section 1001.2, *Inadequate Sanitation*, is amended by adding the following:

16. Lack of an approved potable water supply.

#### **5.04.190 Colma Property Maintenance Code**

The 2018 Edition of the International Property Maintenance Code as published by the International Code Council is adopted by reference as the Colma Property Maintenance Code.

#### **5.04.200 Interpretation**

The provisions of these Codes are enacted for the public health, safety, and welfare and are to be liberally construed for those purposes thereof.

#### **5.04.210 Codes Available to the Public**

A complete set of the above referenced codes adopted in this subchapter shall be maintained in the Building Department and shall be made available for review by the public.

---

### **ARTICLE 3. FILING OF ORDINANCE**

The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

---

### **ARTICLE 4. LIABILITY**

The provisions of the Colma Building Codes shall not be construed as imposing upon the Town of Colma any liability or responsibility for damage to persons or property resulting from defective work, nor shall the Town of Colma, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of the Colma Building Codes of any permits or certificates issued under the Codes.

---

**ARTICLE 5. SEVERABILITY**

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

---

**ARTICLE 6. CEQA COMPLIANCE**

The City Council finds that the changes made to the Codes are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, high winds and fire. Therefore, it can be seen with certainty that adoption of this ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City Planner is directed to file a notice of exemption within five (5) days of the adoption of this ordinance.

---

**ARTICLE 7. PUBLICATION AND EFFECTIVE DATE**

This ordinance including the vote for and against the same shall be posted in the office of the City Clerk and on the three (3) official bulletin boards of the Town of Colma within fifteen (15) days of its passage and shall take force and effect thirty (30) days after its passage.

**Certification of Adoption**

I certify that the foregoing Ordinance No. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the Town of Colma held on January 11, 2023, and adopted at a regular meeting of the City Council of the Town of Colma held on \_\_\_\_\_, 2023, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor					
John Irish Goodwin					
Helen Fisicaro					
Ken Gonzalez					
Carrie Slaughter					
<i>Voting Tally</i>					

Dated: \_\_\_\_\_

\_\_\_\_\_  
Joanne F. del Rosario, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk







# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Christopher J. Diaz, City Attorney  
 MEETING DATE: January 11, 2023  
 SUBJECT: Ordinance Adding Colma Municipal Code Subchapter 2.10 Relating to Fireworks

## RECOMMENDATION

Staff recommends that the City Council introduce and waive further reading of:

AN ORDINANCE ADDING SUBCHAPTER 2.10 TO THE COLMA MUNICIPAL CODE  
 RELATING TO FIREWORKS PURSUANT TO CEQA GUIDELINES 15061(B)(3), 15307, AND  
 15308

## BACKGROUND AND ANALYSIS

In recent years, many cities throughout California, including the Town of Colma, have seen an increase in the use of fireworks during the period surrounding the Fourth of July and other major holidays. This can involve an increase in calls for service to the Police Department or the Town's Code Enforcement staff which puts a strain on the Town's resources. Further, a 2020 Fireworks Annual Report by the U.S. Consumer Product Safety Commission found a 50% increase in injuries from fireworks-related incidents in 2020, compared to 2019. Finally, the National Fire Protection Association reports more than 19,000 fires in the U.S. are caused annually by fireworks.

California law defines "fireworks" as any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits. As used in the proposed ordinance, "fireworks" includes both "dangerous fireworks" and "safe and sane fireworks," as those terms are defined by the Health and Safety Code.

Generally, violations of the State fireworks law are prosecuted as misdemeanors. Under the Health and Safety Code, state penalties can include up to one year in county jail, and/or a fine of up to \$1,000. These violations are criminal in nature, not civil.

In addition to the state penalties, cities may adopt their own fireworks regulations, which can include outright prohibition and punishment of violations by civil penalties of up to \$1,000 per offense. Many cities prefer adopting their own local fireworks regulations and pursuing exclusively civil penalties against violators, to avoid the staff time and expense associated with court appearances for the criminal fines authorized by state law. Further, including a "social host" element in a local ordinance, by which the Town can hold the property owner or tenant of the

site where the illegal fireworks usage occurred, can enhance the Town's enforcement efforts, since it can otherwise be difficult to track down and cite individual violators in the act of setting of an unlawful firework. The "social host" component of the ordinance seeks to minimize this difficulty by holding the property owner/tenant liable for any emergency response costs resulting from any use of fireworks at that location, and authorizing the Town to collect a penalty against that individual for any violations that occurred on that property, regardless of their intent, knowledge, and/or direct negligence. However, property owners who can demonstrate that at the time of violation they had rented or leased the property to another and were not present at the time will be exempt from application under the "social host" provision.

To comply with State law while also giving the Town enhanced enforcement tools for fireworks violations, staff recommends adoption of an ordinance that codifies a definition of fireworks in accordance with state law, sets fines for violations of the local regulations at \$1,000 per offense, and adopts a "social host" element through which a property owner or tenant can be held liable for violations that occurred on their property.

### **ALTERNATIVES**

The City Council has the option of not adopting this Ordinance. This would mean that if the Town wanted to cite any person for setting off fireworks in the Town at \$1,000 per offense, the Town would need to cite under state law as a misdemeanor. This would create more staff work and require criminal court appearances. This option is not recommended, and instead, staff is recommending that the City Council introduce and adopt the ordinance to allow the Town to cite any violator at \$1,000 per offense solely as a penalty which would not lead to increased staff work and would not require court appearances.

### **FISCAL IMPACT**

There was minimal staff time involved with preparing this Ordinance, and the Town may see increased collection of civil penalties associated with enforcement of the updated regulations.

### **ENVIRONMENTAL**

The City Council's action to introduce and adopt this ordinance is not a project subject to the California Environmental Quality Act, as it can be seen with certainty that the action will not have a significant effect on the environment pursuant to CEQA Guideline 15061(b)(3).

### **CONCLUSION**

Staff recommends that the City Council introduce and waive first reading of the Ordinance.

### **ATTACHMENTS**

A. Ordinance



(b) "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits. As used herein, "fireworks" includes both "dangerous fireworks" and "safe and sane fireworks," as those terms are defined by the Health and Safety Code.

(c) "Social Host" means:

(1) Any owner of private property, as listed on the most recent county tax assessment roll;

(2) Any person who has the right to use, possess or occupy a public or private property under a lease, permit, license, rental agreement, or contract; or

(3) Any person who hosts, organizes, supervises, officiates, conducts, or sponsors a gathering on public or private property, and if such person is a minor, then that person's parents or legal guardians.

(d) "Strictly liable" means s liable for a wrongful act irrespective of such person's intent, knowledge, negligence or lack thereof in committing the wrongful act.

#### **2.10.020 Prohibition on Fireworks.**

The sale, use, possession, and discharge of Fireworks is prohibited within the Town of Colma. It shall be unlawful for any person to sell, offer for sale, purchase, discharge, or otherwise use Fireworks within the Town of Colma except as provided in this chapter.

#### **2.10.030 Exceptions.**

(a) This subchapter does not prohibit the use of fireworks if approved and authorized by the Colma Fire Protection District or conducted by permit granted pursuant to Title 19 of the California Code of Regulations.

(b) This Subchapter does not prohibit the use by railroad or other transportation agencies, or law enforcement agencies, of torpedoes, flares, or fuses for signal purposes or illumination; nor does it prohibit the sale or use of blank cartridges for theatrical or ceremonial purposes, athletic events, or military ceremonies or demonstrations.

#### **2.10.040 Supervision of Minors.**

(a) It shall be unlawful for any person having the care, custody or control of a minor (under eighteen (18) years old) to permit such minor to discharge, explode, fire, or set off any Fireworks, at any time.

(b) Any person having care, custody, or control of a minor shall be strictly liable for a violation of this section.

**2.10.050 Social Host Liability.**

(a) No Social Host shall permit any persons to use Fireworks:

(1) On property that is either owned by the Social Host or occupied or otherwise used by the Social Host pursuant to a lease, permit, license, rental agreement, or contract, or

(2) At any gathering on public or private property that is hosted, organized, supervised, officiated, conducted, or sponsored by the Social Host.

(b) It is the duty of any Social Host who knowingly hosts, permits, or allows any gathering to take place to take all reasonable steps to prevent the use of Fireworks by that Social Host's guests or invitees.

(c) No Social Host shall, with respect to private property where Fireworks are used, be liable for a violation of this section if the Social Host can demonstrate that at the time of such violation, the Social Host (i) had rented or leased the property to another, (ii) was not present, and (iii) had no prior knowledge of the violation.

(d) No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable under this section for violations occurring in the common areas of the property.

**2.10.060 Violations; Administrative Citations and Fines.**

(a) Any person violating any of the provisions of this Subchapter shall be subject to the imposition and payment of an administrative fine or fines as provided below:

<b>Number of Offenses (in One Year Period)</b>	<b>Amount of Administrative Penalty</b>
First	\$1,000.00
Second	\$2,000.00
Third and subsequent	\$3,000.00

(b) Acts, omissions, or conditions in violation of this Subchapter that continue, exist, or occur on more than one day constitute separate violations on each day. Violations continuing, existing, or occurring on the service date of the citation, the effective date of the citation, and each day between the service date and the effective date are separate violations. A person is guilty of a separate offense for each and every day or portion thereof during which he or it commits, continues, or permits a violation of this Subchapter.

(c) Nothing in this Subchapter shall be intended to limit any of the penalties provided for under the California Health and Safety Code or Penal Code with regard to the sale, use, possession, delivery, and/or transportation of Fireworks.

(d) Any administrative fine collected pursuant to this Section shall not be subject to Health and Safety Code section 12706. The administrative fines collected shall be allocated in compliance with Health and Safety Code section 12557, which requires the Town to provide cost reimbursement to the State Fire Marshal for reimbursement of costs, including, but not limited to, transportation and disposal. Regulations are to be adopted by the State Fire Marshal setting forth this allocation. Unless and until such regulations have been adopted by the State of California, the Town shall hold in trust \$250.00 from any fine collected to cover the reimbursement to the State Fire Marshal for the cost of transportation and disposal of the dangerous fireworks. Alternatively, the City Council may adopt and amend a fee to cover such disposal and reimbursement costs by resolution.

#### **2.10.070 Appeal of Administrative Citation and Fines; Hearing Procedures.**

The recipient of an administrative citation pursuant to this Subchapter may appeal its validity by complying with all appeals provisions set forth in Division 3 of Chapter 2 of this Code.

#### **2.10.080 Seizure of Fireworks.**

The Police Chief or designee shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of Fireworks offered or exposed for sale, stored, or held in violation of this Subchapter. Such seizure shall be subject to cost reimbursement to the State Fire Marshal in accordance with Section 2.10.060(d)."

#### **ARTICLE 4. SEVERABILITY.**

If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of this ordinance that can be given effect without the invalid provision or application and, to this extent, the provisions of this ordinance are hereby declared to be severable.

#### **ARTICLE 5. CEQA.**

The City Council's adoption of this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. It also finds the ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

#### **ARTICLE 6. EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after its passage and adoption, pursuant to California Government Code section 36937.

### Certification of Adoption

I certify that the foregoing Ordinance No. **XX** was duly introduced at a regular meeting of the City Council of the Town of Colma held on January 11, 2023, and adopted at a regular meeting of the City Council of the Town of Colma held on \_\_\_\_\_, 2023, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor					
John Irish Goodwin					
Ken Gonzalez					
Carrie Slaughter					
Helen Fisicaro					
<i>Voting Tally</i>					

Dated: \_\_\_\_\_

\_\_\_\_\_  
Joanne F. del Rosario, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk

