

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, October 11, 2021 - 7:00 PM

Visit Daly City's virtual meeting website to register to attend the virtual meeting via Zoom, watch the livestream of the meeting and view the agenda: bit.ly/dalycityoct11

COVID-19 ANNOUNCEMENT - PUBLIC MEETINGS

Pursuant to Government Code section 54953(e) *et seq.*, members of the Daly City Council and staff will participate in this meeting via a teleconference. Members of the public are encouraged to watch the meeting via Livestream (City Council Meeting Livestream) at <https://bit.ly/dalycityoct11livestream> or on local Channel 27.

Public Participation:

There are two ways to submit public comment: (1) send written comments by 4:00 pm on meeting day and (2) join to speak at the meeting via Zoom.

To submit a comment in writing, please email cityclerk@dalycity.org and write "Public Comment" in the subject line. In the body of the email, include the item number and/or title of the item as well as your comments. All comments received by 4:00 pm will be emailed to the City Council members prior to the meeting. Those comments received after 4:00 pm will be added to the record and shared with the City Council members following the public meeting. Comments are not read aloud into the record.

To speak at the meeting via Zoom, join at <https://bit.ly/dalycityoct11zoom>. Zoom will require an email address and name. The name entered will be visible online and will be used to notify you that it is your turn to speak. You may also join by visiting <https://zoom.us/join>. Enter meeting ID: 843 4882 2229, then enter email address and name. The October 11, 2021 Regular City Council meeting may also be accessed via telephone by dialing +1 669 900 6833 (Local). Enter the meeting ID: 843 4882 2229, then press #.

When you would like to speak on an item during the public comment portion of the meeting, you will need to use the "raise hand" feature in Zoom. Public comment is limited to two (2) minutes maximum, and speakers may only comment once per item. You must familiarize yourself with Zoom prior to joining the meeting. The City will not be providing technical support.

If you do not wish to speak, the City requests that you watch the livestream of the meeting on the City's virtual meeting website at <https://bit.ly/dalycityoct11livestream>.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should call the office of the City Clerk at 991-8078 as soon as possible.

CALL TO ORDER:

PLEDGE TO THE FLAG:

AVAILABILITY OF PUBLIC RECORDS:

All public record to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, City Hall located at 333 90th Street, Daly City, CA during normal business hours, at the same time that the public records are distributed or made available to the legislative body.

ROLL CALL:

PRESENTATIONS:

1. Proclaiming October 2021 as Filipino-American History Month, Pilipino Bayanihan Resource Center

APPROVAL OF MINUTES:

2. Regular Meeting of September 27, 2021

APPROVAL OF AGENDA:

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and may be approved by one roll call vote of the City Council. There shall be no separate discussion of the matters on the Consent Agenda unless requested by a member of the City Council. If discussion is required, that item will be removed from the Consent Agenda and will be considered separately at the end of the Agenda.

Resolutions:

3. Notice of Completion for the Gellert Park Renovations - Prefabricated Restroom Building Installation
4. Notice of Completion for the Gellert Park Renovations Project
5. Notice of Completion for the 2019-2020 Original Daly City/Civic Center Slurry Seal Project
6. Authorizing City Manager to Execute Agreement with Off the Grid Services, LLC
7. Final Acceptance of the Subdivision Improvements for the Lausanne Subdivision, Acceptance of the Offer of Dedication of a Public Right-Of-Way Easement, and Acceptance of a Water Meter Easement from the Ping and Lily C. Hsu Trust Dated July 25, 2003
8. Adopting Resolution Authorizing Remote City Council Meetings Under New State Brown Act Requirements (AB 361)
9. Approve Second Amendment to Peninsula Traffic Congestion Relief Alliance JPA
10. Approving the City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials

Check Registers:

END OF CONSENT AGENDA

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

NOTE: Speakers are limited to two minutes, unless modified by the Mayor. The Council cannot take action on any matter raised under this item.

APPOINTMENTS: Board/Commission Membership Committee Appointments

REPORTS:

11. Council Committee

12. City Council

13. Staff

ADJOURNMENT:

Proclamation

Filipino-American History Month

- WHEREAS,** The City of Daly City commemorates Filipino-American History Month each October, a month-long observance to honor and share the rich tapestry of Filipino-American art, history, and culture; and
- WHEREAS,** this year the entire Daly City community is invited to Kasayahan Sa Daly City, a Filipino-American History Month Celebration virtually on Saturday, October 9, 2021 at 10:00am PST, a day filled with music, dance, crafts, and Fil-Am cuisine; and
- WHEREAS,** the event will be held virtually and live on Facebook, YouTube and Kumu a Filipino community platform where users/viewers can livestream, play live games, engage and chat with other users/viewers globally; and
- WHEREAS,** the event will consist of a variety of demonstrations and clips provided by the Department of Library and Recreation Services, Eskabo Daan, Karikitan Dance Company, Kawayan Folk Arts, Capoeira Batuque, NorCal Kababayan Community Group, Kristian Kabuay, Bread Basket Bakery, and many more; and
- WHEREAS,** the entertainment line-up include performances by Zenna Ira, Nicole Polo, Aly Kearny, Tiffany Carandang, Mr. Goobs, J.O.A.L., Giselle and Isa, DJ Qbert, MelvinSings!, Maddie B., Kiana V, Jeremy Passion, AJ Rafael, and many others; and
- WHEREAS,** Daly City 's Department of Library and Recreation Services has partnered with Pilipino Bayanihan Resource Center to help further develop Kasayahan Sa Daly City into Daly City's signature community festival and to provide the event virtually for the second time to the community and globally.

NOW, THEREFORE, I, JUSLYN C. MANALO, MAYOR and members of the City Council of the City of Daly City, do hereby proclaim the month of October 2021 as **Filipino-American History Month** in Daly City.

Signed and sealed by the Mayor and City Council of the City of Daly City this 11th day of October 2021.

Juslyn C. Manalo, Mayor

Roderick Daus-Magbual, Vice Mayor

Raymond A. Buenaventura, Councilmember

Pamela DiGiovanni, Councilmember

Glenn R. Sylvester, Councilmember

CITY OF DALY CITY
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SEPTEMBER 27, 2021

To view videos of the City Council meetings, visit <http://yt.vu/+dalycitycouncil>

The meeting was called to order by Mayor Manalo at 7:05 P.M. by video conference call pursuant to Governor Gavin Newsom’s Executive Order N-29-20.

ROLL CALL: Councilmembers Present:

Juslyn C. Manalo, Mayor
Rod Daus-Magbual, Vice Mayor
Raymond A. Buenaventura
Pamela DiGiovanni
Glenn R. Sylvester

Staff Present:

Shawna Maltbie, City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

PRESENTATIONS:

DCPLA Grants for Bayshore Public Library

(Victoria Magbilang, Executive Director, Daly City Public Library Associates)

Proclaiming October 3 -9 2021 as Fire Prevention Week

(Sean Kavanaugh, Deputy Fire Chief, North County Fire Authority)

APPROVAL OF MINUTES:

Regular Meeting of September 27, 2021

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried to approve the minutes of the Regular Meeting of September 27, 2021, as amended.

APPROVAL OF AGENDA:

It was moved by Councilmember DiGiovanni, seconded by Mayor Manalo and carried to approve the agenda.

CONSENT AGENDA:

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried to approve the consent agenda.

Note on Public Comments: For this meeting, members of the public were encouraged to watch the meeting via livestream at <https://bit.ly/dalycitysep27> and to register and speak at the meeting via Zoom, and/or submit public comments via email to cityclerk@dalycity.org prior to the public meeting. Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting were instructed to call the office of the City Clerk at 991-8078 prior to the meeting.

CITY OF DALY CITY
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Resolutions:

Accepting and Appropriating a \$6,000 Gordon L. King Memorial Grant from the Daly City Public Library Associates

Resolution 21-128, Accepting and Appropriating Grant from the Daly City Public Library Associates

Adopt Resolution Approving Proposed Revision of Various Job Specifications (Civil Service); New Job Specification and Assignment to Salary Schedule; and Title Changes of Various Job Classifications (At the Pleasure of the City Manager (APCM))

Resolution 21-129, Adopting Revised Job Specifications for Various Positions (Civil Service) and Title Changes to Various Job Classifications (APCM)

Authorizing the City Manager to Execute Memorandum of Understanding Between the City of Daly City and County of San Mateo for Disposable Food Service Ware Ordinance Education and Enforcement Activities

Resolution 21-130, Authorizing Execution of Memorandum of Understanding Between the City of Daly City and the County of San Mateo for Disposable Food Service Ware Ordinance Education and Enforcement Activities

Check Registers:

Check Registers for the Month of August 2021

END OF CONSENT AGENDA

COMMUNICATIONS:

Modifications to Lake Merced Golf Course at 2300 Junipero Serra Boulevard – Use Permit UPR-6-21-15105

Planning Manager Michael Van Lonkhuyzen presented the proposal of modifications to be done on the golf course and the Planning Commission's recommendations. Paul Staley, President of the Board of Directors of Lake Merced Golf Club, addressed questions about the impetus of the project and the possibility of hosting future LPGA events at the golf course.

It was moved by Mayor Manalo, seconded by Councilmember Buenaventura and carried by unanimous roll call vote to adopt the following resolution:

Resolution 21-131, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-6-21-15105 for Modification to Lake Merced Golf Course (2300 Junipero Serra Boulevard, Daly City, California)

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Preliminary Plan Review of a Proposed Precise Plan for the Redevelopment of the Serramonte Del Rey Campus at 699 Serramonte Boulevard

Mayor Manalo provided background on the bonds passed by voters to create staff housing at the site to give faculty housing opportunities in Daly City. Mayor Manalo requested to the continue the item pending more dialogue around the affordable housing plan as well as the possible sustainability of a community garden on site. Councilmember Sylvester requested further information including a full title search, a rendition of the additional units, and an environmental impact report.

The following speakers were in favor of the proposed preliminary plan and urged Council to approve the project. According to speakers, developing the underutilized site gives the Jefferson Union High School District (JUHSD) the opportunity to address several problems. These issues included: providing much-needed affordable and general housing for faculty and staff; attracting and retaining quality educators to combat the high turnover rate while providing students consistency and continuity in education; addressing the low salaries of teachers in the district by targeting a livable wage; providing a stable revenue source for JUHSD and its program funding; and addressing Prop.13's underfunding of schools. Supporters also mentioned the project's goals such as: expansion of green and open spaces on site, preventing displacement, sustaining student enrollment, providing a transparent process, and reaping the benefits of leasing the district's land. Individuals expressed disappointment with not being able to hear the applicant's presentation at tonight's meeting and with the lack of action. Some pointed out that misinformation about the project is circulating in the form of a petition including the status of the district's garden as a community garden.

Melissa Ambrose	April Holland	Milo Trauss
Monica Casey	Ethan Mizzi	Michael Fung
Gino Napoli	Emily Hanson	Dorie Paniza-
Anya Shapiro,	Victoria Magbilang	Joel Kahn
Kalisha Webster	Clayton Koo	Denton Murphy
Erick Willemse	Sean Karkazis	Dana Martinezmoles
Alexander Melendrez	Erin Chazer	Heike Mansel
Sherrett Walker	Raayan Mohtashemi	Lila Magbilang
Angela Solis	Sharon Murphy	Benjamin McMullan
Kelsey Banes,	Edward Lopez	Mike Dunham
Marguerite Machen		

The following speakers opposed the preliminary plan as drafted, with some speakers thanking the Mayor for postponing the plan to allow for more discussion and revision. While individuals acknowledged the need for more affordable housing and supported a livable wage for teachers, recommendations were also given to revise the plan. Various issues were raised with the preliminary plan including: the construction of high-rise buildings and unaffordable homes; the low number of affordable units being proposed; the plan's disregard of community input; the lack of transparency in its finances; the removal of a community garden and relocation of Westmoor Park; the plan's harmful contribution to climate pollution; and the site's current zoned status. Speakers who requested the preservation of the community garden mentioned its value to the community in terms of providing a public green space that helps visitors with mental and physical wellness, as well as providing native tribes a place for ceremonies. A parcel tax was suggested as an alternative way to fund the school district.

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Deni Asnis	Chaya Gordon	Nick Occhipinti
Kathy Zarur	DeVante Jewett	Eddy Holman
Diane Lee	Hibah H	Maya Elgarico
Glenn Mercado	Gladwyn d'Souza	Russell Lee
Julie Starobin	Sabrina Brennan	Rene Daniel
Deeg Gold	Dashiell Leeds	Olga P.
Liliana Rivera	Jas	John Tu
Jose Perez	Debbie Santiago	Jung Kim
Melinda Hue		

Kalimah Salahuddin, JUHSD Board Trustee, thanked staff and public commenters and addressed accusations voiced against the school district and the misinformation that has been passed around. Ms. Salahuddin reiterated the school's goals to support all the community's children and to be good community partners. Ms. Salahuddin addressed concerns with the garden, stating her main responsibility is to the students, teachers and the construction of the staff housing.

Tom Nuris, former JUHSD School Board Member, reported JUHSD has been a low-wealth school district and has had issues with not being able to retain staff due to the lack of affordable housing in the area. Mr. Nuris was in favor of the project calling it a golden opportunity for the youth to have the highest quality of education and wished for the City to collaborate with the district.

Discussion ensued with Council considering different aspects of the proposed development including: the affordable housing component, the sustainability of the community garden, the vast size of the development, finding common ground between the different groups, the cost benefit analysis/EIR, clarifications on development revenue and salaries, effects to wetlands and indigenous peoples, the affordability of apartments, the estimated income generated for the district, and whether relocating the density within the plan is possible. The Council thanked everyone in attendance who provided input on the Serramonte Del Rey project and thanked the JUHSD and City staff for all their hard work.

It was moved by Mayor Manalo, seconded by Councilmember Sylvester and carried by roll call vote to continue the item to the regular meeting October 25, 2021.

Status Update for Hotel Site Request for Developer Qualifications and Proposals (RFQP)

Ken Hira, Kosmont Companies, provided a status update on the RFQP process for the hotel site located at 1850 Junipero Serra Boulevard, which currently has four submissions under review. The initial closing date was August 27, but it has been since extended to October 15. Mr. Hira addressed questions on the types of proposals being submitted for this site and the demand for convention spaces in the current market.

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RESOLUTIONS:

Resolution Adopting a Tax Rate Structure for the Voter Approved Cannabis Business Tax

Director of Finance and Administrative Services Tim Nevin provided two options for a cannabis rate structure, given the existing tax rates and the startup nature of cannabis businesses in Daly City. Two scenarios were presented with both options having a tiered tax structure including a second-tier tax for over \$1 million in gross receipts. Mr. Nevin addressed questions on the scenarios proposed, rate comparison with other cities, point of delivery tax revenues, other economic activity taxes, start-up costs for cannabis businesses, application timelines, eligibility guidelines, and possible opportunities to reassess the scenario at a later time.

It was moved by Vice Mayor Daus-Magbual, seconded by Mayor Manalo and carried by unanimous roll call vote to approve Scenario #1 with the Mayor's caveat to reassess one year after a business has been established, via the following resolution:

Resolution 21-132, Adopting a Tax Rate Structure for the Voter Approved Cannabis Business Tax

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Irit Daly stated she was not afforded the time to comment on item #8 and mentioned the Zoom meeting link provided in the flyer notice contained a typo, making it difficult for people to join and provide input. Ms. Daly also reported the Planning Commission meeting on September 7 did not provide an opportunity for the public to participate at that meeting. Nick Bailey, General Manager at Lake Merced, was amenable to answering Ms. Daly's questions outside of the meeting.

Call-In User_3 noted the meeting started late at 7:02 PM. Call-In User_3 stated the First Amendment provides the right to speak anonymously during a meeting and questioned Councilmember Sylvester's statements about his public comments. Call-In User_3 asked for everyone's resignations and noted harassment from Police Officer Perez concerning a member of the public making a video recording.

APPOINTMENTS:

Councilmember DiGiovanni announced Jack Pastor's resignation from the Recreation Commission.

REPORTS:

Council Committee

Bay Area Water Supply & Conservation Agency (BAWSCA) (Manalo)
Peninsula Clean Energy Committee (PCE), Diversity, Equity, Accessibility & Inclusion
Committee (Daus-Magbual)
SFO Roundtable Committee (DiGiovanni)

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City Council

Mayor Manalo reported on the in-person League of Cities (now Cal Cities) conference attended by the Council last week, noting how well-organized the event was. Mayor Manalo was elected as the first Vice President of the Cal Cities API Caucus at the conference. The Mayor reported attendance at the following: the celebration memorial of Tyrese “The Great One” Knox; the SF Lions Club event at Gellert Park to create vaccine clinics (with Father Leonard Oakes); the commendation of Daly City resident Derrick Pecson (owner of Black and Gold Lounge) by Supervisor David Canepa for his community service; the Daly City Firefighters Car Show at Serramonte; and the 20th anniversary of Asian Pacific American Public Affairs (APAPA) which empowers the API community. Mayor Manalo thanked the City Manager and staff for the addition of a lactation room inside City Hall to address equity and accessibility.

Vice Mayor Daus-Magbual reported on the Cal Cities conference, commending guest speakers Bonnie St. John and Richard Montagnes for their inspiring talks. Vice Mayor Daus-Magbual reported attendance at a workshop called Human Centered Design to help policymakers understand the community they are serving. The Vice Mayor reported on conversations he has had with various Daly City commission members regarding implicit bias training, race and racism, the narratives that are being reproduced, and requested staff to re-think about how the City administers implicit bias training.

Councilmember DiGiovanni reported on the Daly City Firefighters Car Show, which raised a lot of funds for the community. Councilmember DiGiovanni expressed concern over the May 23 fundraiser event and the use of City resources as an elected official, particularly during a time when the City was shut down due to COVID-19 and residents were unable to rent any City facilities. Mayor Manalo stated the May 23 event was a collective effort and utilized the space to give opportunity for the community to receive resources, for which the City provided the space through a non-profit organization. Councilmember DiGiovanni stated the funds raised were for scholarships for the martial arts organization, hence the conflict of interest.

Councilmember Sylvester agreed with Vice Mayor Daus-Magbual’s comments on the importance of discussions around implicit bias and race. Councilmember Sylvester also stated that narratives are based on interpretation, because everyone comes from different walks of life.

ADJOURNMENT:

On September 28, 2021, at 12:35 AM, Mayor Manalo adjourned the meeting in memory of Jeomer Apostol Dagdagan and Marcelina Saad Daus.

Approved as submitted, this 11th

day of October, 2021.

City Clerk

Mayor



City Council Agenda Report

Item # _____

Meeting Date: October 11, 2021

Subject: Notice of Completion for the Gellert Park Renovations - Prefabricated Restroom Building Installation

Recommended Action

Staff recommends that the City Council authorize the filing of the Notice of Completion and accept the improvements completed in compliance with the agreement with Public Restroom Company for the purchase and installation of a prefabricated restroom building at Gellert Park.

Background

On February 10, 2020, the City Council authorized the City Manager to execute an agreement with Public Restroom Company of Minden, Nevada, to purchase and install a prefabricated restroom building at Gellert Park in the amount of \$288,104.00 as part of the Gellert Park Renovations project.

Discussion

Public Restroom Company completed all improvements required by the agreement for a total amount of \$293,001.79. The original agreement amount was for \$288,104.00. The increase in cost of 1.7% between the original and final agreement amounts were due to Payment and Performance Bond fees which were not included in the cost of the original proposal and agreement.

Upon authorization by City Council, the Notice of Completion will be recorded, and retention payment will be released after noticing period has been completed.

Fiscal Impact

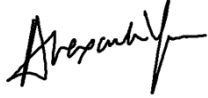
The contract was completed in the total amount of \$293,001.79 with funds available in FY 2019-20 Capital Projects Fund – Gellert Park Renovations project account 31-317-490. Measure K grant funds will be used to reimburse the City for the cost of this project.

Summary/Conclusion

Public Restroom Company of Minden, Nevada has completed all work described in the agreement and is now acceptable for City maintenance. Staff recommends that the City Council authorize the filing of the Notice of Completion and accept the completed improvements for the City's maintenance.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Alexander Yuen
Engineer I



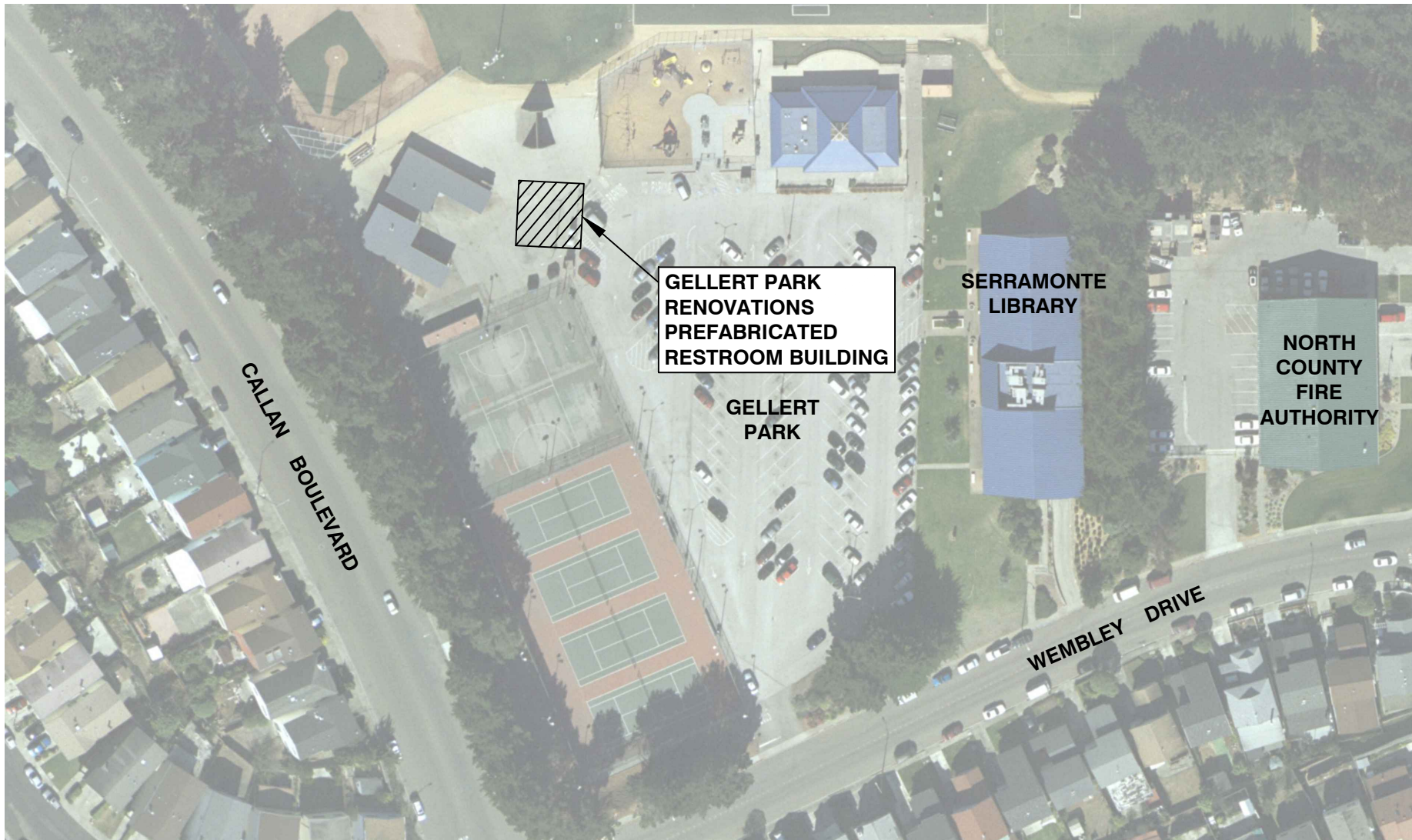
Richard Chiu, Jr.
Director of Public Works

Attachments:

1. Location Map
2. Resolution
3. Notice of Completion

CITY OF DALY CITY
SAN MATEO COUNTY, CALIFORNIA

PROJECT LOCATION MAP OF
**GELLERT PARK RENOVATIONS
PREFABRICATED RESTROOM BUILDING**



N.T.S.

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

OFFICE OF THE CITY CLERK
CITY OF DALY CITY
333 - 90th Street
Daly City, California 94015

Notice of Completion

NOTICE IS HEREBY GIVEN as follows:

1. The date of completion of the work of improvement is: 10/11/2021
2. The owner of the work of improvements is: City of Daly City, a Municipal Corporation.
3. The address of the owner of the work of improvement is: City Hall
333 - 90th Street
Daly City, California 94015
4. The nature of the owner's interest or estate is: In fee.
5. The work of improvement is located in Daly City, California, and is particularly described as follows:

**GELLERT PARK RENOVATIONS
PREFABRICATED RESTROOM BUILDING INSTALLATION**

The name of the original contractor for the work of improvement is:

Public Restroom Company
2587 Business Parkway
Minden, NV 89423

Dated: _____

The undersigned, being duly sworn, says: That he is the owner of the aforesaid interest or estate in the property described in the foregoing notice; that he has read the same, and knows the contents thereof, and that the facts stated therein are true.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CITY OF DALY CITY, OWNER

Richard Chiu, Jr., Public Works Director

STATE OF CALIFORNIA,

COUNTY OF SAN MATEO } ss.

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2021,

by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____

Name (Typed or Printed)
Notary Public in and for said County and State

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY ACCEPTING
COMPLETION OF CERTAIN PROJECT IN THE
DEPARTMENT OF PUBLIC WORKS

(GELLERT PARK RENOVATIONS PREFABRICATED RESTROOM BUILDING INSTALLATION)

A. The Project Manager has advised that the project set forth hereinafter has been completed in accordance with the terms of the contract with the City of Daly City and Public Restroom Company, a Nevada Corporation.

B. The City Council of the City of Daly City desires to acknowledge the completion of such project so that notice of completion may be given.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that pursuant to the above, the City of Daly City does hereby accept as complete the following described project:

**GELLERT PARK RENOVATIONS
PREFABRICATED RESTROOM BUILDING INSTALLATION**

BE IT FURTHER RESOLVED by the City Council of the City of Daly City that said project be, and it is hereby accepted as complete, and at the expiration of fifty-five (55) days from this date, final payment in connection with this project be, and it is hereby authorized, provided that all statutory liens, claims and withholds are satisfied pursuant to law.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a special meeting thereof held on the _____ day of _____, 20____, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY



City Council Agenda Report

Item # _____

Meeting Date: October 11, 2021

Subject: Notice of Completion for the Gellert Park Renovations Project

Recommended Action

Staff recommends that the City Council authorize the filing of the Notice of Completion and accept the improvements completed in compliance with the construction contract for the Gellert Park Renovations project.

Background

On November 9, 2020, the City Council authorized the award of a construction contract to Kingdom Pipelines, Inc. of San Francisco, California, in the amount of \$391,218.00 for the installation of sewer and electrical lines, as well as site preparation needed prior to the delivery and installation of the new ADA compliant prefabricated restroom building. Renovation of the existing barbeque area was also included in the project.

Discussion

Kingdom Pipelines, Inc. has completed all improvements required by the construction contract documents for a total amount of \$413,984.09. The original contract amount was for \$391,218.00. The increase in cost of 5.8% between the original and final contract amounts was due to additional work needed to chlorinate and Bac-T test the water lines, replace existing electrical pull boxes, install a new concrete pad foundation with a custom enclosure for the electrical transformer, and material changes.

Upon authorization by City Council, the Notice of Completion will be recorded, and retention payment will be released after noticing period has been completed.

Fiscal Impact

The contract was completed in the total amount of \$413,984.09 with funds available in FY 2019-20 Capital Projects Fund – Gellert Park Renovations project account 31-317-490.

Summary/Conclusion

Kingdom Pipelines, Inc. of San Francisco, California has completed all work in compliance with the construction contract and is now acceptable for City maintenance. Staff recommends that the City Council authorize the filing of the Notice of Completion and accept the completed improvements for the City's maintenance.

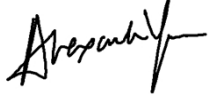
Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Notice of Completion for the Gellert Park Renovations Project

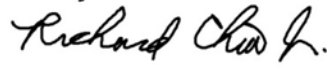
Meeting Date: October 11, 2021

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Respectfully submitted,



Alexander Yuen
Engineer I



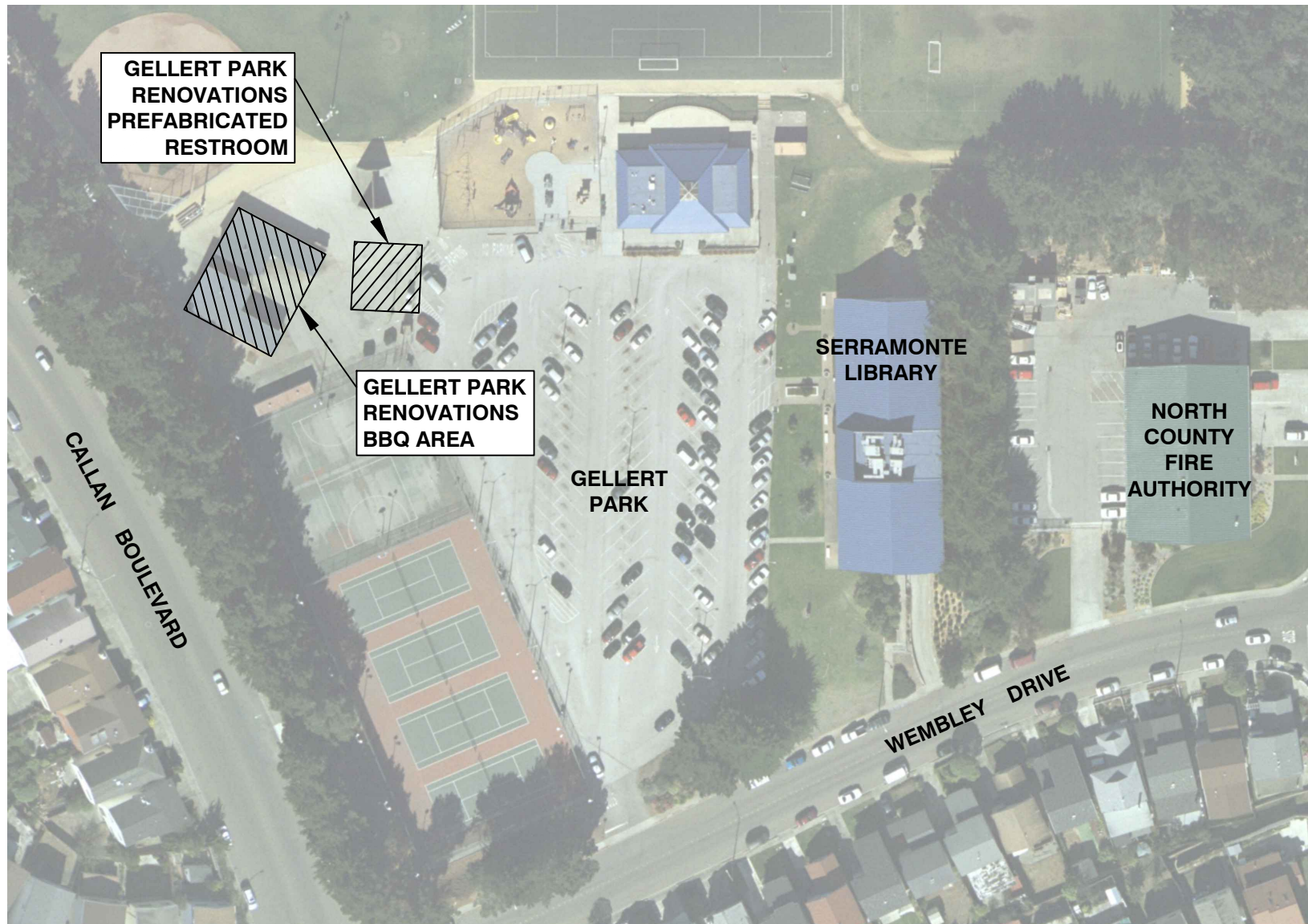
Richard Chiu, Jr.
Director of Public Works

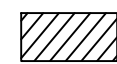
Attachments:

1. Location Map
2. Resolution
3. Notice of Completion

CITY OF DALY CITY
SAN MATEO COUNTY, CALIFORNIA

PROJECT LOCATION MAP OF
GELLERT PARK RENOVATIONS



 PROJECT AREA


N.T.S.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY ACCEPTING
COMPLETION OF CERTAIN PROJECT IN THE
DEPARTMENT OF PUBLIC WORKS

(Gellert Park Renovations Project)

A. The Project Manager has advised that the project set forth hereinafter has been completed in accordance with the terms of the contract with the City of Daly City and Kingdom Pipelines, Inc., a California Corporation.

B. The City Council of the City of Daly City desires to acknowledge the completion of such project so that notice of completion may be given.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that pursuant to the above, the City of Daly City does hereby accept as complete the following described project:

GELLERT PARK RENOVATIONS PROJECT

BE IT FURTHER RESOLVED by the City Council of the City of Daly City that said project be, and it is hereby accepted as complete, and at the expiration of fifty-five (55) days from this date, final payment in connection with this project be, and it is hereby authorized, provided that all statutory liens, claims and withholds are satisfied pursuant to law.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a special meeting thereof held on the _____ day of _____, 20____, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

OFFICE OF THE CITY CLERK
CITY OF DALY CITY
333 - 90th Street
Daly City, California 94015

Notice of Completion

NOTICE IS HEREBY GIVEN as follows:

1. The date of completion of the work of improvement is: 10/11/2021
2. The owner of the work of improvements is: City of Daly City, a Municipal Corporation.
3. The address of the owner of the work of improvement is: City Hall
333 - 90th Street
Daly City, California 94015
4. The nature of the owner's interest or estate is: In fee.
5. The work of improvement is located in Daly City, California, and is particularly described as follows:

GELLERT PARK RENOVATIONS PROJECT

The name of the original contractor for the work of improvement is:

Kingdom Pipelines, Inc.
501 Cesar Chavez, Suite 214
San Francisco, CA 94124

Dated: _____

The undersigned, being duly sworn, says: That he is the owner of the aforesaid interest or estate in the property described in the foregoing notice; that he has read the same, and knows the contents thereof, and that the facts stated therein are true.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CITY OF DALY CITY, OWNER

Richard Chiu, Jr., Public Works Director

STATE OF CALIFORNIA,

COUNTY OF SAN MATEO } ss.

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2021,

by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____

Name (Typed or Printed)
Notary Public in and for said County and State



City Council Agenda Report

Item # _____

Meeting Date: October 11, 2021

Subject: Notice of Completion for the 2019-2020 Original Daly City/Civic Center Slurry Seal Project

Recommended Action

Staff recommends that the City Council authorize the filing of the Notice of Completion and accept the improvements completed in compliance with the construction contract for the 2019-20 Original Daly City/Civic Center Slurry Seal project.

Background

Since 1998, Daly City Public Works has undertaken a comprehensive street pavement preventative maintenance program. The “cornerstone” of this program is an annual Street Slurry Seal Project as the single most cost effective means to preserve a pavement’s condition and thereby reduce long term pavement operations and maintenance cost. Street slurry sealing replaces fine aggregate stripped from the pavement surface, reduces water penetration in the roadway base and thereby reduces base failures and the resultant damage that is more costly to repair. Streets selected to be surface sealed are based on several factors including the City’s Seven-Year Master Plan, the City’s computer based pavement management system recommendations, visual observation of the streets by Public Works staff and other upcoming or associated work such as utility repairs and bike lane installations.

On September 14, 2020, the City Council authorized the award of a construction contract to VSS International, Inc. of West Sacramento, California, in the amount of \$1,525,120.00 for the 2019-20 Original Daly City/Civic Center Slurry Seal project. The scope of work was to slurry seal approximately 14.7 centerline miles of City streets in the Original Daly City and Civic Center area.

Discussion

VSS International, Inc. has completed all improvements required by the construction contract documents for a total amount of \$1,593,223.69, including two change orders totaling \$68,103.69. The original contract award was for \$1,525,120.00. The increase in price of 4.5% between the original and final contract amounts was due to final quantity adjustments and is within the ten percent contingency approved for the project.

Fiscal Impact

The contract was completed in the total amount of \$1,593,223.69 with funds available in FY 2019-20 CIP Account 17-312-649. No additional appropriation is needed for this recommendation.

Summary/Conclusion

The contractor’s work is now complete and acceptable for City maintenance. Staff recommends that the City Council authorize the filing of the Notice of Completion and accept the completed improvements for the City’s maintenance.

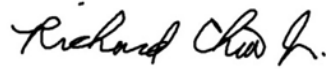
**Notice of Completion for the 2019-20 Original Daly City/
City Center Slurry Seal Project
Meeting Date: October 11, 2021
Page 2 of 2**

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Shirley Chan
Sr. Civil Engineer



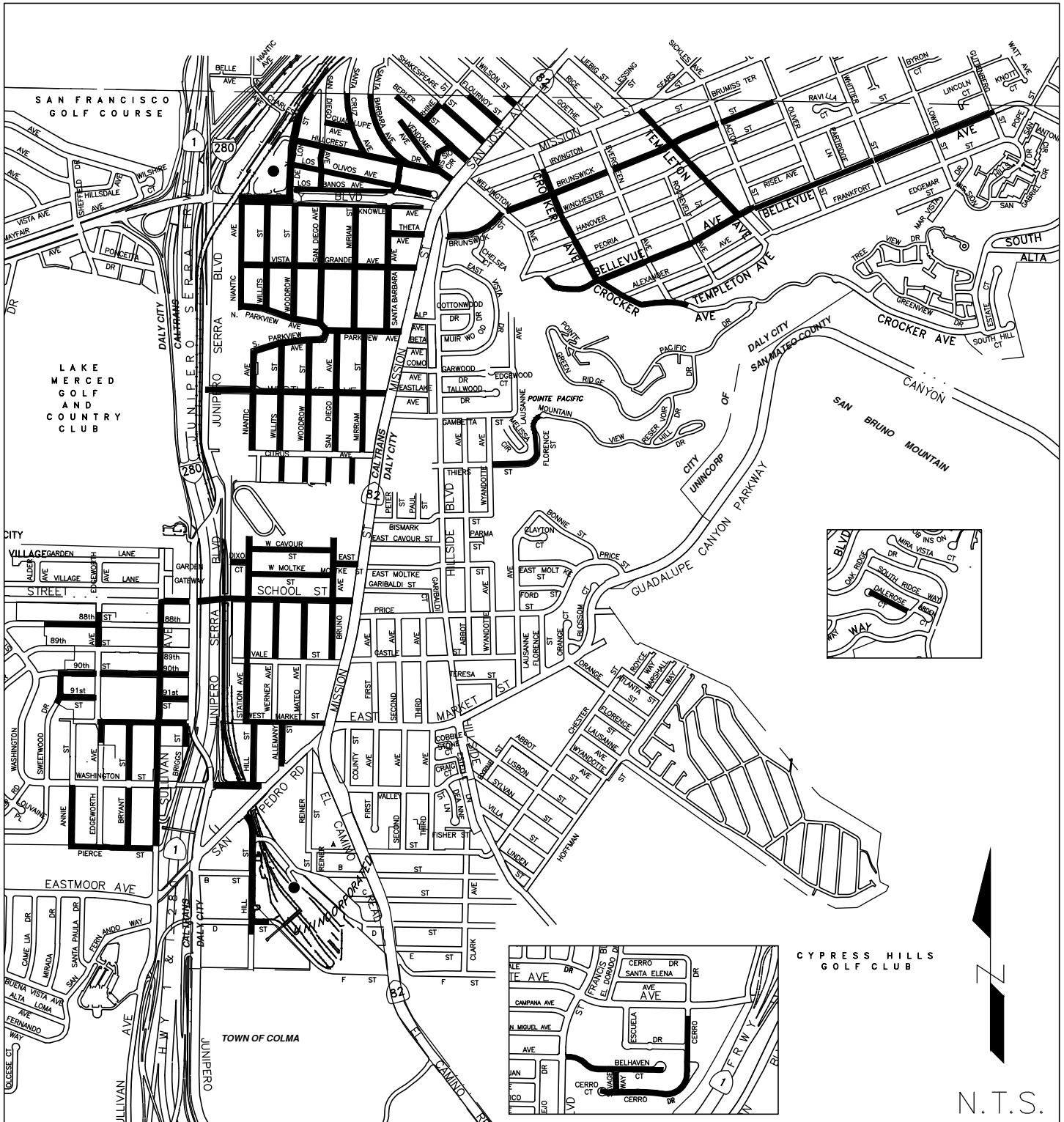
Richard Chiu, Jr.
Director of Public Works

Attachments:

1. Location Map
2. Resolution
3. Notice of Completion

CITY OF DALY CITY
SAN MATEO COUNTY, CALIFORNIA

PROJECT LOCATION MAP OF
**2019-2020 ORIGINAL DALY CITY/CIVIC CENTER
SLURRY SEAL**



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY ACCEPTING
COMPLETION OF CERTAIN PROJECT IN THE
DEPARTMENT OF PUBLIC WORKS

(2019-2020 ORIGINAL DALY CITY/CIVIC CENTER SLURRY SEAL PROJECT)

A. The Project Manager has advised that the project set forth hereinafter has been completed in accordance with the terms of the contract with the City of Daly City and VSS International, Inc., a California Corporation.

B. The City Council of the City of Daly City desires to acknowledge the completion of such project so that notice of completion may be given.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that pursuant to the above, the City of Daly City does hereby accept as complete the following described project:

2019-2020 ORIGINAL DALY CITY/CIVIC CENTER SLURRY SEAL PROJECT

BE IT FURTHER RESOLVED by the City Council of the City of Daly City that said project be, and it is hereby accepted as complete, and at the expiration of fifty-five (55) days from this date, final payment in connection with this project be, and it is hereby authorized, provided that all statutory liens, claims and withholds are satisfied pursuant to law.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a special meeting thereof held on the _____ day of _____, 20____, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

OFFICE OF THE CITY CLERK
CITY OF DALY CITY
333 - 90th Street
Daly City, California 94015

Notice of Completion

NOTICE IS HEREBY GIVEN as follows:

1. The date of completion of the work of improvement is: 10/11/2021
2. The owner of the work of improvements is: City of Daly City, a Municipal Corporation.
3. The address of the owner of the work of improvement is: City Hall
333 - 90th Street
Daly City, California 94015
4. The nature of the owner's interest or estate is: In fee.
5. The work of improvement is located in Daly City, California, and is particularly described as follows:

2019-2020 ORIGINAL DALY CITY/CIVIC CENTER SLURRY SEAL PROJECT

The name of the original contractor for the work of improvement is:

VSS International, Inc.
3785 Channel Drive
West Sacramento, CA 95691

Dated: _____

The undersigned, being duly sworn, says: That he is the owner of the aforesaid interest or estate in the property described in the foregoing notice; that he has read the same, and knows the contents thereof, and that the facts stated therein are true.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CITY OF DALY CITY, OWNER

Richard Chiu, Jr., Public Works Director

STATE OF CALIFORNIA,

COUNTY OF SAN MATEO } ss.

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2021,

by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____

Name (Typed or Printed)
Notary Public in and for said County and State



City Council Agenda Report

Item # _____

Meeting Date: October 11, 2021

Subject: Authorization to Execute Agreement with Off the Grid Services, LLC

Recommended Action

It is recommended the City Council authorize the City Manager to execute an agreement with Off the Grid Services, LLC.

Background

When FEMA funding for the Great Plates Delivered San Mateo County program ended on July 7, 2021, the San Mateo County Board of Supervisors allocated \$2 million in new funding for former Great Plates Delivered participants at severe nutrition risk without delivered meals. San Mateo County Aging & Adult Services surveyed meal providers to see which could produce and deliver meals to those most in need. Recreation Services staff with support from the City Manager, City Attorney, and Human Resources offices determined Daly City could serve 150 at risk older adults each week starting August 2, 2021. At the July 26, 2021 City Council meeting, the Council approved entering into a contract with San Mateo County to participate in Second Course, the successor to Great Plates Delivered.

To meet the needs of Daly City older adults for the period July 7, 2021 through July 27, 2021, Aging and Adult Services arranged for:

- the San Mateo County Sheriff to prepare meals;
- Aging & Adult Services staff and Daly City Senior Services staff alongside volunteers from Daly City Host Lions, San Francisco Host Lions, San Mateo County Commission on Aging, and JUHSD student clubs to package meals weekly out of the Jefferson Adult School facility; and
- Off the Grid, a meal deployment operation employing contract drivers, to deliver the meals.

Aging & Adult Services also contracted with Meals on Wheels San Francisco and with Self Help for the Elderly to serve Daly City seniors in need beyond the 150 that Recreation Services can accommodate.

Aging & Adult Services' arrangement with Off the Grid has proven to be effective and was extended to Daly City through October 17, 2021. While Recreation Services has the capacity to cultivate a volunteer corps to deliver meals to our homebound older adults, staff recommends Daly City contract directly with Off the Grid through at least the end of calendar year 2021. This arrangement is cost-effective, mitigates liability for the City, and is safe for program participants. It will allow Recreation Services staff more time to recruit, screen, train and support a volunteer meal delivery team should Daly City continue in the Second Course program or enter into an Older Americans Act subsidized Home Delivered Meal program when Second Course sunsets as anticipated in 2023.

Fiscal Impact

The Second Course Program that Recreation Services provides receives \$15 per meal reimbursement from the County of San Mateo – Aging and Adult Services. Daly City would pay Off the Grid Services, LLC \$16 per delivery, which on average equates to \$3.20 per meal. One delivery consists of 5 meals/client. The City would pay Off the Grid out of Account 01-131-463-4220.

City Council Agenda Report

Subject: Authorization to Execute Agreement with Off the Grid Services, LLC

Meeting Date: October 11, 2021

Page 2 of 2

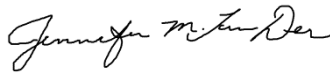
Summary/Conclusions

Staff is available to provide any additional information desired by the Mayor or City Council.

Respectfully submitted,



M. Ann Cooney
Active Adult/Senior Supervisor



Jennifer M. Der
Sr. Recreation Services Supervisor



Denise M. Brown
Recreation Services Manager

Off the Grid Services, LLC Statement of Work
Prepared for: City of Daly City
September 27th, 2021

1. TERM

This Statement of Work ("SOW") titled "Daly City Delivery Program" is entered into the October 18th, 2021 ("Effective Date"), by and between Off the Grid Services, LLC., ("Off the Grid") with its headquarters of business located at 2 Marina Blvd, Fort Mason Center Bldg #C370, San Francisco, CA 94123 and Daly City ("Client") with its headquarters of business located at 101 Lake Merced Boulevard, Room 16 Daly City, CA 94105-1048. Off the Grid and Client are hereinafter referred to collectively as the ("Parties") or individually as a ("Party").

Off the Grid will perform in accordance with this SOW which will be effective from October 18th, 2021 ("Effective Date") until the project is complete. This SOW shall act as a binding contract between both parties until an agreed upon MSA (Master Services Agreement) is executed by both parties.

2. SCOPE OF SERVICES

2.1 Objective

Daly City will contract Off the Grid's delivery services to help facilitate the delivery of meals to residents in Daly City.

2.2 Scope of Services

- Off the Grid and 3rd party contractors will be facilitating deliveries on a single day to be agreed upon by both parties with a minimum of 50 clients per delivery day.
 - Changes to delivery quantities of 20% or more must be mutually agreed to 5 business days in advance by both parties.
- Off the Grid will facilitate routing sheets and printable solutions each delivery day.
- Delivery of Meals from Daly City's single distribution center to each unique individual participant will be reimbursed \$16 per delivery.
- Daly City will provide Off the Grid an excel file or google sheet list of delivery information at least 2 business days (48 hrs) prior to delivery time including the following information:
 - [Name, Unique ID, address, phone number, delivery instructions, any important meal identifiers (dietary restrictions)].
- Off the Grid will ensure a 2nd delivery attempt on the same day will be provided if the first delivery attempt was unsuccessful.
 - Off the Grid will report back any missed deliveries after the 2nd attempt to Daly City by the next business day.
- A delivery will be deemed as "undeliverable" if the Off the Grid courier made 2 attempts to contact the client and Off the Grid has verified the call logs to confirm contact was attempted and delivery instructions were followed. If product is undeliverable it can be disposed of at the discretion of the driver.
- Off the Grid will invoice Daly City weekly for deliveries with payment due within 30 days of invoice receipt.

- Off the Grid and 3rd party contractors will handle all program and individual program participant data with complete confidentiality.

2.3 Timeline and Project Milestones

Meal deliveries to eligible participants of the Daly City meal delivery program will start on **Friday October 18th, 2021**.

This project can be extended through mutual approval with 30 days advance notice.

3. FEES AND SCHEDULE

The following fees ("Fees") are for the scope of services as outlined in **Section 2.2 Scope of Services**.

3.1 Off the Grid Fees

Billing and Payment Terms. Daly City shall remit full payment within thirty (30) days upon receipt of invoice.

Invoices will detail total deliveries and unsuccessful attempts. If Off the Grid couriers do not have evidence of delivery, those deliveries will be credited to Daly City on the next invoice. Delivery logs can be provided to Daly City upon request.

The table below represents the costs that are due to Off the Grid.

Item	Price
Cost per delivery - either successful or unsuccessful	\$16 each

Insurance

Off the Grid and its 3rd party contractors will maintain automobile and business liability insurance in the amount of at least \$1,000,000 as well as other insurance of types and amounts appropriate to the nature and scope of the services. Off the Grid will provide to Daly City a valid certificate of insurance confirming this coverage.

Off the Grid agrees to provide an endorsement naming the City of Daly City, including its officers, employees and volunteers as additional insureds.

Relationship of The Parties

Off the Grid agrees and understands that the work/services performed under this Agreement are performed as an Independent Contractor and not as an employee of the City and that Off the Grid and its employees acquire none of the rights, privileges, powers or advantages of City employees.

Non-Discrimination

Off the Grid shall not discriminate, on the basis of a person's race, ancestry, sex, creed, color, national origin, religion, age, political affiliation, marital status, medical condition, sexual orientation, or disability, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Off the Grid under this Agreement. Off the Grid shall apply with all applicable federal, state and local laws, policies, rules, and requirements related to equal opportunity and non-discrimination. Off the Grid shall ensure full equal employment opportunity for all employees under this Agreement.

Modification/Termination

This Agreement may be modified or amended only by an instrument in writing signed by the parties hereto. Either party may terminate this Agreement upon 30 days prior written notice, or by mutual agreement.

Off the Grid LLC.

(Please Print)

(Signature)

(Date)

City of Daly City

(Please Print)

(Signature)

(Date)



City Council Agenda Report

Item # _____

Meeting Date: October 11, 2021

Subject: Final Acceptance of the Subdivision Improvements for the Lausanne Subdivision, Acceptance of the Offer of Dedication of a Public Right-Of-Way Easement, and Acceptance of a Water Meter Easement from the Ping and Lily C. Hsu Trust Dated July 25, 2003

Recommended Action

Staff recommends that the City Council adopt a resolution to:

1. Accept the completion of subdivision improvements for the Lausanne Subdivision and authorize the release of bonds in accordance with the Subdivision Improvement Agreement;
2. Rescind the rejection of the offer of dedication of the Public Right-Of-Way Easement over portions of Parcels 1 and 2 as shown on the Parcel Map of SUB-4-15-10787;
3. Accept the offer of dedication of the Public Right-Of-Way Easement over portions of Parcels 1 and 2 as shown on the Parcel Map of SUB-4-15-10787;
4. Approve and authorize the City Manager to accept, on behalf of the City of Daly City, the Water Meter Easement Deed from the Ping and Lily C. Hsu Trust Dated July 25, 2003 for water meter purposes over a portion of 27 Lausanne Avenue.

Background

On October 26, 2015, the City Council approved the tentative map for the Lausanne Subdivision located at 25, 27 and 29 Lausanne Avenue. The tentative map allowed for the creation of three lots. On November 13, 2017, the City Council approved the Subdivision Improvement Agreement and Parcel Map SUB-4-15-10787 for the Lausanne Subdivision. The Lausanne Subdivision is a development of three single-family homes located at 25, 27 and 29 Lausanne Avenue, developed by the Ping and Lily C. Hsu Trust Dated July 25, 2003 (Developer). The Subdivision Improvement Agreement and bonds associated with the work were originally executed and provided by the Developer.

Subdivision improvements associated with the construction of the project included street improvements, sidewalk, grading and drainage, water, sanitary sewer, streetlights and joint trench utilities, as well as construction of a small turnaround. The total value of the subdivision improvements is \$92,375.

City Council approval of the Parcel Map included acceptance of a public utility easement but City Council rejected an offer of dedication of a Public Right-Of-Way Easement in accordance with the City's municipal code. The Developer has completed all required subdivision improvements within the Public Right-Of-Way Easement and the easement is now ready for acceptance by City Council along with the subdivision improvements constructed therein.

The Developer also desires to grant a Water Meter Easement to provide for installation, repair, maintenance and operation of water meters on a portion of 27 Lausanne Avenue.

Discussion

The Developer has completed the construction of improvements in accordance with the Subdivision Improvement Agreement, the plans and specifications, and to the satisfaction of the City Engineer.

The Developer provided cash in lieu of bonds in the amount of \$92,375, which may now be released in accordance with the terms of the Subdivision Improvement Agreement. A warranty bond in the amount of \$9,237.50 will be held for a one-year period, in the event that any of the improvements fail within that time.

Acceptance of the offer of dedication of the Public Right-Of-Way Easement will allow for the public's use and access of the area. The easement area consists of a small turnaround that was constructed as part of the required subdivision improvements including street area, sidewalks, and utilities. In accordance with the Subdivision Map Act, Government Code Section 66477.2(a) provides that a previously-rejected offer of dedication shall remain open and the City Council may by resolution at any later date, and without further action by the Developer, rescind its action and accept the offer of dedication.

Acceptance of the Water Meter Easement will allow personnel to access a portion of 27 Lausanne Avenue for the installation, repair, maintenance and operation of water meters. The Developer would be required to keep the area free and clear of any structures or obstructions of any kind. The attached legal description and plat map have been reviewed and approved by staff.

Fiscal Impact

The streets in this area are already maintained by the City. There is no significant fiscal impact as a result of this action.

Summary/Conclusion

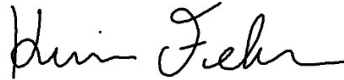
Staff recommends that the City Council adopt a resolution to:

1. Accept the completion of subdivision improvements for the Lausanne Subdivision and authorize the release of bonds in accordance with the Subdivision Improvement Agreement;
2. Rescind the rejection of the offer of dedication of the Public Right-Of-Way Easement over portions of Parcels 1 and 2 as shown on the Parcel Map of SUB-4-15-10787;
3. Accept the offer of dedication of the Public Right-Of-Way Easement over portions of Parcels 1 and 2 as shown on the Parcel Map of SUB-4-15-10787;
4. Approve and authorize the City Manager to accept, on behalf of the City of Daly City, the Water Meter Easement Deed from the Ping and Lily C. Hsu Trust Dated July 25, 2003 for water meter purposes over a portion of 27 Lausanne Avenue.

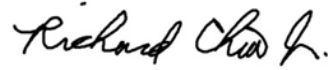
Final Acceptance of the Subdivision Improvements for the Lausanne Subdivision, Acceptance of the Offer of Dedication of a Public Right-Of-Way Easement, and Acceptance of a Water Meter Easement from the Ping and Lily C. Hsu Trust Dated July 25, 2003
Meeting Date: October 11, 2021
Page 2 of 2

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Kevin Fehr
City Engineer



Richard Chiu, Jr.
Director of Public Works

Attachments:

1. Parcel Map SUB-4-15-10787
2. Water Meter Easement Deed

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

City of Daly City
Attn: City Clerk
333 90th Street
Daly City, CA 94015

**WATER METER EASEMENT DEED
27 LAUSANNE AVENUE, DALY CITY, CA**

The PING AND LILY C. HSU TRUST DATED JULY 25, 2003 ("Grantor"), fee owner of the property commonly known as 27 Lausanne Avenue, Daly City, CA, 94014, Assessor's Parcel Number 003-391-440 ("Property"), hereby grants to the City of Daly City ("City") the following easement over, under, upon and across that certain real property located in the City of Daly City, County of San Mateo, State of California more particularly described and attached hereto as Exhibit A, and depicted on the plat attached hereto as Exhibit B (the "Dedication Area"):

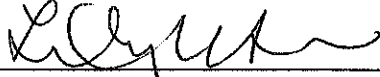
1. A Water Meter Easement over, under, upon and across the Dedication Area for the right to enter upon said dedication area, to install, repair and maintain therein water meters, to turn on or off the water service, or to do any other thing that may be necessary or advisable in the judgment of the City, in order to maintain or operate said water meters in accordance with the ordinances, rules and regulations for the management of the City's water system and its provision of water service to the Property.

Grantor further acknowledges and agrees to the following:

1. Grantor, their successors and assigns will keep the Dedication Area free and clear of any structures, fences or obstructions, of any kind; and
2. Covenant Runs with the Land. The Water Meter Easement shall be perpetual and irrevocable and shall operate as a covenant running with the land. The Water Meter Easement shall encumber Grantor's Property for the benefit of the City only. The Water Meter Easement shall inure to the benefit of, and be binding upon, the City and its respective successors and assigns. All rights, titles and privileges herein granted, including all benefits and burdens, shall run with the land and be binding upon and inure to the benefit of the parties hereto, including heirs, executors, administrators, grantees and successors.

Grantor:

The PING AND LILY C. HSU TRUST DATED JULY 25, 2003



Lily C. Hsu

Sole Trustee of the Ping and Lily C. Hsu Trust,
per "Affidavit - Death of Trustee" recorded July
7, 2021, as Document No. 2021-102077, San
Mateo County Records

Dated: Sept. 01, 2021

CERTIFICATE OF ACCEPTANCE
(Government Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the Water Meter Easement Deed, dated _____, 2021 from the PING AND LILY C. HSU TRUST DATED JULY 25, 2003 to the City of Daly City, a municipal corporation, is hereby accepted by the undersigned on behalf of the City of Daly City pursuant to the authority conferred by City Council Resolution No. _____ adopted on _____, 2021, and the City of Daly City consents to recordation thereof by its duly authorized officer.

CITY OF DALY CITY, a municipal corporation

Dated: _____, 2021

By: _____
Shawwna Maltbie
City Manager

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)
) SS
COUNTY OF _____)

On _____ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)
) SS
COUNTY OF Los Angeles)

On September 1st, 2021 before me, Alexi Myra Anderson, a Notary Public, personally appeared Lily C. Hsu, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Alexi Myra Anderson*

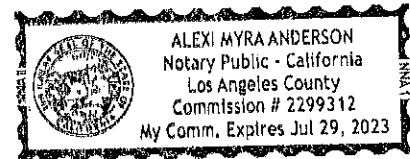


EXHIBIT 'A'
LEGAL DESCRIPTION
WATER METER EASEMENT
LANDS OF HSU

BEING A WATER METER EASEMENT OVER, UNDER, UPON AND ACROSS A PORTION OF THAT REAL PROPERTY LOCATED IN THE CITY OF DALY CITY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, SAID REAL PROPERTY BEING PARCEL 2 AS SHOWN ON THE PARCEL MAP ENTITLED "PARCEL MAP OF SUB-4-15-10787" AND AS RECORDED DECEMBER 13, 2017 IN VOLUME 83 OF PARCEL MAPS AT PAGES 77 AND 78 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

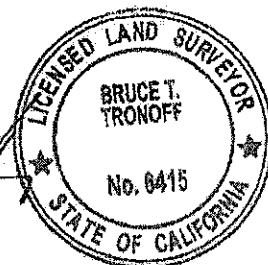
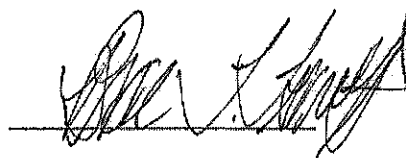
COMMENCING FOR REFERENCE AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID PARCEL 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF LAUSANNE AVENUE (60 FEET WIDE); THENCE PROCEEDING ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 02°21'30" WEST, 20 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY AT A RIGHT ANGLE, NORTH 87°38'30" EAST, 12 FEET; THENCE AT A RIGHT ANGLE, NORTH 02°21'30" WEST, 5 FEET; THENCE AT A RIGHT ANGLE, SOUTH 87°38'30" WEST, 12 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF LAUSANNE AVENUE; THENCE PROCEEDING ALONG SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 02°21'30" EAST TO THE **TRUE POINT OF BEGINNING**.

COMPRISING 60 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE SAME AS SAID PARCEL MAP OF SUB-4-15-10787.

THE ABOVE LEGAL DESCRIPTION IS SHOWN ON THE ATTACHED EXHIBIT 'B' AND BY REFERENCE HERETO IS MADE A PART THEREOF.

LEGAL DESCRIPTION PREPARED BY
BRUCE T. TRONOFF, PLS



8431R8DES
JULY 30, 2021

Bruce T. Tronoff - California Licensed Land Surveyor No. 6415

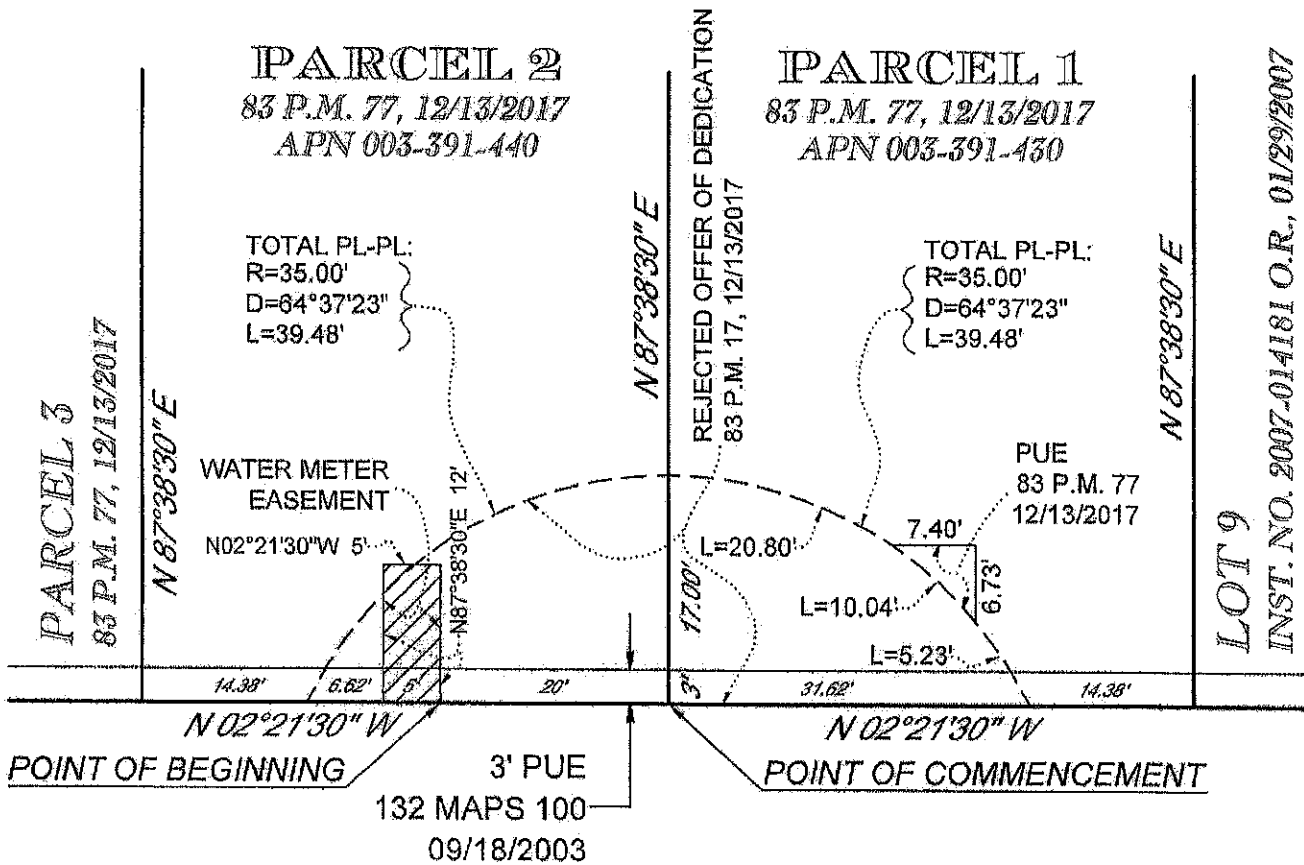
EXHIBIT 'B'

WATER METER EASEMENT

LANDS OF HSU



1 INCH = 16 FEET



BRUCE T. TRONOFF - CALIFORNIA LICENSED LAND SURVEYOR NO. 6415

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF ADJUSTED LOTS 9 AND 10, MAP OF VILLA LAUSANNE, LOT LINE ADJUSTMENT, INSTRUMENT NO. 2007-014181 O.R., AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID PROPERTY; AND WE CONSENT TO THE MAKING OF AND RECORDATION OF THE WITHIN MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

THE FILING OF THIS MAP SHALL CONSTITUTE THE ABANDONMENT OF THE "ACCESS EASEMENT" PER THE "MAP OF VILLA LAUSANNE", BOOK 132 OF MAPS AT PAGE 100.

WE HEREBY DEDICATE THE PUBLIC RIGHT OF WAY EASEMENT OVER PORTIONS OF PARCELS 1 AND 2.

WE ALSO HEREBY DEDICATE THE PRIVATE STORM DRAIN EASEMENT FOR THE BENEFIT OF PARCEL 2 OVER PARCEL 3.

WE ALSO HEREBY DEDICATE THE PUBLIC UTILITY EASEMENT OVER A PORTION OF PARCEL 1.

PING HSU AND LILY C. HSU, TRUSTEES OF THE PING AND LILY C. HSU TRUST DATED JULY 25, 2003

Ping Hsu
PING HSU, TRUSTEE
Lily C. Hsu
LILY C. HSU, TRUSTEE

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF SAN MATEO

ON November 3, 2017, BEFORE ME
Kelly H. Cha, Notary Public, PERSONALLY APPEARED

PING HSU AND LILY C. HSU, PERSONALLY KNOWN TO ME (OR PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES, AND BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

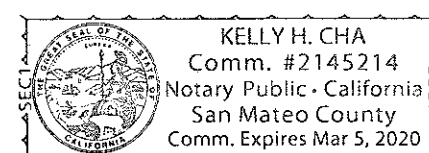
WITNESS MY HAND,

K. Cha

Kelly H. Cha
PRINT NAME

COMMISSION EXPIRES 03/05/2020
PRINCIPAL PLACE OF BUSINESS

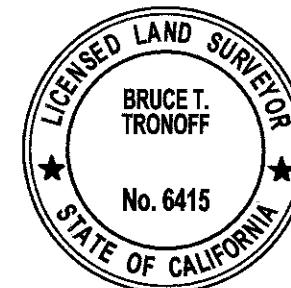
San Mateo COUNTY

**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF PING HSU ON JUNE 01, 2016. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I FURTHER STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND WILL OCCUPY THE POSITIONS INDICATED BY, OR BEFORE, JANUARY 31, 2018 AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: NOVEMBER 01, 2017

Bruce T. Tronoff
BRUCE T. TRONOFF, L.S. NO. 6415

**CITY SURVEYOR'S STATEMENT**

I HEREBY STATE THAT THIS PARCEL MAP OF SUB-4-15-10787 WAS EXAMINED BY ME, AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DATE: 11/8/17
John L. Fuller
BY: JOHN L. FULLER, R.C.E. NO. 33017
DIRECTOR OF PUBLIC WORKS
CITY OF DALY CITY

**CITY ENGINEER'S STATEMENT**

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS OF THE TENTATIVE MAP, IF ANY. ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATE: November 7, 2017

Richard Chiu Jr.
BY: RICHARD CHIU, JR., R.C.E. NO. 55414
DEPUTY DIRECTOR OF PUBLIC WORKS
CITY ENGINEER, CITY OF DALY CITY

**CITY CLERK'S STATEMENT**

I, K. ANNETTE HIPONA, CITY CLERK OF THE CITY OF DALY CITY, HEREBY STATE THAT THE CITY COUNCIL OF SAID CITY AT ITS REGULAR MEETING HELD ON November 13, 2017 DULY APPROVED THIS PARCEL MAP SHOWN HEREON AND ADOPTED RESOLUTION NO. 17-13. SAID CITY COUNCIL DID ALSO ~~ACCEPT~~ REJECT ON BEHALF OF THE PUBLIC THE RIGHT OF WAY EASEMENT OVER PORTIONS OF PARCELS 1 AND 2, AND DID ALSO ~~ACCEPT~~ REJECT ON BEHALF OF THE PUBLIC THE PUBLIC UTILITY EASEMENT OVER A PORTION OF PARCEL 1. SAID CITY COUNCIL ALSO DID ABANDON, ON BEHALF OF THE PUBLIC, THE ACCESS EASEMENT AS SHOWN ON THE "MAP OF VILLA LAUSANNE", BOOK 132 OF MAPS AT PAGE 100.

K. Annette Hipona
CITY CLERK

COUNTY RECORDER'S STATEMENT

FILED THIS 13th DAY OF December, 2017, AT

2:33 A.M.P.M. IN BOOK 83 OF PARCEL MAPS

AT PAGE 77-78

AT THE REQUEST OF TRONOFF ASSOCIATES - LAND SURVEYORS.

MARK CHURCH, COUNTY RECORDER.

BY: Dann F. Ruff
DEPUTY

PARCEL MAP OF SUB- 4-15-10787

BEING A SUBDIVISION OF LOTS 9 & 10, INSTRUMENT NO. 2007-014181

OFFICIAL RECORDS OF SAN MATEO COUNTY

ALSO BEING A PORTION OF THE MAP OF VILLA LAUSANNE

BOOK 132 OF MAPS AT PAGE 100

DALY CITY, SAN MATEO COUNTY, CALIFORNIA

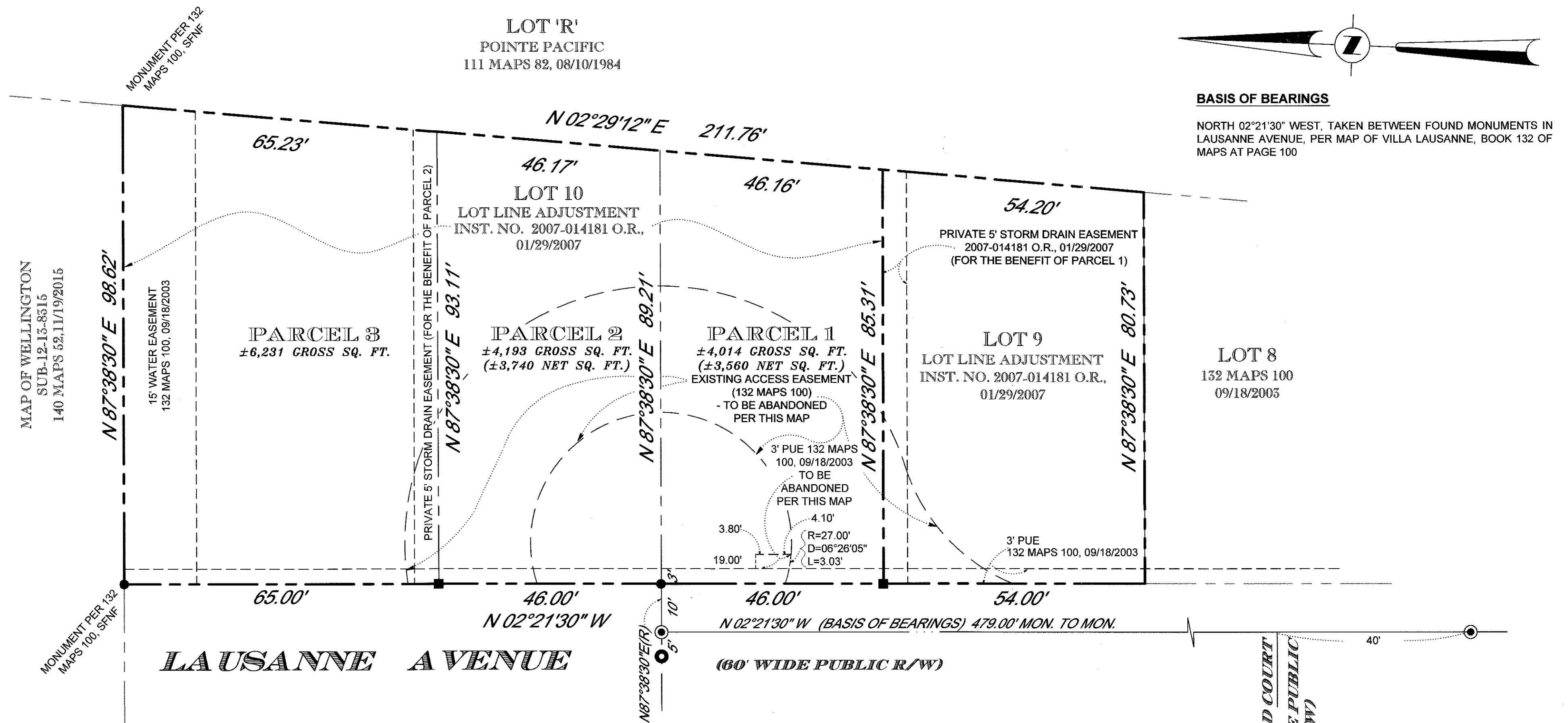
TRONOFF ASSOCIATES - LAND SURVEYORS

1255 STARBOARD DRIVE SUITE 'A' WEST SACRAMENTO, CA

(510) 428-1515

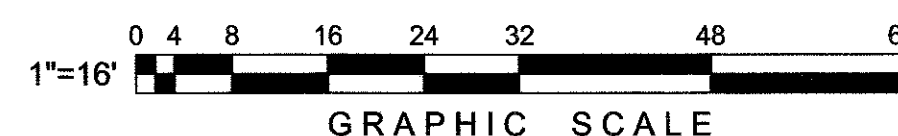
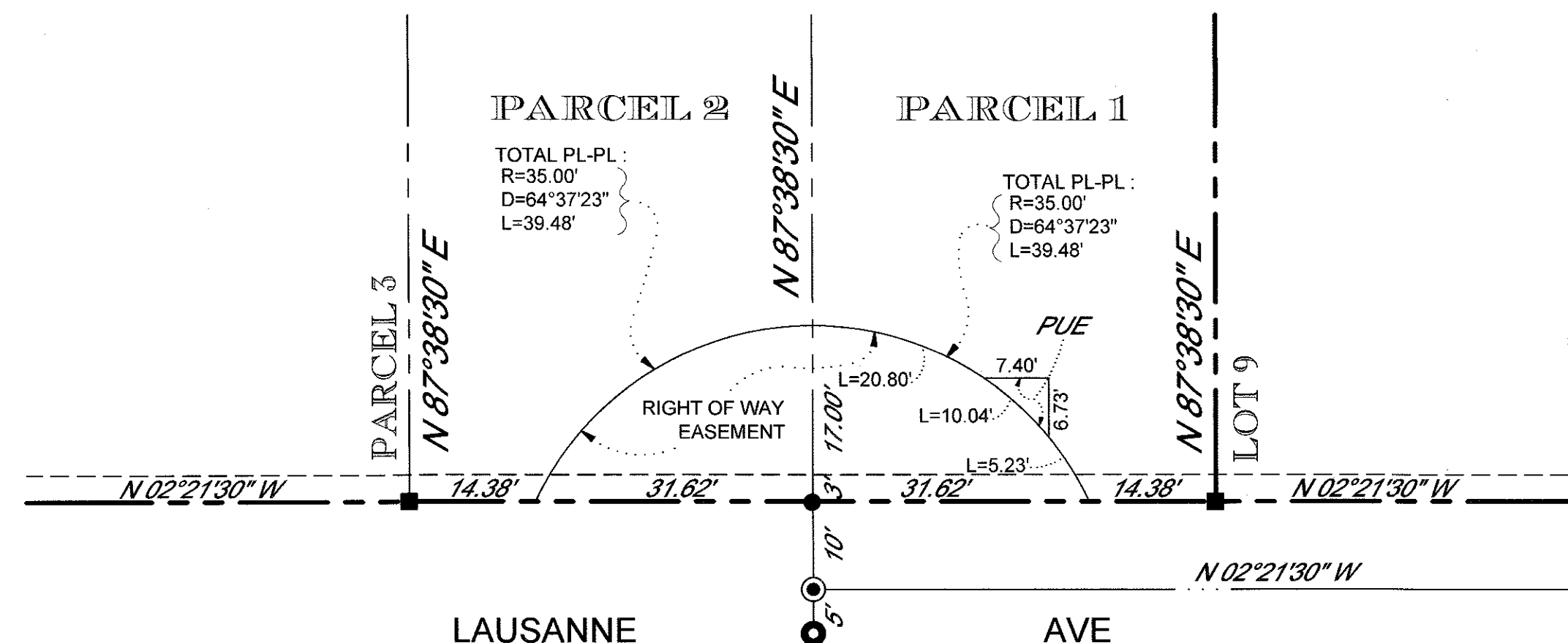
info@tronoff.com

JULY, 2017
SURVEY NO. 8431
SHEET 1 OF 2 SHEETS



LEGEND

- SET STANDARD CITY MONUMENT
(1 1/2" BRASS DISK W/ PUNCH MARK LS 6415)
- ⊙ FOUND STANDARD CITY MONUMENT PER 132 MAPS 100
(1 1/2" BRASS DISK WITH PUNCH MARK)
- SET 5/8" REBAR AND CAP LS 6415
- SET SPIKE AND TAG LS 6415
- EXTERIOR BOUNDARY OF LOT 10
- NEW BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- D DELTA
- L ARC LENGTH
- PL PROPERTY LINE
- PUE PUBLIC UTILITY EASEMENT
- R RADIUS, RADIAL
- R/W RIGHT OF WAY
- SFNF SEARCHED FOR, NOT FOUND



PARCEL MAP OF SUB- 4-15-10787

BEING A SUBDIVISION OF LOTS 9 & 10, INSTRUMENT NO. 2007-014181
OFFICIAL RECORDS OF SAN MATEO COUNTY
ALSO BEING A PORTION OF THE MAP OF VILLA LAUSANNE
BOOK 132 OF MAPS AT PAGE 100
DALY CITY, SAN MATEO COUNTY, CALIFORNIA

TRONOFF ASSOCIATES - LAND SURVEYORS

1255 STARBOARD DRIVE SUITE 'A' WEST SACRAMENTO, CA

(510) 428-1515

info@tronoff.com

JULY, 2017

SURVEY NO. 8431
SHEET 2 OF 2 SHEETS



City Council Agenda Report

Item # _____

Meeting Date: October 11, 2021

Subject: Adopt Resolution Authorizing Remote City Council Meetings Under New State Brown Act Requirements (AB 361)

Recommended Action

Adopt a resolution authorizing continued remote teleconference public meetings by the City Council and all subordinate boards, commissions, and standing Committees of the City in accordance with Assembly Bill 361 for a Period of 30 Days.

Background

Since March of 2020 and because of the COVID-19 pandemic, the City Council of the City of Daly City, and all of its subordinate bodies, boards, commissions and subcommittees, have been meeting remotely pursuant to the Governor's Executive Order N-29-20, which suspended certain teleconference requirements of the Brown Act. On June 11, 2021, the Governor issued Executive Order N-08-21, which rescinds these suspensions effective September 30, 2021.

In recognition of the fact that the pandemic is ongoing, on September 16, 2021 the Governor signed AB 361, an urgency measure, which amends the Brown Act and authorizes teleconferenced public meetings under certain circumstances where the participation is from a remote location. AB 361 went into effect October 1, 2021 and expires on January 1, 2024. If the City Council desires to continue to meet remotely, it must comply with AB 361.

AB 361 applies to meetings during a state of emergency as declared by the Governor. There must also be either imposed or recommended measures to promote social distancing by state or local officials, or a finding by the legislative body that meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency.

AB 361 includes additional requirements in the form of an initial authorizing resolution (effective for up to 30 days) and subsequent resolutions to extend the use of remote meetings for additional periods of 30 days thereafter. The bill included an urgency provision making the law immediately effective upon signature by the Governor.

Discussion

The City must comply with the provisions of the Brown Act implemented by AB 361 for remote meetings, or it must comply with the pre-COVID-19 requirements for remote meetings set forth in Government Code section 54953(b)(3).

AB 361 requires several procedural safeguards to protect public participation during a remote meeting, key ones of which are summarized as follows: The public must have the ability to address the legislative body directly and must be given information on how to address the body. The public

Adopt Resolution Authorizing Remote City Council Meetings Under New State Brown Act Requirements (AB 361)

Meeting Date: October 11, 2021

Page 2 of 2

must be provided either a call-in or internet-based service option. The body must stop the meeting if the call-in or internet-based option fails. The legislative body cannot require that public comments be submitted in advance (although this option can be provided). Speakers cannot be required to pre-register (except as required by an independent call-in or internet platform). Members of the public must be given a reasonable time to register to provide public comment. Agencies that provide a timed public comment period shall not close the public comment period until that time period has expired.

The City may extend the authorization for an additional thirty (30) days via another resolution that makes specific findings in support of continuing remote meetings. The City may continue to extend the authorization in additional thirty (30) increments for the duration of the declared emergency, or until the City Council decides to return to in-person meetings, or otherwise complies with the regular remote meeting requirements of the Brown Act.

Accordingly, if the Council wishes for itself, all of its subordinate bodies, and all of its boards and their subcommittees to be able to meet remotely during the current declared state of emergency, it should adopt a resolution finding that measures to promote social distancing by state or local officials, and/or meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency. This resolution would permit meetings pursuant to AB 361 for a maximum period of 30 days. If the Council desires to continue using the teleconference exception beyond that initial 30-day period, it must confirm the circumstances of the state of emergency and make required findings at least 30 days after adoption of that resolution and every 30 days thereafter.

The California Environmental Quality Act (CEQA), State CEQA Guidelines Section 15061(b)(3) provides a "common sense" exemption to environmental review that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

Summary/Conclusion

Staff recommends that the City Council adopt the attached Resolution for AB 361. Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Rose Zimmerman
City Attorney

Attachments:

1. Draft Resolution Regarding Remote Teleconference Meetings

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AUTHORIZING REMOTE TELECONFERENCE MEETINGS BY THE
CITY COUNCIL AND ALL BOARDS, COMMISSIONS, AND STANDING
COMMITTEES OF THE CITY IN ACCORDANCE WITH ASSEMBLY
BILL 361 FOR A PERIOD OF THIRTY DAYS**

WHEREAS, COVID-19 (also known as the “Coronavirus Disease”) is a respiratory disease that has spread across the globe, with thousands of confirmed cases in California, including the City of Daly City; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by COVID-19, and the President of the United States issued a Proclamation Declaring a National Emergency Concerning COVID-19 beginning March 1, 2020; and

WHEREAS, in response to COVID-19, the Governor of the State of California issued a Proclamation of a State of Emergency in response to COVID-19 on March 4, 2020; and

WHEREAS, the City Council of the City of Daly City adopted a proclamation of a local emergency related to the COVID-19 virus on March 16, 2020; and

WHEREAS, the City of Daly City (“City”) is committed to preserving and fostering public access, transparency, observation, and participation in meetings of the City Council and Boards, Commissions, and Standing Committees (hereafter collectively referred to as “legislative bodies;” and

WHEREAS, all meetings of the City Council and legislative bodies are open and public as required by the Ralph M. Brown Act, Government Code sections 54950 – 54963, so that any member of the public may attend, observe, and participate in a meaningful way; and

WHEREAS, Government Section 54953 (b) (3) of the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met:

1. Each teleconference location from which a member is participating is noticed on the agenda;
2. Each teleconference location is accessible to the public;
3. Members of the public must be able to address the body at each teleconference location;
4. At least one member of the legislative body must be physically present at the location specified in the meeting agenda; and
5. During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body’s territorial jurisdiction; and

WHEREAS, the Brown Act, as amended by AB 361 (2021), at Government Code section 54953(e) *et seq.*, allows for remote observation and participation in meetings by members of a legislative body and members of the public without compliance with the requirements of Government Code section 54953(b)(3), subject to certain conditions; and

WHEREAS, the initial required condition is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the City, caused by conditions as described in Government Code section 8558; and

WHEREAS, the Governor's Proclamation of a State of Emergency includes area within the jurisdictional boundaries of the City; and

WHEREAS, Government Code Section 54953(e)(3)(A-B) added by AB 361 provides an alternative to having public meetings in accordance with Government Code Section 54953(b)(3) when City Council has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:

1. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's Boards, Commissions, and Standing Committees to meet safely in person; and
2. The State of California and the County of San Mateo continue to recommend measures to promote social distancing.

WHEREAS, Government Code Section 54953(e) *et seq.* further requires that state or local officials have imposed or recommended measures to promote social distancing or the legislative body finds that meeting in person would present an imminent risk to the health or safety of attendees; and

WHEREAS, such conditions now exist in the City in that (i) State and Local officials recommend social distancing measures and (ii) emergency conditions evidenced by COVID-19 and its variants create ongoing COVID-19 cases, hospitalizations, and deaths and meeting in person would present imminent risk to health or safety of attendees; and

WHEREAS, the City Council affirms that it will allow for observation and participation by Council Members as well as Board, Commission, and Standing Committee Members and the public via Zoom in an effort to protect the constitutional and statutory rights of all attendees; and

WHEREAS, Government Code Section 54953 (e)(3) requires that the City Council review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DALY CITY
HEREBY RESOLVES AS FOLLOWS:**

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council finds that the state of emergency conditions related to COVID-19 as set forth in the Governor's and City's Proclamations of Emergency and are on-going.

Section 3. The City Council further finds that state and county official recommend social distancing conditions causing imminent risk to attendees as described above exist.

Section 4. The City Council hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Governor and the City in the City and affirms, authorizes, and proclaims the existence of a local emergency throughout the City.

Section 5. The City Council finds that the state of emergency as a result of COVID-19 continues to directly impact the ability of members of the City Council and the members of the City's Boards, Commissions, and standing committees to meet safely in person and such fact creates an imminent health risk to such members.

Section 6. The City Council hereby authorizes the City Council and all of the Boards, Commissions, and Standing Committees of City to conduct their meetings without compliance with Government Code section 54953(b)(3), and to instead comply with the remote meeting requirements as authorized by Government Code section 54953(e) *et seq.*

Section 7. The City Manager and the City Clerk are authorized and directed to take all actions reasonably necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings remotely in accordance with Government Code section 54953(e) *et seq.*, and other applicable provisions of the Brown Act, for all City Council meetings, and all Boards, Commissions, and standing committee meetings of the City.

Section 8. This Resolution shall take effect immediately upon its adoption and shall be effective until either (i) November 5, 2021 or (ii) such time as the City Council adopts a Subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and all City legislative bodies may continue to meet remotely, without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq.*

Section 9. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end of the provisions of this Resolution are severable.

Section 10. The City Clerk of the City of Daly City shall certify to the adoption of this Resolution.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Daly City City Council, Daly City, California at a regular meeting thereof held on the _____ day of _____, 2021, by the following vote of the members thereof:

AYES, and in favor thereof: _____

NOES: _____

ABSENT: _____

CITY CLERK

APPROVED:

DRAFT



City Council Meeting Agenda Report

Item # _____

Meeting Date: October 11, 2021

Subject: Approve the Second Amendment to and Restatement of the Joint Powers Agreement Establishing the Peninsula Traffic Congestion Relief Alliance

Recommended Action

Approve the Second Amendment to and Restatement of the Joint Powers Agreement Establishing the Peninsula Traffic Congestion Relief Alliance.

Background/Discussion

The Alliance was established in 2000 to assist the public and private sectors in the County of San Mateo with reducing traffic congestion and air pollution. The Alliance was originally created through a Joint Powers Agreement ("JPA") among fifteen cities in the County.

In 2005, the County of San Mateo along with the Towns of Atherton and Hillsborough became members of the Alliance. To accomplish this, all 15 then current members together with the 3 new members approved and executed a First Amendment to and Restatement of the Joint Powers Agreement establishing the Alliance. The amended JPA provided for the addition of the new members and revised and made more flexible the committee structure of the Alliance.

Now, 16 years later, the City of Menlo Park and the Town of Portola Valley desire to join the Alliance and we understand that the Town of Woodside may consider membership too. To facilitate adding these new members, the Alliance Board of Directors at its meeting on September 16, 2021, reviewed the proposed Second Amendment to and Restatement of the Joint Powers Agreement establishing the Alliance and approved it for presentation to both current and new members for approval and execution. In addition to increasing the membership of the Alliance, this Second Amendment (1) updates and refreshes the first section of the original JPA on "Purpose" to reflect the Alliance's recently adopted Mission and Vision Statements as set forth in its Strategic Plan and (2) clarifies that the Alliance has developed a new brand and has become known to the public as "Commute.org."

Fiscal Impact

None. There is no required financial commitment to join or to continue as a member agency of the Alliance.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Leilani Ramos
Assistant to the City Manager

Encl: Second Amendment to and Restatement of Joint Powers Agreement Establishing the Peninsula Traffic Congestion Relief Alliance.

**SECOND AMENDMENT TO AND RESTATEMENT OF
JOINT POWERS AGREEMENT ESTABLISHING THE
PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE**

THIS AGREEMENT by and among the cities and the County of San Mateo who become signatories to this agreement (hereinafter referred to as “Party” in the singular and “Parties” collectively, as the content requires) is made and entered into as of the _____ day of _____, 2021 and in light of the following recitals:

- A. The Parties have authority to undertake transportation demand management activities in their respective communities and desire to establish and continue the Peninsula Traffic Congestion Relief Alliance under which the parties will work together essentially to reduce the number of single occupant vehicles traveling on streets and highways in San Mateo County.
- B. The Parties are authorized to contract with each other for the joint exercise of any common power pursuant to Government Code Sections 6500 *et seq.*
- C. The Parties desire to establish and continue the Peninsula Traffic Congestion Relief Alliance as a joint powers authority in accordance with the terms and conditions outlined in this Agreement and to brand and make this entity known to the public as "Commute.org."

NOW, THEREFORE, the Parties, in consideration of the mutual promises and agreements contained herein, agree as follows:

1. **Purpose:**

The Parties enter into this Agreement for the purpose of establishing and operating the Peninsula Traffic Congestion Relief Alliance (“Alliance”) to reduce traffic congestion and greenhouse gas emissions while enhancing the quality of life in San Mateo County by promoting the use of sustainable transportation and commute alternatives. The Parties envision a region where all residents and employees have access to equitable, sustainable, affordable, and safe transportation options and use them as their primary modes when commuting.

2. **Definitions:**

- (a) “Employer” shall mean any public or private employer or group thereof, including a city or the County, who has a permanent place of business in the County of San Mateo.

- (b) “Party” or “Parties” shall mean a member of the Peninsula Traffic Congestion Relief Alliance and a party signator to this Agreement establishing the Alliance.
 - (c) “TDM or Transportation Demand Management” shall mean a program or activity to improve the efficiency of the existing transportation system by increasing the use of alternative modes of transportation such as carpools, vanpools, public transit, bicycles, walking and telecommuting.
- 3. **Establishment of Alliance:** The Parties hereby create an entity originally called the Peninsula Traffic Congestion Relief Alliance to exercise in the manner set forth in this Agreement the specified powers common to each of the Parties. For purposes of name identification and branding, the Alliance shall be known to the public as "Commute.org." The Alliance shall be a public entity that is separate from the Parties and shall be responsible for the administration of this Agreement. Except as provided herein, the debts, liabilities, and/or obligations of the Alliance shall be the debts, liabilities, and/or obligations solely of the Alliance and shall not be the debts, liabilities, and/or obligations of any Party to this Agreement.
- 4. **Term:** This Agreement shall be effective on the date by which any nine Parties have executed it and shall continue in effect until terminated as provided herein.
- 5. **Powers of the Alliance:** The Alliance shall have the powers and duties:
 - (a) To make and enter into contracts;
 - (b) To incur debts, liabilities or obligations;
 - (c) To solicit, receive, and use grants, advances and contributions from all available sources, public or private, including federal, state and local subventions;
 - (d) To adopt bylaws;
 - (e) To employ employees or agents or contract for the services of agents, employees, consultants and such other persons or firms as it deems necessary;
 - (f) To sue and be sued in its own name;
 - (g) To invest any surplus funds not required for the immediate necessities of the Alliance as the Governing Board determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to Government Code Section 53601;

- (h) To enforce all provisions of this Agreement;
- (i) To negotiate for, acquire, hold, manage, maintain, control or dispose of real and personal property;
- (j) To levy and collect fees and charges, including administrative and operating costs, to third parties who receive the benefit of services from the Alliance; and
- (k) To do all other acts deemed necessary or convenient to achieve the purposes and objectives of the Alliance.

6. **Governing Board:** There is hereby created a Governing Board (also referred to as “Board”) to govern the Alliance. Each Party shall appoint one Councilmember or, in the case of the County, one member of the Board of Supervisors, to serve on the Governing Board and another Councilmember, or Supervisor in the case of the County, to serve as an alternate, with each continuing in such capacity until replaced. The Governing Board shall elect one of its members to serve as Chairperson. The Board shall meet as needed, but at least one time a year. Meetings shall be held in San Mateo County at a place to be designated. Each member of the Board shall have one vote.

The Governing Board shall be responsible for establishing the policy direction of the Alliance. On an annual basis, the Board shall adopt a work plan and budget for programs, services and subsidies that support the Alliance’s purposes. The Governing Board may from time to time give public recognition to Employers and other participants for notable efforts and achievements with respect to TDM programs. The Board shall exercise all powers and authority on behalf of the parties and may do any and all things necessary to carry out this Agreement.

7. **Committees:** The Governing Board shall establish such committees, either standing or ad hoc, as it deems necessary and appropriate to assist the Alliance in carrying out the purposes of this Agreement. The establishment of standing committees, as well as their composition, method of appointment, role and purpose, shall be designated in the Bylaws of the Alliance as adopted by the Governing Board.
8. **Budget:** The Executive Director annually shall prepare a budget for the Alliance setting forth anticipated expenses, financing sources and proposed service levels and programs necessary to carry out the purposes of this Agreement. The Executive Director shall recommend the budget to the Governing Board for approval after reviewing same with any committee the Governing Board may establish and designate for this purpose. In the event the budget contemplates revenue in the form of

monetary contributions from the parties, the budget shall be submitted to each Party for approval.

9. **Staff of the Alliance:** The Governing Board shall appoint an Executive Director. The Executive Director may hire other staff people for the Alliance, as needed, provided that such hiring conforms to the approved budget. The Executive Director may contract for the provision of other staff services, provided that such contracts conform to the approved budget. In lieu of an Executive Director, the Governing Board may contract for such management services. Staff or contractors will be employee(s) or contractee(s) of the Alliance. The Executive Director and other staff shall serve at the pleasure of the hiring or appointing authority. At the direction of the Governing Board, the Executive Director shall work with such committees as may be established and designated for this purpose.

The Executive Director shall be employed by the Alliance and shall:

- (a) Be responsible for Alliance management, strategic planning, financial management, personnel, and implementation of the Board-adopted annual work program and budget; and
- (b) Be responsible for day to day personnel matters and for the hiring and firing of subordinate staff members; and
- (c) Prepare an annual report describing the results of program implementation, transportation surveys, TDM programs and other information including the successes in attaining the goals and objectives to advance the purpose of the Alliance.

The Governing Board may also appoint legal counsel to represent the Alliance.

10. **Fiscal Agent:** The member Party designated by resolution of the Governing Board and reflected in the Bylaws of the Alliance shall act as Fiscal Agent for the Alliance and shall be charged with the following responsibilities:

- (a) The custody of all money, property and assets of the Alliance;
- (b) The maintenance of all financial books and records necessary to conduct the business of the Alliance; and
- (c) The development of periodic reports to the Governing Board and the Executive Director regarding receipts, disbursements and the financial condition of the Alliance.

The Alliance, through the Fiscal Agent, shall retain an independent certified public accountant each year to conduct a fiscal year end audit and to prepare financial statements for the Alliance.

11. **Withdrawal:** Any participating Party may withdraw from this Agreement by filing written notice of intention to do so with the other parties. Termination will take effect on July 1 of any year, provided there is a least six months advance notice. The withdrawal of any Party from this Agreement shall in no way affect the rights and obligations of the remaining Parties. If a Party withdraws from this Agreement, it is not entitled to return of any funds contributed to the Agency nor to the return in cash or in kind of any materials or supplies contributed. Withdrawing Parties still are obligated for all payments due from them for the fiscal year of the withdrawal.
12. **Termination and Disposition of Property:** This Agreement shall be deemed terminated when only one Party continues to participate, or when all participating Parties choose to terminate it. Upon termination, all assets shall be distributed in equal shares to the Parties still active at the time of termination or to the one Party continuing to participate or to a successor agency designated by all of the remaining parties at the time of termination, with the exception that if any surplus money of the Alliance at the time of termination represents monetary contributions from still active member Parties, said money shall be refunded to such Parties in proportion to the contributions made.
13. **Amendment:** This Agreement may be amended from time to time with the written consent of a majority of the participating Parties.
14. **Insurance and Indemnification:** The Alliance shall acquire such insurance protection, including coverage for workers' compensation and commercial general liability, as is necessary to protect the interests of the Governing Board, the Parties, the Alliance staff, representatives, volunteers and other participants. The Alliance shall, at its sole expense, assume the defense of and indemnify and save harmless each Party to this Agreement and its respective councilmembers, officers, agents and employees, from all claims, losses, damages, costs, injury and liability of every kind, nature and description directly or indirectly arising from the performance of any of the activities, programs or services of the Alliance, its Governing Board, or staff.
15. **Execution in Counterparts:** This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto by their duly authorized representatives, have executed this Agreement.

ATTEST:

TOWN OF ATHERTON

By _____
City Clerk

By _____
Mayor

ATTEST:

CITY OF BELMONT

By _____
City Clerk

By _____
Mayor

ATTEST:

CITY OF BRISBANE

By _____
City Clerk

By _____
Mayor

ATTEST:

CITY OF BURLINGAME

By _____
City Clerk

By _____
Mayor

ATTEST:

TOWN OF COLMA

By _____
City Clerk

By _____
Mayor

ATTEST:

CITY OF DALY CITY

By _____
City Clerk

By _____
Mayor

ATTEST

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

CITY OF EAST PALO ALTO

By _____
Mayor

CITY OF FOSTER CITY

By _____
Mayor

CITY OF HALF MOON BAY

By _____
Mayor

TOWN OF HILLSBOROUGH

By _____
Mayor

CITY OF MILLBRAE

By _____
Mayor

CITY OF PACIFICA

By _____
Mayor

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
Clerk of the Board

CITY OF REDWOOD CITY

By _____
Mayor

CITY OF SAN BRUNO

By _____
Mayor

CITY OF SAN CARLOS

By _____
Mayor

CITY OF SAN MATEO

By _____
Mayor

CITY OF SO. SAN FRANCISCO

By _____
Mayor

COUNTY OF SAN MATEO

By _____
President of Board of Supervisors

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

ATTEST:

By _____
City Clerk

CITY OF MENLO PARK

By _____
Mayor

TOWN OF PORTOLA VALLEY

By _____
Mayor

TOWN OF WOODSIDE

By _____
Mayor



City Council Agenda Report

Item # _____

Meeting Date: October 11, 2021

Subject: Approving the City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials

Recommended Action

City staff recommends that the City Council approve the *City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials*.

Background

Local governments are subject to an array of state and federal laws and policies governing public meetings and public processes. As such, local governments routinely develop and specify procedures related to public processes to best assist elected and appointed officials in fulfilling the many responsibilities of their challenging roles in public service.

City staff have thoroughly researched and developed the attached *City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials* to formalize and modernize long-standing procedures and conduct rules already practiced by the City Council. As an industry standard, it is customary for cities to adopt guidelines related to administration of City services and policymaking procedures of elected officials. The proposed guidelines document provides public officials as well as City staff with necessary clarity on roles, responsibilities, and operations of public meetings.

The proposed document is helpful in assuring that all public officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Daly City government.

While the document is largely written with respect to City Council proceedings and repeatedly refers to "City Councilmembers," the guidelines also broadly apply to all the City's Boards, Commissions and Committees and their associated appointed public officials.

Fiscal Impact

No fiscal impact.

Summary/Conclusions

Public officials are expected to adhere to high standards in fairness, ethics, and accountability so that the public remains confident that current procedures comply with both the letter and spirit of laws and policies affecting government. The proposed guidelines document further demonstrates that

City Council Agenda Report

Subject: Approving the City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials

Meeting Date: October 11, 2021

Page 2 of 2

public officials in Daly City act in the public interest and are impartial and transparent in their judgment and actions.

Staff is available to provide any additional information desired by the Mayor or City Council.

Respectfully submitted,



Shawna Maltbie
City Manager



Rose Zimmerman
City Attorney



Stephen Stolte
Assistant City Manager

Attachment: *Draft City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials*

City of Daly City Procedure and Conduct Guidelines

For Elected and Appointed Public Officials



Adopted October 11, 2021

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I. INTRODUCTION AND ETHICAL FRAMEWORK IN PUBLIC OFFICE

The intention of the following guidelines is to formalize long-standing procedures and conduct rules practiced by the City Council of Daly City. It is customary for local governments to adopt guidelines related to administration of City services and policymaking procedures of elected officials as an industry standard. The following guidelines provide elected and appointed public officials as well as City staff with necessary clarity on roles, responsibilities, and operations of public meetings.

The City Council of Daly City adopts this Procedures and Conduct Guidelines document to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Daly City government.

Public officials are expected to adhere to high standards in fairness, ethics, and accountability so that the public remains confident that current procedures comply with both the letter and spirit of laws and policies affecting government. This document further demonstrates that public officials in Daly City act in the public interest and are impartial and transparent in their judgment and actions.

While this document is largely written with respect to City Council proceedings and repeatedly refers to “City Councilmembers,” the guidelines also broadly apply to all the City’s Boards, Commissions and Committees and their associated appointed public officials.

II. CITY COUNCIL AND APPOINTED OFFICIALS – CONDUCT & ROLES

The following Conduct and Roles section outlines the general powers and responsibilities of the City of Daly City’s five-person elected City Council, which consists of a Council-appointed Mayor and Vice Mayor and three Councilmembers. This section also broadly applies to City Council appointees.

A. SELECTION AND ROLE OF THE MAYOR

At its first meeting in December of each year, the “Reorganization of the City Council” will be held to appoint and install a new Mayor who will serve a one-year term in the role and until a successor is appointed and qualified. The Mayor is selected by the City Council by majority vote.

At a high level, the Mayor acts as a spokesperson for City affairs pertaining to policymaking, presides over City Council meetings as Chair and appoints fellow Councilmembers to various City Council Subcommittees and Ad Hoc Committees, as well as regional boards and governmental organizations. The Mayor continues to possess the authority and attributes of a Councilmember.

B. SELECTION AND ROLE OF THE VICE MAYOR

At its first meeting in December of each year, the “Reorganization of the City Council” will be held to appoint and install a new Vice Mayor who will serve a one-year term in the role and until a successor is appointed and qualified. The Vice Mayor is selected by the City Council by majority vote. In the absence of the Mayor, the Vice Mayor shall possess and perform the powers and duties of the Mayor. The Vice Mayor continues to possess the authority and attributes of a Councilmember.

C. APPOINTMENTS

Councilmembers will be routinely asked to serve on (1) City Council Subcommittees and Ad Hoc Committees that serve Daly City policymaking on ongoing, specific topics as well as specific policymaking endeavors over specific time periods, and (2) Advisory Boards and Committees for outside agencies that serve regional policymaking endeavors that affect Daly City.

Upon installation, the Mayor will review the list of current Councilmember appointments. By January 1 of each year, the Mayor will provide the City Manager with an updated list of Councilmember assignments, so as not to delay proceedings of any standing committee or board. If appointments are not provided by January 1, existing assignments will remain until an updated appointment list is furnished. Any Councilmember desiring to serve on a particular committee or board should inform the Mayor.

D. OUTSIDE GOVERNMENTAL APPOINTMENTS

The City representative to the City Selection Committee when registering the City's position concerning appointments to regional and county Committees and Boards shall register the vote of the City as expressed by the City Council unless otherwise advised.

If a Councilmember decides to seek an outside governmental appointment (e.g., through the State, National League of Cities, Cal Cities, etc.), staff support will not be provided to assist in the appointment application process or any follow up thereof, and there will be no commitments from other City resources to assist in the appointment process.

E. NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE

All Councilmembers shall respect and adhere to the Council-Manager structure of the City of Daly City government as outlined in the *Daly City Municipal Code*. In this structure, the City Council determines the policies of the City through a collaborative process of research, analysis and recommendations provided by City staff, appointed Boards and Commissions, and the public.

Councilmembers shall not interfere with the execution of the powers and duties of the City Manager, including interference with hiring appointments or terminations of City staff. Except for inquiry, Councilmembers shall not direct any subordinate of the City Manager. Councilmembers must interact with the City Manager or their designee directly on all matters related to administrative service.

All directions or requests from Councilmembers must be raised with the City Manager or their designee. There will often be instances when Councilmembers disagree, and the City Manager should be afforded the time to address the issue adequately.

F. ADMINISTRATION AND MANAGEMENT

The City Manager acts as the Chief Executive Officer of the City of Daly City and provides direct oversight of all City administrative functions. The City Manager is solely responsible for appointing City Executives, consisting of highly qualified Department Heads, to carry out the functions of the full-service City organization. The City Manager is appointed by and reports to the entire City Council.

The City Manager will exhibit the highest professional and ethical behavior and is also responsible for the professional and ethical behavior and discipline of City staff. The City Manager is responsible for ensuring that City staff receive the necessary training and information to address issues facing the local government organization.

Councilmembers shall deal with administrative services solely through the City Manager or their designee. Councilmembers shall not give orders to any of the subordinates of the City Manager. A Councilmember shall not direct staff to initiate any action, change a course of action, or prepare any report that is significant, nor shall a Councilmember initiate any project or study without the approval of a majority of the Council.

Regarding an agenda item question, Councilmembers are encouraged to contact the City Manager to ask questions for clarification before the meeting at which the subject will be discussed.

G. PUBLIC COMMUNICATIONS

The City Manager or their staff designee acts as the spokesperson for all City affairs pertaining to administrative matters. The City Manager is responsible for overall media relations, public information strategy, and public outreach and engagement. Regarding media relations, the City Manager will provide the entire City Council with draft press releases, which at times will include high-level, policy-oriented quotes from the Mayor (as principal spokesperson on policymaking) and occasionally other Councilmembers. Councilmembers should inform the City Manager's Office of all media inquiries, so that staff can provide Councilmembers with recommendations on communications strategy.

When the City of Daly City is involved in litigation or a legal dispute, Councilmembers shall refrain from commenting on settlements, appeals, or other issues related to the subject until the matter is fully resolved. The City Manager or their designee, or the City Attorney, shall be authorized to provide any public responses or comments, as needed, on matters involving litigation.

H. REQUESTS FOR INFORMATION FROM THE CITY COUNCIL

All Councilmember requests for research or information should be directed first to the City Manager or their designee, who may delegate research to City staff. A Councilmember may request directly from Department Heads answers to routine questions or information on a given topic when it will require little or no research, but the Councilmember must also advise the City Manager of this request.

The City Manager is responsible for providing information to the entire City Council concerning any inquiries by a specific Councilmember. As a general courtesy and to maintain equality in the disbursement of information, documentation or data requested by a Councilmember from staff shall be provided to all members of Council.

I. ROLE OF CITY STAFF

The City of Daly City employs talented full-time staff who are hired for their expertise in various subject matters. Staff are responsible for advising the City Manager, who in turn has the responsibility to make recommendations to the City Council in policymaking endeavors. City staff routinely present a range of policy options for consideration by the City Council. City staff shall show one another, each Councilmember, and the public, respect and courtesy at all times. City staff are

responsible for making objective, professional presentations to ensure public confidence in the decision-making process.

J. CONDUCT WITH CITY STAFF

Governance of a City relies on the cooperative efforts of an elected City Council, which engages in policymaking, appointed officials who advise the City Council, City staff who implement and administer the City Council's policies, and the public who provide direct feedback to their local government. Therefore, every effort should be made to cooperate and show mutual respect for the contributions made by every individual for the good of the community. Councilmembers shall recognize their special role in dealings with City staff to in no way create the perception of inappropriate direction to staff, and to maintain a positive and constructive workplace environment. Councilmembers shall treat all staff as professionals, avoid disrupting staff from their jobs, never publicly criticize an individual employee, avoid involvement with administrative functions, never solicit political support from staff, and not seek to establish an attorney-client relationship with the City Attorney.

III. PROTOCOLS FOR CITY COUNCIL MEETINGS AND OTHER PUBLIC MEETINGS

A. LAW AND PROCEDURES FOR PUBLIC MEETINGS

All public officials must adhere to the Ralph M. Brown Act (CA Government Code sections 54950-54963), referred to as the "Brown Act," which outlines provisions for public access to local government meetings and protocols for both elected and appointed officials.

The proceedings of the City Council, Boards and Commissions shall be governed by "Robert's Rules of Order, Revised," which provide general parliamentary procedure. However, no action of the City Council shall be invalidated, or the legality thereof otherwise affected by the failure or omission to observe or follow said rules.

B. CITY COUNCIL AGENDA DEVELOPMENT

The City Manager is responsible for creating and processing the agenda and agenda materials for City Council meetings. The City Manager will submit agenda materials as appropriate for review by a larger team of City staff including the City Attorney and Department Heads. The City Clerk is responsible for preparing and posting the agenda and assembling and distributing the agenda packets.

The Mayor or two Councilmembers may request that an item be placed on the City Council meeting agenda by submitting such request to the City Manager. Under the discretion of the City Manager, the item will be scheduled for a future agenda date to best manage the flow of business items before the City Council and consider the potential staff time needed for research and presentation development.

Any item raised as a future agenda item at a Regular City Council meeting by a Councilmember will, by consensus of the Council, be referred for placement on an upcoming Council or Council Subcommittee agenda.

C. RULES OF ORDER AND CONDUCT GUIDELINES

Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another and constituents, and others they come into contact with while representing the City of Daly City.

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, perspectives, and goals. Despite this diversity, all have chosen to serve in public office for the betterment of both the present and future of our community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue. Public officials shall honor the role of the Chair in maintaining order during meetings, practice civility and decorum in discussions and debates, avoid personal comments that could offend other officials, and employ effective problem-solving approaches to the range of issues affecting local government.

D. RULES OF ORDER AND CONDUCT GUIDELINES WITH MEMBERS OF THE PUBLIC

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. In general, public officials treat members of the public with care, use a fair and equitable approach in allocating time for public comment, actively listen and maintain an open mind.

E. AUTHORITY OF THE MAYOR AS THE MEETING CHAIR

The Mayor shall preside over all City Council meetings as the Chair. The Chair will facilitate the Council meetings and assist the Council to focus on their meeting agenda, discussions, and deliberations. The Chair shall make decisions on questions of procedure subject to review respectively by the Council as a whole. The Chair has the responsibility to enforce the rules of the Council and determine the order of business under the rules of the Council.

The Chair is delegated the responsibility to control the debate and the order of Councilmembers and others wishing to speak. The Chair shall have the authority to preserve order and remove any person from any meeting of the Council for disorderly conduct.

F. DECORUM AND ORDER – COMMENTS AND DELIBERATIONS

The City Council and all public officials shall adhere to the following rules of decorum, which are designed to ensure order in public meetings:

- Any Councilmember wishing to speak shall make a request to the Chair. In general, Councilmembers will be called upon in the order of their request to speak, and a Councilmember may not be recognized to speak subsequently until each Councilmember has had an opportunity to speak.
- Councilmembers shall limit their comments to the subject matter, item, or motion under current consideration by the Council.
- Once recognized by the Chair, a Councilmember shall not be interrupted while speaking unless called to order by the Chair, unless a Point of Order is raised by another

Councilmember, or unless the speaker chooses to yield to questions from another Councilmember.

- Councilmembers shall accord the utmost courtesy to each other, to City staff, and the public appearing before the Council and shall always refrain from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

G. DECORUM AND ORDER – CITY STAFF

City staff shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall ensure that all City staff observe such decorum.

H. DECORUM AND ORDER – MEMBERS OF THE PUBLIC

Any member of the public attending a City Council or public meeting shall conduct themselves in a manner that demonstrates respect for both the meeting process and the right of those who have been officially recognized by the Chair to speak without interruption or distraction.

Members of the public attending City Council meetings must observe the same rules of order and decorum applicable to the City Council. Any person who makes threats or who becomes violent while addressing the Council or while attending the Council meeting may be removed from the room if the Chief of Police or their designee is so directed by the Chair, and such person may be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, applause and similar demonstrations and outbursts shall not be permitted by the Chair, who may direct the Chief of Police or their designee to remove such offenders from the room.

I. PUBLIC COMMENT

Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on an item not appearing on its posted agenda. Therefore, any issue raised under the Public Comments section of the agenda will be referred to staff for follow up or a decision about placing it on a future agenda for discussion, action, or report.

Any member of the public who speaks before the City Council shall limit their comments to two (2) minutes on any Agenda Item, subject to the discretion of the Chair.

If it appears that several speakers desire to speak regarding a single topic, the Chair should request that the speakers be succinct in their comments and not be redundant. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

Any statements including charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify them, shall be referred without comment to the City Manager for appropriate action.

J. STANDARD ADJOURNMENT

The City Council establishes 11:00PM as the hour of adjournment and will not continue beyond 11:00PM without a majority vote of the Council. To assist in making the determination to continue an item under consideration, or to take up a new item on the agenda, the Council should find that

the discussion, deliberation, and action on the item can be concluded by 12:00 midnight. These time parameters also pertain to Closed Sessions of the City Council.

If an agenda items remain after the 11:00PM adjournment, the items may be rescheduled to a special meeting or deferred until the next regularly scheduled Council meeting. Deferred items will appear first under the same agenda category of the next regularly scheduled Council meeting.

IV. OTHER ETHICAL CONCERNS AND PROCEDURES

A. CONFLICT OF INTEREST

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

B. EX PARTE COMMUNICATIONS

Ex parte communications are communications outside the meeting forum, and all Councilmembers engage in them. Such communications are not encouraged when the communication is designed to influence the official decision or conduct of the official in order to obtain a favorable decision or treatment to advance personal or private interests.

C. CONFIDENTIAL INFORMATION

Councilmembers must maintain the confidentiality of all written materials and verbal information provided to them which is confidential or privileged. Councilmembers shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

D. CITY COUNCILMEMBER USE OF CITY LETTERHEAD OR CITY SEAL

All Councilmember correspondence written using City resources, such as City letterhead, staff support, postage, etc., must reflect a majority position of the Council, not an individual Councilmember's position on any matter.

The content of any City Councilmember correspondence using the official City Seal must be first agreed upon by all Councilmembers before dissemination.

All Councilmember correspondence using City resources shall also be copied to the full City Council.

The City Clerk acts as the custodian of the City Seal. The City Seal shall not be altered and is to be used only on official City documents and City-sponsored initiatives. The City Seal shall not be disseminated to any members of the public or outside organizations for use on non-City communications.

E. POLITICAL ACTIVITY

It is prohibited for any person holding a position as an officer or employee to engage in any political activities of any kind while in uniform or during working hours. No political activities shall be permitted on City premises.

F. USE OF PUBLIC RESOURCES

Councilmembers shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies, or facilities) for private gain or for personal purposes not otherwise authorized by law.

V. ACKNOWLEDGEMENT

All Elected and Appointed Officials are expected to sign an acknowledgment that they have read and understand the “City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials.”



City of Daly City Procedure and Conduct Guidelines

For Elected and Appointed Public Officials

The intention of the “City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials” is to formalize long-standing procedures and conduct rules practiced by the City Council of Daly City. It is customary for local governments to adopt guidelines related to administration of City services and policymaking procedures of elected officials as an industry standard. The guidelines provide elected and appointed public officials as well as City staff with necessary clarity on roles, responsibilities, and operations of public meetings.

The City Council of Daly City adopted this Procedures and Conduct Guidelines document to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Daly City government.

Public officials are expected to adhere to high standards in fairness, ethics, and accountability so that the public remains confident that current procedures comply with both the letter and spirit of laws and policies affecting government. Public officials in Daly City should act in the public interest and be impartial and transparent in their judgment and actions.

While this document is largely written with respect to City Council proceedings and repeatedly refers to “City Councilmembers,” the guidelines also broadly apply to all the City’s Boards, Commissions and Committees and their associated appointed public officials.

I affirm that I have read and understand the City of Daly City Procedure and Conduct Guidelines for Elected and Appointed Officials.

Printed Name

Signature

Date