

CITY OF DALY CITY

Special Meeting - CITY COUNCIL

AGENDA

Monday, August 8, 2022 - 6:00 PM

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 on the City's YouTube Channel at <https://www.youtube.com/DalyCityVideoMeetings>, the City's agenda website at <https://www.dalycity.org/agendas> or on local Channel 27 (Comcast).

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/dalycityaug8zoom>. 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: 842 2508 3574, then enter email address and name. The August 8, 2022 Special City Council meeting may also be accessed via telephone by dialing +1 669 900 6833 (Local). Enter the meeting ID: 842 2508 3574, 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 YouTube Channel at <https://www.youtube.com/DalyCityVideoMeetings>, the City's agenda website at <https://www.dalycity.org/agendas> or on local Channel 27 (Comcast).

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.

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.

CALL TO ORDER:

PLEDGE TO THE FLAG:

ROLL CALL:

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:

1. Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361

END OF CONSENT AGENDA

RESOLUTIONS:

2. Appointment of Interim City Manager

STAFF: Rose Zimmerman

RECOMMENDATION: Adopt Resolution by Roll Call Vote

ADJOURNMENT:



City Council Agenda Report

Item # _____

Meeting Date: August 8, 2022

Subject: Adopt Resolution Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 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 an additional 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 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).

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

Meeting Date: August 8, 2022

Page 2 of 3

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.

On October 11, 2021, the City Council adopted Resolution No. 21-138, authorizing the continued remote teleconference public meetings by the City Council and all subordinate boards, commissions, and standing Committees in the City in accordance with AB 361. On November 8, 2021, the City Council adopted Resolution No. 21-50, authorizing the continued remote teleconference public meetings by the City Council and all subordinate boards, commission, and standing Committees in the City for an additional thirty (30) days. On December 13, 2021, the City Council adopted Resolution No. 21-63 authorizing the continued remote teleconference public meetings for an additional thirty (30) days. On January 10, 2022, the City Council adopted Resolution No. 22-01 authorizing the continued remote teleconference public meetings by the City Council and all subordinate boards, commission, and standing Committees in the City for an additional thirty (30) days. On February 14, 2022, the City Council adopted Resolution No. 22-24 authorizing the continued remote teleconference public meetings for an additional thirty (30) days. At the February 14th City Council meeting, staff received feedback from the City Council on an eventual return to in-person public meetings. At the March 14, 2022, staff received additional feedback and the City Council adopted Resolution No. 22-45 authorizing the continued remote teleconference public meetings for an additional thirty (30) days. On April 11, 2022, the City Council adopted Resolution No. 22-55 authorizing the continued remote teleconference public meetings for an additional thirty (30) days. On May 9, 2022, the City Council adopted Resolution No. 22-70 authorizing the continued remote teleconference public meetings for an additional thirty (30) days. In order to continue remote teleconference public meetings, the City Council must adopt a resolution extending an additional thirty days (30) days. On June 13, 2022, the City Council adopted Resolution No. 22-93 authorizing the continued remote teleconference public meetings for an additional thirty (30) days. On July 11, 2022, the City Council adopted Resolution No. 22-108 authorizing the continued remote teleconference public meetings for an additional thirty (30) days. In order to continue remote teleconference public meetings, the City Council must adopt a resolution extending an additional thirty days (30) days.

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 is 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 (CEOA), State CEOA 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.

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

Meeting Date: August 8, 2022

Page 3 of 3

Councilmembers received an update that technology improvements in Council Chambers to allow for hybrid virtual/in-person meetings are currently underway. Councilmembers also expressed interest in system testing prior to launching hybrid meetings. Staff will continue to work with the technology vendor to upgrade the system and repair the audio equipment in Council Chambers. Given the timeline for this upgrade, City staff will plan to bring this 30-day Resolution for Council consideration again at the regular City Council meeting and can seek additional feedback at that time.

Summary/Conclusion

Staff recommends that the City Council adopt the attached Resolution authorizing the continued remote teleconference public meetings by the City Council and all subordinate boards, commissions, and standing Committees for an additional 30 days pursuant to AB 361.

Staff also seeks initial feedback on a future return to in-person public meetings.

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

Respectfully submitted,



Rose Zimmerman
City Attorney



Stephen Stolte
Assistant City Manager

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 (30) 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 and the new variant Omicron 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 remain in effect for 30 days or until 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.

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

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City,
California, at a regular meeting thereof held on the _____ day of _____, 2022, by the
following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: _____,

NOES, Councilmembers: _____

Absent, Councilmembers: _____

ASSISTANT CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY



City Council Agenda Report

Item # _____

Meeting Date: August 8, 2022

Subject: Appointment of Interim City Manager

RECOMMENDATION:

Adopt a Resolution confirming the appointment of Thomas Piccolotti to be Interim City Manager.

BACKGROUND:

On June 3, 2022, City Manager Shawwna Maltbie announced her retirement and is currently on an extended leave of absence. Under Daly City Municipal Code Section 2.02.050, in the absence of the city manager from the City, the city council may appoint some properly qualified person to perform the duties of the office of city manager.

After due consideration, the City Council discussed at a Closed Session on August 3, 2022, the City Council desires to appoint Thomas Piccolotti as Interim City Manager, until the City Council appoints a permanent City Manager.

DISCUSSION:

Upon acceptance of Ms. Maltbie's retirement, the City Council opened recruitment for a permanent City Manager. The recruitment is currently ongoing, and the application deadline is September 5, 2022. Ms. Maltbie's extended leave of absence from the city requires the City Council to appoint an Interim City Manager, pursuant to Daly City Municipal Code Section 2.02.050. The City Council met in Closed Session on August 3, 2022, to consider the appointment of an Interim City Manager. After deliberation, the City Council has selected Director of Water and Wastewater Resources, Thomas Piccolotti, to serve as Interim City Manager, until such time as the City Council may appoint a permanent City Manager.

Mr. Piccolotti has over 32 years of experience in local government, 22 of which have been spent working for the City of Daly City. He was promoted to the Director of Water and Wastewater in April 2018 and has served in that position for over 4 years.

During his time as Director of Water and Wastewater Resources he has managed the Water and Sanitation Fund Operating Budget of approximately \$50 million annually and the Capital Program of approximately \$8 million annually. He is responsible for management and coordination of the Vista Grande Drainage Basin Improvement Project, a multi-million-dollar infrastructure project of regional significance. This project is the largest in the history of Daly City and will alleviate flooding as well as provide many environmental benefits to Lake Merced. He represented the City during the renegotiation of the Water Supply Agreement with San Francisco Public Utilities Commission in 2018 and led the development of multi-year rate structures that stabilized both the Water and Sanitation Enterprise Funds.

Mr. Piccolotti's familiarity and rapport with Executive Management and City staff will enable him to step into the role of Interim City Manager quickly and continue moving the City forward during this time. Mr.

Piccolotti is very familiar with Daly City, having previously assisted with executive goal setting and team building, facilitation of interdepartmental issues, and has served as an Acting City Manager during his tenure with the City. His knowledge of the City, the Executive Team, other City employees, as well as the Boards and Commissions, will enable him to quickly come to speed on issues and concerns and be an effective leader for the City of Daly City. He will provide a seamless transition during this time while the City Council is recruiting a permanent City Manager.

The agreement for employment is drafted and reviewed by the City Attorney's Office (see attachment). The agreement specifies that the City will pay the Interim City Manager a salary 15% above his current step as Director of Water and Wastewater Resources per the City Council adopted salary schedule. The agreement also includes the waiver of the car allowance as Interim City Manager, and further provides that should the Council determine to select a different City Manager during the period he is serving as Interim City Manager, Mr. Piccolotti would return to his previous position as Director of Water and Wastewater Resources.

As the City Council must approve the Interim City Manager Employment Agreement at a regular meeting, and not a special meeting, staff will present the Interim City Manager Employment Agreement at the September 12, 2022, regular meeting for the City Council to approve and authorize the Mayor to Execute the Interim City Manager Employment Agreement.

FISCAL IMPACT:

The salary and benefits for the Interim City Manager are included in the Fiscal Year 2022-23 City Manager Department budget.

RECOMMENDATION:

Appoint Thomas Piccolotti as Interim City Manager until such time as the City Council appoints a permanent City Manager.

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

Respectfully submitted,



Rose Zimmerman
City Attorney

Attachments:

Exhibit "A". Draft Interim City Manager Employment Agreement

INTERIM CITY MANAGER EMPLOYMENT AGREEMENT

THIS AGREEMENT is made by and between the CITY OF DALY CITY (“City”) and TOM PICCOLOTTI (“Employee”) and is dated for convenience this__ day of _____, 2022.

Recitals

City desires to employ Tom Piccolotti as Interim City Manager of the City of Daly City.

Tom Piccolotti desires to serve as Interim City Manager of the City of Daly City.

The City Council, as the appointing authority, and Tom Piccolotti desire to agree in writing to the terms and conditions of Tom Piccolotti's employment as Interim City Manager.

AGREEMENT

1. DUTIES

- a. City agrees to employ Tom Piccolotti as Interim City Manager of the City of Daly City to perform the functions and duties of the City Manager specified in the Municipal Code, ordinances, and resolutions of City. Employee shall also perform other legally permissible and proper duties and functions as the City Council may from time to time assign.
- b. Employee shall perform his duties to the best of his ability in accordance with the highest possible and ethical standards of the profession and shall comply with all general rules and regulations established by the City.
- c. Employee shall not engage in any activity that is or may become a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California law. Prior to performing any services under this Agreement Employee must complete disclosure forms required by law.

2. TERM

- a. Employee agrees to serve in the position of Interim City Manager effective August 9, 2022 until a permanent City Manager is appointed by the City Council and commences his/her duties in the position or six (6) months, whichever is sooner. If Employee is appointed by the City Council to be the permanent City Manager, this agreement shall terminate upon execution of a new City Manager agreement with Employee.

- b. This agreement may be terminated by either party in accordance with the provisions set forth in Paragraph 3 or terminated in the event of the death or permanent disability of Employee.
- c. Employee agrees to remain in the exclusive employ of the City during the term of this Agreement.

3. RESIGNATION AND REMOVAL

- a. Employee may resign at any time with or without cause and agrees to give City at least forty-five (45) days advance written notice of the effective date of his resignation.
- b. Removal of Employee from appointment as Interim City Manager shall be in accordance with the Municipal Code.
- c. The parties recognize and affirm that: 1) Employee is an “at will” employee whose employment as Interim City Manager may be terminated by the City, and 2) There is no express or implied promise made to Employee for any form of continued employment as City Manager. This Agreement is the sole and exclusive basis for an employment relationship between Employee and City.

4. RIGHT TO APPLY FOR PERMANENT CITY MANAGER POSITION AND RIGHT TO REVERT TO PREVIOUSLY HELD POSITION

Employee has the right to apply for or express his interest in the permanent City Manager position while the recruitment is open, including when or while the City Council is conducting interviews of potential candidates for the permanent City Manager position.

If Employee is removed by the City Council, or a permanent City Manager is appointed by the City Council who is not Employee, Employee shall have the right to revert to his previously held position as the Director of Water and Wastewater Resources and shall be entitled to receive the current salary and benefits commensurate with that position, which shall be the salary step he was receiving or due to receive prior to his appointment.

5. SALARY

Effective August 9, 2022, City agrees to pay Employee a salary 15% above his current step as Director of Water and Wastewater Resources per the City Council adopted salary schedule (hereafter referred to as "the Baseline Salary"). Employee's salary as Interim City Manager shall be \$_____ per month.

6. OTHER SUPPLEMENTAL BENEFITS

City shall provide Employee the same benefits as Employee received in his position as Director of Water and Wastewater Resources, in addition to any other benefits as included in operative City policies, procedures and applicable agreements for

management employees and as they may be amended from time to time. All actions taken by the City relating to benefits for management employees shall be considered actions granting the same benefits to Employee.

7. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The City Council, by resolution, minute order, or other formal action, shall fix any other terms, restrictions, and conditions of Employee's employment as Interim City Manager, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with provisions of this Agreement or law.

8. NOTICES

Any notices required by this Agreement shall be in writing and either given in person or by first class mail with postage prepaid and addressed as follows:

TO CITY: City Council
 c/o Mayor
 City of Daly City
 333 90th Street
 Daly City, CA 94015

TO EMPLOYEE: In person or address on file

9. ARBITRATION

Any controversy or claim arising out of or pertaining to this Agreement, or breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be enforced as provided by California law.

10. ENTIRE AGREEMENT

This Agreement is the final expression of the complete agreement of the parties with respect to the matters specified herein and supersedes all prior oral or written understandings. Except as prescribed herein this Agreement cannot be modified except by written mutual agreement signed by the parties.

11. ASSIGNMENT

This Agreement is not assignable by either City or Employee.

12. SEVERABILITY

In the event that any provision of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the parties, the remainder of the Agreement shall remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

13. COUNTERPARTS

This Agreement may be executed in counterparts, and each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, City has caused this Agreement to be signed and executed on its behalf by its Mayor and duly attested by the City Clerk. It has also been executed by the Employee.

Tom Piccoletti, Employee

Dr. Rod Daus-Magbual, Mayor
City of Daly City

ATTEST:

K. Annette Hipona, City Clerk,

APPROVED AS TO FORM

Rose Zimmerman, City Attorney

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