

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, May 09, 2011 - 7:00 PM
City Hall Council Chambers – 2nd Floor
333 – 90th Street, Daly City, CA 94015

Live Telecast: Comcast Channel 27, Astound 26, AT&T U-Verse 99

Webcast: www.dalycity.org/meetings

DRAFT

For those wishing to address the City Council on any Item on the Agenda or under Public Appearances/Oral Communications, please complete a Speaker Card located at the entrance to the Council Chambers and submit to a Staff Member as early in the meeting as possible.

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:

ROLL CALL:

PRESENTATIONS:

Proclaiming the Month of May as Elder and Dependent Adult Abuse Awareness

Proclaiming the Week of May 15-21, 2011 as Emergency Medical Services Week

Proclaiming the Week of May 15-21, 2011 as National Public Works Week

Proclaiming the Week of May 7-14, 2011 as Affordable Housing Week

APPROVAL OF MINUTES:

Regular Meetings of March 28 and April 11, 2011 and Special Meeting of April 4, 2011

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.

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. Setting Time and Place of Public Hearing for May 23, 2011
Re: Ordinance Uniform Public Construction Cost Accounting Act
2. Exercise of Option to Extend Professional Services Agreement for Parking Citation Processing
3. Setting Time and Place for Public Hearing on the Urban Water Management Plan - 2010/2011
4. Set Time and Place for Appeal of the Decision of the Chief Building Supervisor/Building Official Regarding a Retaining Wall at 62 Avalon Drive
5. Authorization for Daly City to Continue Participation in the City/County Association of Governments of San Mateo County (C/CAG)

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:

6. Council Committee
7. City Council
8. Staff

ADJOURNMENT:

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
APRIL 11, 2011

The meeting was called to order by Mayor Klatt at 7:00 P.M.

ROLL CALL: Councilmembers Present:

Carol L. Klatt, Mayor
David J. Canepa
Michael P. Guingona
Sal Torres

Staff Present:

Patricia E. Martel, City Manager
Kerry E. Burns, Assistant City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

SWEARING IN:

Raymond A. Buenaventura, Appointed Councilmember

Mayor Klatt stated it is an honor to have State Senator Leland Yee present this evening to swear in Raymond Buenaventura who was appointed last Monday.

Honorable State Senator Leland A. Yee administered the Oath of Office to Raymond A. Buenaventura, Appointed Councilmember. Councilmember Buenaventura expressed appreciation for the support from family, friends and the City Council. Councilmember Buenaventura introduced his family and friends.

PRESENTATIONS:

Flag Presentation Commemorating the Centennial of the Mexican Revolution (Video)

Mayor Klatt stated she was presented with the Flag that Commemorated the Centennial of the Mexican Revolution. The flag was hand sewn by a Captain in the Mexican Navy. A video of the Flag Presentation was played. Mayor Klatt said the flag will be displayed in the City Hall Rotunda.

DMV/Donate Life California Month Proclamation

Mayor Klatt presented a proclamation proclaiming April 2011, as DMV/Donate Life California Month to Gilda Valente Gopal and Noel Sanchez.

Gilda Vallente Gopal, Ambassador and kidney recipient share her story and Noel Sanchez, California Transplant Donor Network gave an update on their partnership with the Daly City Department of Motor Vehicles and gave statistics on how many SMC residents are on the national waiting list for life-saving transplants.

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APPROVAL OF AGENDA:

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve the agenda.

CONSENT AGENDA

Councilmember Torres motioned to adopt the Consent Agenda with the exception of Item No. 3, Commending Carol Simmons on the Occasion of her Retirement.

RESOLUTIONS:

Amending Traffic Regulations to Install a 15-foot No Parking (Red) Zone on Each Side of the Hill Street Driveway for Sight Distance at City Toyota Service Driveway

Resolution No. 11-37, Establishing Traffic Regulations

Amendment #1 to Existing Professional Services Agreement with HydroFocus Inc. for Groundwater Modeling and Monitoring

Resolution No. 11-38, Authorizing Amendment #1 to Existing Professional Services Agreement with Hydrofocus, Inc. Re: Westside Basin Groundwater Modeling and Monitoring Project

END OF CONSENT AGENDA

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve and adopt the Consent Agenda, as amended.

RESOLUTIONS:

Commending Carol Simmons on the Occasion of Her Retirement

Councilmember Torres read the resolution that will be presented to the Director of Library, Carol Simmons, a copy of which is on file in the Office of the City Clerk.

The City Council expressed their appreciation to the Director of Library, Carol Simmons, for her contributions to the Daly City Public Library and the residents of our community.

Carol Simmons thanked the Council, the library staff and administrator. Ms. Simmons stated she is going to be on the Board of the brand new organization, Daly City Public Library Associates. The organization intends to supplement the work of the City and Council.

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RESOLUTIONS: Continued

Commending Carol Simmons on the Occasion of Her Retirement – Cont'd.

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried by unanimous roll call vote to adopt the following resolution:

Resolution No. 11-39, Commending Carol Simmons on the Occasion of her Retirement

PUBLIC HEARINGS:

Conduit Financing for the School House Station and Vista Grande Family Apartment Properties

Director of Economic and Community Development Richard Berger stated before the Council this evening is the approval of the issuance of tax-exempt bonds for the two Mercy Housing projects. School House Station and Vista Grande Family Apartments are located on Mission Street and are two of Daly City's affordable housing assets. These properties were developed by Mercy Housing in the mid-1990s and provide 71 units of rental housing to low income families.

Unfortunately, a combination of architectural and constructural defects as well as Daly City's unique climate has resulted in extensive water damage in many of the units in both properties.

Based on multiple studies carried out by Mercy Housing, it is estimated to cost over \$15,000,000 to complete needed repairs to these properties to ensure the health and safety of its residents. Mercy Housing has determined that a combination of 4% tax credit as well as the issuance of tax-exempt bonds is the best way to finance the needed rehabilitation.

Mercy Housing has selected the California Municipal Finance Authority to issue the bonds in an amount not exceeding \$11,000,000. The bond for the project will be the sole responsibility of the Borrower and the City has no financial, contractual, legal obligation, or liability for the repayment of the bonds. In addition, these bonds will not constitute any type of indebtedness by the City.

Once the City holds the public hearing and adopts the required resolution, no other participation by the City in action with the issuance of the bonds by the California Municipal Finance Authority will be required.

Sheela Jivan, Mercy Housing California and John Stoker of the California Municipal Finance Authority were present to answer Council's question.

Mayor Klatt opened the public hearing.

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to close the public hearing.

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MINUTES – REGULAR MEETING - CITY COUNCIL
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PUBLIC HEARINGS: Continued

Conduit Financing for the School House Station and Vista Grande Family Apartment Properties – Cont'd.

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried by unanimous roll call vote to adopt the following resolution:

Resolution No. 11-40, Approving the Issuance of Tax-Exempt Bonds by the California Municipal Finance Authority for a Limited Partnership or Limited Liability Company to be Established by Mercy Housing California (or an Affiliate Thereof) with Respect to Two Multifamily Apartment Projects

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Marian Mann apologized to the Council for the misunderstanding regarding the lack of approval by the City for the use of the cabinet and tarp used to protect equipment at the bocce court located at Doelger Senior Center.

Bob Silva stated that he purchased the locked storage cabinet and tarp with his own money. He was unaware he was not allowed to spend his own money. He hopes that the bocce ball court will be maintained as he will no longer volunteer in Daly City.

Ronnie Miller is sorry that the bocce court is not being kept up. There are many seniors using it. She asks that the City help keep seniors active.

APPOINTMENTS:

Board/Commission Membership Committee Appointments

There were no appointments.

REPORTS:

Council Committee

Council Committee Meetings, March 28 - April 10, 2011

The Council Committee reported on the following:

Design Review Permit DR-1-11-3290 88 Hillside (formerly Landmark) 6501 Mission Street (Klatt/Guingona)
General Plan Steering Committee Meeting (Klatt)
Centennial Committee (Klatt/Torres)

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REPORTS: Continued

City Council

Mayor Klatt introduced Brian Perkins, representative for Congresswoman Jackie Speier, who is present this evening.

Staff

There were no reports.

ADJOURNMENT:

It was moved by Mayor Klatt, seconded by Councilmember Guingona and carried to adjourn the meeting at 8:05 P.M. in memory of Edward O'Donnell, John Olcese, Dennis Draper, Trina Gonzalez, Carmen Stuhler and Genee Thompson.

City Clerk

Approved as submitted, this _____

day of _____, 2011.

Mayor

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 28, 2011

The meeting was called to order by Mayor Klatt at 7:05 P.M.

ROLL CALL: Councilmembers Present:

Carol L. Klatt, Mayor
David J. Canepa
Michael P. Guingona
Sal Torres

Staff Present:

Patricia E. Martel, City Manager
Kerry E. Burns, Assistant City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

APPROVAL OF AGENDA:

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve the agenda.

CONSENT AGENDA

RESOLUTIONS:

Execution of Professional Services Contract with Brown and Caldwell for Design, Construction Review and Regulatory Assistance for the Sullivan Avenue Well Installation Project

Resolution No. 11-33, Approving Professional Services Agreement with Brown and Caldwell (Sullivan Avenue Well Installation Project)

Authorization to Participate in Franchise Tax Board Data Exchange

Resolution No. 11-34, Authorizing Participation in Franchise Tax Board Data Exchange

CHECK REGISTERS:

Check Registers for the Month of February 2011

AUTHORIZING BUDGETARY ADJUSTMENTS:

Fund Transfer from Forfeited Construction and Demolition Deposits for the Purchase of a Scanner

Resolution No. 11-35, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2010-2011

Appropriate funds from Forfeited C & D deposits and accept and Appropriate Funds for the Purchase of Scanner for Planning Files to SIRE System in the amount of \$14,632.00

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END OF CONSENT AGENDA

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve and adopt the Consent Agenda.

AWARD OF BIDS/CONTRACTS:

Award of Construction Contract for the Doelger Senior Center Boiler Replacement Project (101 - Lake Merced Boulevard)

Director of Public Works John Fuller stated the American Recovery and Reinvestment Act in 2009 provided funds for various projects to stimulate the economy. The Department of Energy also allocated many of American Recovery and Reinvestment Act funds through the Energy Efficiency and Conservation Block Grants. The City applied and received \$873,900 in Energy Efficiency and Conservation Block Grants funds.

Mr. Fuller stated seven contractors attended a pre-bid meeting. Only two bids were received. The bids came in higher than expected from \$85,000 to \$89,000. We suspect the asbestos abatement as part of the HVAC work scared off some of our normal bidders that would have bid more aggressively and given us a lower price. Unfortunately, if we did not put the asbestos abatement as part of the project, we would not be able to use the grant funds to do it.

Staff recommends that the City Council award a construction contract to Heathorn & Associates Contractors Inc., dba American Air Conditioning, Co. of San Leandro, in the amount of \$85,411 for the subject project.

It was moved by Councilmember Torres, seconded by Councilmember Canepa and carried by unanimous roll call vote to adopt the following resolution:

Resolution No. 11-36, Authorizing Execution of Contract for the Doelger Senior Center Boiler Replacement Project

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Harry Tschaplizki was concerned about the cost of fees for the children playing baseball and asked why the fees increase every year.

The following individuals expressed concerns regarding the promises made when the City signed the regulatory and co-operation agreement with Hunter Johnson and LINC Housing and to the unpaid property taxes:

Bob Quinn
Candi Campbell
Bill Stipinovich
Melanie Blandino
Linda Kelley
Sonny Quinquini

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PUBLIC APPEARANCES/ORAL COMMUNICATIONS: Continued

Cathy Pantazy submitted and read a letter urging the Council to consider appointing Richard Brugger, who received the 4th highest votes in the last November election, to fill the vacancy on an interim basis until the special election is held in November.

June Neuhaus submitted and read a letter urging the Council to appoint Richard Brugger to fill the vacancy because he was the voters' 4th choice in last November Election.

APPOINTMENTS:

Board/Commission Membership Committee Appointments

There were no appointments.

REPORTS:

Council Committee

There were no reports.

City Council

Councilmember Torres reported that Daly City held its Centennial Celebration Event on Tuesday, March 11, 2011. Councilmember Torres thanked the Centennial Committee for their work.

Councilmember Torres thanked the Police Department and Fire Department for speaking with the elementary school students who wanted to learn about civic government.

Mayor Klatt reported on the music and the Daly City Color Guard doing an excellent job at the Centennial Celebration event on Tuesday.

Staff

There were no reports.

ADJOURNMENT:

It was moved by Councilmember Canepa, seconded by Councilmember Guingona and carried to adjourn the meeting at 7:32 P.M. in memory of Michael Maxwell, Marcus Alatorre and Edward Guayito Flores.

City Clerk

Approved as submitted, this _____
day of _____, 2011.

Mayor

CITY OF DALY CITY
MINUTES - SPECIAL MEETING – CITY COUNCIL
APRIL 4, 2011

The meeting was called to order by Mayor Klatt at 6:03 P.M.

Roll Call: Councilmembers Present:

Carol L. Klatt, Mayor
David J. Canepa
Michael P. Guingona
Sal Torres

Staff Present:

Patricia E. Martel, City Manager
Kerry E. Burns, Assistant City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

COMMUNICATIONS AND PUBLIC APPEARANCES:

Judith Christensen stated that the only democratic way to choose a new Councilmember is by the voters. She stated that the Council has already decided who will be the next Councilmember and it is someone who has never attended a full city council meeting or budget study session. It is someone who does not know neighborhood leaders, will not ask the tough questions, will not rock the boat and is someone the Council can control.

Sylvia Alvarez-Lynch, representing Original Daly City Protective Association, spoke in support of Rich Brugger, who has a long history of community service and received over 5,000 votes in last November's election.

Sonny Quinquini believes the appointment process is unfair because it does not allow democracy to take place. He stated the Council position should be given to the candidate who ran in last November's election.

Nicholas Von Wettberg, Managing Editor FilAm Star, read a statement by Jun Illagen in support of appointing Mario Panoringan who has the experience and awareness of how to move Daly City forward.

John Hui, Immediate Past President of Daly City/Colma Chamber of Commerce, spoke on behalf of Mario Panoringan, who was a former President and CEO of the Daly City/Colma Chamber of Commerce and was instrumental in assisting the Chamber in creating Daly City's sister city relationship with Quezon City

Daniel Lee, 23 year resident and businessman in Daly City, spoke in support of Mario Panoringan who has skills in leadership and business. He is the founder of the FilAm Star newspaper.

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COMMUNICATIONS AND PUBLIC APPEARANCES: Continued

Anthony Boccaleoni spoke in support of Mario Panoringan for the Interim City Council position. Under Mr. Panoringan's leadership as CEO of the Chamber he completed many successful projects that provided assistance to Daly City's business community.

INTERVIEWS WITH CITY COUNCIL CANDIDATES TO FILL VACANCY

City Manager Patricia Martel explained that the 5th position on the Daly City City Council was vacated by resignation. Pursuant to state law, the City Council may fill the position by appointment until an election is held to fill the vacancy on a permanent basis. A Special Election has been called to coincide with the next regular Municipal Election on November 8, 2011.

Applications for the vacant position were accepted between March 14, 2011 and April 1, 2011. A total of nine applications were received. All applicants met the legal minimum requirements to serve as Councilmember. Copies of the applications are available for review in the Office of the City Clerk. Applicant, Stephen Thomas, withdrew his application Saturday, April 2.

After the interview process, the City Council may choose to appoint an interim councilmember, reopen the candidate process, or decide not to appoint an interim City Councilmember and leave the seat vacant.

The applicants were interviewed in the following order determined by random drawing:

Robert C. Quinn, Retired Utility Worker
Thomas P. Ledda , Vice President, Ledda Plumbing Co., Inc., Member of the
Daly City Park and Recreation Commission and Brisbane School District
Board Trustee
Raymond A. Buenaventura, Attorney and Member of the Daly City Library Board
of Trustees
Mario C. Panoringan, Retired Executive and Former Member of the Daly
City Planning Commission
Dorie C. Paniza, Businesswoman
Joshua A. Javaheri , United States Postal Service Letter Carrier
Thomas A. Nuris, Attorney, Jefferson Union High School District Trustee
and Member of the Daly City Personnel Board
Richard R. Brugger, Retired Manager

Robert C. Quinn and Dorie C. Paniza withdrew from consideration for interim councilmember after their opening statements.

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MINUTES-SPECIAL MEETING – CITY COUNCIL
APRIL 4, 2011

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INTERVIEWS WITH CITY COUNCIL CANDIDATES TO FILL VACANCY Continued

Mayor Klatt recessed the meeting at 7:40 P.M. after Ms. Paniza completed her interview and reconvened the meeting at 7:50 P.M.

Mayor Klatt recessed the meeting at 8:35 P.M. after Mr. Nuris completed his interview and reconvened the meeting at 8:40 P.M.

At the conclusion of the interviews, Mayor Klatt and Councilmembers thanked the candidates for applying. The Council discussed whether they should continue the process of nominating an interim councilmember.

Mayor Klatt called for nominations for appointment for interim Councilmember. Councilmember Canepa asked for clarification on the process for nominating a candidate for interim councilmember. Councilmember Guingona nominated Raymond Buenaventura. Councilmember Canepa nominated Thomas Nuris.

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to close the nominations.

It was moved by Councilmember Guingona, seconded by Councilmember Torres and carried with Councilmember Canepa voting “No”, to appoint Raymond Buenaventura as Interim Councilmember until the Special Election in November.

Raymond Buenaventura, appointed Councilmember, thanked the Council and his supporters.

ADJOURNMENT:

It was moved by Councilmember Guingona, seconded by Councilmember Torres and carried to adjourn the meeting at 9:30 P.M.

City Clerk

Approved as submitted, this _____

day of _____, 2011.

Mayor



City Council Agenda Report

Item # _____

Meeting Date: May 9, 2011

Subject: Setting Time and Place of Public Hearing for May 23, 2011
Re: Ordinance Uniform Public Construction Cost Accounting Act

Recommended Action

That the City Council set May 23, 2011 as the time and the City Council Chambers as the place of public hearing – “Ordinance Uniform Public Construction Cost Accounting Act”. The purpose of this ordinance is to provide the City with the authority to raise the force account financial limit and enact informal bidding procedures under the state of California Public Contract Code.

Background/Analysis

Under Public Contract Code (PCC), Section 22030, any City may elect, by resolution, to become subject to the Uniform Cost Accounting procedures set forth in the PCC. Adoption of the Uniform Construction Cost Accounting procedures would allow the City to employ alternative procedures for bidding and contracting for public projects and give the City more options relative to performing, bidding or negotiating public works projects that would ultimately lead to more cost effective use of public funds. The PCC general bidding procedures requires all Cities to let any public project in excess of \$5,000 to the lowest responsible bidder after complying with the formal noticing procedures prescribed by statute. These formal procedures are both time consuming and costly especially in relation to smaller projects in the \$5,000 to \$100,000 range. In order to take advantage of the more flexible alternative procedures for bidding and contracting for public projects, the City must elect to become subject to the California Uniform Public Construction Cost Accounting Act and adopt an ordinance for informal bidding procedures.

Summary/Conclusion

Staff recommends that the City Council set the time and place of hearing to adopt and make part of its Municipal Code a new section regulating informal bidding, and is available to provide any additional information desired by the Mayor or City Council Members.

Respectfully submitted,

Shirley Chan
Traffic Engineer

John L. Fuller
Director of Public Works

Attachment: Notice Setting Time and Place

NOTICE OF TIME AND PLACE OF HEARING

PROPOSED ORDINANCE: UNIFORM CONSTRUCTION COST ACCOUNTING ACT PROCEDURES AND ESTABLISHING INFORMAL BIDDING PROCEDURES

Daly City City Council Chambers
City Hall, 333 90th Street
Daly City, California 94015
Monday, May 23, 2011 at 7:00 P.M.

NOTICE IS HEREBY GIVEN that the City of Daly City has established the above time and place for hearing all persons who wish to be heard on a proposed Ordinance Adding Chapter 3.48 of Title 3 of the Daly City Municipal Code Re: Uniform Construction Cost Accounting Protecting.

Copy of the proposed ordinance will be on file in the Office of the Daly City City Clerk, at the above address, ten (10) days prior to the above public hearing date. The purpose of this chapter is to adopt the Uniform Cost Accounting Act Procedures and establish informal bidding procedures.

All persons desiring to be heard upon this matter should be present at the above said time and place set for hearing; alternatively, written comments in connection with this matter may be filed with the Daly City City Clerk, City Hall, 333 90th Street, Daly City, California, 94015, prior to date set for the hearing.

Dated: _____

K. Annette Hipona, City Clerk



City Council Meeting Agenda Report

Item # _____

Meeting Date: May 9, 2011

Subject: Exercise of Option to Extend Professional Services Agreement for Parking Citation Processing

Recommended Action

Authorize the City Manager to execute the option to extend the Professional Services Agreement for Parking Citation Processing and Adjudication Services with Turbo Data Systems, Inc. for an additional three years with no increase in cost, and allow an increase in the credit card convenience fee from \$3.00 to \$3.95 paid by users of that service.

Discussion

Turbo Data Systems, Inc. has been processing parking tickets for the 30 agencies in San Mateo County that issue parking tickets since 1999. Services include citation processing and collection by mail, phone or web site, multiple reminder notices, placing of DMV holds, appeals and administrative adjudication services, and optional advanced collection efforts.

They were the successful vendor both in 1999 and 2006 in response to the cooperative services RFPs issued by Daly City on behalf of all agencies. The contract entered into individually by all 30 agencies in 2006 was for a five year term expiring June 30, 2011, with an option to extend the term for an additional three years.

Fiscal Impact

Although the contract allows for up to a 6% increase in processing fees, Turbo Data has agreed to no increase in their processing fees. They have requested to increase the credit card convenience fee paid by those who use the service from \$3.00 per transaction to \$3.95 per transaction due to increasing bank costs. At the \$3.95 amount, the convenience fee will be the same amount as charged by the San Mateo County Courts and the County of Santa Clara. This increase will not impact the cost to Daly City. Postage cost increases will continue to be allowed to be passed through on a reimbursement basis per the contract.

Summary/Conclusion

Satisfaction with the services provided by Turbo Data Systems, Inc. remains at a high level, and it is recommended that Daly City exercise the three year option to extend the Agreement and authorize the requested increase in the credit card convenience fee.

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

Respectfully submitted,

Donald W. McVey
Director of Finance and Administrative Services

Attachment: Exhibit A, Scope of Work and Compensation

AGREEMENT FOR PROFESSIONAL SERVICES –
PARKING CITATION PROCESSING AND ADJUDICATION
EXHIBIT A
SCOPE OF WORK AND COMPENSATION
AGREEMENT FOR PROFESSIONAL SERVICES

TDS will provide Parking Citation and Processing Services, including independent subcontracted adjudication services, as outlined in this Scope of Work, which includes the Request for Proposals To Provide Parking Citation Processing and Payment Services For the San Mateo County Cities, and the Proposal To Provide Parking Citation Processing and Payment Services For the San Mateo County Cities submitted by TDS and dated March 9, 2006, both of which are hereby incorporated herein by reference as if set out in full as the Scope of Work and Compensation for TDS

Fee Schedule:

Per Citation/Processing Fee - Electronic (entered within 48 hrs)		\$1.28
Per Citation/Processing Fee - Electronic (entered after 48 hours)		\$1.40
Per Citation/Processing Fee - Hand Written		\$1.40
Out of State Processing:		
Paid Off Windshield Notice		No additional charge
Additional Processing Required	% of collections	25%
Administrative Adjudication Processing -		
price per citation entering the process		\$3.68
Administrative Hearings		\$20
Reminder Notices	per notice mailed	\$0.67
Final Notices, DMV Hold Letters, and Other Mailings		\$0.67
Credit Card by Phone and Internet	Cost to City	no charge
Credit Card by Phone and Internet	Cost to Public	\$3.95
Online System Access - City Personnel	1st workstation	no charge
Per month for additional stations		\$40
Online System Access - Public		no charge
Parking Information Portal and Online Reporting Access		no charge
Other Fees:		
Advanced Collections		25% of collected revenue
Interagency Offset Program (through FTB):		
	Charge for Notice	to be determined
	Social Security	
	Lookup	to be determined
	Collected Revenue	to be determined

If postal rates change during the term of the Agreement, the compensation to Contractor shall be adjusted effective the same day as the postal rate increase by the same amount as the change in postage. This will affect the per notice prices of all services as well as the Administrative Adjudication Pricing.

The formula for determining the amount to be added to the charge for each citation entering the Administrative Adjudication Process shall be:

Number of letters sent in the Adjudication Process
for the previous three months
----- X Change in Postal Rate

Number of individual citations for which
those letters were sent, i.e., volume of appeals



City Council Agenda Report

Item # _____

Meeting Date: May 9, 2011

Subject: Setting Time and Place for Public Hearing on the Urban Water Management Plan – 2010/2011

Recommended Action

Set time and place for public hearing on Monday, June 13, 2011 to review and comment on the submittal of Daly City's Urban Water Management Plan to the California Department of Water Resources.

Background

Since 1984, the Urban Water Management Planning Act (AB 797 as amended) requires every urban water supplier providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, to adopt an urban water management plan every five years. Daly City's last plan was updated in 2005.

Discussion

Work on the current update began in June with consultant assistance (Brown and Caldwell) to finalize a draft document by early May to be made available for public comment. Copies of this draft will be submitted to the following agencies:

- Bay Area Water Supply and Conservation Association (BAWSCA)
- San Francisco Public Utilities Commission (SFPUC)
- California Water Service Company (CWS)
- Brisbane Water
- North Coast County Water District
- Westborough Water District
- San Mateo County Environmental Health (SMCEH)
- Tuolumne River Trust

The main focus of the update incorporates new requirements of the plan associated with groundwater management, recycled water, climate change, SB7 which is the statewide 20% water use reduction by the year 2020, documentation of demand management measures and alternative supply opportunities. As a result of uncertainty in regards to SB7, the submittal date was pushed back six months so the plan must be approved by June 30, 2011. The final approved plan is due to the California Department of Water Resources in July.

City Council Agenda Report

Date: May 9, 2011

Subject: Setting Time and Place for Public Hearing on the Urban Water Management Plan - 2010/2011

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Upon setting time and place of public hearing, staff will notice and post the hearing in accordance with the Government Code. Copies will be available with the City Clerk, Westlake Library, Serramonte Library and the Department of Water and Wastewater Resources.

Staff is available to answer any questions of the Mayor or Members of the City Council.

Respectfully submitted,



Cynthia J. Royer
Manager of Technical Services



Patrick Sweetland
Director of Water and Wastewater Resources



City Council Meeting Agenda Report

Item # _____

Meeting Date: May 9, 2011

Subject: Set Time and Place for Appeal of the Decision of the Chief Building Supervisor / Building Official Regarding a Retaining Wall at 62 Avalon Drive.

Recommended Action

Staff recommends the City Council set time and place to hear an appeal by Mr. Man Kueng, (hereafter referred to as Mr. Joe Ng) owner of the property at 62 Avalon Drive, regarding the decision of the Chief Building Supervisor / Building Official to approve a final inspection and require revised plans for the construction of a retaining wall at 62 Avalon Drive.

Background

Per section 15.00.050 of the City of Daly City Municipal Code, any person aggrieved by the decision of the Building Official shall have the right to appeal said decision to the City Council. After receipt of said appeal, the City is then required to set time and place at the next available City Council meeting.

The City Clerk received a formal appeal by Mr. Ng on March 16, 2011, which the City Attorney deemed premature pending continued review of the Building Official. Mr. Ng later resubmitted his appeal on April 11, 2011.

Per section 15.00.050 staff recommends the City Council set this matter for public hearing for the May 23, 2011 meeting.

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

Respectfully submitted,

Valentino J. Mandapat,
Chief Building Supervisor / Building Official

Richard Berger
Director of Economic and Community
Development



City Council Meeting Agenda Report ***Item #*** _____

Meeting Date: May 9, 2011

Subject: Authorization for Daly City to Continue Participation in the City/County Association of Governments of San Mateo County (C/CAG)

Recommended Action

Adopt a resolution authorizing the City's continued participation in C/CAG; and approve the attached Joint Powers Agreement Continuing Establishment of the City/County Association of Governments.

Background/Discussion

C/CAG was founded in 1991 and renewed in 1995, 1999, 2003 and 2007. The current Joint Powers Agreement (JPA) that provides the legal basis for C/CAG will expire on December 1, 2011. Thus, it is necessary to consider reauthorization of the City's membership in C/CAG. Daly City, all of the other cities in San Mateo County, and the County of San Mateo are member agencies of C/CAG. The City Council approved the last JPA in 2007.

C/CAG continues to operate very effectively as an advocate for San Mateo County agencies as evidenced by the passage of Measure M which will provide \$175M over 25 years for our local jurisdictions. The role of C/CAG is to provide a forum for all agencies in the County to work collaboratively on common issues such as: transportation, abandoned vehicle abatement, solid waste, NPDES, airport land use and legislative matters. C/CAG assists in educating and enhancing the decision-making of local elected officials and technical/professional staff with respect to addressing countywide concerns. In addition, C/CAG acts as the Program Manager for the countywide Congestion Management Plan Transportation Funds (State and Federal) and Air Quality Management funds (AB434 and TFCA).

Among the benefits available to member agencies of C/CAG are the following: a forum to share ideas and solutions to address common issues; having a vote in the distribution of State and Federal Transportation funds (\$40-\$60M every two years); access to cost-effective programs to assist member agencies in meeting mandates; and proactive advocacy at the state level to secure additional funding to support local projects and to preserve city/county revenue.

Fiscal Impact

The proposed C/CAG member assessment for FY 2011-12 is \$292,390. This amount reflects no increase from the current year assessment. Funds for the City's membership in C/CAG are available in Gas Tax Fund 17.

Meeting Date: May 9, 2011

Subject: Authorization for Daly City to Continue Participation in the City/County Association of Governments of San Mateo County (C/CAG)

Page 2 of 3

Joint Powers Agreement:

The proposed agreement (attached) is essentially identical to the one adopted in 2007. To assist in the review of the document, changes are shown in bold below and in italics in the agreement. Key changes in the Joint Powers Agreement other than numbering or typographical include:

1. Section 3 (f). Purpose and Activities modified to update Committee list:
 - (2) Congestion Management and *Environmental* Quality Committee
 - (11) Resource Management and Climate Protection Committee**
 - (13) C/CAG Investment Committee**
2. Section 12. Dates changed to reflect reauthorization:

"Effective Date/Termination Date. This agreement shall be effective on July 1, **2011**, or upon its execution by the County and by at least eleven (11) cities representing the majority of the population of the County, whichever is later. ***This agreement shall continue at least until December 15, 2015, and thereafter shall continue until terminated pursuant to Section 11 of this agreement.***"
3. Section 21 added a sentence.

21. Storm Water Discharge Plan and Permit ***To the extent permitted by law and regulation; and recognized by the applicable government agency;*** the City/County Association of Governments shall assume responsibility for the following activities under the National Pollutant Discharge Elimination System (NPDES) Program (40 CFR 122):
4. Section 23. Programming State and Federal Transportation Funds. C/CAG acting as the Congestion Management Agency shall be responsible for programming State and Federal Transportation Funds allocated to San Mateo County. These funds include but are not limited to State Transportation Improvement Program (***STIP***), ***Surface Transportation Program (STP)***, ***Congestion Management and Air Quality (CMAQ)***, and Transportation Development Act Article 3.
5. Section 25 and 26. Added to reflect new legislated programs.

25. Measure M – Local Transportation Improvement Program. C/CAG shall serve as the overall program manager for the local Transportation Improvement Program which programs up to a \$10 motor vehicle fee in accordance with Section 65089.20 of the Government Code and Section 9250.4 of the Vehicle Code.

Meeting Date: May 9, 2011

Subject: Authorization for Daly City to Continue Participation in the City/County Association of Governments of San Mateo County (C/CAG)

Page 3 of 3

26. San Mateo County Energy Watch and Climate Protection. C/CAG shall serve as the overall program manager for the San Mateo County Energy Watch Program that coordinates and provides energy conservation incentives, and Coordinates, Supports, and provide programs as necessary for Climate Protection.

Summary/Conclusion

Daly City continues to reap substantial benefit from its membership and participation in the City/County Association of Governments. As the City looks to the future implementation of the new Municipal Stormwater Regional Permit (MSRP) and the associated costs of this mandate, continuing to work collaboratively with other C/CAG agencies will be of even greater importance.

It is recommended that the City Council adopt a resolution authorizing the City's continued participation in C/CAG and approve the attached Joint Powers Agreement Continuing Establishment of the City/County Association of Governments of San Mateo County.

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

Respectfully submitted,



Patricia E. Martel
City Manager

PEM/tp

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY AUTHORIZING
CONTINUED PARTICIPATION IN THE CITY/COUNTY ASSOCIATION OF
GOVERNMENTS OF SAN MATEO COUNTY AND APPROVAL OF THE
JOINT POWERS AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE
THE JOINT POWERS AGREEMENT

WHEREAS, the City of Daly City is currently a member of the City/County Association of Governments of San Mateo County (C/CAG); and

WHEREAS, the City of Daly City approved and executed the Joint Powers Agreement in 2007 continuing C/CAG for four years; and

WHEREAS, C/CAG has achieved significant accomplishments including the passage of the Measure M fee which will provide \$165M over 25 years of which \$82.5M goes to the cities and County; and

WHEREAS, C/CAG has received numerous County, Regional, State and National awards for its programs; and

WHEREAS, C/CAG provides programs to address State Mandates in a cost effective manner; and

WHEREAS, Participation in C/CAG provides the City of Daly City a voice in the programming of over \$40-60M in transportation funds; and

WHEREAS, the City of Daly City desires to continue participation in C/CAG; and

WHEREAS, the City of Daly City desires to execute the Joint Powers Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Daly City is hereby authorized to execute the Joint Powers Agreement for and on behalf of the City of Daly City.

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 _____, 2011, 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

JOINT POWERS AGREEMENT

Continuing Establishment of the City/County Association of Governments

THIS AGREEMENT, by and between the COUNTY OF SAN MATEO (hereinafter referred to as "County") and those cities within the County of San Mateo who become signatories to this agreement (hereinafter referred to as "Cities" or "City" as the context requires), is made in light of the following recitals:

A. The County and the Cities have authority to perform a variety of functions in their respective communities and desire to establish a City/County Association of Governments (C/CAG) within the County of San Mateo whereby the parties will prepare, review, adopt, monitor and facilitate implementation by the member agencies county-wide state mandated plans as specified in 3(c) below. Local land-use decisions, except as they are affected by state-mandated county-wide plans, will remain solely within the cognizant local jurisdiction.

B. The parties are authorized to contract with each other for the joint exercise of any common power pursuant to Government Code Sections 6500 through 6518.

NOW, THEREFORE, the County and the Cities, in consideration of the mutual promises and agreements contained herein, **AGREE AS FOLLOWS**:

1. **Establishment of City/County Association of Governments of San Mateo County.** The parties hereby create an entity to be known as the City/County Association of

Governments of San Mateo County (hereinafter referred to as "C/CAG") for the preparation, review, adoption, monitoring and facilitation of implementation by the member agencies of county-wide state mandated plans. C/CAG shall be an entity which is separate from the parties to this agreement and shall be responsible for the administration of this agreement. Except as provided herein, the debts, liabilities, and obligations of C/CAG shall be the debts, liabilities, and obligations of the entity and not the debts, liabilities, and/or obligations of the parties to this agreement.

C/CAG shall have the power and is authorized to do any or all of the following:

- (a) To make and enter contracts;
- (b) To employ agents and employees;
- (c) To lease, maintain, manage, acquire, construct or operate any building, works or improvements;
- (d) To acquire, hold, or dispose of property;
- (e) To incur debts, liabilities, or obligations;
- (f) To sue and be sued in its own name;

2. **Board of Directors.** The Board of the City/County Association of Governments of San Mateo County (C/CAG) shall consist of a member of the City Council of each participating City to be selected by that City and one (1) member of the Board of Supervisors to be selected by the Board of Supervisors. Each City Council and the Board of Supervisors may select one (1) alternate member from its body who shall participate when the regular member is absent. In addition, there shall be two (2) non-voting ex-officio members: a representative of the San Mateo County Transit District Board of Directors selected by the Board of Directors and a representative of the San Mateo County Transportation Authority selected by the Authority. Additional Ex-Officio members may be

established by Board action in accordance with the special voting procedures identified in 4 (c). Regular attendance by the designated representative or alternate at the C/CAG Board and ***Committee*** meetings shall be encouraged by the C/CAG Board and member agencies.

3. **Purposes and Activities.** C/CAG is established to fulfill the following purposes operating through the Board of Directors for control, direction, and administration:

- (a) Plan, organize, and maintain the work of C/CAG and be responsible for its overall operation.
- (b) Advise City Councils and the Board of Supervisors of all significant activities of C/CAG.
- (c) Prepare, review, adopt, monitor and facilitate implementation by the member agencies the following state-mandated county-wide plans:
 - (1) Congestion Management Plan (as the designated Congestion Management Agency including enforcing compliance with the Congestion Management Plan);
 - (2) Integrated Solid Waste Management Plan (as the designated Local Task Force);
 - (3) Airport Land Use Plan (as the designated Airport Land Use Commission);
 - (4) Hazardous Waste Management Plan;
 - (5) NPDES - Stormwater Management Plan.
- (d) Perform such additional county-wide planning activities as approved by or directed by two-thirds (2/3) of the members

representing two-thirds (2/3) of the population of the County. Final adoption of any such plans shall only be after the plan has been introduced at a prior meeting held at least twenty-five (25) days earlier.

(e) Perform any additional County-Wide activities as set forth in this agreement (Sections 20, 21, 22, 23, 24, 25, and 26).

(f) Utilize and establish advisory committees wherever necessary, including but not limited to:

- (1) Airport Land Use Committee
- (2) Congestion Management and *Environmental* Quality Committee
- (3) Congestion Management Plan (CMP) Technical Advisory Committee
- (4) Solid Waste Advisory Committee (Local Task Force)
- (5) Hazardous Waste Management Plan Advisory Committee
- (6) Bikeways and Pedestrian Advisory Committee
- (7) Finance Committee
- (8) NPDES Committee
- (9) NPDES Technical Advisory Committee
- (10) Legislative Committee
- (11) *Resource Management and Climate Protection Committee*
- (12) *C/CAG Investment Committee*

Committees may be established by Board action in accordance with the special voting procedures identified in 4 (c). *Committee* membership may include persons who are not members of the Board of Directors, including other elected

officials or public members.

- (g) Adopt By-laws and such other rules of procedure as may be deemed necessary.

The duties, responsibilities or obligations of C/CAG, as set forth in this Agreement, are not intended, and shall not be interpreted, to expand or diminish any legal duties, responsibilities or obligations that any city or county member of C/CAG has, or may in the future have, under any provision of State or Federal law.

Notwithstanding anything to the contrary in any other provision of this Agreement, C/CAG shall have no authority and/or obligation to implement or enforce the provisions of any County-wide plan except when C/CAG is functioning as an agency specifically designated by state or federal law as having the authority and/or obligation to implement or enforce such County-wide plan.

4. **Voting Procedures.** The parties intend to strive for consensus following full discussion but in the event consensus cannot be reached the following voting procedures shall be utilized.

- (a) A quorum shall consist of at least a majority of the voting members and shall be required for all meetings of C/CAG.
- (b) All decisions and actions shall be by majority vote of those present unless the decision involves the adoption of a county-wide plan or any one (1) member requests the use of the special voting procedures hereinafter set forth.
- (c) The special voting procedures shall be utilized upon the request of any one (1) member. Addition of Ex-Officio members to the Board, the establishment of ***Committees***, and the final adoption of county-wide plans shall require the

special voting procedures. Special voting procedures shall be as follows: for a motion to be successful it must receive the votes of a majority of the members representing a majority of the population of the County. In determining the population of local governments, the population shall be utilized as set forth in a resolution adopted by the Board of Directors pursuant to Section 19.

5. **Budget.** The Board annually shall adopt, by a date C/CAG designates by resolution, an operating budget for C/CAG setting forth anticipated expenses, financing sources and proposed service levels necessary to carry out the purposes of this agreement. C/CAG shall establish its fiscal year by resolution. Immediately after approving the annual budget, the Board shall recommend the budget to the governing bodies of the members for the purpose of securing from each of them contributions and/or appropriations in accordance with each party's obligations as set forth in Section 6 below. It is expressly agreed and understood that the Board has no authority to bind any governing board to make the recommended contribution and/or appropriation and that this decision rests solely with each governing body. Each party shall deposit its monetary contribution to the budget with the C/CAG Treasurer on or before the date C/CAG designates by resolution.

6. **Contribution of Parties.** In consideration of the mutual promises contained herein, the parties agree that they shall make the following annual contributions towards maintaining the program of C/CAG.

Each member's contribution shall be its pro-rata share of the revenue needed for the annual budget as adopted by the Board of Directors. The pro-rata share of each agency shall be based upon its population as set forth in a resolution adopted by the Board of Directors pursuant to

Section 19. By use of the special voting procedures under special circumstances the Board of Directors may waive contributions. If a member fails to pay its annual contribution, it shall forfeit its voting rights as provided in Paragraph 10 and there shall be no further recourse against it for nonpayment.

7. **Treasurer.** The Board of Directors shall select a Treasurer from one of its member entities who shall be the depository and have custody of all the money and property of C/CAG from whatever source. The duties of the C/CAG Treasurer shall include those set forth in the Government Code Section 6500 et seq., Joint Exercise of Powers.

8. **Controller.** The Board of Directors shall select a Controller from one of its member entities who shall perform the functions of auditor and/or controller for C/CAG. The duties of the C/CAG Controller shall include those set forth in Government Code Section 6500 et seq., Joint Exercise of Powers.

9. **Staffing.** It is understood that C/CAG may require the support of its own administrative staff. When deemed necessary, the Board of Directors may employ an Executive Director. The Board shall have responsibility for all employment decisions regarding said Executive Director who shall serve at the pleasure of the Board of Directors.

The Executive Director shall be responsible for the day-to-day administration of C/CAG under the direction of the Board of Directors. The Executive Director shall seek advice and assistance from the Administrators' Advisory Committee. The Executive Director shall have the authority to employ administrative staff consistent with the approved budget of C/CAG.

There shall be an Administrators' Advisory Committee. The Committee will be advisory to the C/CAG Board of Directors and Executive Director to assist them to most effectively accomplish the objectives of C/CAG by giving advice on agenda matters, monitoring outcomes of activities, assisting with identifying and allocating resources, and communicating with all members. The Committee members shall be: the City Managers from cities that contract staff to C/CAG, the County Manager, the General Manager of SamTrans, one (1) City Manager appointed by the City Managers' Association, and, the Chair and Vice-Chair(s) and Legal Counsel of C/CAG as ex-officio members. Committee Chairs and staff who have items for discussion at the Committee will be invited to participate. The definition and membership of this Committee may be revised by Board action in accordance with the special voting procedures identified in 4 (c).

It is understood that C/CAG may employ personnel, utilize existing County, SamTrans or City staff, or retain professional consultants to perform any necessary staff work in meeting its goals and objectives. It is further understood that no County, SamTrans or City staff will be utilized without the consent of the employing agency.

10. **Withdrawal.** Any party may withdraw from this agreement by filing written notice of intention to do so with the Chair of the governing board by September 30th of each year, or by another date C/CAG designates by resolution. The rights and obligations of such party shall terminate at the end of the first full fiscal year for which the withdrawing party has made its contribution following such notice having been given. 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, such party shall not be entitled to the return of any funds contributed to C/CAG nor to the return in cash or in kind of any materials or supplies until termination of this

agreement. If a party fails to make its contribution in accordance with Section 6 of this agreement, that agency shall forfeit its voting rights during the period of such non-payment. However, if one of the Cities or the County wishes to rejoin after forfeiting its membership by non-payment of its contribution, it may do so by paying the designated amount.

11. **Termination and Disposition of Property.** This agreement shall be deemed terminated when the number of Cities participating in this agreement contain less than a majority of the population of the County, or are fewer than eleven (11) in number. Upon termination, equipment and all other assets shall be distributed to the parties hereto in proportion to the contributions of the parties during the life of C/CAG including distribution to parties which may have withdrawn at an earlier date. Upon termination, any surplus money on hand shall be returned to the parties in proportion to the contributions of the parties during the life of C/CAG including distribution to parties which may have withdrawn at an earlier date.

12. **Effective Date/Termination Date.** This agreement shall be effective on July 1, **2011**, or upon its execution by the County and by at least eleven (11) cities representing the majority of the population of the County, whichever is later. This agreement ***shall continue at least until December 1, 2015, and thereafter shall continue until terminated pursuant to Section 11 of this agreement.***

13. **Meetings.** Monthly meetings of the C/CAG Board of Directors shall be held in accordance with the Brown Act, Government Code Section 54950 et seq. The Board of Directors shall establish a regular time and place for the required meetings. In addition, the Board of Directors

shall have such other meetings as are deemed necessary.

14. **Notice of Agreement.** Pursuant to Government Code Section 6503.5, C/CAG shall, within thirty (30) days after the effective date of this agreement, cause a notice of the agreement to be prepared and filed with the Office of the Secretary of State.

15. **Other Associations.** Participation in C/CAG is not intended to preclude member entities from entering into similar agreements with other jurisdictions.

16. **Legal Counsel.** Unless the Board of Directors determines otherwise, the County Counsel shall serve as legal counsel to C/CAG and provide all routine legal advice and service necessary including attendance at Board of Directors meetings.

17. **Insurance.** The County shall add C/CAG to its existing excess liability insurance coverage and shall maintain such coverage in full force and effect during the life of this agreement. Said excess liability insurance coverage includes a self-insured retention by the County. Unless the Board of Directors decides otherwise, County shall provide for the defense of any claims or litigation within the amount of the self-insured retention. Legal representation by the County will ordinarily be provided by the Office of the County Counsel.

Any out-of-pocket expenses or loss, by way of judgment or settlement, arising out of the operation of this agreement, within the limits of the County's self-insured retention shall be shared by the parties in accordance with the formula set forth in Section 6. Expenses shall not include salaries or office expenses of any county employees, including any attorneys from the Office

of the County Counsel.

18. **Amendments.** This Joint Powers Agreement may be amended at any time with the agreement of the majority of the members representing a majority of the population of the County, except as provided in 3(d).

19. **Adjustment of Population Figures.** The Board of Directors shall establish by resolution the population figures to be utilized in determining the population of local governments under this agreement based on the results of the decennial federal census or population figures provided by the State Department of Finance, and may revise the population figures at any time by resolution.

20. **Clean Air Vehicle Registration Fee Program.** C/CAG shall serve as the overall program manager for the San Mateo County under Health and Safety Code Section 44241 for funds made available by the increase in motor vehicle registration fees that the Bay Area Air Quality Management District is authorized to levy under A.B. 434, (1991 Statutes, Chapter 807.)

21. **Storm Water Discharge Plan and Permit.** *To the extent permitted by law and regulation; and recognized by the applicable government agency; the City/County Association of Governments shall assume responsibility for the following activities under the National Pollutant Discharge Elimination System (NPDES) Program (40 CFR 122):*

- (a) Ratify submission of a county-wide storm water discharge permit application and accept permit on behalf of the County and Cities in the County, as co-

permittees.

- (b) Prepare preliminary draft and final draft storm water management plan describing existing activities the County and Cities are conducting to help minimize the discharge of pollutants to storm water, describing new pollution measures that will be undertaken during the initial five year period of the NPDES permit, and containing other matters C/CAG determines are necessary or desirable.
- (c) Identify and recommend alternatives for implementation of a revenue program.
- (d) Enter into contracts with the County, the Cities, the County Flood Control District, and other entities to implement the revenue program and the storm water management plan.
- (e) Perform additional county-wide activities in connection with the NPDES program as set forth in the storm water management plan approved by, or as directed, by the Board of Directors.
- (f) Provide coordination and overall management of the NPDES program and advice to the County and the Cities on implementation.

The County and each City shall be solely responsible for complying with NPDES permit conditions and all federal, state, and local laws and regulations, relating to discharges from the storm sewers in its jurisdiction and under its control. The County and each City shall defend, indemnify, and hold harmless every other party to this agreement, and its officers and employees, from all claims, suits, actions, fines, penalties, damages, or liability of every name, kind, and description arising in any way out of the negligent or intentional acts of that County or City in complying or failing to comply with NPDES permit conditions, and all federal, state, and local

regulations applicable to that County or City.

22. **Service Authority for Abatement of Abandoned Vehicles.** C/CAG shall be the service authority for the abatement of abandoned vehicles under Vehicle Code Section 22710. C/CAG shall impose a service fee of one dollar (\$1) on vehicles registered to an owner with an address in San Mateo County as authorized by Vehicle Code Sections 9250.7 and 22710. As provided in Vehicle Code Section 22710(b), C/CAG may contract and undertake any act convenient or necessary to carry out any law relating to its duties as the service authority.

23. **Programming State and Federal Transportation Funds.** C/CAG acting as the Congestion Management Agency shall be responsible for programming State and Federal Transportation Funds allocated to San Mateo County. These funds include but are not limited to State Transportation Improvement Program (*STIP*), *Surface* Transportation *Program* (*STP*), *Congestion Management and Air Quality* (*CMAQ*), and Transportation Development Act Article 3.

24. **AB 1546 Transportation/ Environmental Vehicle Registration Fee Program.** C/CAG shall serve as the overall program manager for the San Mateo County Transportation/Environmental Program which programs up to a \$4 motor vehicle fee in accordance with Chapter 2.65 (commencing with Section 65089.11) to Division 1 of Title 7 of the Government Code and Section 9250.5 of the Vehicle Code.

25. **Measure M - Local Transportation Improvement Program.** C/CAG shall serve as the overall program manager for the Local Transportation Improvement Program which

programs up to a \$10 motor vehicle fee in accordance with Section 65089.20 of the Government Code and Section 9250.4 of the Vehicle Code.

26. *San Mateo County Energy Watch and Climate Protection.* *C/CAG shall serve as the overall program manager for the San Mateo County Energy Watch Program that coordinates and provides energy conservation incentives. C/CAG tasks also includes coordinate, support, and provide programs as necessary for Climate Protection.*

IN WITNESS WHEREOF, the parties hereto by their duly authorized representative, have affixed their hands on this *Joint Powers Agreement effective as of the first day of July, 2011.*

COUNTY OF SAN MATEO

ATTEST:

Clerk of the Board

by _____
President of the Board of Supervisors

TOWN OF ATHERTON

ATTEST:

Clerk of Town Council

by _____
Mayor

CITY OF BELMONT

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF BRISBANE

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF BURLINGAME

ATTEST:

Clerk of City Council

by _____
Mayor

TOWN OF COLMA

ATTEST:

Clerk of Town Council

by _____
Mayor

CITY OF DALY CITY

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF EAST PALO ALTO

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF FOSTER CITY

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF HALF MOON BAY

ATTEST:

Clerk of City Council

by _____
Mayor

TOWN OF HILLSBOROUGH

ATTEST:

Clerk of Town Council

by _____
Mayor

CITY OF MENLO PARK

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF MILLBRAE

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF PACIFICA

ATTEST:

Clerk of City Council

by _____
Mayor

TOWN OF PORTOLA VALLEY

ATTEST:

Clerk of Town Council

by _____
Mayor

CITY OF REDWOOD CITY

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF SAN BRUNO

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF SAN CARLOS

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF SAN MATEO

ATTEST:

Clerk of City Council

by _____
Mayor

CITY OF SOUTH SAN FRANCISCO

ATTEST:

Clerk of City Council

by _____
Mayor

TOWN OF WOODSIDE

ATTEST:

Clerk of Town Council

by _____
Mayor

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