REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 5, 2022
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
5:30 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:
Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.
You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:
Facebook: https://www.facebook.com/CityofMilpitas/
YouTube: https://www.ci.milpitas.ca.gov/youtube
Web Streaming: https://www.ci.milpitas.ca.gov/webstreaming

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may be provided live during the City Council meeting in person or by registering for the zoom meeting in advance. To register you will need to provide an email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of the Zoom Application. Below is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_FsmEOemASEa5vf3fEvXm8A

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All registered meeting attendees who wish to speak must click on the “raise hand” icon when the Mayor calls for public comments. If participating by calling in on your phone, dial *9 to use the “raise hand” feature, and when you are called upon, hit *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call the speakers to begin.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items.

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(d)(2)
City as Defendant - See document attached

(b) CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Jeannine Seher, Human Resources Director
Bargaining unit: IAFF

(c) PUBLIC EMPLOYEE APPOINTMENT/HIRING
Pursuant to California Government Code Section 54957
Position: City Attorney

(d) CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Jeannine Seher, Human Resources Director
Unrepresented Employee: City Attorney

(e) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to California Government Code Section 54957
Position: City Manager

CLOSED SESSION ANNOUNCEMENT: (7:00 PM)
Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

PLEDGE OF ALLEGIANCE

INVOCATION (Councilmember Chua)

PRESENTATIONS (7:05 PM)

- Vietnamese-American Heritage Month (Proclamation)
- National Public Safety Telecommunications Week (Proclamation)
- Fair Housing Month (Proclamation)

PUBLIC FORUM (7:10 PM)
Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:15 PM)
Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage

in discussion but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a future agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:25 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive the City Council Calendar of Meetings for April 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive the City Council Calendar of Meetings for April 2022.

C2. Approve the City Council Regular Meeting Minutes of March 15, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approved the City Council Regular Meeting minutes of March 15, 2022.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

Recommendation: Review the list of items that have been requested by City Councilmembers and provide direction to staff as necessary. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until it is scheduled as a full agenda item.

C5. Adopt a Resolution Granting an Easement to Pacific Gas and Electric Company and Authorizing the City Manager to Execute the Grant of Easement, and Any and All Necessary Documents, in a Form Approved by the City Attorney, For the Access, Construction, and Maintenance of PG&E Owned Electric Facilities Infrastructure to Serve the Fire Station No. 2 Property (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Adopt a resolution granting an easement to Pacific Gas and Electric Company and authorizing the City Manager to execute the Grant of Easement, and any and all necessary property related documents, in a form approved by the City Attorney, for the access, construction, and maintenance of PG&E owned electric facilities infrastructure to serve the Fire Station No. 2 property.

C6. Receive an Update on the Repair of Pump No. 3 at the Main Lift Sewer Pump Station and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: (1) Receive an update on the emergency repair of pump no. 3 at the Main Lift Sewer Pump Station; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

C7. **Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of $1,355,916.00 including Measure B Innovative Transit Service Models Program Funds ($1,084,732.00), developer contributions ($200,000.00), and General Government CIP Fund ($71,184.00) into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of $1,355,916.00 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Jay Lee, Principal Planner, 408-586-3077)**

Recommendation: (1) Approve and authorize the City Manager to execute a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; (2) Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; (3) Approve a budget appropriation of $1,355,916.00 including Measure B Innovative Transit Service Models Program Funds ($1,084,732.00), developer contributions ($200,000.00), and General Government CIP Fund ($71,184.00) into Project No. 3493; and (4) Adopt a resolution to approve and authorize the City Manager to execute a subscription and services agreement with RideCo in a not-to-exceed amount of $1,355,916.00 for consultant services related to Milpitas OnDemand and making sole source findings and findings that the procurement is in the best interest of the City.

C8. **Adopt a Resolution Releasing Unclaimed Funds with a Value less than $15 amounting to $171.82 (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Recommendation: Adopt a resolution releasing Unclaimed Funds with a value less than $15 Amounting to $171.82.

C9. **Consider the Request Received by the City Clerk and Approve Fee Waiver of $1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an Event on September 30, 2022, and Approve a Fee Waiver of $420.00 for the Christian Worship Center for a Community Easter Egg Hunt on April 16, 2022. (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve Fee Waiver of $1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an event on September 30, 2022, and approve a Fee Waiver of $420.00 for the Christian Worship Center Community Easter Egg Hunt on April 16, 2022.

C10. **Accept Committee Member and Commissioner Resignations (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Committee Member Dhanwant Dhaliwal from the Measure F Oversight Committee, accept the resignation of Sukhpreet Badesha from the Arts Commission, and direct the City Clerk to post the notices of the unscheduled vacancies.

C11. **Adopt a Resolution Approving the Application for $224,543 Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the Authorized Signer on the Grant Agreement with the State of California (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Adopt a resolution approving the submittal of an application for Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the authorized signer on the grant agreement with the State of California.

C12. **Accept the Report for Key 2021 Approved State Laws Impacting Municipal Operations (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586- 3012)**

Recommendation: Accept the report for Key 2021 approved State Laws impacting municipal operations.

C13. **Consider the Recommendation from Mayor Tran for the Appointment to a City Commission (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Receive Mayor Tran's recommendation and approve the appointment to the Energy and Environmental Sustainability Commission for a non-voting student member.

PUBLIC HEARINGS (7:30 PM)

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

14. **Conduct a Public Hearing to Discuss the FY2022-25 Consolidated Plan Goals and Funding Allocations for FY2022-23 Community Development Block Grant and Corresponding Annual Action Plan (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: (1) Open the public hearing, hear testimony, then move to close the public hearing; and (2) Provide direction on the FY2022-25 Consolidated Plan goals and funding allocations for FY2022-23 Community Development Block Grant and corresponding Annual Action Plan.

COMMUNITY DEVELOPMENT (8:00 PM)

15. **Receive a Presentation and Provide Direction to Staff on a Draft Zoning Ordinance Amendment amending Sections of Title V, Chapter 100, and Title XI, Chapter 10, of the Milpitas Municipal Code Relating to Mobile Food Vending (Food Trucks) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Avery Stark, Associate Planner, 408-586-3288)**

Recommendation: (1) Receive a presentation from staff; and (2) Provide direction to staff on a draft Zoning Ordinance Amendment setting forth regulations related to mobile food vending.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

16. **Review the Proposed Streets, Parks and Facilities Naming Policy and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Review the Proposed Streets, Parks and Facilities Naming Policy and provide feedback to staff; (2) Review City Naming Lists and provide feedback to staff; and (3) authorize staff to begin process for naming McCandless Park.

17. **Receive a Presentation on Responses to Council Inquiries and Other Matters Related to the Proposed 2023-2027 Capital Improvement Program and Provide Feedback to Staff (Staff Contact: Michael Silveira, CIP Manager, 408-586-3303)**

Recommendation: Receive a presentation on responses to Council Inquiries and other matters related to the proposed 2023-2027 Capital Improvement Program and provide feedback to staff.

18. **Receive a Presentation on the Draft Climate Action Plan Update and Provide Direction to Staff (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: Receive a presentation on the Draft Climate Action Plan Update and provide direction to staff.

19. **Receive Report on Community Odor Monitoring Pilot Program Results (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Receive a report on the Community Odor Monitoring Pilot Program Results and provide direction to staff.

LEADERSHIP AND SUPPORT SERVICES (10:30 PM)

20. **Receive Report Regarding Mayoral/Council Term Limits and Provide Direction to Staff on Future Ballot Measures, If Any (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040 and Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Receive report regarding Mayor/Council term limits and provide direction to staff on future ballot measures, if any.

ADJOURNMENT (11:00 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail:cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's Office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to CityClerk@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.

Law Offices of
Randal M. Barnum

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Telephone (707) 745-3747 • Fax (707) 745-4580
E Mail: rmblaw@pacbell.net
Website: www.rmblaw.com

Board Certified Civil Trial Specialist

February 1, 2022

Via Email Only

City of Campbell
Attn: Mayor Paul Resnikoff
paulr@cityofcampbellca.gov

City of Cupertino
Attn: Mayor Darcy Paul
Dpaul@cupertino.org

City of Gilroy
Attn: Mayor Marie Blankley
marie.blankley@cityofgilroy.org

City of Los Altos
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Attn: Mayor George Tyson
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City of Los Gatos
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City of Milpitas
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City of Monte Sereno
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City of Morgan Hill
Attn: Mayor Rich Constantine
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City of Mountain View
Attn: Mayor Lucas Ramirez
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City of Palo Alto
Attn: Mayor Pat Burt
pat.burt@cityofpaloalto.org

City of San Jose
Attn: Mayor Sam Liccardo
mayoremail@sanjoseca.gov

City of Santa Clara
Attn: Mayor Lisa Gillmor
lgillmor@santaclaraca.gov

City of Saratoga
Attn: Mayor Tina Walia
twalia@saratoga.ca.us

City of Sunnyvale
Attn: Mayor Larry Klein
kleincouncil@sunnyvale.ca.gov

RE: Your Employee/Our Client:
Andrea ("Andi") Jordan

Confidential Settlement Communication pursuant to Evidence Code Section(s) 1152 & 1154

Dear Santa Clara County City Officials:

Our firm represents Andrea ("Andi") Jordan (hereinafter "Ms. Jordan"), the Executive Director of the Cities Association of Santa Clara County (hereinafter "Cities Association") who is jointly employed by each of your respective cities. Please direct all communications regarding this matter to my attention at my Benicia, California address noted above. I can also be reached by email at jnunes@rmblaw.com.

Our firm recently submitted a demand letter to the Cities Association on behalf of Ms. Jordan in which we alleged claims for harassment and discrimination based on sex/gender and marital status and retaliation for complaining about unlawful harassment in violation of the California Labor California Fair Employment and Housing Act ("FEHA"). A true and correct copy of the demand letter dated December 21, 2021 is enclosed for your reference.

As you know, Ms. Jordan reports to the Cities Association's Board of Directors, consisting of City Officials from each of your respective cities. These City Officials who are agents of your cities exercise significant control over Ms. Jordan's wages, hours and working conditions. For example, the Board of Directors set Ms. Jordan's rate of pay, determine Ms. Jordan's eligibility for benefits, including health insurance, conduct Ms. Jordan's performance reviews, provide Ms. Jordan with her work assignments, and direct all of Ms. Jordan's job duties. Based on the cities' right to exercise significant control over Ms. Jordan in connection with her job duties, each of your cities may be considered Ms. Jordan's "joint employers" and, therefore, may be held liable to Ms. Jordan for harassment, discrimination and other violations of the FEHA. *Mathieu v. Norrell Corp.* (2004) 115 Cal.App.4th 1174, 1183-1184.

Furthermore, we are confident that we will be able to establish liability against the individual cities in light of the Cities Association's failure and refusal to properly create a Joint Powers Authority ("JPA") despite Ms. Jordan's efforts.

Based on the foregoing, if your cities and/or the Cities Association do not make a meaningful effort to resolve this matter, Ms. Jordan will pursue a formal lawsuit in which each of the cities will be named as defendants. This will result in significant exposure and potential adverse publicity. Accordingly, I look forward to hearing from you to attempt to resolve this matter in the interests of all concerned.

PUBLIC RECORDS ACT REQUEST

In the meantime, this is to formally request a complete copy of any and all text messages and/or emails contained on any device maintained by any **current or former** member (including elected officials) or alternate of the Cities Association's Executive Board of Directors, Board of Directors, Legislative Action Committee, City Selection Committee, and/or Santa Clara Santa Cruz ("SCSC") Roundtable in any way related to Ms. Jordan. These documents are required to be produced pursuant to the California Public Records Act (California Government Code Section 6251, et seq.). Please provide an estimated date and time when the records will be made available, as required pursuant to California Government Code Section 6253(c).

Thank you for your consideration and prompt attention to these matters. Your immediate response is imperative.

Very truly yours,

Jenna R. Avila

JRA:ja

JENNA R. AVILA

Enclosure

cc: Vice Mayor (Campbell) Anne Bybee
City Manager (Campbell) Brian Loventhal
Vice Mayor (Cupertino) Liang Chao
City Manager (Cupertino) Jim Throup
Mayor Pro Tempore (Gilroy) Perter Leroe-Munoz
Vice Mayor (Los Altos) Sally Meadows
City Manager (Los Altos) Gabriel Engeland
Vice Mayor (Los Altos Hills) Linda Swan
Vice Mayor (Los Gatos) Maria Ristow
Town Manager (Lose Gatos) Laurel Prevetti
Vice Mayor (Milpitas) Carmen Montano
City Manager (Milpitas) Steven McHarris
Mayor Pro Tempore (Monte Sereno) Bryan Mekechuk
City Manager (Monte Sereno) Steve Leonardis
Mayor Pro Tempore (Morgan Hill) John McKay
City Manager (Morgan Hill) Christina Turner
Vice Mayor (Mountain View) Alison Hicks
City Manager (Mountain View) Kimbra McCarthy
Vice Mayor (Palo Alto) Lydia Kou
City Manager (Palo Alto) Ed Shikada
Vice Mayor (San Jose) Charles ("Chappie") Jones
Interim City Manager (San Jose) Jennifer Maguire

March 2022

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May 2022

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Milpitas City Council Calendar

April 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 **10:00 AM**-Wastewater Facility Site Visit (CM)	**2**
3	**4** **7:00 PM**-Parks, Recreation & Cultural Resources Commission (CM)	**5** **5:30 PM**-Closed Session **7:00 PM**-City Council	**6** **2:00 PM**-Santa Clara VTA Monthly Briefing - Northeast Group (CM) **5:30 PM**-Veterans Commission (RT) **7:00 PM**-Community Advisory Commission (EC)	**7** **4:30 PM**-Milpitas Chamber of Commerce Board (EC) **5:30 PM**-Santa Clara VTA Board of Directors (CM) **6:00 PM**-Community Outreach: Budget Meeting	**8** **3:00 PM**-City Council Transportation Subcommittee (RT/CM)	**9**
10	**11** **4:30 PM**-Economic Development and Trade Commission (KD)	**12** **4:00 PM-**Milpitas HOPE Suicide Prevention Task Force	**13** **7:00 PM**-Silicon Valley Clean Energy Board of Directors (EC) **7:00 PM**-Planning Commission	**14** **4:00 PM**-Treatment Plant Advisory Committee (CM) **4:00 PM**-Santa Clara VTA Policy Advisory Committee (AP) **7:00 PM**-Youth Advisory Commission (EC) **7:00 PM**-Cities Assoc of SCC (CM)	**15** ***4:30 PM**-City Council Finance Subcommittee (RT/CM)*	**16**
17	**18** **7:00 PM**-Science, Technology, and Innovation Commission (RT)	**19** **?:00 PM**-Closed Session **7:00 PM**-City Council	**20** **6:00 PM**-Energy and Environmental Sustainability Commission (EC)	**21** **10:00 AM**-Santa Clara VTA Congestion Mgmt Prog Planning Comm-CMPP (CM) **6:30 PM**-BAWSCA Board of Directors Mtg (CM)	**22** **4:00 PM**-City/School Collaborative Subcommittee – City hosting (RT/CM)	**23**
24	**25**	**26** **1:30 PM**-Senior Advisory Commission (EC)	**27** **5:30 PM**-Cities Assoc. of SCC - Recycling and Waste Reduction Commission (AP) **7:00 PM**-Planning Commission	**28**	**29**	**30**

Finance Subcommittee will only meet as needed

REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MARCH 15, 2022
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened on the regular City Council meeting day of March 15, 2022, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Tran called the regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Wood.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan

ABSENT: None

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
City as Plaintiff
County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino

(b) CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2)
City as Defendant - see attached letter

(c) PUBLIC EMPLOYEE APPOINTMENT/HIRING
Pursuant to California Government Code Section 54957
Position: City Attorney

CLOSED SESSION ANNOUNCEMENT:
Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

Council reconvened in open session at 8:09 PM.

City Attorney Diaz reported on item B. He stated the City Council gave direction to staff to come back with an open session item to consider an amendment to the Municipal Code to provide tools to deal with the homeless encampment clean-ups. The vote was as follows:

AYES: Councilmember Chua, Vice Mayor Montano, Mayor Tran

NOES: Councilmembers Dominguez, Phan

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Dominguez led the invocation and shared a video on cyberbullying.

PRESENTATIONS

Mayor Tran proclaimed March 19, 2022, as Chez the Ice Cream Man Appreciation Day and commented on an event for him on March 19 at Straw Hat Pizza from 12:00 PM to 2:00 PM.

PUBLIC FORUM

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

The following people spoke under Public Forum:

1. Voltaire Montemayor
2. Warren Wettenstein
3. Member of the Public
4. Stephen Balsbaugh
5. Michael Flores

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a future agenda for City Council discussion.

City Manager McHarris announced the City received the California of Societies of Municipal Finance Officers (CSMFO) Award and received the Government Finance Officers Associations (GFOA) Distinguished Budget Presentation Award. He also announced the ADU Incentive program and the Safe ADU legalization program will launch this week. There will be an ADU workshop on Wednesday, March 23, from 4:00 PM to 5:00 PM.

Mayor Tran announced the Milpitas Little League opening day ceremony is this Saturday at 9:00 AM and spoke about the Milpitas Softball league opening day. He made the following requests:

1. Include a visitor side bleacher strategy for the Milpitas Knights Pee-Wee football program in the budgeting process.
2. Discuss looking at another CSCDA opportunity with Eleanor property for middle-income housing for a future meeting.

Councilmember Dominguez made the following request:

1. Discuss a strategy to invest money into a neighborhood foot patrol and develop a program within the Milpitas Police Department to increase foot patrol in high crime areas to be placed on the next agenda.

Councilmember Chua announced the Youth Commission will be hosting a spelling bee competition on April 22, and next Friday, March 25, is Family Night at the Milpitas Sports Center. She made the following request:

1. Consider expanding the Fee Waiver Policy eligibility to non-profit organizations outside of Milpitas for events specific to Milpitas residents.

Vice Mayor Montano announced that she attended the Disney Descendants stage performance and the Milpitas PAL Softball opening day.

Councilmember Dominguez made the following request:

1. Consider funding to implement and create a homelessness encampment response team to be dispatched to encampment sites to address concerns, talked about creating a position to provide mental health assistance, and would like this to be brought back for discussion at the budget meeting.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. City Attorney Diaz asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

City Attorney Diaz read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Mayor Tran asked to move items 21 and 22 after the public hearing.

Councilmember Chua asked to move item 24 after item 22.

Motion: to postpone item 24.

Motion/Second: Councilmember Dominguez / Councilmember Phan

Motion failed by the following roll call vote:

AYES: Councilmembers Dominguez, Phan

NOES: Councilmember Chua, Vice Mayor Montano, Mayor Tran

Motion: to approve the March 15, 2022, regular meeting agenda and move items 21, 22, and 24 after the public hearing item.

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

Motion: to approve the Consent Calendar with the modification to remove item C9 at the request of Stephen Balsbaugh during public comment.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

C1. Receive the City Council Calendars of Meetings for March and April 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the City Council Calendars of Meetings for March and April 2022.

C2. Approve the City Council Regular Meeting Minutes of March 1, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the City Council Regular Meeting minutes of March 1, 2022.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the list of anticipated agenda items for the next regular City Council meeting.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

Reviewed the list of items that have been requested by the City Council.

C5. Adopt a Resolution Granting Acceptance of the Public Improvements for the Ellison Park Residential Project Public Improvement Plan No. 2-1220; Approve a Reduction in the Performance Bond to $79,900.00 Which Shall Remain in Effect for the Duration of the One-Year Warranty Period; and Grant Authorization to the City Engineer to Release the Performance Bond After the One-Year Warranty Period Without Further City Council Action Provided All Required Warranty Work is Completed to the Satisfaction of the City Engineer (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Adopted **Resolution No. 9129** granting acceptance of the public improvements for the Ellison Park Residential Project Public Improvement Plan No. 2-1220; approving a reduction in the performance bond to $79,900.00 which shall remain in effect for the duration of the one-year warranty period; and granting authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

C6. Adopt a Resolution Granting Acceptance of the Completed Public Improvements for the Lucente Residential Project, Public Improvement Plans No. 2-1212, and Approve a Reduction of the Faithful Performance Bond to $85,500.00 Which Shall Remain in Effect for the Duration of the Warranty Period, and Grant Authorization to the City Engineer to Release the Performance Bond After the One-Year Warranty Period Without Further City Council Action Provided All Required Warranty Work has Been Completed to the Satisfaction of the City Engineer (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Adopted **Resolution No. 9130** granting acceptance of the completed public improvements for the Lucente Residential Project, Public Improvement Plans No. 2-1212, and approving a reduction of the faithful performance bond to $85,500.00 which shall remain in effect for the duration of the warranty period, and granting authorization to the City Engineer to release the performance bond after the one-

year warranty period without further City Council action provided all required warranty work has been completed to the satisfaction of the City Engineer.

C7. Adopt a Resolution Approving and Authorizing the City Manager to Execute a Six-year Sole-Source Services Agreement with Symbium Corporation for the Unlimited Use of Proprietary Web-based Tools (Symbium PlanCheck and Build Business) as a Cloud-based Service for the Not-To-Exceed Amount of $210,000.00 and Approve appropriation of $90,000.00 from Permit Automation Fund 506 for this project (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Adopted **Resolution No. 9131** approving and authorizing the City Manager to execute a six-year sole-source services agreement with Symbium Corporation for the unlimited use of proprietary web-based tools (Symbium Plancheck and Build Business) as a cloud-based service for the not-to-exceed amount of $210,000.00; and approving appropriation of $90,000.00 from Permit Automation Fund 506 to this project.

C8. Adopt Resolutions Approving and Authorizing the City Manager to Execute the 2021 Amended and Restated Water Supply Agreement Between the City and County of San Francisco Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County and Approving a Minimum Purchase Transfer Agreement from the City of Mountain View to the City of East Palo Alto (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Adopted **Resolution No. 9132** approving and authorizing the City Manager to execute the 2021 amended and restated Water Supply Agreement between the City and County of San Francisco Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County; and adopted **Resolution No. 9133** approving a Minimum Purchase Transfer Agreement from the City of Mountain View to the City of East Palo Alto.

C9. Approve the Pickleball Pilot Program at Gill Park and related Budget Action (Staff Contacts: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409, Tony Ndah, Public Work Director, 408-586-2602)

This item was pulled from consent at the request of Stephen Balsbaugh during public comment.

C10. Amend Resolution 7779 Delegating Authority to the Public Works Director to Take Emergency Action and Receive a Report on the Emergency Repair of Pump at the Main Lift Sewer Pump Station; and Determine By a Four-Fifths Vote There is a Need to Continue the Emergency Repair (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Amended Resolution 7779 and adopted **Resolution No. 9134** delegating authority to the Public Works Director to take emergency action and award emergency contracts without giving notice soliciting competitive bids; received a report from the Public Works Director on the emergency repair of the pump at the Main Lift Sewer Pump Station; and determined by a four-fifths vote that there is a need to continue the emergency action.

C11. Receive Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)

Received the January 2022 report for unhoused services.

C12. Receive the 2021 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and Authorize the Submittal of Both Reports to the California Department of Housing and Community Development (HCD) and Governor's Office of Planning and Research

(OPR) (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260 and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)

Received the 2021 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and authorized the submittal of both reports to the California Department of Housing and Community Development (HCD) and Governor's Office of Planning and Research (OPR).

C13. Report on Bids and Award Construction Contract to Mercoza in the Amount of $327,680.00 for Citywide Sidewalk Repairs (Staff Contacts: Tony Ndah, Public Works Director, 408-586-2602 and Chris Schroeder, Purchasing Agent, 408-586-3161)

Received a report on bids and awarded a construction contract to the lowest responsible bidder submitting a responsive bid, Mercoza, in the amount of $327,680.00 for the Citywide Sidewalk Repair Project; and authorized the City Manager to negotiate and execute contract change order(s) in an aggregate amount not to exceed $35,000.00 for the Citywide Sidewalk Repairs Project.

C14. Consider the Request Received by the City Clerk and Approve a Fee Waiver of $1,500.00 for the Milpitas Kiwanis Club Foundation Crab Feed on April 8, 2022, at the Milpitas Community Center and a Fee Waiver of $1,300.00 for the Milpitas Chamber of Commerce for an ADU Community Educational Event on April 30, 2022, at the Milpitas Community Center (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved a Fee Waiver of $1,500.00 for the Milpitas Kiwanis Club Foundation Crab Feed on April 8, 2022, at the Milpitas Community Center and approved a Fee Waiver of $1,300.00 for the Milpitas Chamber of Commerce for an ADU Community Educational Event on April 30, 2022, at the Milpitas Community Center.

C15. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Accepted the resignation of Commissioner Crystal Caidoy from the Parks, Recreation, and Cultural Resources Commission and directed the City Clerk to post the notice of the unscheduled vacancy.

C16. Consider the Recommendations from Mayor Tran for Appointments to City Commissions (Contact: Mayor Tran, 408- 586-3029)

Considered the recommendations from Mayor Tran and approved the appointments to City Commissions as follows:

Library and Education Advisory Commission

1. Appoint Barbara Martens to serve as a Commissioner with a short-term to expire June 2024.
2. Appoint Ann Anderson to serve as Alternate No.1 with a short-term to expire June 2024.

Senior Advisory Commission

1. Reappoint Barbara Ebright to serve as a commissioner with a short-term to expire December 2023.

C17. Authorize and Approve Travel to Yosemite, CA for Councilmember Anthony Phan to Attend the 30th Annual Yosemite Policymakers Conference to be Held on March 17 – 20, 2022, for a Total Estimated Amount of $1,200.00 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Authorized and approved travel to Yosemite, CA for Councilmember Anthony Phan to attend the 30th Annual Yosemite Policymakers Conference to be held on March 17 – 20, 2022, for a total estimated amount of $1,200.00.

PUBLIC HEARINGS

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

18. 2022 Weed Abatement Public Hearing and Adopt a Resolution to Abate the Weeds (Staff Contact: Albert Zamora, Deputy Fire Chief / Fire Marshal, 408-586-3371)

Deputy Fire Chief / Fire Marshal Zamora presented the staff report and introduced Moe Kumre from the Santa Clara County Agriculture office.

Mayor Tran opened the public hearing.

The following people spoke:

1. Voltaire Montemayor
2. Joey Dela Cruz

Mayor Tran closed the public hearing.

Motion: to adopt **Resolution No. 9135** directing the County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

COMMUNITY DEVELOPMENT

19. Receive a Presentation and Provide Direction to Staff on a Draft Zoning Ordinance Amendment amending Sections of Title V, Chapter 100, and Title XI, Chapter 10, of the Milpitas Municipal Code Relating to Mobile Food Vending (Food Trucks) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Avery Stark, Associate Planner, 408-586-3288)

This item was not heard.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

20. Review the Proposed Streets, Parks, and Facilities Naming Policy and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

This item was not heard.

LEADERSHIP AND SUPPORT SERVICES

***21. Receive a Report on 2022 Citywide Community Engagement Survey (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Charmaine Angelo, Public Information Officer, 408-586-3055)**

*** This item was taken out of order after item 18.**

Assistant City Manager Kantak introduced the item and Public Information Officer Angelo presented the report. The consultant from FM3 Curt Below presented the survey results.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Allysson McDonald

The City Council received a report on the results of the 2022 Citywide Community Engagement Survey.

22. Provide Direction on American Rescue Plan Act (ARPA) Funding for Council Priority Items and Modifications to the ARPA Investment Plan and Provide Input on Proposed Process for Future Changes to the ARPA Investment Plan (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)

Assistant City Manager Kantak introduced the item and Finance Director Lai presented the staff report.

Economic Director Andrade provided additional information for the Chamber of Commerce funding and the Business Improvement District (BID) funding.

Building Safety and Housing Director Goei and Santa Clara County Director of the Office of Supportive Housing Consuelo Hernandez provided additional information on the funding for unhoused services.

Council provided feedback on staff's recommended funding modifications and provided additional direction to reallocate $300,000 from the ADU program and $75,000 from Community Events and allocate $200,000 to fund a catalytic converter program with the remaining $175,000 allocated to fund childcare services.

After discussion, motion: to approve the item with the amendment to defund through ARPA the Ferris Wheel and the roller skate event and delete $300,000 from the ADU line item for a combined total of $375,000 and allocate $175,000 to fund childcare services and $200,000 for the catalytic converter program.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

Finance Director Lai summarized for the record the motion includes defunding ADU funding by $300,000 and defunding Community Events by $75,000, Etching Catalytic Converter Program will be added at $200,000, Childcare Support Services will be added at $175,000, Rent and Mortgage Assistance funding will be reduced by $100,000 to fund the Unhoused Services Contract with the County at $100,000, Main Street Revitalization funding will be reduced by $135,000 and money will be reallocated for the Business Improvement District (BID) study at $75,000 and the Sustainable Neighbor Program at $60,000. In addition Council is also approving staff's recommendation for an annual process for the ARPA Investment Plan.

Mayor Tran confirmed Finance Director Lai's summary.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Loreto Quevedo Dimaandal
3. Allysson McDonald

Councilmember Chua commented on Small Business Grant applications for businesses that previously received grants.

23. Receive Report Regarding Mayoral/Council Term Limits and Provide Direction to Staff on Future Ballot Measures, If Any (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040 and Ashwini Kantak, Assistant City Manager, 408-586-3053)

This item was not heard.

REPORTS OF MAYOR & COUNCILMEMBERS

24. Per Councilmember Chua, Discuss the City's Lobbyist Ordinance (Contact: Councilmember Chua, 408-586-3023)

*** This item was taken out of order after item 22.**

Councilmember Chua commented on Lobbyist Ordinances for other cities and would like to look at strengthening the City of Milpitas's Ordinance.

City Attorney Diaz provided a brief explanation of the differences between the other cities' ordinances and the City of Milpitas's ordinance.

The following spoke during Public Comment:

1. Voltaire Montemayor

Councilmember Chua requested the City Attorney make a recommendation or presentation on how to make the Lobbyist Ordinance robust and up to date at the next available meeting.

Councilmember Dominguez asked to include real estate agent transactions.

Vice Mayor Montano asked to include City staff and Councilmembers.

After discussion, motion: to have the City Attorney make a recommendation or presentation on how to make the Lobbyist Ordinance robust and up to date and look at including real estate agent transactions, city staff, and Councilmembers and bring this item back in a month.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

ITEM PULLED FROM CONSENT

C9. Approve the Pickleball Pilot Program at Gill Park and related Budget Action (Staff Contacts: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409, Tony Ndah, Public Work Director, 408-586-2602)

Mayor Tran commented on the pickleball activity at Brown Park and stated it is not encouraged to continue due to the proximity of the residence adjacent to the courts. He stated he would like to move the pickleball activity from Brown Park over to Hall Park and would like the pilot program to include some striping at Hall Park.

The following spoke during Public Comment:

1. Stephen Balsbaugh
2. Allen Thomas
2. Voltaire Montemayor

Deputy City Manager Rossman commented on engaging the pickleball community and the existing users who may be tennis players when changing the use of the courts. He requested that the City Council provide direction to staff to work with both communities and others at Hall Park parallel to the construction at Gill Park.

After discussion, motion: to approve the Pickleball Pilot Program at Gill Park Handball Courts and appropriate $75,000 from the General Government CIP Fund to the Minor Sports Courts Rehabilitation Project.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

ADJOURNMENT

Mayor Tran and Councilmember Phan adjourned the meeting at 11:35 in memory of Milpitas resident DeJon Packer and Terry Sandoval.

Draft meeting minutes submitted by City Clerk, Wendy Wood

MILPITAS CITY COUNCIL
AGENDA PREVIEW LIST

April 19, 2022

CLOSED SESSION

INVOCATION (assigned to Councilmember Chua)

PRESENTATION
- Earth Day (Proclamation)
- Arbor Day (Proclamation)

CONSENT CALENDAR
1. Receive City Council calendar for April and May 2022 (City Clerk)
,
2. Approve City Council Regular Meeting minutes of April 5, 2022 (City Clerk)

3. Preview list of items for May 3, 2022 (City Clerk)

4. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for BP Products North America Inc. (BP Arco Gas Station) (Steve Erickson)

5. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for Robinson Oil Corporation (Rotten Robbie Gas Station) (Steve Erickson)

6. Approve Change to City Facility Use Manual for City Park Open Hours (Renee Lorentzen)

7. Approve Park and Recreation Donation Application for a Memorial Bench in Honor of Dale Flunoy (Renee Lorentzen)

8. Approve an Update to the Commission Bylaw Addendum for the Arts Commission, Bylaw Changes for the Parks, Recreation and Cultural Resources Commission, and associated Commissioner Handbook updates (Renee Lorentzen)

PUBLIC HEARING
9. Adopt a Resolution Approving the Fiscal Year 2022-21 Master Fee Schedule (Lauren Lai)

10. AB 481 Military Equipment Use Policy (Jared Hernandez)

COMMUNITY DEVELOPMENT
11. Receive a presentation on the Draft Milpitas Metro Specific Plan (Update of 2008 Transit Area Specific Plan) and Subsequent Environmental Impact Report (SEIR), receive public comment, and provide direction to staff regarding the draft documents and timeline to adoption. (Ned Thomas)

12. Innovation District – Economic and Planning Systems Phase II Study (Alex Andrade)

13. Receive report based on Council feedback on Homelessness Task Force program areas and provide direction (Sharon Goei)

COMMUNITY SERVICES

PUBLIC SAFETY

LEADERSHIP

14. Quarterly Councilmember Request List (Ashwini Kantak)

REPORTS

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

			NOTE: Deferred and completed items are not listed		
2022	**OPEN**				
Request No.	**Topic**	**Submitted by:**	**A, F, CM, or CCM**	**Date requested or Rec'd Form**	**STATUS and/or DATE scheduled on City Council meeting agenda:**
1	Consider funding to implement and create a homelessness encampment response team to be dispatched to encampment sites to address concerns, talked about creating a position to provide mental health assistance, and would like this to be brought back for discussion at the budget meeting	Dominguez	A	3/15/2022	Will be brought forward as part of the FY 22-23 budget discussion
2	Consider expanding the Fee Waiver Policy eligibility to non-profit organizations outside of Milpitas but the events are specific to Milpitas residents	Chua	A	3/15/2022	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
3	Discuss a strategy to invest money into a neighborhood foot patrol and develop a program within the Milpitas Police Department to increase foot patrol in high crime areas	Dominguez	A	3/15/2022	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
4	Discuss looking at another CSCDA opportunity with Elanor property for middle-income housing.	Tran	A	3/15/2022	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
5	Include a visitor side bleacher strategy for the Milpitas Knights Pee-Wee football program in the budgeting process	Tran	A	3/15/2022	Scheduled for discussion for the April 5, 2022 City Council meeting
6	Create a plan for future solar paneling at City facilities	Montano	A	3/1/2022	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

7	Add a mobile stage to the Juneteenth event	Tran	A	3/1/2022	
8	Requested the City Attorney's office explore encampment ordinances form the City of Oakland, Los Angeles, or other regional cities and would like a discussion on the existing policies to be brought back before the July recess.	Tran	A	2/15/2022	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
9	Requested information on how early in the morning trash collection can start and check if the time can be pushed out so that it does not disrupt the nearby	Dominguez	A	2/8/2022	Staff will contact MSI to review the contract
10	Requested a program to help support the safety of the shopping center, creating a partnership with the businesses, and allocating at least $70,000 to support security	Dominguez	A	2/1/2022	Post the pandemic lock-downs, during the last six to nine months, the Police Department has primarily focused on crime prevention community engagement events for residential areas and has been in process to expand such events to our business community with crime prevention information and events anticipated to be scheduled for late February/early March. The funding allocation will be scheduled for the Spring Quarterly City Council Workplan Items Prioritization Discussion.
11	Look into putting the City Hall address on the building facade	Montano	A	2/1/2022	Staff will meet with Vice-Mayor Montano to seek clarification regarding this request
12	Designate the California Oak Tree as the City's official heritage tree	Montano	A	2/1/2022	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
13	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	A	2/1/2022	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
14	Look into possible rebates for Commercial businesses similar to Valley Water District's conservation rebate program for residents	Montano	A	2/1/2022	Staff responded via email on March 15, 2022

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

15	Requested a meeting for the subcommittee for the Old Town Main Street be scheduled next month	Montano	A	1/18/2022	
16	Requested that Police Department work with Safeway shopping center businesses, minority owned small businesses, and the Chambers of Commerce to provide a business watch presentation	Dominguez	A	1/18/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
17	Explore a lease for the vacant land adjacent to the Library for City use	Tran	A	1/18/2022	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
18	Requested staff to look into an ordinance for the number of people allowed in a house.	Montano	A	12/7/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
19	Requested staff check to see if the City has an ordinance for house numbers	Chua	A	12/7/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
20	Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement	Phan	A	11/16/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
21	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	A	11/16/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
22	Look at creating an ordinance for a blanket business permit that would grandfather and waive all fees for any business started separate from their original business if they are creating anything that is helping save lives during the pandemic.	Dominguez	A	11/2/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
23	Staff to look into County reimbursements to the City for the extra services provided to HomeKey.	Chua	A	11/2/2021	Staff will provide an udpate as part of the Spring Quarterly City Council Workplan Items Prioritization Discussion

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

24	Host a Town Hall at City Hall in January, February, and March for the community to share comments about the issue of the unhoused.	Tran	A	11/2/2021	This item was postponed by Mayor Tran due to the Omicron variant and a rise in COVID-19 cases

ACTIVE

	Topic	**Submitted by:**	**A, F, CM, or CCM**	**Date requested or Rec'd Form**	**STATUS and/or DATE scheduled on City Council meeting agenda:**
25	Requested a discussion be agendized in the next three meetings to implement a faith-based circle group for Milpitas that will meet quarterly	Dominguez	A	3/1/2022	Staff responded via email to the City Council on March 15, 2022.
26	Fee waiver for the Filipino American South Bay Community to hold pop-up resource fair at a City Park	Dominguez	A	3/1/2022	Staff has engaged with representatives of the organization to identify potential eligibility avenues such as partnering with a Milpitas based non-profit organization consistent with the Policy.
27	Fee waiver for the Kiwanis Annual Crab Feed	Tran	A	3/1/2022	Council approved the fee waiver on March 15, 2022
28	Agendize an update to the Lobbyist Ordinance for the next meeting	Chua	A	3/1/2022	Discussion scheduled for 3/15 City Council Agenda; City Attorney will bring back this item late April

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

29	Proclaim Saturday, March 19, 2022, as Chez the Ice Cream Man Appreciation Day	Tran	A	3/1/2022	Scheduled for 3/15 City Council Agenda; 3/19/2022 Proclamtion presented
30	Fee waiver for the Christian Worship Center's Easter egg hunt	Tran	A	3/1/2022	Scheduled for Council Consideration on the 4-05-2022 meeting
31	Fee waiver for the Filipino American Real Estate Professional Association to hold an ADU workshop at the Community Center	Chua	A	3/1/2022	Council approved the fee waiver on March 15, 2022
32	A reform of the City's Speed hump policy	Tran	A	3/1/2022	The review of the Speed Hump Policy is an ongoing Council referral. Staff will agendize the item for the April 8, 2022 Transportation Subcommittee meeting
33	Reduce the park rental fees for the Samuel Ayer High School reunion	Montano; Tran	A	2/1/2022; ; 3/01/2022	Scheduled for Council Consideration on the 4-05-2022 meeting
34	Requested an appropriation in an amount not to exceed $250,000 to procure a contract to address the streetlights that are pending fieldwork.	Tran	A	2/1/2022	At this time, staff has sufficient Council approved resources to address the remaining streetlight outages; however, will bring relevant actions for Council consideration, if needed.
35	Requested that staff study the placement of a City sign for the Milpitas Police Department and explore the cost of a new sign	Dominguez	A	1/18/2021	Staff has been working on upgrading signage and landscaping around the Police Department and Public Works Building.
36	Requested staff to look at creating a pilot project to accommodate pickleball at Peter Gill Park and would like a feasibility study with a goal of making these courts multi-purpose; Requesting discussion on pickleball courts	Chua	A	11/16/2021; 1/18/2022	Council approved a pilot program on March 15, 2022
37	Have a picture of Albert Bogel Sr. put up in the Senior Center	Montano	A	10/19/2021	Approved to move forward at the 1/11/2022 Council meeting
38	Requested that the City provide the Commissioners with an appreciation gifts	Chua	A	10/19/2021	Approved to move forward at the 1/11/2022 Council meeting; staff has order the gift and

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

39	Requested an agenda item on November 2 Council meeting allowing the Council to rescind direction given to 1355 California Circle and include direction to allow the project application to move forward without being tied to a specific plan	Chua	A	10/19/2021	At the 1/18/2022 council meeting, Council voted 4-1 to rescind the direction and direct staff and the application to explore option one in the presentation to amend the General Plan and remove Council policy for the preparation of a Specific Plan
40	Requested the executive staff to look into reflective road markers as an effective way to reduce cars doing donuts in the street	Chua	A	10/19/2021	At the 11/12/21 Transportation Subcommittee, the Subcommittee directed to bring back this request to Council as part of the 2022-23 budget process. Staff provided that information at the CIP Study Session on 2/8/2022.
41	Requested staff look into increasing the number of Park and Recreation Commissioners from seven to nine.	Montano	A	10/5/2021	Approved to move forward at the 1/11/2022 Council meeting; update to commision by-laws and Commissionerr handbook scheduled for approval at the 4/05/2022 meeting
42	Requested staff work with the Vice Mayor and Mayor to explore and discuss building height limits near the hillside by January 2022	Tran	A	9/21/2021	Approved to move forward at the 1/11/2022 Council meeting;l scheduled for 6/21/2022
43	Requested the City extend the outdoor dining options through March of next year	Phan	A	9/21/2021	Planning Director to provide information on current outdoor dining extension
44	Work with the school district to have a contest to create art murals for the pillars on Main Street	Montano	A	9/7/2021	Approved to move forward at the 1/11/2022 Council meeting
45	Partner with the Rotary Club of Silicon Andhra to promote the stem cell donor outreach with a webinar and campaign to help increase the number of donors	Chua	A	8/17/2021	Staff will include the stem cell donor information in regularly scheduled wellness event
46	Include a bust of Maria Lemire on the Mural in front of the Senior Center	Montano	A	8/17/2021	Approved to move forward at the 1/11/2022 Council meeting
47	Create an “Incentive Corner,” which will be a sub-page with links to different freebies, grants, and incentives from the City and the regions, including the Water District and Silicon Valley Clean Energy	Chua	A	8/17/2021	Staff implemented this item in March 2022 as communicated via email on March 29, 2022.

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

48	City to highlight mental health resources on the website	Dominguez	A	8/17/2021	Staff will issue an Email
49	Requested staff look into donating old, obsolete, noncompliance items from the Fire Department to Sister City Dagupan	Chua	A	8/9/2021	Approved to move forward at the 1/11/2022 Council meeting; approved at the 3/1/2022 meeting
50	Look into allowing outdoor music and would like the ordinance brought back to Council.	Montano	A	8/5/2021	Approved to move forward at the 1/11/2022 Council meeting; scheduled for 6/21/2022
51	Look into opening up the Senior Center on Saturdays for half a day	Chua	A	8/5/2021	Approved to move forward at the 1/11/2022 Council meeting
52	Look into bringing back a roller rink	Montano	A	8/5/2021	Approved to move forward at the 1/11/2022 Council meeting
53	Look into how the City can be a resource for small businesses to help guide them on what to do in terms of ADA (Americans with Disabilities Act) requirements due to the quick changes made to facilities during the pandemic	Chua	A	8/5/2021	SVEDA/SV Joint Venture hosted the "SV Small Businesses & ADA Compliance" webinar on 11/3/21. Several Milpitas business reps, & staff from Econ. Dev. & Building participated. Staff met with reps from CA Comm. on Disability Access to discuss business education & outreach.
54	Discussion in the next fiscal year, to have a sliding scale permitting program for seniors and low-income residence for necessary safety renovations	Tran	A	5/4/2021	8/09/2021 Council voted 5-0 to move this item forward and modify the existing Milpitas Assistance program to include seniors; Staff will bring this item for funding consideration as part of the FY 2022-23 budget process
55	Discussion to reduce the City's Senior Center facilities deposit	Montano	A	5/4/2021	8/09/2021 Council voted 5-0 to refer this item as part of the development of the FY 2022-23 Master Fee Schedule

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

56	Requested that the City have mini-libraries in the low-income areas of the City.	Montano	A	4/20/2021	8/09/2021 Council voted 3-1-1 to move this item forward, staff to follow up with Vice Mayor Montano on specific vision. Staff met with the Vice Mayor. The City will continue to facilitate libraries as needed but will not take a lead role in funding or operating them.
57	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	A	4/6/2021	At 8/9/2021 Council meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.
58	Staff to look into creating a rose garden with a children's memorial site	Montano	A	4/6/2021	8/09/2021 Council voted 4-1 to discuss details with Vice Mayor Montano and refer this item as part of the development of the 2023-2027 CIP
59	Staff to look into creating "Welcome to Milpitas" signs in key areas of in the City	Montano	A	4/6/2021	this item forward and Council provided direction that the signs should align with the efforts currently underway with the Metro Plan and Main Street Gateway Specific Plan process and work with private development. Staff was directed to work with Vice Mayor on additional clarification. In November, Vice Mayor
60	Staff to provide information to place a measure on the ballot to change the directly elected Mayor to a rotational at-large position	Tran	CCM	3/16/2021	To be brought forward in Spring of 2022, once new City Attorney is in place; scheduled for 3/15/2022; rescheduled for 4/05/2022
61	Staff to provide information on a landmark policy for the City of Milpitas	Tran	A	3/16/2021	8/09/2021 Council voted 5-0 to move this item forward; this item will be included for funding consideration in the development of the FY 2023-27 CIP for assessment of historical and cultural resources and development of landmark policy

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

62	Amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees	Phan	A	2/16/2021	Agendized for discussion on 3/16/2021, deferred to 4/06/2021; CC direction for City Attorney to prepare a report; At the 11/12/2021 Transportation Subcommittee, the Subcommittee directed to bring back this request to Council as part of the FY 2022-23 budget process.
63	Ordinance to ban vaping in the City	Montano	A	12/15/2020	Ordinance regarding a ban on use in certain areas adopted by Council on 6/15/2021. Policy related to access to products will be brought forward in Spring 2022
64	Review City policy on speed bumps	Tran	A	12/15/2020	Presented to Transportation Subcommittee on 02/12/2021;voted on 3/16/2021 to revisit this item; Scheduled for April 8, 2022 Transportation Subcommittee Meeting
65	Consider change in term limits for Mayor + Councilmembers	Montano	A	6/16/2020	8/4/2020: Voted 3 -2 to pursue; 2/02/2021 to agendize for a future meeting; 3/16/2021 voted 3-1-1 to move forward. Scheduled for 3/15/2022; rescheduled for 4/05/2022

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution Granting an Easement to Pacific Gas and Electric Company and Authorizing the City Manager to Execute the Grant of Easement, and Any and All Necessary Documents, in a Form Approved by the City Attorney, For the Access, Construction, and Maintenance of PG&E Owned Electric Facilities Infrastructure to Serve the Fire Station No. 2 Property (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	4/5/2022
	Recommendation: Adopt a resolution granting an easement to Pacific Gas and Electric Company and authorizing the City Manager to execute the Grant of Easement, and any and all necessary property related documents, in a form approved by the City Attorney, for the access, construction, and maintenance of PG&E owned electric facilities infrastructure to serve the Fire Station No. 2 property.

Background:
The Project to replace Fire Station No. 2, (Project No. 3447), located at 1263 Yosemite Drive is currently under construction with an expected completion date later this summer. The installation of new utilities, including Pacific Gas and Electric (PG&E) services for the new station is part of the Project. PG&E completed the required design for the new services, and installation of the new services will be completed in May 2022. PG&E will be the owner of the new service laterals located on the City's Fire Station parcel, and PG&E has requested the City execute a Grant Deed granting PG&E rights for their service laterals to be located on City owned property and for the right of access to maintain.

Analysis:
The Fire Station No. 2 Project is approaching the end of construction, and installation of the new PG&E services laterals will be completed and ready for use in May. Electric power is required for the City's contractor to continue with its contracted work, and for the City Building and Fire Departments to provide final inspections of installed life safety infrastructure. The proposed Grant Deed for easement dedication to PG&E is a standard practice when PG&E owned service laterals are on property not owned by PG&E. The easement allows PG&E to access and maintain these service laterals in perpetuity.

Staff is finalizing the plat and legal description for the Grant Deed document. The attached exhibit (Attachment 2) shows the location and dimensions of the proposed easement to be granted to PG&E. The easement area is approximately 1,200 square feet, extending from the fire station driveway on South Park Victoria Drive to the onsite electrical transformer within the station parking lot. Staff recommends the City Council adopt a resolution (Attachment 1) approving the granting of an easement to PG&E and to authorize the City Manager to execute the Grant Deed and related property documents subject to approval by the City Attorney.

Policy Alternative:
Alternative: Do not adopt resolution and not authorizing the City Manager to execute the easement agreement.

Pros: None.

Cons: The Project is on schedule to be completed this summer and electric service is required. Not adopting the resolution to authorize the City Manager to execute the easement Grant Deed, will prevent PG&E from

providing electric power to the building, which will delay completion of the Project and result in delay damages from the contractor.

Reason not Recommended: It is recommended the City Council approve the granting of an easement to PG&E to allow PG&E to provide electric service to new Fire Station No. 2.

Fiscal Impact:
There is no fiscal impact associated with the recommended action. The Fire Station No. 2 replacement project, Project No. 3447 remains on schedule and within budget.

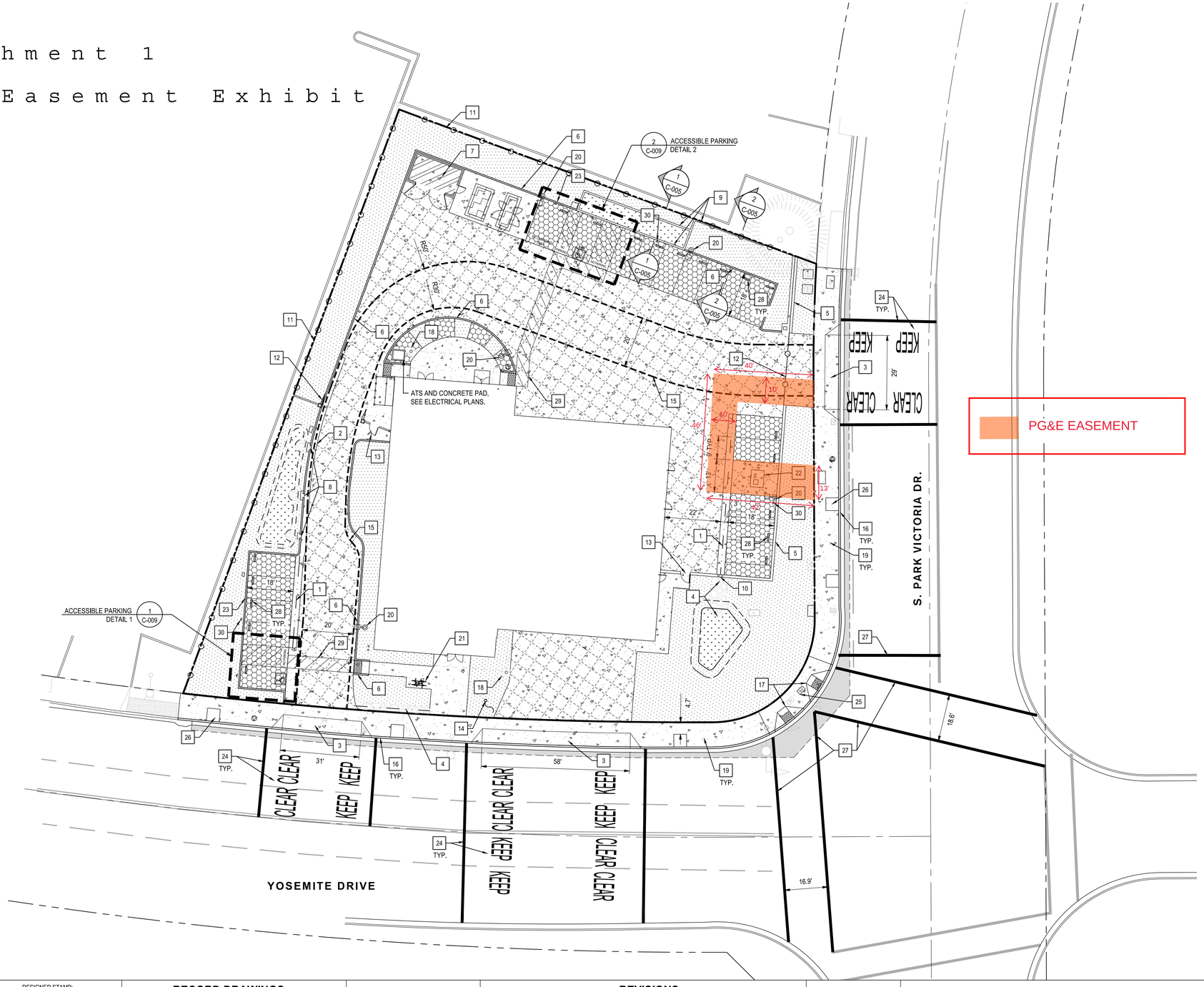
California Environmental Quality Act:
The Project is exempt under Section 15301 (Existing Facilities) of CEQA guidelines.

Recommendations:
Adopt a Resolution Granting an Easement to Pacific Gas and Electric Company and Authorizing the City Manager to Execute the Grant of Easement, and any and all Necessary Property Related Documents, in a form approved by the City Attorney, for the access, construction, and maintenance of PG&E owned electric facilities infrastructure to serve the Fire Station No. 2 property

Attachments:
1. Resolution
2. PG&E Easement Exhibit

Attachment 1

PG&E Easement Exhibit



LEGEND

- PEDESTRIAN CONCRETE
  4.5" PORTLAND CEMENT CONCRETE (3,000 PSI) W/ #4 @ 24" O.C. OVER 4" CLASS 2 AB OVER 12" LIME-TREATED SOIL OVER SUBGRADE PREPARED PER PROJECT GEOTECHNICAL REPORT. INSTALL CONCRETE JOINTS PER DETAIL 3, SHEET C-008.
- VEHICULAR CONCRETE
  7" PORTLAND CEMENT CONCRETE (4,500 PSI) W/ #5 @ 24" O.C. OVER 4" CLASS 2 AB OVER 12" LIME-TREATED SOIL OVER SUBGRADE PREPARED PER PROJECT GEOTECHNICAL REPORT. INSTALL CONCRETE JOINTS PER DETAIL 3, SHEET C-008.
- EQUIPMENT PAD CONCRETE
  CONCRETE PAD FOR GENERATOR, FUEL TANK, AND MAIN SWITCHBOARD WILL BE A DEFERRED SUBMITTAL.
- TRASH ENCLOSURE CONCRETE
  7" PORTLAND CEMENT CONCRETE (4,500 PSI) W/ #5 @ 24" O.C. OVER 4" CLASS 2 AB OVER 12" LIME-TREATED SOIL OVER SUBGRADE PREPARED PER PROJECT GEOTECHNICAL REPORT. INSTALL CONCRETE JOINTS PER DETAIL 3, SHEET C-008.
- VEHICLE PERMEABLE PAVER SYSTEM
  PERMEABLE PAVERS PER DETAIL 9, SHEET C-009
  4" X 8" CONCRETE PARKING LOT PAVERS. BELGARD AQUA ROC PERMEABLE PAVER, COLOR: RIO. OR EQUAL.
- ASPHALT CONCRETE
  12" ASPHALT CONCRETE DEEPLIFT
- TRUNCATED DOMES
  PER DETAIL 5, SHEET C-009
- RIVER ROCK
  6" MINIMUM DEPTH LAYER, DIAMETER VARIES 2" TO 4", NATURAL GREY COLOR
- BIORETENTION AREA
  BIORETENTION AREA PER DETAIL 6, SHEET C-009
- LANDSCAPE AREA
  SEE LANDSCAPE PLANS FOR MORE INFORMATION
- 6' HIGH CHAINLINK FENCE WITH PRIVACY SLATS

KEY NOTES

1. 3' CONCRETE VALLEY GUTTER PER DETAIL 5 SHEET C-008
2. 6" VERTICAL CURB AND GUTTER PER DETAIL 2 SHEET C-008
3. COMMERCIAL DRIVEWAY (C.O.M. STD. DWG. NO. 432) PER DETAIL 7 SHEET C-011 AND SIDEWALK TRANSITIONS (C.O.M. STD. DWG. NO. 436) PER DETAIL 8 SHEET C-011
4. RIVER ROCK SWALE PER DETAIL 8 SHEET C-008
5. STRUCTURAL BRICK WALL, SEE ARCHITECTURAL AND STRUCTURAL PLANS
6. 6" VERTICAL CONCRETE CURB PER DETAIL 1 SHEET C-008
7. TRASH ENCLOSURE, SEE ARCHITECTURAL AND STRUCTURAL PLANS
8. 18" WIDE CURB CUTS PER DETAIL 6 AND DETAIL 7 SHEET C-008
9. RETAINING WALL PER DETAIL 4, SHEET C-010
10. (2) 6" PIPE PENETRATIONS THROUGH BOTTOM OF WALL TO ALLOW FOR DRAINAGE, SEE STRUCTURAL PLANS
11. 6' HIGH CHAINLINK FENCE WITH PRIVACY SLATS PER DETAIL 3 SHEET C-010
12. VEHICULAR ACCESS GATE, SEE ARCHITECTURAL PLANS
13. PEDESTRIAN ACCESS GATE, SEE ARCHITECTURAL PLANS
14. ONE-PIECE, CONE TAPERED ALUMINUM FLAG POLE, 25' HIGH, AMERICAN FLAGPOLE, OR EQUAL. SEE SPECIFICATIONS. SEE DETAIL 2 SHEET C-010 FOR FOUNDATION DETAIL.
15. TEMPORARY EMERGENCY FIRE ACCESS LANE SHALL BE MAINTAINED CLEAR OF OBSTRUCTIONS DURING CONSTRUCTION
16. CURB AND GUTTER (C.O.M. STD. DWG. NO. 410) PER DETAIL 5 SHEET C-011
17. ACCESSIBLE RAMP PER CALTRANS STANDARDS, LATEST EDITION, DWG. NO. A88A CASE A, SEE DETAIL 5 SHEET C-010
18. 3' X 3' RIVER ROCK AT CANOPY RAIN CHAIN LOCATION
19. COMMERCIAL SIDEWALK (C.O.M. STD. DWG. NO. 426) PER DETAIL 6 SHEET C-011
20. SITE LIGHT, SEE ELECTRICAL PLANS
21. BIKE RACK PER DETAIL 11 SHEET C-008, SEE SPECIFICATIONS
22. PG&E TRANSFORMER AND CONCRETE PAD, SEE ELECTRICAL PLANS. SEE ARCHITECTURAL PLANS FOR BOLLARD DETAILS.
23. CONCRETE CONTAINMENT CURB PER DETAIL 9, SHEET C-009
24. NEW "KEEP CLEAR" STRIPING AT PROPOSED DRIVEWAY LOCATIONS
25. RELOCATED STREET LIGHT BOX
26. INSTALL STREET TREE, TYPICAL. SEE LANDSCAPE PLANS
27. INSTALL 12" WIDE CROSSWALK STRIPING, MATCH EXISTING COLOR AND STYLE
28. WHEEL STOP PER DETAIL 1 SHEET C-010
29. ACCESSIBLE PATH OF TRAVEL STRIPING, 4" WHITE BORDER AND HATCHING @ 36" O.C.
30. INSTALL SIGNAGE STATING "LOAD RESTRICTION AT PARKING, NO FIRE TRUCK TRAFFIC". SIGN POST PER DETAIL 3 SHEET C-009

0' 10' 20' 40'
SCALE: 1"=20'

811 Know what's below. Call before you dig.

Architect of Record
SHAH KAWASAKI ARCHITECTS
570 10th Street, Suite 201
Oakland, CA 94607

Consultant
SIEGFRIED

DESIGNER STAMP:
REGISTERED PROFESSIONAL ENGINEER
PAUL J. SCHNEIDER
No. 62498
Exp. 09/30/23
CIVIL
STATE OF CALIFORNIA

DATE SIGNED: 12/16/21

RECORD DRAWINGS:

DESIGNER:_____ DATE:_____
PUBLIC WORKS INSPECTOR:_____ DATE:_____
UTILITY/ FACILITY DEPT. HEAD:_____ DATE:_____
PROJECT ENGINEER:_____ DATE:_____
PUBLIC IMPROVEMENTS INITIALLY ACCEPTED BY THE CITY COUNCIL ON:_____ RES. NO._____

DRAWN BY: GR DATE: 10/15/2020
CHECKED BY: PS DATE: 10/15/2020
DESIGNED BY: NB DATE: 10/15/2020

REVISIONS

NO.	ISSUE DESCRIPTION	ENGR. APR.	DATE
	CONFORMED SET		10/15/2020
R1	PERMIT REVISION #1		07/30/2021
B16	BULLETIN #16		12/16/2021

CITY OF MILPITAS CALIFORNIA JANUARY 26, 1954

City Project Number: 3447

CITY OF MILPITAS FIRE STATION NO. 2 REPLACEMENT

1263 YOSEMITE DR. MILPITAS, CA 95035

REC. DWG NO.

Drawing Title

PAVING & DIMENSIONING PLAN

NOTE: If this drawing is not 36"x24" it has been revised from its original size and the scales noted on drawing/details are no longer applicable.

© 2019 Shah Kawasaki Architects

SCALE: AS NOTED

RECOMMENDED FOR BIDDING BY:_____ DATE:_____
MICHAEL SILVEIRA, P.E. CIP MANAGER

Drawing No. C-003
Sheet No. ____ of ____

F:\1Projects\1917 Milpitas Fire Station No. 2\Plans and Graphics\Improvement Plans\1917-C-003-PAVING DIMENSIONING PLAN.dwg -- 12/16/21

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS GRANTING AN EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT, AND ANY AND ALL NECESSARY DOCUMENTS, FOR THE ACCESS, CONSTRUCTION, AND MAINTENANCE OF PG&E OWNED-ELECTRIC FACILITIES INFRASTRUCTURE AT FIRE STATION NO. 2, PROJECT NO. 3447

WHEREAS, on September 2020, the City of Milpitas entered an agreement with Pacific Gas and Electric Company (PG&E) for the design and construction of a new electrical service for the Fire Station No.2 Project, located at 1263 Yosemite Drive.

WHEREAS, City shall grant an easement to PG&E for access, construction, and maintenance for PG&E-owned electric infrastructure on City property prior to commencing construction for a permanent electrical service to the Project.

WHEREAS, the easement agreement and all the necessary property related documents are currently being prepared by the City's consultant. Staff recommends the City Council adopt a resolution to grant an easement to PG&E and authorize the City Manager the grant of easement document.

WHEREAS, the easement area was pre-approved by PG&E and is approximately 1,200 square feet, extending from the Driveway on S. Park Victoria Drive to the transformer pad in the parking stall.

WHEREAS, pursuant to the State Surplus Land Act, and state implementing regulations, a grant of an easement is not defined as a disposition of land which is normally limited to a sale or lease of surplus property. The granting of an easement is not a sale or lease of land. Further, the land in question is not deemed surplus and the City intends to use the property for a fire station. As such, the land is subject to "Agency Use" as defined in the Surplus Land Act, and not subject to the State Surplus Land Act requirements. Finally, the grant of an easement is necessary and vital to ensure the City can use the land for its intended agency use purposes.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City Council does hereby approve the grant of an easement to PG&E and authorizes the City Manager to execute the grant easement document, and any and all necessary documents in a form approved by the City Attorney, for the access, construction, and maintenance of PG&E-owned electric facilities infrastructure to serve the Fire Station No.2 property.

PASSED AND ADOPTED this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Wendy Wood, City Clerk

APPROVED:

_____
Rich Tran, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City of Milpitas
Recording Fee $_____
Document Transfer Tax $ None
[X] This is a conveyance where the consideration and Value is less than $100.00 (R&T 11911).
[ ] Computed on Full Value of Property Conveyed, or
[ ] Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
[ ] Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

_____
Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD: 2206-01-10093

GRANT OF NONEXCLUSIVE EASEMENT

CITY OF MILPITAS, a municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a non-exclusive easement therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:
(APN 088-02-026)

> The parcel of land conveyed by The TI Corporation (of California) to the City of Milpitas by deed dated August 27, 1968 and recorded in Book 8249 of Official Records at Page 256, Santa Clara County Records. (the "Property").

The easement area is described as follows:

> The strip of land described in Exhibits "A" and shown on Exhibits "B" attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor hereby reserves and retains all other property rights in and to the easement area, including, the rights to: (a) use the easement area for any purpose, so long as such use does not interfere with Grantee's full enjoyment of the rights hereby granted; and (b) locate other utilities in the easement area, so long as such improvements do not interfere with Grantee's full enjoyment of the rights hereby granted.

Grantor expressly reserves the right to require Grantee, at the expense of Grantor, to remove and relocate all improvements placed by Grantee upon said easement area upon determination by Grantor that said improvements interfere with the future development of Grantor's real property. Grantee agrees that within 180 days after written notice from Grantor of such determination by Grantor and the demand of removal and relocation of said improvements, Grantee shall remove and relocate said improvements to a feasible location on the property of Grantor, and Grantor shall furnish Grantee with an easement for said improvement in such new location, and Grantee shall thereupon reconvey to Grantor the easement hereby granted.

Grantor acknowledges that they have read the "Grant of Easement Disclosure Statement," Exhibit "C," attached hereto and made a part hereof.

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

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

CITY OF MILPITAS,

By_____
Name: ,City Manager

I hereby certify that a resolution was adopted

on the _____day of _____,2022,

by the authorizing the foregoing grant of easement.

By_____

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

State of California
County of _____)

On _____, before me, _____ Notary Public,
Insert name

personally appeared _____

_____,

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

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

WITNESS my hand and official seal.

_____ (Seal)
Signature of Notary Public

CAPACITY CLAIMED BY SIGNER

[ ] Individual(s) signing for oneself/themselves

[ ] Corporate Officer(s) of the above named corporation(s)

[ ] Trustee(s) of the above named Trust(s)

[ ] Partner(s) of the above named Partnership(s)

[ ] Attorney(s)-in-Fact of the above named Principal(s)

[ ] Other _____

Pacific Gas and Electric Company

EXHIBIT "C"

GRANT OF EASEMENT DISCLOSURE STATEMENT

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Gas and Electric Company (PG&E) to accommodate a utility service extension to PG&E's applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by PG&E to grant this easement.

- The granting of this easement is an accommodation to PG&E's applicant requesting the extension of PG&E utility facilities to the applicant's property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, PG&E is not authorized to purchase any such easement.

- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area and **may be used to install additional utility facilities.** Installation of any proposed facilities outside of this easement area will require an additional easement.

- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E's contractors perform this work on your property, if available, or granting permission to PG&E's applicant or the applicant's contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.

- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.

- The California Public Utilities Commission has authorized PG&E's applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant's contractor, to work on your property. Upon completion of the applicant's installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.

EXHIBIT "A"

PG&E ACCESS EASEMENT

APN 088-02-026 (PORTION)

ALL THAT REAL PROPERTY SITUATE IN A PORTION OF THE MILPITAS RANCHO, CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF YOSEMITE DRIVE WITH THE CENTERLINE OF SOUTH PARK VICTORIA DRIVE AS SHOWN ON THE MAP OF TRACT NO. 4393 FILED IN BOOK 234 OF MAPS, AT PAGE 2, SANTA CLARA COUNTY RECORDS; THENCE NORTH 35'20'00" WEST ALONG THE CENTERLINE OF SAID SOUTH PARK VICTORIA DRIVE, A DISTANCE OF 132.00 FEET; THENCE SOUTH 54°40'00" WEST PERPENDICULAR TO LAST SAID CENTERLINE, A DISTANCE OF 45.00 FEET TO THE POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH PARK VICTORIA DRIVE; THENCE SOUTH 59°22'53" WEST, A DISTANCE OF 32.75 FEET TO THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE NORTH 30°37'07" WEST, A DISTANCE OF 35.83 FEET; THENCE NORTH 59°22'53" EAST, A DISTANCE OF 29.79 FEET TO THE POINT OF INTERSECTION WITH LAST SAID WEST RIGHT-OF-WAY LINE; THENCE NORTH 35°20'00" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 10.03 FEET; THENCE SOUTH 59°22'53" WEST, A DISTANCE OF 38.97 FEET; THENCE SOUTH 30°37'07" EAST, A DISTANCE OF 45.83 FEET; THENCE NORTH 59°22'53" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

THE BEARING OF NORTH 35°20'00" WEST FOR THE CENTERLINE OF SOUTH PARK VICTORIA AVENUE AS SHOWN ON THE MAP OF TRACT NO. 4393 FILED IN BOOK 234 OF MAPS, AT PAGE 2, SANTA CLARA COUNTY RECORDS IS THE BASIS OF ALL BEARINGS IN THIS DESCRIPTION.

CONTAINING 752 SQUARE FEET, MORE OR LESS.

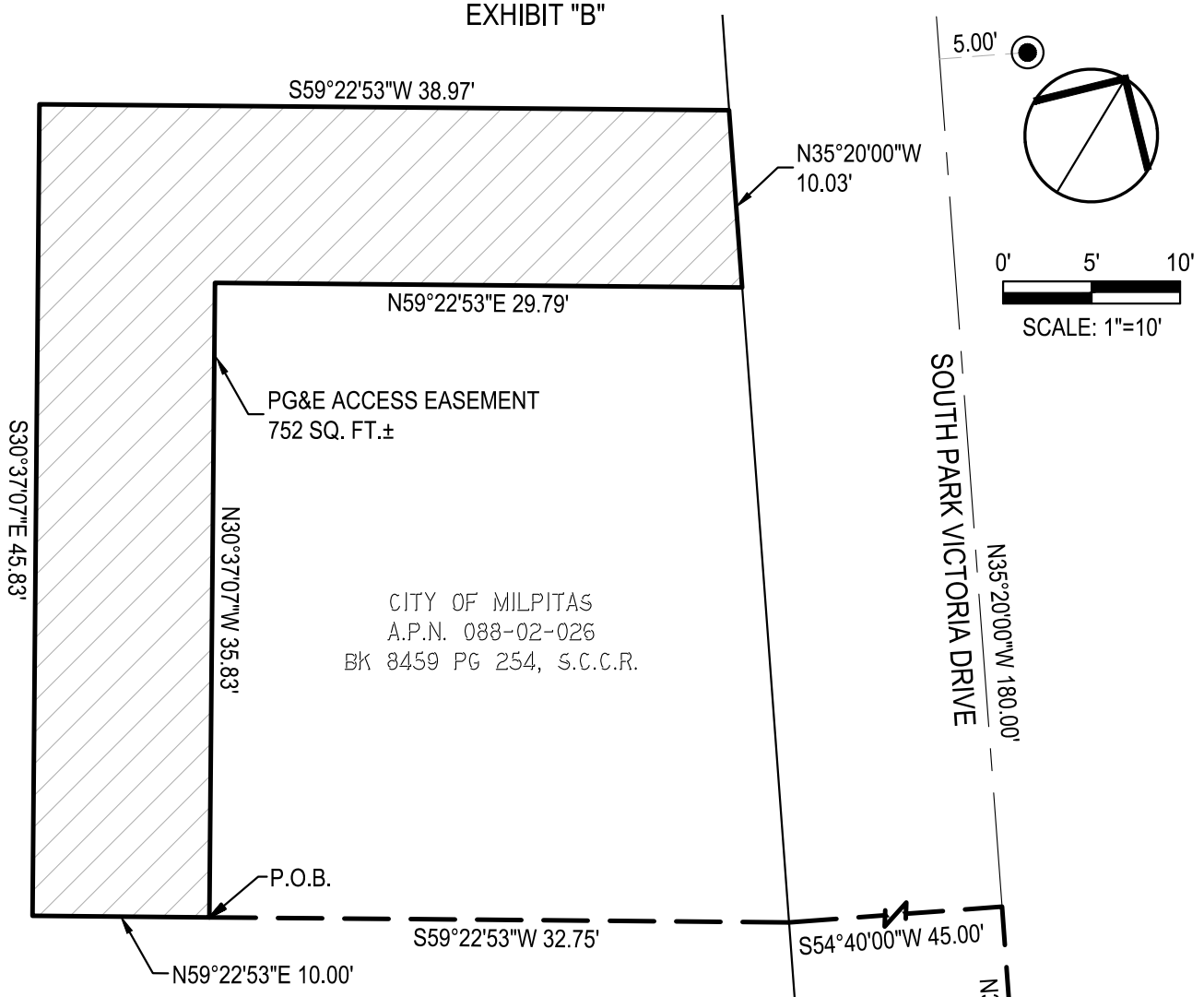
SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.



KEVIN J. GENASCI, P.L.S. 8660
MARCH 31, 2022

EXHIBIT "B"



BASIS OF BEARINGS:

THE BEARING OF NORTH 35°20'00" WEST FOR THE CENTERLINE OF SOUTH PARK VICTORIA DRIVE AS SHOWN ON THE MAP FILED IN BOOK 234 OF MAPS, AT PAGE 2, SANTA CLARA COUNTY RECORDS IS THE BASIS FOR ALL BEARINGS ON THIS PLAT.

LEGEND:

A.P.N.	ASSESSOR'S PARCEL NUMBER
M	MAPS
BK	BOOK
PG	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
S.C.C.R.	SANTA CLARA COUNTY RECORDS
◉	CENTERLINE MONUMENT IN WELL

LICENSED LAND SURVEYOR
KEVIN J. GENASCI
L.S. 8660
STATE OF CALIFORNIA

3-31-22

DATE	08/25/21
DESIGN	KJG
DRAWN	KJG
JOB NO.	18197

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CIVIL
STRUCTURAL
LANDSCAPE ARCHITECTURE
SURVEYING
PLANNING
ATHLETIC FACILITY DESIGN
3428 Brookside Road, Stockton, California 95219
209-943-2021 www.siegfriedeng.com Fx: 209-942-0214

SCALE: AS SHOWN
SHEET 1
OF: 1

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EXHIBIT "A"

PG&E INFRASTRUCTURE EASEMENT

APN 088-02-026 (PORTION)

ALL THAT REAL PROPERTY SITUATE IN A PORTION OF THE MILPITAS RANCHO, CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

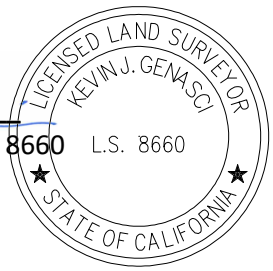
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CONTAINING 408 SQUARE FEET, MORE OR LESS.

SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.

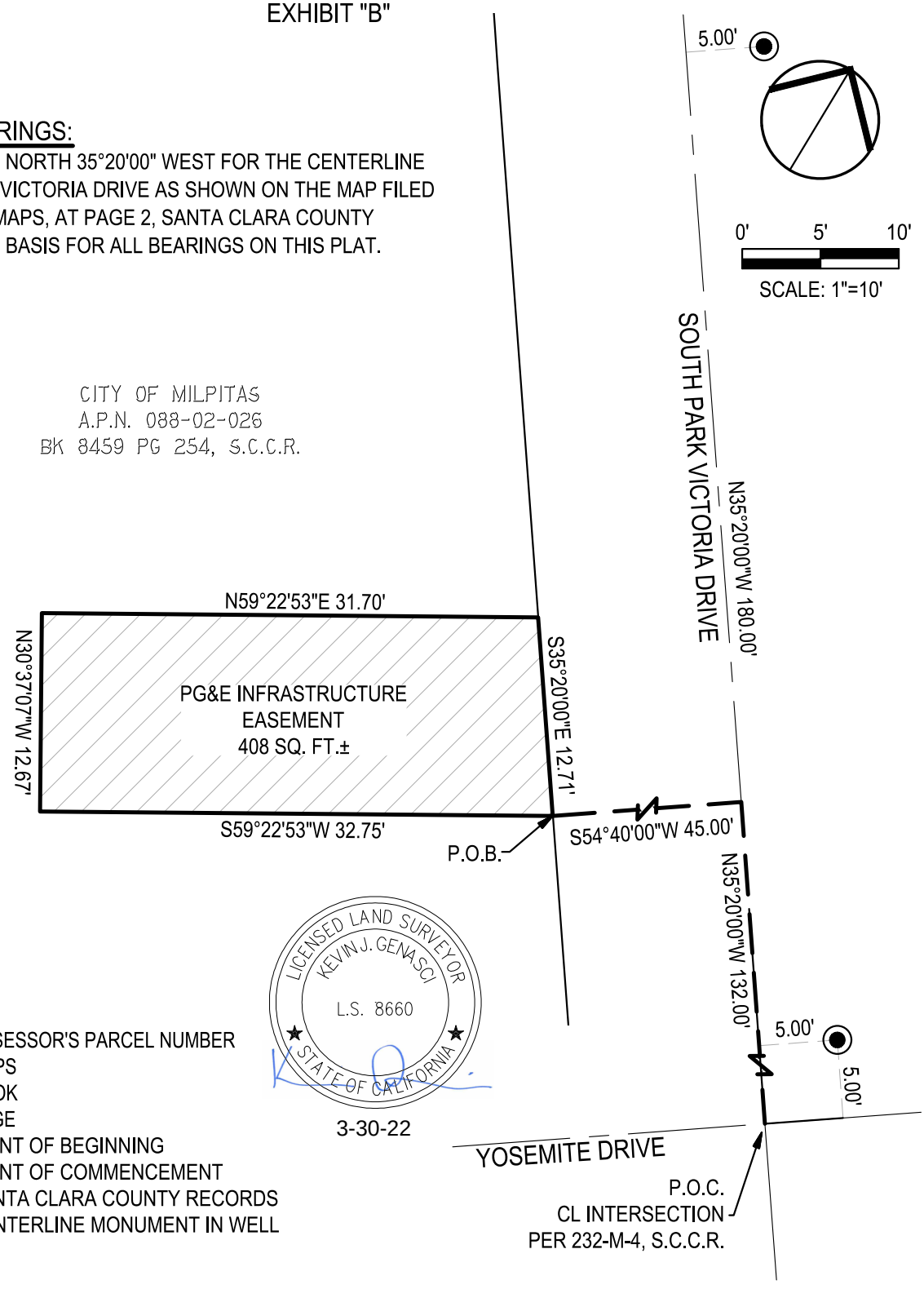


KEVIN J. GENASCI, P.L.S. 8660
MARCH 30, 2022

EXHIBIT "B"

BASIS OF BEARINGS:

THE BEARING OF NORTH 35°20'00" WEST FOR THE CENTERLINE OF SOUTH PARK VICTORIA DRIVE AS SHOWN ON THE MAP FILED IN BOOK 234 OF MAPS, AT PAGE 2, SANTA CLARA COUNTY RECORDS IS THE BASIS FOR ALL BEARINGS ON THIS PLAT.



LICENSED LAND SURVEYOR
KEVIN J. GENASCI
L.S. 8660
STATE OF CALIFORNIA

3-30-22

LEGEND:

A.P.N.	ASSESSOR'S PARCEL NUMBER
M	MAPS
BK	BOOK
PG	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
S.C.C.R.	SANTA CLARA COUNTY RECORDS
◉	CENTERLINE MONUMENT IN WELL

DATE	08/25/21
DESIGN	KJG
DRAWN	KJG
JOB NO.	18197

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- PLANNING
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SCALE: AS SHOWN

SHEET 1 OF: 1

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Attach to LD: 2206-01-10093
Area 3, San Jose Division
Land Service Office: San Jose
Line of Business: Electric Distribution (43)
Business Doc Type: Easements
MTRSQ: (22.06.01.08.13) Milpitas Rancho
FERC License Number: N/A
PG&E Drawing Number: N/A
Plat No.: E-1714 (Elec.), 3352-C5 (Gas)
LD of Affected Documents: N/A
LD of Cross Referenced Documents: N/A
Type of interest: Communication Easements (6), Electric Underground Easements (4), Utility Easement (86)
SBE Parcel: N/A
% Being Quitclaimed: N/A
Order or PM: 35146521-3200
JCN: N/A
County: Santa Clara
Utility Notice Number: N/A
851 Approval Application No: N/A ;Decision: N/A
Prepared By: ssbp
Checked By: dan9
Approved By: mxk4
Revised by:ssbp

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive an Update on the Repair of Pump No. 3 at the Main Lift Sewer Pump Station and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	4/5/2022
	Recommendations: (1) Receive an update on the emergency repair of pump no. 3 at the Main Lift Sewer Pump Station; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

Background:

State law allows the City Council to delegate authority to City staff to award emergency contracts for the repair or replacement of public facilities without seeking competitive bids. On September 2, 2008, the City Council approved Resolution 7779 relating to the City of Milpitas delegating to the Public Works Director the authority to take emergency action and to let emergency contracts without giving notice soliciting competitive bids. On March 15, 2022, Council approved Resolution No. 9134 amending Resolution 7779 to provide further clarification on when the Public Works Director will first report to Council on emergency actions and upon termination of the emergency action seeking City Council approval to ratify the emergency contract.

Pursuant to Public Contract Code section 22050 and Council Resolution No. 9134, the Director of Public Works in the case of emergency may authorize a repair of a public facility and procure the work without giving notice for bids to let contracts. An emergency is defined as "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services." Additionally, State law requires that, as the authorized city official, the Public Works Director shall make after the fact reports to the City Council as to the reasons why the emergency action was necessary and why the emergency would not permit a delay resulting from a competitive solicitation for bids. The City Council must review the emergency action to determine, by a four-fifths vote, that there is a need to continue the emergency action.

Per the requirements above, the Public Works Director authorized contracting with Koffler Electrical on December 8, 2021 to complete the emergency repair of Pump No. 3 at Main Lift Pump Station located at 1425 North McCarthy Boulevard. Pump No. 3 has been in service for 15 years at the Main Lift Sewer Pump Station and has exceeded its estimated useful life. The Public Works Department had programmed the rebuild or replacement of Pump No. 3 in the FY21-22 Capital Improvement Program budget, however Pump No. 3 failed before the project could be competitively bid. In order to keep the Main Lift Sewer Pump Station operating at design capacity and with working reserves that will be necessary during upcoming force main and San Jose Headworks construction projects, all four pumps need to be operational. In addition, current economic trends escalated the cost and delivery time to purchase a new pump beyond that programmed in the CIP to replace the pump. A new pump is approximately $212,500.00 and requires a lead time of twenty-four weeks. The cost to rebuild the pump is significantly lower than the cost to purchase a new pump. The rebuild of Pump No. 3 costs approximately $90,095.31 and requires a lead time of eight weeks. Due to the cost and lead time required to have the pump in working order, the Public Works Department proceeded with rebuilding the pump.

Analysis:

Due to the size of the repair at the Main Lift Sewer Pump Station and the urgent need to rebuild and put the pump back into operation, the Public Works Director determined the rebuild of the pump constituted an emergency because there was a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services and the emergency would not permit a delay by the competitive solicitation of bids. In order to know the extent of the cost to rebuild or replace the pump, a contractor was called out to pull the pump, take it back to their repair shop to disassemble, and inspect it.

In accordance with Public Contract Code section 22050 and pursuant to authority delegated by the City Council under Council Resolution No. 7779, the Public Works Director authorized Koffler Electrical to complete the rebuild of Pump No. 3 and a construction contract was executed on March 10, 2022. The total cost for the repair is approximately $90,095.31 and the parts needed for the repair have been ordered are scheduled to arrive by the end of the month.

Staff is recommending that the Council determine, by a four-fifths vote, that there is a need to continue the emergency action declared by the Public Works Director, to enable the rebuild of Pump No. 3. Staff will return to Council with an update at every regularly scheduled Council meeting until the emergency declaration is concluded. The estimated completion date for the pump rebuild is April 12, 2022 and staff estimates that the pump will be re-installed and operational by the end of April 2022.

Fiscal Impact:
The estimated repair cost of $90,095.31 has been encumbered and there are sufficient funds available within CIP 6124 for Sewer Pump Station Rehabilitation for the emergency work at Main Lift Sewer Pump Station. CIP6124 funding source comes from the Sewer Infrastructure Fund. As of 03/24/2022, the balance for CIP 6124 is $105,107.

California Environmental Quality Act:
The emergency repair work is exempt from CEQA, per CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction.

Recommendations:
1. Receive an update on the emergency repair of pump no. 3 at the Main Lift Sewer Pump Station.
2. Determine by a four-fifths vote that the condition continues to constitute an emergency.

Attachment:
N/A

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of $1,355,916 including Measure B Innovative Transit Service Models Program Funds ($1,084,732), developer contributions ($200,000), and General Government CIP Fund ($71,184) into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of $1,355,916 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Jay Lee, Principal Planner, 408-586-3077)**
Category:	Consent Calendar-Community Development
Meeting Date:	4/5/2022
	Recommendation: (1) Approve and authorize the City Manager to execute a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; (2) Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; (3) Approve a budget appropriation of $1,355,916 including Measure B Innovative Transit Service Models Program Funds ($1,084,732), developer contributions ($200,000), and General Government CIP Fund ($71,184) into Project No. 3493; and (4) Adopt a resolution to approve and authorize the City Manager to execute a subscription and services agreement with RideCo in a not-to-exceed amount of $1,355,916 for consultant services related to Milpitas OnDemand and making sole source findings and findings that the procurement is in the best interest of the City.

Background:

In November 2016, Santa Clara County voters approved the 2016 Measure B ballot measure, a 30-year half-cent countywide sales tax to enhance transit, highways, expressways and active transportation programs for bicycles and pedestrians. Over the next 30 years, 2016 Measure B is anticipated to generate $6.3 billion.

The Valley Transportation Authority (VTA) established the 2016 Measure B Program and adopted Program category guidelines. The Innovative Transit Service Models Program provides approximately $6 million in funding to eligible cities through a competitive grant application process. The goal of the Innovative Transit Service Models Program is to support affordable new innovative transit service models to address first/last-mile connections to transit, serving the vulnerable, underserved and transit-dependent population.

City staff in partnership with RideCo, a transportation consulting firm that provides on-demand transit solutions, submitted a grant application for funding through the Innovative Transit Service Models Program to develop and implement Milpitas OnDemand, a 12-month pilot program to provide a flexible, convenient first/last-mile transit solution with convenient connections to VTA light rail and the Milpitas Transit Center. On March 4th, the VTA Board of Directors approved the recommended projects, including Milpitas OnDemand, and authorized the General Manager to execute the necessary agreements. The City of Milpitas was awarded the full amount of the grant request in the amount of $1,084,732. In order to receive this funding, the City is required to enter into a Funding Agreement with VTA to ensure funds are spent on allowable activities.

The City's Measure B grant application outlines a pilot program length of 18 months. Due to factors related to the ongoing COVID-19 pandemic, including driver shortages, supply chain issues (e.g., microchip shortage), and rising fuel costs, the cost of providing transit service has increased since application submittal. City staff collaborated closely with VTA and RideCo to reduce the program length from 18 to 12 months and keep the project cost within the initial budget while minimizing changes to the proposed service. VTA has reviewed and approved this change to the project.

Staff is requesting the City Council adopt a resolution authorizing the City Manager to procure professional services from RideCo in accordance with Milpitas Municipal Code sections I-2-3.06 (sole source procurement) and I-2-3.03(d) (procurements where competitive methods are not practicable). Similar to other cities in Santa Clara County that received grant funding, City staff selected RideCo's proprietary service model to meet the grant program's requirement for an "innovative service model". RideCo is the only firm to have designed and validated the "Hub and Spoke" service model, which combines the convenience of a ride hailing service with the capacity and affordability of a traditional shuttle service.

Analysis:

The City of Milpitas is expected to receive approximately $1,084,732 in funding from the 2016 Measure B Innovative Transit Service Models Program. Staff recommends the City Council approve the Funding Agreement with VTA to receive this funding, which will be used to implement Milpitas OnDemand. Staff estimates an additional cost of $271,184 to operate the service, which will be partially funded by a $200,000 developer contribution to the City from Embarcadero Capital Partners and Bridge Development to fund a future shuttle program following the Partial Assignment and Assumption Agreement for an industrial development project on McCarthy Boulevard. The remaining $71,184 will be funded by the anticipated fare collection of $111,600 over the life of the program, which is based on the expected fare of $2.50 per ride and a daily ridership that levels out at 120 within 6 months of operation, the most conservative estimate for the pilot program. Under the high ridership scenario of 420 rides per day, the fare recovery would reach $390,600.

Staff recommends the creation and funding of a new Capital Improvement Program (CIP) Project, Project No. 3493 Milpitas OnDemand to allow staff to complete the activities required by the Measure B funding. Staff further recommends the approval of a budget appropriation to appropriate the $1,084,732 in Measure B Innovative Transit Service Models Program Funding, $200,000 in developer contributions, and $71,184 from the General Government CIP Fund (to be reimbursed by fare collections) into the new CIP project.

Staff further recommends that the City Council approve the Subscription and Services Agreement with RideCo in a not-to-exceed amount of $1,355,916 for consultant services to operate Milpitas OnDemand, a 12-month pilot program for an on-demand, micro-transit service. The gross annual operations budget, which is based on the total operating and software costs of the vehicles, is $1,280,916. A marketing budget of $75,000 brings the total project cost to $1,355,916. Milpitas OnDemand will help address the first/last-mile challenge in Milpitas and provide a convenient and affordable transportation option for Milpitas' residents, employees, and vulnerable/transit-dependent populations.

Policy Alternatives:

Alternative 1: Do not approve and authorize the City Manager to execute a Funding Agreement with VTA to receive the annual Measure B Innovative Transit Service Models Program Funding and do not adopt a resolution to approve and authorize the City Manager to execute a subscription and services agreement with RideCo in a not-to-exceed amount of $1,355,916 for consultant services related to Milpitas OnDemand and making sole source findings and findings that the procurement is in the best interest of the City.

Pros: None.

Cons: If the City does not enter into the Funding Agreement, the City would not be eligible to receive the Measure B funding grant. If the City does not adopt the resolution to approve and authorize the City Manager to execute a subscription and services agreement with RideCo, the City could risk failing to deliver a transit service model that meets the grant program guidelines and requirements for an innovative service model.

Reason not Recommended: The General Plan includes several policies to promote alternative modes of transportation, first/last-mile solutions, and public transit improvements to support the City's circulation goals. The receipt and use of the Measure B funding to implement Milpitas OnDemand supports these General Plan policies and goals.

Fiscal Impact:
The approval of the Funding Agreement with the VTA is required to receive approximately $1,084,732 in Measure B Innovative Transit Service Models Program funding. The Milpitas OnDemand program will require creation of new CIP Project No. 3493 and approval of a budget appropriation in the amount of $1,355,916. The funding sources are Measure B Innovative Transit Service Models Program Funds ($1,084,732), developer contributions ($200,000), and General Government CIP Fund ($71,184) to be reimbursed by fare collections).

California Environmental Quality Act:
The selection and contractual arrangement of consultant services do not constitute a project in accordance with Section 15378 of the CEQA Guidelines. Furthermore, the program is not considered a project under CEQA because it has no potential for resulting in either a direct or reasonably foreseeable indirect change in the environment. If the program is found to be a project under CEQA, the action being considered is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The program, which proposes no physical changes and would support transit ridership, thereby reducing greenhouse gas emissions, would have no or only a de minimis impact on the environment. In the alternative, the selection and contractual arrangement of consultant services is exempt from further review under CEQA Guidelines Sections 15301 and 15308 as 1) it could indirectly result in the operation or permitting of existing public facilities involving negligible or no expansion of existing or former use and 2) consists of actions taken by the City to assure the maintenance, restoration, enhancement, or protection of the environment.

Recommendation:
1. Approve and authorize the City Manager to execute a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program;
2. Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand;
3. Approve a budget appropriation of $1,355,916 including Measure B Innovative Transit Service Models Program Funds ($1,084,732), developer contributions ($200,000), and General Government CIP Fund ($71,184) into Project No. 3493; and
4. Adopt a resolution to approve and authorize the City Manager to execute a subscription and services agreement with RideCo in a not-to-exceed amount of $1,355,916 for consultant services related to Milpitas OnDemand and making sole source findings and findings that the procurement is in the best interest of the City.

Attachments:
1. VTA Funding Agreement
2. New Project No. 3493 Milpitas OnDemand
3. VTA Grant Award Letter
4. Milpitas 2016 Measure B Grant Application
5. Budget Appropriation Form
6. RideCo Professional Services Agreement
7. City Council Resolution
8. Sole Source Request and Justification
9. Letter of Explanation to VTA

FUNDING AGREEMENT
BETWEEN
CITY OF MILPITAS
AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR
MILPITAS ONDEMAND

THIS AGREEMENT ("AGREEMENT") is between the CITY OF MILPITAS, referred to herein as "CITY", and the SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, referred to herein as "VTA". Hereinafter, CITY and VTA may be individually referred to as "PARTY" or collectively referred to as "PARTIES".

I. RECITALS

1. Whereas, on June 24, 2016, the VTA Board of Directors adopted a resolution to place a ballot measure before the voters of Santa Clara County in November 2016 to authorize a one-half of one percent retail transaction and use tax ("2016 MEASURE B") for 30 years for nine transportation-related program categories; and

2. Whereas, on November 8, 2016, the voters of Santa Clara County enacted 2016 MEASURE B for 30 years to pay for the nine transportation-related program categories; and

3. Whereas, the duration of 2016 MEASURE B will be 30 years from the initial year of collection, beginning April 1, 2017, and continuing through March 31, 2047; and

4. Whereas, on October 5, 2017, the VTA Board of Directors established the 2016 Measure B Program ("PROGRAM") and adopted the 2016 Measure B Program Category Guidelines; and

5. Whereas, the PROGRAM includes a Transit Operations program category ("TRANSIT OPS CATEGORY") to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county; and

6. Whereas, the TRANSIT OPS CATEGORY consists of three sub-categories, including an Innovative Transit Service Models Competitive Grant Program ("INNOVATIVE TRANSIT PROGRAM"); and

7. Whereas, on December 5, 2019 the VTA Board of Directors adopted the INNOVATIVE TRANSIT PROGRAM criteria; and

8. Whereas, on October 5, 2020 the Fiscal Year ("FY") 2020 (July 1, 2020 to June 30, 2021) to Fiscal Year 2021 (July 1, 2021 to June 30, 2022) INNOVATIVE TRANSIT PROGRAM call for projects was released; and

9. Whereas, on March 4, 2021 the VTA Board of Directors approved the project list for the INNOVATIVE TRANSIT PROGRAM; and

10. Whereas, Milpitas OnDemand is an eligible project on the VTA Board of Directors approved project list for the INNOVATIVE TRANSIT PROGRAM; and

11. Whereas, VTA and CITY desire to specify herein the terms and conditions under which the INNOVATIVE TRANSIT PROGRAM funds will be administered to CITY by VTA as directed by the VTA Board of Directors.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the PARTIES agree as follows:

II. AGREEMENT

1. PROJECT DESCRIPTION

For the Milpitas OnDemand project, the CITY will provide, manage, and coordinate the operation of the transportation services (the "PROJECT") to the public during the term of this AGREEMENT. The PROJECT must be provided in accordance with the service area and parameters, attached hereto and incorporated herein as Attachment A.

2. TERM OF AGREEMENT

The term of this AGREEMENT will commence on the Effective Date (as defined in the signature block below) and continue through the later of: (i) 12 months after the Effective Date, (ii) completion of the PROJECT, (iii) cancellation of the PROJECT, or (iv) termination of this AGREEMENT pursuant to the terms herein.

3. COST OF PROJECT

Total cost of the PROJECT ("TOTAL PROJECT COST") is estimated not to exceed $1,355,916. TOTAL PROJECT COST means the total cumulative dollar amount actually incurred and expended toward the PROJECT by all PARTIES involved, as measure at the completion or termination of the PROJECT.

4. FINANCIAL CONTRIBUTION TO COST OF PROJECT

a. VTA's Financial Contribution for PROJECT. VTA will contribute an amount not to exceed $1,084,732 of INNOVATIVE TRANSIT PROGRAM funds to be used by CITY for completion of the PROJECT. All funds will be available on a reimbursement basis only, pursuant to the terms and conditions set forth herein.

b. CITY's Financial Contribution for PROJECT. CITY's financial contribution for PROJECT is TOTAL PROJECT COST less VTA's Financial Contribution for PROJECT. CITY must not seek reimbursement from VTA toward the PROJECT prior to Effective Date of this AGREEMENT.

c. Additional Funds. Any additional funds required to complete the PROJECT will be CITY's sole responsibility.

d. PROJECT Savings. If the PROJECT is anticipated to be delivered under budget, INNOVATIVE TRANSIT PROGRAM funds will be reduced in proportion to CITY's Financial Contribution to PROJECT.

e. In all circumstances, regardless of the TOTAL PROJECT COST, CITY is responsible for contributing a minimum of 20% of the TOTAL PROJECT COST. If CITY receives over $71,184 in PROJECT fare recovery by the end of the AGREEMENT term, CITY must use any fare recovery over $71,184 to extend PROJECT as long as funding is available, for up to 6 months.

5. ELIGIBLE USE OF FUNDS

Only ELIGIBLE COSTS (as defined herein) directly related to the PROJECT costs incurred by CITY after Effective Date, will be eligible for reimbursement.

VTA will only reimburse CITY for actual costs directly related to the PROJECT ("ELIGIBLE COSTS"). ELIGIBLE COSTS are costs that: (i) are directly related to the planning, operation, and administration of the PROJECT; and (ii) were incurred in compliance with all applicable 2016 Measure B Program requirements.

6. CITY'S ROLE

a. Tasks. CITY will be the sponsor and implementing agency for the PROJECT. In its role as sponsor and implementing agency under this AGREEMENT, CITY must perform and/or be responsible for the following tasks:

i. Serve as project manager to provide, manage, and coordinate the operation of PROJECT in accordance with service parameters in Attachment A.

ii. Perform all procurement actions necessary for PROJECT, including but not limited to advertising the work via a public solicitation, opening bids in response to the public solicitation, awarding a contract, approving contract documents, and administering the awarded contract in accordance with all applicable laws, regulations, and codes, including but not limited to the California Public Contract Code and the California Labor Code.

iii. Begin PROJECT service operation within one (1) year of the Effective Date of this AGREEMENT.

iv. Obtain all necessary permits and certifications for PROJECT.

v. Keep VTA apprised of potential changes that may affect PROJECT operations.

vi. Conduct standard close-out activities for the PROJECT, including but not limited to performing final accounting review and reviewing all contractual requirements.

b. Other PROJECT Management Duties. CITY must:

i. Submit a project management plan ("PMP") to VTA in accordance with the PMP template in Attachment B within thirty (30) business days of the Effective Date of this AGREEMENT. The PMP must be in writing and must include information regarding service scope, staffing plan, cost, schedule, and contracting plan.

ii. Actively monitor actual PROJECT expenditures to ensure that the 2016 MEASURE B funds are used to pay only for ELIGIBLE COSTS (as defined in Section 5).

iii. Provide VTA with written quarterly progress reports ("PROGRESS REPORTS") (as supplied by VTA to CITY) on the PROJECT, including but not limited to updates on PROJECT expenditures, any changes in scope and schedule, PROJECT status, monthly PROJECT performance such as ridership, total miles, total hours, fare collection and any other information VTA may require for inclusion in the progress updates.

iv. Submit the PROJECT's final report ("FINAL REPORT") to VTA. This FINAL REPORT must be in writing and must include information regarding final PROJECT costs, total ridership, total revenue miles and total revenue hours, fare collection, along with any other information VTA may require for inclusion in the FINAL REPORT.

v. CITY will make staff available to present on the PROJECT at VTA committees as needed.

7. VTA'S ROLE

VTA will review PROJECT's PMP, PROGRESS REPORTS and FINAL REPORT, and provide oversight of the PROJECT to ensure PROJECT compliance with the 2016 Measure B Program Category Guidelines.

8. CITY'S OBLIGATIONS

CITY must:

a. Ensure that all 2016 MEASURE B funds are expended on only allowable INNOVATIVE TRANSIT PROGRAM expenditures as described above in Section 5. ELIGIBLE USE OF FUNDS.

b. Begin request for reimbursement of ELIGIBLE COSTS (see Section 5. ELIGIBLE USE OF FUNDS) from VTA within one (1) year of the Effective Date of this AGREEMENT.

c. Submit to VTA all records including contractors' invoices, miscellaneous invoices, and force account charges as substantiation for invoices submitted to VTA for reimbursement hereunder.

d. Maintain financial records, books, documents, papers, accounting records, and other evidence pertaining to costs related to this AGREEMENT for five (5) years. CITY shall make

such records available to VTA upon VTA's written request for review and audit purposes. Financial audits will be performed at VTA's sole discretion.

e. Submit invoices to VTA at vta.accountspayable@vta.org, no more frequently than monthly, for reimbursement of ELIGIBLE COSTS (see Section 5. ELIGIBLE USE OF FUNDS). CITY must submit invoices within one year of the date CITY incurs the cost submitted on the invoice for reimbursement (unless otherwise approved by VTA in writing).

9. VTA'S OBLIGATIONS

VTA will remit the amount due to the CITY under an invoice within thirty (30) calendar days of receipt of a complete and proper, fully documented invoice complying with the requirements set forth herein.

10. MODIFICATION TO PROJECT SERVICE

CITY must inform VTA, in writing, of any minor modifications to PROJECT service, including, but not limited to removal of any proposed pick up/drop off locations and schedule adjustments within a one-hour window that do not impact frequency or service or service area changes.

CITY must inform VTA, in writing, of potential major modifications to PROJECT, including but not limited to extended or reduced service hours of more than 30 minutes and changes in service areas.

11. INDEMNIFICATION

Neither VTA nor any officer or employee thereof will be responsible for any damage or liability arising out of or relating to CITY's acts or omissions under or in connection with any work, authority, or jurisdiction associated with this AGREEMENT. Pursuant to California Government Code §895.4, CITY must fully defend, indemnify, and save harmless VTA from all suits or actions of every name, kind, and description arising from an injury (as defined by California Government Code §810.8) relating to CITY's acts or omissions under or in connection with any work, authority, or jurisdiction delegated to CITY under this AGREEMENT. This provision will survive the termination or expiration of this AGREEMENT.

12. INSURANCE

At all times during this AGREEMENT, CITY must comply with the insurance requirements and specifications of Attachment C attached hereto, and herein incorporated by reference.

13. ADDITIONAL INSURED AND INDEMNITY PROVISION

In any agreement executed between the CITY and a third party for purposes related in any way to the subject matter of this AGREEMENT ("Third Party Contract"), the CITY must require that VTA be named as (i) Additional insureds on a primary and non-contributory basis with Separation of Insureds and Waiver of Subrogation on all policies of insurance, except when not applicable required in the Third Party Contract and (ii) indemnified parties in any indemnity provision contained in the Third Party Contract.

14. PUBLIC WORKS

If the CITY awards a contract to a third party for the performance of a public work (as defined in California Labor Code Section 1720 through 1720.6) (a "Public Works Contract") in connection with this AGREEMENT, the CITY must comply, and must require such third party to comply, with the requirements of California Labor Code Section 1720 et seq. If the Public Works Contract is funded in whole or in part with federal funds, the CITY must also comply, and must require such third party to also comply, with the requirements of the Davis Bacon Act (40 U.S.C. Sections 3141-3144 and 3146-3148).

15. COMPLIANCE WITH APPLICABLE LAW

In the execution of the PROJECT and performance of its responsibilities set forth herein, CITY and any contractor or subcontractors must comply with all applicable requirements of state, federal, and local law. CITY and any contractor or subcontractors must comply with any applicable laws, regulations, and/or guidelines relating to COVID-19, including, but not limited to, Centers for Disease Control and Prevention (CDC) guidelines and Santa Clara County Department of Public Health orders and/or guidelines.

16. COMPLIANCE WITH WAGE AND HOUR LAWS

CITY and any contractor or subcontractors they employ to perform work of the PROJECT under this AGREEMENT, must comply with all applicable federal, state, and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code, and any local Minimum Wage Ordinance or Living Wage Ordinance.

17. COMPLIANCE WITH 2016 MEASURE B REQUIREMENTS

In its performance under this AGREEMENT, CITY must comply with, and must ensure PROJECT compliance with all 2016 MEASURE B requirements set forth in the 2016 Measure B Program Category Guidelines for the TRANSIT OPS CATEGORY as identified in Attachment D, attached hereto.

18. TERMINATION

Each of the PARTIES may at any time terminate this AGREEMENT by giving ten (10) business days' written notice of such termination to other PARTY. Notice must identify the effective date of such cancellation and must be provided in accordance with the terms and conditions of this AGREEMENT.

In the event of termination as set forth herein, CITY must submit its final invoice to VTA within thirty (30) calendar days of the effective date of termination solely for ELIGIBLE COSTS incurred by CITY prior to the effective date of the termination (see Section 5. ELIGIBLE USE OF FUNDS).

19. AUDIT AND RECORDS

a. CITY must maintain, and shall require their contractors to maintain, in accordance with

generally accepted accounting principles and practices, complete books, accounts, records and data pertaining to services performed under this AGREEMENT, including the costs of contract administration. Such documentation must be supported by properly executed payrolls, invoices, contracts, and vouchers evidencing in detail the nature and propriety of any charges and must be sufficient to allow a proper audit of services. All checks, payrolls, invoices, contracts and other accounting documents pertaining in whole or in part to the services must be clearly identified and readily accessible.

b. For the duration of the AGREEMENT, and for a period of five (5) years after final payment, VTA shall have access during normal business hours to any books, accounts, records, data, and other relevant documents that are pertinent to this AGREEMENT for audits, examinations, excerpts, and transactions and copies thereof must be furnished upon request.

20. NOTICES

All notices required or permitted under this AGREEMENT must be in writing, will be effective five (5) days after being sent by personal service or certified mail, or forty-eight (48) hours after being sent by electronic mail to the individuals at the addresses set forth below, or to such other address which may be specified in writing by the PARTIES hereto.

VTA:
Marcella Rensi
Deputy Director, Grants & Allocations
Santa Clara Valley Transportation Authority
3331 N First Street
San Jose, CA 95134
Email: marcella.rensi@vta.org

CITY:
Ned Thomas
Planning Director
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035
Email: nthomas@ci.milpitas.ca.gov

Written notification to the other PARTY must be provided, in advance, for changes in the name or address of the individuals identified above.

21. GENERAL TERMS AND CONDITIONS

a. **Headings.** The subject headings of the articles and paragraphs in this AGREEMENT are included for convenience only and will not affect the construction or interpretation of any of its provisions.

b. **Construction and Interpretation of Agreement.** This AGREEMENT, and each of its provisions, terms and conditions, has been reached as a result of negotiations between the PARTIES. Accordingly, each PARTY expressly acknowledges and agrees that (i) this AGREEMENT will not

be deemed to have been authored, prepared, or drafted by any particular PARTY and (ii) the rule of construction to the effect that ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this AGREEMENT or in the resolution of disputes.

c. **Amendment.** No alteration or variation of the terms of this AGREEMENT will be valid unless made in writing and signed by both of the PARTIES hereto, and no oral understanding or agreement not incorporated herein will be binding on any of the PARTIES hereto.

d. **Entire Agreement.** This AGREEMENT contains the entire understanding between VTA and CITY relating to the subject matter hereof. This AGREEMENT supersedes any and all other agreements which may have existed between the PARTIES, whether oral or written, relating to the subject matter hereof. This AGREEMENT is binding upon each PARTY, their legal representatives, and successors for the duration of the AGREEMENT.

e. **Representation and Warranty of Authority.** Each PARTY to this AGREEMENT represents and warrants that each person whose signature appears hereon has been duly authorized and has the full authority to execute this AGREEMENT on behalf of the entity that is a party to this AGREEMENT.

f. **No Waiver.** The failure of either PARTY to insist upon the strict performance of any of the terms, covenants and conditions of this AGREEMENT will not be deemed a waiver of any right or remedy that either PARTY may have, and will not be deemed a waiver of either PARTY's right to require strict performance of all of the terms, covenants, and conditions hereunder.

g. **Dispute Resolution.** If a question or allegation arises regarding (i) interpretation of this AGREEMENT or its performance, or (ii) the alleged failure of a PARTY to perform, the PARTY raising the question or making the allegation shall give written notice thereof to the other PARTY. The PARTIES shall promptly meet in an effort to resolve the issues raised. If the PARTIES fail to resolve the issues raised, alternative forms of dispute resolution, including mediation, may be pursued by mutual agreement. It is the intent of the PARTIES to the greatest extent possible to avoid litigation as a method of dispute resolution.

h. **Severability.** If any of the provisions of this AGREEMENT (or portions or applications thereof) are held to be unenforceable or invalid by any court of competent jurisdiction, VTA and CITY shall negotiate an equitable adjustment in the provisions this AGREEMENT with a view toward effecting the purpose of this AGREEMENT, and the validity and enforceability of the remaining provisions or portions or applications thereof will not be affected thereby.

i. **Governing Law.** The laws of the State of California will govern this AGREEMENT, as well as any claim that might arise between CITY and VTA, without regard to conflict of law provisions.

j. **Venue.** Any lawsuit or legal action arising from this AGREEMENT must be commenced and prosecuted in the courts of Santa Clara County, California. CITY agrees to submit to the personal jurisdiction of the courts located in Santa Clara County, California for the purpose of litigating all such claims.

k. **Attribution to VTA.** CITY must include attribution to VTA that indicates PROJECT was funded by 2016 Measure B Funds. This provision applies to any project or publication that was funded

in part or in whole by 2016 Measure B Funds. Acceptable forms of attribution include 2016 Measure B's branding on project-related documents, construction signs, public information materials, and any other applicable documents. VTA will provide 2016 Measure B branding to CITY.

l. **Non-discrimination.** The PARTIES and any contractors performing services on behalf of the PARTIES ("Contractors") will not unlawfully discriminate or permit discrimination, harass, or allow harassment against any person or group of persons because of race, color, religious creed, national origin, ancestry, age (over 40), sex, gender, gender identity, gender expression, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition (including cancer), mental disability, physical disability (including HIV and AIDS), genetic information, or military and veteran's status, or in any manner prohibited by federal, state, or local laws. In addition, the PARTIES and Contractors shall not unlawfully deny any of their employees family care leave or discriminate against such employees on the basis of having to use family care leave. The PARTIES and Contractors must ensure that the evaluation and treatment of their employees and applicants for employment is free of such discrimination and harassment.

m. **Relationship of the PARTIES.** It is understood that this is an AGREEMENT by and between independent parties and does not create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship other than that of independent contractor.

Signatures of PARTIES on following page.

IN WITNESS WHEREOF, the PARTIES have executed this AGREEMENT as of the last date set forth below ("Effective Date").

Santa Clara Valley Transportation Authority	***City of Milpitas***
Carolyn M. Gonot General Manager/CEO	Steve McHarris City Manager
Date	Date
Approved as to Form:	Approved as to Form:
Shannon Smyth-Mendoza Senior Assistant Counsel	Christopher J. Diaz City Attorney

ATTACHMENT A

Service Parameters

1. Service Span: Service runs Monday through Friday. Service hours match current VTA fixed bus routes in Milpitas and will change accordingly if VTA service hours in Milpitas change at any point in the future.

2. Service Coverage: City limit of Milpitas, as shown in Figure 1.

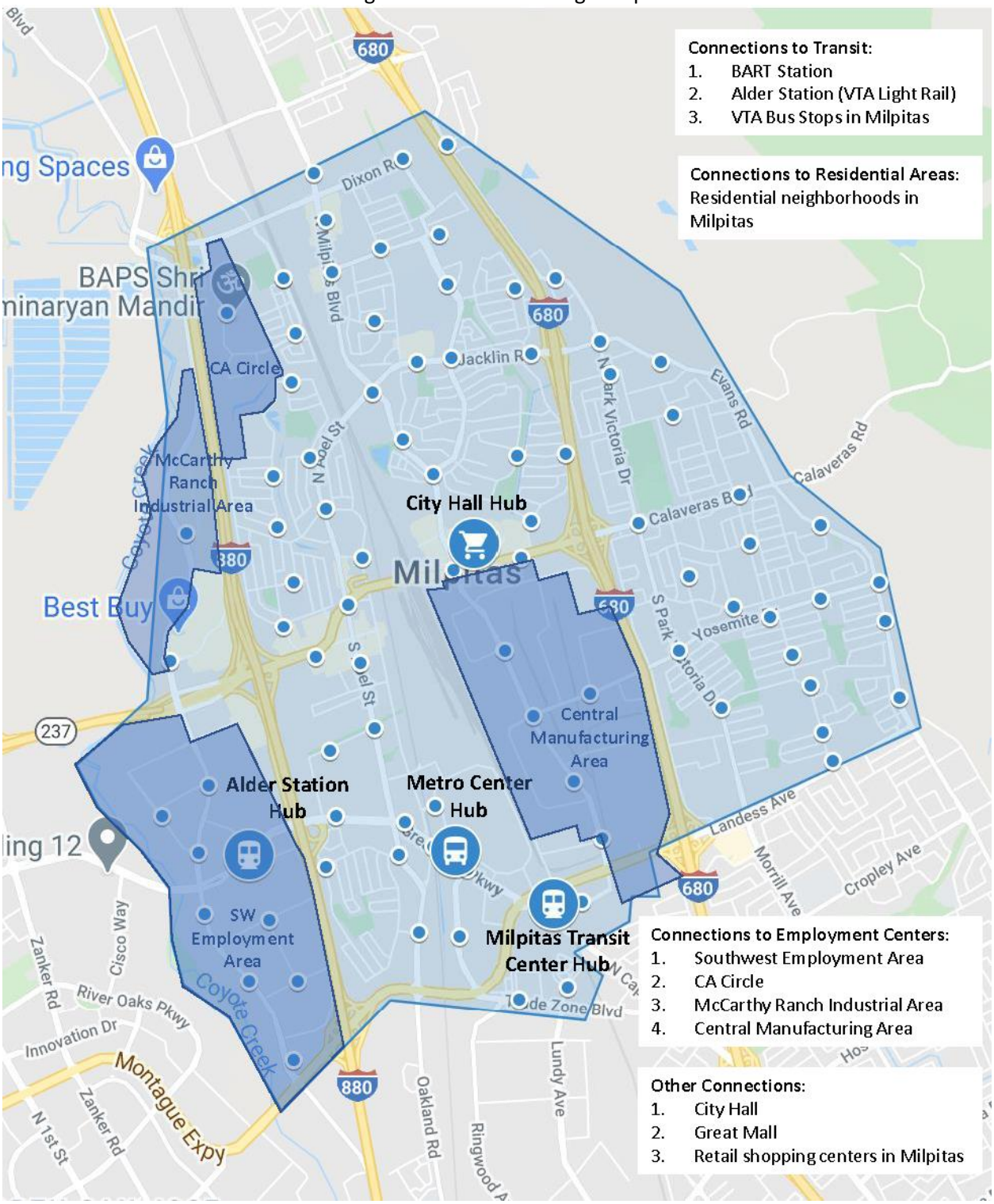
3. Routes: Service is on-demand micro-transit service that has many virtual stops across the city limit of Milpitas to any one of four hub locations: City Hall, Metro Center Hub, Alder Station, and Milpitas Transit Center. Vehicles may pick up passengers from anywhere within the service coverage area and may take the shortest route to the next stop on the ever-updating vehicle itinerary.

4. Infrastructure: Service operates with seven minivans, three of which will be fully ADA accessible. Service vehicle accommodates bicycles on board.

5. Fares: $2.5 regular fares and $1 for disabled, low-income, or youth population.

6. Online App: Passengers can book trips through mobile and web applications. All service data is available through a real-time dashboard. The software allows riders to pay in a variety of ways including cash, credit/debit cards, and any applicable VTA fare media. The online app offers seat selection options for mobility-limited riders/wheelchair users as well as standard seat types for ambulatory passengers.

Figure 1: Service Coverage Map



ATTACHMENT B

Project Management Plan Template

Submitted by: Contact for this PMP.
First submittal date:
Revision version & date:

PART A – PROJECT INFORMATION

1. Project Name:
2. Project Sponsor:
3. Partnering Agencies: <List all project partners>
4. Date

5. Project Description:
    a. Service type
    b. Service area, route & stops
    c. Service span
    d. Vehicles
    <Note any accommodation of wheelchair users and bikes>
    e. Scheduling
    <Note any technology, website, online applications for the user and operators>
    f. Fare collection
    <Describe how you plan to collect fares>

6. Project team
(Identify project staff/team/partner roles and responsibilities as applicable)
    a. Project Manager
    <The PM must be a Member Agency staff. Please identify email/phone and VTA will contact the PM for any project or PMP questions.>
    b. Procurement manager
    c. Operations
    d. Coordinator
    e. Safety and Training
    f. Marketing/outreach
    g. Others

    Attach a project organization chart.

PART B – FINANCIAL MANAGEMENT

1. Total project cost estimate:
    a. Capital cost
    b. Operating cost

2. Source of Funds

   (Identify 2016 Measure B fund and non-2016 Measure B fund sources)

PART C – PROJECT IMPLEMENTATION & MANAGEMENT

1. Project schedule

   <Modify the following schedule table as needed.>

Project Milestone	Month/Year
Release RFP for service provider/operator	
Develop contract	
Award/Execute contract	
Recruit project staff	
Conduct project outreach and marketing	
Start-up operation (if applicable)	
Full operation	

2. Training and qualifications of project staff and operators

3. Agreements
   <Identify any existing/anticipated agreements and provide date of execution & expiration>

ATTACHMENT C

Insurance Requirements

CITY'S ATTENTION IS DIRECTED TO THE INSURANCE REQUIREMENTS BELOW. IT IS HIGHLY RECOMMENDED THAT CITY CONFER WITH THEIR INSURANCE CARRIERS OR BROKERS IN ADVANCE OF PROPOSAL SUBMISSION TO DETERMINE THE AVAILABILITY OF INSURANCE CERTIFICATES AND ENDORSEMENTS REQUIRED BY THIS CONTRACT.

INSURANCE

Without limiting City's obligation to indemnify and hold harmless VTA, City must procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Work hereunder by City, its agents, representatives, or employees, or subcontractors. The cost of such insurance must be included in Contract price. In the event of any material change in the Contract Scope of Services, VTA reserves the right to change the insurance requirements set forth herein. City must furnish complete copies of all insurance policies required herein, within five (5) business days of any request for such by VTA.

A. Liability and Workers' Compensation Insurance

1. Minimum Scope of Coverage

Coverage must be at least as broad as:

a. Insurance Services Office General Liability coverage ("occurrence" form CG 0001), including Products/Completed Operations Liability. General Liability insurance written on a "claims made" basis is not acceptable.

b. Insurance Services Office Business Auto Coverage, Insurance Services Office form number CA 0001, covering Automobile Liability, code 1 "any auto." Auto Liability written on a "claims-made" basis is not acceptable.

c. Workers' Compensation insurance as required by the Labor Code of the State of California, and Employer's Liability insurance.

d. Public Officials Errors and Omissions Liability, including limited contractual liability coverage, covering liability arising out of any negligent act, error, mistake or omission in the performance of City's services under this Agreement. This coverage must be continuously maintained for a minimum of two (2) years following completion of this Agreement. This coverage may be written on a "claims made" basis, if so, please see special provisions in Section B.

e. Cyber Liability (including privacy liability and network security coverage).

2. Minimum Limits of Insurance

City must maintain limits no less than:

a. General Liability: $10,000,000 limit per occurrence for bodily injury, personal injury, and property damage. If a General Liability or other form with a general aggregate limit is used, either the general aggregate limit must apply separately to this project/location or the general aggregate limit must be twice the required occurrence limit. This requirement may be satisfied by a combination of General Liability with Excess or Umbrella. Umbrella/Excess policies must feature inception and expiration dates concurrent with the underlying General Liability policy, "Follow Form" coverage, and a "Drop Down" provision.

b. Automobile Liability (including umbrella/excess liability): $10,000,000 limit per accident for bodily injury and property damage. This requirement may be satisfied by a combination of Auto Liability with Excess or Umbrella. Umbrella/Excess policies must feature inception and expiration dates concurrent with the underlying auto liability policy, "Follow Form" coverage, and a "Drop Down" provision.

c. Workers' Compensation and Employer's Liability: Statutory Workers' Compensation limits and Employer's Liability limits of $1,000,000 per accident.

d. Public Officials Errors and Omissions Liability: $2,000,000 each occurrence/aggregate minimum limit per claim. This requirement may be satisfied by a combination of Professional Liability with Excess or Umbrella. Umbrella/Excess policies must feature inception and expiration dates concurrent with the underlying professional liability policy, "Follow Form" coverage, and a "Drop Down" provision.

e. Cyber Liability: $1,000,000 per occurrence.

3. Self-Insured Retention

If City is a governmental authority such as a state, municipality or special district, self-insurance is permitted.

B. Claims Made Provisions (not applicable to General Liability or Auto Liability)

Claims-made coverage is never acceptable for General Liability or Auto Liability. Claims-made may be considered for Professional, Environmental/Pollution, or Cyber Liability. If coverage is written on a claims-made basis, the Certificate of Insurance must clearly state so. In addition to all other coverage requirements, such policy must provide that:

1. The policy must be in effect as of the date of this Agreement and the retroactive date must be no later than the date of this Agreement.
2. If any policy is not renewed or the retroactive date of such policy is to be changed, City must obtain or cause to be obtained the broadest extended reporting period coverage available in the commercial insurance market. This extended reporting provision must cover at least two (2) years.
3. No prior acts exclusion may be added to the policy during the contract period.
4. The policy allows for reporting of circumstances or incidents that might give rise to future claims.

C. Other Provisions

The policies must contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability

a. VTA, its directors, officers, officials, employees and volunteers are to be named as additional insureds as respects: liability arising out of activities performed by or on behalf of City, including VTA's general supervision of City; products and completed operations of City and its subcontractors; premises owned, occupied or used by City; or automobiles owned, leased, hired or borrowed by City. The coverage must contain no special limitations on the scope of protection afforded to VTA, its directors, officers, officials, employees, or volunteers. Additional Insured endorsements must provide coverage at least as broad as afforded by the combination of ISO CG 20 10 10 01 and CG 20 37 10 01

b. Any failure to comply with reporting provisions of the policies may not affect coverage provided to VTA, its directors, officers, officials, employees, or volunteers.

c. City's insurance must apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

d. The General Liability General Aggregate limit must apply per project, not per policy.

e. Products/Completed Operations Liability coverage must be maintained for a minimum of two (2) years following completion of this Contract.

2. All Coverages

a. The insurer must agree to waive all rights of subrogation against VTA, its directors, officers, officials, employees, and volunteers for losses arising from work performed by City and its subcontractors for VTA.

b. City's insurance coverage must be primary insurance as respects VTA, its directors, officers, officials, employees, and volunteers. Self-insurance or insurance that may be maintained by VTA, its directors, officers, officials, employees, or volunteers may apply only as excess to City's insurance. City's insurance must not seek contribution from VTA's insurance program.

3. Other insurance provisions

a. The Certificate must disclose the actual amounts of all deductibles or self-insured retentions.

b. If any coverage forms or endorsements required by this Contract are updated by their publishers, whether they be the insurance carrier(s), the Insurance Services office, or the American Association of Insurance Services, during the duration of this Contract, VTA reserves the rights to require City to procure said coverage forms or endorsements using the updated versions upon the next renewal cycle.

D. Acceptability of Insurers

Insurance and bonds must be placed with insurers with an A.M. Best's rating of no less than A VII (financial strength rating of no less than A and financial size category of no less than VII), unless specific prior written approval has been granted by VTA.

E. Certificates of Insurance

City must furnish VTA with a Certificate of Coverage. The certificates for each insurance policy are to be signed by an authorized representative of that provider. City must instruct their insurance broker/agent to submit all certificates and required notices electronically in PDF format to Insurance.certificates@vta.org. All endorsements must be attached to the certificate in a single PDF document.

The certificates must (1) identify the insurers, the types of insurance, the insurance limits, the deductibles, and the policy term, (2) include copies of all the actual policy endorsements required above, and (3) in the "Certificate Holder" box include:

Santa Clara Valley Transportation Authority ("VTA")
3331 North First Street
San Jose, CA 95134-1906

In the Description of Operations/Locations/Vehicles/Special Items Box, the VTA Contract number must appear, the list of policies scheduled as underlying on the Umbrella/Excess policy must be listed, Certificate Holder must be named as additional insured, and Waiver of Subrogation must be indicated as endorsed to all policies as stated in the Contract Documents.

It is a condition precedent to award of this Contract that all insurance certificates and endorsements be received and approved by VTA before Contract execution. No work may be performed until insurance is in full compliance. VTA reserves the rights to require complete, certified copies of all required insurance policies, at any time.

If City receives notice that any of the insurance policies required by this Exhibit may be cancelled or coverage reduced for any reason whatsoever, City must immediately provide written notice to VTA that such insurance policy required by this Exhibit is canceled or coverage is reduced.

F. Maintenance of Insurance

If City fails to maintain insurance as required herein, VTA, at its option, may suspend payment for work performed and/or may order City to suspend work at City's expense until a new policy of insurance is in effect.

ATTACHMENT D

Transit Operations Program Guidelines

(Adopted by VTA Board of Directors on October 5, 2017)

Definition from Resolution No. 2016.06.17

The revenue from this program category will provide additional funds specifically for bus operations to serve vulnerable, underserved, and transit dependent populations throughout the county. The goals of the program category are to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county. As VTA considers modifications to bus operations and routes to improve ridership and efficiencies, these funds may also be utilized to maintain and expand service to the most underserved and vulnerable populations. The funds may be used to increase core bus route service frequencies, extending hours of operations to early morning, evenings and weekends to improve mobility, safe access and affordability to residents that rely on bus service for critical transportation mobility needs. Attachment D describes the list of Candidate Projects and Programs.

Total Funding

- $500 million in 2017 dollars.

Distribution

- VTA anticipates that allocations will be programmed based upon the total allocation for the Transit Operations Program contained in 2016 Measure B divided by the number of years in the measure.
- Future allocations will vary depending upon the amount of sales tax revenue collected.
- The Transit Operations Program Area funding will be allocated for the following four programs identified in 2016 Measure B Attachment D:
    - Enhance Frequent Core Bus Network by increasing core bus route service frequencies, and expanding or adding additional evening, late night and weekend service.
    - Expand mobility services and affordable fare programs for seniors, disabled, students and low-income riders.
    - Support new/innovative transit service models to address first/last mile connections and transit services for the transit dependent, vulnerable populations and paratransit users that is safe and accountable.
    - Improve amenities at bus stops to increase safety, security and access with lighting and access improvements.

The proposed allocations for the four categories are as follows:

2016 Measure B Transit Operations Program Area

Area	Funding Allocation (Proposed)
Frequent Core Bus Network	73%
Innovative Mobility Models & Programs	8%
Fare Programs	15%
Bus Stop Amenities	4%

Implementation

For FY18 & FY19 Budget Allocation:

- The Enhanced Frequent Core Bus Network will directly fund VTA's core bus network of services increasing core bus route service frequencies, and expanding or adding evening, late night and weekend service.
- The Fare Programs will fund the Transit Assistance Program (TAP) and reduced fares for youth.
- The Innovative Transit Models Program will support goals to address first/last mile connections. Strategies may include competitive grant programs to help fund services operated by local jurisdictions, utilize excess paratransit capacity, and other programs that encourage investments in local service.
- The Bus Stop Amenities Program will directly fund improvements at VTA's bus stops. The bus stop improvements will be prioritized based on VTA's Transit Passenger Environment Plan and ongoing maintenance needs.

Six to 12 months into the implementation of the Next Network, staff will have ridership data available to evaluate potential increases to the ridership hours where we see higher demand for service. To meet our commitment as expressed in 2016 Measure B and in collaboration with the public, VTA will make increased investments in service hours in the system focusing on those areas where we see the greatest demand by transit dependent populations.

VTA will consider the potential for further reducing the fares for seniors and youth with a requested goal of free rides.

Criteria

- Only projects and programs currently listed on 2016 Measure B Attachment D are eligible.

Requirements

- For potential competitive grants for the Innovative Transit Models Program:
  - Reporting requirements will be detailed in agreements executed with VTA for project funding.
  - All applications must include a delivery schedule.
  - Funds will be available on a reimbursement basis.
- VTA Complete Streets reporting requirements will be required for all capital

improvements projects.

- All collateral material will be required to display a 2016 Measure B logo.

Community Improvement Projects

Project No.

3493

Milpitas OnDemand

Category:	Community Improvement
City Council Priorty:	Transportation and transit
Project Location:	Citywide
Managing Department:	Planning
Contract Person:	Ned Thomas [3273]/Jay Lee [2713]
Project Stage:	Planning
Estimated Schedule :	
Design	2023
Construction	
Reoccuring Project:	No

Description

This project provides for an 12-month pilot program to provide micro-transit connection services throughout Milpitas. The proposed demand-responsive micro transit service will operate as a “hub and spoke model”, an innovative service model that functions as a hybrid between first-last mile and point-to-point service. Riders will be able to book trips from any one of nearly a hundred virtual stops across the City to any of the “hub” locations and vice versa. The goal of the program is offer a convenient service to Milpitas’ residents, commuters, and vulnerable/transit dependent populations, including those not conveniently served today by fixed bus and rail routes. The program harnesses cutting-edge technology to provide safe, convenient, affordable, and much-needed first-last mile connections for Milpitas residents.

Notes

N/A City of Milpitas

Uncommitted Balance as of 5/31/2021	Council Approval
N/A	9/21/2021

Milpitas OnDemand

Project No. 3493

Estimated Cost

Phase	Prior Year	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	Total
Administration	0	1,355,916	0	0	0	0	1,355,916
TOTAL	**$0**	**$1,355,916**	**$0**	**$0**	**$0**	**$0**	**$1,355,916**

Funding Source

	Prior Year	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	Total
Grants	0	1,084,732	0	0	0	0	1,084,732
Develoer fees	0	200,000	0	0	0	0	200,000
General Government CIP Fund	0	71,184	0	0	0	0	71,184
TOTAL	**$0**	**$1,355,916**	**$0**	**$0**	**$0**	**$0**	**$1,355,916**

Finance Notes

Operating Impact Notes

City of Milpitas N/A

MEMORANDUM

Writer's Direct Telephone: 408.321.5683

TO: Jay Lee, Principal Planner
City of Milpitas

FROM: Nicole He NH
2016 Measure B Program Office

DATE: 03/11/2021

SUBJECT: 2016 Measure Innovative Transit Service Models Funding Award:
FY20-FY21 Funding Cycle

Hi Jay,

For the FY20 – FY21 funding cycle, your 2016 Measure B Innovative Transit Service Models project has been awarded the following:

- Milpitas OnDemand
- 18 Months
- $1,084,732

A draft funding agreement for the Milpitas OnDemand project will be sent to you for review and processing.

If you have any questions, feel free to contact me at nicole.he@vta.org.

City of Milpitas

December 7, 2020

Ms. Jane Shinn
2016 Measure B Program Manager
Valley Transportation Authority
3331 N. First Street
Santa Clara, CA 95134

Dear Ms. Shinn:

I am pleased to present Valley Transportation Authority (VTA) with the enclosed City of Milpitas Measure B proposal entitled “Milpitas OnDemand,” requesting $1,084,732 for our proposed first-last mile public transportation program. In partnership with RideCo, a transportation consulting agency that specializes in micro-transit solutions for local governments, we are proposing micro-transit connection services across all of Milpitas. The City will supplement an award from VTA with $271,183 or 20% in cost-sharing, and projects serving 150,019 riders over the 18-month grant period through our app-based transportation solution.

The proposed demand-responsive micro-transit service will operate as a “hub and spoke” model, an innovative service model designed by RideCo that functions as a hybrid between first-last mile and point-to-point service. Riders will be able to book trips from any one of nearly a hundred virtual stops across the City to any of the “hub” locations and vice versa. VTA would be just the second transit agency globally to launch such a program, which was launched by RideCo in Calgary, Alberta in 2019 and continues to run with great success.

The goal of the program is to offer a more convenient service to Milpitas’ commuters, including those not conveniently served today by fixed bus route service, and significant vulnerable/transit-dependent population by supporting and complementing VTA’s existing bus and rail services. The program harnesses cutting-edge technology to provide safe, convenient and much-needed first-last mile connections for Milpitas residents that is cost-effective for VTA and affordable for daily riders. By supporting this project, VTA has the opportunity to provide a safe transportation option for riders during the pandemic, while also testing the feasibility for a long-term public transportation solution for Milpitas. Our 18-month pilot program will help us evaluate program performance, adjust service based on ridership data, and understand the long-term ridership potential in light of the pandemic and beyond. Although transit ridership is down across the country and especially in the Bay Area, the program will position Milpitas to overcome this challenge by offering a flexible and scalable service.

Together, VTA and the City of Milpitas can make a difference in advocating for and advancing innovative public transportation solutions in Santa Clara County. We are grateful for your consideration of our proposal.

Sincerely,

Ashwini Kantak
Assistant City Manager
City of Milpitas

Attachment: 2016 Measure B Innovative Transit Service Models Competitive Grant Application

APPLICATION GENERAL INSTRUCTIONS

- *Use this form to apply for 2016 Measure B Innovative Transit Service Models competitive grant funds. All descriptive notes in this form are in blue text. Please answer all parts of the application. Detailed step-by-step instructions will also be provided for this application.*
- *You can include additional information as an attachment if you require more space to answer the questions. Please make clear references to any attachments in your narratives.*
- *Submit one application in PDF format for each project to 2016MeasureB@vta.org*

PART 1: SPONSOR INFORMATION

Primary Project Sponsor[1]	City of Milpitas
Project Co-applicant(s) *(if applicable)*	RideCo Inc

Contact person from Primary Project Sponsor Agency regarding this application:

Name	Jay Lee
Title	Principal Planner
Department	Planning Department
Email	jlee2@ci.milpitas.ca.gov
Phone	408-586-3077

PART 2: PROJECT INFORMATION & ELIGIBILITY

Project Name	Milpitas OnDemand
Project Webpage (if any)	Not Applicable
Project Duration	18 Months
Service Type (on-demand, fixed-route or others, please explain)	On-Demand First Last Mile Program
Description of transportation services provided	*Please describe the proposed service plan, including service route(s)/service zone, service span and frequency, vehicle need, targeted population, and the intent of the project.* **IMPORTANT: Proposed service must not duplicate[2] existing VTA[3] or another transit provider or city's services.*

(Continued) Description of transportation services provided	Please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application" See Part 2: Project Information & Eligibility Description of transportation services provided
Description of geographic areas served	*A project service map is required. Include service routes, pick-up & drop-off locations, connections to existing transit stops, and project limits, as appropriate.* The proposed project covers all of Milpitas, with the borders of the zone being the city limits. Passengers will be able to hail pickups at any one of nearly 100 "virtual stops" throughout the City, ensuring that no passenger is ever more than a five-minute walk from their nearest virtual stop. In a "virtual stop" service model, passengers are directed to a safe, well-lit location that is a short walk from their door. Examples of virtual stop locations include community mailboxes, specific intersections, and existing physical bus stops. Virtual stops can be added/removed/moved in a matter of seconds with no service downtime. There are no "routes" in the traditional sense, since the service is dynamically routed and vehicle itineraries are updated every 30 seconds to optimize for shared rides. In other words, vehicles may pick up passengers from almost anywhere and may take the shortest route to the next stop on the ever-updating vehicle itinerary. In this "hub-and-spoke" service, the virtual stops will function as the "spokes," while the "hubs" will be City Hall, Metro Center Hub, Alder Station, and Milpitas Transit Center (including the BART Station).

Total Project Cost Estimate *(in current dollars)*	$1,355,916
2016 Measure B Request Amount *(minimum $250,000)*	$1,084,732
Non-2016 Measure B Contribution % *(minimum 10%)*	$271,183 (20%)
Date	December 7, 2020

1. *Primary project sponsor must be a Member Agency. Member Agencies include all fifteen cities, VTA and the County of Santa Clara in Santa Clara County.*
2. *Funding an existing service is not considered duplication.*
3. *Please refer to VTA's Regular Service Map: https://www.vta.org/go/maps*

Signature	*Name*	*Title*	*Date*
Ashwini Kantak	Ashwini Kantak	Assistant City Manager	12/07/2020

IMPORTANT: The application must be signed by Public Works Director, Agency Manager or equivalent senior-level staff or his/her designee. Electronic signatures are acceptable.

PART 3: PROJECT DESCRIPTION

3.1 Does the project present any innovation in its project delivery? (Max. 20 points)

(a) What are the two most innovative aspects of your project? Please select two of the following:

☐ Unique partnership and/or funding arrangements, such as partnerships with other local agencies, innovative mobility providers, technology suppliers, and other partners.

☒ Flexible models of transit service delivery, such as on-demand bus and microtransit operations and/or flexible scheduling.

☒ Technical capabilities, such as:

- Integrated payment system,
- Incentives for traveler choices,
- Mobile application,
- On-demand software, and/or
- Real-time transit data.

☐ Innovative data sharing arrangement and/or data collection methods, such as

- Open data platform,
- Crowdsourcing information and/or incentive-based participation in data collection.

☒ Others; please briefly identify any other innovations in your project:

Note that we have selected three innovative aspects of our model, but we view our selection of "other additional innovations" as an extension of both the check boxes we selected above for "flexible models of transit delivery" as well as "technical capabilities."

For details of our additional innovations, please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application"

See 3.1(a) Does the project present any innovation in its project delivery? (20 points)

Others; please briefly identify any other innovations in your project

(b) Please describe the innovations in your project, with consideration to the following:

- Is your project a new idea to Santa Clara County, i.e. not duplicative of other existing transit services?
- If your project provides on-demand service, how is it different from other existing on-demand operations?
- What organizations or agencies are you partnering with?
- Is your project market-ready? What are the expected utilities of your new service models, systems and/or technologies?
- Is your project replicable in other communities or transferable to other transportation agencies?
- What existing mobility challenge/difficulty does the project address? Does it provide any cost/time savings to existing conditions? Consider the impact of COVID-19 pandemics on transit.

While we understand that the general concept of on-demand transit was previously piloted by the VTA in the form of the Flex service, this service is no longer operational and thus there is no overlap between the proposed and current services. Though local bus routes operate in some of the same coverage area as the proposed demand-response service, the current bus lines only conveniently serve a percentage of the population of Milpitas. The proposed service would save not just time but also money for passengers that currently drive to the Milpitas BART station. Parking at the Bart station costs $3 per day or $50 per month with a pass. This is on top of the additional cost of gas and the time spent looking for parking in a sometimes rather busy lot. Taking the proposed on-demand service will be more convenient than driving and will save daily commuters potentially hundreds of dollars per year, which is particularly beneficial for lower income individuals.

Compared with Flex, Milpitas' new program will be similar only in that it is also an on-demand transit service; the zone, service model, and technological architecture powering the service are fundamentally different. The service model is specifically designed for connections with transit hubs, caters to the general public (including both ambulatory and mobility-limited riders), and uses a software that has best-in-class routing and passenger pooling capabilities. Other differences between Flex and our proposed service include: shorter travel times, app-based booking, real-time on-demand bookings, flexible vehicle itineraries, dynamic vehicle routing, improved passenger communication (in regards to vehicle location, ETAs, delays etc.), and full automation of the booking/scheduling/routing process.

The City of Milpitas has partnered with RideCo for the proposed service. RideCo will serve as the primary contractor and will oversee the day-to-day management of the service, subcontracting vehicle operations to Yellow Checker Cab Company. Yellow Checker Cab has been providing service in San Jose and the surrounding areas since 1938 and currently provides paratransit overflow services for the VTA in a number of cities. They are trusted for using only local, highly skilled drivers who undergo a rigorous training process and provide high quality customer service. RideCo will be in charge of ensuring the smooth operation of the service and overseeing the training and service performance of Yellow Checker Cab and its drivers.

Our proposed solution is currently market ready, and can launch in as few as eight weeks. Our technology partner has launched more than 30 demand-responsive microtransit services around the world and has worked with some of the largest transit agencies in the country, including Los Angeles Metro, Metro Houston, and San Antonio's VIA Metro. The proposed hub-and-spoke model has been proven successful in RideCo's on-demand service for Calgary Transit in Alberta, Canada by drastically reducing wait times for pickup and time spent transiting in vehicles.

The expected benefits of the proposed service model are to improve access to regional transit for residents of Milpitas and promote equity for all residents of the City by improving service coverage as compared to the current fixed bus routes. This new service will enable every resident to connect to express buses and trains heading to other cities while significantly increasing general mobility within the City itself. Another major benefit stemming from the proposed service is improved connectivity to the Metro Center Hub, an area of major economic development in Milpitas. Finally, the service will improve access to the industrial employment areas in the southwestern areas of the city, which currently have much lower levels of bus service compared to the rest of the City.

RideCo's services are highly customizable to the specifics of each zone in which they operate. This, coupled with their fleet partner's flexible vehicle supply, will allow the service to scale with ease if, in the future, ridership grows to where additional service vehicles are required to meet growing ridership demand. This type of on-demand service is easily replicable in other communities within the VTA's catchment area, as well as easily transferable to other transit agencies in nearby areas.

The flexibility of RideCo’s service model has enabled the company to develop a proposed partnership with Milpitas that meets the transit demands of our different communities. The service model is based on an analysis of ridership demand, travel patterns, and municipal economic development strategy. The technology used can support other municipalities in the area considering an on-demand service, but each municipality will need to consider the service model that best suits their residents' needs. For instance, out target cost-per-passenger for this specific service is $7 to $9; this is only achievable due to the efficiencies created by the proposed hub-and-spoke service model. In another city of a different population, economic situation, and/or geographical layout, a hub-and-spoke microtransit service may not prove as effective.

This project addresses the existing mobility challenges of quickly transporting daily commuters to employment centers and transit hubs in Milpitas. Additionally, we propose to improve the quality of service for limited mobility riders requiring accessible service who take trips that connect with light rail or fixed-route express buses, by improving the booking process, modifying the routing and scheduling to on-demand, offering app-based booking, and by improving communication to passengers through real-time updates in app vehicle tracking.

Additionally, the proposed service can be scaled down easily to reduce operational costs even further in the event that ridership remains low or declines due to the ongoing pandemic.

(c) How does your service help recover transit ridership during/after COVID-19 pandemic, in an innovative way?

Ridership on many VTA routes fell earlier this year due to the ongoing COVID-19 global pandemic. Ridership fell so drastically for some routes that the cost of operating these routes has become highly inflated despite some growth in ridership in recent months. Many daily bus riders began to work from home, while others took to driving to reduce their risk of COVID-19 infection, leaving only essential workers without access to vehicles as the primary bus riders in the Bay Area. The risk of infection associated with riding a public bus during the pandemic has made previously simple tasks like buying groceries or attending doctors' appointments a risky endeavor for many of our residents.

Many transit riders, especially daily commuters, are currently wary of taking the bus due to the risk of COVID infection. Our on-demand service will not only reduce in-vehicle times by approximately 50%, but the software we propose can be configured such that only a limited number of passengers are permitted in a single vehicle at once. This enables us to give riders confidence that that their in-vehicle exposure risk will be much lower. The advanced technology that RideCo brings to its service model enables Milpitas to offer an affordable and convenient way to access higher frequency regional transit and entice riders back to public transportation.

By improving first-last-mile experiences across the entire City of Milpitas, the proposed service will ensure that essential workers can get to work during the pandemic and enable non-essential workers to access a transit program that minimizes their travel time while increasing their comfort levels (i.e., their feelings of safety and well-being). We believe that improving first-last-mile options is the single most important factor to not only regain lost ridership, but to attract new riders on existing fixed-route transit. As over 40% of Milpitas residents work outside the City, quick and reliable access to rapid transit is crucial for many residents to maintain their current employment levels; this is true for lower-income residents in particular. As an example of the efficacy of on-demand transit: RideCo's largest service in San Antonio, Texas saw a reduction in ridership of only 20% during the peak of COVID, which is significantly better than the average transit agency's reduction of over 50%.

A major innovation specific to RideCo's unique brand of on-demand transit is that service levels can be scaled up or down on very short notice to either reduce the cost of operating the service when ridership decreases or to increase levels of service when ridership increases post-COVID and into the future. The proposed service is highly flexible and allows for addition or removal of service vehicles to/from the road with short notice, which allows us to match vehicle supply to ridership demand on a day-to-day basis.

3.2 Does the project provide any first/last mile connection to transit? (Max. 20 Points)

(a) Does/Will the project service accommodate bicycles on board?

☒ Yes ☐ No

(b) Where are the proposed pick-up/drop-off locations of your project service? Please list the cross streets or the point(s) of interest such as "*ABC shopping center" or "XYZ medical plaza"*. Also, please provide a map identifying the route(s) and pick-up/drop-off locations.

If your service is on-demand and has no fixed pick-up/drop-off locations, please provide a map identifying the service zone.

The proposed service is fully on-demand and dynamically routed, and as such has far too many possible locations for pickup and drop off to be listed. Instead, a map identifying the service zone and potential virtual stops has been attached to the end of this proposal. The stop locations on that map have been generally identified, but will be further configured and refined by RideCo's service design team upon contract award.

Virtual stops, rather than fixed stops, will be used for this service. The advantages of using virtual stops over alternative models are many and include: the ability to quickly add/remove/move stops; the fact that they do not cost anything to implement as existing landmarks and intersections serve as designated virtual stops; the fact that virtual stops group riders together for pickup, as opposed to a door-to-door service model which is far less efficient; and finally virtual stops can be placed essentially anyplace that is well-lit and safe to board, which helps to reduce walking distances to pickup locations.

Please provide the following data within the catchment area. *If you answered YES to (a):* The catchment area is calculated as **1 ½-mile actual biking distance** of the pick-up/drop-off locations. *If you answered NO to (a):* The catchment area is calculated as **½-mile actual walking distance** of the pick-up/drop-off locations.

REQUIREMENT: Attach a map identifying the connections to residential area, employment centers and transit within the catchment area.

Residents	
Number of residents:	84,184
Data source:	U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table DP05
Employment	
Number of jobs:	51,461
Data source:	California Employment Development Department (EDD), 2018

Existing or planned regional rail stations[1]
List the regional rail operators that serve or will serve the catchment area: Bay Area Rapid Transit (BART)
List the station names: Milpitas Station: 1755 S. Milpitas Blvd, Milpitas CA 94566
Existing or planned frequent transit stops/stations[2]
List the frequent transit lines that serve or will serve the catchment area: Route 60 Route 66 Route 70
List the stops locations/station names: Please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application" See 3.2(b) Does the project provide any first/last mile connection to transit? List the stops locations/station names for frequent stops/stations:
Existing or planned local transit stops/stations[3]
List the local transit lines that serve or will serve the catchment area: Route 20 Route 44 Route 47 Route 71
List the stops locations/station names: Please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application" See 3.2 (b) continued: List the stops locations/station names for local stops/stations:

1. Regional rail service includes Caltrain, ACE, Capital Corridor, and BART.
2. Frequent transit is 15 minute or better frequency from 6:30a to 6:30p, M through F, including VTA's light rail service. Refer to VTA's Regular Service map: https://www.vta.org/go/maps
3. Local transit includes all non-frequent transit.

3.3 How does the project service benefit vulnerable/transit-dependent populations? (Max. 20 Points)

(a) Please describe the demographics to be served, their current local mobility challenges, and their needs for your transportation service.

Please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application"

See 3.3 How does the project service benefit vulnerable/transit-dependent populations?

Part (a) Please describe the demographics to be served, their current local mobility challenges, and their needs for your transportation service.

(b) What is the estimated vulnerable/transit-dependent population, if any, within the catchment area of your project service (refer to the calculation of catchment area in section 3.2.b)? You should briefly explain the process of estimation.

Any individual that demonstrates one or more of these following characteristics is considered "vulnerable/transit-dependent":

- Individuals with disabilities;
- Individuals with low-income (as defined by MTC - person living in a household with incomes less than 200% of the federal poverty level established by the Census Bureau);
- Individuals with no personal vehicles; and
- Youth as defined for VTA's fare structure: https://www.vta.org/go/fares#accordion-hide-youth-(5-18)

Note - You can find relevant tract-level data provided by MTC: http://opendata.mtc.ca.gov/datasets/mtc-communities-of-concern-2018-with-american-community-survey-data-2012-2016

Milpitas is home to 6,266 individuals with disabilities, including cognitive difficulties, ambulatory difficulties, and self-care difficulties (Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table S1810).

A "Low Income" individual, as defined by MTC, is a "person living in a household with incomes less than 200% of the federal poverty level established by the Census Bureau." Based on this definition, there are 8,186 low income individuals living in Milpitas (Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table S1701).

"Youth," defined as individuals between the ages of 5 and 18 years old, number 9,761 in Milpitas (Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table DP05).

2,691 residents in Milpitas do not have a vehicle (Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table DP04)

Our estimation process: As there is no American Community Survey table that provides a direct answer to this query, a Census representative calculated 2,691 residents through some simple calculations using ACS table DP04 queried to Milpitas:

There were 874 households in Milpitas that did not have a vehicle in 2019. In 2019, there was an average of 3.23 persons per household in owner-occupied Milpitas homes.
In 2019, there was an average of 2.94 persons per household in tenant-occupied Milpitas homes.

(3.23 people + 2.94 people)/2= 3.08 persons per household in Milpitas

874 households without a vehicle * 3.08 persons per household in Milpitas = 2,691 residents in Milpitas did not have a vehicle in 2019

(c) How does the project address the mobility challenges in part (a) and better serve vulnerable/transit-dependent populations in part (b)?

The Milpitas OnDemand program will be available to all who live and work in the city. One benefit of this service is that it will enable better access to regional transit for commuters coming in and out of the city, however there is also a significant population of transit dependent individuals in Milpitas. In fact, of 84,184 residents, approximately 6,250 have a disability, 8,000 are considered low income, 9,700 are youth. Given that there is likely overlap in these communities, we estimate that approximately 1 in 5 residents are transit dependent.

We felt that a traditional first last mile service, providing connection only to high-frequency regional transit, would disproportionately serve the 40% of commuting residents who are less likely to be transit dependent. This was a major factor in our decision to propose the hub-and-spoke model, which creates the first-last mile connection while also providing increased intra-city mobility - specifically to frequently visited places.

Additionally, this service can supplement paratransit services by providing accessible transportation to people who have a disability or mobility challenges. Our fleet is designed to have enough accessible seats that a wheelchair passenger will get the exact same quality of service as an ambulatory passenger: an approximately 10-minute wait time and an on-board time mere minutes longer than a direct drive. Paratrasit users can rely on a fixed arrival time, providing them with greater predictability in their trips and better confidence in their plans.

We believe this is a major improvement in access and equity compared with the existing paratransit options in the City, especially since paratransit passengers can be registered to receive door-to-door service as opposed to the virtual stop/hub and spoke service.

3.4 Is the project service affordable for vulnerable/transit-dependent populations? (Max. 10 Points)

(a) What is the proposed fare structure of the project service?

Fare Type	Proposed Fare per Trip ($)
Regular – Adult	$2.5
Disabled	$1
Low-income	$1
Youth	$1
Other types, please specify:	

(b) Please describe if the project offers any additional discount, i.e. with monthly passes or annual passes, or by different payment methods.

Currently, we have no plans to offer passes or discounts. However, these options are available should the city of Milpitas or the VTA wish to provide them. Our technology provider offers can offer numerous payment options including cash, credit, transit pass, & transfer. The app is also able to accommodate discounts through customizable coupon codes.

3.5 Does the project serve an underserved market? (Max. 10 Points)

An underserved market is a geographic area that currently has infrequent or no transit service. Please describe if the project:

- provides new or supplementary transit service to an underserved market; **OR**
- targets new markets currently not served such as specific commute patterns and/or early morning/late night service.

Although certain neighborhoods in Milpitas are well served by public transit, particularly near VTA's light rail stops and at the new BART station, much of the City is underserved. Several areas in the City are within a half mile of an existing or planned major transit stop or an existing stop along a high-quality transit corridor, which is defined as a corridor with fixed route bus service at intervals no longer than 15 minutes during peak commute hours. However, the entire eastern half of Milpitas, which houses many of the City's residents who primarily commute to other cities for work, lies outside these well-served areas. Our proposed service will not only minimize the distance from transit, but also shorten wait times for underserved areas.

Additionally, several key employment centers along the western edge of the City are also underserved by public transit, including McCarthy Center, California Circle, and part of the Southwestern Employment Area. Per VTA's Vehicle Miles Traveled (VMT) data, workers in these employment centers drive to work significantly more than the average employee in Santa Clara County. Furthermore, both residents and employees in many neighborhoods that are well served by transit still drive more than the average resident or employee in Santa Clara County, and especially in the northern half of the City. This demonstrates the need for better first-last-mile connections to encourage residents and employees to utilize existing transit services.

As Milpitas continues to prioritize housing and jobs growth near transit and existing employment centers through its long-range planning efforts, it is critical to ensure that on demand first-last-mile connections are in place to complement, support, and fully leverage the City's existing bus and rail services. Milpitas is currently updating its Metro Specific Plan to accommodate significant additional development around the new BART station and implement active transportation infrastructure to complement future transit-oriented development. The City anticipates receiving a Regional Housing Needs Allocation (RHNA) of 6,000 to 7,000 units for the upcoming RHNA cycle, most of which will be accommodated in the Metro Specific Plan. The Metro Specific Plan will also create an innovation district to facilitate development of office/manufacturing flex space and increase the development capacity of office and commercial land uses by approximately 2,087,075 square feet. Furthermore, Milpitas is updating its General Plan, which will prioritize new development in various opportunity areas throughout the City.

The four hubs of RideCo's service model will align with these opportunity areas where the demand for public transit will likely be the highest due to increased development density and housing and jobs growth. With an increasing residential population and workforce with varying transportation needs and commute times, Milpitas is in need of a flexible and complementary transportation service to make greater use of its existing public transit services and facilitate the shift from auto dependency to a balanced multimodal transportation network. RideCo's on demand first-last-mile service makes the best possible use of the relocated BART station, filling an important gap in the existing transportation network to ensure that Milpitas' growth will be accompanied by an increase in net transit ridership.

3.6 Project Timeline (Max. 5 Points)

(a) Have you completed a feasibility/planning study?

☒ Yes ☐ No

(b) Have you secured vehicles, equipment, and/or labor services required for the project?

☒ Yes ☐ No

(c) Have you launched the project service? If not, when do you expect to launch the service? If you answer No to (a) and/or (b), please provide an estimated timeline of project delivery (in Month/Year), including the completion of a feasibility/planning study and vehicles, equipment and labor services procurement.

Should the City of Milpitas be awarded the funds for this project through this grant proposal, we will have the service ready to launch within 14 weeks of award. We have a partnership in place with RideCo, which in turn has an agreement in place for fleet operations (vehicles, maintenance, drivers, etc.) with Yellow Checker Cab Company. Based out of San Jose, Yellow Checker Cab has been providing service in San Jose and the surrounding areas, including Morgan Hill, since 1938, and is currently a partner of the VTA for paratransit overflow services in a number of cities.

A detailed timeline has been included as an attachment.

3.7 Project Cost (Max. 10 Points)

2016 Measure B Fund Request	$1,084,732
Non-2016 Measure B Funds	$271,183
Total Project Cost (in current dollar)[1]	$1,355,916
% Non-2016 Measure B Contribution[2]	20%

Notes:

1. Total project cost includes both capital cost and operating cost, as well as other miscellaneous costs.
2. % Non-2016 Measure B contribution should be calculated as (Non-2016 Measure B funds/Total Project Cost) x 100%.

You must attach a breakdown of cost estimates, including capital costs and operating costs. List all your assumptions.

Please list any existing or anticipated Non-2016 Measure B fund sources if known.

The City will provide a 20% local match to help fund the program. The two Non-2016 Measure B fund sources are described below.

1. Developer contribution: The City received a $200,000 contribution from Embarcadero Capital Partners (ECP) and Bride Development to fund a future shuttle program following the Partial Assignment and Assumption Agreements for an industrial development project on McCarthy Boulevard.

2. Staff time: The City will also contribute staff time equivalent to 5% of the grant amount to complete administrative, marketing, reporting, and data collection tasks.

3.8 Cost-effectiveness (Max. 15 Points)

(a) Please provide the following estimates:

Project Duration for 2016 Measure B Fund Request	18 months
Total Operating Cost	$1,280,916
Total Forecasted Ridership (passenger trips)	approximately 150,000
Estimated cost per passenger trip	$8.54

Note: "Estimated cost per passenger trip" is calculated as "total operating cost" divided by "total forecasted ridership" in the duration.

(b) Please describe the methodology of estimating the total operating cost (excluding capital costs), with data sources if any. Consider the impact of COVID-19 on operations and list all assumptions.

Our partner RideCo was able to provide us with a total operating cost budget.

Provided below is an explanation of their estimate, which is also attached:

Vehicle operations are the most expensive component of the proposed service. RideCo worked with Yellow Checker Cab to identify the hourly operating cost of one vehicle - including all labor, maintenance, amortization, and other expenses.

The total operating cost of the vehicles is equal to (hours of service per day) * (number of vehicles in operation) * (days of service per year) * (per-vehicle hourly cost).

RideCo prices their services and software on the same basis - a fully loaded cost per vehicle hour. The same calculation can be made here.

By adding these two amounts together (vehicle costs and software costs) and folding in the marketing budget, we arrive at the total operations budget for one year.

The full financial breakout can be seen in the attachments.

(c) Please describe the methodology of ridership forecast with data sources if any. If your project is in operation, please also provide existing ridership. Consider the impact of COVID-19 on ridership and list all assumptions.

Ridership projections were developed through a variety of data sources. This data includes, but is not limited to:
- VTA Boardings by Stop (see attached Spreadsheet)
- VTA fixed-route ridership
- Census population & employment data
- Income distribution map of Milpitas residents
- Microtransit ridership of similar RideCo & competitor projects
- Expected net new ridership of surrounding geography

By analyzing these and similar data sources, we are able to confidently project a range for expected daily patronage.

We are able to model the number of vehicles to be operational at launch and at full-scale service by confidently forecasting ridership expectations and carefully executing a marketing & communications plan.

We started with an analysis of the available ridership data. Specifically, we looked at the average number of daily boardings at the stops near our identified hubs from February 2020. This provided us a clear baseline for the trip volume to our hub locations. Recognizing that boardings only represent “First Mile” trips, we doubled the number to account for the return or “Last Mile” trips. This provided us with a total potential trip volume of 8,000 rides pre COVID-19 – if we assume a 100% conversion rate (i.e., the percent of riders who use the service to access connecting transit). We then looked at the conversion rate experienced by RideCo in other first-last-mile services they operate and arrived at an estimate of 417 rides per day to and from our Hub locations.

We then looked to validate this estimate by cross referencing general public transit ridership per capita for the surrounding geographic region. In this way, we were able to confidently predict an expected range for daily ridership.

We recognize that it takes time for riders to adopt the new service and have assumed a six month ramp-up period that is in line with the rate of adoption seen in other on demand programs.

On demand microtransit projects across North America have indicated that with effective marketing, daily ridership can be accurately projected with just two metrics for the catchment area: population and job count. In general, medium-low household income levels show the highest conversion to using on-demand transit.

The impact of COVID-19 cannot be understated. Our ridership projection methodology was adapted to take into account the influence of the current global pandemic. Analysis of the VTA network and peer agencies/cities provides our team with an understanding of COVID's true impact, and is a strong consideration when finalizing early-stage and full-maturity demand projections. The ridership projections can be found in the attachments

PART 4: ATTACHMENTS

- **Required attachments:**
  - ☒ Project service map
  - ☒ Catchment area map – identify connections to residential areas, employment centers, and existing transit
  - ☒ Project cost estimates – identify capital costs and operating costs breakdown
- **Optional attachments:**
  - ☒ Project executive summary
  - ☒ Ridership data (if applicable)
  - ☒ Feasibility/planning study - executive summary
  - ☐ Documentation of vehicles, equipment, and/or labor services acquisition
  - ☒ Other (please specify):

Additional optional attachment: A detailed timeline of proposed activities

PART 5: SUBMISSION

The application packet will be accepted via email to 2016MeasureB@vta.org.

- Subject Title: 2016 MB Innovative Transit Application – *Your Agency Name, Abbreviated Project Name*
- For questions, please email: Nicole He (nicole.he@vta.org) or Triana Crighton (Triana.crighton@vta.org)
- Format: Every effort should be made to convert the completed application form and all scanned files to PDF format with optical character recognition (OCR).
- Application Package: Please minimize the application packet size (max. 25MB) for emailing. You may provide a direct download link if the package size is over 25MB.

Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application

Part 2: Project Information & Eligibility

Description of transportation services provided

The City of Milpitas, in partnership with RideCo, will implement an on-demand microtransit system that operates citywide. This will be a significant coverage increase compared to the existing VTA fixed bus routes and will provide service to a larger percentage of our local population than the current fixed routes alone.

The proposed microtransit service will function using a "hub and spoke" model, an innovative new type of service model designed by RideCo. Compared to a traditional first-last-mile service, hub and spoke is far more flexible and covers a larger number of hub destinations, including transit centers but also employment centers and shopping centers. Hub and spoke provides the high productivity of a first-last-mile service while providing riders with more mobility options. Riders will be able to book trips from any one of nearly a hundred virtual stops across the City to any one of four "hub" locations, including City Hall, Metro Center Hub, Alder Station, and Milpitas Transit Center. Alternatively, riders can book trips from any one of these hubs to any virtual stop, or from one hub to the next.

Riders are restricted to traveling to or from one of four hubs. Three of the hubs provide connections to high frequency transit, and one (City Hall Hub) will create additional mobility in the network. All four hubs are within easy walking distance (1/2 mile) of housing, jobs, and services.

Service hours for the proposed service will match those of the current VTA fixed bus routes in Milpitas, and will change accordingly if VTA service hours in Milpitas change at any point in the future. Riders anywhere in the City will be able to walk to their nearest virtual stop in under five minutes, whereas many of our residents currently have to walk upwards of 20 minutes to reach the nearest available bus stop, rendering daily VTA bus trips impractical.

Additionally, whereas riders of the current VTA bus routes may wait 20 minutes or more between buses (per current headways on routes within Milpitas), our proposed on-demand transit system will never make riders wait more than 15 minutes; on average, riders will actually wait closer 10 minutes or less for pickup. Similar to app-based ridesharing services, hub locations will provide “front-door service,” and virtual stops are sufficient in number and suitably located to improve upon current fixed route service.

This service will operate using seven minivans, three of which will be fully ADA-accessible, and will primarily serve daily commuters who work at or near the four identified hubs, as well as commuters who take fixed-route transit to and from work

each day. The app will offer seat selection options for mobility-limited riders/wheelchair users as well as standard seat types for ambulatory passengers.

The intent of this project is to improve the level of transit service for commuters (while also accommodating disabled and transit-dependent residents), by supplementing the fixed VTA bus routes with an on-demand app-based microtransit service that offers faster trips, shorter wait times, and an easy and secure way to book rides.

3.1(a) Does the project present any innovation in its project delivery? (20 points)

Others; please briefly identify any other innovations in your project

The first innovative aspect of our proposal is the “hub and spoke” addition to the traditional point-to-point on-demand service model. We understand that demand responsive transit has been around for a number of years and may not be considered inherently innovative. However, the proposed service model is an innovation on traditional first-last mile service in its ability to transport riders not just to a single “hub,” but to four hubs (i.e., transit and major employment centers). This style of service can also allow passengers to travel to multiple "spokes" via a hub location without having to book two separate trips. This model, developed by RideCo's team, has been deployed in Calgary, Alberta with great success, and will be used in our proposed service to improve the passenger experience and the productivity of the service. Our hub-and-spoke model is also innovative in its ability to target the first-last-mile challenge for commuters by grouping passengers heading to the same hub and by only permitting trips to or from these hubs. Another innovative feature of the service is that RideCo's software schedules trips based on arrival time rather than departure time, which allows for "time channeling," or seamlessly aligning arrival times of trips with departure times of fixed route bus and trains. This makes it invaluable to commuters and riders who need to be at work at specific times.

This service will improve connectivity to the brand new Milpitas Transit Center and BART Station for connection with fixed route transit heading out of the City while also significantly reducing travel time for workers at local employment centers. Over 40% of Milpitas residents work outside of the City, which means that high-quality connections to commuter trains and buses is crucial to the long-term stability of our local economy. Enhancing transit ridership will help minimize traffic congestion and will offer commuters an attractive alternative to driving and paying for parking.

Currently, residents are accustomed to fixed route bus service characterized by up to 30-minute headways, long on-board times, and limited direct access to fixed-route express transit. Furthermore, para-transit users experience unpredictable wait times and on-board times. With the proposed on-demand system, however, coverage, wait times, and in-vehicle times will all improve dramatically. The on-demand service will improve coverage within the city by approximately 20%, wait times by up to 15 minutes, and in-vehicle times by up to 15 minutes. This is competitive with single-occupancy trips within town and to transit, taking just a few minutes longer than driving solo and

significantly improving trip times for daily commuters. The overall result is a more efficient and user-friendly transit system that will ultimately grow net ridership.

The second innovative aspect pertains to the technical capabilities of the RideCo platform. Their system enables the complete automation of the booking, scheduling, and creation of vehicle itineraries. Unlike the other microtransit companies we evaluated, RideCo's system operates with a "search-and-book" model, wherein trips are scheduled into the system's tentative itinerary at the time of booking; this itinerary is then re-optimized every 30 seconds. As new trips come in, traffic and weather conditions change, or a vehicle breaks down, the system re-optimizes and re-builds the schedule in the background without manual intervention. This approach is different than any other microtransit companies we evaluated, in that they all operate truly on-demand (i.e., when someone requests a ride a car comes as quickly as possible). There are two primary results to this innovative technical approach: excellent vehicle productivity and a promise to get riders to the destinations on time every time.

Because RideCo maintains and re-optimizes a tentative schedule, they are able to build and manage more efficient shared routes. This has a significant impact on per-passenger costs, as we demonstrate below. In addition, RideCo's tech enables them to offer a guaranteed "arrives before" times with each booking. Because their system bases trips on arrival times, they can ensure seamless multimodal trips between on-demand and VTA's fixed-route mode of transit. RideCo's software can also power hybrid services to serve both public transit riders and paratransit trips with the same vehicle and service parameters, which promotes rider equity.

Additionally, all service data is available through a real-time dashboard for ease of monitoring the service and for use in future transit planning. The software allows riders to pay in a variety of ways including cash, credit/debit cards, and any applicable VTA fare media. Passengers can book trips easily through the Milpitas mobile and web applications. Riders are offered multiple options in terms of pickup and drop-off times and locations, fare payments, on-demand or pre-scheduled bookings, and even seat type selection (e.g., luggage, child strollers, or wheelchairs).

3.2(b) Does the project provide any first/last mile connection to transit?

List the stops locations/station names for <u>frequent</u> stops/stations:

Route 60: Milpitas Transit Center (bay 8) Montague Expy & Trade Zone Blvd

Route 66: Main St & Montague Expy, Main St & Cedar Way, Main St & Abel St, Great Mall Pkwy & McCandless Dr, Milpitas Transit Center (bay 2), Milpitas Transit Center (bay 13), Great Mall Pkwy & Montague Expy, Great Mall, Pkwy & McCandless Dr, Main St & Great Mall Pkwy, Main St & Curtis Ave, Main St & Curtis Ave, Main St & Corning Ave, Main St & Sinnott Ln, Main St & Serra Way, Main St & Calaveras Blvd, Weller Ln & Main St, Abel St & Penitencia St, Jacklin Rd & Milpitas Blvd, Jacklin Rd & Jacklin Pl, Escuela Pkwy & Jacklin Rd, Escuela Pkwy & Milpitas High School, Washington Dr &

Escuela Pkwy, Arizona Ave & Washington Dr, Arizona Ave & Coelho St, Arizona Ave & Boulder St, Dixon Rd & Arizona Ave

Route 70: Landess Ave & Park Victoria Dr, South Milpitas Blvd & Montague Expy, Milpitas Transit Center (bay 2), Milpitas Transit Center (bay 11)

List the stops locations/station names for <u>local</u> stops/stations:

Route 20: Milpitas Transit Center, Montague & Great Mall, Montague & McCandless, Montague Expressway & Main

Route 44: Milpitas Transit Center, Montague & Great Mall, McCandless & Montague, McCandless & Lee, McCandless Drive, Milpitas, McCandless & Canal, Great Mall & McCandless, Great Mall & Main, South Main Street, Milpitas, Great Mall & Abel, Alder & Tasman, McCarthy & Alder, McCarthy Boulevard, Milpitas, McCarthy & Bellew, McCarthy Boulevard, Milpitas, McCarthy & Ranch, Ranch & McCarthy Walmart

Route 47: Milpitas Transit Center, Montague & Milpitas Boulevard, Park Victoria & Landess, Park Victoria & Clear Lake, Park Victoria & Yellowstone, Park Victoria & Lassen, Park Victoria & Yosemite, Park Victoria & Edsel, Calaveras & Park Victoria, Calaveras & Hillview, Calaveras & Milpitas, Abel & Weller, Main & Milpitas Library, Main & Serra, Serra & Calaveras, McCarthy & Ranch, Ranch & McCarthy Walmart

Route 71: Milpitas Transit Center, Montague & Milpitas Boulevard, Landess & Morrill, Landess & Ashwood, Landess & Corktree, Landess & Paris, Landess & Edgehill

3.3 How does the project service benefit vulnerable/transit-dependent populations?

Part (a) Please describe the demographics to be served, their current local mobility challenges, and their needs for your transportation service.

Milpitas boasts a diverse population with specific transportation needs. This project will serve the entire population of Milpitas (pop. 84,184), including all its 26,904 vulnerable and transit-dependent residents, defined by VTA as individuals with disabilities (6,266), individuals with incomes less than 200% of the Census Bureau's federal poverty level (8,166), individuals with no personal vehicles available (2,691), and youth that qualify for VTA's fare structure (9,761). Of the 6,266 individuals with disabilities, 162 (2.5%) were between 5 to 17 years old, 2,103 (33%) were between 18 and 64 years old, and 4,000 (63%) were 65 and older. 1,034 of Milpitas' employed workers in 2019 reported having a disability (source below). Seniors (65 and over) represent the majority of individuals with hearing disabilities (1,425 or 80% of all individuals with hearing difficulties), vision disabilities (700 or 58% of individuals with vision difficulties), cognitive difficulties (1,726 or 68% of individuals with cognitive difficulties), ambulatory difficulties (2,663 or 80% of individuals with ambulatory difficulties), and self-care difficulties (1,744 or 80% of individuals with self-care difficulties).

The City also has a poverty rate of 8% of households living at or below the federal poverty level. For low-income households in the San Francisco Bay Area, cost is a significant barrier to vehicle ownership, with just 73% of low-income households reporting having access to a vehicle, compared to 94% of higher-income households. Low-income commuters carpool to work more often to higher-income workers (17% compared to 12% of all other workers) and take the bus to work more often than higher-income commuters (12% compared to 5%). Whereas low-income and higher-income workers that drive to work have largely the same commute times, low-income workers that rely on transit have significant shorter work commutes compared to higher-income transit commuters (source below). Furthermore, nearly 25% of Milpitas' population is under the age of 18. Of the 9,761 youth that qualify for VTA's fare structure between 5 and 19 in Milpitas in 2019, 35% were between 5 to 9 years, 28% were between 10 to 14 years, and 34% were between 15 to 19 years old. For the 2,737 Milpitas youth between 16 to 19 years, 28% reported participating in the labor force (source below).

The current local mobility challenges of these vulnerable/transit-dependent populations and their needs for this transportation service are heightened by citywide demographic trends and the growing need for first/last-mile connections. According to the US Census, Milpitas is the 2nd fastest growing city in California. Since 2010, the population of Milpitas has grown by 16%. As the population has grown, so has the number of jobs, with an estimated 38% increase in jobs from 2010 to 2017. On an average weekday, the daytime population nearly doubles as people travel from across the region to major employers in the City. As Milpitas' roads become more congested due to the increasing daytime and nighttime population, the demand for alternative modes of travel is increasing.

Although the City is currently updating its Trails and Bikeways Master Plan to create an all ages and abilities active transportation network in Milpitas, fewer than 3% of residents walk or bike to work today. Milpitas is home to several primary through-ways, such as the rail line, I-680, I-880, and State Route 237, which create barriers to safe bicycle and pedestrian travel across the City, especially for the vulnerable/transit-dependent population. Additionally, Milpitas' suburban development pattern is accompanied by a series of high-speed roadways that are difficult to navigate and cul-de-sacs that limit connectivity within and among neighborhoods. Despite the significant vulnerable/transit-dependent population in Milpitas, the currently challenged active transportation network, and the presence of a public transit network supported by bus and light rail service, only 2.5% of the working population commutes via public transportation today. The limited transit ridership is indicative of the need for a more robust and seamless public transit network. Frequent bus service is limited across the City and most existing routes run north to south and light rail stops are concentrated in southern Milpitas. Furthermore, first/last-mile connections to and from the new Milpitas BART station are needed to better connect Milpitas to the rest of the region.

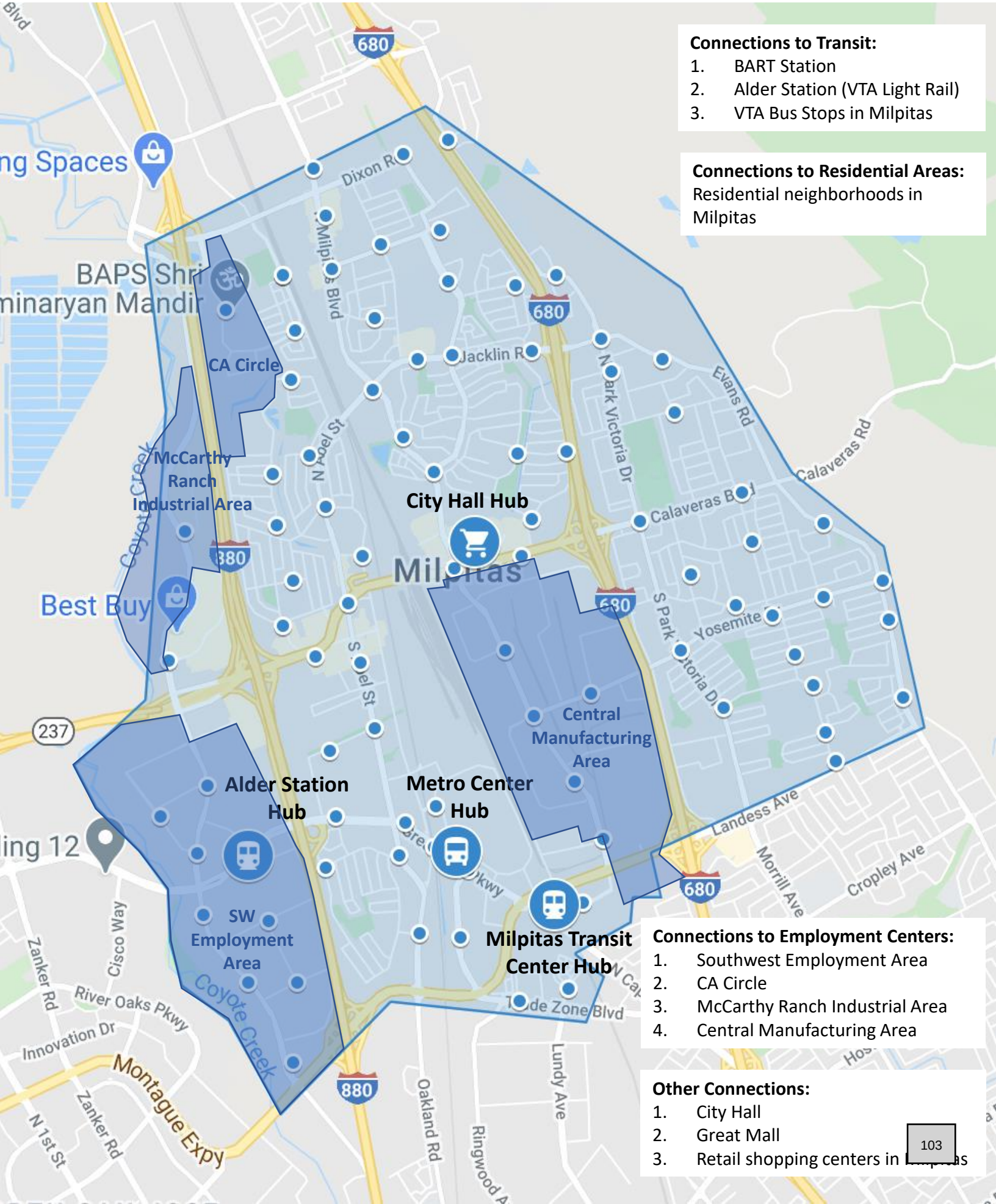
Milpitas' vulnerable/transit-dependent population, which makes up 32% of the City's entire population, is in need of and would greatly benefit from better first/last-mile connections to existing bus and light rail services, even in the face of the pandemic.

Those who continue to utilize public transit during the pandemic tend to be transit-dependent riders who lack access to a car or other modes of transportation. RideCo's on-demand service model will help meet the mobility needs of the vulnerable/transit-dependent population by providing a safe and convenient mode to access Milpitas' existing public transit network.

Sources for 3.3(a):

1. U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table C18120
2. Rice, L.: Transportation spending by low-income California households: Lessons for the San Francisco Bay Area. Public Policy Institute of California, San Francisco (2004)
3. U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table S2301

Project Service Map



Connections to Transit:

1. BART Station
2. Alder Station (VTA Light Rail)
3. VTA Bus Stops in Milpitas

Connections to Residential Areas:
Residential neighborhoods in Milpitas

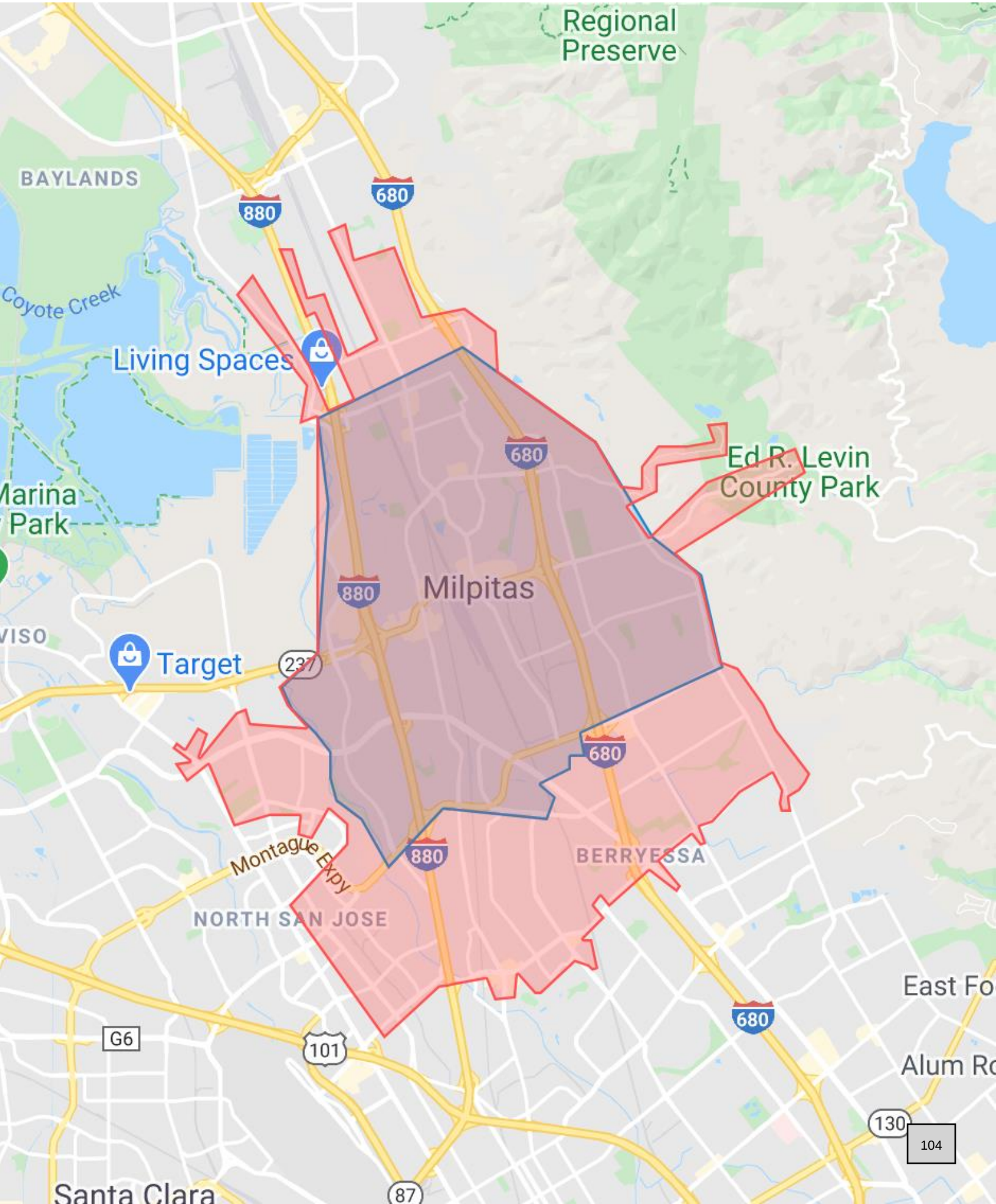
Connections to Employment Centers:

1. Southwest Employment Area
2. CA Circle
3. McCarthy Ranch Industrial Area
4. Central Manufacturing Area

Other Connections:

1. City Hall
2. Great Mall
3. Retail shopping centers in Milpitas

Catchment Area Map



PROJECT COST ESTIMATES

Ridership

Population		80,000
Total Potential Ridership		420.00
Fare	$	2.50
Rides Per Day		417

Service

Daily Hours	12
Service Days per Week	5
Service Days per Year	260
Annual Hours	3120
Vehicles	7

Financial

Hourly Vehicle Operations and Software Cost	$	34.00
RideCo Hourly Cost	$	5.10
Gross Annual Operations Budget	$	853,944.00
Marketing	$	75,000.00
Total 1 Year Budget	**$**	**928,944.00**
Total 18 month Budget	$	1,355,916.00
Total 24 Month Budget	$	1,782,888.00

12 Month Scenario

Measure B Request	$	743,155.20
Local Match Contribution (20%)	$	185,788.80
Fare Recovery Estimate (Conservative)		$68,400.00
Net Cash Contribution	$	117,388.80

18 Month Scenario

Measure B Request	$	1,084,732.80
Upfront Local Match Contribution (20%)	$	271,183.20
Fare Recovery Estimate (Conservative)		$111,600.00
Total Net Cash Contribution	$	159,583.20

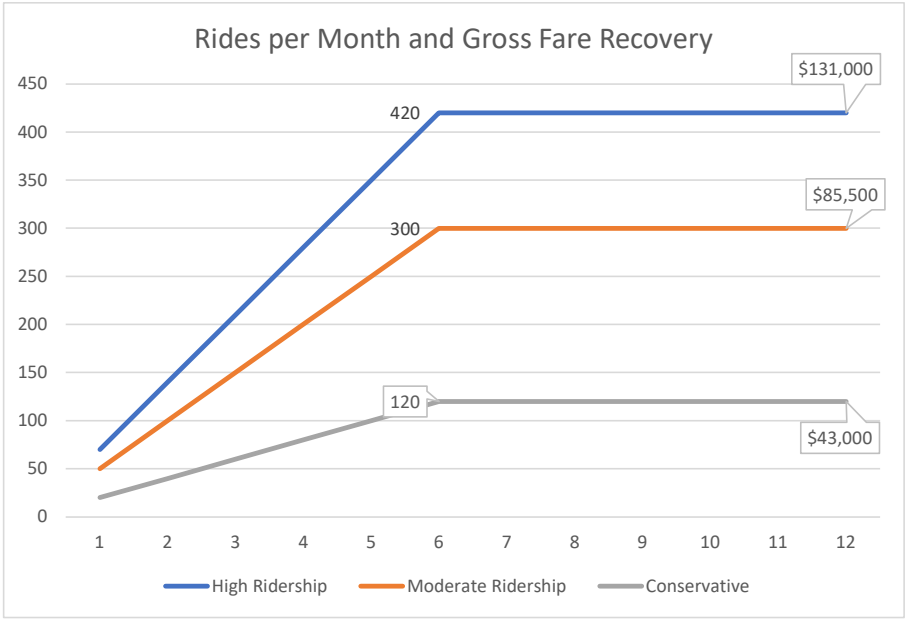
24 Month Scenario

Measure B Request	$	1,426,310.40
Upfront Local Match Contribution (20%)	$	356,577.60
Fare Recovery Estimate (Conservative)		$154,800.00
Total Net Cash Contribution	$	201,777.60

Ramp-up Months:	6
Ticket Price	$2.50
Days in Month	24

	Daily Ridership		
	420	300	120
First-Year Recovery	$239,400.00	$171,000.00	$68,400.00
Second-Year Recovery	$302,400.00	$216,000.00	$86,400.00

Month	High Ridership	Moderate Ridership	Conservative
1	70	50	20
2	140	100	40
3	210	150	60
4	280	200	80
5	350	250	100
6	420	300	120
7	420	300	120
8	420	300	120
9	420	300	120
10	420	300	120
11	420	300	120
12	420	300	120



Vehicle Operations Analysis

Ford Transit Hourly Cost	$ 48.00
Minivan Hourly Cost	$ 34.00
Weekday Service Hours	12
Weekend Service Hours	0
Weeks Per Year	52
Software %	15%

WEEKDAY ONLY

	TRANSIT	MINIVAN
Annual Budget	**$ 858,000**	**$ 856,000**
Weekday Hours	12	12
Days	5	5
Weekly Hours	60	60
Annual Hours	3060	3060
Vehicles	5	7
Average Daily PVH	7	5
Supportable Daily Ridership	420	420
Supportable Annual Ridership	107,100	107,100
Peak PVH Target	10	7
Actual Budget	$ 844,560.00	**$ 837,522.00**
Cost Per Pax	$ 7.89	$ 7.82

WEEKDAY AND WEEKEND

	TRANSIT	MINIVAN
Annual Budget	**$ 856,000**	**$ 856,000**
Weekday Hours	12	12
Weekend Hours	0	0
Weekly Hours	60	60
Annual Hours (51 wks /yr)	3060	3060
Vehicles	5	7
Average Daily PVH	5.5	4.5
Supportable Daily Ridership	330	378
Supportable Annual Ridership	84,150	96,390
Peak PVH Target	10	6
Actual Budget	$ 844,560.00	$ 837,522.00
Cost Per Pax	$ 10.04	$ 8.69

Project Executive Summary

The city of Milpitas, in partnership with RideCo are pleased to submit our response to the Santa Clara County Valley Transportation Authority (VTA) Call-for-Projects for the 2016 Measure B Innovative Transit Service Models Competitive Grant Program for FY 2020-FY 2021. Milpitas is requesting funds to operate an innovative OnDemand Program providing robust First and Last Mile service to residents, workers, and visitors of Milpitas.

The primary goal of the program is to take best advantage of the new BART connection within the City of Milpitas at the new Milpitas Transit Station. The proposal is to promote transit ridership by providing an alternative to the challenges of the automobile commute on congested Bay Area freeways and other major transportation corridors by offering a more convenient service for many of the 40 percent of City residents who work outside of the City. The objectives to reach this goal also include providing a new opportunity for moving around the Bay Area region by those who do not have a car or do not wish to use it. An additional objective is to connect residents, workers and visitors with City services available at City Hall.

As the City continues to prioritize development near transit and existing employment centers, a more convenient transit service is needed to complement, support, and fully leverage the City's existing bus and rail services. Milpitas is currently updating its Metro Specific Plan to accommodate over 5,000 residential units and 2,000,000 square feet of commercial/office space around the new BART station and implement active transportation infrastructure to complement this transit-oriented development. With an increasing residential population and workforce with varying transportation needs and commute times, Milpitas needs a flexible and complementary transportation service to facilitate the shift from auto-dependency to a balanced multimodal transportation network. RideCo's service will fill an important gap in the existing transportation network to help achieve this goal.

We are proposing a Hub and Spoke service model – an innovative variant of a traditional First Last Mile program that provides flexible and convenient mobility to and from and between transit hubs and key points of interest. In this case, 4 "hubs" have been selected. Three are located at key transit stations and one is in the city center. "Spokes" are placed city wide such that every resident is within a ¼ mile or a 5-minute walk of a predetermined virtual stop on the "spoke". Riders will be able to take OnDemand rides from any spoke to one of the hubs, or from one of the hubs to any spoke, or from one hub to another (e.g., from a transit stop to City Hall). Ride service efficiency objectives dictate that riders cannot travel between spokes directly, as there are other services for that type of a trip. This model varies from traditional first-last mile in that hubs are not necessarily restricted to a single transit connection. Instead, they are intelligently selected based on existing and new travel demands. The primary goal is served by selecting hubs that will naturally capture more than 85% of trips. This model intelligently blends the efficiency of a first last mile program with the convenience of a

city wide OnDemand service.

The Santa Clara VTA will be just the second transit agency globally to launch such a program. This type of service was launched by RideCo in Calgary, Alberta with great success.

We look forward to piloting this innovative First Last Mile Service and trust that it will prove to be a valuable model to serve other communities with the Santa Clara Valley.

RIDERSHIP DATA

Ridership Summary

Hub		Average Daily Boardings
Alder Station		286
Great Mall Station		1936
Milpitas Transit Center		1563
City Center		382
Total Supportable Ridership (100% Conversion)		8334
Assumed Covid Reduction (50%)		4167
Projected Daily Ridership at Scale		**417**
Total Projected Ridersip		150,019.20
Total 18 Month Operating Cost (exludes marketing)	$	1,280,916.00
Estimated Cost Per Passenger	$	8.54

City Hall Hub (Boardings Daily)

Stop Lat	Stop Lon	Category	Day	LRT Direction	Route Proper	Stop Desc	STOP ID	Stop Name Proper	Stop or Station or Rapid	Stop Type	Average Daily Alightings	Average Daily Boardings	Size
37.433469	-121.90867	Local	Weekday		47	Westbound	61393	Weller & Main	Bus Stop	Bus Stop	2.6	17.4	20
37.428781	-121.90632	Local	Weekday		47	Northbound	61391	Main & Serra	Bus Stop	Bus Stop	4.1	6	10.1
37.431306	-121.90705	Local	Weekday		47	Northbound	61392	Main & Calaveras	Bus Stop	Bus Stop	2.75	11.6	14.35
37.42757	-121.90908	Local	Weekday		47	Eastbound	61390	Serra & Abel	Bus Stop	Bus Stop	3	12.45	15.45
37.42767	-121.90939	Local	Weekday		47	Westbound	61399	Serra & Calaveras	Bus Stop	Bus Stop	5.2	1.05	6.25
37.432416	-121.90755	Local	Weekday		47	Southbound	61397	Main & Milpitas Library	Bus Stop	Bus Stop	5.6	1.6	7.2
37.428734	-121.90643	Local	Weekday		47	Southbound	61398	Main & Serra	Bus Stop	Bus Stop	1.9	1.85	3.75
37.433076	-121.90943	Local	Weekday		47	Northbound	65704	Abel & Weller	Bus Stop	Bus Stop	3.3	0.3	3.6
37.432416	-121.90755	Frequent	Weekday		66	Southbound	61397	Main & Milpitas Library	Bus Stop	Bus Stop	29.3	56.2	85.5
37.424785	-121.90545	Frequent	Weekday		66	Southbound	63241	Main & Corning	Bus Stop	Bus Stop	11.3	12.7	24
37.426792	-121.90595	Frequent	Weekday		66	Southbound	63240	Main & Sinnott	Bus Stop	Bus Stop	9.8	4.65	14.45
37.433875	-121.90767	Frequent	Weekday		66	Southbound	62466	Main & Weller	Bus Stop	Bus Stop	7.4	3.3	10.7
37.428734	-121.90643	Frequent	Weekday		66	Southbound	61398	Main & Serra	Bus Stop	Bus Stop	7.1	26.1	33.2
37.433469	-121.90867	Frequent	Weekday		66	Westbound	61393	Weller & Main	Bus Stop	Bus Stop	5.75	9.8	15.55
37.431306	-121.90705	Frequent	Weekday		66	Northbound	61392	Main & Calaveras	Bus Stop	Bus Stop	37.65	7.55	45.2
37.428781	-121.90632	Frequent	Weekday		66	Northbound	61391	Main & Serra	Bus Stop	Bus Stop	20.6	6.05	26.65
37.42506	-121.90538	Frequent	Weekday		66	Northbound	63238	Main & Corning	Bus Stop	Bus Stop	12.25	10.1	22.35
37.426257	-121.90568	Frequent	Weekday		66	Northbound	63239	Main & Sinnott	Bus Stop	Bus Stop	4.55	2.1	6.65
37.431306	-121.90705	Express	Weekday		Express 104	Northbound	61392	Main & Calaveras	Bus Stop	Bus Stop	0.15	11.55	11.7
37.431306	-121.90705	Express	Weekday		Express 104	Northbound	61392	Main & Calaveras	Bus Stop	Bus Stop	9.4	0.1	9.5
												381.55	

Alder Station Hub (Boardings Daily)

Stop Lat	Stop Lon	Category	Day	LRT Direction	Route Proper	Stop Desc	STOP ID	Stop Name Proper	Stop or Station or Rapid	Stop Type	Average Daily Alightings	Average Daily Boardings	Size
37.413129	-121.9177	Light Rail	Weekday	Westbound	Orange	Westbound	64804	Alder Station	Light Rail Station	Light Rail Station	114.5	154.9	269.4
37.413572	-121.917118	Light Rail	Weekday	Eastbound	Orange	Eastbound	64803	Alder Station	Light Rail Station	Light Rail Station	145.8	131.15	276.95
37.413624	-121.917452	School	Weekday		200	Westbound	61402	Tasman & Alder	Bus Stop	Bus Stop	0	0	0
												286.05	

Milpitas Transit Center Hub (Boardings Daily)

Stop Lat	Stop Lon	Category	Day	LRT Direction	Route Proper	Stop Desc	STOP ID	Stop Name Proper	Stop or Station or Rapid	Stop Type	Average Daily Alightings	Average Daily Boardings	Size
37.410266	-121.892274	Local	Weekday		47		65888	Milpitas Transit Center (Bay 16)	Bus Stop	Bus Stop	15.55	0	15.55
37.410258	-121.891473	Local	Weekday		47		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	116.25	5.2	121.45
37.410266	-121.892274	Local	Weekday		47		65888	Milpitas Transit Center (Bay 16)	Bus Stop	Bus Stop	0	35.3	35.3
37.408945	-121.891365	Light Rail	Weekday	Westbound	Orange	Westbound	65249	Milpitas Station	Light Rail Station	Light Rail Station	90.05	243	333.05
37.408549	-121.890618	Light Rail	Weekday	Eastbound	Orange	Eastbound	65236	Milpitas Station	Light Rail Station	Light Rail Station	267.25	93.35	360.6
37.410309	-121.892041	Local	Weekday		20		65884	Milpitas Transit Center (Bay 12)	Bus Stop	Bus Stop	1.7	25.45	27.15
37.410309	-121.892041	Local	Weekday		20		65884	Milpitas Transit Center (Bay 12)	Bus Stop	Bus Stop	11.1	0	11.1
37.410258	-121.891473	Local	Weekday		20		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	78.4	1.05	79.45
37.410309	-121.891694	Frequent	Weekday		66		65881	Milpitas Transit Center (Bay 7)	Bus Stop	Bus Stop	101.6	108.3	209.9
37.409712	-121.891961	Frequent	Weekday		66		65891	Milpitas Transit Center (Bay 13)	Bus Stop	Bus Stop	100.6	108.95	209.55
37.410091	-121.892177	Local	Weekday		44		65889	Milpitas Transit Center (Bay 15)	Bus Stop	Bus Stop	1.6	0	1.6
37.410258	-121.891473	Local	Weekday		44		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	22.9	0.25	23.15
37.410091	-121.892177	Local	Weekday		44		65889	Milpitas Transit Center (Bay 15)	Bus Stop	Bus Stop	0.05	40.05	40.1
37.410121	-121.891941	Frequent	Weekday		70		65885	Milpitas Transit Center (Bay 11)	Bus Stop	Bus Stop	0.3	55.4	55.7
37.410121	-121.891941	Frequent	Weekday		70		65885	Milpitas Transit Center (Bay 11)	Bus Stop	Bus Stop	39.15	0.1	39.25
37.410258	-121.891473	Frequent	Weekday		70		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	57.2	1.3	58.5
37.409943	-121.891844	Local	Weekday		71		65886	Milpitas Transit Center (Bay 10)	Bus Stop	Bus Stop	0	55.65	55.65
37.409943	-121.891844	Local	Weekday		71		65886	Milpitas Transit Center (Bay 10)	Bus Stop	Bus Stop	60.8	0	60.8
37.410258	-121.891473	Local	Weekday		71		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	120.9	22.35	143.25
37.410551	-121.891638	School	Weekday		200		65876	Milpitas Transit Center (Bay 4)	Bus Stop	Bus Stop	0	2.55	2.55
37.40992	-121.892077	Express	Weekday		Express 104		65890	Milpitas Transit Center (Bay 14)	Bus Stop	Bus Stop	0.5	1.45	1.95
37.40992	-121.892077	Express	Weekday		Express 104		65890	Milpitas Transit Center (Bay 14)	Bus Stop	Bus Stop	2.45	0.15	2.6
37.410137	-121.891603	Frequent	Weekday		77		65882	Milpitas Transit Center (Bay 6)	Bus Stop	Bus Stop	0.25	150.5	150.75
37.410137	-121.891603	Frequent	Weekday		77		65882	Milpitas Transit Center (Bay 6)	Bus Stop	Bus Stop	190.05	0.1	190.15
37.410509	-121.891817	Frequent	Weekday		60		65880	Milpitas Transit Center (Bay 8)	Bus Stop	Bus Stop	0.65	145.8	146.45
37.410258	-121.891473	Frequent	Weekday		60		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	194.75	0.25	195
												1936.45	

Metro Center Hub (Boardings Daily)

Stop Lat	Stop Lon	Category	Day	LRT Direction	Route Proper	Stop Desc	STOP ID	Stop Name Proper	Stop or Station or Rapid	Stop Type	Average Daily Alightings	Average Daily Boardings	Size
37.41439	-121.90212	Light Rail	Weekday	Westbound	Orange	Westbound	65250	Great Mall Station	Light Rail Station	Light Rail Station	178.25	400.95	579.2
37.413925	-121.90143	Light Rail	Weekday	Eastbound	Orange	Eastbound	65235	Great Mall Station	Light Rail Station	Light Rail Station	462.6	208.7	671.3
37.413283	-121.8998	Frequent	Weekday		66	Westbound	63841	Great Mall & McCandless	Bus Stop	Bus Stop	10.4	37.5	47.9
37.416103	-121.90257	Frequent	Weekday		66	Southbound	63244	Main & Great Mall Drive	Bus Stop	Bus Stop	45	6.7	51.7
37.413387	-121.90184	Frequent	Weekday		66	Southbound	65220	Main & Centria	Bus Stop	Bus Stop	8.95	30.35	39.3
37.410641	-121.90249	Frequent	Weekday		66	Southbound	65219	Main & Abel	Bus Stop	Bus Stop	2.75	1.45	4.2
37.412184	-121.8986	Frequent	Weekday		66	Eastbound	63844	Great Mall & McCandless	Bus Stop	Bus Stop	14.2	4.55	18.75
37.413283	-121.8998	Frequent	Weekday		66	Westbound	63841	Great Mall & McCandless	Bus Stop	Bus Stop	19.1	26	45.1
37.410654	-121.90216	Frequent	Weekday		66	Northbound	65218	Main & Abel	Bus Stop	Bus Stop	6.8	3.25	10.05
37.414899	-121.9019	Frequent	Weekday		66	Northbound	63234	Main & Great Mall Parkway	Bus Stop	Bus Stop	3.75	25	28.75
37.412184	-121.8986	Frequent	Weekday		66	Eastbound	63844	Great Mall & McCandless	Bus Stop	Bus Stop	54.05	4.5	58.55
37.410963	-121.89987	Local	Weekday		44	Southbound	65955	McCandless & Canal	Bus Stop	Bus Stop	0.7	0	0.7
37.413276	-121.90086	Local	Weekday		44	Eastbound	65956	Great Mall & Main	Bus Stop	Bus Stop	0.3	0.35	0.65
37.415196	-121.90421	Local	Weekday		44	Eastbound	63233	Great Mall & Abel	Bus Stop	Bus Stop	0.3	0.2	0.5
37.413283	-121.8998	Local	Weekday		44	Westbound	63841	Great Mall & McCandless	Bus Stop	Bus Stop	2.55	5.1	7.65
37.41496	-121.9028	Local	Weekday		44	Westbound	63245	Great Mall & Main	Bus Stop	Bus Stop	0.1	0	0.1
37.411076	-121.89965	Local	Weekday		44	Northbound	63925	McCandless & Canal	Bus Stop	Bus Stop	0.05	1.85	1.9
37.413283	-121.8998	School	Weekday		200	Westbound	63841	Great Mall & McCandless	Bus Stop	Bus Stop	0	0	0
											1563.15		

On-Demand Transit Model Overview



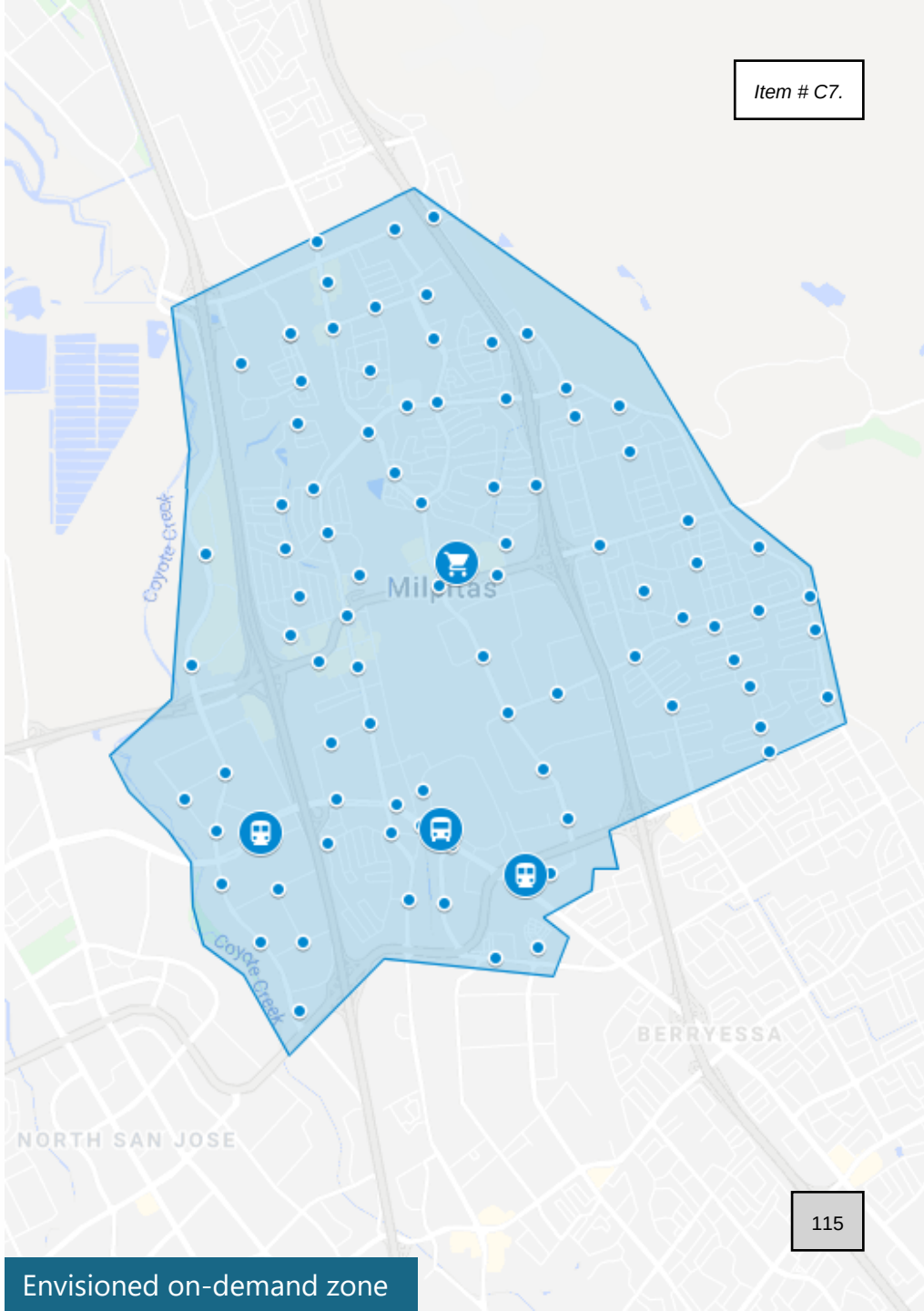
On-Demand in Milpitas

Project Overview

The core of our planning study are your objectives. We take them into account every step of the way.

Overview

- City-Wide First Mile/Last Mile On-Demand Transit
- Connection to Economic Development Area, BART, and VTA Fixed Routes
- Expanded Coverage & Service Hours



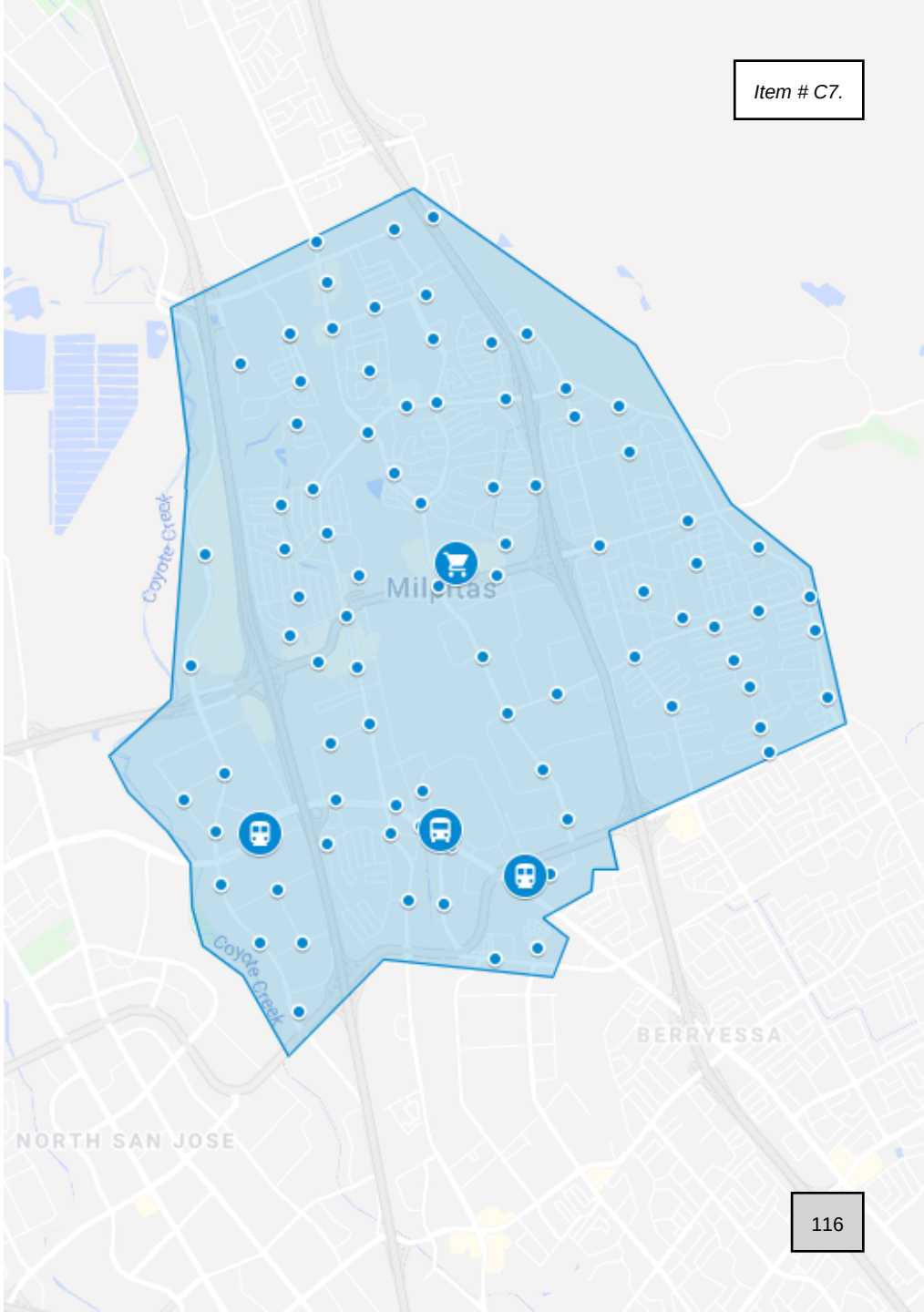
Envisioned on-demand zone

On-Demand in Milpitas

Virtual Stop Service

Our virtual stop model allows point-to-point travel between any virtual stops. Virtual stops allow your service to have a high productivity while still minimizing the amount of walking distance for riders.

Carefully Chosen Virtual Stops	Configurable
Virtual stops are carefully chosen to be in safe, well-lit areas (including existing bus stops).	We can configure your virtual stops to meet service goals like maximum walking distance.



Service Modelling Approach

The Pillars of Microtransit

Focusing on any one of the pillars comes with tradeoffs in the other pillars.

The objectives and constraints you have for your microtransit project dictate the focus areas.



Coverage

Geographic Span

Trip Generators

Population & Demographics



Convenience

Wait Times & Trip Frequency

Reliability & Supportable Ridership

Walking Distance



Cost

Vehicle Count

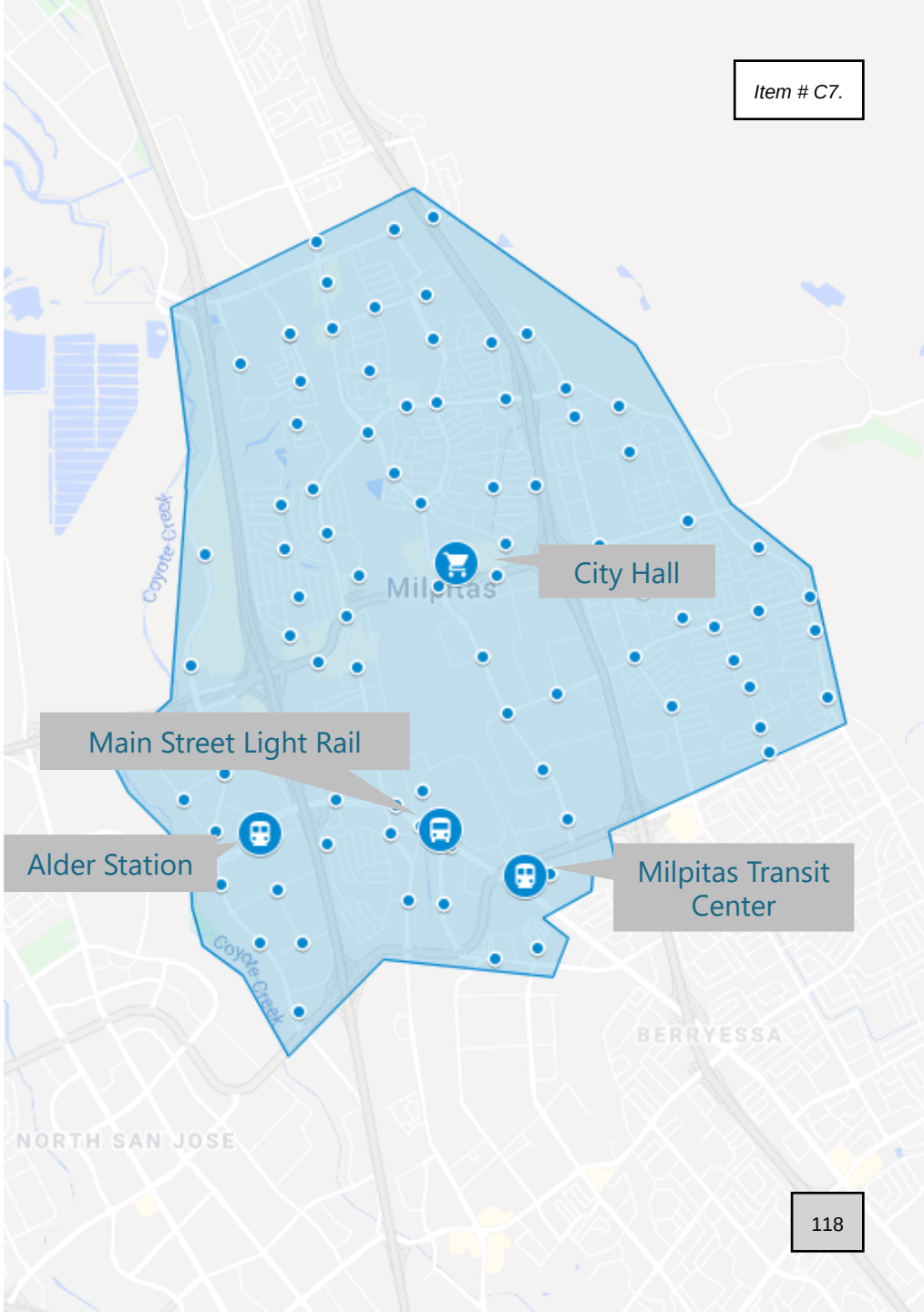
Cost Per Ride

Annual Operating Cost

On-Demand in Milpitas

Service Parameters and Operations

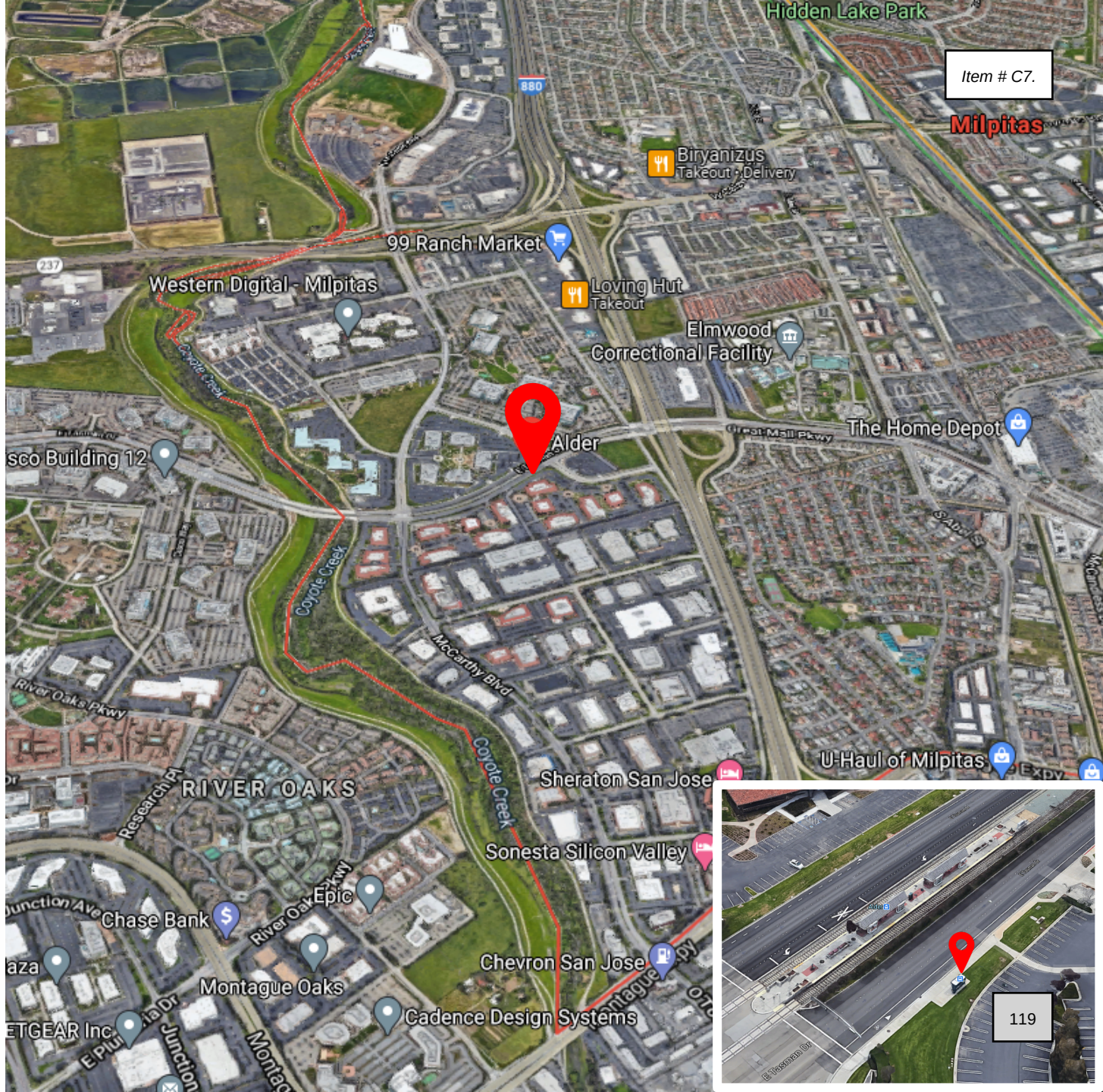
- All-Day First/Last-Mile to and from 4 POIs
- 7 Scheduled Minivans with ADA Access
  Or 4 Ford Transits with ADA Access
- 12 Hours of Service per Day
- $7 – $9 Cost per Passenger



First Mile/Last Mile Locations

Alder Station

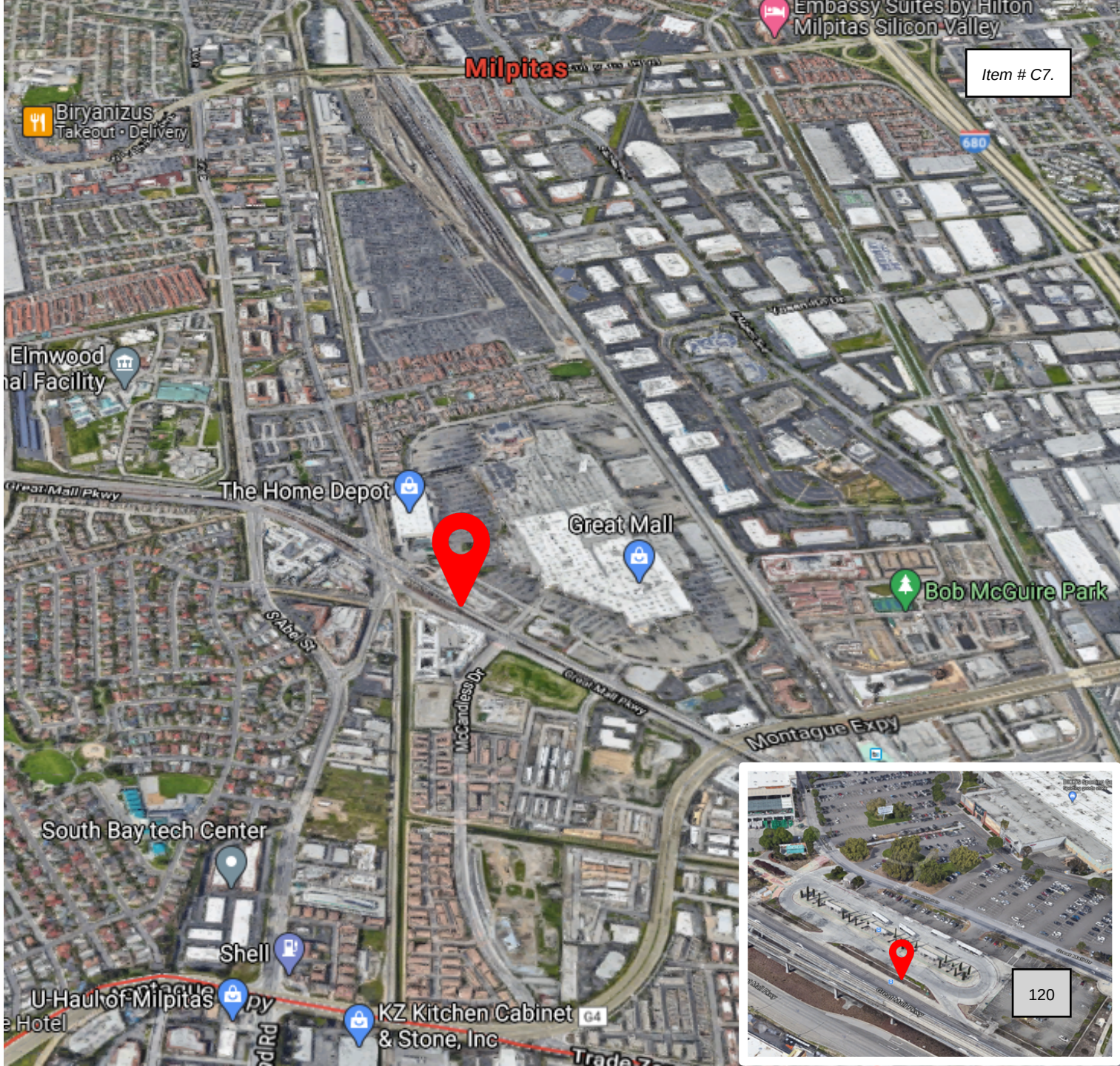
- Connection from Orange Line to industrial park.
- Serve as last mile solution for getting to the industrial park.
- Several virtual stops in industrial park to provide last mile solution.



First Mile/Last Mile Locations

Main Street Light Rail

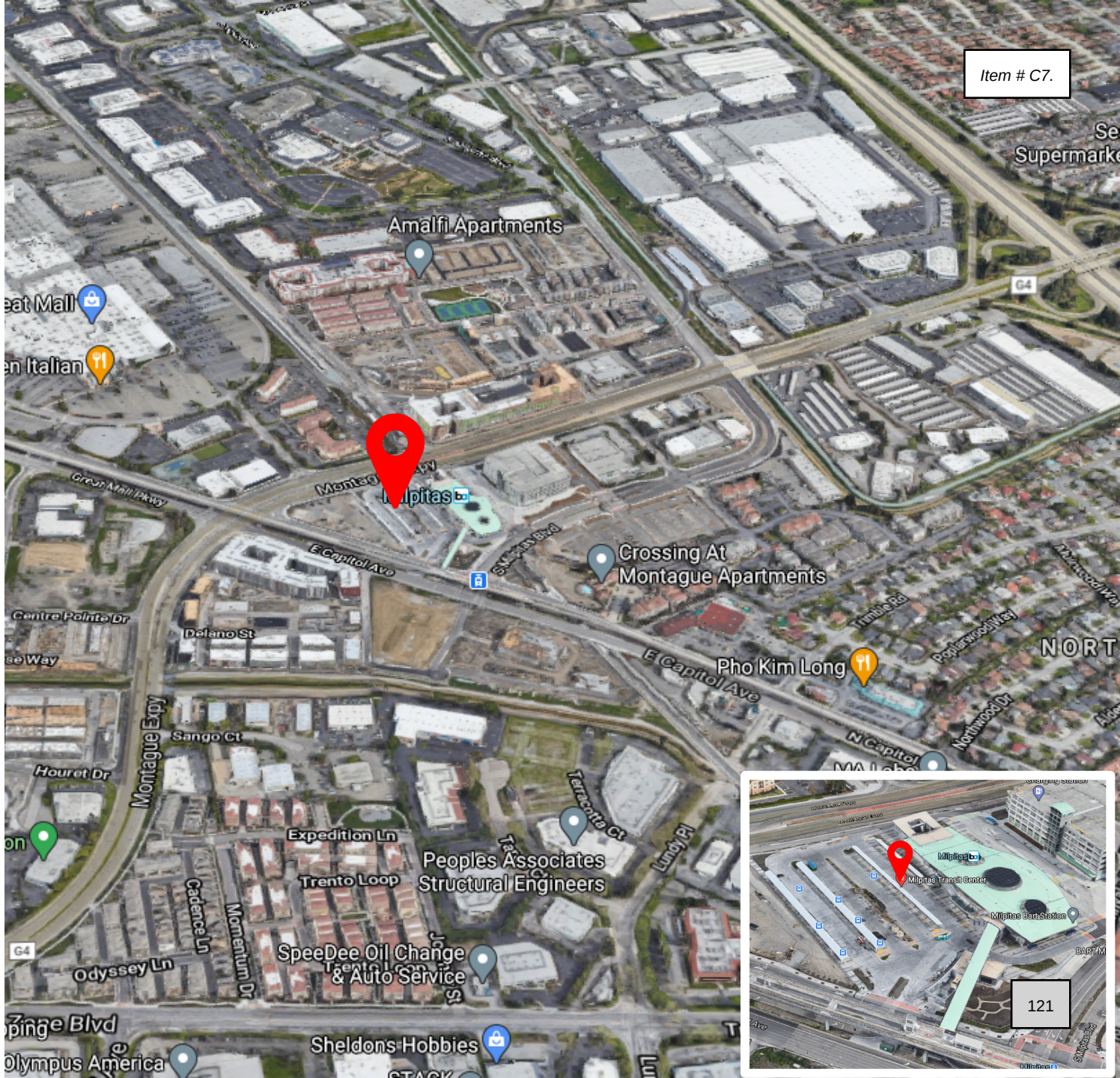
- Provide first mile solution to transfer to bus lines or Orange Line.
- Provide point-to-point travel between residences and Great Mall.



First Mile/Last Mile Locations

Milpitas Transit Center

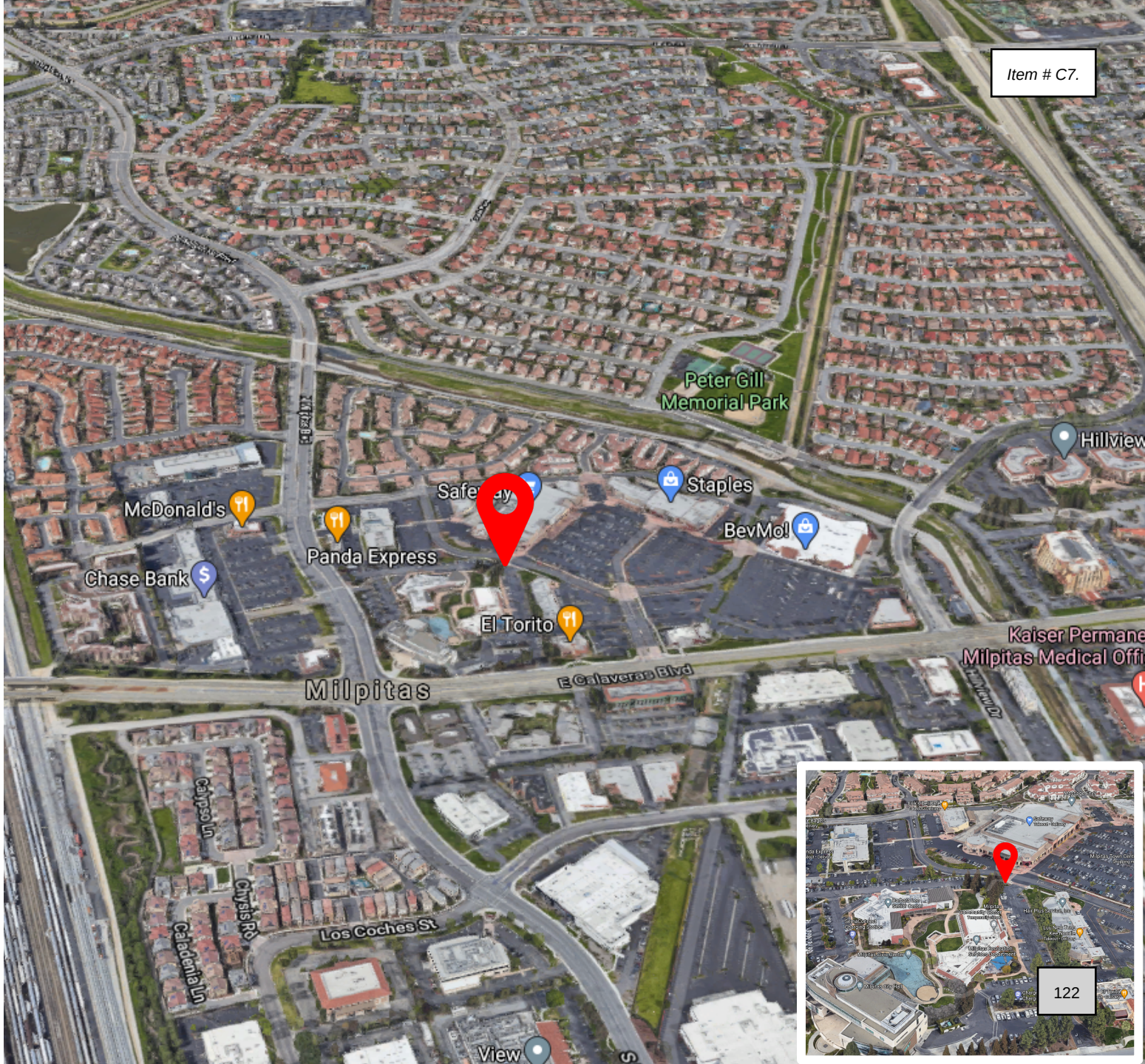
- Provide first mile connection to bus lines, Orange Line and Bart Station in the immediate vicinity.
- Reduce load on the adjacent parking garage.



First Mile/Last Mile Locations

City Hall/Town Center

- Access to City Hall and Town Center shopping center.
- Residential trips to and from the center.
- This location will generate the bulk of mid day trips.



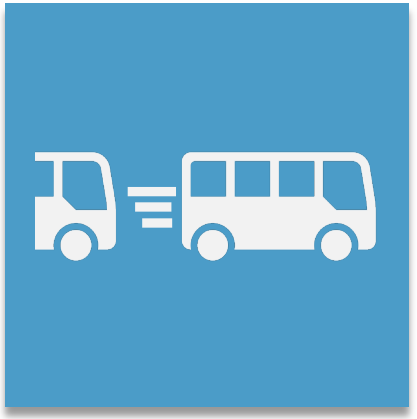
The RIDECO Benefit



City-Wide Coverage



All-Day Service



10-15 Min Wait Time



Sustainable Cost

This is the better way!

Project Timeline

Launch: 8 weeks post Notice to Proceed (with an additional 6 weeks contract negotiation up front)

8+ Weeks to Launch	6 Weeks to Launch	4 Weeks to Launch	2 Weeks to Launch	Launch	Post Launch

DEVELOP & FINALIZE SERVICE PLAN
RideCo: Model demand; identify virtual stops; run simulations to validate KPIs; right-size vehicle schedule

DEVELOP & FINALIZE MARKETING PLAN
Milpitas & RideCo: build FAQ & create campaign calendar, signage, and print media as needed
RideCo: obtain branding assets from Milpitas and provide marketing material templates

DEPLOY RIDECO PLATFORM
RideCo: deploy backend dynamic routing system; white label & publish apps

TRAIN RESERVATIONISTS & ADMIN STAFF
RideCo: train Yellow Cab reservationists on passenger bookings, CRM and best practices; train City admin. staff on system overview and data analytics/ dashboards

ONBOARD & TRAIN DRIVERS
RideCo: train Yellow Cab drivers on use of app with video walkthrough; in-vehicle training as required

SOFT LAUNCH
Milpitas, RideCo, & Yellow Cab: mock go-live with a small user group
Milpitas & RideCo: begin pre-launch promotions
RideCo: Provide additional admin. staff/ operator training as required

PUBLIC LAUNCH
Milpitas, RideCo, & Yellow Cab: launch service to the public
RideCo: conduct ride-along tests daily for the week; post-launch service optimization

POST LAUNCH
Milpitas & RideCo: execute additional marketing/promotional activities per the campaign calendar
RideCo: review ongoing service performance; provide consistent updates and recommendations

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one:	331-9513493153579	$1,084,732	331-951349324237	$1,084,732
	330-2931	$71,184	330-3999	$71,184
X Budget	331-9513493153899	$71,184	331-951349324237	$71,184
Appropriation	331-9513493153760	$200,000	331-951349324237	$200,000
☐ Budget Transfer				

Approve and authorize the City Manager to execute a master funding agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; approve a budget appropriation of $1,355,916 including Measure B Innovative Transit Service Models Program funding, developer contributions and General Government CIP funding into Project No. 3493; and approve and authorize the City Manager to execute a professional services agreement with RideCo for consultant services related to Milpitas OnDemand.

Background:

In November 2016, Santa Clara County voters approved the 2016 Measure B ballot measure, a 30-year half-cent countywide sales tax to enhance transit, highways, expressways and active transportation programs for bicycles and pedestrians. Over the next 30 years, 2016 Measure B is anticipated to generate $6.3 billion.

The Valley Transportation Authority (VTA) established the 2016 Measure B Program and adopted Program category guidelines. The Innovative Transit Service Models Program provides approximately $6 million in funding to eligible cities through a competitive grant application process. The goal of the Innovative Transit Service Models Program is to support affordable new innovative transit service models to address first/last-mile connections to transit, serving the vulnerable, underserved and transit-dependent population.

City staff in partnership with RideCo, a transportation consulting firm that provides on-demand transit solutions, submitted a grant application for funding through the Innovative Transit Service Models Program to develop and implement Milpitas OnDemand, a 12-month pilot program to provide a flexible, convenient first/last-mile transit solution with convenient connections to VTA light rail and the Milpitas Transit Center. On March 4th, the VTA Board of Directors approved the recommended projects, including Milpitas OnDemand, and authorized the General Manager to execute the necessary agreements. The City of Milpitas was awarded the full amount of the grant request in the amount of $1,084,732. In order to receive this funding, the City is required to enter into a Master Funding Agreement with VTA to ensure funds are spent on allowable activities.

Analysis:

The City of Milpitas is expected to receive approximately $1,084,732, in funding from the 2016 Measure B Innovative Transit Service Models Program. Staff recommends the City Council approve the Master Agreement with VTA to receive this funding, which will be used to implement Milpitas OnDemand. Staff estimates an additional cost of $271,184 to operate the service, which will be partially funded by a $200,000 developer contribution to the City from Embarcadero Capital Partners and Bridge Development to fund a future shuttle program following the Partial Assignment and Assumption Agreement for an industrial

development project on McCarthy Boulevard. The remaining $71,184 will be funded by the anticipated fare collection of $111,600, which is the most conservative estimate for the pilot program.

Staff recommends the creation and funding of a new Capital Improvement Program (CIP) Project, Project No. 3493 Milpitas OnDemand to allow staff to complete the activities required by the Measure B funding. Staff further recommends the approval of a budget appropriation to appropriate the $1,084,732 in Measure B Innovative Transit Service Models Program Funding, $200,000 in developer contributions, and $71,184 from the General Government CIP Fund (to be reimbursed by fare collections) into the new CIP project.

Staff further recommends the City Council approve the Professional Services Agreement with RideCo for consultant services to operate Milpitas OnDemand, a 12-month pilot program for an on-demand, micro-transit service to address the first/last-mile challenge in Milpitas. The service will provide a convenient and affordable transportation option for Milpitas' residents, employees, and vulnerable/transit-dependent populations.

Policy Alternative:
Alternative 1: Not approve and not authorize the City Manager to execute a Master Funding Agreement with VTA to receive the annual Measure B Innovative Transit Service Models Program Funding.

Pros: None.

Cons: If the City does not enter into the Master Funding Agreement, the City would not be eligible to receive needed Measure B funding.

Reason not Recommended: The General Plan includes several policies to promote alternative modes of transportation, first/last-mile solutions, and public transit improvements to support the City's circulation goals. The receipt and use of the Measure B funding to implement Milpitas OnDemand supports these General Plan policies and goals.

Fiscal Impact:
The approval of the Funding Agreement with the VTA is required to receive approximately $1,084,732 in Measure B Innovative Transit Service Models Program funding. The Milpitas OnDemand program will require creation of new CIP Project 3493 and approval of a budget appropriation in the amount of $1,355,916. The funding sources are Measure B Innovative Transit Service Models Program Funds ($1,084,732), developer contributions ($200,000), and General Government CIP Fund ($71,184 to be reimbursed by fare collections).

California Environmental Quality Act:
Not applicable.

Recommendations:

1. Approve and Authorize the City Manager to Execute a Master Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program;

2. Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand;

3. Approve a budget appropriation of $1,355,916 including Measure B Innovative Transit Service Models Program Funds ($1,084,732), developer contributions ($200,000), and General Government CIP Fund ($71,184) into Project No. 3493; and

4. Approve and Authorize the City Manager to Execute a Professional Services Agreement with RideCo for Consultant Services Related to Milpitas OnDemand.

Attachments:
Attachment 1: VTA Funding Agreement
Attachment 2: New Project No. 3493 Milpitas OnDemand
Attachment 3: VTA Grant Award Letter
Attachment 4: Milpitas 2016 Measure B Grant Application
Attachment 5: Budget Appropriation Form
Attachment 6: RideCo Professional Services Agreement

☐ **Check if City Council Approval required.** **Meeting Date**: April 5, 2022

Requested by:	**Department Head:** Ned Thomas	**Date:** April 5, 2022
Reviewed by:	**Finance Director:** Lauren Lai	**Date:** April 5, 2022
Date approved by City Council, if required:		**Confirmed by:**

FI/24786/V **LarForm 30-222 (Rev. 1/92)**

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

This Subscription and Services Agreement (this "**Agreement**") is entered into on _____ (the "**Effective Date**") by and between **RideCo US Inc.**, having its office at 10880 Wilshire Boulevard, Suite 1101, Los Angeles, CA 90024 ("**RideCo**"), and the City of Milpitas, CA, having its principal address at 455 E. Calaveras Blvd. Milpitas, CA 95035-5411 (the "**City**").

RECITALS

A. RideCo is a technology provider for on-demand transit services.

B. City wishes to implement a technology-driven transportation service and RideCo is willing to provide access to RideCo's Dynamic Transit System (as defined below) on a license basis and to coordinate the provision and delivery of transportation services on the terms set out herein (the "**Project**").

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto, it is agreed by and between the parties as follows:

1. INTERPRETATION

1.01 Definitions: In this Agreement, unless there is something in the subject matter or context inconsistent therewith, the following terms shall have the following meanings:

"Distributed Software" means the RideCo passenger mobile application and driver mobile applications and any other software tools or components made available by RideCo for download under this Agreement;

"**Dynamic Transit System**" means RideCo's proprietary software programs including optimization algorithms, data analysis algorithms, web application, passenger mobile application, driver mobile application, dashboards, graphical user interface, all documentation and end user manuals;

"Documentation" means any and all of the following that are provided by RideCo, in any form of media, in connection with the Agreement (a) know-how, proprietary information and methodologies, document templates and best practice guides; (b) scripts and data analysis tools; (c) user manuals and guides, that explain or facilitate the use of the Software, including all updates thereto; and (d) data sheets, specifications and other technical documents and materials in respect of the Software;

"Maintenance and Support Services" means the maintenance and support services provided by RideCo as further described in Section 3 of this Agreement and Schedule "B";

"Personal Data" has the meaning given in Schedule "C";

"Platform Software" means collectively the RideCo Dynamic Transit System (DTS) cloud platform technology and underlying software, including its dynamic routing technologies, ride-sharing technologies, algorithms, implementation architectures, operations dashboards, user interfaces, and application programming interfaces ("APIs") to third party systems;

"**Operational Data**" means data recorded by the Distributed Software and presented through export on the operations dashboard end-user interface, where such data is provided by City or passengers or partner drivers of City. For greater certainty, Operational Data includes passenger ride booking information (origin, destination, time, payment, status) and driver action data (location data, pickup/drop-off times) however Operational Data does not include system log data

or any other data that is not provided as an export to an end user through the operations dashboard end-user interface;

"Services" means collectively the provision of access to the Software, Documentation, associated APIs and interfaces to third party systems provided by RideCo under this Agreement together with the vehicular transportation services provided by the Transportation Operations Provider and Maintenance and Support Services all as further described in the schedules hereto;

"Software" means collectively the Distributed Software, Platform Software, and any interfaces between the two;

"**Software Enhancements**" means an update or upgrade to the Distributed Software or to the Platform Software, which update or upgrade may include new product features that change the character or structure of the software or its functional use or operation and will usually form part of an automatic update to the Software without any action being required from Customer;

"Subscription and Services Fee" means the fees set forth in Schedule "A"; and

"Transportation Operations Provider" means the subcontractor that is contracted by RideCo to provide drivers and vehicles for the Project. RideCo intends to subcontract to subcontractor selected by RideCo per the Measure B grant application regarding the Project.

1.02 Schedules: The schedules to this Agreement are set forth as follows:

Schedule "A"	-	Project Terms and Scope of Work
Schedule "B"	-	Service Level Agreement
Schedule "C"	-	Personal Data Protection Undertaking
Schedule "D"	-	Software Functional Requirements
Schedule "E"	-	Insurance Requirements

2. SERVICES LICENSE, INTELLECTUAL PROPERTY RIGHTS, CONFIDENTIALITY

2.01 Services. During the term of the Project, RideCo shall:

a) provide and supply all necessary hardware and software to run the Project with the Dynamic Transit System;

b) contract with a Transportation Operations Provider, acceptable to the City, that (i) will supply drivers and vehicles that meet applicable bylaws, insurance and indemnification requirements specified in this Agreement, and regulations of the City; and (ii) will agree to the applicable terms of the Funding Agreement executed between the Santa Clara Valley Transportation Authority and the City of Milpitas for this Project, including but not limited to, compliance with applicable requirements of state, federal, and local law, compliance with wage and hour laws, and insurance and indemnity requirements;

c) perform logistics activities involved in running the Services, including without limitation:

i. the coordination of the dispatch, selection, scheduling, training and itinerary management for the Transportation Operations Provider, vehicles and drivers in relation to the Project;

ii. managing hours of operation and operating parameters as defined in Schedule "A";

iii. communicating itinerary information with passengers and drivers (digitally via the website, SMS, or the mobile app);

iv. collecting fare payments ("**Fare Payments**") from passengers of the ride-share service, via credit card (if applicable). The Fare Payments shall be reported in the Invoice (as such term is defined in Section 5.02); and

v. utilizing the Float (as defined in Section 5.03 below) to pay costs involved in the operation of drivers and vehicles on the Project,

d) advise City of the assistance it requires from City in connection with the completion of its responsibilities under this Agreement; and

e) complete the Project in a professional and competent manner by persons qualified and skilled in their occupations and the roles that they are required to perform hereunder, and in accordance with: (a) this Agreement; (b) industry standards; and (c) any requirements of law, as applicable.

2.02 License Grant: Subject to the terms of this Agreement, RideCo grants City a limited, revocable, non-exclusive and non-transferable license to access and use the Dynamic Transit System in the geographic area identified in Schedule "A". The Distributed Software may only be used in combination with the Approved Equipment/Third Party Software. RideCo or its agents, resellers or distributors may release from time to time to City at no additional charge during the term of this Agreement, software bug fixes and patches and such releases shall be considered "Software" hereunder and subject to the terms of this Agreement unless otherwise specified by RideCo.

2.03 Restrictions & End User Terms:

a) *Restrictions*. Except as otherwise expressly permitted in this Agreement, City shall not, and shall not encourage any third party to: (i) customize, modify or create any derivative works of the Services; (ii) decompile, disassemble, reverse engineer, or otherwise attempt to derive the source code for the Software (except to the extent applicable laws specifically prohibit such restriction); (iii) remove or alter any trademark, logo, copyright or other proprietary notices, legends, symbols or labels in the Distributed Software; (iv) publish any results of benchmark tests run on the Software to a third party without RideCo's prior written consent; (v) redistribute, encumber, sell, rent, lease, sub-license or otherwise transfer rights to the Services; (vi) copy, reproduce, distribute, modify or in any other manner duplicate the Software, in whole or in part and City may not copy any written materials (except for training materials and for internal use) accompanying any portion of the Services unless specifically authorized in writing to do so by RideCo. City shall not access the Services in order to build a competitive product or service or to copy any ideas, features, functions or graphics of the Dynamic Transit System or the Documentation. For greater certainty, City will not be in breach of this Section 2.03 if City independently develops a competing product or service without use or reference to RideCo's Confidential Information.

b) *End Users.* RideCo and its subcontractors shall ensure that end users agree to appropriate terms of service and privacy policy in accordance with requirements of applicable law before using the Services. RideCo will inform end users that the transportation services are provided on behalf of the City by the Transportation Operations Provider.

2.04 RideCo Intellectual Property: RideCo retains all right, title and interest in and to the Dynamic Transit System including all Documentation, all intellectual property rights in the Software and all copies and derivative works thereof. City acknowledges and agrees that the Dynamic Transit System, and all intellectual property rights therein (including without limitation,

copyrights, patents, trade secrets, trademarks, moral rights and other intellectual property rights, in and to the Dynamic Transit System and all modifications, changes, enhancements, or additions thereto) and all intellectual property rights relating to the provision of professional services, feedback, technical support, maintenance and other support if any, (collectively, "**RideCo IP**"), are owned or licensed by RideCo. To the extent City acquires rights in the RideCo IP, City assigns such rights to RideCo and waives any moral rights it may have in the RideCo IP to and in favor of RideCo. Nothing in this Agreement gives City any right, title or interest in, to or under any of the Dynamic Transit System or any intellectual property rights therein (including without limitation patent rights) or arising pursuant to professional services, product feedback, technical support and other support.

2.05 **Operational Data**: As between City and RideCo, City will own the Operational Data from the Project and City acknowledges and agrees that RideCo is not responsible for any liability arising out of the collection, retention, use, operation and disclosure by City of Operational Data. Subject to the personal data protection undertakings set out in Schedule "C", City hereby grants to RideCo for the duration of this Agreement a worldwide and royalty-free right and license to access and use the Operational Data for the sole purposes of: (i) providing the Services to City, (ii) assessing the performance of the Services; and (iii) creating Pattern Data (as defined in Section 2.06 below). City is not entitled to receive any compensation or re-imbursement of any kind from RideCo for use of said Operational Data. Except as otherwise expressly permitted in this Agreement, RideCo does not claim any right, title or interest in the Operational Data.

2.06 **Personal Data Protection Undertaking.** RideCo hereby agrees and undertakes to comply with the personal data protection undertakings set out in Schedule "C".

2.07 **Pattern Data. "RideCo Pattern Data"** means non-personally identifiable data including Operational Data which contains no Personal Data (as such term is defined in Schedule "C"). For greater certainty, RideCo Pattern Data does not identify a specific passenger or driver. As between RideCo and City, all right and title to RideCo Pattern Data belongs to RideCo and accordingly RideCo is free to use RideCo Pattern Data for any purpose including the improvement of RideCo's Services.

2.08 **Suggestions.** RideCo shall have a royalty-free, worldwide, transferable, sub licensable, irrevocable, perpetual, unrestricted license to use and/or incorporate into its products, services and business any suggestions, enhancement requests, recommendations or other feedback provided by City relating to the operation of the Services.

2.09 **Reservation of Rights.** Except for the rights and licenses granted in this Agreement, City acknowledges and agrees that RideCo owns and shall retain all right, title and interest (including without limitation all patent rights, copyrights, trademark rights, trade secret rights and all other intellectual property rights therein) in and to the technology used to provide the Services) and all related RideCo IP and RideCo grants City no further licenses of any kind hereunder, whether by implication, estoppel or otherwise. City acknowledges that only RideCo shall have the right to maintain, enhance or otherwise modify the Dynamic Transit System.

2.10 **Confidentiality:**

a) *Confidential Information.* As used herein, "**Confidential Information**" means all confidential information of a party ("**Disclosing Party**") disclosed to the other party ("**Receiving Party")** that is designated in writing as confidential or ought to be considered confidential based on the nature of the information and the circumstances of disclosure. For greater certainty**,** the Documentation and the functionality of the Software are all Confidential Information of RideCo. Confidential Information shall not include any information that the Receiving Party can demonstrate by its written records: (i) was known to it prior to its disclosure hereunder by the Disclosing Party; (ii) is or becomes known through no wrongful act of the Receiving Party; (iii) has been rightfully received from a third party without restriction or disclosure and without breach by such third party of a non-disclosure obligation; (iv) is independently developed by the Receiving Party;

or (v) has been approved for release by the Disclosing Party's prior written authorization**.**

b) *Obligations*. Neither party shall use any Confidential Information of the other party except as necessary to exercise its rights or perform its obligations under this Agreement or as expressly authorized in writing by the other party. Each party shall use the same degree of care to protect the other party's Confidential Information as it uses to protect its own Confidential Information of like nature. Neither party shall disclose the other party's Confidential Information to any person or entity other than its officers, employees, service partners, consultants and legal advisors who need access to such Confidential Information in order to effect the intent of the Agreement and who have entered into written confidentiality agreements with it at least as restrictive as those in this Section. Upon any termination of this Agreement, the receiving party will promptly return to the disclosing party or destroy, at the disclosing party's option, all of the disclosing party's Confidential Information.

c) *Public Records*. Notwithstanding anything to the contrary in this Section 2.10, City may disclose Confidential Information when compelled to by law (including the California Public Records Act, any other applicable public disclosure laws, and/or court orders). If City receives a request for public records that includes Confidential Information within City's possession or control and City's legal counsel reasonably believes it is legally required to disclose such public records, City will provide RideCo reasonable notice prior to disclosing such Confidential Information, it being understood that City may have ten (10) or fewer days to respond to such requests and that City will not reject any request for public records that its legal counsel determines, in its reasonable judgment, to be legally enforceable. RideCo will not disclose any Confidential Information of City except as compelled by a court or administrative body or required by any law or regulation. RideCo will give notice if any disclosure request is received for City's Confidential Information, so City may file an objection with the relevant court or administrative body. For greater certainty, City acknowledges and agrees that RideCo Trade Secrets constitutes Confidential Information of RideCo that is not a 'public record' as such term is defined by applicable law and accordingly, any request to disclose the RideCo Trade Secrets must be notified to RideCo and will only be disclosed with RideCo's prior written consent. As used herein the term "RideCo Trade Secrets" means all deliverables and work product, including techniques, work methods, processes, protocols, formulas, algorithms, software code, marketing strategies, concept art, design, ideas, designs, drafts, look and feel concepts, graphic elements, brand identity, website or mobile application, page layouts, wireframes, source code, "widgets", images, photographs, videos, and any other design or development elements, including source files, created by or in connection with and/or provided by RideCo pursuant to this Agreement.

d) *Injunctive Relief*. Each party acknowledges that due to the unique nature of the other party's Confidential Information, the disclosing party may not have an adequate remedy in money or damages if any unauthorized use or disclosure of its Confidential Information occurs or is threatened. In addition to any other remedies that may be available in law, in equity or otherwise, the disclosing party shall be entitled to seek injunctive relief to prevent such unauthorized use or disclosure.

3. MAINTENANCE AND SUPPORT SERVICES

3.01 Maintenance Services: RideCo shall provide the following maintenance services to City:

a) Supply or deploy corrections to the Software as required to correct errors, defects, malfunctions and deficiencies, if any, in the Software; and

b) Supply or deploy improvements, extensions, upgrades, enhancements and other changes to the Software developed from time to time by RideCo.

3.02 Support Services: In response to a support request from City, RideCo shall provide the following support services to City as per the priority levels, response times and procedures specified in Schedule "B" to be provided remotely:

a) Clarification of software functionality

b) Adjustments to software configuration; and

c) Advice on the use and results of the Services;

3.03 Services Outside Scope of Maintenance and Support: The Maintenance and Support Services to be provided under this Agreement do not include:

a) Correction of errors or defects caused by operation of the Software in a manner other than specified in the Software documentation;

b) Rectification of errors caused by incorrect use of the Software;

c) Correction of errors caused in whole or in part by the use of computer programs other than the Software unless the use of such programs has been approved by RideCo in writing; or

d) Diagnosis or rectification of faults not associated with the Software.

3.04 Professional Services: City may request at any time and from time to time that RideCo provide to City any other professional services or Software modifications which are within the scope of its business and which are not provided for herein and which are not covered by the Subscription and Services Fee. RideCo shall evaluate such requests and may provide the City an estimate of the cost of such professional services. In no event shall RideCo be obligated to provide professional services not agreed in writing with City.

4. INSURANCE

4.01 Insurance Requirements:

a) RideCo shall meet the Insurance Requirements in Schedule E. RideCo shall contractually require its subcontractors, including the Transportation Operations Provider, to provide and maintain insurance coverage(s) of the type and with the limits specified in Schedule E. It shall be RideCo's responsibility to collect and maintain current evidence of insurance provided by its subcontractors and RideCo shall forward to City evidence of same. Evidence of insurance provided by RideCo and its subcontractors as set forth in this Agreement is subject to review and acceptance by City.

b) RideCo shall not commence the Services under this Agreement until RideCo has obtained all insurance required under this Section 4.01 and Schedule E, and City has approved the insurance as to form, amount, and carrier, nor shall RideCo allow any subcontractor, including the Transportation Operations Provider, to commence any Services until all insurance required of the subcontractor has been obtained and approved by City. Failure to comply with any part of this Section shall constitute a material breach of this Agreement as set forth in Section 6.02(b).

5. FEES AND PAYMENT TERMS

5.01 Subscription and Services Fee: In consideration of the provision of the Services under this Agreement, City agrees to pay RideCo the Subscription and Services Fee in accordance with Schedule **"**A". Incremental payments, if applicable, shall be made as outlined in Schedule "A".

5.02 **Invoicing and Payment Terms**. Within fifteen (15) days following each month during the term of this Agreement, RideCo shall provide to City an invoice ("**Invoice**"). Within fifteen (15) days following City's receipt of the invoice, it shall pay to RideCo all bona fide amounts owing pursuant to the Invoice. Any such amounts which are not paid by City when due shall bear interest at the rate of twelve percent (12%) per annum from the date due until paid in full to RideCo.

5.03 **Float**: City shall provide a pre-payment deposit ("**Float**") to RideCo for the costs for the ride-share drivers with the amount of the Float specified in Schedule "A" ("**Float Amount**") until changed by notice in writing from City to RideCo. RideCo shall have no right to apply the Float Amount to any amounts owing to it with respect to any Invoice unless and until it receives approval in writing from City of such Invoice. Upon termination or expiry of this Agreement, the Float shall be applied to the final approved Invoice payable to RideCo pursuant to this Agreement and the balance of any remaining amount of the Float shall be paid by RideCo to City within thirty (30) days following the expiry or termination of this Agreement. RideCo shall keep detailed records and documents with respect to the Transportation Operations Provider costs, operating hours, and Float Amount and shall provide copies of all documents as may be requested from time to time by City relating thereto.

5.04 **Taxes:** All charges and fees provided for in this Agreement are exclusive of and do not include any foreign or domestic governmental taxes or charges of any kind imposed by any federal, state, provincial or local government on the transactions contemplated by this Agreement, including without limitation excise, sales, use, property, license, value-added taxes, goods and services, harmonized, franchise, withholding or similar taxes, customs or other import duties or other taxes, tariffs or duties other than taxes that are imposed based on the net income of RideCo. Any such taxes that are imposed on the net income of RideCo shall be the sole responsibility of RideCo. City will not be required to pay any workers' compensation insurance or unemployment contributions on behalf of RideCo or its employees or subcontractors.

6. TERM AND TERMINATION

6.01 **Term:** This Agreement commences on the Effective Date and shall run for the duration of the Project term specified in Schedule "A" together with any agreed extensions, unless terminated sooner in accordance with the terms of this Section 6.

6.02 **Termination:**

a) Either party may terminate this Agreement with or without cause by giving thirty (30) days' written notice to the other party.

b) Either party may immediately terminate this Agreement with written notice if the other party: (i) fails to correct a material breach of its obligations under this Agreement within thirty (30) days after receipt by such other party of written notification from the notifying party of such material breach; (ii) ceases to carry on business as a going concern; or (iii) files a bankruptcy petition or has such a petition filed involuntarily against it, becomes insolvent, makes an assignment for the benefit of creditors, consents to the appointment of a trustee, or if bankruptcy reorganization or insolvency proceedings are instituted by or against the other party.

6.03 **Survival**. The following Sections shall survive the termination or expiration of this Agreement for any reason: 1 (Definitions), 2.03(a) (Restrictions), 2.04 (RideCo Intellectual Property),

2.05 (Operational Data), 2.07 (Pattern Data), 2.08 (Suggestions), 2.09 (Reservation of Rights), 2.10 (Confidentiality), 7.04 (Effect of Termination), 7.02 (Disclaimer of Implied Warranties), 7.03 (Service Disclaimer), 8 (General Provisions) and all terms related to payment (until payments have been made in full) and any other terms herein which expressly state that such terms will survive or which by their nature are required to survive to give effect to the surviving terms stated to survive, shall survive the termination or expiration of this Agreement for any reason and will continue in full force and effect subsequent to and notwithstanding such termination, until such provisions are satisfied or by their nature expire.

6.04 Effect of Termination. On termination, City shall destroy all copies of the Software (and cease all access to the same), destroy or delete all accompanying Documentation and Confidential Information of RideCo and shall provide confirmation of having done so within one (1) week of the effective date of termination.

7. WARRANTIES, INDEMNIFICATION, LIABILITY

7.01 Warranties:

a) *Representations and Warranties by Each Party*. Each party represents, warrants to the other party that: (i) it is a corporation, duly organized, validly existing and in good standing under the laws of its jurisdiction of incorporation; (ii) it has all requisite power and authority and approvals to execute, deliver and perform its obligations under this Agreement; (iii) the execution and delivery of this Agreement and the performance of its obligations hereunder have been duly authorized by it and any necessary third parties; (iv) it will comply with all applicable laws in connection with this Agreement.

b) *RideCo Warranties.* RideCo represents and warrants to City that RideCo will perform its duties and obligations hereunder in a careful, diligent, professional, proper, efficient and business-like manner. RideCo further represents and warrants that:

(i) The Services do not infringe any patent, copyright or trademark or violate the trade secret or other proprietary rights of any third party;

(ii) RideCo owns or has exclusive or non-exclusive rights in all patents, copyrights, trademarks, trade secrets and other proprietary rights in and to the Services necessary to grant the licenses herein; and

(iii) RideCo possesses the legal right and authority to execute and perform this Agreement,

Except as expressly provided in this Agreement, the Services are provided 'as is' and RideCo does not warrant that the functions performed by the Dynamic Transit System or Services will meet City's requirements or that the operation of the same will be uninterrupted or error-free.

7.02 Disclaimer of Implied Warranties: Except as set forth in this Agreement, there are no other warranties or conditions of any kind, including without limitation, the warranties that the Services are free of defects, merchantable or fit for a particular purpose. Specifically, RideCo makes no representation or warranty regarding the merchantability, fitness for a particular purpose or functionality of the Services. All Approved Equipment/Third Party Software is subject to the warranty of its respective manufacturer and no warranty whatsoever is provided by RideCo. RideCo makes no guarantee of the performance, accuracy and results of the Services with respect to Operational Data. This disclaimer of warranty constitutes an essential part of this Agreement. No use of the Services is authorized under this Agreement except under this disclaimer.

7.03 Service Disclaimer & Liability Waiver. RideCo is a technology provider and not a provider of transportation services. To the fullest extent permitted by law, RideCo will not be

responsible for: (i) the actions, inactions, errors, omissions, representations, warranties, breaches or negligence of any passenger or driver or for any personal injuries, death, property damage, or other damages of expenses resulting therefrom; or (ii) the actions, inactions, errors, omissions, representations, warranties, breaches or negligence of Transportation Operations Provider or for any damages or expenses resulting therefrom including without limitation any personal injury or property damage. City expressly waives the right to bring any claim against RideCo, its successors, assigns or related companies, directors, officers or employees in respect of any and all actions, causes of action, damages, claims, cross-claims and demands of any kind in connection with the transportation, vehicular or driver related portions of the Services, except to the extent that a claim would not have arisen but for RideCo's gross negligence or willful misconduct. In consideration of the foregoing, RideCo will: (i) provide and maintain the insurance required in Schedule E; (ii) contractually require its subcontractors, including Transportation Operations Provider, to maintain the minimum insurance levels set out in Schedule E ; (iii) add City as a third party beneficiary to the contract between RideCo and Transportation Operations Provider to enable City to bring any transportation, vehicular or driver-related claims in connection with the Project directly against Transportation Operations Provider; and (iv) contractually require its transit service subcontractors, including the Transportation Operations Provider, to defend, indemnify and hold the City and the Santa Clara Valley Transit Authority (the "VTA") and their respective officials, directors, representatives, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of the Transportation Operations Provider or the applicable transit service subcontractor, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Transportation Operations Provider's or the applicable transit service subcontractor's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Transportation Operations Provider's cumulative liability to the City or any other party for damages for any cause whatsoever shall be limited to the amounts outlined in the subcontractor insurance requirements set out in Schedule E. In the event that Transportation Operations Provider or any applicable transit service subcontractor is unwilling or unable to accept the foregoing indemnity in Section 7.03(iv) as provided herein, the parties will work together in good faith to present and have the Transportation Operations Provider agree to alternative language in a form reasonably acceptable to the City. If City and RideCo cannot agree as to alternative indemnity language, City shall be entitled to immediately terminate this Agreement pursuant to Section 6.02(b).

7.04 Limitation of Liability:

a) IN NO EVENT SHALL RIDECO BE LIABLE TO THE CITY FOR ANY LOST PROFITS OR FOR ANY INCIDENTAL, PUNITIVE, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES (INCLUDING, WITHOUT LIMITATION, DAMAGES FOR LOSS OF BUSINESS, LOSS OF PROFITS, BUSINESS INTERRUPTION, LOSS OF DATA, LOST SAVINGS OR OTHER SIMILAR PECUNIARY LOSS), HOWEVER CAUSED AND UNDER ANY THEORY OF LIABILITY (INCLUDING NEGLIGENCE) AND WHETHER OR NOT RIDECO HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

b) RideCo's cumulative liability to the City or any other party for damages for any cause whatsoever shall be limited to the applicable insurance required of RideCo in Exhibit E. For the avoidance of doubt, RideCo will have no liability in respect of any transportation, vehicular or driver-related claims arising from or in connection with any operation or provision of transit services for the Project. Any transportation, vehicular or driver-related claims or other claims of the City in respect of the Transportation Operations Provider's responsibilities will not be subject to the foregoing restrictions and Transportation Operations Provider's liability will be capped at the level of the subcontractor insurance requirements set out in Schedule E.

7.05 **Indemnification**: RideCo shall defend (at its own cost and expense) and hold City and VTA and their respective officers, officials, agents, and employees ("Indemnified Parties") harmless against any and all claims, demands, suits, brought by a third party against the City or VTA that any part of the Services infringes any patent, copyright, trademark or trade secret right of such third party, except to the extent that the actual or alleged infringement has not been caused by the use of a modification of the Software by the City other than a modification provided by RideCo, by the combination and/or use of the Distributed Software with third party software, hardware, data, and/or technology not approved by RideCo in writing or by City's failure to implement any update or upgrade provided by RideCo. In addition to the defense obligations above, RideCo will indemnify the Indemnified Parties in respect of any damages awarded by a court of competent authority to the third party claimant, any fines levied against the Indemnified Parties in respect of a claim and/or any settlement amounts agreed by RideCo with a third party claimant. As conditions for the foregoing commitments by RideCo, City will promptly notify RideCo of any such claim and provide reasonable assistance to RideCo with respect to handling the claim. RideCo will have the sole right to defend, negotiate and settle any such claim. RideCo may at any time and at its option and expense: (i) procure the right of City to continue to use the Services that may infringe a third party's rights; or (ii) modify the Services so as to avoid infringement; or (iii) terminate this Agreement and the licenses granted hereunder. In addition to the foregoing, and as a material part of its obligations herein, RideCo will ensure that its transit service subcontractors, including the Transportation Operations Provider, contractually agree to the flow down indemnification and insurance obligations specified in Section 7.03, above.

8. GENERAL PROVISIONS

8.01 **Subcontractors**: RideCo may sub-contract the performance of the transportation services provided by and/or managed by the Transportation Operations Provider to third party service providers. In the event that the Transportation Operations Provider's subcontract is terminated in accordance with its terms, RideCo will use commercially reasonable efforts to find a suitable replacement acceptable to City. City shall not unreasonably withhold, condition or delay consent to the same. In the event that RideCo cannot find a suitable replacement or the replacement is not approved by City, RideCo will have the right to terminate this Agreement on not less than sixty (60) days' prior, written notice to the City. For greater certainty, RideCo will be solely responsible for payment of its subcontractors, including the Transportation Operations Provider.

8.02 **Partial Invalidity**: If any provision in this Agreement should be held illegal or unenforceable by a court having jurisdiction, such provision shall be modified to the extent necessary to render it enforceable without losing its intent, or severed from this Agreement if no such modification is possible, and other provisions of this Agreement shall remain in full force and effect.

8.03 **Assignment:** Neither party may assign this Agreement without the prior written consent of the other party. Notwithstanding the generality of the foregoing, RideCo may freely assign this Agreement to a successor in interest upon a merger, acquisition, reorganization, change of control, or sale of all or virtually all of its assets, and any such assignment shall not require the consent of the City. This Agreement shall be binding on and shall inure to the benefit of the parties, their successors and permitted assigns.

8.04 **Governing Law and Venue**: Except to the extent applicable law, if any, requires otherwise, this Agreement shall be governed by the laws of California. All disputes relating to this Agreement, shall be subject to and dealt with in the courts of Santa Clara County, CA.

8.05 **Publicity.** RideCo shall be entitled to disclose and publicize in the form of City lists and on its web site and marketing materials, the identity of the City as a client of RideCo, provided that

the use of any trademark/logo of City shall be subject to City's prior written consent.

8.06 **Non-Solicitation.** During the term of this Agreement and for one (1) year thereafter, the City shall not, directly or indirectly, in any manner whatsoever, including, without limitation, either individually or in partnership, jointly or in conjunction with any other person, or as employee, principal, agent, director or shareholder, hire any employees of RideCo or induce or attempt to induce any such employees to leave their employment.

8.07 **Force Majeure:** Neither party shall be liable for any delay or failure in performance due to such acts of God, earthquake, labor disputes, strikes, shortages of supplies, riots, war, fire, epidemics, or transportation difficulties, to the extent not in control of such party. The obligations and rights of the excused party shall be extended on a week to week basis, provided, however, that a delay of thirty (30) days shall entitle the other party to terminate this Agreement without liability.

8.08 **Miscellaneous**: This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof. This Agreement may be amended only in writing signed by both parties. A waiver by either party of any term or condition of this Agreement or any breach thereof, in any one instance, shall not waive such term or condition or any subsequent breach thereof. The relationship between RideCo and City is that of independent contractors and neither City nor its authorized agents shall have any authority to bind RideCo in any way. If any dispute arises under this Agreement, the prevailing party shall be reimbursed by the other party for any and all legal fees and costs associated therewith. The headings to the sections of this Agreement are used for convenience only and shall have no substantive meaning.

8.09 **Entire Agreement.** This Agreement includes any amendments, supplements, schedules, exhibits or appendices attached, referencing this Agreement, or expressly made a part hereof by agreement between the parties and constitutes the entire agreement between the parties hereto.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers as set out below.

CITY OF MILPITAS

Approved By:

Steven G. McHarris, City Manager

Date

Approved As To Form:

Christopher J. Diaz, City Attorney

Approved:

Lauren Lai, CPA, MPA

Finance Director/Risk Manager

Approved As To Content:

[INSERT NAME], [INSERT TITLE]

RIDECO US INC.

Signature

Prem Gururajan

Chief Executive Officer

Date

DIR Registration Number (If Applicable)

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

SCHEDULE "A"
PROJECT TERMS AND SCOPE OF WORK

Project Term: 12-months starting on the launch date to the passengers, extendable for an additional 36 months, in 12 month increments at City's option, subject to agreement of applicable terms including the appropriate Subscription and Services Fee. After the initial 12-month term, the City will have a one-time option to extend the contract for less than a 12-month increment. The duration will be determined by mutual agreement by both parties. Further extensions will require an increment of 12-months.

Zone: Milpitas, CA

Service model: on-demand Hub and Spoke Microtransit using virtual stops, within the Zone

Vehicles: Approximately four (4) 6-seat Dodge Caravan (or equivalent) minivans and three (3) ADA-accessible 4-seat Dodge Caravan (or equivalent) minivans. The actual number of vehicles scheduled to be in revenue operation will vary subject to day of week, time of day and passenger demand.

Service Hours: 7am-7pm Monday to Friday

Vehicle Revenue Hours: Approximately 21,840 vehicle revenue hours based on 7 vehicles with a minimum of 18,720 vehicle revenue hours with 6 vehicles for the initial Project Term;

Subscription and Services Fee: $58.65 per vehicle revenue hour

Purchase of bike racks and installation are not included in the pricing. Price estimates to be provided by Transit Operations Provider prior to purchase and installation of bike racks. Should services and/or insurance requirements change, RideCo reserves the right to adjust the service fees for any changes.

Marketing Budget: approximately $75,000 **including vehicle wraps and installation**

Budget for the initial Project Term not to exceed: $1,355,916

Float: $25,000

City and RideCo may, if mutually agreed upon, add additional hours of service, service area, target rider market, or vehicles in accordance with the terms of the Agreement.

Scope of Work:

Project Management, Training, Software Requirements, and Data Reporting:

1. Project management will be a continuous function and a key responsibility of RideCo. RideCo will develop and maintain an overall project schedule to ensure milestones are met in an efficient manner
2. RideCo shall coordinate with City to refine and approve the service model, including specific stops, schedules, service coverage areas, and cost structure (including potential subsidization).
3. RideCo shall ensure the adequate and complete training of initial operators, dispatchers, operations manager(s), and City staff that are involved in the operation or monitoring of the service. Additional training sessions may be requested under Professional Services fee of $120 per hour.

4. RideCo will ensure that the functions listed in Schedule "D" Software Functional Requirements are met.
5. RideCo and City will agree upon data reporting expectations and shall include daily ridership information, virtual stop locations, use of referral or promotional codes, qualitative data collected from riders to capture travel preferences, and other data as mutually agreed.
6. RideCo will work with City to coordinate a test run of both the software application and service prior to commencement of public revenue service operations.
7. RideCo will provide a standard daily KPI report, including data mutually agreed upon by the City and RideCo. Custom reporting is out of scope but may be requested under Professional Services fee of $120 per hour.
8. RideCo will review data dashboard with the City and transportation partners on weekly basis during the first month of revenue service operations and a monthly basis thereafter, during the Project Term.
9. RideCo will periodically provide City with any recommendations for changes in virtual stops, service hours, or promotions to ensure meeting project goals.
10. RideCo will provide city with a final report summarizing their market, operational findings, viability of long-term service, and recommendations. A presentation on the final report will be provided to city staff.

Branding and Marketing:

1. RideCo will brand the rider mobile application uniquely to the service. City will provide necessary graphics and content for RideCo to brand the application.
2. RideCo will advise the city in the marketing of the service to passengers, including providing examples of successful marketing materials from other client efforts.
3. RideCo will configure and manage referral and promotional codes throughout the duration of the Project.
4. RideCo, through its marketing subcontractor, will design graphics to be placed on the vehicles in accordance with specifications provided by the Transportation Operations Provider. Transportation Operations Provider will be responsible for having the graphics placed on the vehicles prior to commencement of vehicle revenue operations.

Vehicles and Drivers:

1. For the initial project term, the minimum number of vehicles in service is 6 vehicles.
2. Driver shift minimum is four (4) hours.
3. RideCo, through its subcontractor Transportation Operations Provider, will be responsible for the acquisition, storage, fueling, and maintenance of the appropriate vehicles. Vehicles used in the performance of this contract shall be no more than five (5) years old and/or have no more than 300,000 miles during any time during the initial Project Term or subsequent renewals of this contract. Vehicle registration and vehicle identification numbers will serve as proof of age. Vehicles must meet all EPA standards. All wheelchair-accessible vehicles must meet ADA (49 CFR Parts 37 and 38) standards.
4. RideCo, through its Transportation Operations Provider, will provide current California licensed drivers that meet the following criteria:
    a. No more than two moving violations in the past three (3) years
    b. No at fault accidents or major violations (Driving Under the Influence or Driving

While Intoxicated) in the past seven (7) years

c. Speak, write, and read English fluently
d. Successfully pass background checks annually which include social security number verification, no sex offender, no government restricted lists, no county, state and federal court records, no criminal misdemeanor convictions within the past three (3) years related to the possession, sale or use of illegal drugs, and verification of past living history or other available public records.

5. RideCo, through its Transportation Operations Provider, will regularly screen drivers for legal and illegal substances via an independent medical agency in accordance with the U.S. Department of Transportation regulations.

6. RideCo, through its Transportation Operations Provider, will train drivers focused on customer service including the ability to:
    a. Handle inquiries and/or complaints
    b. Develop rapport and the ability to respond to an individual's needs
    c. How to handle doubt, misunderstandings and objections

7. RideCo, through its Transportation Operations Provider, will provide road driver training to include:
    a. Vehicle Familiarization Training
    b. Tech Applications
    c. Vehicle Inspection Training
    d. Onsite Local Knowledge and Culture Training
    e. On Demand Route Training
    f. Maintenance Protocol
    g. Parking and Storage Locations
    h. Lost & Found Protocol

Customer Service:

1. RideCo, through its subcontractor Transportation Operations Provider, will maintain customer service access through an operations center, during hours of revenue service operations. For those who are not able to access the service via the software application, customers shall be able to call, during hours of revenue service operations, and book rides over the telephone and receive customer support including information about lost items.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

SCHEDULE "B"

RIDECO SERVICE LEVEL AGREEMENT

1. APPROVED EQUIPMENT / THIRD PARTY SOFTWARE

Driver Mobile App Requirements:

- Android Device running the most recent Android OS major version release and one previous major version release with Google Play Services
- GPS Enabled Phone
- High speed (4G recommended) data plan with a minimum of 2GB/month
- Minimum screen resolution 800x480
- Minimum recommended CPU: Mid-to-High range performance CPU based on ARMv8-A 64-bit Architecture
- 2GB RAM
- 1GB internal storage

Passenger Mobile App Requirements:

- iPhone running the most recent iOS major version release and two previous major version releases, or Android device running the most recent Android OS major version release and two previous major version releases with Google Play Services
- Minimum screen resolution 800x480
- Minimum recommended CPU: dual-core 1.5GHz
- 1GB RAM
- 200MB internal storage

Browser requirements for operations dashboards:

- Google Chrome (the most recent major version release and one previous major version release)
- Firefox (the most recent major version release and one previous major version release)
- Safari (the most recent major version release and one previous major version release)

2. PRIORITY LEVELS, RESPONSE TIMES AND PROCEDURES

Priority Levels

High	Business critical problems that affect the availability or access of or to the Service Offering for most users
Medium	Not critical but important problems that materially interrupt or restrict the normal production running of the Software (affecting a minority of users)
Low	Not business critical or important. Issues that do not materially impact the normal production running of the Software

Resources and Forms of Support

Support Portal	Utilized for medium or low priority items [** City specific slack channel(s)] (typically one slack channel for each active service)
Emergency hotline	Used for critical / high priority items [**City specific emergency telephone number] [**City specific emergency slack channel]

Support Response Time

Priority	Response Time	Update Frequency	Resolution Time
High	Reviewed by RideCo staff and support ticket updated/created within 2 hours	Every 2 hours or as mutually determined	Within 24 hours RideCo will attempt to resolve all high priority issues within 24 hours, however resolution times may be longer depending on the nature and complexity of the problem.
Medium	Reviewed by RideCo staff and support ticket updated/created within 12 hours	Every working day or as mutually determined	Within five (5) business days
Low	Reviewed by RideCo staff and support ticket updated/created within 24 hours	Every week or as mutually determined	RideCo shall notify City within ten (10) business days of the analysis of the problem, the intended fix and the release in which it will be delivered. Where feasible, RideCo shall provide a temporary workaround to City.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

SCHEDULE "C"
PERSONAL DATA PROTECTION UNDERTAKING

"***Personal Data***" means data, whether true or not, about an individual who can be identified: (a) from that data; or (b) from that data and other information to which the organization has or is likely to have access;

RideCo agrees that the following terms shall apply where RideCo accesses, handles or uses any Personal Data under the Agreement, including in the course of and/or in connection with exercising its rights or carrying out its obligations under the Agreement:

a. Unless otherwise permitted by the City, RideCo may only collect, use or process Personal Data as allowed under this Agreement, and RideCo shall comply with any written instructions the City gives RideCo in advance relating to compliance with any laws, regulations, court orders, or self-regulatory programs applicable to the collection, use, disclosure, treatment, protection, storage and return of Personal Data.

b. RideCo shall maintain commercially reasonable policies and procedures to protect the security, privacy, integrity, and confidentiality of Personal Data.

c. If RideCo knows of any breach or potential breach of protective measures or if there has been any actual or potential unauthorized or accidental disclosure of Personal Data, RideCo must inform the City immediately and cooperate with the City in any post-breach investigation or remediation efforts.

d. RideCo shall notify the City promptly in the event of any claim or complaint from any individual to whom the Personal Data relates and/or where there has been an event of non- compliance with any data privacy laws by RideCo, whether discovered by RideCo or forming the subject of an investigation and/or action by the relevant authorities.

e. RideCo shall notify the City promptly in the event that RideCo is required by law, court order, warrant, subpoena, or other legal or judicial process to disclose any Personal Data to any person.

f. If under the Agreement, RideCo has to collect any Personal Data from the City's employees or any other individuals directly, RideCo must notify the individuals about the purpose of RideCo's collection and must obtain and record (for future reference) their consent before RideCo does so, and RideCo must follow any reasonable instructions which the City may give RideCo in this regard, and must comply with all applicable laws for such collection of Personal Data.

g. RideCo must not disclose any City Personal Data to any other persons/entities (e.g. to RideCo's related company/affiliate) or transfer any Personal Data outside of the USA or Canada without the City's permission in writing.

h. RideCo shall promptly return to the City or destroy any Personal Data received in error. RideCo must destroy Personal Data as soon as practicable if required by the City. At the end of the Agreement, RideCo must notify the City if RideCo or other recipients (if disclosure of Personal Data to such other recipients has been permitted by the City in writing) have any Personal Data collected/received as part of the Agreement, and follow the City's instructions on destroying the Personal Data. Following such destruction, the City may require RideCo to certify that RideCo (and such recipients) no longer have Personal Data. If RideCo wants to retain any Personal Data beyond the end of the Agreement, RideCo will be required to inform the City of RideCo's reasons and seek the City's agreement on the same.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

SCHEDULE "D"
SOFTWARE FUNCTIONAL REQUIREMENTS

Passenger Application Requirements

Rider Account

- Trip history menu to see trip details
    - Start & end time
    - Starting & ending address
    - Trip cost (if applicable)
    - Help menu to provide feedback, or report other issue
- Reserved trip details
- Recent destinations are automatically saved to rider account

Ride Booking and Tracking:

- Ability to enter an address or select current or specific location on the map
- Reserve multiple seats or seat types (e.g. accessible)
- Reserve trips up to 5 business days in advance
- Reserve multiple trips at once (same trip for multiple days in one week)
- Retain recently queried locations so they are easy to pull up even if rider does not designate them as a "favorite"
- Ability to restrict virtual vs. doorstep drop-off and pick-up points
- Vehicle location, vehicle ID and driver information are displayed while waiting for pickup
- Ability to call and/or leave a note for driver

Payment

- Ability to hold credit card information.
- Place to enter promotional codes

Rating System

- Ride rating (e.g., 1 to 5 stars)

Customer Support

- Legal/terms and conditions
- A place for Frequently Asked Questions (FAQs)
- In app requests for support
- Customer service system that creates trackable tickets for follow up and resolution
- Ability to mask phone number when contacting driver

Driver Application Requirements

- Automatic trip dispatching
- Dynamic routing capabilities to adjust vehicle allocation efficiently.
- Make phone calls to a rider via anonymized phone number
- Ability to launch turn-by-turn driving directions

Operations Dashboard Requirements

- Dashboards accessible to operations coordinators and authorized individuals by the City
- Dashboard displays real-time data on riders, vehicles, drivers and service performance/Key Performance Indicators (KPIs). Data available includes:
    - Ridership
    - Travel times

  - Trip denial rate
  - Booking abandonment rates
  - On-time performance
  - Trip and driver reviews
  - Trip and driver comments

- Ability to assign different user-level permissions and rights based on operator, seniority, or role.
- The data gathered will be shared with / available to the operator or agency in multiple formats:
  - **Dashboards** to visualize rider, driver, and performance data, aggregated across a period or at an individual trip/driver level
  - **Weekly and monthly performance reports** provided in Excel, in a performance format to be mutually agreed upon
  - **Exports of the raw data** (rides, vehicles, times, locations etc.) in CSV format that can be further analyzed by the operator or agency staff if they desire

Software Security, Reliability & Privacy Requirements

- The passenger and driver apps are 'stateless' and do not store any confidential passenger data on the local device.
- All data is stored securely in the cloud (Amazon Web Services – 'AWS').
- The passenger and driver apps communicate securely with the cloud-based platform using RESTful APIs.
- RideCo's Platform Software has a 99.9%+ historical uptime performance record.
- Data is encrypted in transit using standard HTTPS, using an SSL wildcard certificate.
- All public facing webservers have been hardened using industry standard practices.
- Internal networks are shielded by AWS security groups which define allowable ports and IP addresses for internal services.
- APIs are all secured using token authentication using an identity management system. Tokens are only valid for one user and can only be acquired by successfully authenticating against our authentication API. APIs used by internal components are never exposed publicly. For certain API calls, throttling exists to prevent against DOS type attacks.
- Daily backups of production databases for disaster recovery.
- Software does not store any payment card or billing information on RideCo's servers.
- The mobile applications and operations dashboards include their own terms of service to end users that include provisions relating to data privacy, confidentiality, and intellectual property rights.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

SCHEDULE "E"

INSURANCE REQUIREMENTS

Contractor or Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors. More specifically:

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this "Schedule E". The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor's or Consultant's insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

In the event of the breach of any provision of this "Schedule E," or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, City, at its option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work pursuant to this Agreement.

Commercial General Liability (CGL): Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability: Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limit no less than $1,000,000.00 combined single limit for bodily injury and property damage.

Professional Liability (Errors and Omissions): Insurance appropriate to the Contractor or Consultant's profession, with limit no less than $1,000,000.00 per occurrence or claim, $2,000,000.00 aggregate.

Workers' Compensation Insurance: Contractor or Consultant shall purchase and maintain statutory workers' compensation coverage for their employees if applicable. Employers' liability limits shall not be less than $1,000,000 each accident, $1,000,000 by disease-policy limit, $1,000,000 by disease-each employee. The policy shall contain a Waiver of Our Rights to Recover from Others endorsement naming the City and its officers, officials, employees, and agents in the endorsement schedule.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

Additional Insured Status and Primary/Non-Contributory Language: Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and VTA and their respective officers, officials, employees, and agents as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is

also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City and VTA (if agreed to in a written contract or agreement) before the City's or VTA's own insurance or self-insurance shall be called upon to protect it as a named insured.

Notice of Cancellation, Suspension or Otherwise Voiding Policies: Each insurance policy required above shall contain or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice by certified mail, return receipt requested to the City.

Waiver of Subrogation: Contractor or Consultant hereby grants to City and VTA a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City or VTA by virtue of the payment of any loss under such insurance. Contractor or Consultant shall obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City or VTA have received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City and VTA for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions ("SIR"): Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.

2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.

3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.

4. A copy of the claims reporting requirements must be submitted to the City for review.

5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor's Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors: Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, except subcontractors shall maintain workers compensation coverage for subcontractors personnel and automobile liability coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limit no less than $5,000,000.00 combined single limit for bodily injury and property damage, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of this Agreement, including all indemnity and insurance provisions, will be furnished to the subcontractor.

Verification of Coverage: Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances: City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply: Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage: Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE A SUBSCRIPTION AND SERVICES AGREEMENT WITH RIDECO FOR CONSULTANT SERVICES TO OPERATE MILPITAS ONDEMAND AND MAKING SOLE SOURCE FINDINGS AND FINDINGS THAT THE PROCUREMENT IS IN THE BEST INTEREST OF THE CITY

WHEREAS, in November 2016, Santa Clara County voters approved the 2016 Measure B ballot measure, a 30-year half-cent countywide sales tax to enhance transit, highways, expressways and active transportation programs for bicycles and pedestrians; and

WHEREAS, the Valley Transportation Authority (VTA) established the 2016 Measure B Program and adopted Program categories and guidelines for Innovative Transit Service Models; and

WHEREAS, the goal of the Innovative Transit Service Models Program is to support affordable new innovative transit service models to address first/last-mile connections to transit, serving the vulnerable, underserved, and transit-dependent population; and

WHEREAS, the Innovative Transit Service Models Program provides approximately $6 million in funding to eligible cities through a competitive grant application process; and

WHEREAS, City staff focused on partnering with a transportation consulting firm that could deliver a transit service model that meets the grant program guidelines and requirements for an innovative service model; and

WHEREAS, City staff, in partnership with RideCo, Inc. ("RideCo"), a transportation consulting firm that provides on-demand transit solutions, submitted a grant application for funding through the Innovative Transit Service Models Program to develop and implement Milpitas OnDemand, a 12-month pilot program to provide a flexible, convenient first/last-mile transit solution with connections to VTA light rail and the Milpitas Transit Center; and

WHEREAS, on March 4th, 2021, the VTA Board of Directors approved the recommended projects, including Milpitas OnDemand, and authorized the General Manager to execute the necessary agreements; and

WHEREAS, the VTA awarded the City of Milpitas grant funding to operate a specific transit service model that only RideCo can deliver; and

WHEREAS, after conducting a good faith review of the available sources and pursuant to Milpitas Municipal Code section I-2-3.06 (Sole Source Procurement), the City's Purchasing Agent has determined that RideCo is the only source for the implementation and operation of Milpitas OnDemand; and

WHEREAS, Milpitas Municipal Code section I-2-3.03(d) authorizes the City to make procurements without a formal competitive process when authorized by the City Council to be in the best interests of the City; and

WHEREAS, it is in the City's best interests to contract with RideCo for the reasons noted herein.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to

such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. RideCo is approved as the sole source provider for the implementation and operation of Milpitas OnDemand pursuant to Milpitas Municipal Code section I-2-3.06 (Sole Source Procurement).

3. Pursuant to Milpitas Municipal Code section I-2-3.03(d), the City Council finds that the procurement with RideCo is in the best interest of the City based on the following:

   a) RideCo customized its proprietary transit service model for the City of Milpitas to use in its Measure B grant application; and
   b) RideCo is the only firm to have designed and validated the "Hub and Spoke" service model, which combines the convenience of a ride hailing service with the capacity and affordability of a traditional shuttle service; and
   c) While some vendors can offer some features of the proposed service model, no vendors have been able to demonstrate all the required features to successfully execute this service model; and
   d) RideCo's proprietary service model addresses critical first/last-mile connections to transit and supports VTA's existing light-rail and bus systems, which is an important goal of the Innovative Transit Service Models Program; and
   e) Of all the on-demand micro-transit software providers in the market, only RideCo has demonstrated a consistent track record of aligning arrival times with the schedules of high-frequency transit schedules; and
   f) Riders do not have to plan the timing of their trip themselves since RideCo's platform ensures they arrive on time, unlike other qualified vendors who only provide an estimated time of approval; and
   g) RideCo has a track record of consistently achieving the highest productivity in first/last-mile projects, which results in a lower cost per passenger than other qualified vendors.

4. The City Manager is hereby authorized and directed to execute the Subscription and Services Agreement with RideCo in a not-to-exceed amount of $1,355,916 for consultant services related to Milpitas OnDemand.

PASSED AND ADOPTED this_____day of_____2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Wendy Wood, City Clerk

APPROVED:

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

CITY OF MILPITAS
SOLE SOURCE OR
SOLE BRAND (STANDARDIZATION) REQUEST

THIS FORM MUST BE COMPLETED AND APPROVED
PRIOR TO ANY PROCUREMENT

When a request is made for a sole source procurement or to restrict procurement to a specific brand (standardization) for the acquisition of supplies, equipment and materials or services (except for consultant services or contracts with other governmental agencies), as applicable, the requesting department must complete this form consistent with Section I-2-3.06 - Sole Source Procurement or Section I-2-3.14 - Standardization.

Per the aforementioned Municipal Code section, a sole source contract is authorized when the Purchasing Agent determines in writing, after conducting a good faith review of available sources, that only one viable source exists for the required supplies, material, equipment, or general service, or that there is a compelling reason for using only one source. The detailed information you are providing will facilitate such a determination.

Per the aforementioned Municipal Code section, a standardization of supplies, materials or equipment, including information and communication technology products and services and subsequent sole brand procurement is authorized, when the Purchasing Agent has determined that it is required for the health, safety or welfare of the people or employees of the City, or that cost savings have been demonstrated. Among the factors that may be considered in determining to standardize on a single brand or trade name are that:

a) In order to acquire a specific product(s) for the purpose of conducting a field test or experiment to determine the product's suitability for use by the City.
b) When it is required for proper operation or function to match other products with respect to the repair or expansion or completion of a system or program already in use by the City, including, but not limited to, technology purchases required to achieve interoperability with existing hardware, software, systems or programs.
c) In order to achieve significant cost savings based upon consideration of the following cost factors: (1) Timeliness and quality of installation, repair and maintenance; (2) Quality of user training; (3) Supplies and replacement parts; (4) Modification of existing equipment, materials or systems; (5) Future upgrades and updates; (6) Estimated amount and cost of reasonably foreseeable future purchases of equipment that would be required to be compatible or functional with the product which is the subject of the standardization determination; and/or (7) Administrative costs.

This form is not necessary for contracting for professional services or contracting with other governmental agencies.

Please answer in the space provided, or in an attachment address by specific reference, each question listed below in your justification. Be sure to answer each part of each question as each must be addressed; no response can be not applicable. Failure to respond fully to any of the questions may result in delay or rejection of the request due to inadequate justification. **If additional information is necessary, please number the question and attach additional page(s) and/or documents, as needed.**

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1. This is a request for a ☑ Sole Source ☐ Sole Brand exception.
   If it is your assertion that the manufacturer or distributor is the only authorized source in the Bay Area, Northern California, or whatever the claim is, please substantiate that with a letter from the manufacturer or distributor. The letter must be on their stationary but can be sent via email. Attach a copy to this form.

2. Using appropriate detail, including brand name and model number, briefly describe the product you wish to procure. In the case of a general service use enough detail to clearly describe to someone not familiar with **your department's operation** what you are procuring.

   RideCo is a transportation consulting agency that specializes in micro-transit solutions for local governments. We are seeking to procure RideCo to implement an 18-month micro-transit pilot program. Micro-transit is a flexible on-demand form of transit (e.g., shuttles, vanpool, etc.). RideCo is the only firm that operates a "Hub and Spoke" service model, which blends the efficiency of a first/last mile program (reduce distance between traveler's origin/distance and transit stop/station) with the convenience of an on-demand service (e.g., Uber, Lyft, etc.). The primary goal of the program is to take advantage of the new Milpitas BART Station and promote transit ridership by providing a safe and convenient option for commuters and residents to access existing transit services. For example, a commuter can request pickup at a virtual stop near his/her home through a mobile app and a RideCo vanpool will transport the commuter to a nearby transit station, which he/she can then take to the office. Please see the attachment for more detail.

3. Please provide the total not-to-exceed amount of the purchase and/or agreement/contract as well as the requested term.

   Total Cost: $ 1,084,732.80 Term: 18 months

   Detailed cost breakdown explanation per year:

   Hourly Vehicle Operations and Software Cost: $34.00
   RideCo Hourly Cost: $5.10
   Annual Hours of Service: 3,120
   Vehicles: 7
   Annual Operating Cost: ($34.00 + $5.10) x 3,120 x 7 = $853,944.00
   Marketing: $75,000
   Total Annual Cost: $928,944 (prorates to $1,355,916 over 18 months)
   Local Match (Developer Contribution): 20% (subtract from Total Cost)
   Contract Amount: $1,084,732.80

4. For goods: What are the unique performance features of the product/brand requested that are not available in any other product/brand? For services: What unique qualifications, rights, degrees, certifications, licenses and/or experience does this vendor possess?

   Traditionally, micro-transit services operate as either "point to point" or "first-last mile" programs. The Measure B Grant required "innovative service models" and Measure B staff indicated that these two service models were not considered innovative enough. We selected RideCo to partner with us on the grant because they are the only firm to have designed and validated an innovative model they call "Hub and Spoke" in Calgary, AB. RideCo worked with us to customize the Hub and Spoke model to Milpitas for use in our Measure B Grant Application. The VTA awarded Milpitas the grant to operate this specific service model and RideCo is the only firm with the necessary product features to do so. While some vendors have some of the required features no other vendor has been able to demonstrate all the required features to successfully execute this service model. Please see the attachment for more detail.

5. What other products/services have been examined and rejected, and why? (Please provide a specific meaningful explanation, one vendor and one feature at a time. For products be sure to clearly identify the product by name and model number and include the name, address, email, and telephone number of the company representative whose product you tested.)

   Transloc: Transloc is a competitor of RideCo but they do not have the technical ability to align micro-transit trips with the arrival and departure schedules of high-frequency fixed-route transit connections. RideCo is the only platform that intelligently aligns micro-transit trips with fixed-route schedules so that passengers arrive "just on time". Beyond reduced wait times, this has a major impact on how efficient the algorithm is at pooling passengers, which results in a lower cost per passenger. There is no indication that Transloc is capable of providing us with the efficiency required to make this service successful.
   Via Mobility: Via does not provide a "guaranteed arrival times" feature; they only provide an "estimated time of arrival". Providing passengers with certainty that they will make their connection in time is a critical component of this "Hub and Spoke" program. RideCo provides guaranteed arrival times that align with the departure of fixed-route schedules.
   Please see the attachment for more detail.

6. If justification is based on matching and/or intermixing with existing equipment (standardization or sole brand only), list the quantity, manufacturer, brand, and model of the existing equipment, and identify measurable cost savings consistent with the sole brand requirements identified on page one of the request form (attach calculations as necessary).

   N/A

I HEREBY CERTIFY THAT:

1. I have read and understand the City's requirements for competitive bidding, as well as the criteria for justification for sole source and sole brand procurements.
2. I have gathered the required technical information and have made a concentrated effort to review comparable and/or equal equipment/service.
3. There is validity as to the information contained herein justifying my request for sole source or sole brand procurement and meeting the City's criteria.
4. A sole source or sole brand procurement in this case would withstand a possible audit or a vendor's protest.

Requestor: Jay Lee Digitally signed by Jay Lee Date: 2021.02.25 18:20:22 -08'00' Date: 2/25/21

Department Head: _____ Date: 02/26/2021

PURCHASING DIVISION USE ONLY:

APPROVED: Yes Purchasing Agent: Acting _____ Date: 16 Sept 2021

Purchasing Agent's Written Determination:

See Attached Email exchange from C. Schroeder and L. Lai dated 29 MAR 2021

SOLE SOURCE OR SOLE BRAND REQUEST

A. OVERVIEW

Purchasing recognizes that departments often invest a great deal of time and effort in selecting a source or brand, prior to submitting a requisition to Purchasing. Even though the departmental review process prior to the submittal of a requisition may be sound, it is highly recommended to quickly engage with Purchasing as soon and early in the process as possible to ensure all documentation and justifications for the request are consistent with the Municipal Code.
Likewise, Purchasing can be an effective partner in a competitive review process given adequate time and involvement in your requirement definition.

In an effort to expedite sole source or sole brand requisitions through Purchasing, you are directed to review the Sole Source or Sole Brand Request form herein. If the Department feels the request meets the criteria, follow the instructions in filling out the form and attach it to the requisition. After review, if Purchasing concurs with your sole source or sole brand justification, the requisition may be expedited without the competitive solicitation requirements.

This is an internal City review process. Departments are directed to use discretion in their discussion with vendors so as to not compromise any competitive advantage that Purchasing may utilize; in the event the sole source or sole brand justification is rejected.

Rather than merely a shift of the review burden, this process acknowledges the significant effort a department may undertake when identifying a vendor or brand and provides you with the method by which to make requisitioning efforts more efficient adhering to **the City's** Purchasing Ordinance.

In order for Purchasing to accept a request for sole source/sole brand, the certification form referenced is made a part of **the Purchasing Agent's written determination** as provided by the Municipal Code must be signed by the Department Head. The completed form will remain on file for audit purposes.

B. PROCEDURE

Sole source or sole brand procurements are an exception to competitive solicitation requirements and, therefore, require a detailed justification. In processing sole source or sole brand requests for supplies, equipment and/or services (except for consultant services or contracts with other governmental agencies) , Purchasing adheres to and is governed by the principles set forth in City of Milpitas Municipal Code Section I-2-3.06 - Sole Source Procurement or Section I-2-3.14 - Standardization as approved by the City Council.

If the requesting Department is requesting a particular vendor, brand or product, staff must

make this fact clear on your requisition. If approved, the request will then be restrictive and non-competitive and will fall into a sole source or sole brand category.

Such a request should not be made unless Department staff is confident that the request is **reasonable and appropriately justified to meet the City's requirements and withstand any** possible audit or scrutiny. **The City's requirements and the format for submitting such** requests are contained herein.
The following factors DO NOT apply to sole source requests and should not be included in any sole source and/or sole brand justification request. They will not be considered and only tend to confuse the evaluation process and delay the procurement.

1. Personal preference or experience with or for a particular product or vendor.

2. Cost, vendor performance, and/or local service (these are generally considered award factors in competitive bidding).

3. Features which exceed the minimum department requirements.

4. Explanation of the need and/or basic use for the equipment, unless the information **relates to a request for "unique factors" (refer to question** three from the Sole Source/Sole Brand Request form). In other words, it is not appropriate to only state the Department is requesting a specific tree trimmer so staff can trim trees, instead explain why this particular trimmer with these exact performance specifications is the only one that will meet **the Department's** need(s).

5. **A request for "no substitution" submitted without justification. This is just a sole source** or sole brand request without justification and will be rejected

RideCo Program Description & Sole Source Justification

The City of Milpitas, in partnership with RideCo, anticipates receiving a $1,084,732 grant from the Santa Clara County Valley Transportation Authority (VTA) through its 2016 Measure B Innovative Transit Service Models Competitive Grant Program to operate an innovative transit program for the City's residents, workers, and visitors. The primary goal of the program is to take best advantage of the new BART connection within Milpitas and promote transit ridership by offering a more convenient transportation service. Traditionally micro-transit services operate as either "point to point" or "first-last mile" programs. The Measure B Grant required "innovative service models" and Measure B staff indicated that these two service models were not considered innovative enough. We selected RideCo to partner with us on the grant because they are the only firm to have designed and validated an innovative model they call "Hub and Spoke".

The Hub and Spoke service model is an innovative variant of a traditional First Last Mile program that provides flexible and convenient mobility to, from, and between transit hubs and key points of interest. In this case, 4 "hubs" have been selected. Three are located at key transit stations and one at City Hall. "Spokes" are placed citywide such that every resident is within a ¼ mile or a 5-minute walk of a predetermined virtual stop on the "spoke". Riders will be able to take OnDemand rides from any spoke to one of the hubs, or from one of the hubs to any spoke, or from one hub to another (e.g., from a transit stop to City Hall). This model intelligently blends the efficiency of a first last mile program with the convenience of a city wide OnDemand service. Milpitas will be just the second transit agency globally to launch such a program. This type of service was launched by RideCo in Calgary, Alberta with great success. RideCo was also recently selected by Los Angeles Metro to plan and implement the largest microtransit program ever in a two-year, two-phase procurement.

RideCo worked with us to customize the Hub and Spoke model in Milpitas for use in our Measure B Grant Application. The VTA awarded Milpitas the grant to operate this specific service model and RideCo is the only firm with the necessary product features to do so. While some vendors have some of the required features no other vendor has been able to demonstrate all the required features to successfully execute this service model.

RideCo is the only qualified firm that deploys first-mile last-mile services that align microtransit trips with the arrival and departure schedules of high frequency fixed-route transit connections. Schedules are configured in their platform to ensure passengers make their transfers on-time. In the case of first-mile trips, riders are offered trip options that drop them off at their transit connection several minutes prior to its scheduled departure time. In last-mile trips, riders are offered trip options that depart a few minutes after the scheduled arrival of their high-frequency fixed-route trip. Each booking in the system is provided with a firm arrival time that will not be violated. This arrival time considers both historical and real time traffic analytics, predictive weather, and road conditions. Other qualified vendors have not consistently demonstrated the ability to give firm arrival times that are specifically aligned with high-frequency fixed-route schedules. Instead, they typically provide only an Estimated Time of Arrival (ETA). Of all the on-demand microtransit software providers in the market today, only RideCo has demonstrated a consistent track record of aligning firm arrival times with the schedules of high-frequency fixed-route transit schedules.

This unique functionality has two critical implications:

1. RideCo has a unique track record of consistently achieving the highest productivity in first-mile last-mile projects – often 30% better than otherwise qualified vendors.
2. RideCo ensures that passengers arrive just on time which limits their trip duration and reduces the wait time between trips. Riders no longer need to plan the timing of their trip themselves – the platform ensures they arrive on time.

Specific examples of two prominent competitors are provided below.

1. Transloc: Transloc is a competitor of RideCo with many microtransit pilots throughout the US. Transloc does not have the technical ability to align microtransit trips with the arrival and departure schedules of high-frequency fixed-route transit connections. This has a number of consequences. As the Measure B grant is intended for innovative first last-mile solutions, connection into high-frequency fixed-route transit will represent a large percentage of our trips. RideCo is the only platform that intelligently aligns microtransit trips with fixed-route schedules so that passengers arrive "just on time". Beyond the customer experience benefit of reduced wait times, this has a major impact on how efficient the algorithm is at pooling passengers. Generally, the higher the pooling rate means that the cost per passenger is lower. Cost per passenger is an important success metric in this program and there is no indication from historical service that Transloc is capable of providing us with the efficiency required to make this service successful.
2. Via Mobility: Via does not provide a "guaranteed arrival times" feature; their system only provides an "estimated time of arrival". Providing passengers certainty that they will make their connection in time is a critical component of this "Hub and Spoke" program. RideCo provides guaranteed arrival times that align with the departure of fixed-route schedules.

Cost per passenger is an important measure of success in this project. We were required to estimate this in our grant application, and we are obligated to report this number to the VTA. Because the hourly cost of operating a vehicle is fixed, the cost per passenger is heavily influenced by the productivity of the service. Productivity means the number of passengers transported per vehicle per hour. In Microtransit services, the productivity depends on the algorithm's ability to efficiently pool passengers by selecting the optimal shared routes. RideCo achieves industry-leading productivity of 7.9 passengers per vehicle hour in their first last-mile service in Calgary. The next best competitor is Via, but their most successful First Last Mile program only achieves a productivity of approximately 4.9 passengers per vehicle hour. This reduction in productivity would mean Mipitas would need to have more vehicles on the road to transport the same number of people. This would lead to both higher gross operating costs and higher cost or passenger.

To: Jay Lee, City of Milpitas
From: Ben Brubaker-Zehr, RideCo
Re: VTA Funded OnDemand Transit Program
June 15, 2021

The City of Milpitas, in partnership with RideCo, anticipates receiving a $1,084,732 grant from the Santa Clara County Valley Transportation Authority (VTA) through its 2016 Measure B Innovative Transit Service Models Competitive Grant Program to operate an innovative transit program for the City's residents, workers, and visitors. The primary goal of the program is to take best advantage of the new BART connection within Milpitas and promote transit ridership by offering a more convenient transportation service. Traditionally micro-transit services operate as either "point to point" or "first-last mile" programs. The Measure B Grant required "innovative service models" and Measure B staff indicated that these two service models were not considered innovative enough. We selected RideCo to partner with us on the grant because they are the only firm to have designed and validated an innovative model they call "Hub and Spoke".

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Ben Brubaker-Zehr

Regional Director

Ben Brubaker-Zehr

Zachary DeVine

From: Lauren Lai
Sent: Monday, 29 March, 2021 21:10
To: Christopher Schroeder
Subject: Re: RideCo

Hi Chris -- Thanks for that background. Concur and approve sole source.

Lauren Lai, CPA, MPA
Finance Director / Risk Manager
455 East Calaveras Boulevard, Milpitas CA 95035
Phone (408)586-3111
Email llai@ci.milpitas.ca.gov
www.ci.milpitas.ca.gov

From: Christopher Schroeder <cschroeder@ci.milpitas.ca.gov>
Sent: Friday, March 26, 2021 3:09 PM
To: Lauren Lai <llai@ci.milpitas.ca.gov>
Subject: RideCo

Lauren:

This is for a large project (Pilot Program) funded by a grant from Valley Transportation Authority (VTA). The award letter VTA issued is for "Milpitas On Demand" and RideCo is specifically named as the co-applicant. This program was specifically designed for Milpitas and the assumption is that the "co-applicant" will perform the work. I reviewed this with Legal (Kevin Wang of BBK) and he did not see any problems. Ashwini and the Milpitas team have been working on this project for over a year; I am inclined to approve the purchase for all the reasons detailed in the sole source but I wanted you to see it first.

Please advise?

Chris

City
408.586.3000
455 E. Calaveras Blvd.
Milpitas, CA 95035
www.ci.milpitas.ca.gov

March 8, 2022

Ms. Jane Shinn
2016 Measure B Program Manager
Valley Transportation Authority
3331 N. First Street
Santa Clara, CA 95134

RE: Changes to the 2016 Measure B Innovative Transit Service Models Project Entitled "Milpitas On Demand"

Dear Ms. Shinn:

I am writing to you to request changes to the 2016 Measure B Innovative Transit Service Models project entitled "Milpitas OnDemand," which has been awarded $1,084,632 to operate a first-last mile micro-transit pilot program. The requested changes to the project are a result of the increasing cost of providing transit services due to market conditions outside of our control.

In January, the primary contractor for this project, RideCo, informed the City that the original transit subcontractor, Yellow Checker Cab Company, had decided to not participate in the Milpitas OnDemand pilot project due to a number of factors related to the ongoing COVID-19 pandemic. Those factors include: 1) driver shortage due to illness and overall labor shortages; 2) inability to procure vehicles due to supply chain issues (e.g., microchip shortage); and
3) rising fuel costs.

RideCo has since engaged in an extensive bid process with several potential subcontractors, and due to market conditions and transit services being in high demand, estimated costs have significantly increased. However, RideCo has selected an alternative subcontractor that submitted a competitive bid complemented by operational excellence, extensive experience in micro-transit, and current operations in the Bay Area.

In light of the increasing cost of providing transit service, City of Milpitas staff collaborated closely with RideCo to keep the project cost within the initial budget of our Measure B grant application while minimizing changes to the original scope of services. We believe that the requested changes will not substantively alter the project or its key goals of providing a convenient, affordable, and innovative transit service option to our most vulnerable/transit-dependent residents, as demonstrated in our grant application.

Most aspects of the service would remain unchanged, including the project/service area, daily hours of operation, number of vehicles, service model, wait times, number of hubs, and virtual stops, etc. The requested changes include the following:

1. Another transit service subcontractor would replace Yellow Checker Cab Company.
2. The total hourly subscription and services fee (RideCo hourly cost + hourly vehicle operations and software cost) would increase from $39.10 to $58.65.
3. The pilot program term would be reduced from 18 to 12 months, which would consequently reduce the vehicle revenue hours (32,760 to 21,840) and ridership projections.

While the pilot program term would decrease from 18 to 12 months, the City of Milpitas will proactively explore ways to extend the program beyond the proposed 12-month term. As indicated in our grant application, the service can be easily scaled down during off-peak hours to match vehicle supply to ridership demand on a day-to-day basis and reduce operational costs. Based on an expectation of savings through this demand-responsive service model, we are committed to expending any funds remaining after 12 months to extend the program.

Additionally, the City is committed to expending any fare recovery beyond our out-of-pocket costs to further extend the program. As indicated in our grant application, the City has committed a 20 percent local match of $271,183, $200,000 of which will come from funds received from a developer earmarked for a shuttle study and $71,183 of which will come from the City's General Fund. The estimated fare recovery based on the most conservative ridership projection is expected to exceed the $71,183 out-of-pocket cost to the City.

The City's professional services agreement with RideCo will include a clause to allow for a one-time option to extend the contract and program for a duration determined upon mutual agreement by both parties. Furthermore, we are willing to incorporate language into the City's funding agreement with VTA to ensure that we will use any remaining funds at the end of the program term to extend service.

Given the challenging and uncertain environment facing transit operators today, we hope that these requested changes to Milpitas OnDemand are acceptable to VTA. If needed, we would like to continue this dialogue and come up with an acceptable solution in the coming weeks to receive City Council approval and launch the program in early summer. Please contact Jay Lee, Principal Planner, by phone at (408) 586-3077 or by email at jlee2@ci.milpitas.ca.gov with any questions or concerns. We look forward to continuing our partnership with VTA to provide a much-needed transportation solution for the region.

Sincerely,

Ashwini Kantak
Assistant City Manager
City of Milpitas

C: Steve McHarris, City Manager
Ned Thomas, Planning Director
Jay Lee, Principal Planner

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution Releasing Unclaimed Funds with a Value less than $15 amounting to $171.82 (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	4/5/2022
	Recommendations: Adopt a resolution releasing Unclaimed Funds with a value less than $15 Amounting to $171.82

BACKGROUND:
According to the City of Milpitas' Standard Operating Procedure (SOP) No. 26-1, which conforms with California Government Code Section 50055, unclaimed checks and credits of less than $15, or any amount if the depositor's name is unknown, which remain unclaimed for more than one year may be transferred to the General Fund by authorization of the City Council.

ANALYSIS:
The City has 38 unclaimed credits/funds of less than $15 amounting to $171.82 related to classes offered by the Recreation Community Services Department.

All the credits/funds listed in Exhibit A of the attached resolution are older than February 2021 and remained unclaimed for more than one year. Consistent with SOP No. 26-1, staff recommends that Council adopt a resolution authorizing the release of the unclaimed credits/funds.

POLICY ALTERNATIVE:
Alternative 1: Do not approve the proposed recommendation to release Unclaimed Funds

Pros: None.

Cons: Compliance the City of Milpitas' Standard Operating Procedure (SOP) No. 26-1, which in turn conforms with California Government Code Section 50055.

Reason for not Recommending: Considering the release of the Unclaimed Credits/Funds is in compliance with the City of Milpitas' Standard Operating Procedure (SOP) No. 26-1, which conforms with California Government Code Section 50055.

FISCAL IMPACT:
The unclaimed recreation credits/funds will be written off and no longer available after Council approval. Release of unclaimed recreation credits/funds will result in $171.82 increase to the General Fund.

California Environmental Quality Act:
The action being considered is exempt from environmental review pursuant to CEQA Guideline 15378(b)(4) as a governmental fiscal activity without a commitment to any project that would result in a potentially significant impact on the environment.

Recommendation:
Adopt a resolution releasing Unclaimed Funds with a value less than $15 amounting to $171.82.for a total of $171.82 in Credits.

Attachments:
1. Resolution
2. Exhibit A – Finance Operation Accounts Unclaimed Credits of less than $15 and one year or older.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS RELEASING UNCLAIMED FUNDS WITH A VALUE LESS THAN $15 AMOUNTING TO $171.82

WHEREAS, the unclaimed Recreation credits/funds on the list attached hereto as **Exhibit A** have been outstanding and unclaimed for more than one year; and

WHEREAS, the amounts on the credits/funds on the list attached hereto as **Exhibit A** are each less than $15.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The Recreation Credit/Funds at less than $15 each, for a total amount of $171.82, on the list attached hereto as **Exhibit A** shall be released and be written off, in accordance with Section 50055 of the California Government Code.

PASSED AND ADOPTED this on _____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Wendy Wood, City Clerk

APPROVED:

_____
Rich Tran, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

Exhibit A

RECREATION ACCOUNTS
UNCLAIMED CREDITS

- Amount Less Than $15.00
- No Later than February 2021

Receipt No.	Date	Amount
2024882.002	2/4/2020	$ 4.00
2024875.002	2/4/2020	$ 4.00
2024822.002	2/4/2020	$ 4.00
2024854.002	2/4/2020	$ 4.00
2024842.002	2/4/2020	$ 4.00
2024877.002	2/4/2020	$ 4.00
2024883.002	2/4/2020	$ 4.00
2024857.002	2/4/2020	$ 4.00
2024825.002	2/4/2020	$ 4.00
2024864.002	2/4/2020	$ 4.00
2024837.002	2/4/2020	$ 4.00
2024873.002	2/4/2020	$ 4.00
2024888.002	2/4/2020	$ 4.00
2024834.002	2/4/2020	$ 4.00
2024815.002	2/4/2020	$ 4.00
2024829.002	2/4/2020	$ 4.00
2024858.002	2/4/2020	$ 4.00
2024863.002	2/4/2020	$ 4.00
2024841.002	2/4/2020	$ 4.00
2024839.002	2/4/2020	$ 4.00
2024843.002	2/4/2020	$ 4.00
2024887.002	2/4/2020	$ 4.00
2024845.002	2/4/2020	$ 4.00
2024844.002	2/4/2020	$ 4.00
2024833.002	2/4/2020	$ 4.00
2024817.002	2/4/2020	$ 4.00
2024870.002	2/4/2020	$ 4.00
2024846.002	2/4/2020	$ 4.00
2024856.002	2/4/2020	$ 4.00
2024885.002	2/4/2020	$ 4.00
2024867.002	2/4/2020	$ 4.00
2024872.002	2/4/2020	$ 4.00
2024891.002	2/4/2020	$ 4.00
2024836.002	2/4/2020	$ 4.00
2024820.002	2/4/2020	$ 4.00
2024830.002	2/4/2020	$ 4.00
2024351.002	8/30/2019	$ 13.75
2024881.002	2/4/2020	$ 14.07
TOTAL		**$ 171.82**

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Consider the Request Received by the City Clerk and Approve Fee Waiver of $1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an Event on September 30, 2022, and Approve a Fee Waiver of $420.00 for the Christian Worship Center for a Community Easter Egg Hunt on April 16, 2022. (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	4/5/2022
	Recommendation: Approve Fee Waiver of $1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an event on September 30, 2022, and approve a Fee Waiver of $420.00 for the Christian Worship Center Community Easter Egg Hunt on April 16, 2022.

Background:
Milpitas City Council adopted the "City Council Donation and Fee Waiver/Reduction Policy" on April 16, 2013. This policy allows Milpitas non-profit organizations to request city fees to be waived up to $1,500 or a donation amount up to $500 be granted upon request. Requesting organizations must be local Milpitas non-profits and provide proof of non-profit status from the federal Internal Revenue Service or the state Franchise Tax Board. A requesting organization must also meet other requirements contained in the policy and ensure a certain percentage of the funds raised are for the general benefit of the Milpitas community. Groups are required to file a follow-up report with the City Clerk 60 days after the completion of the event for which the fee waiver or funds were granted. The items needed for the follow-up report are listed in the policy under item 3(i).

As required by the Fee Waiver Policy, the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association and Christian Worship Center have provided copies of their determination from the Internal Revenue Service stating they are tax-exempt organizations.

Analysis
On March 22, 2022, the City Clerk received a "Donation or Fee Waiver/Reduction Request Application Forms" from the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association. On March 23, 2022, the City Clerk received a "Donation or Fee Waiver/Reduction Request Application Forms" from the Christian Worship Center.

The Milpitas Community Educational Endowment & Samuel Ayer Alumni Association requests the City Council waive the permit fee for the community event for Alumni of Samuel Ayer High School on September 30, 2022. This event will help raise awareness of Milpitas Community Educational Endowment charitable programs and raise funds for future Milpitas students' scholarships. The Milpitas Community Educational Endowment & Samuel Ayer Alumni Association is requesting a waiver in the amount of $1,500 for the park rental permit fees.

The Christian Worship Center requests the City Council to waive the permit fee for the Community Easter Egg Hunt on April 16, 2022. The Christian Worship Center originally requested the City Council to waive $1,500 for the park rental permit fee. Staff reviewed the scope of the event and determined the rental permit fees will be $420 and is therefore recommending the City Council waive the $420 park rental permit fee.

The adopted Fiscal Year 2021-22 Budget includes $25,000 for donations, fee waivers, and events. To date, two fee waivers requests have been approved during Fiscal Year 2021-22, and the remaining fund balance is currently $22,200.

Policy Alternative:
Alternative: Do not approve the fee waivers as requested.

Pros: The City's General Fund will not incur the costs of the fees waived and would receive revenue.

Con: Denial of the request would negatively impact the non-profit organizations.

Reason not recommended: Denial of this request would negatively impact services provided to the community from the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association and Christian Worship Center.

Fiscal Impact:
$25,000 was approved and included in the FY 2021-22 City budget for City Council's Unallocated Community Promotions. If the requests are approved by City Council, the fee waiver would be paid from FY 2021-22 budget and $20,280.00 would remain in that line item of the current year's budget.

Recommendation:
Approve Fee Waiver of $1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an event on September 30, 2022 and approve a Fee Waiver of $420.00 for the Christian Worship Center Community Easter Egg Hunt on April 16, 2022.

Attachments:
1. Milpitas Community Educational Endowment & Samuel Ayer Alumni Association Application and Internal Revenue Service (IRS) non-profit letter
2. Christian Worship Center Application and Internal Revenue Service (IRS) proof of non-profit status
3. City Council Donation and Fee Waiver/Reduction Policy

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form for Non-Profit Organizations

Complete this form and return it to Milpitas City Clerk

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: Milpitas Community Educational Endowment & Samuel Ayer Alumni Association

Is there a Milpitas branch or affiliation? Local Non-profit

Mailing Address: _____

_____

Contact Person: Robert Jung Telephone No. [redacted]

Email Address: [redacted]

What is your request? Donation Amount Requested _____ OR

Fee Requested to be waived (type and $ amount) $1,500

Event date(s): September 17, 2022

What is the purpose of the event? Hold community event for Alumni of Samuel Ayer High School, which raises awareness of MCEE charitable programs, and raises funds for future Milpitas student scholarships.

How will the Milpitas community benefit from this event? Any fundraising efforts will benefit tMilpitas youth through future scholarships and programs to support education, and help the establishment of new non-profit.

What % of the fund raising proceeds will benefit Milpitas community? 60%+

_____

How will the City's contribution (if granted) be recognized in any publicity? The City will be recognized on event outreach language: "this event made possible in part by the City of Milpitas."

Within 60 days after completion of the event for which a donation was received or a fee waiver/ reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: [signature] Date: 3/22/22

Print Name & Title: Robert Jung / Foundn. CEO, MCEE

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASU

Date: FEB 11 2010

MILPITAS COMMUNITY EDUCATIONAL
ENDOWMENT INC
C/O MILPITAS UNION SCHOOL DISTRICT
1331 EAST CALAVERAS BLVD
MILPITAS, CA 95035-5707

Employer Identification Number:
27-1030958
DLN:
17053342388039
Contact Person:
GARY MUTHERT ID# 31518
Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
June 30
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
October 14, 2009
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

MILPITAS COMMUNITY EDUCATIONAL

Sincerely,

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form
for Non-Profit Organizations

Complete this form and return it to Milpitas City Clerk

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: Christian Worship Center

Is there a Milpitas branch or affiliation? yes

Mailing Address: 241 S Main street, Milpitas CA 95035

Contact Person: Nick Belaski Telephone No. [redacted]

Email Address: pastor@cwcsj.org

What is your request? Donation Amount Requested _____ OR

Fee Requested to be waived (type and $ amount) 1,500 00

Event date(s): 4/16/22

What is the purpose of the event? Community Easter Egg Hunt

How will the Milpitas community benefit from this event? It will bring the community together for a day of fun

What % of the fund raising proceeds will benefit Milpitas community? Free Event

How will the City's contribution (if granted) be recognized in any publicity? City will be thanked through our Social Media platforms / Facebook, as well as a write up in the Milpitas Post.

Within 60 days after completion of the event for which a donation was received or a fee waiver/ reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: [signature] Date: 3/23/22

Print Name & Title: Nicholas Belaski Executive Pastor

Christian Worship Ctr Of San Jose

Christian Worship Ctr Of San Jose is a religious organization in Milpitas, California. Its tax id (EIN) is 34-2060285. It was granted tax-exempt status by IRS in August, 1964. For detailed information such as income and other financial data of ***Christian Worship Ctr Of San Jose***, refer to the following table.

Enter name and/or address... Search!

Profile of Christian Worship Ctr Of San Jose

Organization Name	**Christian Worship Ctr Of San Jose** (/group/1678)
Tax Id (EIN)	34-2060285
Address	241 S Main St, Milpitas, CA 95035-5314
In Care of Name	Doug Duncan
All tax-exempt organizations in zip code **95035** (/zip/95035)	

Tax Period	Asset	Income	Revenue
0	$0	$0	$0

IRS Exempt Status Ruling Date	August, 1964
Exempt Status	Unconditional Exemption
Deductibility	Contributions are deductible
Exempt Classification	**Religion-Related, Spiritual Development** (/ca/milpitas/X?t=ntee1)

activities, & operations	(note: this activity classification has been replaced by the Tax Exempt Classification shown above since 1995.)
Foundation Type	Church 170(b)(1)(A)(i)
Organization Type	Association
Organization Classification	**Religious Organization** (/ca/milpitas/037)
Affiliation	Subordinate - This organization is a subordinate in a group ruling.
Primary Return(s) Required to File	990 - Not required to file (church)
Private Foundation Filing Requirement	No need to 990-PF return
Asset Range Reported on Form 990	$0
Income Range Reported on Form 990	$0
Accounting Period	03

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CITY OF MILPITAS, CALIFORNIA
STANDARD OPERATING PROCEDURE

SUBJECT: CITY COUNCIL DONATION AND FEE WAIVER/REDUCTION POLICY

1. Purpose

The City of Milpitas recognizes the value of partnership with other agencies and organizations in providing services that benefit the community and its residents. To that end, the City may provide a donation or grant a reduction and/or waiver of fees to intergovernmental agencies or non-profit organizations that provide Milpitas community benefit.

2. Donation and Fee Waiver Budget

With each budget cycle, the City Council will establish an annual budget amount for donations or fee waivers/ reductions for unspecified community events. Except for extraordinary circumstances, donations and or fee waivers/reductions will not be granted once the budgeted amount has been expended.

3. Requirements

a) Any requests for donation or fee waiver/reduction must be submitted in writing using the attached application form.

b) Requests for donations or fee waivers/reductions will be considered by the City Council during a regularly scheduled meeting.

c) To be eligible, the organization must be a non-profit organization as described by the Internal Revenue Section such as 501(c)(3) or an intergovernmental agency. In either case, only events that provide community benefit within the City of Milpitas shall be eligible. If fund raising is involved, the organization must demonstrate that at least 60% of fund raised will be of general benefit to the Milpitas community. The organization must be non-discriminatory, and non-political in nature, based in Milpitas or have a local affiliation within the City.

d) If the request for donation or fee waiver/reduction is for a community event, the event must be advertised, open to the public and no entrance fee shall be charged for the event.

e) Fee waivers/reductions only apply to services provided by the City during its regular course of business. Such fees may include rental fees for the City's facilities or equipment, building permit fees or fire permit fees. Any City staff overtime costs required due to the event cannot be waived.

f) The City Council may grant donation or fee waiver/reduction to each organization once annually, regardless of how many branches or affiliations it may have in the City.

g) The fee waiver/reduction amount is further subject to $1,500 maximum annually and the donation amount is subject to $500 maximum annually for each organization. A fee waiver/reduction request cannot be combined with a donation request.

h) To the extent possible, the City's contribution should be recognized in the event fliers and/or advertising.

i) Within 60 days after completion of the event in which a donation was received or a fee waiver/reduction was granted by the City, the organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

j) Failure to abide by the rules and procedures as set forth in this document will result in the organization being denied for funding and/or fee waiver/reduction in the future.

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Accept Committee Member and Commissioner Resignations (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	4/5/2022
	Recommendation: Accept the resignation of Committee Member Dhanwant Dhaliwal from the Measure F Oversight Committee, accept the resignation of Sukhpreet Badesha from the Arts Commission, and direct the City Clerk to post the notices of the unscheduled vacancies.

Background:
In accordance with the City of Milpitas Commission By-Laws, any member or alternate member of a Commission who is no longer available to serve must submit a resignation in writing by sending a written communication to the Mayor and the City Clerk, per adopted City Council Resolution No. 7702. The written resignation must then be accepted and confirmed by City Council via action on the consent calendar at a regularly scheduled City Council meeting. Committee Member Dhanwant Dhaliwal submitted his resignation from the Measure F Oversight Committee and staff notified the City Clerk on March 15, 2022. Commissioner Sukhpreet Badesha submitted her resignation from the Arts Commission and staff notified the City Clerk's Office on March 16, 2022

Analysis:
By state law, a Notice of an Unscheduled Vacancy must be posted by the City Clerk to advertise the vacant Commission seat. Final appointment to the board, commission, or committee for the Unscheduled Vacancy shall not be made by the legislative body for at least ten working days after the posting of the notice in the Clerk's office.

Fiscal Impact:
There is no fiscal impact associated with this item.

Recommendation:
Accept the resignation of Committee Member Dhanwant Dhaliwal from the Measure F Oversight Committee, accept the resignation of Sukhpreet Badesha from the Arts Commission, and direct the City Clerk to post the notices of the unscheduled vacancies.

Attachments:
1. Email from Committee Member Dhanwant Dhaliwal
2. Email from Commissioner Sukhpreet Badesha

Wendy Wood

Subject: FW: MFOC Committee resignation - Dhanwant Dhaliwal

From: Dhanwant Dhaliwal [redacted]
Sent: Tuesday, March 15, 2022 4:47 PM
To: Rosanne Yamashita <ryamashita@ci.milpitas.ca.gov>
Cc: Measure F Oversight Committee <MeasureFOversightCom@ci.milpitas.ca.gov>; Lauren Lai <llai@ci.milpitas.ca.gov>; Ashwini Kantak <akantak@ci.milpitas.ca.gov>; Rachelle Currie <rcurrie@ci.milpitas.ca.gov>
Subject: Re: Measure F Oversight Committee - April Agenda packet

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi chair man and all committee members,
Very pleases working with you. I am resigning due to my health issue. Thanks.
Regards,
Dhanwant Dhaliwal

Sent from my iPhone

Wendy Wood

Subject: FW: [BULK] Re: Checking for a quorum

From: joven badesha [redacted]
Sent: Monday, October 11, 2021 6:12 PM
To: Tegan McLane <tmclane@ci.milpitas.ca.gov>
Subject: [BULK] Re: Checking for a quorum

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Tegan,

Unfortunately I will not be able to attend tonight. I actually wanted to let you know I was accepted to medical school outside of the state. Although I am fully interested in coming back to Milpitas, I am not a resident for the time being. Im unsure if this disqualifies me for participating as a commissioner. It is unfortunate if that is the case, but I enjoyed being able to have an input.

Sincerely,

Sukhpreet Badesha

> On Oct 11, 2021, at 5:51 PM, Tegan McLane <tmclane@ci.milpitas.ca.gov> wrote:
>
> Hi All,
>
> Please confirm your attendance for this evening's Special Arts Commission meeting.
>
> Thanks,
> Tegan

<Outlook-ee2xb3qc.jpg>

Tegan McLane (she/her/hers)
Community Engagement & Inclusion Administrator/
Assistant Director

Recreation and Community Services
Office (408) 586-3212 **Cell** (408) 209-5321

Fax (408)586-3295
Email Tmclane@ci.milpitas.ca.gov

457 E. Calaveras Blvd., Milpitas CA 95035
www.ci.milpitas.ca.gov

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution Approving the Application for $224,543 Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the Authorized Signer on the Grant Agreement with the State of California (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	4/5/2022
	Recommendation: Adopt a Resolution Approving the Submittal of an Application for Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the Authorized Signer on the Grant Agreement with the State of California

Background:
The California Department of Parks and Recreation Office of Grants and Local Services (OGAL) strives to address California's diverse recreational, cultural and historical resource needs by developing grant programs, administering funds, offering technical assistance, building partnerships and providing leadership through quality customer service. The OGAL Per Capita Program originates from Proposition 68 and was placed on the ballot via Senate Bill 5 and was approved by voters on June 5, 2018. Funds are available for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients are encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors. $224,543 in grant funds are available and earmarked for the City of Milpitas.

Analysis:
Per the OGAL Per Capita Program (Program), eligible projects must be capital outlay for recreational purposes, either acquisition or development, and can only have only have one location. Projects not serving a "severely disadvantaged community" which is defined by the Program as median households whose income is less than 60% of the statewide average, require a 20% match. Grantees must use the grant funds to supplement existing project expenditures, not replace them.

Considering the Program project eligibility and matching requirements for severely disadvantaged comminutes, staff is proposing to submit a project application(s) for any individual or combination of parks on the City's Park Improvement CIP short-term project list and are referenced in the Parks and Recreation Master Plan.

Per the OGAL Per Capita Program process, a Resolution approving the filing of the application packet is required. The Resolution captures key points including but not limited to the approval of the application, certifies that the grantee has the funds to complete the applied for projects, and that the project(s) are consistent with the grantee's General Plan and/or Parks and Recreation Master Plan.

Fiscal Impact:
There is no fiscal impact with the adoption of the Resolution. Should the grant be awarded to the City, staff will bring back to the City council a report to request acceptance of the grant and the necessary budget appropriation with local match, if any.

California Environmental Quality Act:
The City Council's action in adopting this Resolution is exempt from environmental review pursuant to CEQA Guideline 15378(b)(4) as a governmental fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Instead, if funding is provided, staff will look at the financial allocation and return to the City Council with a specific project or projects along with any required CEQA analysis prior to any discretionary action being taken.

Recommendation:
Adopt a Resolution Approving the Application for $224,543 Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the Authorized Signer on the Grant Agreement with the State of California.

Attachments:
1. Resolution

Resolution Form

Resolution Number: (insert number here)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE APPLICATION(S) FOR $224,543 PER CAPITA GRANT FUNDS FROM THE STATE DEPARTMENT OF PARKS AND RECREATION AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZED SIGNER ON THE GRANT AGREEMENT WITH THE STATE OF CALIFORNIA

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS, the grantee will enter into a contract(s) with the State of California to complete project(s);

NOW, THEREFORE, BE IT RESOLVED that theMilpitas City Council hereby:

1. Approves the filing of project application(s) for Per Capita program grant project(s); and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s), and
4. Certifies that all projects proposed will be consistent with the park and recreation element of the City of Milpitas General or Recreation plan (PRC §80063(a)), and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and
6. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and
7. (PRC §80001(b)(8)(A-G)) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the City of Milpitas will consider a range of actions that include, but are not limited to, the following:

   (A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

   (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.

   (C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

8. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).

9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)).

10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

11. Delegates the authority to the City Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and

12. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and adopted the_____day of_____, 20_____.

I, the undersigned, hereby certify that the foregoing Resolution Number _____ was duly adopted by the Milpitas City Council following a roll call vote:

Ayes: _____
Noes: _____
Absent: _____

(Clerk)

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Accept the Report for Key 2021 Approved State Laws Impacting Municipal Operations (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586-3012)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	4/5/2022
	Recommendation: Accept the Report for Key 2021 Approved State Laws Impacting Municipal Operations

BACKGROUND:

On May 18, 2021, the City Council approved the Legislative Advocacy Policy and Legislative Guiding Principles. The Policy establishes clear guidelines for advancing City goals and positions through legislative review and advocacy at the regional, state, and federal levels of government and to provide guidance for City officials who serve on regional, state, and national boards, committees, and commissions when they are asked to review public policy matters and issues.

Legislation and issues of interest are brought to the City's attention through several means: League of California Cities, National League of Cities, Cities Association of Santa Clara County, Councilmembers, legislators, City staff, community members, and professional or governmental organizations. Per the Council Policy, all legislation or issues of interest shall be referred to the City Manager's Office.

ANALYSIS:

According to the attached League of California Cities 2021 Legislative Report, lawmakers introduced over 2,400 bills, far more than in 2019 or 2020. Of the 2,400 bills introduced, both chambers of the legislature approved 836 bills and the Governor signed 770 bills, or 92%, into law. However, only a fraction of these new laws directly affect municipal operations.

This staff report highlights key legislation grouped by City Service Areas (CSA), which staff is required to implement. It is important to note that due to its budget surplus, the State also approved one-time funding to support the production of affordable housing, programs for the unhoused, broadband infrastructure and disaster preparedness, resiliency, and recovery. Staff will monitor these programs for potential local funding opportunities.

Finally, at the end of this section staff provides an update of the legislative advocacy success for 2021.

Community Development CSA

Legislation Title	Legislation Description	Impact to City Operations
Urban Lot Splits and Two-unit Developments (SB 9)	Under SB 9, the City must ministerially approve certain subdivisions of one lot into two without discretionary review or a hearing. SB 9 also requires the City to ministerially approve a proposed two-unit development project on a lot in a single-family residential zone without discretionary review or a hearing. This applies to building two new units or adding a second one. The City may adopt and enforce objective development standards on Qualifying criteria and standards for both by-right "urban lot splits" and two-unit development projects.	In December 2021, the City Council adopted an urgency ordinance to establish objective development standards for these mandatory, ministerial lot splits and two-unit development projects. No further action is needed unless the City chooses to amend any of the adopted standards.

Legislation Title	Legislation Description	Impact to City Operations
Residential short-term rental ordinances: health or safety infractions: maximum fines (SB 60)	SB 60 increases the maximum fines that the City can impose for violations of the short-term rental (STRs) ordinance. The maximum fine amounts for violations were $100 for the first violation, $200 for a second violation of the same ordinance within one year, and $500 for each additional violation of the same ordinance within one year. For short-term rental violations that pose a threat to public health or safety, SB 60 increases the maximum fine limits to $1,500 for the first violation, $3,000 for a second violation of the same ordinance within the same year, and $5,000 for each additional violation of the same ordinance within the same year. In addition, the City will need to establish a process for granting a hardship waiver if payment of the fine would impose an undue financial burden.	Under SB 60, the City can levy significantly higher fines on any violation of the STR Ordinance that poses a threat to public health or safety. This is a powerful tool to enforce compliance. The City will need to amend the STR Ordinance to set the new fines and clarify the types of violations that pose a threat to public health and safety. Staff time will be required to effectively enforce the STR ordinance and collect fees. Additional revenue is anticipated to be generated through proactive enforcement of the STR ordinance and the collection of new, higher fees.
Housing Element (AB 215)	AB 215 increases oversight and accountability for cities that are underperforming on housing production, including adding SB 8 to the list of housing laws that the Attorney General (AG) can enforce. Requires that draft revisions of the Housing Element be available for public comment for 30 days and then consider and incorporate public comments prior to submission to HCD for review. Creates a new three-year statute of limitations for any action brought pursuant to the AB 72 enforcement process and allows HCD to appoint or contract with other counsel to represent the department when the AG declines to represent HCD in an AB 72 enforcement action.	Building Safety and Housing Department will take these legislative changes into account during preparation of the next Housing Element scheduled for Council consideration in the upcoming months.
Accessory dwelling units: separate conveyance (AB 345)	Under AB 345, the City is now required to allow accessory dwelling units (ADUs) to be sold or conveyed separately from the primary dwelling. AB 345 applies only to properties built by qualified nonprofits that are then purchased and occupied by qualified low-income buyers. AB 345 does not apply to or permit the separate sale or conveyance of junior accessory dwelling units (JADUs).	Staff may have to bring forward an amendment to the ADU ordinance to include something to the effect of: “Except as otherwise provided in Government Code Section 65852.26, no ADU may be sold or otherwise conveyed separately from the lot and the primary dwelling.”
General Plan: Safety Element (AB 1409)	AB 1409 requires the City to amend the safety element of the Milpitas General Plan to identify evacuation *locations*, in addition to evacuation *routes*, for identified fire and seismic hazards within the jurisdiction.	Staff will need to evaluate sites for potential evacuation locations as part of any revision to the General Plan safety element, which may require contracting with a consultant.
Mitigation Fee Act — Impact Fee Nexus Study Requirements (AB 602)	AB 602 requires the City to consider additional factors and information when preparing and adopting development impact nexus fee studies. The nexus fee study must include the following analysis:	After Council approvalof the Metro Specific Plan, staff will move forward with a development impact fee nexus study. The City will need to ensure that that the scope of

Legislation Title	Legislation Description	Impact to City Operations
	• Identify proposed new levels and include an explanation of why the new level of service is necessary. • For housing developments, a study adopted after July 1, 2022, must calculate fees proportionate to the square footage of the units or make findings explaining why that is not an appropriate method. • Studies must be adopted at a public hearing with 30 days of notice. • Studies must be updated every eight years, with fee schedules posted on the website.	work for the study addresses the AB 602 requirements. This will add to the costs of the overall project.
Housing Crisis Act of 2019 - Extension/Update (SB 8)	SB 8 extends and makes numerous changes to the Housing Crisis Act of 2019 (SB 330). It extends the Act's sunset by five years to January 1, 2034, and amends key provisions. SB 8 addresses challenges identified during implementation, such as unintended consequences from the displacement provisions for existing low-income tenants. Key provisions are focused on expediting affordable and market-rate construction by providing early vested rights, limiting ad hoc fee increases on housing projects, and barring local governments from reducing the number of homes that can be built.	Staff will ensure compliance with SB 8 when reviewing and processing housing development projects.
Budget Trailer Bills (SB 129 and AB 140)	The FY 2021-22 Budget Act provides about $4 billion in funding for housing and homelessness including: $100 million to the California Housing Finance Agency (CalHFA) to expand homebuyer assistance, $250 million for Homekey, and $2 billion in aid to counties, large cities, and Continuums of Care through the Homeless Housing, Assistance and Prevention grant program.	Staff will monitor these funding sources bills to potentially secure new resources for housing for our City.

Community Services and Sustainable Infrastructure CSA

Legislation Title	Legislation Description	Impact to City Operations
Local government: water or sewer service: legal actions (SB 323)	Plaintiffs must bring a challenge to new or increased water or sewer rates within 120 days of the effective date or date of final passage, adoption, or approval of the ordinance or resolution adopting the water or sewer rate. Proposition 218 requires local agencies to mail a notice of proposed new or increased water or sewer rate to property owners and tenants directly responsible for the bill at least 45 days before the public hearing on the rate increases. In order to take advantage of SB 323's statute of limitations for retail water or sewer rates, the notice must include a statement that there is a 120-day statute of limitations for challenging the rates.	Depending on the final water wholesale rate increases, staff may have to bring forward a rate increase in the coming months. Further, in FY 2022-23, staff will bring forward a multi-year rate setting process for water and sewer rates. During the associated Public Noticing process related to any change in rates, staff will include SB 323 language stating there is a 120-day statute of limitations for challenging the rates.
Organic waste: reduction regulations: local jurisdiction	Under Senate Bill 619, cities, counties and special districts that failed to adopt enforceable mechanisms to divert organic waste from landfills in accordance with SB 1383 regulations before Jan. 1, 2022, may seek relief from administrative civil penalties.	In December 2021, the City of Milpitas amended its Municipal Code in accordance with the SB 1383 regulations. Thus, the City

Legislation Title	Legislation Description	Impact to City Operations
compliance (SB 619)		does not need to seek relief from penalties as afforded by this bill.
Single-use Foodware Accessories and Standard Condiments (AB 1276)	This measure requires food and beverage accessories, such as single-use condiments and plastic silverware, be available only upon request. This includes food facilities who use third parties for their take-out food order and delivery. AB 1276 is effective January 1, 2022. First and second violations result in a notice of violation, any additional violation carries a $25 fine not to exceed $300 annually. Further, it requires a city, county, or city and county to authorize an enforcement agency for the law by June 1, 2022.	The City of Milpitas is in talks with the County of Santa Clara to explore enforcement options. Solid Waste staff is also discussing potential internal enforcement procedures.
Youth Service Organizations. Child Abuse and Neglect Prevention (AB 506)	This measure requires an administrator, employee, or volunteer of a youth service organization to complete child abuse and neglect reporting training and undergo a background check. This measure also requires a youth service organization to develop and implement child abuse prevention policies and procedures that, among other things, ensure the reporting of suspected incidents of child abuse to persons or entities outside of the organization. AB 506 additionally authorizes insurers to request information demonstrating compliance with these provisions before writing liability insurance for a youth service organization.	Staff currently does background checks on all staff and volunteers (18+) and conducts annual Mandated Reporter Training. Current instructions on reporting abuse in staff handbooks into a Policy and Procedures Document will be updated.
Street Closures and Designations (AB 773)	The measure allows a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections o citywide bicycle networks, destinations that are within walking distance, or green space. This measure also requires the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.	Requires the City to adopt regulations and meet conditions for implementation of a slow street program.

Public Safety CSA

Legislation Title	Legislation Description	Impact to City Operations
Military Equipment funding, acquisition, and use (AB 481)	The measure defines certain equipment used by law enforcement as “military equipment.” Further the measure requires public disclosure of equipment and their uses through approval by the governing body by May 1, 2022, for continued use of any equipment purchased before January 2022, oversight by the governing body, and annual reporting of inventory, use, and procurement of qualifying equipment.	Staff is bringing forward a policy for Council consideration at the April 19 City Council meeting.

Legislation Title	Legislation Description	Impact to City Operations
Release of Police Personnel Records (SB 16)	Expands the scope of SB 1421 to include: sustained findings of unreasonable or excessive use of force, sustained findings of failure to intervene, sustained findings of bias, and sustained findings of unlawful arrest/search.	Delayed implementation until January 1, 2023. It is unclear if this bill will be retroactive. If retroactive, it will require a review of past discipline cases and the release of records upon request. SB 1421 significantly increased CPRA requests for police personnel records and SB 16 is expected to do the same

Leadership and Support Services CSA

Legislation Title	Legislation Description	Impact to City Operations
Clarifying Local Agencies' Audit Obligations for Land Use Fees (SB 391)	The Mitigation Fee Act requires local agencies imposing or increasing fees relating to development projects to identify the purpose of the fee, and the use to which it is being put. The fees must also be deposited in a separate account from the agency's other funds and expended only for the purpose for which they were collected. After each fiscal year, the City must publicize information about the amount of the fees collected and what they were used for.	Currently, any person can request an audit to determine if the fee collected by the City exceeds the amount reasonably necessary to cover the purpose it was collected for. If the City has failed to comply with its legal disclosure requirements with respect to the fees for three consecutive years, the local agency is required to pay the cost of the audit rather than requiring a deposit from the requesting person. SB 391 adds a requirement that if the City did not comply with its disclosure requirements for three consecutive years, the City must include in its audit the data for all of the years it did not make the required disclosures.
Claims Against Public Entities (SB 501)	SB 501 provides a six-month extension by which a qualifying individual may request leave from the public entity to present a claim outside the six-month presentation period and up to one year from the accrual period. If the governing body fails to act on an application within 45 days, it is deemed denied on the 45th day or, if applicable, the last day of the period provided by agreement between the applicant and the entity.	Staff has adjusted the City's claims handling process to comply with this new provision.
Public Employees' Retirement System, Disallowed Compensation Benefit Adjustments (SB 278)	This measure requires public agencies, when CalPERS determines that compensation agreed to under a collective bargaining agreement is non-pensionable, to pay penalties in a lump sum and pay CalPERS the full cost of any overpayment of paid benefits made to the affected retired member, survivor, or beneficiary resulting from the disallowed compensation. The penalty is 20% of the difference between the monthly allowance with	This burdensome new mandate shifts responsibility from CalPERS to the City for any overpayment of reported pensionable compensation and authorizes fines to be paid by the City for violation of the law.

Legislation Title	Legislation Description	Impact to City Operations
	the disallowed compensation and without. Ninety percent of the penalty goes to the retiree and 10% goes directly to CalPERS.	
Local Government Meetings: Agenda and Documents (SB 274)	This law makes it easier for constituents to become informed about the actions under consideration by their local governments and to voice their concerns in a timely manner. This piece of legislation requires an agency to mail or email agenda packets.	Staff has been providing agenda packets via email, as requested.

2021 Legislative Advocacy Summary:

Consistent with the Legislative Advocacy Policy Guiding Principles, the City submitted 14 legislative advocacy letters supporting or opposing legislation. The table below summarizes the City's position and outcome of the bills the City opposed or supported. Of the 14 bills advocated for, 5 bills are held in submission by the Senate Appropriations Committee for consideration in the 2022 legislative period. For the remaining 9 bills the City either opposed or supported, the majority of the legislation outcomes were consistent with the City's position.

Measure Number and Sponsor	Measure Title	Measure Description	City's Position	Legislation Outcome
AB 14 (Aguiar-Curry)	Broadband Services. California Advanced Services Fund.	• Reforms the existing California Advanced Services Fund (CASF) surcharge to help close the digital divide.	Support	Passed
AB 43 (Freidman)	Speed Limits.	• Grants local authorities greater flexibilities in setting speed limits on the most dangerous local streets.	Support	Passed
AB 237 (Gray)	Public Employment. Unfair Practices. Health Protection.	• Prohibits public employers from terminating, or threatening to terminate, the health care coverage and related benefits of employees and their families during an authorized strike and grants the Public Employee Relations Board (PERB) jurisdiction to enforce this prohibition.	Oppose	Passed
AB 585 (Luz Rivas)	Climate Change. Extreme Heat and Community Resilience Program.	• Would establish the Extreme Heat and Community Resilience Program within the Office of Planning and Research to coordinate the state's efforts to address extreme heat and facilitate the implementation of local, regional, and state planning efforts. • Would award competitive grants to eligible entities for implementation of these efforts.	Support	still in Senate Appropriations Committee, held under submission
AB 718 (Cunningham)	Peace Officers: Investigations of Misconduct.	• Would require a law enforcement agency to complete its investigation into an allegation of misconduct despite the peace officer's or custodial officer's voluntary separation from the employing agency. • Would also require disclosure of the investigative findings.	Support	still in Senate Appropriations Committee, held under submission
AB 773 (Nazarian)	Street Closures and Designations.	• Authorizes cities to adopt a rule or regulation to designate a local street	Support	Passed

Measure Number and Sponsor	Measure Title	Measure Description	City's Position	Legislation Outcome
		within its jurisdiction as a slow street, where thru traffic would be banned, limiting speeds so people could use the pavement for individual and community benefits.		
AB 1401 (Friedman)	Residential and Commercial Development. Parking Requirements.	• Would prohibit local governments from imposing or enforcing a minimum automobile parking requirement for residential, commercial and other developments if the parcel is located within one-half mile walking distance of public transit.	Oppose	still in Senate Appropriations Committee, held under submission
SB 60 (Glazer)	Short-Term Rental Ordinance Violations.	• Allows cities and counties to impose larger fines for violations of short-term rental ordinances up to $5,000 for each violation.	Support	Passed
SB 99 (Dodd)	Community Energy Resilience Act of 2021.	• Would require the Energy Commission (CEC) to develop and implement a grant program for local governments. • Would also require the CEC to develop and adopt project evaluation guidelines for applicants to submit a funding proposal to develop a community energy resilience plan.	Support	still in Senate Appropriations Committee, held under submission
SB 270 (Durazo)	Public Employment. Labor Relations. Employee Information	• Authorizes a public employee bargaining representative to file an unfair labor practice claim with PERB if a public employer fails to provide certain employee information in a timely and accurate manner. • Would subject the employer to civil penalties and a prevailing party's attorney's fees and costs.	Oppose	Passed
SB 278 (Leyva)	Public Employees' Retirement System. Disallowed Compensation. Benefit Adjustments.	• Requires a public employer to cover the cost difference between a retiree's pension as originally calculated and as reduced by California Public Employees' Retirement System (CalPERS) in situations where CalPERS reduces a retiree's pension post-retirement due to CalPERS determining that inclusion of compensation agreed to under a collective bargaining agreement is nonpensionable.	Oppose	Passed
SB 556 (Dodd)	Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures. Attachments.	• Would have required local governments to make space available on streetlight poles, traffic signal poles, utility poles, and other public infrastructure to telecommunications providers in accordance with the Federal Communications	Oppose	Vetoed

Measure Number and Sponsor	Measure Title	Measure Description	City's Position	Legislation Outcome
		Commission's adopted regulations on wireless services deployment.		
SB 780 (Cortese)	Public Investment Authorities.	• Provides improved flexibility and capacity to Enhanced Infrastructure Financing Districts and Community Revitalization and Investment Authorities aimed at increasing investor confidence and ease of administration.	Support	Passed
SB 792 (Glazer)	Sales and Use Tax. Retailer Reporting.	• Would have required online retailers, with annual taxable sales exceeding $50 million, to report to CDTFA certain taxing jurisdiction information of where a product, purchased online, is shipped.	Support	Vetoed

FISCAL IMPACT:
Any fiscal impact will be identified when the implementation of a particular legislation requires Council approval or funding.

California Environmental Quality Act (CEQA):
By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

RECOMMENDATION:
Accept the Report for Key 2021 Approved State Laws Impacting Municipal Operations

Attachment(s):
Attachment 1 – League of California Cities 2021 Legislative Report

LEAGUE OF CALIFORNIA CITIES

Legislative Report

December 2021









League of California Cities
2021 Legislative Report

Copies of the Legislative Report may be purchased for:

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Non-City Officials $25.00

Price includes sales tax and shipping
10% discount on orders of five or more copies

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Sacramento, CA 95814

Publications:
Phone: (916) 658-8200
Fax: (916) 658-8240
www.calcities.org

This document will be available on the Cal Cities website in December 2021.
www.calcities.org/advocacy

About the League of California Cities

Established in 1898, the League of California Cities (Cal Cities) is a member organization that represents California's incorporated cities. Cal Cities strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents.

In addition to advocating on cities' behalf at the California State Capitol, Cal Cities provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes the *Cal Cities Advocate* weekly newsletter and *Western City* magazine.

Legislative Report

2021

Please note: Legislation marked with an asterisk (*) has been identified as high priority by Cal Cities staff.

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Glossary of Terms

ABC	Alcohol Beverage Control
ARPA	American Rescue Plan Act
BART	Bay Area Rapid Transit
BCC	Bureau of Cannabis Control
CAC	California Arts Council
CALFIRE	California Department of Forestry and Fire Protection
CalOES	California Office of Emergency Services
CalPERS	California Public Employees Retirements System
CalRecycle	California Department of Resources Recycling and Recovery
CalSTRS	California State Teachers Retirement System
Caltrans	Department of Transportation
CalWORKs	California Work Opportunities and Responsibility to Kids Program
CARB	California Air Resources Board
CASF	California Advanced Services Fund
CCA	Community Choice Aggregation
CCC	California Coastal Commission
CDCR	California Department of Corrections and Rehabilitation
CDPH	California Department of Public Health
CDWB	California Workforce Development Board
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CPUC	California Public Utilities Commission
CRIA	Community Revitalization and Investment Authority
C.R.I.S.E.S.	Community Response Initiative to Strengthen Emergency Systems
CRV	California Redemption Value
CSPP	California State Preschool Program
CTC	California Transportation Commission
DEA	Drug Enforcement Administration
DDTP	Deaf and Disabled Telecommunications Program
DIVCA	Digital Infrastructure and Video Competition Act
DMV	Department of Motor Vehicles
DOJ	Department of Justice
EIFD	Enhanced Infrastructure Financing District
EV	Electric Vehicle
FCC	Federal Communications Commission
FEHA	Fair Employment Housing Act
FPPC	Fair Political Practices Commission
GGRF	Greenhouse Gas Reduction Fund
HCD	Department of Housing and Community Development
MAUCRSA	Medicinal and Adult Use Cannabis Regulation and Safety Act
NOI	Notice of Intent
OPR	Office of Planning and Research
POST	Peace Officers Standards and Training
SOS	Secretary of State

SPI	Superintendent of Public Instruction
SWRCB	State Water Resources Control Board
VoIP	Voice over Internet Protocol

LEGISLATIVE YEAR IN REVIEW

2021 Legislative Year in Review

For many, the beginning of 2021 felt like a continuation of 2020, as COVID-19 continued to significantly impact the globe, and cities throughout the state were still reeling from the economic impacts of the pandemic. On the legislative side, 2020's truncated legislative session was defined more by Gov. Gavin Newsom's executive authority than state lawmakers taking action. And worst of all, any guarantee of state or federal relief for cash-strapped cities was tepid at best.

One silver lining from the mayhem of the 2020 legislative session — which ended with a crying newborn, a cursing legislator, and two COVID-19 outbreaks — was that the League of California Cities was able to build upon key relationships in the Legislature to advance top priorities for cities in 2021. Many important bills that died in 2020 came back, often with favorable results for cities. Moreover, the state's historic budget surplus of $100 billion, along with $8 billion for California cities through a federal relief package, created new opportunities to fund an array of city priorities.

Lawmakers were also more focused this year, introducing a whopping 2,421 bills, far more than in 2019 or 2020. Cal Cities monitored more than 70% of the bills introduced and engaged on the most important measures to cities. Of the 836 bills to reach the Governor's desk, 92% were signed. Further, the Governor's actions aligned with Cal Cities' positions on bills 70% of the time, highlighting how critical it is that we engage on bills in the legislative process to try to stop or get amendments to those impacting cities the most.

Although this year seemed in many respects to be a repeat of 2020, the legislative results are anything but. Cal Cities' many — and at times, monumental — wins this year at the state and federal level have demonstrated the strength of our organization, and most importantly, our members. Together, we successfully advanced each legislative priority in our 2021 Action Agenda.

An $8 billion lifeline for cities

At the beginning of the year, the state announced that it was flush with cash, despite predictions to the contrary, and the federal government was poised to deliver billions in aid to American families and businesses in yet another relief package. Unfortunately, both seemed reluctant to provide funding relief for cities, which had provided many new, pandemic-related services while maintaining existing services with shrinking budgets. Statewide, cities were facing a $7 billion shortfall. Save for $500 million in CARES Act state funding in 2020, cities had been left to fend for themselves. Many powerful lawmakers at the federal level openly balked at the idea of providing any relief to cities. In March, Cal Cities' year-long research, lobbying, and grassroots efforts finally paid off. Thanks to strong partnerships with the state of California and our Support Local Recovery coalition, as well as national partners like the National League of Cities, Cal Cities delivered on its first Action Agenda item: $8 billion in direct, flexible funding for

cities of all sizes through the American Rescue Plan Act. The historic funding package has already had a transformative effect on many communities.

However, dollars do not guarantee success. Cal Cities worked closely with the U.S. Department of the Treasury and the California Department of Finance throughout the year to ensure cities' concerns were addressed during the federal rulemaking process and that the application process was streamlined. Those partnerships ensured that every city in California received American Rescue Plan Act dollars. Working closely with the Department of Finance to get processes established quickly helped California be one of the first states to distribute funding to all its municipalities, whereas other states continue to struggle to do so. Cal Cities involvement was key to ensuring expedited and streamlined distribution of funds here at home while also keeping city officials updated with important information about resources and processes to access these funds through regular updates on our Guide to Local Recovery webpage.

The state made a significant investment in the production of affordable housing, but high-profile housing bills undermined local control

For years, Cal Cities has sought ongoing dedicated funding from the state to help address California's affordable housing crisis while preserving local decision-making. And for years, the state and Legislature has responded by proposing — or worse, passing — inflexible statewide mandates that prioritize the needs of developers over local communities, while simultaneously failing to provide any long-term resources to help cities plan for housing. Some bills have even upended or hindered existing housing plans. As a Cal Cities legislative priority this year, we fought hard to stave off housing bills that were most harmful to cities and supported bills to help cities plan for more housing. Some of the housing bills that undermine local decision-making made it through and were signed by the Governor, while important budget bills were largely positive for cities.

The state continued this year to make homelessness a budget priority. In total, the 2021-22 budget provides $10 billion for affordable housing and homeless programs. The budget specifically includes more than $2 billion over the next two years to help cities address homelessness and $2.2 billion for Homekey. The budget also includes more than $750 million to support affordable housing development. This funding marks an important shift from providing less generous, one-time funding to cities to address homelessness, to the state providing $1 billion annually for the next two years. Additionally, the Legislature and the Governor have committed to making funding to address homelessness an annual priority.

In another significant win for cities, several bills infringing upon local control became two-year bills or failed to advance entirely, including AB 500 (Ward), AB 1401 (Friedman), and AB 989 (Gabriel). These bills would have added more decision-makers to the housing plan process, which would adversely impact cities, and would have likely stalled existing efforts to build more affordable housing.

Unfortunately, two bills of significant concern were ultimately signed into law, despite the fervent objections of California's city leaders: SB 9 (Atkins) and AB 215 (Chiu). More than 240 cities joined Cal Cities in opposition to SB 9, which will require local governments to ministerially approve a housing development containing two residential units in single-family zones and urban lot splits. This 'by right' or mandatory approval scheme changes the rules midstream and as a result, may hinder housing plans already being implemented.

AB 215 slows existing housing efforts by adding a step to the housing element certification process requiring 40 additional days. Moreover, a last-minute amendment created a new three-year statute of limitations for any housing plan enforcement process. It also allows the Department of Housing and Community Development to appoint or contract with other counsel to represent the department in such cases if the Attorney General declines to represent them.

Cal Cities expects to see additional proposals over land use authority in the next session, particularly on state funding reporting requirements — which were not fully codified in this year's budget trailer bills — and single-family zoning. Cal Cities continues to prioritize the need for resources to support the construction of affordable housing while preserving local control. Ultimately, this problem affects all Californians and requires extensive collaboration at the local, regional, and state levels.

California passes largest public broadband infrastructure investment in the country

The pandemic shined a glaring floodlight on many of the state's inequities, including the massive digital divide. For years, Cal Cities has advocated for high-quality, affordable broadband in rural, urban, and suburban communities. In 2020, Cal Cities came close to securing a funding package, which ultimately crumbled due to legislators in-fighting during the end-of-session chaos, while many Californians struggled to stay connected while working from home and having children doing school remotely.

Protecting and modernizing infrastructure was another Cal Cities priority this year and we pushed legislators hard on the issue. By the summer our efforts paid off. In July, the state passed a $6 billion broadband package — the country's largest public broadband infrastructure investment. Unlike previous funding attempts, this bill provides local leaders more opportunities to participate in broadband deployment. It also prioritizes the construction of networks in unserved areas, as well as those with lower speeds not suitable for education, commerce, and video conferencing. This ensures that services benefit those needing them the most.

Cal Cities also worked closely with Assembly Member Cecilia Aguiar-Curry and Senator Lena Gonzalez, who have long advocated for high-speed, widely available, and reliable broadband to develop two complementary bills: AB 14 (Aguiar-Curry) and SB 4 (Gonzalez). The two measures prioritize equitable broadband deployment and make important separate tweaks to the California Advanced Services Fund, which supports

broadband deployment. While a last-minute industry push was made to kill SB 4, cities came out strong, advocating to legislators about the need for these bills, which secured their passage in the Legislature and the Governor's signature on both bills. These two lawmakers were honored for their persistent work to bring broadband to California's unserved and underserved neighborhoods with the 2021 Distinguished Legislative Leadership Award at the Cal Cities 2021 Annual Conference and Expo.

AB 14 and SB 4 also were accompanied by a welcomed veto of SB 556 (Dodd), which would have forced local governments to make space on public infrastructure available to telecommunications providers. The Governor's veto message largely mirrored Cal Cities' arguments, with Gov. Gavin Newsom noting that provisions of the bill "conflict with and complicate some of the FCC requirements." He also stated, "part of our achievements laid out in the broadband budget bill, SB 156 (Chapter 112, Statutes of 2020), enables and encourages local governments to take an active role in last mile deployment and, in doing so, drive competition and increase access."

Cities could not have had a better year regarding affordable and reliable broadband. Collectively, these wins are the result of years of continued intense advocacy from Cal Cities and its members. Cities put themselves at the forefront of a national conversation about broadband access and demonstrated their capability to provide high-quality services to all their residents. In doing so, we were able to fend off bad bills and lay the groundwork for transformative change in cities.

Cal Cities secures much-needed funding for disaster preparedness, resiliency, and recovery

With unprecedented pandemic-related shortfalls, legislators and the Governor were forced to rework the 2020 state budget. One of the first major areas that was chopped was disaster preparedness, resiliency, and recovery. The narrative was substantially different in 2021. For starters, the state's coffers were overflowing providing significant opportunities to create and reimagine programs and provide resources. Second, California was entering another devastating — and likely multi-year drought — as well as an increasingly long and volatile fire season. It was clear that direct, flexible funding was desperately needed for those on the frontlines of climate change: cities.

With strengthening community disaster preparedness, resiliency, and recovery as another Cal Cities priority in 2021, and building on last year's work, Cal Cities partnered with key legislators to secure $4.5 billion in the state budget to help cities prepare for, fight, and recover from wildfires, as well as update local coastal plans and fund urban climate resiliency programs. In the final days of the legislative session, lawmakers also passed SB 155 (Committee on Budget and Fiscal Review) and SB 170 (Skinner), two trailer bills that provide millions for climate resiliency and disaster preparedness. Notably, SB 155 contains an ongoing, ten-year appropriation of $200 million to CAL FIRE for healthy forest fire prevention programs, prescribed burns, and other fuel reduction projects.

In 2020, the state could not even agree on a one-time climate change package. This year, every issue area, from sea level rise to extreme heat mitigation, received state funding.

Major Brown Act relief secured; proposed unfunded mandate vetoed

In addition to Cal Cities' top four priorities in our 2021 Action Agenda, other issues emerged and were a focus for our advocacy efforts. Unsurprisingly, Brown Act relief and modernization was a critical priority issue for many city officials in 2021. Last March, the Governor issued Executive Order N-29-20, which was followed by subsequent executive orders, allowing cities to conduct remote meetings under modified Brown Act requirements. The Legislature passed, and the Governor signed, AB 361 (Robert Rivas) shortly before the order was set to expire, which allows cities to conduct remote meetings under some similar conditions and rules, while also expanding this to include any declared state of emergency. At the urging of Cal Cities and other local government associations, the bill was amended to include an urgency clause, allowing cities to provide services and conduct city business safely and uninterrupted.

From the moment AB 339 (Lee) was introduced, Cal Cities led a coalition in strong opposition to the bill. While cities are committed to conducting public meetings transparently and providing opportunities for public participation, AB 339 was the wrong approach. The bill failed to consider the practical impacts of unlimited remote public comment on local agencies' ability to both deliberate and act on items of importance to the public. The measure would have required cities to provide call-in and internet-based options, in addition to in-person options, for members of the public during any public meeting. By not including any clear ability to limit participation or length of testimony, the bill would have allowed a relatively small group of people from anywhere in the world to disrupt a local government meeting. With continued pressure from Cal Cities and local governments, the bill was significantly amended but remained problematic.

Although AB 339 passed out of the Legislature, it eventually was vetoed by the Governor, who shared many of Cal Cities' concerns. He noted that the bill would "set a precedent of tying public access requirements to the population of jurisdiction," "limits flexibility and increases costs for the affected local jurisdictions trying to manage their meetings," and "puts the health and safety of the public and employees at risk."

The Governor's veto is important; however, much work remains to be done as we are actively looking at ways to revise and modernize the Brown Act to increase public access while protecting public health and safety.

Pandemic regulatory relief maintains local control

In a move to support California's post-pandemic recovery, the Governor and the Legislature almost unanimously approved several pieces of legislation to build upon some of the state's more successful pandemic-era rules: SB 314 (Wiener), AB 61 (Gabriel), and SB 389 (Dodd). All three Cal-Cities supported measures provide some

regulatory flexibility or relief to qualified businesses serving alcoholic beverages in nontraditional spaces due to indoor dining restrictions. Cal Cities worked closely with SB 314's and AB 61's authors to secure key amendments that preserve local authority.

A good year for organic waste diversion

Although Cal Cities focuses much of its advocacy efforts on its yearly Action Agenda, it is also responsive to the evolving needs of cities. One key issue in 2021 was the need for additional funding and time to implement SB 1383 (Lara, 2016) organic waste diversion regulations. Cal Cities worked closely with its members through a survey and a series of roundtables to determine the extent of the issue and with Senator John Laird on a legislative solution.

A longtime assembly member, former budget chair, and former Natural Resources Agency Secretary, Senator Laird was instrumental in helping cities secure funding and flexible compliance pathway. SB 170 (Skinner) includes $60 million in grant funding to help cities implement SB 1383 regulations and more than $100 million for organic waste infrastructure. Although far less than Cal Cities' original ask, it is still the largest amount of money ever set aside for cities in a single fiscal year for SB 1383 implementation. Additionally, SB 619, which Senator Laird authored, gives local governments a pathway to compliance with SB 1383 and Cal Cities more time to secure additional SB 1383 funding.

Senator Laird ultimately was awarded the 2021 Distinguished Legislative Leadership Award at Cal Cities' 2021 Annual Conference and Expo for his work in providing additional funding and time for SB 1383 regulations.

A good year for other environmental issues

For years, Cal Cities has been heavily involved in attempts to overhaul California's plastic recycling system, a desire shared by many lawmakers, most notably Senator Ben Allen. This year, several innocuous, but notable recycling bills finally passed — despite fervent opposition from industry groups, potentially setting up a larger fight in 2022, including at the ballot box.

One of the more noteworthy measures is SB 343 (Allen) which clarifies which materials are suitable for recycling. Due to decades of greenwashing, many consumers wrongly assume that all materials with the word "recyclable" or the "chasing arrows" symbol are recyclable. These designations now will be reserved for materials that are truly recyclable and routinely sold to manufacturers to make new products. These changes will reduce contamination, lower waste volume, and improve recycling rates. SB 343 passed due to a coalition of nonprofits and local government partners, including Cal Cities.

Cal Cities also worked closely with cities and lawmakers to pass AB 1311 (Wood). Cal Cities, along with the California State Association of Counties and the Rural County

Representatives of California, identified a crisis-in-making early on — zero access to certified recycling centers in numerous counties. Using that information, Assembly Member Jim Wood crafted AB 1311, which expands the number of beverage container redemption opportunities under the California Beverage Container Recycling and Litter Reduction Act. The bill, which is a strong step in the right direction, will help create new opportunities for consumers to redeem their California Redemption Value and preserve the program's core functions.

Unlike last year, dozens of environmental quality bills advanced to the Governor's desk. Other significant bills include SB 1 (Atkins), which establishes new planning, assessment, funding, and mitigation tools for California to address and respond to sea level rise, and SB 323 (Caballero) that gives public agency water and sewer rates the same protections already afforded to fees and charges that fund other essential government services.

SB 640 levels the playing field for key transportation funding process

Transportation funding continues to be an issue for cities struggling to maintain their roads, streets, and bridges. Cities seek creative ways to leverage their existing funds to help deliver needed local and regional projects. One strategy to successfully finance projects is to partner with other jurisdictions to pool transportation funds. However, under SB 1 (Beall, 2017), it was unclear if cities had the authority to jointly sponsor local streets and roads projects. SB 640 (Becker) clarifies this additional flexibility for cities to access the funding while teaming up with other cities or counties.

Under SB 640, two or more eligible cities, or one or more cities and a county, can combine resources on projects that affect multiple jurisdictions. The bill also consolidates reporting requirements into a single report making it easier for cities to provide required information. A desperately needed bill, both changes will allow cities to negotiate more competitive rates, thus maximizing SB 1 dollars on regional projects, and adding flexibility to the spending of that funding.

While this is a step in the right direction, continued talks around a more sustainable funding source for road maintenance and construction are urgently needed.

Major pension bill unfairly punishes cities

Despite opposition from Cal Cities members and coalition partners SB 278 (Leyva) will become law in 2022. Under SB 278, if CalPERS determines that compensation agreed to under a collective bargaining agreement is non-pensionable, cities must pay penalties to the affected retired member, survivor, or beneficiary and CalPERS, with 10% going directly to CalPERS. This creates both a conflict of interest for CalPERS and places 100% of the total liability for such overpayments on public agencies. SB 278 is a de facto and retroactive benefit enhancement measure that will further strain local agency budgets at a time where the impacts of COVID-19 and retirement obligations are making it exceedingly difficult to effectively provide critical services for the public.

Revenue and taxation measures yield mostly positive results

This year, lawmakers were reluctant to alter the existing revenue and taxation laws as many communities were still struggling to recover from the pandemic. Cal Cities worked extensively to educate key lawmakers about these impacts, resulting in several bills being held. As a result, 2021 was a good year for cities in the revenue and taxation space, except for a key sales tax measure that failed to secure the Governor's signature.

Two Cal Cities-supported bills, SB 60 (Glazer) and SB 219 (McGuire), were passed and signed. SB 60 allows cities and counties to impose larger fines for violations of short-term rental ordinances up to $5,000 for each violation, which will help prevent public health and safety violations related to short-term rentals. SB 219 provides much-needed flexibility to residents unable to pay their property taxes due to economic hardship caused by a shelter-in-place order. Additionally, SB 555 (McGuire), a bill that would have resulted in less effective tax collection from short-term rentals, was turned into a two-year bill.

SB 792 (Glazer) aimed to better inform the public's understanding of online transactions and the flow of goods across the state with new, modernized reporting requirements. Cal Cities members and others advocated for better data about these transactions. However, the Governor vetoed the bill, noting that it creates a "burdensome and costly new reporting requirement for many retailers that is unrelated to their tax obligations." Cities will have to continue relying on current analysis, which is constrained to modeling based on transaction and use tax (district tax) data from about half of California's 482 cities.

Key amendments secured for significant police reform bills

After the senseless death of George Floyd and the civil unrest that followed, it became clear that public safety and police reform policy would be a major priority of the Legislature this session. The Cal Cities Board of Directors voted in December 2020 to create a Public Safety Task Force, which would provide feedback and recommendations on public safety policy priorities. This allowed Cal Cities to remain highly engaged on these issues throughout the year, negotiating amendments that removed some of the more contentious elements for cities, while preserving the bills' core functions and promoting appropriate transparency, reporting, and certification standards.

Cal Cities, California State Sheriffs Association, and the California Correctional Peace Officers Association, played a key role in securing amendments to SB 16 (Skinner). As previously drafted, the measure would have made every incident involving unreasonable or excessive force and any sustained finding that an officer failed to intervene in such cases subject to disclosure. The bill now only mandates the disclosure of substantiated claims. Cal Cities and others removed their opposition, paving the way for the Governor's eventual signature.

Cal Cities also secured substantial amendments to SB 2 (Bradford), which undercuts the federally held doctrine of qualified immunity and outlines a largely unworkable peace officer decertification process. The amendments Cal Cities negotiated addressed financial concerns related to lawsuits under the Tom Bane Civil Rights Act, which would have seriously impacted cities financially. While these were critical amendments, Cal Cities remained opposed to the bill largely due to the new Peace Officer Standards and Training Commission advisory board, which removes police chiefs from the decision-making process. Despite our continued opposition, the Governor signed this measure.

Cal Cities supported AB 89 (Jones-Sawyer) after the author addressed concerns about the measure's impact on recruitment and a lack of access to higher education in some communities. The signed bill takes a nuanced, collaborative, and thoughtful approach to the law enforcement certification process. This measure includes the requirement to create a modern policing degree program by June 2023, as well as recommendations to provide financial assistance for students from historically underserved and disadvantaged communities.

One of the last bills the Governor acted on was AB 603 (McCarty), which he vetoed. The bill would have required cities to post details about money spent on law enforcement-related settlements and judgments online. Cal Cities argued that the measure would both undermine trust — as most defendants settle with the plaintiff out of economic necessity — and impose a significant, non-reimbursable cost statewide. The Governor partially agreed with Cal Cities, noting that the information is already available and could “have potentially significant General Fund costs associated with [it].”

The bills passed this year largely mirror Cal Cities recently adopted peace officer decertification process policy. Bad actors need to be held accountable, but in a way that does not remove cities from the decision-making process. Bills like SB 2 (Bradford), while far from perfect, make moves in the right direction. Cal Cities will continue to focus advocacy efforts on improving that process and ensuring its transparency and effectiveness.

In short, 2021 yielded positive legislative results for cities, largely thanks to the efforts of Cal Cities and California’s city officials. Despite monumental — and at times, seemingly insurmountable challenges — local leaders rose to the occasion and made sure lawmakers knew how bills would impact their communities.

But city leaders were not just their greatest advocates. They also demonstrated that, when given the right tools and information, cities can find solutions to some of the nation's most pressing problems. Working together with state and federal lawmakers, Cal Cities and its members were able to deliver some truly historic outcomes for California's many diverse communities.

Outlook for 2022

Next year will undoubtedly be another interesting year. Several key housing bills that failed to materialize may resurface in 2022, and a statewide drought and the continuing effects of climate change will influence many legislative conversations around water infrastructure, disaster preparedness, and climate resiliency. Pension sustainability, infrastructure funding, and other public safety reforms will also remain hot-button issues, all as local communities continue to recover from the economic and public health impacts of the pandemic.

The policy fight will not just be confined to the halls of the Capitol. Next year is also an election year, which means voters will be asked to decide the fate of several ballot initiatives in November 2022, many of which may significantly impact cities.

The 2022 election, as well as new redistricting lines, will certainly impact decisions and priorities in Sacramento. The Governor, as well as many lawmakers, will be up for reelection, some in new legislative districts. The election will most likely impact the Legislature's legislative agenda but given the Governor's large margin of victory in the recall election, it's difficult to anticipate how his reelection campaign may impact his priorities in 2022.

Given the magnitude of legislative issues that are left to be resolved and the ballot measure fights ahead of us, it will be more important than ever that in 2022 cities are united in their effort to affirm local decision-making. Cal Cities will continue to fight on behalf of cities to ensure that their voices are heard loud and clear in the Capitol, and remain laser-focused on advancing the priorities that matter most to city leaders.

Together, we will work to uphold local authority, advance our legislative priorities, and improve the quality of life for the Californians that call our communities home.

BUDGET AND TRAILER BILLS

I. Budget and Trailer Bills

A. 2021 Budget Acts

AB 128 (Ting) Budget Act of 2021.
Chapter 21, Statutes of 2021 (Urgency)
Cal Cities has prepared a comprehensive summary of this measure in Appendix A of this document.

AB 161 (Ting) Budget Act of 2021.
Chapter 43, Statutes of 2021
This measure contains revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

Environmental Quality

- $500 million General Fund available for wildfire prevention and forest resilience activities in 2021-22, upon order of the Department of Finance; and
- $15 million for the San Joaquin River Conservancy for operations and maintenance.

Statewide Government

- $28.4 million General Fund for counties related to the Gubernatorial Recall Election.

AB 164 (Ting) Budget Act of 2021.
Chapter 84, Statutes of 2021
This measure contains revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

Transportation, Communications, and Public Works
This measure provides the following investments in broadband infrastructure, as follows:

- $2 billion for last-mile broadband infrastructure, which will increase connectivity and affordability for underserved and unserved rural and urban communities;
- $3.25 billion for a statewide, open-access, middle-mile network, to make it easier for internet providers to provide faster, cheaper service throughout the state; and
- $750 million to establish a new loan loss reserve account to provide collateral to local governments issuing bonds for municipal broadband deployment.

SB 129 (Skinner) Budget Act of 2021.
Chapter 69, Statutes of 2021
This measure contains major revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

Revenue and Taxation

The state continues utilizing its record surplus to pay down debt, honor deferrals, and prepare for rising outyear costs. Notably, the budget agreement includes the following:

- The reserve funds include: $15.8 billion in the Proposition 2 Budget Stabilization Account (Rainy Day Fund) for fiscal emergencies, $900 million in the Safety Net Reserve, $4.5 billion in the Public School System Stabilization Account, and an estimated $4 billion in the state's operating reserve; and
- The budget continues to pay down the state's long-term retirement liabilities, with $3.4 billion in payments required by Proposition 2 in 2021-22 plus $7.9 billion in additional payments over the next three years.

Housing and Homelessness

Housing

- $50 million for the Serna Jr. Farmworker Housing Grant Program at the Department of Housing and Community Development;
- $10 million for a grant program for local governments to incentivize the conversion of idle commercial properties to affordable housing;
- $50 million in one-time General Fund resources to expand the Golden State Acquisition Fund (GSAF), which, combined with matching funds, GSAF makes up to five-year loans to developers for acquisition or preservation of affordable housing; and
- $100 million to the California Housing Finance Agency (CalHFA), to expand CalHFA's homebuyer assistance program and begins the process of developing the California Dream for All First Time Homebuyer Program to be used for homebuyer assistance.

Homelessness

- $250 million in General Fund for Homekey within the Multifamily Housing Program, bringing the total investment to $1.45 billion;
- $4 million for a homeless data system at the Business, Consumer Services, and Housing Agency;
- $285 million General Fund for the Department of Social Services for the CalWORKs homeless program;
- $50 million to address encampments for persons experiencing homelessness;
- $300 million General Fund one-time for the Home Safe Program over two years to help combat senior homelessness; and
- $380 million one-time for the CalWORKs Housing Support Program over two years to house families in the program and help them avoid eviction.

Environmental Quality

Climate Resiliency Package

- $2.5 billion in General Fund.
    - $730.7 million for water and drought resilience package;
    - $440 million on a one-time basis for a climate resiliency package;

- $65 million on a one-time basis for a circular economy package;
- $200 million for local parks grants; and
- $258 million for wildfire prevention and forest resiliency package.

Office of Planning and Research (OPR)

- $185 million to OPR for cities for local assistance, $150 million to the 13 largest cities, and $35 million to all cities under 300,000 population.

Sea Level Rise

- $40 million for sea level rise grants for support or local assistance to local governments.

Wildfire

- Approximately $39.5 million from the Greenhouse Gas Reduction Fund (GGRF) to the California Department of Forestry and Fire Protection (CAL FIRE) for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires; and
- $35 million from the GGRF to CAL FIRE to complete prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.

Water

- $663 million for local assistance to Department of Water Resources; includes $100 million for urban community drought relief and $3 million for immediate drought support;
- $1.385 billion to the State Water Resources Control Board; includes $650 million each for drinking water and wastewater projects; and
- $985 million to forgive residential and commercial customer arrearages and water enterprise revenue shortfalls from March 4, 2020, to June 15, 2021.

Energy

- $993.5 million for California Arrearage Payment Program to reduce delinquent electricity and natural gas utility bill balances for customers experiencing economic hardship from COVID-19.

<u>Transportation, Communications, and Public Works</u>

- $2.7 billion in funding for a variety of programs related to zero-emission vehicles.
  - $525 million for the Clean Vehicle Rebate Project;
  - $500 million for zero-emission vehicle charging and fueling infrastructure;
  - $500 million in funding for the Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program;
  - $125 million in zero-emission vehicle manufacturing grants;

  - $475 million for drayage trucks, transit buses, and school buses, and associated infrastructure;
  - $407 million for zero-emission transit investments; and
  - $50 million for near-zero truck replacement.
- $350 million for the first year of a $400 million transportation adaptation grant program; and
- $328 million for a variety of beautification and improvement projects along the state highway system and local streets and roads.

Public Safety

Cannabis
The budget agreement contains spending allocations to transition provisional licenses to more permanent annual licenses under the new Department of Cannabis Control, including:

- $30 million for fee waivers and deferrals for social equity applicants; and
- $100 million allocated for the Local Jurisdiction Assistance Grant Program, which will provide funding to local jurisdictions with commercial cannabis licensees needing the greatest assistance in transitioning from a provisional license to an annual license.

SB 170 (Skinner) Budget Act of 2021.
Chapter 240, Statutes of 2021
This measure contains revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

- $50 million for urban greening and urban forestry projects;
- $10 million for regional climate assistance, and $115 million for the Transformative Climate Communities program through the Strategic Growth Council;
- $25 million to the Governor's Office of Planning and Research through the Integrated Climate Adaptation and Resiliency Program for climate resiliency planning and implementation grants;
- $100 million to CAL FIRE, including for priority urban forestry projects;
- $25 million in fiscal year 2022-23, and $75 million in fiscal year 2023-24, to OPR for projects that mitigate the impacts of extreme heat or the urban heat island effect;
- $40 million in various grants to further the creation of a circular economy by funding recycling and organic waste infrastructure projects; and
- $130 million from the GGRF for waste reduction and management; including $60 million for local jurisdictions to implement the CalRecycle SB 1383 (Lara, Statutes of 2016) organic waste diversion regulations, and $70 million for organic waste infrastructure.

B. 2021 Budget Act Trailer Measures

AB 88 (Cmte. on Budget) One-Time Stimulus and Grant Payments. Garnishment. Exclusion From Gross Income.
Chapter 12, Statutes of 2021
This measure amends the Golden State Stimulus Act established in SB 88 (Cmte. On Budget and Fiscal Review, Chapter 8, Statutes of 2021) to exempt the stimulus payments from garnishment orders, exclude the stimulus payments from the definition of gross income, and other technical changes.

AB 137 (Cmte. on Budget) State Government.
Chapter 77, Statutes of 2021
This measure implements the following actions notable for local governments related to state administration:

- Establishes the Forced or Involuntary Sterilization Program within the California Victim Compensation Board to provide reparations for the survivors of state-sponsored sterilization;
- Waives fees for state gambling licenses between Jan. 31, 2020, to July 31, 2021; and
- Creates the Solar Restitution Program to provide restitution for homeowners that have been defrauded by solar installers after Jan. 1, 2016. This measure sunsets on June 30, 2024.

AB 140 (Cmte. on Budget) Housing.
Chapter 111, Statutes of 2021
This measure includes the following provisions and funding for housing and homelessness:

- $2 billion in aid to counties, large cities, and Continuums of Care through the Homeless Housing, Assistance and Prevention grant program;
- $50 million for Encampment Resolution Grants, which will help local governments resolve critical encampments and transition individuals into permanent housing;
- $2.7 million in one-time funding for Caltrans Encampment Coordinators to mitigate safety risks at encampments on state property and to coordinate with local partners to connect these individuals to services and housing;
- $250 million for the Infill Infrastructure Grant Program and extends the lifetime of the program to Jan. 1, 2026; and
- A statutory exemption for the California Environmental Quality Act for activities funded by the second round of funding for Homekey.

AB 141 (Cmte. on Budget) Budget Act of 2021. Department of Cannabis Control. Licensure. Safety and Quality Assurance.
Chapter 70, Statutes of 2021
This measure established the Department of Cannabis Control within the Business, Consumer Services and Housing Agency and consolidated the powers, duties,

functions, responsibilities, and jurisdiction for commercial cannabis activities previously divided among the Bureau of Cannabis Control, the Department of Food and Agriculture, and the Department of Public Health. Further information is included on the Cal Cities website in the publication Seed to Sale: A Guide to Regulating Cannabis in California Cities.

AB 145 (Cmte. on Budget) Public Safety.
Chapter 80, Statutes of 2021
This measure implements the following actions related to public safety that are notable for local governments:

- Authorizes counties to enter into contracts with the state to train justice-involved youth in firefighting skills at the Pine Grove Youth Conservation Camp;
- Establishes the County Resentencing Pilot Program to exercise prosecutorial resentencing discretion between district attorneys, county public defenders, and community-based organizations;
- Modified the California Community Corrections Performance Incentives Act allocation formula for the 2021-22 fiscal year; and
- Authorizes the Governor's Office of Emergency Services to provide financial reimbursements for the conduction of medical evidentiary examinations of sexual assault survivors.

AB 148 (Cmte. on Budget) Public Resources.
Chapter 115, Statutes of 2021
This measure makes the following changes to the Public Resources Code as follows:

- Establishes the California Water and Wastewater Arrearage Payment Program within the State Water Resources Control Board to provide relief for arrearages accrued during the COVID-19 pandemic, with specified parameters;
- Authorizes the state to create a grant program or make direct expenditures to provide relief in response to health and safety impacts of a drought. This program is subject to appropriation in a subsequent fiscal year; and
- Extends the sunset date of the Beverage Container Recycling Pilot Program to Jan. 1, 2027 and expands the pilot program capacity to 10 projects.

AB 149 (Cmte. on Budget) Transportation.
Chapter 81, Statutes of 2021
This measure includes the following provisions and funding within the overall 2021-22 budget package necessary to implement actions related to transportation:
Extension of Statutory Relief for Transit Agencies
Extends several types of temporary statutory relief for transit agencies impacted by the COVID-19 pandemic that were provided as part of the 2020 Budget Act. These provisions include:

- Continues the hold harmless provision for calculation and allocation of State Transit Assistance (STA) Program, STA-State of Good Repair, and Low Carbon Transit Operations Program allocations (Local Revenue Basis Only) provided in the 2020 Budget Act through the 2022-23 budget years. Directed the State

Controller to "freeze" for the 2020-21 through 2022-23 budget years the local revenue allocation factors used most recently before the pandemic;
- Allocates transit agencies funds under these three programs using those same allocation factors, as opposed to updating the factors each year;
- Extends the temporary suspension of the financial penalties associated with the Transportation Development Act's requirements that transit agencies obtain specified fixed percentages of their operating budgets from passenger fares through 2022-23; and
- Continues the temporary suspensions of the financial penalties associated with the STA Program's operating cost per revenue vehicle hour requirements through 2022-23.

Clean California

Establishes the Clean California Local Grant Program of 2021, to allocate grants to local and regional public agencies, transit agencies, and tribal governments for purposes of beautifying and cleaning up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces.

- Limits grant awards to $5 million per grant;
- Prohibits grants that fund projects that displace people experiencing homelessness;
- Requires a funding distribution that takes into account the population that each project is intended to benefit relative to the total population that all projects awarded grants pursuant to the program will benefit and the needs of underserved communities;
- Establishes the Clean California State Beautification Program of 2021 to provide funding to beautify and clean up state highways;
- Allows the Department of Transportation to use job order contracting for the Clean California Beautification Program of 2021; and
- Provides that the Department of Transportation is delegated the authority necessary to carry out the purchase of vehicles, equipment, or other products as needed to implement the department's supplemental Fleet Acquisition Plan Fiscal Year 2021–22 for the acquisition of 269 medium-and heavy-duty vehicles and equipment to support litter abatement under the Clean California Beautification Program of 2021.

Local Streets and Roads

Makes the following changes related to the local streets and roads maintenance of efforts for cities and counties, as follows:

- Provides that cities and counties are not required to comply with the annual minimum expenditure requirements in 2019-20;
- Requires the Controller to adjust the annual minimum expenditure requirements in the 2020-21 and 2021-22 fiscal years in proportion to any decrease in taxable sales within the applicable city or county between specified fiscal years; and
- Authorizes a city or county to petition the State Controller to use transient occupancy tax revenues in lieu of taxable sales, for purposes of making these adjustments.

AB 150 (Cmte. on Budget) Sales and Use Tax Law. Personal Income Tax Law. Corporation Tax Law. Budget Act of 2021.
Chapter 82, Statutes of 2021
This measure makes several statutory changes to the Revenue and Taxation code necessary to implement the 2021 Budget Act. This measure makes the following changes notable for local governments:

- Extends the sunset date for the State Historic Tax Credit to Jan. 1, 2027;
- Permanently exempts sales and sales use tax for diapers and menstrual products;
- Expands a tax credit for small businesses that hire new employees;
- Establishes a tax credit for employers who hire homeless individuals between Jan. 1, 2022, and Jan. 1, 2027;
- Extends the sunset date for tax credits for individuals that donate fresh fruits and vegetables to a food bank; and
- Increases the amount of credits allocated in the California Competes Tax Credit program.

AB 175 (Cmte. on Budget) Housing. Mortgages and Deeds of Trust. Use of State Property. Surplus Land Disposal. Financing Programs.
Chapter 255, Statutes of 2021
This measure makes a variety of technical, clarifying changes to recent legislation to address housing and homelessness included in the 2021 Budget Act. Specifically, this measure makes the following changes notable for local governments:

- Clarifies foreclose procedures and requirements for bidders, foreclosed-on owners, and foreclosure trustees;
- Authorizes the City of Sacramento to enter into a contract with the Cal Expo Board of Directors to provide emergency homelessness shelters; and
- Provides that surplus land disposal procedures existing on Dec. 31, 2019, apply to the Metro North Hollywood Joint Development Project under specific conditions until Dec. 31, 2024.

AB 177 (Cmte. on Budget) Public Safety.
Chapter 257, Statutes of 2021
This measure makes several technical statutory changes in order to implement the public safety portions of the 2021 Budget Act, and also makes the following changes notable for local governments:

- Eliminates 17 criminal administrative fees as of Jan. 1, 2022; and
- Increases the transcript rate for court reporters to $1.13 for each 100 words.

SB 85 (Cmte. on Budget and Fiscal Review) Budget Act of 2020.
Chapter 14, Statutes of 2021
This measure amends the 2020 Budget Act and appropriates $536 million for the 2020-21 fiscal year for wildfire and forest resiliency programs. Cities are eligible for several large pots of funding for home hardening, urban forestry, and wildfire prevention. Notable items for cities within this funding package include:

- $342 million to CAL FIRE, including but not limited to:

  - $123 million for fire prevention grants to reduce wildfire risk to homes and communities;
  - $10 million for urban forestry to provide grants to local governments to plant trees, improve the management of urban forests, and better utilize wood waste; and
  - $2 million for defensive space inspectors in the State Responsibility Area lands to ensure that structures are in compliance with state defensible space requirements.
- $25 million for the California Office of Emergency Services to assist low-income and disadvantaged homeowners with home hardening programs;
- $16 million for the Climate Catalyst Revolving Loan Fund. Eligible uses for this fund include: providing loans, loan guarantees, and other credit support to encourage the development of businesses that utilize wood and forest biomass and encouraging private-sector innovations in technology, business models, infrastructure, and supply chains in woody biomass markets; and
- $50 million to the Department of Conservation for the Regional Forest and Fire Capacity Program, which provides block grants to regional and statewide entities to engage with communities, develop project priority plans, prepare projects to be shovel-ready, and implement demonstration projects.

SB 87 (Caballero) California Small Business Covid-19 Relief Grant Program. Income Tax. Gross Income. Exclusion. Small Business Grants.
Chapter 7, Statutes of 2021
This measure appropriates $2.075 billion to establish the California Small Business COVID-19 Relief Grant Program to provide economic relief via grants to small businesses impacted by the COVID-19 pandemic.

SB 88 (Cmte. on Budget and Fiscal Review) One-Time Stimulus Payment. Delinquent Accounts. Earned Income Tax Credit. Statements.
Chapter 8, Statutes of 2021
This measure establishes the Golden State Stimulus program, which includes one-time $600 stimulus payments to provide relief for low-income Californians impacted by the COVID-19 pandemic, within specified parameters. See SB 139 (Chapter 71, Statutes of 2021) for the Golden State Stimulus II program.

SB 91 (Cmte. on Budget and Fiscal Review) COVID-19 Relief. Tenancy. Federal Rental Assistance.
Chapter 2, Statutes of 2021
This measure extends the statewide moratorium on evictions for nonpayment of rent due to COVID-19 financial hardship to June 30, 2021, and establishes the State's Emergency Rental Assistance Program. The U.S. Treasury Department allocated $2.6 billion to California for the program, with $1.5 billion of federal rental relief funds to go toward implementation of a statewide rental assistance program, and $1.1 billion to go to California's largest cities and counties according to federal law. More information is available on the Cal Cities website.

SB 92 (Cmte. on Budget and Fiscal Review) Juvenile Justice.
Chapter 18, Statutes of 2021
This measure includes provisions and amendments to execute the shift of responsibility for the state's juvenile justice system to local jurisdictions, as included in the 2020 Budget Act. Specifically, this measure includes the following statutory changes notable for local governments:

- Closes state juvenile justice correctional facilities on June 30, 2023; and
- Authorizes counties to establish secure youth treatment facilities for youth that are found to be a ward of the court as a result of an offense that would have resulted in commitment to a state juvenile justice correctional facility.

SB 93 (Cmte. on Budget and Fiscal Review) Employment. Rehiring and Retention. Displaced Workers. COVID-19 Pandemic.
Chapter 16, Statutes of 2021
This measure requires employers in specified industries to offer return-rights to formerly laid-off employees as a result of the COVID-19 pandemic until Dec. 31, 2024.

SB 94 (Skinner) Alcoholic Beverage Control. Barbering and Cosmetology. License Renewal Fees. Waiver.
Chapter 9, Statutes of 2021
This measure waives fees for the licensees of the State Board of Barbering and Cosmetology between Jan. 1, 2021, and Jan. 1, 2023. This measure also waives fees for licensees of the Department of Alcoholic Beverage Control between March 1, 2021, and Feb. 28, 2023.

SB 139 (Cmte. on Budget and Fiscal Review) Golden State Stimulus II. Golden State Stimulus.
Chapter 71, Statutes of 2021
This measure establishes the Golden State Stimulus II program, which includes one-time stimulus payments to provide relief for low-income and middle-income Californians impacted by the COVID-19 pandemic, within specified parameters and with varying stimulus amounts based on marital status, tax filing status, and with or without dependents. See SB 88 (Chapter 8, Statutes of 2021) for the first Golden State Stimulus program.

SB 147 (Cmte. on Budget and Fiscal Review) Budget Act of 2020. Augmentation.
Chapter 40, Statutes of 2021
This measure amends the 2020 Budget Act to provide supplemental appropriations in the 2020-21 fiscal year. These augmentations are for unforeseen state costs, primarily related to court-ordered reforms at correctional facilities.

SB 151 (Cmte. on Budget and Fiscal Review) Economic Development.
Chapter 74, Statutes of 2021
This measure includes a suite of investments in economic development and economic relief related to the COVID-19 pandemic. Most notable investments for local governments in this measure include:

- Establishes the California Competes Grant Program to incentivize businesses to make significant investments in California, with specified requirements;
- Updates to the Innovation Hubs Program to focus on inclusivity, startup companies, and commercialization of technology;
- Establishes the California Dream Fund to provide small grants to new businesses via the California Small Business Technical Assistance Expansion Program;
- Establishes the California Venues Grant Program to provide grants to venues that host live events;
- Establishes the California Nonprofit Performing Arts Grant Program to support performing arts workforce development; and
- Establishes the California Microbusiness COVID-19 Relief Grant Program to fund regional programs that support microbusinesses.

SB 152 (Cmte. on Budget and Fiscal Review) Elections.
Chapter 34, Statutes of 2021
This measure appropriates $35 million to the Secretary of State to support statewide and county costs of the 2021 gubernatorial recall election. It also authorizes a local government entity that previously called a special local election to consolidate that election with a gubernatorial recall election if all the following conditions are met:

- The special local election was called prior to June 15, 2021;
- The original date on which the special local election was called is not more than 30 days before and not more than 30 days after the date of the gubernatorial recall election; and
- The call to consolidate the special local election with the gubernatorial recall election is issued within four days from the date of issuance of the Lieutenant Governor's proclamation calling a gubernatorial recall election.

SB 155 (Cmte. on Budget and Fiscal Review) Public Resources Trailer Bill.
Chapter 258, Statutes of 2021
This measure makes the following investments in climate resiliency and disaster preparedness:

- $200 million continuously appropriated to CAL FIRE for healthy forest and fire prevention programs, and for prescribed burns and other fuel reduction projects;
- $350 million to the State Coastal Conservancy for mitigating the impacts and effects of sea level rise, including low-interest loans to local jurisdictions to purchase properties vulnerable to sea level rise;
- $25 million to the OPR through the Integrated Climate Adaptation Program for establishing a grant program to mitigate the impacts of extreme heat or the heat island effect; and
- $25 million to the Strategic Growth Council for the establishment of a community resilience centers grant program.

SB 156 (Cmte. on Budget and Fiscal Review) Communications. Broadband.
Chapter 112, Statutes of 2021
This measure provides the statutory framework to implement the investments in public broadband infrastructure appropriated in AB 164 (Ting, Chapter 84, Statutes of 2021), as follows:

- $2 billion for last-mile broadband infrastructure, which will increase connectivity and affordability for underserved and unserved rural and urban communities;
- $3.25 billion for a statewide, open-access, middle-mile network, to make it easier for internet providers to provide faster, cheaper service throughout the state; and
- $750 million to establish a new loan loss reserve account to provide collateral to local governments issuing bonds for municipal broadband deployment.

The measure also reforms the California Advanced Services Fund program to ensure the funds are spent quickly and efficiently and includes accountability and oversight provisions, including a nine-member council with broad representation.

SB 158 (Cmte. on Budget and Fiscal Review) Hazardous Waste.
Chapter 73, Statutes of 2021
This measure makes several programmatic and structural reforms to the Department of Toxic Substances Control, of which, items notable for local governments include:

- The establishment of an Office of the Ombudsperson to receive complaints and suggestions from the public and regulated community;
- Changes to the existing Hazardous Waste Management Account fee structure; and
- Appropriates $500 million to address underutilized properties with the presence of a hazardous substance, pollutant, or contaminants and establishes a competitive grant program to provide funding to local governments and other entities to investigate and clean up such properties.

SB 160 (Cmte. on Budget and Fiscal Review) Department of Cannabis Control. Licensure. Appellations of Origin. Trade Samples.
Chapter 87, Statutes of 2021
This measure makes various technical amendments and revisions to AB 141 (Cmte. on Budget, Chapter 70, Statutes of 2021) regarding the Department of Cannabis Control. Further information is included on the Cal Cities website in the publication Seed to Sale: A Guide to Regulating Cannabis in California Cities.

SB 162 (Cmte. on Budget and Fiscal Review) Community Economic Resilience Fund Program.
Chapter 259, Statutes of 2021
This measure appropriates $600 million to establish the Community Economic Resilience Fund Program, which is intended to build an equitable and sustainable economic recovery from the impacts of COVID-19 on California's industries, workers, and communities, and to provide for the durability of that recovery by fostering long-term economic resilience in the overall transition to a carbon-neutral economy. Specifically, this measure will, among other things:

- Award planning grants on a competitive basis to establish and support at least one High Road Transition Collaborative per region in areas that have had disproportionate impacts due to COVID-19; and
- Develop one or more regional and subregional economic recovery and transition plans addressing essential elements of a high road strategy, including economic diversification, industry planning, workforce development, and the identification and integration of current or supplemental safety net programs.

SB 169 (Cmte. on Budget and Fiscal Review) Postsecondary Education Trailer Bill.
Chapter 262, Statutes of 2021
This measure, among other items, appropriates $500 million in the 2021-22 fiscal year to establish the Higher Education Student Housing Grant Program to provide one-time grants for the construction or renovation of student housing. This program is intended to provide affordable, low-cost options for students enrolled in public postsecondary education. This measure also establishes the Higher Education Capacity Expansion Grant Program to provide one-time grants for capacity expansion projects to support increased California resident enrollment and includes legislative intent to appropriate funds for this program in a subsequent fiscal year.

COMMUNITY SERVICES

II. Community Services

A. Aging and Seniors

AB 323 (Kalra) Long-Term Health Facilities.
Chapter 458, Statutes of 2021
This measure increases the number of civil penalties that can be assessed by the California Department of Public Health (CDPH) when issuing penalties against long-term care facilities for violations that result in the death of a resident from "direct proximate cause" to "substantial factor" and the death was a result of the violation.

AB 665 (E. Garcia) Care Facilities. Internet Access.
Chapter 469, Statutes of 2021
This measure requires residential facilities serving adults, residential care facilities for persons with chronic life-threatening illness, and residential care facilities for the elderly with existing internet service to provide at least one internet access device that can support real-time interactive applications, is equipped with videoconferencing technology, and dedicated for client or resident use.

SB 650 (Stern) Skilled Nursing Facilities.
Chapter 493, Statutes of 2021
This measure requires organizations that operate, conduct, own, manage, or maintain a skilled nursing facility to prepare and file an annual consolidated financial report with the California Department of Health Care Access and Information. The financial report will include data from all related parties the organization has an ownership or control interest of 5% or more and that provides any services or supplies to the skilled nursing facility. This measure also requires the financial reports to begin after Dec. 31, 2023, and to be reviewed by a certified public accountant.

B. Animal Services

AB 468 (Friedman) Emotional Support Animals.
Chapter 168, Statutes of 2021
This measure requires a person or business that sells or provides a dog for use as an emotional support dog to provide a written notice to the buyer or recipient of the dog stating that the dog does not have the special training required to qualify as a guide, signal, or service dog. This notice must also explain that these animals are not entitled to the rights and privileges accorded by law to a guide, signal, or service dog and that knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as a guide, signal, or service dog is a misdemeanor.

AB 1535 (Cmte. on Business and Professions) Veterinary Medical Board. Application and Examination. Discipline and Citation.
Chapter 631, Statutes of 2021
This measure extends the provisions establishing the Veterinary Medical Board within the Department of Consumer Affairs and authorizes the Board to appoint an executive officer until Jan. 1, 2026. Additionally, this measure enacts numerous changes to the regulation of veterinarians, Registered Veterinary Technicians, Veterinary Assistant Controlled Substances Permit holders, veterinary schools, and veterinary premises.

C. Arts and Culture

SB 628 (Allen) California Creative Workforce Act of 2021
This measure enacts the California Creative Workforce Act of 2021 to establish creative arts workforce development as a state priority and promote employment and "earn and learn" job training opportunities for creative workers. This measure requires the California Arts Council (CAC) to design the program in collaboration with the California Workforce Development Board (CWDB). The CAC is required to consult with local governments, community nonprofit organizations, and educational institutions in this effort. Additionally, this measure directs the CAC, in consultation with the CWDB, to design a grant program pursuant to the objectives of the California Creative Workforce Act.

D. Children, Childcare, and Youth Programs

***AB 46 (L. Rivas) California Youth Empowerment Act.**
Chapter 660, Statutes of 2021
This measure creates the California Youth Empowerment Act and establishes the California Youth Empowerment Commission (CYEC) in state government. The CYEC will consist of 13 voting commissioners between 14 and 25 years of age, with 11 members appointed by the Governor, one at-large member appointed by the Senate Committee on Rules, and one at-large member appointed by the Speaker of the Assembly, along with several ex officio, non-voting members from various geographic regions of the state. The CYEC will serve as an advisory body to the Legislature and Administration.

AB 366 (Rubio) Foster Youth. Placement of Siblings.
Chapter 581, Statutes of 2021
This measure prohibits the physical capacity of the home from being the sole reason to deny placement of a sibling group if each child in the home has an age-appropriate place to sleep and there are no other safety risks.

AB 382 (Kamlager) Whole Child Model Program.
Chapter 51, Statutes of 2021
This measure removes labor organizations from the Department of Health Care Services Whole Child Model program stakeholder advisory group and instead includes recognized exclusive representatives of California Children's Services county providers. Additionally, this measure extends the sunset of the advisory group from Dec. 1, 2021, to Dec. 31, 2023.

AB 506 (Gonzalez) Youth Service Organizations. Child Abuse and Neglect Prevention.
Chapter 169, Statutes of 2021
This measure requires an administrator, employee, or volunteer of a youth service organization to complete child abuse and neglect reporting training and undergo a background check. This measure also requires a youth service organization to develop and implement child abuse prevention policies and procedures that, among other things, ensure the reporting of suspected incidents of child abuse to persons or entities outside of the organization. AB 506 additionally authorizes insurers to request information demonstrating compliance with these provisions before writing liability insurance for a youth service organization.

AB 1140 (R. Rivas) Foster Care. Rights.
Chapter 297, Statutes of 2021
This measure specifies that children who are placed in residential facilities and homes by the Office of Refugee Resettlement of the federal Department of Health and Human Services are included among those who the Office of the State Foster Care Ombudsperson is responsible for investigating and attempting to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services.

AB 1363 (L. Rivas) Preschool. Dual Language Learners.
Chapter 498, Statutes of 2021
This measure requires the Superintendent of Public Instruction (SPI) to develop procedures for providers to identify and report data on dual language learners enrolled in the California State Preschool Program. Additionally, this measure requires the SPI quality indicator for preschool programs to include activities and services that support dual language learners in the development of their home language and English.

SB 400 (Jones) Homeless Children and Youths. Local Educational Agencies. Collaboration, Training, and Reporting.
Chapter 400, Statutes of 2021
This measure requires a liaison for homeless children and youths of a local educational agency, as defined to include a school district, county office of education, charter school, or special education local plan area, to ensure the identification by school personnel of those children and youths through outreach and coordination activities with other organizations and the referral of services to homeless families and homeless children and youth.

E. Mental and Community Health

SB 465 (Eggman) Mental Health.
Chapter 544, Statutes of 2021
This measure requires the Mental Health Services Oversight and Accountability Commission to report to specified legislative committees the outcomes for people receiving community mental health services under a full-service partnership model, including any barriers to receiving the data and recommendations to strengthen California's use of full-service partnerships to reduce incarceration, hospitalization, and homelessness.

F. Natural Disaster Preparedness

***AB 118 (Kamlager) Department of Social Services. C.R.I.S.E.S. Grant Pilot Program.**
Chapter 694, Statutes of 2021
This measure creates the Community Response Initiative to Strengthen Emergency Systems (C.R.I.S.E.S) Grant Pilot Program. The C.R.I.S.E.S. grants are intended to expand the participation of community-based organizations in an emergency response role for vulnerable populations. This measure requires the Department of Social Services to administer the program and award grants to qualified grantees, which include city, county, and tribal departments of social services, disability services, health services, public health, or behavioral health, based on grant eligibility criteria developed in partnership with a stakeholder workgroup.

***AB 580 (Rodriguez) Emergency Services. Vulnerable Populations.**
Chapter 744, Statutes of 2021
This measure requires the Governor's Office of Emergency Services (Cal OES) to establish a standardized emergency management system for use by all emergency response agencies. Additionally, AB 580 requires the Director of Cal OES to appoint representatives of the access and functional needs population to serve on pertinent committees related to that system and to ensure the needs of that population are met within that system. This measure also requires counties to send their emergency plan to Cal OES on or before March 1, 2022, and upon any update to the plan after that date.

AB 663 (Chen) Corporations. Electronic Transmissions. Bylaws. Emergency Powers.
Chapter 523, Statutes of 2021
This measure authorizes a general corporation, nonprofit corporation, or cooperative corporation, in anticipation of an emergency or during an emergency to take any action it determines to be necessary or appropriate to respond to the emergency, mitigate the effects of the emergency, or comply with lawful federal and state government orders. However, this measure prohibits action that requires the vote of the shareholders or members unless the required shareholder or member approval was obtained prior to the emergency. Additionally, this measure permits a general corporation to hold annual

shareholder meetings and a nonprofit corporation and cooperative corporation to hold meetings entirely via teleconference or other remote means when all shareholders consent or in the case of an emergency.

G. Parks and Recreation

AB 959 (Mullin) Park Districts. Ordinances. Nuisances. Abatement.
Chapter 268, Statutes of 2021
This measure authorizes the board of directors of a regional park district, regional park and open-space district, or regional open-space district, by ordinance, to declare an encroachment onto district lands constitutes a nuisance. This measure additionally authorizes a district that adopts such a nuisance ordinance to establish a nuisance abatement procedure, including notice and hearing requirements, and to collect abatement and related administrative costs and penalties, including through a nuisance abatement lien. The county recorder can also impose a fee on a district to reimburse the costs of processing and recording a nuisance abatement lien and providing notice. The district can initiate a civil action to abate a nuisance in the name of the district.

ENVIRONMENTAL QUALITY

III. Environmental Quality

A. Air Quality

AB 619 (Calderon) Air Quality
Chapter 412, Statutes of 2021
This measure requires the California Department of Public Health (CDPH), in coordination with stakeholders, to develop a plan with recommendations and guidelines for counties to use in the case of a significant air quality event caused by wildfires or other sources. Counties, in advance of their next emergency plan update, must use the air quality plan developed by the department to create a county-specific plan that addresses all these recommendations and guidelines.

AB 1261 (Burke) State Air Resources Board. Greenhouse Gas Emissions. Incentive Programs.
Chapter 714, Statutes of 2021
This measure requires the California Air Resources Board (CARB) to establish specified processes to assist the state in achieving its greenhouse gas emissions reduction goals. This includes a process to identify any overlap among its incentive programs that share the same objectives and evaluate data on the behavioral changes that result from each of its incentive programs. The information collected pursuant to these processes will be used to refine the greenhouse gas emissions estimates for its incentive programs in annual reports to the Legislature, funding plans, or any long-term planning documents or reports as recommended by the State Auditor.

AB 1346 (Berman) Air Pollution. Small Off-Road Engines.
Chapter 753, Statutes of 2021
This measure requires CARB, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines. CARB will also identify and, to the extent feasible, make available funding for a commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines. This funding will be made available to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

SB 589 (Hueso) Air Pollution. Alternative Vehicles and Vehicle Infrastructure.
Chapter 732, Statutes of 2021
This measure requires the State Energy Resources Conservation and Development Commission to identify workforce development and training resources needed to meet the electric vehicle charging infrastructure goals of putting at least five million zero-emission vehicles in service by 2030 and reducing greenhouse gas emissions to 40% below 1990 levels by 2030.

B. California Environmental Quality Act (CEQA)

AB 819 (Levine) California Environmental Quality Act. Notices and Documents. Electronic Filing and Posting.
Chapter 97, Statutes of 2021
This measure requires California Environmental Quality Act (CEQA) notices and environmental review documents to be filed electronically and posted online. This measure also requires notices of an environmental impact report to be posted on the website of the county clerk of each county in which the project is located.

AB 1344 (Arambula) State Department of Public Health. Needle and Syringe Exchange Services
Chapter 480, Statutes of 2021
This measure reiterates and clarifies an existing exemption from CEQA for needle and syringe exchange program application submissions, authorizations, and operations performed pursuant to the Clean Needle and Syringe Exchange Program within CDPH.

SB 7 (Atkins) Environmental Quality. Jobs and Economic Improvement Through Environmental Leadership Act of 2021.
Chapter 19, Statutes of 2021
This measure re-establishes the expedited California Environmental Quality Act (CEQA) administrative and judicial review procedures in the Jobs and Economic Improvement Through Environmental Leadership Act (Leadership Act) for "environmental leadership development projects" for four years. Projects certified by the Governor under the former Leadership Act before Jan. 1, 2020, and approved by a lead agency on or before Jan. 1, 2022, may be governed by the requirements of the former Leadership Act.

SB 44 (Allen) California Environmental Quality Act. Streamlined Judicial Review. Environmental Leadership Transit Projects.
Chapter 633, Statutes of 2021
This measure establishes expedited administrative and judicial review of environmental review and approvals granted for an environmental leadership transit project proposed by a public or private entity or its affiliates that is located wholly within the County of Los Angeles or connects to an existing transit project wholly located in that county and that is approved by the lead agency on or before Jan. 1, 2024. This measure sunsets on Jan. 1, 2025.

C. Climate Change

AB 680 (Burke) Greenhouse Gas Reduction Fund. California Jobs Plan Act of 2021.
Chapter 746, Statutes of 2021
This measure enacts the California Jobs Plan Act of 2021. This measure requires CARB to work with the Labor and Workforce Development Agency to update, by July 1, 2025, Greenhouse Gas Reduction Fund (GGRF) funding guidelines for administering

agencies. This update ensures all applicants to grant programs funded by the GGRF meet specified standards, including fair and responsible employer standards and inclusive procurement policies. Additionally, this measure requires administering agencies to prioritize applicants that demonstrate a partnership with an educational institution or training program targeting residents of under-resourced, tribal, and low-income communities in the same region as the proposed project.

D. Coastal

AB 63 (Petrie-Norris) Marine Resources. Marine Managed Areas Improvement Act. Restoration and Monitoring Activities.
Chapter 368, Statutes of 2021
This measure adds restoration and monitoring to the list of authorized activities by the designating entity or managing agency in a State Marine Conservation Area.

AB 66 (Boerner Horvath) Coastal Resources. Research. Landslides and Erosion. Early Warning System. County of San Diego.
Chapter 456, Statutes of 2021
This measure requires the Scripps Institution of Oceanography at the University of California, San Diego, to conduct research on coastal cliff landslides and erosion in the County of San Diego. This measure requires the research to be completed by Jan. 1, 2025. Additionally, this measure requires the Scripps Institution of Oceanography to provide a report to the Legislature with recommendations for developing a coastal cliff landslide and erosion early warning system based on available research. This report must be submitted to the Legislature no later than March 15, 2025.

AB 72 (Petrie-Norris) Environmental Protection. Coastal Adaptation Projects. Natural Infrastructure. Regulatory Review and Permitting. Report.
Chapter 369, Statutes of 2021
This measure enacts the Coastal Adaptation Permitting Act of 2021. This measure authorizes the Natural Resources Agency to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects that use natural infrastructure. This measure requires the agency to submit, by July 1, 2023, a report to the Legislature with suggestions and recommendations to improve coordination between agencies.

***SB 1 (Atkins) Coastal Resources. Sea Level Rise.**
Chapter 236, Statutes of 2021
This measure establishes the California Sea Level Rise Mitigation and Adaptation Act of 2021 and creates the California Sea Level Rise State and Regional Support Collaborative (Collaborative) at the Ocean Protection Council to help coordinate and fund state efforts to prepare for sea level rise associated with climate change. This measure also requires the Collaborative to provide, upon appropriation, up to $100 million for cities to update local coastal plans to address sea level rise. This measure additionally requires the California Coastal Commission (CCC) to adopt

recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program.

SB 433 (Allen) California Coastal Act of 1976. Enforcement. Penalties.
Chapter 643, Statutes of 2021
This measure extends the CCC's authority to impose administrative civil penalties on a person, including a landowner, who is in violation of any provision of the California Coastal Act other than public access. This measure requires CCC staff to annually prepare and present a written report that includes information related to the imposition of those penalties and to annually provide the written report to the Legislature. Additionally, this measure requires the CCC to provide an opportunity for local governments with a certified Local Coastal Program to enforce violations of its building codes.

E. Emergency-Disaster Planning, Response, and Recovery

***SB 52 (Dodd) State of Emergency. Local Emergency. Planned Power Outage.**
Chapter 597, Statutes of 2021
This measure clarifies that planned power shutoff events, such as a public safety power shutoff, qualifies as a "deenergization event" for which a local emergency can be declared under the California Emergency Services Act.

***SB 109 (Dodd) Department of Forestry and Fire Protection. Office of Wildfire Technology Research and Development.**
Chapter 239, Statutes of 2021
This measure establishes the Office of Wildfire Technology Research and Development (Office) within the Department of Forestry and Fire Protection (CAL FIRE), and the Wildfire Technology Research and Development Review Advisory Board (Advisory Board). The Office is responsible for studying, testing, and advising the procurement of emerging technologies and tools to more effectively prevent and suppress wildfires throughout the state. The Office is required to make recommendations to state and local agencies on the most effective and useful technologies and tools for procurement. Additionally, the Advisory Board is required to meet at least four times per year to review, analyze, and assess the activities and progress of the Office, and to consult with the public, private, and nonprofit entities regarding their interaction and responsiveness of the Office. This measure sunsets on Jan. 1, 2029.

***SB 341 (McGuire) Telecommunications Service. Outages.**
Chapter 425, Statutes of 2021
This measure requires the Governor's Office of Emergency Services (Cal OES), in coordination with the California Public Utilities Commission (CPUC), to adopt regulations for public outage maps maintained by telecommunications providers on their websites. Additionally, this measure requires the CPUC and Cal OES to develop and implement backup electricity rules to require telecommunications providers to maintain backup electricity sufficient to maintain service for at least 72 hours.

F. Energy and Utilities

AB 33 (Ting) Energy Conservation Assistance Act of 1979. Energy Storage Systems and Electric Vehicle Charging Infrastructure. Native American Tribes.
Chapter 226, Statutes of 2021
This measure expands, to local governments, the eligibility to fund projects under the California Energy Commission's Energy Conservation Assistance Account to include installation of energy storage systems, such as backup batteries, and electric vehicle infrastructure.

AB 322 (Salas) Energy. Electric Program Investment Charge Program. Biomass.
Chapter 229, Statutes of 2021
This measure requires the California Energy Commission (CEC) to consider, in the investment planning process for the Electric Program Investment Charge (EPIC), funding for eligible biomass conversion to energy projects. This measure also requires the CEC to consider recommendations from CARB and CAL FIRE, and to coordinate with the Natural Resources Agency, the Department of Resources Recycling and Recovery (CalRecycle), and the Department of Food and Agriculture about the need for biomass conversion. Additionally, this measure requires the CEC to consider opportunities to reduce short-lived climate pollutant emissions, generate carbon negative emissions, reduce wildfire impacts, and increase energy reliability.

AB 758 (Nazarian) Marks-Roos Local Bond Pooling Act of 1985. Electric Utilities. Rate Reduction Bonds.
Chapter 233, Statutes of 2021
This measure expands the authority of joint powers authorities to issue rate reduction bonds for local publicly owned electric utilities.

AB 843 (Aguiar-Curry) California Renewables Portfolio Standard Program. Renewable Feed-In Tariff. Bioenergy Market Adjusting Tariff Program. Community Choice Aggregators.
Chapter 234, Statutes of 2021
This measure allows Community Choice Aggregators to access the CPUC's Bioenergy Market Adjusting Tariff program.

AB 1124 (Friedman) Solar Energy Systems.
Chapter 235, Statutes of 2021
This measure revises several definitions related to solar energy. Specifically, this measure:

- Clarifies that "solar energy systems" must be designed to serve one utility retail customer on the same property, more than one utility retail customer on the same property, one utility retail customer on the same, adjacent, or contiguous properties, or more than one utility retail customer on the same, adjacent or contiguous properties, and not be designed for procurement of electricity by an electric utility;

- Defines “commercial permit fee” to mean the sum of all charges levied by a city, county, city and county, or charter city in connection with an application for a commercial solar energy system, including, but not limited to, a solar energy system that is installed on the property of multifamily housing that has more than two family dwellings; and
- Revises the definition of “residential permit fee” to mean the sum of all charges levied by a city, county, city and county, or charter city in connection with the application for a solar energy system that is installed on the property of a single- or two-family dwelling.

SB 267 (Hertzberg) Property Taxation. Active Solar Energy Systems. Partnership Flip Transactions.
Chapter 424, Statutes of 2021
This measure extends the property tax reassessment exemption for active solar energy systems financed via a partnership flip arrangement. Specifically, this measure clarifies that neither an initial transfer of a capital and profits interest in the legal entity, nor any subsequent change in the allocation of the capital and profits of the legal entity among its members, constitutes a transfer of control of a legal entity that owns an active solar energy system in a partnership flip transaction.

SB 437 (Wieckowski) Local Publicly Owned Electric Utilities. Integrated Resource Planning. Transportation Electrification.
Chapter 138, Statutes of 2021
This measure requires local publicly owned electric utilities, in updating their integrated resource plans, to include details of the utility's electrical service rate design that support transportation electrification, and existing or planned incentives to support transportation electrification.

SB 479 (Laird) Local Government Renewable Energy Self-Generation Program.
Chapter 141, Statutes of 2021
This measure expands the local government renewable energy self-generation program definition of benefiting account to include accounts meeting specified requirements located within the geographical boundaries of a California Native American tribe.

SB 756 (Hueso) Home Weatherization Services for Low-Income Customers.
Chapter 248, Statutes of 2021
This measure, from Janu. 1, 2022, to June 30, 2022, defines “low-income customers” for the purposes of the Energy Savings Assistance Program as customers with annual household incomes that are no greater than 200% of the federal poverty guideline levels. On and after July 1, 2022, this measure defines “low-income customers” for those purposes as persons and families whose household income is at or below 250% of the federal poverty level and prohibits the commission from increasing the authorized budgets for the program based on that expansion of income eligibility.

SB 757 (Limón) Solar Energy System Improvements. Consumer Protection.
Chapter 249, Statutes of 2021
This measure defines the term "home improvement" to include the construction, erection, installation, replacement, or improvement of driveways, swimming pools, including spas and hot tubs, terraces, patios, awnings, storm windows, solar energy systems, landscaping, fences, porches, garages, fallout shelters, basements, and other improvements of the structures or land which is adjacent to a dwelling house. Additionally, this measure includes solar energy systems as an example of types of home improvements in, and adds the installation of those improvements to, that definition.

G. Hazardous Materials and Waste

***AB 332 (Cmte. on Environmental Safety and Toxic Materials) Hazardous Waste. Treated Wood Waste. Management Standards.**
Chapter 147, Statutes of 2021 (Urgency)
This measure facilitates the safe and proper handling and disposal of treated wood waste by codifying existing Alternative Management Standards. This measure sunsets on July 1, 2028.

AB 480 (Carrillo) Hazardous Materials.
Chapter 743, Statutes of 2021
This measure authorizes a Certified Unified Program Agency (CUPA), in the event of a hazardous waste spill or release, that the CUPA reasonably determines poses an imminent and substantial endangerment to public health, to take actions to protect the health and safety of the public.

AB 652 (Friedman) Product Safety. Juvenile Products. Chemicals. Perfluoroalkyl and Polyfluoroalkyl Substances.
Chapter 500, Statutes of 2021
This measure, on and after July 1, 2023, prohibits a person, including a manufacturer, from selling or distributing in commerce in this state any new, not previously owned, juvenile product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). This measure requires manufacturers to use the least toxic alternative when replacing PFAS chemicals in a juvenile product.

AB 1024 (Santiago) Hazardous Substances. Cleanups. Milestones and Contracting.
Chapter 474, Statutes of 2021
This measure requires the Department of Toxic Substances Control to post on its website the easily accessible information of each contaminated site cleanup project. Additionally, this measure requires that moneys recovered by the State from responsible parties relating to the Exide Technology (Exide) cleanup site be used to repay the General Fund, the Lead Acid Battery Cleanup Fund, and any other funds sources for costs incurred during the cleanup of contaminated sites near Exide.

AB 1200 (Ting) Plant-Based Food Packaging. Cookware. Hazardous Chemicals.
Chapter 503, Statutes of 2021
This measure prohibits the sale of paper-based food packaging containing PFAS, requires the disclosure of chemicals of concern for human health and the environment in cookware, and prohibits cookware companies from making misleading marketing claims.

H. Solid Waste and Recycling

AB 246 (Quirk) Contractors. Disciplinary Actions.
Chapter 46, Statutes of 2021
This measure adds illegal dumping to the list of violations that constitute a cause for disciplinary action against a contractor by the Contractors' State License Board.

AB 504 (McCarty) Solid Waste. Commercial and Organic Waste. Recycling Bins.
Chapter 56, Statutes of 2021
This measure clarifies the requirements for recycling bins and organic bins in restaurants that are buffet style or self-service and in entertainment park food facilities.

AB 707 (Quirk) Mercury Thermostat Collection Act of 2021.
Chapter 703, Statutes of 2021
This measure repeals the Mercury Thermostat Collection Act of 2008 and recasts the program, as part of the state's hazardous waste control laws, as the Mercury Thermostat Collection Act of 2021. This measure also requires each manufacturer of mercury-added thermostats, or group of manufacturers, on or before March 1, 2022, to contract with or retain a qualified third party to develop and implement a convenient, cost-effective, and efficient program for the collection, transportation, recycling, and disposal of out-of-service mercury-added thermostats.

AB 818 (Bloom) Solid Waste. Premoistened Nonwoven Disposable Wipes.
Chapter 590, Statutes of 2021
This measure establishes standardized labeling for single-use wet wipes to provide clear and consistent consumer information about what products are not safe to flush down the toilet.

AB 881 (Gonzalez) Recycling. Plastic Waste. Export.
Chapter 501, Statutes of 2021
This measure makes the export out of the country of a mixture of plastic wastes count as "disposal" and not "diversion" under the California Integrated Waste Management Act of 1989, unless the mixture includes only certain plastics destined for separate recycling, in which case that export constitutes diversion through recycling. Until Jan. 1, 2024, "export" means exporting out of the country and does include export to Canada or Mexico.

AB 962 (Kamlager) California Beverage Container Recycling and Litter Reduction Act. Reusable Beverage Containers.
Chapter 502, Statutes of 2021
This measure authorizes CalRecycle to allow returnable bottles to flow through the state's California Beverage Container Recycling and Litter Reduction Act (Bottle Bill) program and provide bottle washers the same processing payment that is currently paid to certified recyclers, and the same Quality Glass Incentive Payment that is currently paid to certified recycling processors.

AB 1201 (Ting) Solid Waste. Products. Labeling. Compostability and Biodegradability.
Chapter 504, Statutes of 2021
This measure ensures that only products capable of being composted in real-world compost facilities are labeled "compostable." Specifically, this measure prohibits a person from selling or offering for sale a product that is labeled with the term "compostable" or "home compostable" unless the product satisfies specified criteria established by CalRecycle.

AB 1276 (Carrillo) Single-use Foodware Accessories and Standard Condiments.
Chapter 505, Statutes of 2021
This measure requires food and beverage accessories, such as single-use condiments and plastic silverware, be available only upon request. This includes food facilities who use third parties for their take-out food order and delivery. This measure also requires, on or before June 1, 2022, local governments to authorize an enforcement agency to enforce this measure's requirements.

***AB 1311 (Wood) Recycling. Beverage Containers.**
Chapter 506, Statutes of 2021
This measure expands the beverage container redemption opportunities under the Bottle Bill that includes, but are not limited to, appointment-based bottle drop-offs and electronic deposit payments. *(Cal Cities has prepared a comprehensive summary of this measure in Appendix A of this document.)*

SB 170 (Skinner) Budget Act of 2021.
Chapter 240, Statutes of 2021 (Urgency)
This measure contains revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

- $50 million for urban greening and urban forestry projects;
- $10 million for regional climate assistance, and $115 million for the Transformative Climate Communities program through the Strategic Growth Council;
- $25 million to the Governor's Office of Planning and Research through the Integrated Climate Adaptation and Resiliency Program for climate resiliency planning and implementation grants;
- $100 million to CAL FIRE, including for priority urban forestry projects;

- $25 million in fiscal year 2022-23, and $75 million in fiscal year 2023-24, to OPR for projects that mitigate the impacts of extreme heat or the urban heat island effect;
- $40 million in various grants to further the creation of a circular economy by funding recycling and organic waste infrastructure projects; and
- $130 million from the GGRF for waste reduction and management; including $60 million for local jurisdictions to implement the CalRecycle SB 1383 (Lara, Statutes of 2016) organic waste diversion regulations, and $70 million for organic waste infrastructure.

(Cal Cities has prepared a comprehensive summary of this measure in Appendix B of this document.)

***SB 343 (Allen) Environmental Advertising. Recycling Symbol. Recyclability. Products and Packaging.**
Chapter 507, Statutes of 2021
This measure provides additional clarity and regulatory standards on which products can use the recycling "chasing arrows" symbol on their packaging. These standards include, but are not limited to, requiring a plastic product to be recyclable by 60% of local jurisdictions to be allowed to use the "chasing arrows" symbol.

***SB 619 (Laird) Organic Waste. Reduction Regulations. Local Jurisdiction Compliance.**
Chapter 508, Statutes of 2021
This measure gives local governments an optional pathway to comply with SB 1383 (Lara, Chapter 395, Statutes of 2016) CalRecycle organic waste regulations. If the compliance pathway, approved by CalRecycle is kept, then cities are shielded from penalties being imposed or accruing for the 2022 calendar year. *(Cal Cities has prepared a comprehensive summary of this measure in Appendix A of this document.)*

I. Water

AB 100 (Holden) Drinking Water. Endpoint Devices. Lead Content.
Chapter 692, Statutes of 2021
This measure, commencing Jan. 1, 2023, prohibits a person from manufacturing and offering for sale in the state, an endpoint device that does not meet a certain lead leaching standard. Additionally, this measure, commencing July 1, 2023, prohibits a person from introducing into commerce or offering for sale in the state an endpoint device that does not meet that lead leaching standard. This measure also requires the consumer-facing product packaging or product labeling of an endpoint device to bear specified lettering if the endpoint device meets that lead leaching standard and the above-described definition of "lead free."

AB 304 (Quirk) Contaminated Sites. Waste Releases of Surface of Groundwater Contamination. Local Oversight. Remedial Actions.
Chapter 698, Statutes of 2021
This measure strengthens oversight of contaminated site cleanups overseen by local health officers and includes provisions to increase transparency and public access to contaminated site information.

AB 1058 (C. Garcia) Large Water Corporations. Bill Payment Options.
Chapter 269, Statutes of 2021
This measure authorizes a water corporation, with more than 10,000 service connections, to recover in rates the transaction costs relating to all payment options, including credit cards, debit cards, and prepaid cards. This measure also prohibits such a water corporation from recovering such transaction costs from customers participating in a water rate relief program for low-income ratepayers authorized by the CPUC.

AB 1066 (Bloom) Priority Inland Water-Contact Recreation Sites. Water Quality Monitoring.
Chapter 711, Statutes of 2021
This measure requires the California Water Quality Monitoring Council (Council) to propose to the State Water Resources Control Board (SWRCB) for consideration a definition of a priority water-contact recreation site. Additionally, this measure requires the Council to, on or before July 1, 2022, direct a new or existing working group to study water recreation hazards at priority water-contact recreation sites. This measure also directs the Council to make recommendations and requirements for the establishment of a priority water-contact recreation site monitoring program for inland waters.

AB 1250 (Calderon) Water and Sewer System Corporations. Consolidation of Service.
Chapter 713, Statutes of 2021
This measure creates the Consolidation for Safe Drinking Water Act of 2021, which establishes timeframes by when the CPUC is required to take action on a request for a water system consolidation for a small water system that is failing or at risk of failing, specifically 12 months for an application, and 180 days for an advice letter.

AB 1428 (Quirk) Safe Drinking Water Act. Applicability.
Chapter 64, Statutes of 2021
This measure removes the ability of agricultural water districts to self-certify that the water they provide achieves an equivalent level of public health protection as the protection provided by applicable drinking water regulations.

SB 273 (Hertzberg) Water Quality. Municipal Wastewater Agencies.
Chapter 241, Statutes of 2021
This measure authorizes a municipal wastewater agency to acquire, construct, expand, operate, maintain, and provide facilities to manage stormwater and dry weather runoff.

***SB 323 (Caballero) Local Government. Water of Sewer Service. Legal Actions.**
Chapter 216, Statutes of 2021
This measure authorizes a local agency, or interested person, to bring a validation action in a superior court to determine the validity of a fee or charge for water and sewer service, and that such a party bring a validation action within 120 days after the fee or charge becomes effective. This measure only applies to a fee or charge for water or sewer service that has been adopted, modified, or amended after Jan. 1, 2022.

SB 403 (Gonzalez) Drinking Water. Consolidation.
Chapter 242, Statutes of 2021
This measure authorizes the SWRCB to order the consolidation of at-risk domestic wells and at-risk water systems. Both at-risk domestic wells and at-risk water systems are defined, in part, as serving disadvantaged communities.

SB 552 (Hertzberg) Drought Planning. Small Water Suppliers. Nontransient Noncommunity Water Systems.
Chapter 245, Statutes of 2021
This measure requires the SWRCB, the Department of Water Resources, counties, and small water suppliers to implement various recommendations from the County Drought Advisory Group to increase the drought resiliency of small water suppliers and rural communities.

SB 708 (Melendez) Water Shortage Emergencies. Declarations. Deenergization Events.
Chapter 68, Statutes of 2021
This measure adds planned power outages to reduce the risk of wildfires caused by utility equipment to the list of situations wherein a public water supply distributor can declare a water shortage emergency condition without a public hearing.

SB 776 (Gonzalez) Safe Drinking Water and Water Quality.
Chapter 187, Statutes of 2021
This measure makes several changes to the statute that guides the implementation of the Safe and Affordable Drinking Water Fund, including, but not limited to, consolidating the SWRCB's authority to enforce the terms, conditions, and requirements of its financial assistance programs.

J. Wildfires

AB 9 (Wood) Fire Safety and Prevention. Wildfires. Fire Adapted Communities. Office of the State Fire Marshal. Community Wildfire Preparedness and Mitigation.
Chapter 225, Statutes of 2021
This measure establishes within the Department of Conservation (DOC) the Regional Forest and Fire Capacity Program to support regional leadership to build local and regional capacity to implement strategies and projects that create fire adapted communities and landscapes. This measure also requires the DOC, upon an

appropriation by the Legislature, to provide block grants to regional entities to develop regional strategies that develop governance structures, identify wildfire risks, foster collaboration, and prioritize and implement projects within the region to achieve the goals of the Program. This measure also delegates authority over this Program to the Office of the State Fire Marshal and creates within the Office a Deputy Director of Community Wildfire Preparedness and Mitigation who is responsible for fire preparedness and mitigation missions of CAL FIRE.

AB 431 (Patterson) Forestry. Timber Harvesting Plans. Defensible Space. Exemptions.
Chapter 230, Statutes of 2021
This measure extends the sunset date for the exemption from the requirement to complete a timber harvest plan for maintaining defensible space between 150 feet and 300 feet from a habitable structure from Jan. 1, 2022, to Jan. 1, 2026.

AB 642 (Friedman) Wildfires.
Chapter 375, Statutes of 2021
This measure is an omnibus fire prevention measure that makes various changes to support cultural and prescribed fire, including the creation of a Cultural Burning Liaison at CAL FIRE, and requires a proposal for creating a prescribed fire training center in California. This measure also requires CAL FIRE to identify moderate and high fire hazard severity zones taking into consideration certain wildfire risk factors including winds. Local agencies are required to make information regarding these zones available for public comment, in addition to public review, within 30 days.

SB 63 (Stern) Fire Prevention. Vegetation Management. Public Education. Grants. Defensible Space. Fire Hazard Severity Zones.
Chapter 382, Statutes of 2021
This measure makes multiple changes to enhance fire prevention efforts by CAL FIRE, including, among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply, and expanding eligible activities for CAL FIRE's local assistance grant program in and near fire-threatened communities for fire prevention to include home hardening education.

SB 155 (Cmte. on Budget and Fiscal Review) Public Resources Trailer Bill.
Chapter 258, Statutes of 2021 (Urgency)
This measure makes the following investments in climate resiliency and disaster preparedness:

- $200 million continuously appropriated to CAL FIRE for healthy forest and fire prevention programs, and for prescribed burns and other fuel reduction projects;
- $350 million to the State Coastal Conservancy for mitigating the impacts and effects of sea level rise, including low-interest loans to local jurisdictions to purchase properties vulnerable to sea level rise;
- $25 million to the OPR through the Integrated Climate Adaptation Program for establishing a grant program to mitigate the impacts of extreme heat or the heat island effect; and

- $25 million to the Strategic Growth Council for the establishment of a community resilience centers grant program.

SB 456 (Laird) Fire Prevention. Wildfire and Forest Resilience. Action Plan. Reports.
Chapter 387, Statutes of 2021
This measure requires the Forest Management Task Force, housed within CAL FIRE, to develop a comprehensive implementation strategy to achieve the goals and key actions identified in the task force's "Wildfire and Forest Resilience Action Plan". This measure requires specified annual reporting by the task force related to the progress achieving the goals and key actions in the plan.

SB 533 (Stern) Electrical Corporations. Wildfire Mitigation Plans. Deenergization Events.
Chapter 244, Statutes of 2021
This measure requires that an electrical corporation's wildfire mitigation plan identify circuits that have frequently been deenergized to mitigate the risk of wildfire and the measures taken by the electrical corporation to reduce the need for future deenergization of those circuits.

GOVERNANCE, TRANSPARENCY, AND LABOR RELATIONS

IV. Governance, Transparency, and Labor Relations

A. Political Reform Act of 1974

AB 319 (Valladares) Political Reform Act of 1974. Contributions. Foreign Governments of Principals.
Chapter 313, Statutes of 2021
This measure prohibits contributions, expenditures, and independent expenditures by foreign governments and foreign principals in connection with state and local candidate elections.

AB 1367 (Low) Political Reform Act of 1974. Committee Accounts and Campaign Funds.
Chapter 315, Statutes of 2021
This measure makes a person who uses campaign funds in a manner that violates the Political Reform Act of 1974 and results in an egregious personal benefit liable in an administrative or civil action brought by the commission for an amount of up to two times the amount of the unlawful expenditure. The measure defines "egregious personal benefit" to mean a direct personal benefit with a total value of $10,000 or more to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

AB 1590 (Cmte. on Elections) Political Reform Act of 1974.
Chapter 317, Statutes of 2021
This measure makes a non-substantive change to the Political Reform Act of 1974 by revising its definition of "proponent of a state ballot measure" to refer to the correct section in the Elections Code. This measure also clarifies that a committee that is required to pay a $50 annual fee to the Secretary of State, and that fails to timely pay that fee, is subject to an administrative penalty of $150. Transfers from the Fair Political Practices Commission to the Secretary of State (SOS) the responsibility for enforcing that requirement and for collecting the penalty.

SB 686 (Glazer) Campaign Disclosure. Limited Liability Companies.
Chapter 321, Statutes of 2021
This measure requires a limited liability company (LLC) that is engaged in campaign activity to provide additional information regarding the members and capital contributors to the LLC. An LLC that qualifies as a committee or a sponsor of a committee under the Political Reform Act of 1974 must file a statement of members with the SOS. This measure also requires the statement of members to include certain information about the limited liability company, including a list of all persons who have a membership interest in the limited liability company of at least 10% who made a cumulative capital contribution of at least $10,000 to the limited liability company after it qualified as a committee or sponsor of a committee, or within the 12 months before it qualified.

B. Elections

***AB 37 (Berman) Elections. Vote by Mail Ballots.**
Chapter 312, Statutes of 2021
This measure requires county elections officials to mail a ballot to every registered voter for all elections proclaimed or conducted prior to Jan. 1, 2022. This measure extends the requirements to mail a ballot to every registered voter to all elections and apply them to all local election officials. This measure also requires any county that does not conduct an all-mailed ballot election to provide at least two vote-by-mail ballot drop-off locations within the jurisdiction where the election is held, or at least one vote-by-mail ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more vote by mail ballot drop-off locations. In a jurisdiction with fewer than 30,000 registered voters, this measure requires at least one vote-by-mail ballot drop-off location and requires the elections official to make a reasonable effort to provide a ballot drop-off location in the jurisdiction where the election is held.

AB 502 (Davies) Common Interest Developments. Election Requirements.
Chapter 517, Statutes of 2021
This measure removes the requirement that a homeowner association (HOA) must have 6,000 or more units in order to use an election by acclamation procedure which allows HOAs to bypass a full election for board of directors if the number of nominees is not more than the number of vacancies to be filled. This measure instead authorizes the association to consider qualified candidates elected by acclamation if certain conditions are met including:

- The association has held a regular election for the directors in the last three years;
- The association provided individual notice of the election and procedures for nominating candidates at least 90 days before the deadline for submitting nominations, and a reminder notice between seven and 30 days before the deadline for submitting nominations; and
- The association board votes to consider the qualified candidates elected by acclamation at a meeting held in accordance with specified requirements.

AB 796 (Berman) Voter Registration. California New Motor Voter Program.
Chapter 314, Statutes of 2021
This measure requires a driver's license or identification card application, renewal, or change of address notification, to include a voter registration application and requires the Department of Motor Vehicles (DMV) to transmit the application to the Secretary of State (SOS). The DMV must monitor the timeliness of its transmittals to the SOS, and to provide the SOS information regarding delays and irregularities in its ability to do so. The DMV and the SOS each must designate an employee to undertake responsibilities to ensure compliance with the California New Motor Voter Program and the National Voter Registration Act. The SOS must also convene a task force to provide advice and perform other duties with respect to implementing the California New Motor Voter Program. The task force language in this measure sunsets on Jan. 1, 2025.

AB 1495 (L. Rivas) Vacancy Elections.
Chapter 316, Statutes of 2021
This measure requires the Governor, when a vacancy occurs in California's representation in the U.S. Senate, to schedule an election for the U.S. Senate seat to be held at the next regularly scheduled statewide primary election that is at least 148 days away, with a general election for the seat being held at the ensuing statewide general election. This measure repeals a provision of law that permits a person who is appointed to fill a vacancy in the U.S. Senate to hold office for the remainder of the unexpired term if the vacancy occurs during a term that will expire on Jan. 3 following the next general election. This measure also requires that Los Angeles County place the regular election and special election for the office on the ballot before all other offices and measures, with the regular election for the office appearing first, for a statewide election if the election includes a special election to fill a vacancy in the Legislature or Congress.

AB 1591 (Cmte. on Elections) Elections Omnibus Bill.
Chapter 100, Statutes of 2021
This measure makes various minor, technical, and corresponding changes to the Elections Code, including:

- Revises ballot instructions with respect to candidates for Justice of the California Supreme Court or the California Court of Appeal such that voters are no longer instructed to mark a voting target to the right of the name of the candidate;
- Permits a voter who wishes to opt out of receiving election materials by mail to confirm their identity by telephone or in person, and allows the elections official to process that request upon confirmation of the voter's date of birth, residence address, and California driver's license number, California identification number, or a partial social security number;
- Revises the notice required to be posted at voting locations that use electronic poll books to state that only a member of the precinct board may operate the device, and that it is a misdemeanor to tamper with, manipulate, or otherwise operate or interact with the device with the intent to falsify or prevent others from ascertaining specified information about a voter;
- Specifies that if an electronic poll book is used, a copy of the electronic data file may be preserved in lieu of preserving a paper copy of the rosters or combined rosters and voter lists, if applicable; and
- Deletes provisions of law that require an elections official, for specified elections, to preserve, among other items, a copy of the roster used as the voting record or, if an electronic poll book is used, a copy of the electronic data file, for a period of 22 months, and instead requires the records to be preserved for five years pursuant to a separate provision of existing law.

SB 29 (Umberg) Elections. Vote by Mail Ballots.
Chapter 3, Statutes of 2021 (Urgency)
This measure extends the requirement of county elections officials to mail a ballot to every registered voter for the Nov. 3, 2020, statewide general election to all elections proclaimed or conducted prior to Jan. 1, 2022. County elections officials must continue

to use the vote-by-mail ballot tracking system developed by the Secretary of State (SOS), or a system that meets or exceeds the level of service provided by the SOS's system, for any election proclaimed or conducted prior to Jan. 1, 2022.

SB 35 (Umberg) Elections.
Chapter 318, Statutes of 2021
This measure makes changes to the distance withing which electioneering and other political activities near a voting site are prohibited. This measure also extends an existing deadline for a candidate for Governor to submit tax returns to the Secretary of State to have the candidate's name printed on the direct primary ballot, from 98 days before the direct primary election to 88 days before the direct primary election.

SB 503 (Becker) Voting. Ballots and Signature Verification.
Chapter 319, Statutes of 2021
This measure adds additional parameters for county elections officials when comparing a voter's signature on materials related to vote by mail ballots with the signature in the voter's registration record. Specifically, this measure:

- Applies a presumption that the signature on an identification envelope, signature verification statement, unsigned ballot statement, or provisional ballot envelope, is the voter's signature;
- Specifies that an exact signature is not required for an elections official to determine that the signature is valid and the fact that signatures share similar characteristics is sufficient to determine the signature is valid;
- Permits a ballot to be rejected only if two officials determine beyond a reasonable doubt that a voter's signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record;
- Prohibits an elections official from reviewing or considering a voter's party preference, race, or ethnicity, when comparing signatures; and
- Requires the elections official to send, on or before the next business day after discovering that a voter's signature does not compare or is missing, except as specified, notice to the voter of the opportunity to verify or provide a signature and a postage-paid return envelope for the voter to return a signature verification statement or unsigned ballot statement.

***SB 590 (Allen) 2022 Statewide Primary Election. Terms of Office.**
Chapter 107, Statutes of 2021
This measure extends any term of office set to expire in March or April 2022, where the next scheduled regular election for that office has been consolidated with the 2022 statewide primary election, until the certification of election results from the 2022 statewide primary election. This measure sunsets on Jan. 1, 2023.

SB 594 (Glazer) Elections. Redistricting.
Chapter 320, Statutes of 2021 (Urgency)
This measure makes various changes to state law governing candidate filing for the 2022 statewide primary election, redistricting in special districts following the 2020 census, and districting and redistricting for local governments.

Specifically, this measure:

- Adds changes to the candidate filing process and administrative procedures for the 2022 statewide primary election to account for a later state redistricting deadline;
- Changes the redistricting deadlines for some special districts and added a Jan. 1, 2023 sunset date to these provisions;
- Deletes provisions in the bill relating to local redistricting that were technical or clarifying in nature; and
- Makes technical and conforming changes.

This measure sunsets on Jan. 1, 2023.

C. Workers' Compensation/Healthcare

***AB 237 (Gray) Public Employment. Unfair Practices. Health Protection.**
Chapter 740, Statutes of 2021
This measure prohibits California public employers from discontinuing employer contributions for health care coverage for employees who, during the duration of a strike, fall below the minimum hours worked to qualify for employee health care coverage.

***AB 654 (Reyes) COVID-19. Exposure. Notification.**
Chapter 522, Statutes of 2021 (Urgency)
This measure clarifies provisions enacted in 2020 relating to workplace COVID-19 exposure notifications, which

- Adds renewable natural gas to the list of utilities that the Division of Occupational Safety and Health (Cal/OSHA) are not allowed to interrupt; and
- Requires employers, when giving notice to the local public health agency of a COVID-19 outbreak, to give that notice within 48 hours or one business day, whichever is later.

This measure also adds the delivery of renewable natural gas to the list of utilities that the division's prohibitions are not allowed to materially interrupt. This measure sunsets Jan. 1, 2023.

AB 845 (Rodriguez) Disability Retirement. COVID-19. Presumption.
Chapter 122, Statutes of 2021
This measure creates a rebuttable presumption that a COVID-19-related disability is employment-related for purposes of determining a disability retirement for public retirement system members. This measure sunsets on Jan. 1, 2023.

AB 1033 (Bauer-Kahan) California Family Rights Act. Parent-in-Law. Small Employer Family Leave Mediation. Pilot Program.
Chapter 327, Statutes of 2021
This measure modifies procedural aspects of the Department of Fair Employment and

Housing's (DFEH's) pilot program under the California Family Rights Act (CFRA) to require an employee alleging a violation of job-protected leave to contact the dispute resolution division of DFEH prior to filing a civil action. This measure also clarifies that employers covered under the CFRA must grant eligible employees up to 12 weeks of job-protected time off from work annually for the purpose of providing care to a parent-in-law with a serious medical condition. The pilot program sunsets on Jan. 1, 2024.

SB 95 (Skinner) Employment. COVID-19. Supplemental Paid Sick Leave. Chapter 13, Statutes of 2021 (Urgency)
This measure makes various changes to implement COVID-19 supplemental paid sick leave. Specifically, this measure:

- Provides for COVID-19 supplemental paid sick leave for covered employees who are unable to work or telework due to certain reasons related to COVID-19, including that the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- Entitles a covered employee to 80 hours of COVID-19 supplemental paid sick leave if that employee either works full time or was scheduled to work, on average, at least 40 hours per week for the employer in the 2 weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave; and
- Provides a different calculation for supplemental paid sick leave for a covered employee who is a firefighter subject to certain work schedule requirements and for a covered employee working fewer or variable hours.

This measure specifies that COVID-19 supplemental paid sick leave shall remain in effect through Sept. 30, 2021.

SB 255 (Portantino) Health Care Coverage. Employer Associations. Chapter 725, Statutes of 2021
This measure authorizes an association of employers to offer a large group health care service plan contract or large group health insurance policy consistent with the Employee Retirement Income Security Act of 1974 if certain requirements are met. Requirements include that the association is headquartered in this state, is a multiple employer welfare arrangement (MEWA); and was established as a MEWA prior to March 23, 2010, and has continuously existed since that date.

SB 280 (Limón) Health Insurance. Large Group Health Insurance. Chapter 636, Statutes of 2021
This measure requires a large group health insurance policy issued, amended, or renewed on or after July 1, 2022, to cover medically necessary basic health care services. This measure also authorizes the Insurance Commissioner to adopt regulations to implement these provisions. These provisions must apply to an individual, group, or blanket disability insurance policy if a specified condition is met.

SB 718 (Bates) Health Care Coverage. Small Employer Groups.
This measure, until Jan. 1, 2026, permits an association of employers to offer a large group health plan contract or health insurance policy to small group employer members in the biomedical industry if the association is headquartered in California, was established before March 23, 2010, and in continued existence as a bona fide association that may act as an employer.

D. Employee Relations

AB 73 (R. Rivas) Health Emergencies. Employment Safety. Agricultural Workers. Wildfire Smoke.
Chapter 322, Statutes of 2021 (Urgency)
This measure directs Cal/OSHA to review and update the content of wildfire smoke training in existing regulations and requires training provided by employers to be in a language and manner readily understandable by employees.

AB 1003 (Gonzalez) Wage Theft. Grand Theft.
Chapter 325, Statutes of 2021
This measure creates a new offense for the intentional theft of wages by an employer, punishable as either a felony or a misdemeanor. This measure authorizes wages, gratuities, benefits, or other compensation that are the subject of a prosecution under these provisions to be recovered as restitution in accordance with existing provisions of law.

SB 206 (McGuire) Firefighters Procedural Bill of Rights Act. Department of Forestry and Fire Protection. Temporary Appointments.
Chapter 722, Statutes of 2021
This measure applies the Firefighters Procedural Bill of Rights to seasonal temporary appointment firefighters.

***SB 270 (Durazo) Public Employment. Labor Relations. Employee Information.**
Chapter 330, Statutes of 2021
This measure authorizes public employee unions to file a special unfair labor practices charge before the Public Employment Relations Board against public employers that fail to comply with existing law requiring disclosure of employee information to public employee unions. This measure limits the number of times a public employer can exercise their right to cure in a 12-month period.

SB 331 (Leyva) Settlement and Nondisparagement Agreements.
Chapter 638, Statutes of 2021
This measure prohibits the use of non-disclosure agreements to settle employment and housing-related legal claims involving unlawful harassment, discrimination, or related retaliation of any kind, with limited exceptions when requested by the complainant. This measure also prohibits the inclusion, in an employment severance agreement, of terms that prohibit the separated employee from discussing unlawful conduct at their former

workplace, unless the separated employee agrees to those terms under specified conditions designed to safeguard the separated employee's rights.

SB 572 (Hertzberg) Labor Commissioner. Enforcement. Lien on Real Property.
Chapter 335, Statutes of 2021
This measure authorizes the Labor Commissioner to create, as an alternative to a judgment lien, a lien on real property to secure amounts due to the commissioner under any final citation, findings, or decision.

SB 606 (Gonzalez) Workplace Safety. Violations of Statutes. Enterprise-Wide Violations. Egregious Violations.
Chapter 336, Statutes of 2021
This measure authorizes Cal/OSHA to issue a citation for an egregious violation of an occupational safety or health standard, order, special order, or regulation, for each willful violation determined by Cal/OSHA, and count each employee affected by the violation as a separate violation for the purposes of the issuance of fines and penalties. This measure also establishes a rebuttable presumption that an employer's written policy that violates certain health and safety regulations exists at all an employer's worksites and adds a definition of "egregious violation" that carries specified additional penalties.

SB 634 (Cmte. on Labor, Public Employment and Retirement) Public Employees' Retirement.
Chapter 186, Statutes of 2021
This measure makes technical amendments to clean up and clarify portions of the Education and Government Codes regulating the California State Teachers' Retirement System (CalSTRS), the California Public Employees' Retirement System (CalPERS), and the County Employees Retirement Law of 1937 (37 Act or CERL) retirement systems.

SB 639 (Durazo) Minimum Wages. Persons With Disabilities.
Chapter 339, Statutes of 2021
This measure requires the development of a plan to phase out the use of the subminimum wage certificate program which authorizes employers to pay less than minimum wage for employees with physical or mental disabilities, by Jan. 1, 2025. This measure also requires the plan be posted online and reported to the Legislature by Jan. 1, 2024. No new licenses for the subminimum wage certificate program shall be issued beginning Jan. 1, 2022, and existing license holders must meet benchmarks provided for in the phaseout plan in order to be relicensed.

SB 646 (Hertzberg) Labor Code Private Attorneys General Act of 2004. Janitorial Employees.
Chapter 337, Statutes of 2021
This measure allows janitorial employees who are covered by a collective bargaining agreement that meets certain conditions to be exempt from filing a lawsuit against their

employer under the Private Attorneys General Act of 2004. The exemption sunsets on July 1, 2028.

SB 657 (Ochoa Bogh) Employment. Electronic Documents.
Chapter 109, Statutes of 2021
This measure provides that, in any instance in which an employer is required to physically post information, an employer may also distribute that information to employees by email with the document or documents attached. This measure also specifies that this does not alter the employer's obligation to physically display the required posting.

SB 727 (Leyva) Labor-Related Liabilities. Direct Contractor.
Chapter 338, Statutes of 2021
This measure extends, for contracts entered into on or after Janu. 1, 2022, the direct contractor's liability to penalties, liquidated damages, and interest owed by the subcontractor on account of the performance of the labor.

E. Government Operations

AB 378 (Bauer-Kahan) Public Officials.
Chapter 50, Statutes of 2021
This measure replaces gendered terms for non-gendered terms for California code sections involving statewide elected officers in the Fair Political Practices Act, and the California Coastal Act.

AB 751 (Irwin) Vital Records. Certified Copies. Electronic Requests.
Chapter 623, Statutes of 2021
This measure deletes the Jan. 1, 2022, sunset date authorizing an official to accept an electronic request for a certified copy of a birth, death, or marriage certificate. This measure also prohibits personal information and documents provided to the State Registrar, local registrar, or county recorder for the purpose of identity verification to acquire vital records from being used, shared, distributed, or accessed by any other state or municipal agency or third party for any other purpose.

AB 1480 (Rodriguez) Employers. Prohibited Disclosure of Information. Arrest of Detention.
Chapter 158, Statutes of 2021
This measure allows a criminal justice agency to inquire, seek, and utilize information about certain non-sworn employees concerning an arrest or detention that did not result in a conviction, information concerning a referral or participation in a diversion program, and information that has been judicially dismissed or ordered sealed, and similarly authorizes the disclosure of such records.

SB 336 (Ochoa Bogh) Public Health. COVID-19.
Chapter 487, Statutes of 2021 (Urgency)
This measure requires, when the State Department of Public Health issues a statewide order or mandatory guidance, or when a local health officer issues an order, related to preventing the spread of COVID-19 or protecting public health against a threat of COVID-19, that they publish on their website the order or guidance and the date that the order or guidance takes effect. The measure also requires the department or local health officer to create an opportunity for local communities, businesses, nonprofit organizations, individuals, and others to sign up for an email distribution list relative to changes to the order or guidance.

SB 447 (Laird) Civil Actions. Decedent's Cause of Action.
Chapter 448, Statutes of 2021
This measure authorizes damages for a decedent's pain, suffering, or disfigurement to be recovered in an action brought by the decedent's personal representative or successor in interest if the action or proceeding was granted a specified preference before Jan. 1, 2022, or was filed on or after Jan. 1, 2022, and before Jan. 1, 2026.

SB 461 (Cortese) Unfair Competition Law. Enforcement.
Chapter 140, Statutes of 2021
This measure authorizes the county counsel of any county in which a city has a population in excess of 750,000 people to bring actions under the Unfair Competition Law.

SB 501 (Wieckowski) Claims Against Public Entities.
Chapter 218, Statutes of 2021
This measure extends the conditions under which certain injured parties who are minors or who are physically or mentally incapacitated are entitled to have their applications to file untimely claims against public entities granted. This measure additionally requires a board to grant an application for leave to present a claim if the person who sustained the alleged injury, damage, or loss was a minor or was physically or mentally incapacitated during any of the six months after the accrual of the cause of action, if the application is presented within six months of the person turning 18 years of age, or of the person no longer being physically or mentally incapacitated or a year after the claim accrues, whichever occurs first.

SB 807 (Wieckowski) Enforcement of Civil Rights. Department of Fair Employment and Housing.
Chapter 278, Statutes of 2021
This measure tolls the deadline for the Department of Fair Employment and Housing (DFEH) to file a civil action pursuant to the California Fair Employment and Housing Act (FEHA) while a mandatory or voluntary dispute resolution is pending. The FEHA establishes DFEH within the Business, Consumer Services, and Housing Agency under the direction of the Director of DFEH. The FEHA makes certain discriminatory employment and housing practices unlawful, and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the DFEH. The

FEHA requires the DFEH to make an investigation in connection with a filed complaint alleging facts sufficient to constitute a violation of the FEHA, and requires the DFEH to endeavor to eliminate the unlawful practice by conference, conciliation, and persuasion. If conference, conciliation, mediation, or persuasion fails and the DFEH has required all parties to participate in a mandatory dispute resolution, as specified, the FEHA authorizes the director to bring a civil action in the name of the DFEH on behalf of the person claiming to be aggrieved within a specified amount of time.

F. Privacy and Data Protection

AB 335 (Boerner Horvath) California Consumer Privacy Act of 2018. Vessel Information.
Chapter 700, Statutes of 2021
This measure clarifies that a consumer's right to opt-out of the sale or sharing of their personal information, provided by the California Consumer Privacy Act of 2018 and the California Privacy Rights Act, respectively, does not apply to vessel or ownership information shared between a vessel manufacturer and dealer for the purpose of or in anticipation of a vessel repair covered by a warranty or recall conducted pursuant to federal law.

AB 694 (Cmte. on Privacy and Consumer Protection) Privacy and Consumer Protection. Omnibus Bill.
Chapter 525, Statutes of 2021
This measure extends the authority of the board of supervisors of a county to charge an annual registration fee to recover the costs of the county sealer of weights and measures, until Jan. 1, 2027, and makes other technical changes to the Consumer Privacy Rights Act.

AB 825 (Levine) Personal Information. Data Breaches. Genetic Data.
Chapter 527, Statutes of 2021
This measure adds “genetic information” to the definition of personal information for purposes of the laws requiring certain businesses to implement and maintain reasonable security procedures and practices to protect personal information they own, license, or maintain. This measure requires businesses and agencies that maintain personal information to disclose a breach of genetic information.

AB 1391 (Chau) Unlawfully Obtained Data.
Chapter 594, Statutes of 2021
This measure makes it unlawful for a person to sell data, or sell access to data, that the person has obtained or accessed pursuant to the commission of a crime. It also makes it unlawful for a person, who is not an authorized person to purchase or use data from a source that the person knows or reasonably should know has obtained or accessed that data through the commission of a crime.

G. California Public Records Act

AB 473 (Chau) California Public Records Act.
Chapter 614, Statutes of 2021
This measure recodifies and reorganizes provisions of the California Public Records Act (CPRA) in the CPRA Recodification Act of 2021 without making any substantive changes to the act and makes related findings.

AB 474 (Chau) California Public Records Act. Conforming Revisions.
Chapter 615, Statutes of 2021
This measure enacts various conforming and technical changes related to AB 473, which recodifies and reorganizes the CPRA. The measure also specifies that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before Jan. 1, 2022, and that affects a provision of this bill shall prevail over this act.

H. Public Employee Retirement System

AB 761 (Chen) County Employees' Retirement. Personnel. Orange County.
Chapter 26, Statutes of 2021
This measure authorizes the Orange County Employees Retirement System Board of Retirement to appoint an expanded number of personnel who are exempt from the Orange County civil service.

AB 890 (Cervantes) Public Employee Retirement Systems. Investment Management. Reports.
Chapter 472, Statutes of 2021
This measure requires, until Jan. 1, 2028, requires the Board of Administration of CalPERS and the CalSTRS Board to provide reports to the Legislature, commencing March 1, 2023, and annually thereafter, on the status of achieving objectives and initiatives, to be defined by the boards, regarding participation of emerging managers or diverse managers responsible for asset management within each retirement system's portfolio of investments.

***SB 278 (Leyva) Public Employees' Retirement System. Disallowed Compensation. Benefit Adjustments.**
Chapter 331, Statutes of 2021
This measure requires public agencies, when CalPERS determines that compensation agreed to under a collective bargaining agreement is non-pensionable, to pay penalties in a lump sum and pay CalPERS the full cost of any overpayment of paid benefits made to the affected retired member, survivor, or beneficiary resulting from the disallowed compensation. The penalty is 20% of the difference between the monthly allowance with the disallowed compensation and without. Ninety percent of the penalty goes to the retiree and 10% goes directly to CalPERS.

SB 294 (Leyva) Public Retirement. Leave of Absence. Service Credit.
Chapter 539, Statutes of 2021
This measure requires CalSTRS and CalPERS to credit their school members who are certificated or classified school employees of a K-12 or California community college district (including a county office of education) with a retirement service credit for the member's service as an elected public employee union officer. This measure requires the appropriate union to reimburse the school employer. This also eliminates the 12-year cap and provides service credit retroactively, similar to treatment of such service for other public employees.

SB 411 (Cortese) Public Employees' Retirement System. Employment Without Reinstatement.
Chapter 136, Statutes of 2021
This measure grants discretionary authority to CalPERS to reinstate a retiree to active membership if they work more than the 960 hours per fiscal year limit, under current law, in CalPERS-covered positions. This measure also limits the circumstances in which retired members and employers are obligated to pay employee and employer contributions, which would have otherwise been paid, plus interest, to apply only to specified reinstatements.

I. Public Meetings

***AB 361 (R. Rivas) Open Meetings. State and Local Agencies. Teleconferences.**
Chapter 165, Statutes of 2021 (Urgency)
This measure allows, until Jan. 1, 2024, local agencies to use teleconferencing without complying with specified Ralph M. Brown Act restrictions in certain state emergencies, and provides similar authorizations, until Jan. 31, 2022, for state agencies subject to the Bagley-Keene Open Meetings Act and legislative bodies subject to the Gloria Romero Open Meetings Act of 2000.

AB 1291 (Frazier) State Bodies. Open Meetings.
Chapter 63, Statutes of 2021
This measure requires a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology.

SB 274 (Wieckowski) Local Government Meetings. Agenda and Documents.
Chapter 763, Statutes of 2021
This measure requires a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee must send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda

packet.

HOUSING, COMMUNITY, AND ECONOMC DEVELOPMENT

V. Housing, Community, and Economic Development

A. Accessory Dwelling Units

AB 345 (Quirk-Silva) Accessory Dwelling Units. Separate Conveyance.
Chapter 343, Statutes of 2021
This measure requires each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer.

B. Economic Development

AB 1297 (Holden) California Infrastructure and Economic Development Bank. Public and Economic Development Facilities. Housing.
Chapter 356, Statutes of 2021
This measure expands the financing authority of the California Infrastructure and Economic Development Bank (IBank) to include housing projects, when that housing is necessary for the operation of the financed project. The new authority applies to economic development facilities and public development facilities financed through any of the IBank's financing programs or authorities.

AB 1574 (Cmte. on Jobs, Economic Development, and the Economy) Public Contracts. Small Business Liaisons and Advocates and Disabled Veteran Business Enterprises. Preferences.
Chapter 756, Statutes of 2021
This measure makes various changes to California's certified small and microbusiness, Disabled Veteran Business Enterprise, and Target Area Contract Preference Act (TACPA) programs, including enhancing the promotion of procurement programs, authorizing specified public entities to bring a civil action for a violation involving a knowingly fraudulent representation, and expanding and clarifying the TACPA.

SB 7 (Atkins) Environmental Quality. Jobs and Economic Improvement Through Environmental Leadership Act of 2021.
Chapter 19, Statutes of 2021 (Urgency)
This measure re-establishes the expedited California Environmental Quality Act (CEQA) administrative and judicial review procedures in the Jobs and Economic Improvement Through Environmental Leadership Act (Leadership Act) for "environmental leadership development projects" for four years. Projects certified by the Governor under the former Leadership Act before Jan. 1, 2020 and approved by a lead agency on or before Jan. 1, 2022, may be governed by the requirements of the former Leadership Act.

C. Affordable Housing

AB 491 (Ward) Housing. Affordable and Market Rate Units.
Chapter 345, Statutes of 2021
This measure requires that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. This measure also prohibits a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor.

AB 571 (Mayes) Planning and Zoning. Density Bonuses. Affordable Housing.
Chapter 346, Statutes of 2021
This measure prohibits a city or county from imposing affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, on a housing development's affordable units under Density Bonus Law.

AB 634 (Carrillo) Density Bonus Law. Affordability Restrictions.
Chapter 348, Statutes of 2021
This measure provides that, if permitted by local ordinance, the Density Bonus Law is not to be construed to prohibit a city, county, or city and county from requiring an affordability period that is longer than 55 years for any units that qualified the applicant for the award for the density bonus developed in compliance with a local ordinance that requires, as a condition of development of residential units, that a development include a certain percentage of units that are affordable to, and occupied by low-income, lower-income, very low-income, or extremely low-income households and that will be financed without low-income housing tax credits.

AB 721 (Bloom) Covenants and Restrictions. Affordable Housing.
Chapter 349, Statutes of 2021
This measure makes any recorded covenants, conditions, restrictions, or limits on the use of private or publicly owned land contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale that restricts the number, size, or location of the residences that may be built on the property, or that restricts the number of persons or families who may reside on the property, unenforceable against the owner of an affordable housing development, as defined, if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided, unless a specified exception applies.

AB 1043 (Bryan) Housing Programs. Rental Housing Developments. Affordable Rent.
Chapter 354, Statutes of 2021
This measure adds "acutely low-income households" to the list of income categories for purposes of defining affordable rents. This measure defines affordable rent for "acutely low-income households" as the product of 30 times 15% area median income (AMI) adjusted for family size appropriate for the unit and defines "acutely low-income

households" as persons and families whose incomes do not exceed 15% AMI, adjusted for family size and revised annually.

AB 1095 (Cooley) Affordable Rental and Owner-Occupied Housing. Equity in State and Local Programs.
Chapter 355, Statutes of 2021
This measure:

- Clarifies that projects eligible for Affordable Housing Sustainable Communities funding include owner-occupied housing, in addition to rental housing;
- Requires the Strategic Growth Council (SGC) to adopt guidelines or selection criteria that include both affordable housing rental units and owner-occupied affordable housing units; and
- Provides that for notices of funding availability released after July 1, 2022, SGC may include guidelines or criteria for the award of funds to projects that provide home ownership opportunities for low-income individuals.

***SB 290 (Skinner) Density Bonus Law. Qualifications for Incentives of Concessions. Student Housing for Lower-Income Students. Moderate-Income Persons and Families. Local Government Constraints.**
Chapter 340, Statutes of 2021
This measure requires a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based. This measure also requires a city or county to grant one incentive or concession for a student housing development project that will include at least 20% of the total units for lower-income students.

SB 591 (Becker) Senior Citizens. Intergenerational Housing Developments.
Chapter 364, Statutes of 2021
This measure authorizes the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition-age youth. This measure requires that the covenants, conditions, and restrictions and other documents or written policy for the development set forth the limitations on occupancy, residency, or use. This measure requires at least 80% of the occupied dwelling units in an intergenerational housing development to be occupied by at least one senior citizen, as specified, and up to 20% of the occupied dwelling units in the development to be occupied by at least one caregiver or transition-age youth, as specified. This measure also requires the development to be affordable to lower-income households.

SB 728 (Hertzberg) Density Bonus Law. Purchase of Density Bonus Units by Nonprofit Housing Organizations.
Chapter 365, Statutes of 2021
This measure amends the current statute to require the developer and the city or county to ensure that (1) a for-sale unit that qualified the developer for the award of the density bonus is initially occupied by a person or family of the required income, offered at an affordable housing cost, as defined, and includes an equity sharing agreement, or (2) a qualified nonprofit housing organization that is receiving the welfare exemption

purchases (described below) the unit pursuant to a specified recorded contract that includes an affordability restriction, an equity sharing agreement and a repurchase option that requires a subsequent purchaser that desires to sell or convey the property to first offer the nonprofit corporation the opportunity to repurchase the property. Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income, lower-, or very low-income households and meets other requirements. Current law requires the developer and the city or county to ensure that the initial occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low-, low-, or moderate-income.

D. Homelessness

AB 27 (L. Rivas) Homeless Children and Youths and Unaccompanied Youths. Reporting.
Chapter 394, Statutes of 2021 (Urgency)
This measure requires a local educational agency to ensure that each school within the local educational agency identifies all homeless children and youths and unaccompanied youths enrolled at the school.

***AB 362 (Quirk-Silva) Homeless Shelters. Safety Regulations.**
Chapter 395, Statutes of 2021
This measure requires a city or county that receives a complaint from an occupant of a homeless shelter, as defined, or an agent of an occupant, alleging that a homeless shelter is substandard to inspect the homeless shelter. This measure requires a city or county that determines that a homeless shelter is substandard to issue a notice to correct the violation to the owner or operator of the homeless shelter within 10 business days of the inspection or issue the notice to correct the violation immediately if the violation constitutes an imminent threat to the health and safety of the occupants of the homeless shelter. Additionally, this measure authorizes a city or county to issue an emergency order directing the owner or operator to take immediate action to rectify violations if the city determines that the violations are dangerous, hazardous, imminently detrimental to life or health, or otherwise render the homeless shelter unfit for human habitation.

AB 546 (Maienschein) Dependent Children. Documents. Housing.
Chapter 519, Statutes of 2021
This measure expands the list of information, documents, and services that a county welfare department, at the last review hearing prior to a youth's 18th birthday and at every regularly scheduled hearing thereafter, as well as prior to the termination of dependency jurisdiction, must report to the court its progress in providing to the youth to include whether referrals to transitional housing have resulted in housing being secured for the minor or nonminor, and, if not, what, if any, different or additional referrals or

assistance the county welfare department has provided that are intended to secure housing; the duration of the housing, if known to the county welfare department; and, if applicable, information, including summaries, describing additional referrals, assistance, or services provided by county departments or agencies other than the county welfare department that are intended to prevent the youth from becoming homeless if jurisdiction is terminated.

***AB 464 (Mullin) Enhanced Infrastructure Financing Districts. Allowable Facilities and Projects.**
Chapter 25, Statutes of 2021
This measure includes, in the list of facilities and projects the district may fund, the acquisition, construction, or repair of commercial structures by the small business occupant of such structures if facilities in which nonprofit community organizations provide health, youth, homeless, and social services. Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use.

AB 816 (Chiu) Homelessness. Housing Trust Fund. Housing Projects.
Chapter 396, Statutes of 2021
This measure requires the Department of Housing and Community Development (HCD) to allocate National Housing Trust Fund monies to projects serving individuals experiencing homelessness, to the extent that a sufficient number of projects exist.

***AB 977 (Gabriel) Homelessness Program Data Reporting. Homeless Management Information System.**
Chapter 397, Statutes of 2021
This measure requires grantees or entities that receive funding from a state homeless program or programs to report certain data to the Homeless Coordinating and Financing Council (HCFC) on the populations they serve.

AB 1220 (L. Rivas) Homelessness. California Interagency Council on Homelessness.
Chapter 398, Statutes of 2021
This measure renames the HCFC as the Interagency Council on Homelessness, reconstitutes its membership, and requires it to consult with a specified advisory group of stakeholders.

SB 400 (Jones) Homeless Children and Youths. Local Educational Agencies. Collaboration, Training, and Reporting.
Chapter 400, Statutes of 2021
This measure requires a liaison for homeless children and youths of a local educational agency, as defined to include a school district, county office of education, charter school, or special education local plan area, to ensure the identification by school

personnel of those children and youths through outreach and coordination activities with other organizations and the referral of services to homeless families and homeless children and youth.

E. Land Use/Planning

AB 68 (Quirk-Silva) Department of Housing and Community Development. California Statewide Housing Plan. Annual Reports.
Chapter 341, Statutes of 2021
This measure revises and recasts provisions related to the California Statewide Housing Plan. This measure, starting with any update or revision to the plan on or after Jan. 1, 2023, requires the plan to include specified information, including, among other things, the number of affordable units needed to meet the state's affordable housing needs and recommendations for modernizing statutory and regulatory terminology. HCD must publish and make the plan available to the public on HCD's website.

***AB 215 (Chiu) Planning and Zoning Law. Housing Element. Violations.**
Chapter 342, Statutes of 2021
This measure adds a new step in the housing element certification process that require 40 additional days; creates a new three-year statute of limitations for any action brought pursuant to the AB 72 enforcement process; and allows HCD to appoint or contract with other counsel to represent the department when the Attorney General declines to represent HCD in an AB 72 enforcement action.

AB 787 (Gabriel) Planning and Zoning. Housing Element. Converted Affordable Housing Units.
Chapter 350, Statutes of 2021
This measure authorizes city or county to include in its annual report to HCD, for up to 25% of a jurisdiction's moderate-income regional housing need allocation, the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit.

AB 803 (Boerner Horvath) Starter Home Revitalization Act of 2021.
Chapter 154, Statutes of 2021
This measure authorizes a development proponent to submit an application for the construction of a small home lot development, as defined, that meets specified criteria. The measure requires a small home lot development to be located on a parcel that is no larger than five acres, is substantially surrounded by qualified urban uses, and is zoned for multifamily residential use.

AB 1029 (Mullin) Housing Elements. Prohousing Local Policies.
Chapter 353, Statutes of 2021 (Urgency)
This measure adds the preservation of affordable housing units as a pro-housing local policy that HCD can consider in developing a pro-housing designation.

*AB 1174 (Grayson) Planning and Zoning. Housing. Development Application Modifications, Approvals, and Subsequent Permits.
Chapter 160, Statutes of 2021 (Urgency)
This measure makes changes to the ministerial process created by SB 35 (Wiener, Chapter 366, Statutes of 2017). These changes include the following:

- "Development activity" includes permitted demolition and grading, rather than only vertical construction;
- The extension of the project approval that must be granted when a developer requests a project modification only applies to the first requested modification;
- In determining whether a project modification would allow local agencies to apply new objective development standards, these calculations must not include underground space;
- For specified large projects that submitted applications before 2019, the definition of "affordable rent" for 70%of the affordable units must use the definition of "affordable rent" used by the California Tax Credit Allocation Committee, rather than the one specified in the Health and Safety Code; and
- Amends the findings and declarations to clarify that it is the provision of affordable housing that is a matter of statewide concern and is not a municipal affair, rather than that the contents of this bill are unto themselves a matter of statewide concern.

AB 1180 (Mathis) Local Governments. Surplus Land. Tribes.
Chapter 62, Statutes of 2021
This measure adds to the definition of “exempt surplus land,” land transferred by a local agency to a federally recognized California Indian tribe.

AB 1304 (Santiago) Affirmatively Further Fair Housing. Housing Element. Inventory of Land.
Chapter 357, Statutes of 2021
This measure clarifies that a public agency has a mandatory duty to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. Specifically, this measure expands the ways in which local agencies must affirmatively further fair housing in their housing elements.

AB 1398 (Bloom) Planning and Zoning. Housing Element. Rezoning of Sites. Prohousing Local Policies.
Chapter 358, Statutes of 2021
This measure requires a local government that fails to adopt a housing element that HCD has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this rezoning no later than one year from the statutory deadline for the adoption of the housing element.

*SB 8 (Skinner) Housing Crisis Act of 2019.
Chapter 161, Statutes of 2021
This measure makes numerous changes to the Housing Crisis Act of 2019. The most notable changes are: extends the sunset on the Act by five years, to Jan. 1, 2030, and provides that until Jan. 1, 2034, the Act's provisions apply to a housing development project that submits a preliminary application before Jan. 1, 2030; extends by one year, up to three and a half years, the period during which a local government may not impose new rules or standards on an affordable housing project, as defined; and clarifies that appeals and public meetings related to density bonus law are counted for the purposes of the five hearing limit in the Act and includes technical changes to the limitation on a local government's ability to reduce the intensity of land use in its jurisdiction.

*SB 9 (Atkins) Housing Development. Approvals.
Chapter 162, Statutes of 2021
This measure, among other things, requires a proposed housing development containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very low-income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district. This measure also requires local governments to ministerially approve an urban lot split, thus creating two independent lots that may be sold separately.

*SB 10 (Wiener) Planning and Zoning. Housing Development. Density.
Chapter 163, Statutes of 2021
This measure, notwithstanding any local restrictions on adopting zoning ordinances, authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The measure specifies that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of CEQA. This measure also prohibits an ordinance adopted under these provisions from superseding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes. This measure sunsets on Jan. 1, 2029.

SB 51 (Durazo) Surplus Residential Property.
Chapter 130, Statutes of 2021 (Urgency)
This measure provides that the surplus land disposal procedures, as they existed on Dec. 31, 2019, apply if a local agency, as of Sept. 30, 2019, has issued a competitive request for proposals that seeks development proposals for the property that includes a residential component of at least 100 residential units and 25% of the total units developed comply with specified affordability criteria, provided that a disposition and development agreement, as defined, is entered into not later than Dec. 31, 2024. If the property is not disposed of pursuant to a qualifying disposition and development agreement before March 31, 2026, or if no disposition and development agreement is entered into before Dec. 31, 2024, the measure requires that future negotiations for and disposition of the property comply with the surplus land disposal procedures then in effect.

SB 319 (Melendez) Land Use. Development Fees. Audit.
Chapter 385, Statutes of 2021
This measure adds an additional requirement for audits requested by a person to determine whether a fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product, public facility, or service provided by the local agency This measure requires these audits to include each consecutive year the local agency did not comply with the disclosure requirement. Current law authorizes a person to request an audit to determine whether a fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product, public facility, or service provided by the local agency. If a local agency does not comply with the above-described disclosure requirement for three consecutive years, existing law prohibits the local agency from requiring that person to make a specified deposit and requires the local agency to pay the cost of the audit.

***SB 478 (Wiener) Planning and Zoning Law. Housing Development Projects.**
Chapter 363, Statutes of 2021
This measure prohibits a local agency from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of three to seven units, or less than 1.25 on a housing development project that consists of eight to ten units.

SB 574 (Laird) Agricultural Preserves. Williamson Act.
Chapter 644, Statutes of 2021
This measure revises and recasts the provisions of the California Land Conservation Act of 1965 to no longer require the assessor to provide notice to the Department of Conservation and to require the board of supervisors or city council to provide notice to the Department if the certificate of tentative cancellation is withdrawn, as specified. Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction and requires the assessor to send the fair market

value to the Department at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the Department related to the cancellation of the contract as well as in other specified instances.

SB 712 (Hueso) Local Government. California Tribes. Federal Fee-to-Trust Applications to Regain Ancestral Lands.
Chapter 291, Statutes of 2021
This measure encourages state and local governments, as defined, to work cooperatively with tribes in their fee-to-trust applications for purposes of regaining ancestral lands, and to support tribes in their nongaming fee-to-trust applications. This measure also prohibits local governments from adopting or enforcing a resolution or ordinance that would prevent the local government from conducting a fair evaluation of a fee-to-trust application by a federally recognized tribe based on the merits of the application.

***SB 791 (Cortese) California Surplus Land Unit.**
Chapter 366, Statutes of 2021
This measure, upon appropriation by the Legislature, establishes the California Surplus Land Unit within HCD with the primary purpose of facilitating the development and construction of residential housing on local surplus land. This measure authorizes the unit to, among other things, facilitate agreements between housing developers and local agencies that seek to dispose of surplus land; provide advice, technical assistance, and consultative and technical service to local agencies with surplus land and developers that seek to develop housing on the surplus land; and collaborate with specified state agencies to assist housing developers and local agencies with obtaining grants, loans, tax credits, credit enhancements, and other types of financing that facilitate the construction of housing on surplus land.

SB 828 (Cmte. on Governmental Organization) Surplus State Real Property. Disposal.
Chapter 189, Statutes of 2021
This measure authorizes the Director of the Department of General Services (DGS) to dispose of specified state properties pursuant to these provisions, subject to conditions relating to the approval of the disposal to the extent the property is subject to outstanding bonds. Current law authorizes the Director of DGS to dispose of surplus state real property where that property is not needed by another state agency and the Legislature has authorized disposal of the property. Current law also specifies the manner in which the DGS is to dispose of surplus state real property.

F. Landlord–Tenant

AB 832 (Chiu) COVID-19 Relief. Tenancy. Federal Rental Assistance.
Chapter 27, Statutes of 2021(Urgency)
This measure extends the tenant, landlord, and homeowner protections provided by SB 91 (Chapter 2, Statutes of 2021, see Budget Trailer Bills section) until Sept. 30, 2021, including the current requirement that tenants pay 25% per month by Sept. 30, 2021, when the moratorium ends. It also extends the dates around statewide uniformity and preemption rules until March 31, 2022 and codifies debt-masking protections in COVID-19 cases. Additionally, this measure made changes to the Emergency Rental Assistance Program and court procedures for evictions.

***AB 838 (Friedman) State Housing Law. Enforcement Response To Complaints.**
Chapter 351, Statutes of 2021
This measure, beginning July 1, 2022, requires a city or county that receives a complaint of a substandard building or a lead hazard violation from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. This measure requires the city or county to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations.

G. Mobilehomes

AB 861 (Bennett) Mobilehome Parks. Rental Restrictions. Management.
Chapter 706, Statutes of 2021
This measure requires mobilehome park management to comply with any park rule or regulation which prohibits mobilehome owners from renting or subleasing unless management is renting or subleasing to an employee. This measure exempts tenancies established prior to Jan. 1, 2022, as long as a tenant listed on the rental agreement continues to occupy the mobilehome.

AB 978 (Quirk-Silva) Mobilehome Parks. Rent Caps.
Chapter 125, Statutes of 2021
This measure prohibits a mobilehome park located in two incorporated cities from raising rents more than 3%, plus the percentage change in the cost of living, and applies just cause eviction and anti-rent gouging protections to tenants in mobilehome units. In doing so, this measure extends the Tenant Protection Act of 2019 to an owner or operator of a mobilehome park and an owner of a mobilehome or their agent.

H. Budget Trailer Bills

SB 129 (Skinner) Budget Act of 2021.
Chapter 69, Statutes of 2021
This measure contains major revisions to the Budget Act of 2021 (AB 128). Notable for local governments, this measure includes the following provisions:

Housing and Homelessness

Housing
- $50 million for the Serna Jr. Farmworker Housing Grant Program at the Department of Housing and Community Development;
- $10 million for a grant program for local governments to incentivize the conversion of idle commercial properties to affordable housing;
- $50 million in one-time General Fund resources to expand the Golden State Acquisition Fund (GSAF), which, combined with matching funds, GSAF makes up to five-year loans to developers for acquisition or preservation of affordable housing; and
- $100 million to the California Housing Finance Agency (CalHFA), to expand CalHFA's homebuyer assistance program and begins the process of developing the California Dream for All First Time Homebuyer Program to be used for homebuyer assistance.

Homelessness
- $250 million in General Fund for Homekey within the Multifamily Housing Program, bringing the total investment to $1.45 billion;
- $4 million for a homeless data system at the Business, Consumer Services, and Housing Agency;
- $285 million General Fund for the Department of Social Services for the CalWORKs homeless program;
- $50 million to address encampments for persons experiencing homelessness;
- $300 million General Fund one-time for the Home Safe Program over two years to help combat senior homelessness; and
- $380 million one-time for the CalWORKs Housing Support Program over two years to house families in the program, and help them avoid eviction.

AB 140 (Cmte. on Budget) Housing.
Chapter 111, Statutes of 2021
This measure includes the following provisions and funding for housing and homelessness:
- $2 billion in aid to counties, large cities, and Continuums of Care through the Homeless Housing, Assistance and Prevention grant program;
- $50 million for Encampment Resolution Grants, which will help local governments resolve critical encampments and transitioning individuals into permanent housing;

- $2.7 million in onetime funding for Caltrans Encampment Coordinators to mitigate safety risks at encampments on state property and to coordinate with local partners to connect these individuals to services and housing;
- $250 million for the Infill Infrastructure Grant Program and extends the lifetime of the program to Jan. 1, 2026; and
- A statutory exemption for the California Environmental Quality Act for activities funded by the second round of funding for Homekey.

AB 175 (Cmte. on Budget) Housing. Mortgages and Deeds of Trust. Use of State Property. Surplus Land Disposal. Financing Programs.
Chapter 255, Statutes of 2021
This measure makes a variety of technical, clarifying changes to recent legislation to address housing and homelessness included in the 2021 Budget Act. Specifically, this measure makes the following changes notable for local governments:

- Clarifies foreclose procedures and requirements for bidders, foreclosed-on owners, and foreclosure trustees;
- Authorizes the City of Sacramento to enter into a contract with the Cal Expo Board of Directors to provide emergency homelessness shelters; and
- Provides that surplus land disposal procedures existing on Dec. 31, 2019, apply to the Metro North Hollywood Joint Development Project under specific conditions until Dec. 31, 2024.

SB 91 (Cmte. on Budget and Fiscal Review) COVID-19 Relief. Tenancy. Federal Rental Assistance.
Chapter 2, Statutes of 2021
This measure extends the statewide moratorium on evictions for nonpayment of rent due to COVID-19 financial hardship to June 30, 2021 and establishes the State's Emergency Rental Assistance Program. The U.S. Treasury Department allocated $2.6 billion to California for the program, with $1.5 billion of federal rental relief funds to go toward implementation of a statewide rental assistance program, and $1.1 billion to go to California's largest cities and counties according to federal law. More information is available on the Cal Cities website.

SB 151 (Cmte. on Budget and Fiscal Review) Economic Development.
Chapter 74, Statutes of 2021
This measure includes a suite of investments in economic development and economic relief related to the COVID-19 pandemic. Most notable investments for local governments in this measure include:

- Establishes the California Competes Grant Program to incentivize businesses to make significant investments in California, with specified requirements;
- Updates to the Innovation Hubs Program to focus on inclusivity, startup companies, and commercialization of technology;
- Establishes the California Dream Fund to provide small grants to new businesses via the California Small Business Technical Assistance Expansion Program;
- Establishes the California Venues Grant Program to provide grants to venues that host live events;

- Establishes the California Nonprofit Performing Arts Grant Program to support performing arts workforce development; and
- Establishes the California Microbusiness COVID-19 Relief Grant Program to fund regional programs that support microbusinesses.

SB 162 (Cmte. on Budget and Fiscal Review) Community Economic Resilience Fund Program.
Chapter 259, Statutes of 2021
This measure appropriates $600 million to establish the Community Economic Resilience Fund Program, which is intended to build an equitable and sustainable economic recovery from the impacts of COVID-19 on California's industries, workers, and communities, and to provide for the durability of that recovery by fostering long-term economic resilience in the overall transition to a carbon-neutral economy. Specifically, this measure will, among other things:

- Award planning grants on a competitive basis to establish and support at least one High Road Transition Collaborative per region in areas that have had disproportionate impacts due to COVID-19; and
- Develop one or more regional and subregional economic recovery and transition plans addressing essential elements of a high road strategy, including economic diversification, industry planning, workforce development, and the identification and integration of current or supplemental safety net programs.

I. Regional

AB 687 (Seyarto) Joint Powers Authorities. Riverside County Housing Finance Trust.
Chapter 120, Statutes of 2021
This measure authorizes the creation of the Western Riverside County Housing Finance Trust, a joint powers authority, for the purposes of funding housing specifically assisting the homeless population and persons and families of extremely low-, very low-, and low-income within the County of Riverside.

SB 330 (Durazo) Los Angeles Community College District Affordable Housing Pilot Program.
Chapter 572, Statutes of 2021
This measure requires the governing board of the Los Angeles Community College District to develop and implement a pilot program to provide affordable housing to students or employees of the Los Angeles Community College District, and to provide a report to the Legislature, no later than Jan. 1, 2032, with findings and recommendations on the success of the program. This measure also requires priority be given to low-income students experiencing homelessness for the affordable units of affordable housing for students or employees.

SB 381 (Portantino) Surplus Residential Property. Priorities, Procedures, Price, and Fund. City of South Pasadena.
Chapter 362, Statutes of 2021 (Urgency)
This measure, with respect to surplus residential property that is located within the City of South Pasadena, requires that if the surplus residential property is not sold to a former owner or present occupant, as described above, the property be offered at fair market value to present tenants who have occupied the property for five years or more and who are in good standing with all rent obligations current and paid in full, with first right of occupancy to the present occupants.

J. Workforce Development

SB 779 (Becker) California Workforce Innovation Opportunity Act. Earn and Learn Programs.
Chapter 223, Statutes of 2021
This measure amends the list of "earn and learn" programs by specifying that an "earn and learn" program includes transitional jobs in the federal Workforce Innovation and Opportunity Act, and subsidized employment with an employer of record, which may include, but not be limited to, an employment social enterprise, as defined, or a worker cooperative, as defined, particularly for individuals with barriers to employment. Current law requires, as part of the California Workforce Innovation and Opportunity Act, opportunities for "earn and learn" job training that meet the industry's workforce demands and that are in high-wage, high-demand jobs. Under existing law, "earn and learn" programs include, but are not limited to, transitional and subsidized employment particularly for individuals with barriers to employment.
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K. Miscellaneous

AB 306 (O'Donnell) School Districts and Community College Districts. Employee Housing.
Chapter 49, Statutes of 2021
This measure excludes any building or facility that serves or is intended to serve as residential housing for school district and community college district teachers and employees and their families from the requirements of the Field Act. The Field Act requires DGS to supervise the design and construction of any school building, including both school district and community college district buildings, or, if the estimated cost exceeds $100,000.

AB 592 (Friedman) Foster Youth. Transitional Housing.
Chapter 702, Statutes of 2021
This measure requires a transitional housing unit with a host family to include supervised transitional housing services provided by the licensed transitional housing placement provider. With respect to a transitional housing placement program serving non-minor dependents, this measure additionally authorizes certain entities, including a

resource family approved by a foster family agency or a county, a licensed foster family home, a certified family home, an approved relative caregiver, or a nonrelative extended family member of a participant to operate as a host family.

*AB 602 (Grayson) Development Fees. Impact Fee Nexus Study.
Chapter 347, Statutes of 2021
This measure, among other things, requires, on and after Jan. 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

AB 948 (Holden) Bureau of Real Estate Appraisers. Disclosures. Demographic Information. Reporting. Continuing Education.
Chapter 352, Statutes of 2021
This measure makes various reforms to safeguard against discrimination during the appraisal process; requires the collection of information in order to provide data in regard to demographics and other relevant evidence to analyze the appraiser's practices. Specifically, this measure requires the Bureau of Real Estate Appraisers within the Department of Consumer Affairs to place on an existing complaint form a check box asking if the complainant believes that the opinion of the value of the real estate is below market value. This measure also requires the Bureau to collect demographic information, voluntarily provided, regarding sellers, those seeking to refinance, buyers, or an authorized representative in real estate transactions making a complaint.

AB 1466 (McCarty) Real Property. Discriminatory Restrictions.
Chapter 359, Statutes of 2021
This measure requires a title company, escrow company, real estate broker, real estate agent, or association that delivers a copy of a declaration, governing document, or deed to a person who holds an ownership interest of record in property to identify whether any of the documents contain unlawfully restrictive covenants and, if found, record a specified modification document with the county recorder.

AB 1584 (Cmte. on Housing and Community Development) Housing Omnibus.
Chapter 360, Statutes of 2021
This measure makes several technical and clarifying changes to code sections pertaining to housing and community development.

***SB 780 (Cortese) Local Finance. Public Investment Authorities.**
Chapter 391, Statutes of 2021
This measure makes significant changes to the EIFD and Community Revitalization Infrastructure Authorities (CRIA) laws. Notably, this measure:

- Allows legislative bodies of participating tax entities to appoint one of its members to be an alternate member;
- Clarifies that a directly elected mayor of a charter city may serve on the governing board of a CRIA or EIFD;
- Authorizes an EIFD map to identify project areas; and
- Commences the 45-year time limit for financing improvements after $100,000 in annual tax increment accumulates amongst other changes.

SB 807 (Wieckowski) Enforcement of Civil Rights. Department of Fair Employment and Housing.
Chapter 278, Statutes of 2021
This measure tolls the deadline for the Department of Fair Employment and Housing (DFEH) to file a civil action pursuant to the California Fair Employment and Housing Act (FEHA) while a mandatory or voluntary dispute resolution is pending. The FEHA establishes DFEH within the Business, Consumer Services, and Housing Agency under the direction of the Director of DFEH. The FEHA makes certain discriminatory employment and housing practices unlawful and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the DFEH. The FEHA requires the DFEH to make an investigation in connection with a filed complaint alleging facts sufficient to constitute a violation of the FEHA and requires the DFEH to endeavor to eliminate the unlawful practice by conference, conciliation, and persuasion. If conference, conciliation, mediation, or persuasion fails and the DFEH has required all parties to participate in a mandatory dispute resolution, as specified, the FEHA authorizes the director to bring a civil action in the name of the DFEH on behalf of the person claiming to be aggrieved within a specified amount of time.

PUBLIC SAFETY

VI. Public Safety

A. Cannabis

AB 1138 (Rubio) Unlawful Cannabis Activity. Civil Enforcement.
Chapter 530, Statutes of 2021
This measure imposes a civil penalty on persons aiding and abetting unlicensed commercial cannabis activity of up to three times the license fee for each violation but no more than $30,000 for each violation. Additionally, this measure prohibits filing an action for civil penalties brought against a person under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) three years after the first date of discovery of the violation.

AB 1222 (Chen) Cannabis Packaging. Beverages.
Chapter 532, Statutes of 2021
This measure authorizes cannabis beverages to be packaged in glass containers that are clear or any color.

AB 1305 (Lackey) The Medicinal and Adult-Use Cannabis Regulation and Safety Act. Exemptions.
Chapter 157, Statutes of 2021
This measure exempts from MAUCRSA activity performed pursuant to the United States Drug Enforcement Administration (DEA) registration if the person engaging in the activity provides the licensing authority valid documentation of their registration with DEA and the location where the activity will be performed before engaging in the activity.

SB 311 (Hueso) Compassionate Access to Medical Cannabis Act or Ryan's Law.
Chapter 384, Statutes of 2021
This measure, the Compassionate Access to Medical Cannabis Act ("Ryan's Law"), requires specified types of health care facilities to allow a terminally ill patient's use of medicinal cannabis within a health care facility. Additionally, this measure requires a patient to provide the health care facility with a copy of their medical marijuana card or written documentation that the use of medicinal cannabis is recommended by a physician. This measure also requires a health care facility to reasonably restrict how a patient stores and uses medicinal cannabis to ensure the safety of other patients, guests, and employees and ensure compliance with other state laws.

SB 544 (Laird) Cannabis Testing.
Chapter 547, Statutes of 2021
This measure implements provisions of the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) by requiring the Department of Cannabis Control, on or before Jan. 1, 2023, to establish one or more standardized cannabinoids test methods to be used by all testing laboratories.

B. Courts

AB 127 (Kamlager) Arrest Warrants. Declaration of Probable Cause.
Chapter 20, Statutes of 2021
This measure requires a magistrate, before issuing an arrest warrant, to examine the declaration of probable cause made by a peace officer or an employee of a public prosecutor's office when the subject of the arrest warrant is a peace officer.

AB 262 (Patterson) Human Trafficking. Vacatur Relief for Victims.
Chapter 193, Statutes of 2021
This measure provides additional legal rights when a victim of human trafficking petitions the court to vacate a conviction for a non-violent crime committed when the petitioner was a victim of human trafficking. This measure allows a person when petitioning to vacate a non-violent conviction because the petitioner was a victim of human trafficking and the conviction was a direct result of being a victim of human trafficking, to appear at the court hearings by counsel and removes the time limitations to bring the petition.

AB 625 (Arambula) State Public Defender. Indigent Defense. Study.
Chapter 583, Statutes of 2021
This measure requires the State Public Defender to manage a study to analyze and determine appropriate workloads for public defenders and indigent defense attorneys and submit their findings to the Legislature.

AB 670 (Calderon) Child Abuse or Neglect. Minor and Nonminor Dependent Parents.
Chapter 585, Statutes of 2021
This measure requires, when a report alleging abuse or neglect of the child of a dependent of the juvenile court is made, the agency that received the report to:

- Notify the attorney representing the dependent within 36 hours;
- Prohibits the court from declining to offer reunification services in certain instances where a minor or nonminor dependent (NMD) parent is involved; and
- Requires a social worker or probation officer to use a strengths-based approach to support a minor or NMD parent in providing a safe and permanent home for their child.

AB 700 (Cunningham) Criminal Procedure. Arraignment and Trial.
Chapter 196, Statutes of 2021
This measure allows a defendant in custody to appear by counsel in criminal proceedings, with or without a written waiver, if the court makes specified findings on the record by clear and convincing evidence.

AB 716 (Bennett) Court Access.
Chapter 526, Statutes of 2021
This measure requires the court to provide, at a minimum, a public audio stream or telephonic means by which to listen to the proceedings when the courthouse is

physically closed, except when the law authorizes or requires the proceedings to be closed.

AB 829 (Levine) Foster Children. Immigration Counsel and Guardianship.
Chapter 528, Statutes of 2021
This measure requires a county to make its best efforts to provide an undocumented minor or NMD in foster care under the jurisdiction of the juvenile court with access to immigration legal services.

AB 898 (Lee) Criminal Records. Automatic Conviction Record Relief.
Chapter 202, Statutes of 2021
This measure provides that if probation is transferred to another county, and a prosecutor or probation department in either county is seeking to file a petition to prohibit the Department of Justice (DOJ) from granting automatic conviction record relief, the petition must be filed in the county of current jurisdiction and expands notice provisions regarding conviction record relief to include probation transfer cases.

AB 1143 (Berman) Civil Procedure. Restraining Orders.
Chapter 156, Statutes of 2021
This measure provides that if the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service and that there is reason to believe that the respondent is evading service or cannot be located, the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe how proof of service shall be made.

AB 1228 (Lee) Supervised Persons. Release.
Chapter 533, Statutes of 2021
This measure specifies that persons released from custody prior to a probation violation hearing shall be released on their own recognizance unless the court finds, by clear and convincing evidence, that the particular circumstances of the case require the imposition of conditions of release in order to provide reasonable protection of the public and reasonable assurance of the person's future appearance in court.

AB 1243 (Rubio) Protective Orders. Elder and Dependent Adults.
Chapter 273, Statutes of 2021
This measure allows an interested party to seek a protective order for isolation of an elder or dependent adult under the Elder Abuse and Dependent Adult Civil Protection Act and for the court to make a finding that specific debt was incurred as the result of financial abuse of the elder or dependent adult, effective Jan. 1, 2023.

AB 1259 (Chiu) Criminal Procedure. Motion to Vacate.
Chapter 420, Statutes of 2021
This measure provides that a person who is no longer in criminal custody may file a motion to vacate a conviction or sentence if the conviction or sentence is legally invalid due to prejudicial error damaging the moving party’s ability to meaningfully understand,

defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.

AB 1281 (Rubio) Criminal Procedure. Protective Orders.
Chapter 209, Statutes of 2021
This measure specifies that expungement of a criminal conviction does not release the defendant from specified, unexpired criminal protective orders issued by the court in the underlying case.

AB 1347 (Jones-Sawyer) Bail. Premiums.
Chapter 444, Statutes of 2021
This measure, on and after Jan. 1, 2022, prohibits an insurer, bail agent, or other bail licensee from entering into a contract, agreement, or undertaking of bail that requires the payment of more than one premium for the duration of the agreement, and requires the duration of the agreement to be until bail is exonerated. This measure also makes these prohibitions apply to an insurer or insurance licensee with regard to immigration bonds on and after July 1, 2022.

AB 1452 (Ting) Pilot Program. Increased Fee for Low-Income Jurors. Criminal Trials.
Chapter 717, Statutes of 2021
This measure authorizes the Superior Court of San Francisco, in conjunction with the City and County of San Francisco and their justice partners, to conduct a pilot program to analyze and determine whether paying certain low-income trial jurors $100 per day for each day they are required to report for service as a trial juror in a criminal case promotes a more economically and racially diverse trial jury panel that more accurately reflects the demographics of the community.

AB 1540 (Ting) Criminal Procedure. Resentencing.
Chapter 719, Statutes of 2021
This measure requires the court to state its reasons for a resentencing decision on the record and require the court to provide notice to the defendant, set a status conference within 30 days of the receipt of the request, and appoint counsel for the defendant. This measure also authorizes the court to grant a resentencing without a hearing if the parties are in agreement.

SB 24 (Caballero) Domestic Violence. Protective Orders. Information Pertaining to a Child.
Chapter 129, Statutes of 2021
This measure authorizes a court to include in an ex parte order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties, commencing Jan. 1, 2023. This measure requires an essential care provider to develop protocols relating to compliance with that order on or before February 1, 2023 and requires a discretionary services organization to develop those protocols within 30 days of receipt of the first order.

SB 317 (Stern) Competence to Stand Trial.
Chapter 599, Statutes of 2021
This measure authorizes good conduct credits for a person found incompetent to stand trial, who is receiving treatment in a treatment facility, and makes modifications to existing procedures related to a finding of mental incompetence for misdemeanor defendants to provide for community-based treatment rather than confinement in a treatment facility.

SB 248 (Bates) Sexually Violent Predators. Open Court Proceedings.
Chapter 383, Statutes of 2021
This measure requires the Department of Corrections and Rehabilitation (CDCR) to refer a person directly to the Department of State Hospitals (DSH) for an evaluation as to whether the person still meets the criteria as a sexually violent predator (SVP) if the person is in CDCR for an offense committed while the person was previously serving an indeterminate term in DSH as an SVP.

SB 354 (Skinner) Public Social Services.
Chapter 687, Statutes of 2021
This measure authorizes the court to order placement of a child with a relative, regardless of the status of any criminal exemption or resource family approval, if the court finds that the placement does not pose a risk to the health and safety of the child.

SB 446 (Glazer) Factual Innocence.
Chapter 490, Statutes of 2021
This measure changes existing procedures related to wrongful conviction compensation claims and shifts the burden on the state to prove that the claimant is not entitled to compensation in specified cases.

SB 483 (Allen) Sentencing. Resentencing to Remove Sentencing Enhancements.
Chapter 728, Statutes of 2021
This measure applies retroactively to the repeal of sentence enhancements for prior prison or county jail felony terms and prior convictions of specified crimes related to controlled substances.

C. Crime & Punishment

AB 124 (Kamlager) Criminal Procedure.
Chapter 695, Statutes of 2021
This measure requires courts to consider whether specified trauma to a defendant and other factors contributed to the commission of an offense when making sentencing and resentencing determinations and expands the affirmative defense of coercion for human trafficking victims and extends it and vacatur relief to victims of intimate partner violence and sexual violence.

AB 287 (Quirk) Civil Actions. Statute of Limitations.
Chapter 264, Statutes of 2021
This measure creates a three-year statute of limitations on civil actions for violations arising from a person engaging in unlicensed cannabis activities, extending the current one-year statute of limitations.

AB 331 (Jones-Sawyer) Organized Theft.
Chapter 113, Statutes of 2021 (Urgency)
This measure re-establishes the crime of organized retail theft until Jan. 1, 2026. This measure also empowers the existence of a task force established by the California Highway Patrol to analyze organized retail theft and vehicle burglary and assist local law enforcement in counties identified as having elevated property crime.

AB 333 (Kamlager) Participation in a Criminal Street Gang. Enhanced Sentence.
Chapter 699, Statutes of 2021
This measure redefines the terms "pattern of criminal gang activity" and "criminal street gang" for the purposes of the gang offense, enhancement, and alternate penalty and requires bifurcation of gang-related prosecutions from prosecutions that are not gang-related.

AB 430 (Grayson) Debt Collection. Identity Theft.
Chapter 265, Statutes of 2021
This measure allows the use of a Federal Trade Commission identity theft report, in lieu of a police report when a victim of identity theft seeks civil protections pursuant to the Rosenthal Fair Debt Collection Practices Act, the Identity Theft Law, and the Penal Code.

AB 453 (Garcia, Cristina) Sexual Battery. Nonconsensual Condom Removal.
Chapter 613, Statutes of 2021
This measure expands what actions constitute a sexual battery, under the Civil Code, to include an act that causes contact between a penis, from which a condom has been removed, and the intimate part of another who did not verbally consent to the condom being removed.

AB 518 (Wicks) Criminal Law. Violations Punishable in Multiple Ways.
Chapter 441, Statutes of 2021
This measure allows a criminal act that is punishable in different ways by different provisions of law to be punished under any of those provisions, rather than requiring the provision that provides for the longest potential term of imprisonment.

AB 556 (Maienschein) Misuse of Sperm, Ova, of Embryos. Damages.
Chapter 170, Statutes of 2021
This measure establishes a private cause of action for damages against a person who misuses sperm, ova, or embryos and provides for damages for a prevailing plaintiff, including actual or statutory damages.

AB 600 (Arambula) Hate Crimes. Immigration Status.
Chapter 295, Statutes of 2021
This measure clarifies that "immigration status" is included in the scope of a "hate crime" based on "nationality," and provides that this is declaratory of existing law.

AB 636 (Maienschein) Financial Abuse of Elder of Dependent Adults.
Chapter 621, Statutes of 2021
This measure authorizes information relevant to an incident of elder or dependent adult abuse to be given to a federal law enforcement agency for the sole purpose of investigating a financial crime committed against the elder or dependent adult. This measure also authorizes the information to be given to a local code enforcement agency for the sole purpose of investigating an unlicensed care facility where the health and safety of an elder or dependent adult resident are at risk.

AB 750 (Jones-Sawyer) Crimes. Perjury.
Chapter 267, Statutes of 2021
This measure clarifies the crime of a peace officer making a false report against another person, when the officer knows the statement is false and is presenting the statement to be true.

AB 764 (Cervantes) Contempt of Court. Victim Intimidation.
Chapter 704, Statutes of 2021
This measure increases the maximum punishment for the misdemeanor offense of contempt of court that applies when a person who has previously been convicted of stalking, willfully contacts a victim by social media, electronic communication, or electronic communication device, from six months in jail to one year in jail.

AB 913 (Smith) Collateral Recovery.
Chapter 416, Statutes of 2021
This measure clarifies and updates definitions used in the Collateral Recovery Act to conform to current practices and align with other provisions of law.

AB 1171 (Garcia, Cristina) Rape of a Spouse.
Chapter 626, Statutes of 2021
This measure repeals the existing stand-alone provision of law relating to spousal rape and expands the definition of rape to include the rape of a spouse, making a state prison sentence mandatory in most circumstances, and requiring the convicted spouse to register as a sex offender.

AB 1247 (Chau) Criminal Procedure. Limitations of Actions.
Chapter 206, Statutes of 2021
This measure allows the statute of limitations for the prosecution of a felony offense for unlawful access of computer services to be tolled three years within the discovery of the commission of the offense, but no more than six years from the commission of the offense.

AB 1318 (Stone) Deferred Entry of Judgment Pilot Program.
Chapter 210, Statutes of 2021
This measure extends the operative date of the exiting Transition Age Youth pilot program to Jan. 1, 2024, and establishes a Dec. 31, 2022, deadline by which a report on the program must be delivered to the Senate and Assembly Public Safety Committees.

SB 71 (McGuire) Infractions. Community Service. Education Programs.
Chapter 598, Statutes of 2021
This measure allows a court to permit a person to participate in an educational program as part of their community service to pay off the fine imposed for an infraction.

SB 73 (Wiener) Probation. Eligibility. Crimes Relating to Controlled Substances.
Chapter 537, Statutes of 2021
This measure permits a court to grant probation for specified drug offenses, which are currently either ineligible or presumptively ineligible for probation.

SB 81 (Skinner) Sentencing. Dismissal of Enhancements.
Chapter 721, Statutes of 2021
This measure authorizes a court, either on its own motion or upon the application of the prosecuting attorney, to dismiss an action in the furtherance of justice.

SB 427 (Eggman) Water Theft. Enhanced Penalties.
Chapter 137, Statutes of 2021
This measure allows water agencies and districts to adopt an ordinance with enhanced penalties for water theft.

SB 567 (Bradford) Criminal Procedure. Sentencing.
Chapter 731, Statutes of 2021
This measure requires that the facts underlying any aggravating circumstances relied upon by the court to impose a sentence exceeding the middle term either for a criminal offense or for an enhancement be submitted to the trier of facts and found to be true or be admitted by the defendant.

SB 775 (Becker) Felony Murder. Resentencing.
Chapter 551, Statutes of 2021
This measure clarifies that persons who were convicted of attempted murder or manslaughter under a theory of felony murder are permitted the same relief as those persons convicted of murder under the same theories. This measure permits for the appointment of counsel in petitions for resentencing under these provisions and authorizes a person convicted of murder, attempted murder, or manslaughter whose conviction is not final to challenge the validity of that conviction upon direct appeal.

D. Emergency Management

AB 934 (Cooley) Public Buildings. Shelter in Place. Guidelines.
Chapter 174, Statutes of 2021
This measure, no later than March 1, 2022, requires the Department of General Services to prepare and submit to the Joint Rules Committee a report summarizing current building safety guidelines of the Federal Emergency Management Agency or similar building safety guidelines relating to the integration of shelter-in-place facilities in public buildings.

SB 816 (Cmte. on Governmental Organization) Master Mutual Aid Agreement. Tribes.
Chapter 292, Statutes of 2021
This measure amends the California Emergency Services Act to confirm the state's authority to contract with California tribes for the purposes of providing mutual aid.

E. Firearms

AB 1057 (Petrie-Norris) Firearms.
Chapter 682, Statutes of 2021
This measure, on and after July 1, 2022, defines a firearm, for the purpose of Gun Violence Restraining Order (GVRO) and domestic violence restraining order provisions, to include a frame or receiver of the weapon or a firearm precursor part.

AB 1191 (McCarty) Firearms. Tracing.
Chapter 683, Statutes of 2021
This measure requires the DOJ to analyze information reported by law enforcement agencies regarding the history of a recovered firearm that is illegally possessed, has been used in a crime, or is suspected of having been used in a crime. Additionally, this measure requires DOJ to submit a report to the Legislature summarizing the analysis.

SB 264 (Min) Firearms. The OC Fair and Event Center.
Chapter 684, Statutes of 2021
This measure prohibits an officer, employee, operator, lessee, or licensee of the 32nd District Agricultural Association from contracting, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition on the property or in the buildings that comprise the OC Fair and Event Center. Additionally, this measure exempts from its provisions a gun buyback event held by a law enforcement agency, the sale of a firearm by a public administrator, public guardian, or public conservator within the course of their duties, a sale that occurs pursuant to a contract that was entered into before Jan. 1, 2022, and the purchase of ammunition on state property by a law enforcement agency in the course of its regular duties.

SB 320 (Eggman) Domestic Violence Protective Orders. Possession of a Firearm.
Chapter 685, Statutes of 2021
This measure codifies existing Rules of Court related to the relinquishment of a firearm by a person subject to a civil domestic violence restraining order and requires the courts to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm relinquishment order.

SB 538 (Rubio) Domestic Violence and Gun Violence Restraining Orders.
Chapter 686, Statutes of 2021
This measure requires, by July 1, 2023, a court or court facility that receives petitions for domestic violence restraining orders or GVROs to permit those petitions to be filed electronically. Additionally, this measure authorizes parties and witnesses to appear remotely at a hearing on a petition for a GVRO or domestic violence restraining order. This measure also requires the superior court of each county to develop and to post on its website local rules and instructions for electronic filing and remote appearances.

F. Fire/Emergency Medical Services

***AB 389 (Grayson) Ambulance Services.**
Chapter 460, Statutes of 2021
This measure specifies that a county is authorized to contract for emergency ambulance services with a fire agency that will provide those services, in whole or in part, through a written subcontract with a private ambulance service.

AB 450 (Gonzalez) Paramedic Disciplinary Review Board.
Chapter 463, Statutes of 2021
This measure creates the Paramedic Disciplinary Review Board to act on appeals regarding the Emergency Medical Services Authority's denial of licensure and decision to impose licensure action on and after Jan. 1, 2023.

AB 798 (Ramos) Vehicles. Fire Department. Federally Recognized Tribes.
Chapter 282, Statutes of 2021
This measure exempts ambulances owned or operated by a fire department of a federally recognized tribe or operators of those ambulances from the requirement to have a license and prohibits the California Highway Patrol from inspecting those ambulances.

AB 1104 (Grayson) Air Ambulance Services.
Chapter 476, Statutes of 2021 (Urgency)
This measure extends the July 1, 2021, sunset date by an additional 18 months of the Emergency Medical Air Transportation Act and its $4 penalty assessment collected from every conviction for a violation of the Vehicle Code or local ordinance adopted pursuant to the Vehicle Code, other than a parking offense, to be used for purposes of the Emergency Medical Air Transportation and Children's Coverage Fund.

SB 206 (McGuire) Firefighters Procedural Bill of Rights Act. Department of Forestry and Fire Protection. Temporary Appointments.
This measure applies the Firefighters Procedural Bill of Rights to seasonal temporary appointment firefighters.

SB 332 (Dodd) Civil Liability. Prescribed Burning Operations. Gross Negligence. Chapter 600, Statutes of 2021
This measure provides that a burn boss and a private landowner upon whose property a burn boss carries out a prescribed burn are immune from liability for damages or injuries to persons or property as the result of a prescribed burn, unless the burn was conducted in a grossly negligent manner.

G. Juvenile Justice

AB 624 (Bauer-Kahan) Juveniles. Transfer to Court of Criminal Jurisdiction. Appeals.
Chapter 195, Statutes of 2021
This measure requires an order transferring a minor from the juvenile court to a court of criminal jurisdiction to be subject to immediate appellate review if a notice of appeal is filed within 30 days of the order transferring the minor. Additionally, this measure requires the superior court to issue a stay of the criminal court proceedings until a final determination of the appeal if requested by the minor.

AB 640 (Cooley) Extended Foster Care. Eligibility Redetermination.
Chapter 622, Statutes of 2021
This measure authorizes a county child welfare, probation, or tribal placing agency, to petition the juvenile court on behalf of certain NMD's to terminate dependency or transition jurisdiction over the youth to establish the NMD's eligibility for federal financial participation under the Families with Dependent Children-Foster Care program. Additionally, this measure requires a county child welfare, probation, or tribal placing agency to ensure an NMD does not experience a break in services or supports before, during, or after the filing or granting of the petition.

SB 383 (Cortese) Juveniles. Informal Supervision. Deferred Entry of Judgment.
Chapter 603, Statutes of 2021
This measure increases access to diversion programs for youth that commit non-violent felonies with the intention to shift the focus of the juvenile justice system from incarceration to rehabilitation. This measure also removes procedural barriers restricting diversion services for youth who commit a crime in a county that is not their county of residence.

H. Law Enforcement

AB 26 (Holden) Peace Officers. Use of Force.
Chapter 403, Statutes of 2021
This measure requires law enforcement policies to include a requirement for officers to immediately report potential excessive force.

***AB 48 (Gonzalez) Law Enforcement. Use of Force.**
Chapter 404, Statutes of 2021
This measure prohibits the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control. This measure further prohibits their use solely due to a violation of an imposed curfew, verbal threat, or non-compliance with a law enforcement directive.

AB 57 (Gabriel) Law Enforcement. Hate Crimes.
Chapter 691, Statutes of 2021
This measure requires a basic peace officer course curriculum to include instruction on the topic of hate crimes and incorporates a specified hate crimes video developed by the Commission on Peace Officer Standards and Training (POST).

***AB 89 (Jones-Sawyer) Peace Officers. Minimum Qualifications.**
Chapter 405, Statutes of 2021
This measure increases the minimum qualifying age for law enforcement officers from 18 to 21 and requires the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with POST and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023.

AB 481 (Chiu) Law Enforcement and State Agencies. Military Equipment. Funding, Acquisition, and Use.
Chapter 406, Statutes of 2021
This measure requires a law enforcement agency to obtain approval of the applicable governing body, by the adoption of a military equipment use policy by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment.

AB 483 (Jones-Sawyer) Peace Officers. California Science Center and Exposition Park.
Chapter 411, Statutes of 2021
This measure grants peace officer status to security officers appointed by the Exposition Park Manager and clarifies the training requirements for those peace officers.

AB 490 (Gipson) Law Enforcement Agency Policies. Arrests. Positional Asphyxia.
Chapter 407, Statutes of 2021
This measure prohibits a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia.

AB 958 (Gipson) Peace Officers. Law Enforcement Gangs.
Chapter 408, Statutes of 2021
This measure defines a law enforcement gang as a group of law enforcement officers within an agency that engages in a pattern of specified unlawful or unethical on-duty behavior and requires law enforcement agencies to have a policy prohibiting these gangs and making participation in such grounds for termination.

AB 1455 (Wicks) Sexual Assault by Law Enforcement Officers. Actions Against Public Entities. Statute of Limitations.
Chapter 595, Statutes of 2021
This measure amends the statute of limitations for seeking damages arising out of a sexual assault committed by a law enforcement officer, eliminates the claim presentation requirements for such claims, and revives such claims that would otherwise be barred by the existing statute of limitations.

AB 1475 (Low) Law Enforcement. Social Media.
Chapter 126, Statutes of 2021
This measure prohibits a police department or sheriff's office from sharing, on social media, booking photos of an individual arrested on suspicion of committing a non-violent crime.

AB 1480 (Rodriguez) Employers. Prohibited Disclosure of Information. Arrest of Detention.
Chapter 158, Statutes of 2021
This measure allows a criminal justice agency to inquire, seek, and utilize information about certain non-sworn employees concerning an arrest or detention that did not result in a conviction, information concerning a referral or participation in a diversion program, and information that has been judicially dismissed or ordered sealed, and similarly authorizes the disclosure of such records.

***SB 2 (Bradford) Peace Officers. Certification. Civil Rights.**
Chapter 409, Statutes of 2021
This measure grants new powers to POST to investigate and determine peace officer fitness and to decertify officers who engage in "serious misconduct," allows for the filing of wrongful death suits under the Tom Bane Civil Rights Act and eliminates certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act.

***SB 16 (Skinner) Peace Officers. Release of Records.**
Chapter 402, Statutes of 2021
This measure expands the categories of police personnel records that are subject to disclosure under the California Public Records Act to include a sustained finding involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force.

***SB 586 (Bradford) Peace Officers. Certification.**
Chapter 429, Statutes of 2021
This measure corrects a technical drafting error by Legislative Counsel to SB 2 (Bradford) Chapter 409, Statutes of 2021, stating that whether a particular factual or legal determination in a prior appeal proceeding has preclusive effect in POST proceedings would be governed by the existing law of collateral estoppel.

SB 715 (Portantino) Criminal Law.
Chapter 250, Statutes of 2021
This measure authorizes the Attorney General to investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if there is a reasonable dispute as to whether the civilian was armed.

I. Mental Health

AB 1443 (McCarty) Mental Health. Involuntary Treatment.
Chapter 399, Statutes of 2021
This measure requires a county behavioral health director who denies or revokes an individual's designation for involuntary treatment to provide written notification to the person who made the request for designation of the individual, and the individual who is the subject of the request for designation, describing the reasons for denial or revocation.

SB 578 (Jones) Lanterman-Petris-Short Act. Hearings.
Chapter 389, Statutes of 2021
This measure requires a hearing held under the Lanterman-Petris-Short Act to be presumptively closed to the public if that hearing involves the disclosure of confidential information.

J. Miscellaneous

***AB 358 (Flora) Electrified Security Fences. Permitted Use.**
Chapter 148, Statutes of 2021
This measure authorizes property owners to install and operate electrified security fences on their property, whether combined with an alarm system or not, provided the fences meet specified conditions and are not prohibited by a local ordinance.

AB 381 (Davies) Licensed Facilities. Duties.
Chapter 437, Statutes of 2021
This measure requires alcohol and other drug residential treatment facilities licensed by the Department of Health Care Services to maintain at least two unexpired doses of naloxone hydrochloride on the premises and have at least one staff member who knows the specific location of the naloxone hydrochloride and is trained to administer it.

SB 98 (McGuire) Public Peace. Media Access.
Chapter 759, Statutes of 2021
This measure clarifies that reporters may access areas shut off by police for a command post, police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity.

SB 296 (Limón) Code Enforcement Officers. Safety Standards.
Chapter 637, Statutes of 2021
This measure requires each local jurisdiction that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed in their jurisdiction.

K. Pandemic Relief

***AB 61 (Gabriel) Business Pandemic Relief.**
Chapter 651, Statutes of 2021(Urgency)
This measure extends COVID-19 regulatory relief for temporary catering authorized by the Department of Alcohol Beverage Control (ABC). This relief includes the COVID-19 temporary catering authorization, which allows for expanded alcoholic beverage sales and outdoor dining in nontraditional spaces due to indoor dining restrictions. Specifically, this measure allows for the continuation of this authorization for one year after the end of the state of emergency declared in response to COVID-19 or until Jan. 1, 2024, whichever comes first.

***SB 314 (Wiener) Alcoholic Beverages.**
Chapter 656, Statutes of 2021(Urgency)
This measure extends COVID-19 regulatory relief for temporary catering permits authorized by the ABC. This relief includes the COVID-19 temporary catering permit, which authorizes expanded alcoholic beverage sales and outdoor dining in nontraditional spaces due to indoor dining restrictions. Specifically, this measure allows for the continuation of these temporary permits for one year after the end of the state of emergency or until Jan. 1, 2024, and authorizes licensed manufacturers to share a common licensed area with multiple licensed retailers, alleviating burdensome administrative costs.

***SB 389 (Dodd) Alcoholic Beverages. Retail On-Sale License. Off-Sale Privileges. Chapter 657, Statutes of 2021**
This measure, until Dec. 31, 2026, authorizes the holder of an on-sale license for a bona fide public eating place that has off-sale privileges, or a licensed beer manufacturer, licensed wine manufacturer, or licensed craft distiller that operates a bona fide public eating place at its premises of production, to exercise additional off-sale rights and privileges. Additionally, this measure authorizes a licensee to sell the alcoholic beverages, except beer, for off-sale consumption for which their license permits on-sale consumption when the beverages are not in manufacturer-prepackaged containers.

L. Rehabilitation

AB 292 (Stone) Corrections. Rehabilitative Programming. Chapter 579, Statutes of 2021
This measure requires CDCR to conduct rehabilitative programming in a manner that minimizes program wait times and offers a variety of program opportunities to inmates regardless of security level or sentence length. Additionally, this measure requires CDCR to prioritize individuals who have been transferred between facilities to resume rehabilitative programming if the transfer was for non-adverse reasons.

AB 644 (Waldron) California Mat Re-Entry Incentive Program. Chapter 59, Statutes of 2021
This measure modifies the California Medication-Assisted Treatment Re-Entry Incentive Program. Instead of requiring individuals in the program to participate in an institutional substance abuse program, this measure requires the person to have been enrolled in, or successfully participated in, a post-release substance abuse program to receive a reduction to their period of parole.

SB 416 (Hueso) Corrections. Educational Programs. Chapter 766, Statutes of 2021
This measure modifies the requirements for the Secretary of CDCR regarding literacy, education, and college programs in state prisons. Specifically, this measure requires CDCR to:

- Make college programs available for the benefit of inmates with a general education development certificate or equivalent or a high school diploma and requires those college programs to only be provided by the California Community Colleges, the California State University, the University of California, or other regionally accredited, nonprofit colleges or universities;
- Prioritize various college programs, including face-to-face instruction, comprehensive in-person support, and coordination with nonprofit postsecondary programs serving formerly incarcerated students;
- Require education providers to be responsible for determining and developing their curricula and degree pathways, determining certificate pathways, providing

instructional staff, and determining what services will be offered to ensure incarcerated students can successfully complete the course of study; and
- Recognize inmates enrolled in a full-time college program as participating in full-time work or training assignments.

M. State Services

AB 673 (Salas) Domestic Violence.
Chapter 680, Statutes of 2021
This measure requires that the portion of any grant funding awarded by the Comprehensive Statewide Domestic Violence Program in the California Office of Emergency Services (Cal OES) funded by the state be distributed to the recipient in a single disbursement at the beginning of the grant period.

AB 689 (Petrie-Norris) Comprehensive Statewide Domestic Violence Program.
Chapter 152, Statutes of 2021
This measure requires the Comprehensive Statewide Domestic Violence Program in Cal OES to provide financial and technical assistance to local domestic violence centers in implementing 24-hour crisis communication systems that, in addition to telephone services, may also include other communication methods such as text messaging, computer chat, or any other approved technology.

AB 1126 (Bloom) Commission on the State of Hate.
Chapter 712, Statutes of 2021
This measure establishes the Commission on the State of Hate to include nine members, appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules. The goals of the Commission on the State of Hate include:
- Providing resources to various state agencies and the public to inform them on the state of hate; and
- Advising the Legislature, the Governor, and state agencies on policy recommendations to promote intersocial education designed to foster mutual respect and understanding among California's diverse population.

AB 1593 (Gonzalez) State Claims. California Victim Compensation Board. Government Claims Program.
Chapter 127, Statutes of 2021 (Urgency)
This measure appropriates $5,675,880 from the General Fund to the Executive Officer of the California Victim Compensation Board for payment of the claims of specified individuals.

SB 215 (Leyva) DNA Evidence.
Chapter 634, Statutes of 2021
This measure requires the DOJ to establish, on or before July 1, 2022, a process that allows a survivor of sexual assault to track and receive updates privately, securely, and

electronically on the status, location, and information regarding their sexual assault evidence kit in the DOJ's database.

SB 631 (Portantino) State Claims. California Victim Compensation Board. Chapter 185, Statutes of 2021 (Urgency)
This measure appropriates $1,165,920 from the General Fund to the Executive Officer of the California Victim Compensation Board for payment of the claim for a specified individual.

REVENUE AND TAXATION

VII. Revenue and Taxation

A. Sales and Use Tax

***AB 150** (Cmte. on Budget) Sales and Use Tax Law. Personal Income Tax Law. Corporation Tax Law. Budget Act of 2021.**
Chapter 82, Statutes of 2021 (Urgency)
This measure makes several statutory changes to the Revenue and Taxation code, necessary to implement the 2021 Budget Act. This measure makes the following changes notable for local governments:

- Extends the sunset date for the State Historic Tax Credit to Jan. 1, 2027;
- Permanently exempts sales and sales use tax for diapers and menstrual products;
- Expands a tax credit for small businesses that hire new employees;
- Establishes a tax credit for employers who hire homeless individuals between Jan. 1, 2022 and Jan. 1, 2027;
- Extends the sunset date for tax credits for individuals that donate fresh fruits and vegetables to a food bank; and
- Increases the amount of credits allocated in the California Competes Tax Credit program.

AB 296 (Gipson) Sales and Use Taxes. Exclusion. Pawnbrokers. Transfer of Vested Property.
Chapter 164, Statutes of 2021 (Urgency)
This measure extends the sunset on the sales and use tax exemption for customers who repurchase their property from a pawnbroker until Jan. 1, 2027.

B. Property Tax

AB 1203 (Burke) Property Taxation. Assessment Appeals Board. Qualifications. County of Los Angeles.
Chapter 418, Statutes of 2021
This measure expands the type of professional experience a person may have to be eligible for nomination for membership on an assessment appeals board in the County of Los Angeles to include professional experience in a real estate field, including, but not limited to, business accounting and taxation, land use and urban planning, real estate development or investment analysis, and real estate banking or financing. This measure also permits the Los Angeles County Board of Supervisors by ordinance to reduce the period for a person to have been employed in an assessor's office from three years to one year that disqualifies a person from serving on an assessment appeals board.

AB 1583 (Cmte. on Revenue and Taxation) Property Taxation. Equalized Assessment Roll. Aircrafts.
Chapter 67, Statutes of 2021
This measure specifies that for purposes of calculating the annual tax increment, including for purposes of apportioning property tax revenues, commencing with the 2022-23 fiscal year, the equalized assessment roll shall exclude non-certificated aircraft assessed values.

SB 219 (McGuire) Property Taxation. Delinquent Penalties and Costs. Cancellation. Public Health Orders.
Chapter 131, Statutes of 2021 (Urgency)
This measure allows county tax collectors to cancel property tax delinquency penalties when failure to make payment(s) is due to a hardship caused by a shelter-in-place order.

SB 267 (Hertzberg) Property Taxation. Active Solar Energy Systems. Partnership Flip Transactions.
Chapter 424, Statutes of 2021 (Urgency)
This measure extends the property tax reassessment exemption for active solar energy systems financed via a partnership flip arrangement. Specifically, this measure clarifies that neither an initial transfer of a capital and profits interest in the legal entity, nor any subsequent change in the allocation of the capital and profits of the legal entity among its members, constitutes a transfer of control of a legal entity that owns an active solar energy system in a partnership flip transaction.

SB 303 (Borgeas) Property Taxation. Transfer of Base Year Value. Disaster Relief.
Chapter 540, Statutes of 2021 (Urgency).
This measure extends by two years the five-year time period for a taxpayer affected by a disaster to transfer their base year value to a replacement property if the property was substantially damaged or destroyed on or after March 4, 2020, but on or before the COVID-19 emergency termination date or March 4, 2022, whichever occurs sooner. This measure makes these provisions applicable to the determination of base year values for the 2015-16 fiscal year and fiscal years thereafter.

SB 539 (Hertzberg) Property Taxation. Taxable Value Transfers.
Chapter 427, Statutes of 2021 (Urgency)
This measure enacts new sections of property tax law to implement Proposition 19 of 2020. This measure specifically provides statutory detail for taxpayers to claim base year transfers allowed under Proposition 19 and implements new limitations on parent-child and grandparent-child change in ownership exclusions.

SB 667 (Roth) Property Taxation. Disabled Veterans' Exemption. Filing of Claims.
Chapter 430, Statutes of 2021
This measure authorizes the executor, administrator, or personal legal representative of a claimant's estate or the trustee of the deceased claimant's trust assets to file a claim for a disabled veterans' property tax exemption with a county assessor.

C. Investments and Development Finance

AB 336 (Villapudua) Enhanced Infrastructure Financing Districts. Public Financing Authority. Members. Joint Powers Authorities.
Chapter 22, Statutes of 2021
This measure allows any member of a taxing entity's legislative body serving on an Enhanced Infrastructure Financing District (EIFD) board to concurrently serve as a board member of a joint powers authority where the taxing entity is a member.

AB 447 (Grayson) California Debt Limit Allocation Committee. Income Taxes. Low-Income Housing Tax Credits.
Chapter 344, Statutes of 2021
This measure makes several significant changes to the state low-income housing tax credit program administered by the California Tax Credit Allocation Committee including updates to the list of federal programs that allow a property to be considered "at risk of conversion" and clarifications that improve tenant access to low-income housing.

AB 869 (Bloom) State Funds. Investments.
Chapter 60, Statutes of 2021
This measure authorizes the State Treasurer to invest up to 1% of Pooled Money Investment Account funds in sovereign debt instruments.

AB 1177 (Santiago) California Public Banking Option Act.
Chapter 451, Statutes of 2021
This measure establishes the CalAccount Blue Ribbon Commission to conduct a market analysis to determine the feasibility of the CalAccount Program for expanding consumer access to banking services.

***SB 734 (Hueso) Redevelopment Agencies. Passthrough Agreements. Modification.**
Chapter 221, Statutes of 2021
This measure authorizes a successor agency and one or more taxing agencies to enter into an agreement to modify the interest owed by a former redevelopment agency under a passthrough agreement that was entered into before Jan. 1, 1994, or owed under any successive amendment of that passthrough agreement, and which is owed as interest on passthrough payments agreed to be deferred by the taxing entity under the passthrough agreement including that the interest rate on a passthrough agreement modified under these provisions be 0%.

***SB 780 (Cortese) Local Finance. Public Investment Authorities.**
Chapter 391, Statutes of 2021
This measure makes significant changes to the EIFD and Community Revitalization Infrastructure Authorities (CRIA) laws. Notably, this measure:

- Allows legislative bodies of participating tax entities to appoint one of its members to be an alternate member;

- Clarifies that a directly elected mayor of a charter city may serve on the governing board of a CRIA or EIFD;
- Authorizes an EIFD map to identify project areas; and
- Commences the 45-year time limit for financing improvements after $100,000 in annual tax increment accumulates amongst other changes.

SB 810 (Cmte. on Governance and Finance) Validations.
Chapter 36, Statutes of 2021 (Urgency)
This measure enacts the First Validating Act of 2021, which retroactively insulates state and local bonds against harmless typographical, grammatical, and procedural errors.

SB 811 (Cmte. on Governance and Finance) Validations.
Chapter 37, Statutes of 2021 (Urgency)
This measure enacts the Second Validating Act of 2021, which prospectively insulates state and local bonds against harmless typographical, grammatical, and procedural errors.

SB 812 (Cmte. on Governance and Finance) Validations.
Chapter 38, Statutes of 2021
This measure enacts the Third Validating Act of 2021, which prospectively insulates state and local bonds against harmless typographical, grammatical, and procedural errors.

D. Fees, Fines, and Miscellaneous

***AB 286 (Gonzalez) Food Delivery. Purchase Prices and Tips.**
Chapter 513, Statutes of 2021
This measure prohibits a food delivery platform from charging a customer any purchase price for food or beverage that is higher than the price posted on the food delivery platform's website by the food facility at the time of the order. This measure also makes it unlawful for a food delivery platform to retain any portion of amounts designated as a tip or gratuity and requires platforms to pay any tip or gratuity for a delivery order, in its entirety, to the person delivering the food or beverage, and to pay any tip or gratuity for a pickup order, in its entirety, to the food facility.

AB 1402 (Levine) Marketplace Facilitator. Fee Collection.
Chapter 421, Statutes of 2021
This measure would extend the requirements of marketplace facilitators designated as such under the Marketplace Facilitator Act to register, collect, and remit special fees collected on purchases of new tires, electronic devices, lead-acid batteries, lumber, and engineered wood.

***SB 60 (Glazer) Residential Short-Term Rental Ordinances. Health of Safety Infractions. Maximum Fines.**
Chapter 307, Statutes of 2021 (Urgency)
This measure raises the maximum fines for violation of a city or county ordinance relating to a residential short-term rental, that is an infraction and poses a threat to health or safety, to $1,500 for a first violation, $3,000 for a second violation of the same ordinance within one year, and $5,000 for each additional violation of the same ordinance within one year of the first violation.

SB 813 (Cmte. on Governance and Finance) Local Government Omnibus Act of 2021.
Chapter 224, Statutes of 2021
This measure is the annual local government omnibus act which makes minor, noncontroversial statutory changes to state laws that affect local agencies.

SB 824 (Cmte. on Governance and Finance) California Department of Tax and Fee Administration.
Chapter 432, Statutes of 2021
This measure makes several noncontroversial statutory changes to clarify tax administration for the California Department of Tax and Fee Administration. Notably, this measure clarifies that “food products” exempt from sales and use tax do not include “cannabis” or “cannabis products,” and states that this change is declaratory of existing law that states cannabis products are subject to sales and use tax under the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

SB 825 (Cmte. on Governance and Finance) Tax and Fee Administration. Local Government Finance.
Chapter 433, Statutes of 2021
This measure extends the welfare exemption for property used solely for the preservation of natural resources or open space to Jan. 1, 2027, and extends the intercountry pipeline valuation methodology five years until Jan. 1, 2027. This measure also clarifies that a taxpayer must demonstrate to the tax collector that delinquency is due to the tax collector's failure to mail or electronically transmit the tax bill to the correct address provided on the tax roll or electronic address for a taxpayer to cancel a delinquency.

TRANSPORTATION, COMMUNICATIONS, AND PUBLIC WORKS

VIII. Transportation, Communications, and Public Works

A. Electric Vehicles, Emissions, and Vehicle Technology

AB 794 (Carrillo) Air Pollution. Purchase of New Drayage and Short-Haul Trucks. Incentive Programs. Eligibility. Labor Standards.
Chapter 748, Statutes of 2021
This measure establishes specified labor standards that a fleet purchaser is required to meet in order to be eligible to receive incentives for new drayage and short-haul trucks under the incentive programs beginning with the 2022-23 fiscal year.

***AB 970 (McCarty) Planning and Zoning. Electric Vehicle Charging Stations. Permit Application. Approval.**
Chapter 710, Statutes of 2021
This measure requires a local authority to reduce the number of required parking spaces for any existing uses by the amount necessary to accommodate electric vehicle (EV) charging stations and deem an EV charging application complete and approved in an expedited, streamlined permitting process.

AB 992 (Cooley) California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.
Chapter 624, Statutes of 2021
This measure specifies that peer-to-peer truck sharing platform demonstrations are eligible for funding under the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, which is administered by the California Air Resources Board (CARB), to fund development, demonstration, precommercial pilot, and early commercial deployment of zero and near-zero-emission truck, bus, and off-road vehicle and equipment technologies.

SB 68 (Becker) Building Electrification and Electric Vehicle Charging.
Chapter 720, Statutes of 2021
This measure requires the California Energy Commission (CEC) to gather or develop and publish on its website, guidance and best practices to help building owners, the construction industry, and local governments overcome barriers to the electrification of buildings and installation of electric vehicle charging equipment.

SB 214 (Bates) Neighborhood Electric Vehicles. County of Orange. Ranch Plan Planned Community.
Chapter 101, Statutes of 2021
This measure repeals the existing Jan. 1, 2022, sunset date, thereby indefinitely extending the Orange County's authority to establish a neighborhood electric vehicle (NEV) transportation plan for the Ranch Plan Planned Community that include specified elements, including provisions relating to parking, charging, NEV only lanes, and shared use with conventional vehicle lanes.

SB 372 (Leyva) Medium- and Heavy-Duty Fleet Purchasing Assistance Program. Zero-Emission Vehicles.
Chapter 639, Statutes of 2021
This measure establishes the Medium and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program, administered by CARB, to make financing tools and nonfinancial supports available to operators of medium and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The program funds projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality, including the Clean Vehicle Rebate Project, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles.

SB 500 (Min) Autonomous Vehicles. Zero Emissions.
Chapter 277, Statutes of 2021
This measure, commencing Jan. 1, 2030, and to the extent authorized by federal law, prohibits the operation of certain new autonomous vehicles that are not zero-emission vehicles. The measure also prohibits the Department of Motor Vehicles (DMV) from commencing rulemaking for the adoption of regulations implementing this provision until Jan. 1, 2027. The CARB, as a part of the Air Quality Improvement Program, promotes the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles, and the Charge Ahead California Initiative, which establishes various goals, including the goal of placing in service at least 1,000,000 zero-emission and near-zero-emission vehicles by Jan. 1, 2023.

SB 570 (Wieckowski) Vehicles. Equipment.
Chapter 428, Statutes of 2021
This measure exempts autonomous vehicles that are not capable of operation with a human driver or occupant in the vehicle from certain standards and requirements for the equipment of motor vehicles and provides specified alternative standards for those vehicles, provided that those exemptions or alternative standards are consistent with applicable federal laws or regulations.

SB 589 (Hueso) Air Pollution. Alternative Vehicles and Vehicle Infrastructure.
Chapter 732, Statutes of 2021
This measure requires the State Energy Resources Conservation and Development Commission to identify workforce development and training resources needed to meet the electric vehicle charging infrastructure goals of putting at least five million zero-emission vehicles in service by 2030 and reducing greenhouse gas emissions to 40% below 1990 levels by 2030.

SB 643 (Archuleta) Fuel Cell Electric Vehicle Fueling Infrastructure and Fuel Production. Statewide Assessment.
Chapter 646, Statutes of 2021
This measure requires, until Jan. 1, 2030, the CEC, in consultation with the CARB and the California Public Utilities Commission (CPUC), to prepare a statewide assessment of the fuel cell electric vehicle fueling infrastructure and fuel production needed to

support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet specified goals and requirements relating to vehicular air pollution. In addition, this measure requires a statewide assessment to consider all necessary fuel production and distribution infrastructure to meet those goals and requirements and to examine existing and future fuel production and distribution infrastructure needs throughout the state, including in low-income communities.

SB 671 (Gonzalez) Transportation. Clean Freight Corridor Efficiency Assessment. Chapter 679, Statutes of 2021
This measure establishes the Clean Freight Corridor Efficiency Assessment to be developed by the California Transportation Commission (CTC), in coordination with other state agencies. In developing the assessment, this measure requires the CTC to identify freight corridors, or segments of corridors, throughout the state to be priority candidates for the deployment of zero-emission medium and heavy-duty vehicles. The measure further requires:

- The CTC to submit a report containing the assessment's findings and recommendations to certain committees of the Legislature by Dec. 1, 2023;
- The assessment's findings anabd recommendations be incorporated into the development of the California Transportation Plan; and
- The state freight plan includes a description of needed infrastructure, projects, and operations for the deployment of zero-emission medium and heavy-duty vehicles and the development of freight corridors identified in the assessment.

B. Public Works and Contracting

AB 1499 (Daly) Transportation. Design-Build. Highways. Chapter 212, Statutes of 2021
This measure extends the operation of regional transportation agencies to utilize design-build procurement for projects on expressways that are not on the state highway system or adjacent to the state highway system until Jan. 1, 2034. This was previously scheduled to expire on Jan. 1, 2024, or one year from the date that the Department of Transportation posts on its website that the provisions described related to construction inspection services for these projects have been held by a court to be invalid.

SB 79 (Nielsen) County Road Commissioner. Counties of Colusa and Glenn. Chapter 33, Statutes of 2021 (Urgency)
This measure authorizes the Boards of Supervisors of the counties of Colusa and Glenn to transfer the duties of the county road commissioner (previously appointed by the board of supervisors) to the county director of the department of public works.

C. Telecommunications

AB 14 (Aguiar-Curry) Communications. California Advanced Services Fund Deaf and Disabled Telecommunications Program. Surcharges.
Chapter 658, Statutes of 2021 (Urgency)
This measure authorizes the CPUC to continue collecting the California Advanced Services Fund (CASF) surcharge for an additional ten years through Dec. 31, 2032.

AB 41 (Wood) Broadband Infrastructure Deployment.
Chapter 659, Statutes of 2021
This measure requires Caltrans to collaborate with companies and organizations working on broadband deployment on department-led highway construction projects that include the installation of conduits capable of supporting optic communication cables.

AB 74 (Gonzalez) Communications. Universal Service. Lifeline Program.
Chapter 410, Statutes of 2021
The measure requires the CPUC, in consultation with lifeline service providers, the Federal Communications Commission (FCC), and the Universal Service Administrative Company, before Jan. 1, 2023, to adopt updated rules for the Universal Lifeline Telephone Service program (lifeline program) with the goal of achieving recertification rates at least equivalent to those rates achieved for the federal lifeline program. Additionally, this measure further requires:

- CPUC, before March 1, 2022, to adopt updated rules for the lifeline program establishing a modified recertification process that minimizes barriers to lifeline subscriber recertification and reduces the burden and cost of recertification on the lifeline program; and
- CPUC to annually publicly report on its website the participation and recertification rates of eligible lifeline subscribers.

AB 537 (Quirk) Communications. Wireless Telecommunications and Broadband Facilities.
Chapter 467, Statutes of 2021
This measure requires that the city, county, or city and county notify the applicant of the incompleteness of an application within the time periods established by applicable FCC rules. This measure also requires that the time period for a city or county to approve or disapprove a collocation or siting application commence when the applicant makes the first required submission or takes the first required step.

AB 665 (E. Garcia) Care Facilities. Internet Access.
Chapter 469, Statutes of 2021
This measure requires residential facilities serving adults, residential care facilities for persons with chronic life-threatening illness, and residential care facilities for the elderly with existing internet service to provide at least one internet access device that can support real-time interactive applications, is equipped with videoconferencing technology, and dedicated for client or resident use.

AB 242 (Holden) Public Utilities.
Chapter 228, Statutes of 2021
This measure consolidates reporting requirements for entities that are required to disclose their electricity sources and associated intensity of greenhouse gas emissions. The measure requires that the disclosure be posted to the retail supplier's website by Oct. 1 of each year and available in written promotional materials by the end of the first complete billing cycle for the fourth quarter of the year.

AB 955 (Quirk) Highways. Encroachment Permits. Broadband Facilities.
Chapter 670, Statutes of 2021
This measure establishes additional procedures for Caltrans review of an application for an encroachment permit for a broadband facility. Under this measure, these procedures require Caltrans, among other things, to notify an applicant in writing whether the application is complete within 30 days of receiving the application, to take certain actions if it deems an application incomplete, and to approve or deny an application that requires supplemental information within 30 days after receiving that information. If Caltrans notifies the applicant that the application is incomplete within that 30-day time period, this measure deems Caltrans' failure to notify to constitute a finding that the permit application is complete.

SB 4 (Gonzalez) Communications. California Advanced Services Fund.
Chapter 671. Statutes of 2021 (Urgency)
This measure authorizes the CPUC to increase the annual CASF surcharge collection cap from $66 million to $150 million and expands eligibility to apply for those funds to include local authorities. Also, this measure requires the Governor's Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

SB 28 (Caballero) Digital Infrastructure and Video Competition Act of 2006. Deployment Data.
Chapter 673, Statutes of 2021
This measure requires the CPUC to collect granular data on the actual locations served by franchise holders, adopt customer service requirements for franchise holders, and adjudicate any customer complaints.

SB 156 (Cmte. on Budget and Fiscal Review) Communications. Broadband.
Chapter 112, Statutes of 2021 (Urgency)
This measure provides the statutory framework to implement the investments in public broadband infrastructure appropriated in AB 164 (Chapter 84, Statutes of 2021), as follows:

- $2 billion for last-mile broadband infrastructure, which will increase connectivity and affordability for underserved and unserved rural and urban communities;
- $3.25 billion for a statewide, open-access, middle-mile network, to make it easier for internet providers to provide faster, cheaper service throughout the state; and

- $750 million to establish a new loan loss reserve account to provide collateral to local governments issuing bonds for municipal broadband deployment.

The measure also reforms the CASF program to ensure the funds are spent quickly and efficiently and includes accountability and oversight provisions, including a nine-member council with broad representation.

***SB 341 (McGuire) Telecommunications Service. Outages.**
Chapter 425, Statutes of 2021
This measure requires the Governor's Office of Emergency Services (Cal OES), in coordination with the California Public Utilities Commission (CPUC), to adopt regulations for public outage maps maintained by telecommunications providers on their websites. Additionally, this measure requires the CPUC and Cal OES to develop and implement backup electricity rules to require telecommunications providers to maintain backup electricity sufficient to maintain service for at least 72 hours.

SB 378 (Gonzalez) Local Government. Broadband Infrastructure Development Project Permit Processing. Microtrenching Permit Processing Ordinance.
Chapter 677, Statutes of 2021
This measure requires a local agency to allow microtrenching for the installation of underground fiber if the installation in the microtrench is limited to fiber. This measure requires:

- To the extent necessary, a local agency with jurisdiction to approve excavations to adopt or amend existing policies, ordinances, codes, or construction rules to allow for microtrenching;
- That these provisions do not supersede, nullify, or otherwise alter the requirements to comply with specified safety standards; and
- Authorizes a local agency to impose a fee for its reasonable costs on an application for a permit to install fiber.

SB 394 (Hueso) Telecommunications. Moore Universal Telephone Service Act.
Chapter 765, Statutes of 2021
This measure revises the definition of "household" to include multiple lifeline telephone service subscribers to maintain the same address if they are not members of the same household for lifeline telephone service subscribers who are provided with one lifeline subscription at the subscriber's principal place of residence.

D. Transportation – Funding, Planning, Streamlining, and State Agencies

AB 3 (Fong) Exhibition of Speed on A Highway. Punishment.
Chapter 611, Statutes of 2021
This measure prohibits a person from engaging in a motor vehicle exhibition of speed on a highway or aiding or abetting in a motor vehicle exhibition of speed on any highway. Upon conviction, current law punishes a person by imprisonment in a county jail for not more than 90 days, by a fine of not more than $500, or by both that fine and

imprisonment. This measure, commencing July 1, 2025, additionally authorizes the court to order the privilege to operate a motor vehicle suspended for 90 days to six months and restrict the person's operation of a motor vehicle for the purposes of their employment. This measure requires the court to consider a person's hardships when deciding to either suspend or restrict a driver's license.

***AB 43 (Friedman) Traffic Safety.**
Chapter 690, Statutes of 2021
This measure authorizes local authorities on June 30, 2024, or when the Judicial Council has developed an online tool for traffic adjudication, whichever is sooner, flexibility in setting speed limits lower (in five mph increments) than what is determined by the engineering traffic survey methodology otherwise specified in state law (known as "the 85th percentile rule"), on roads designated as high-injury streets and in business activity districts and authorizes:

- Local jurisdictions to maintain current speed limits outside of those targeted areas, if they find that it is not safe to raise those speed limits on roads for which the latest engineering and traffic survey normally calls for an increase in speeds; and
- Extends the period that a speed limit justified by a traffic and engineering survey conducted more the seven years ago remains valid, for purposes of speed enforcement, if evaluated by a registered engineer to 14 years.

AB 149 (Cmte. on Budget and Fiscal Review) Transportation. Omnibus Bill.
Chapter 81, Statutes of 2021
This measure includes the following provisions and funding within the overall 2021-22 budget package necessary to implement actions related to transportation:

Extension of Statutory Relief for Transit Agencies
Extends several types of temporary statutory relief for transit agencies impacted by the COVID-19 pandemic included in the 2020 Budget Act. These provisions include:

- Continues the hold harmless provision for calculation and allocation of State Transit Assistance (STA) Program, STA-State of Good Repair, and Low Carbon Transit Operations Program allocations (Local Revenue Basis Only) provided in the 2020 Budget Act through the 2022-23 budget years. Directed the State Controller to "freeze" for the 2020-21 through 2022-23 budget years the local revenue allocation factors used most recently before the pandemic;
- Allocates transit agencies' funds under these three programs using those same allocation factors, as opposed to updating the factors each year;
- Extends the temporary suspension of the financial penalties associated with the Transportation Development Act's requirements that transit agencies obtain specified fixed percentages of their operating budgets from passenger fares through 2022-2023; and
- Continues the temporary suspensions of the financial penalties associated with the STA Program's operating cost per revenue vehicle hour requirements through 2022-23.

Clean California
Establishes the Clean California Local Grant Program of 2021 to allocate grants to local and regional public agencies, transit agencies, and tribal governments for purposes of beautifying and cleaning up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces;

- Limits grant awards to $5 million per grant;
- Prohibits grants that fund projects that displace people experiencing homelessness;
- Requires a funding distribution that takes into account the population that each project is intended to benefit relative to the total population that all projects awarded grants pursuant to the program will benefit and the needs of underserved communities;
- Establishes the Clean California State Beautification Program of 2021 to provide funding to beautify and clean up state highways;
- Allows Caltrans to use job order contracting for the Clean California Beautification Program of 2021; and
- Provides that Caltrans is delegated the authority necessary to carry out the purchase of vehicles, equipment, or other products as needed to implement Caltrans supplemental Fleet Acquisition Plan Fiscal Year 2021-22 for the acquisition of 269 medium-and heavy-duty vehicles and equipment to support litter abatement under the Clean California Beautification Program of 2021.

Local Streets and Roads
Makes the following changes related to the local streets and roads maintenance of efforts for cities and counties, as follows:

- Provides that cities and counties are not required to comply with the annual minimum expenditure requirements in 2019-20;
- Requires the State Controller to adjust the annual minimum expenditure requirements in the 2020-21 and 2021-22 fiscal years in proportion to any decrease in taxable sales within the applicable city or county between specified fiscal years; and
- Authorizes a city or county to petition the State Controller to use transient occupancy tax revenues in lieu of taxable sales, for purposes of making these adjustments.

AB 232 (Gallagher) Off-Highway Vehicles. Reciprocity.
Chapter 739, Statutes of 2021
This measure recognizes out-of-state permits, identification plates, or devices issued by another state, for off-highway motor vehicles not registered by the DMV.

AB 302 (Ward) San Diego Metropolitan Transit Development Board. Regulation of For-hire Vehicle and Passenger Jitney Services.
Chapter 89, Statutes of 2021
This measure replaces the term “transportation services” with the term “for-hire vehicle services” and defines that term to mean vehicles, other than public transportation vehicles, transporting passengers over public streets for compensation in the

San Diego Metropolitan Transit Development Board's jurisdiction in the city and unincorporated areas of the County of San Diego.

AB 398 (Fong) Department of Motor Vehicles. Records.
Chapter 90, Statutes of 2021
This measure eliminates the authority for the DMV to sell vehicle registration and driver's license information and instead provides that the charge for providing the inspection of the information shall not exceed the actual cost to the DMV.

AB 471 (Low) Bureau of Automotive Repair. Administration. Citations. Safety Inspections.
Chapter 372, Statutes of 2021
This measure extends the sunset of a review to be conducted by the Legislature of the Bureau of Automotive Repair operating under the Department of Consumer Affairs from Jan. 1, 2023, to Jan. 1, 2024. This measure also, on or after July 1, 2023, authorizes the Director of Consumer Affairs to review the administration of the system for the issuance of citations for violations of the system a process for an informal review of and recommendation on citations.

AB 726 (E. Garcia) Capital Investment Incentive Program. Qualified Manufacturing Facility. Ad Valorem Property Tax Revenue Allocation Payments.
Chapter 121, Statutes of 2021
This measure adds a business engaged in the manufacturing of fuels, electrical parts, or components used in the field of clean transportation or the production of alternative fuel vehicles or EVs to the list of businesses that may operate a qualified manufacturing facility. Qualified manufacturing facilities are paid by local authorities a capital investment incentive amount to the proponent of a qualified manufacturing facility for up to 15 years.

***AB 773 (Nazarian) Street Closures and Designations.**
Chapter 587, Statutes of 2021
This measure allows a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections to citywide bicycle networks, destinations that are within walking distance, or green space. This measure also requires the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.

AB 784 (Quirk) Alameda-Contra Costa Transit District.
Chapter 200, Statutes of 2021
This measure repeals the authority to form a transit district and recognizes the Alameda-Contra Costa Transit District as the district formed pursuant to this authority. The Transit District Law authorizes any city together with unincorporated territory, or two

or more cities, with or without unincorporated territory, in either the Counties of Alameda or Contra Costa or both, to organize and incorporate as a transit district divided into five wards with specified powers and duties relative to providing public transit service.

AB 811 (L. Rivas) Los Angeles County Metropolitan Transportation Authority. Contracting.
Chapter 414, Statutes of 2021
This measure authorizes the Los Angeles County Metropolitan Transportation Authority to award contracts with private entities that combine into a single contract all or some of the planning, design, permitting, development, joint development, construction, construction management, acquisition, leasing, installation, and warranty of some or all components of transit systems and certain facilities that include operation and maintenance elements by a two-thirds vote of the members of the authority, that awarding the contract will achieve for the authority a more competitive solicitation process with respect to quality, timeliness, price, and other private sector efficiencies relevant to the integration of design, project work, and components.

AB 901 (Calderon) Rental Passenger Vehicle Transactions.
Chapter 415, Statutes of 2021
This measure sets the damage waiver rate limitation that may be established by a vehicle rental company to be included with required disclosures, mandatory and prohibited contract provisions contained in a vehicle rental agreement for specified categories of vehicle to $25, and commencing Jan. 1, 2023, authorizes the rate cap to be adjusted according to the Consumer Price Index for All Urban Consumers.

AB 917 (Bloom) Vehicles. Video Imaging of Parking Violations.
Chapter 709, Statutes of 2021
This measure extends the authorization to any public transit operator in the state until Jan. 1, 2027, and to the City and County of San Francisco indefinitely, if the examiner or issuing agency of a violation allows for the reduction or waiver of parking penalties for indigent individuals. Current law requires a designated employee, who is qualified by the city and county of San Francisco, or a contracted law enforcement agency for the Alameda-Contra Costa Transit District, who is qualified by the city and county or the district to issue parking citations, to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane and to issue a notice of violation to the registered owner of a vehicle within 15 calendar days, as specified. Current law makes these video image records confidential and provides that these records are available only to public agencies to enforce parking violations.

AB 1157 (Lee) Controller. Transportation Funds. Distribution and Reporting Requirements.
Chapter 205, Statutes of 2021
This measure requires local transportation agencies to report to the State Controller by June 15 of each year the public transportation operators within its jurisdiction that are eligible to claim specified local transportation funds within seven months after the end of each fiscal year.

AB 1337 (Lee) Transportation. San Francisco Bay Area Rapid Transit District. Policing Responsibilities.
Chapter 534, Statutes of 2021
This measure specifies that a person who enters or remains upon any property, facilities, or vehicles upon which the Bay Area Rapid District owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement without permission, or whose entry, presence, or conduct upon that property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor. Under current law, a person who enters or remains upon any land, facilities, or vehicles owned, leased, or possessed by specified transit entities that are used to provide public transportation by rail or passenger bus, or are directly related to that use, without permission, or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor.

SB 69 (McGuire) North Coast Railroad Authority. Great Redwood Trail Agency. Rail Rights-of-Way. Sonoma-Marin Area Rail Transit District.
Chapter 423, Statutes of 2021
This measure renames the North Coast Railroad Authority (NCRA) to the Great Redwood Trail Agency on March 1, 2022. This measure removes the ex officio member of the Golden Gate Bridge, Highway, and Transportation District from the board and authorizes the Governor to appoint a nonvoting director from the State Transportation Agency and a nonvoting director from the Natural Resources Agency. Under current law, the NCRA is governed by a board of directors composed of appointees from the counties of Humboldt, Marin, Mendocino, and Sonoma, a city representative selected by the cities served by the authority's rail line, and a nonvoting, ex officio member of the Golden Gate Bridge, Highway, and Transportation District. Current law requires the authority to plan for the transfer of all its assets and liabilities and for its dissolution.

SB 287 (Grove) Vehicles. Trailers.
Chapter 610, Statutes of 2021
This measure permits a class C driver's license holder to operate a vehicle when towing a trailer between 10,000- and 15,000-pounds gross vehicle weight rating or gross vehicle weight, if the towing is not for compensation or commercial purposes, the trailer is used exclusively for recreational purposes and for the transportation of property or human habitation, a specified coupling is used, and the person has passed a specialized written examination. The measure also includes within a class C driver's license the operation of a vehicle when towing a fifth-wheel travel trailer between 10,000- and 15,000-pounds gross vehicle weight rating or gross vehicle weight when the towing is not for compensation and the license holder passes a specialized written examination.

SB 297 (Durazo) Subsurface Installations. Penalties.
Chapter 726, Statutes of 2021
This measure enacts the Wade Kilpatrick Gas Safety and Workforce Adequacy Act of

2021. This measure prescribes a civil penalty of up to $100,000 to be imposed on an operator or excavator who knowingly and willfully violates provisions relating to excavations and subsurface installations and damages a gas or hazardous liquid pipeline subsurface installation in a way that results in the escape of any flammable, toxic, or corrosive gas or liquid.

SB 333 (Eggman) San Joaquin Regional Transit District. Procurement.
Chapter 217, Statutes of 2021
This measure increases the competitive bidding threshold to $75,000 and specifies that the contract be in the district's discretion either to the lowest responsible bidder or to a responsible bidder that submits a proposal that provides the best value. The Local Agency Public Construction Act governs contracting by the San Joaquin Regional Transit District for the purchase of supplies, equipment, and materials. Additionally, this measure requires the district, when such an expenditure exceeds $50,000, to make that purchase by contract let to the lowest responsible bidder. This measure requires the district to publish notice requesting bids at least once in a newspaper of general circulation.

SB 339 (Wiener) Vehicles. Road Usage Charge Pilot Program.
Chapter 308, Statutes of 2021
This measure extends the operation of the Road Usage Charge (RUC) Technical Advisory Committee, under the direction of the Chair of the CTC, to study RUC alternatives to the gas tax, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program to guide the development and evaluation of the potential for mileage-based revenue collection as an alternative to the gas tax system until Jan. 1, 2027. The operation of these provisions was scheduled to expire on Jan. 1, 2023.

SB 366 (Umberg) Automobile Dismantling. Task Force.
Chapter 601, Statutes of 2021
This measure creates a violation of this provision punishable by specified fines for the first, second, third, and subsequent violations, ranging from $250 to $1,000. This measure declares a building or place used for the purpose of automobile dismantling in violation of those requirements for operation to be a public nuisance and authorizes a public body to seek certain remedies. Current law makes it unlawful for any person to act as an automobile dismantler without having an established place of business, meeting specified requirements, and having a current, valid license or temporary permit issued by the DMV. A violation of this provision is a misdemeanor, punishable by a fine not exceeding $1,000 or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

SB 548 (Eggman) Tri-Valley-San Joaquin Valley Regional Rail Authority. Transit Connectivity.
Chapter 220, Statutes of 2021
This measure requires Tri-Valley-San Joaquin Valley Regional Rail Authority to be considered a rail transit district, thereby exempting the authority from specified

provisions related to regulation by counties and cities regarding building, zoning, and related matters. Current law establishes the Authority for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley, as defined, region of California. Current law gives the authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, among other powers, the power to enter into cooperative or joint development agreements with local governments or private entities necessary to achieve transit connectivity.

SB 629 (Roth) Identification Cards.
Chapter 645, Statutes of 2021
This measure deletes the requirements that the usable photo on file be no more than ten years old and that the person has no outstanding fees due for a prior identification card, requires a new photo to be taken if the photo on file is deemed unusable, and requires the inmate to provide, and the DMV to verify their California residency for purposes of obtaining an identification card. Current law requires the Department of Corrections and Rehabilitation and the DMV to ensure that any eligible inmate released from state prison has a valid identification card. Current law defines "eligible inmate," in part, as a person who has previously held a California driver's license or identification card, who has a usable photo on file with the DMV that is not more than ten years old, and who meets certain requirements, including that they have provided, and the DMV has verified, specified information, such as the inmate's true full name.

SB 640 (Becker) Transportation Financing. Jointly Funded Projects.
Chapter 108, Statutes of 2021
This measure authorizes cities and counties to propose projects to be jointly funded by the cities and counties' apportionments of increases in fuel taxes and vehicle fees, for the Road Maintenance and Rehabilitation Account. After certain allocations for the program are made, existing law requires the remaining funds available for the program to be continuously appropriated: 50% for allocation to Caltrans for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and counties by the State Controller pursuant to a specified formula.

SB 814 (Cmte. on Transportation) Transportation. Omnibus Bill.
Chapter 311, Statutes of 2021
This measure expands the definition of a pedicab to include electric bicycles and expands the definition of a bicycle to include electric bicycles. By expanding these definitions, this measure expands an existing crime, thereby imposing a state-mandated local program.

APPENDIX A – ADDITIONAL RESOURCES

2021 Budget Act Bills and Trailer Bills

On June 28, 2021, Governor Newsom signed **AB 128** (Chapter 21, Statutes of 2021), which represented a preliminary budget agreement between the Legislature and the Administration. On July 12, 2021, Governor Newsom signed **SB 129** (Chapter 69, Statutes of 2021), which made significant amendments to **AB 128** and represents the 2021 Budget Act agreement between the Legislature and the Administration. As such, **AB 128** is omitted from this publication for clarity.

Consistent with prior fiscal years, several “Budget Bill Junior” statutory amendments followed to make technical changes or clarifications to the 2021 Budget Act. Budget Bill Junior measures related to the 2021 Budget Act notable for local governments include **AB 161** (Chapter 43, Statutes of 2021), **AB 164** (Chapter 84, Statutes of 2021), and **SB 170** (Chapter 240, Statutes of 2021).

By providing for appropriations related to the state budget within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, Budget Bills and Trailer Bills take effect immediately upon approval by the Governor.

Key Organic Waste Legislation and Funding

Organic Waste – Implementing SB 1383 Regulations

In November 2020, the California Department of Resources Recycling and Recovery (CalRecycle) finalized sweeping organic waste regulations to implement statewide organic waste diversion goals set forth in SB 1383 (Lara, Chapter 395, Statutes of 2016). These regulations took several years to develop and require local governments to implement many of the requirements outlined in the regulations by Jan. 1, 2022.

Anticipating the potential costs to cities to implement the regulations, Cal Cities conducted a survey in November 2020 asking member cities if they anticipate their solid waste and recycling rates increasing, and if so, why? The results of the survey showed seven out of ten cities surveyed anticipate a solid waste and recycling rate increase between one to 20%in the next three years. One of the main cost drivers identified in the survey was the cost of implementing the regulations. As the survey data indicates, the burden of paying for the costs associated with implementing the regulations will fall to our residents and our businesses, given that the regulations do not have a source of state funding identified.

The results of this survey, combined with feedback from city officials during numerous roundtables, led Cal Cities to develop a legislative proposal to help local governments comply with the regulations. Cal Cities took the lead in establishing a coalition of local government associations and worked with Senator Laird on crafting a bill. This proposal was introduced as SB 619 (Laird, Chapter 508, Statutes of 2021). Over the course of the legislative session, Cal Cities worked closely with this coalition and Senator Laird to develop and refine the language, work with external stakeholders, and coordinate legislative testimony in support of the bill. SB 619 became the policy vehicle through which local governments sought to gain additional time and flexibility to implement the regulations.

In a parallel track, Cal Cities and this same local government coalition, also developed and pushed for a $225 million budget ask for state dollars to help local governments implement the regulations. Cal Cities' budget ask gained traction in the State Senate, championed by Senators Allen, Laird, and Wieckowski, where $200 million was proposed to fund SB 1383 implementation in the Senate's climate resiliency proposal.

Ultimately, Cal Cities was successful in our advocacy for both policy change and state funding. While Cal Cities' original bill idea was sidelined, a compromise bill with CalRecycle was amended into the final version of SB 619. SB 619 was then passed by the Legislature and signed into law by Governor Newsom. Cal Cities' organic waste budget ask was included in the final budget bill, SB 170 (Skinner, Chapter 240, Statutes of 2021), but was pared down to $60 million from the Senate's $200 million proposal. Both the policy change and the state funding mark significant improvements that will help cities better implement the regulations and lower costs for their residents. A detailed list of key bills, including SB 619, related to organic waste has been prepared below.

Key Organic Waste Legislation

AB 322 (Salas) Energy. Electric Program Investment Charge Program. Biomass.
Chapter 229, Statutes of 2021
This measure requires the California Energy Commission (CEC) to consider, in the investment planning process for the Electric Program Investment Charge (EPIC), funding for eligible biomass conversion to energy projects. This measure also requires the CEC to consider recommendations from CARB and CAL FIRE, and to coordinate with the Natural Resources Agency, CalRecycle, and the Department of Food and Agriculture about the need for biomass conversion. Additionally, this measure requires the CEC to consider opportunities to reduce short-lived climate pollutant emissions, generate carbon negative emissions, reduce wildfire impacts, and increase energy reliability.

AB 843 (Aguiar-Curry) California Renewables Portfolio Standard Program. Renewable Feed-In Tariff. Bioenergy Market Adjusting Tariff Program. Community Choice Aggregators.
Chapter 234, Statutes of 2021
This measure allows Community Choice Aggregators to access the CPUC's Bioenergy Market Adjusting Tariff program.

AB 1201 (Ting) Solid Waste. Products. Labeling. Compostability and Biodegradability.
Chapter 504, Statutes of 2021
This measure ensures that only products capable of being composted in real-world compost facilities are labeled "compostable." Specifically, this measure prohibits a person from selling or offering for sale a product that is labeled with the term "compostable" or "home compostable" unless the product satisfies specified criteria established by CalRecycle.

SB 619 (Laird) Organic Waste. Reduction Regulations. Local Jurisdiction Compliance.
Chapter 508, Statutes of 2021
This measure gives local governments an optional pathway to compliance with SB 1383 (Lara, Statutes of 2016) CalRecycle organic waste regulations. If the compliance pathway approved by CalRecycle is kept, then cities are shielded from penalties being imposed or accruing for the 2022 calendar year.

Specifically, this measure:

- Authorizes a local jurisdiction facing continuous violations of the Regulations to submit a notice of intent to comply (NOI) to CalRecycle. If approved by CalRecycle, the jurisdiction is eligible for administrative civil penalty relief for the 2022 calendar year and a corrective action plan;
- Requires, for violations of the regulations that are disclosed in an approved NOI, CalRecycle to waive administrative civil penalties for noncompliance during the 2022 calendar year, and prohibits administrative civil penalties from accruing

during the 2022 calendar year, if the local jurisdiction implements certain actions to remedy the violations;
    - For violations that may take more than 180 days to correct, authorizes CalRecycle to instead address the violations disclosed in the NOI through a corrective action plan;
    - Authorizes CalRecycle to revoke its approval of the NOI and impose administrative civil penalties for violations occurring during the 2022 calendar year retroactive to the date of violation if a local jurisdiction fails to adhere to the proposed actions;
- Permits, for violations that commence during 2022 and continue into 2023, administrative civil penalties to begin accruing as of Jan. 1, 2023; however, requires those penalties be waived upon compliance with a corrective action plan;
- Requires the NOI be filed with CalRecycle no later than March 1, 2022, and requires CalRecycle to respond to the local jurisdiction within 45 business days of receiving a NOI with approval, disapproval, request for additional information, or timeline for a decision on approval or disapproval; and
- Authorizes CalRecycle to adopt emergency regulations to implement and enforce these provisions.

State Budget Funding

SB 170 (Skinner) Budget Act of 2021.
Chapter 240, Statutes of 2021
This measure makes numerous appropriations. Such appropriations include, but are not limited to, the following items related to organic waste:

- Circular Economy Package appropriates $75 million in 2021-22, including:
    - $3 million to CalRecycle for food waste prevention and rescue programs;
    - $5 million to CalRecycle for community composting;
    - $10 million to CalRecycle for co-digestion at wastewater treatment plants; and
    - $20 million to CalRecycle for organics infrastructure grants.
- Cap and Trade Discretionary Spending Plan appropriates $850 million Greenhouse Gas Reduction Fund, including:
    - $130 million to CalRecycle for waste diversion/recycling infrastructure:
        - $70 million for organics infrastructure grants; and
        - $60 million for grants to local jurisdictions to assist in the implementation of SB 1383 (Lara, Statutes of 2016).

For more information on additional appropriations in SB 170 (Skinner), please see the budget section.

For more information related to recycling legislation and funding, please see Appendix A, Key Recycling Legislation and Funding.

Key Recycling Legislation and Funding

Recycling – Shifting How California Recycles

Over the past three years, there have been several major legislative attempts to overhaul how California recycles — but none have succeeded. For example, during the 2019-20 legislative session, Senator Ben Allen and Assembly Member Lorena Gonzalez championed SB 54 and AB 1080, which unsuccessfully sought to require single-use plastic producers to achieve a 75% reduction of waste generated from single-use packaging and priority single-use plastic products in the California market by 2030. While these bills did not advance, they brought the issue of reforming how California recycles to the forefront of the Legislature's mind.

This year, both Senator Allen and Assembly Member Gonzalez continued to work on recycling issues but took smaller swings at reforming the recycling system by introducing SB 343 and AB 881. Both bills, which were passed by the Legislature and signed by Governor Newsom. Summaries of these bills are included in this document.

In February of 2021, Cal Cities, along with other local government associations, sent a letter to the Legislature asking for urgent action to address needed changes to the Beverage Container Recycling Program to address the lack of convenient redemption opportunities in many parts of the state. This letter was a product of numerous Cal Cities solid waste and recycling roundtables and conversations with local governments up and down the state. In response to this letter, Assembly Member Wood introduced AB 1311 to make some of the tweaks requested. This measure was ultimately passed by the Legislature and signed by Governor Newsom. A summary of AB 1311 is included in this document.

In addition to this bill, there were several other bills, including SB 38 (Wieckowski), AB 1454 (Bloom), and SB 451 (Dodd), which unsuccessfully sought to overhaul the existing recycling system in California — in part due to the many issues related to the mass closure of redemption centers and declining recycling rates.

It is anticipated that the Legislature will continue the push to overhaul the recycling system in California in the next legislative session. A detailed list of key bills related to recycling is included in this document.

Key Solid Waste and Recycling Legislation

AB 881 (Gonzalez) Recycling. Plastic Waste. Export.
Chapter 501, Statutes of 2021
This measure makes the export out of the country of a mixture of plastic wastes count as "disposal" and not "diversion" under the California Integrated Waste Management Act of 1989, unless the mixture includes only certain plastics destined for separate recycling, in which case that export constitutes diversion through recycling. Until Jan. 1, 2024, "export" means exporting out of the country and does include export to Canada or Mexico.

AB 962 (Kamlager) California Beverage Container Recycling and Litter Reduction Act. Reusable Beverage Containers.
Chapter 502, Statutes of 2021
This measure authorizes CalRecycle to allow returnable bottles to flow through the state's Beverage Container Recycling and Litter Reduction Act (Bottle Bill) program and provide bottle washers the same processing payment that is currently paid to certified recyclers, and the same Quality Glass Incentive Payment that is currently paid to certified recycling processors.

AB 1276 (Carrillo) Single-Use Foodware Accessories and Standard Condiments.
Chapter 505, Statutes of 2021
This measure requires food and beverage accessories, such as single-use condiments and plastic silverware, be available only upon request. This includes food facilities that use third parties for their take-out food order and delivery. This measure also requires, on or before June 1, 2022, local governments to authorize an enforcement agency to enforce this measure's requirements.

AB 1311 (Wood) Recycling. Beverage Containers.
Chapter 506, Statutes of 2021
This measure expands the beverage container redemption opportunities under the Bottle Bill program that include, but are not limited to, appointment-based bottle drop-offs and electronic deposit payments.

Specifically, this measure:

- Requires bag drop recycling centers to pay the refund value for beverage containers within a reasonable period of time, not to exceed three business days;
- Specifies that the refund value can be paid electronically;
    - Defines "bag drop recycling center" as a recycling location operated by a recycling center at which consumers can drop off bagged empty beverage containers for redemption.
- Authorizes CalRecycle to require a certified recycling center to operate up to 50% of its hours of operation other than during 9 a.m. to 5 p.m;
- Authorizes CalRecycle to certify a recycling center operating less than 30 hours per week if the recycling center posts a sign indicating the location of the nearest recycling center that is open at least 30 hours per week, accepts all material types, and if either of the following apply:
    - The recycling center is in a rural region; or
    - The needs of the community and the goals of the Bottle Bill will be best served by certification of the recycling center.
- Requires CalRecycle, before July 1, 2022, to develop and implement a process for certified recycling centers to apply for authorization to operate on an "alternative schedule," which could include reduced hours of operation. Requires the process to include, at a minimum:
    - The form and content of the application and the manner in which the application is required to be submitted;

  - The criteria used by CalRecycle to authorize a certified recycling center to operate on an alternative schedule, including providing flexibility for certified recycling centers that are owned or operated by small or family-owned businesses and centers that are experiencing operational challenges due to natural disasters or states of emergency;
  - A minimum number of hours per week, per month, or per year that a recycling center may be open to ensure that the ability of consumers to conveniently return all types of beverage containers is not significantly decreased; and
  - Other requirements determined by CalRecycle to ensure convenient consumer redemption opportunities for all beverage types.
- Specifies that, until July 1, 2023, a certified recycling center is open for business if it receives written confirmation from CalRecycle to operate pursuant to an appointment system, the recycling center ensures that an employee is present during all appointments and available to accept containers and pay the California Redemption Value (CRV); and
- Exempts dealers delivering empty beverage containers redeemed from consumers to a certified recycling center or processor from the daily load limits established by CalRecycle for containers.

SB 343 (Allen) Environmental Advertising. Recycling Symbol. Recyclability. Products and Packaging.
Chapter 507, Statutes of 2021
This measure provides additional clarity and regulatory standards on which products can use the recycling "chasing arrows" symbol on their packaging. These standards include, but are not limited to, requiring a plastic product to be recyclable by 60% of local jurisdictions to be allowed to use the "chasing arrows" symbol.

State Funding

SB 170 (Skinner) Budget Act of 2021.
Chapter 240, Statutes of 2021 (Urgency)
This measure makes numerous appropriations. Such appropriations include, but are not limited to, the following items related to recycling:

- Circular Economy Package appropriates $75 million in 2021-22, including:
  - $2 million to CalRecycle for Circular Economy development;
  - $25 million to CalRecycle for the Recycling Market Development Zone Loan Program; and
  - $10 million to CalRecycle for the Quality Incentive Payment Program for plastic thermoforms.

For more information on additional appropriations in SB 170, please see the budget section.

For more information related to organic waste legislation and funding, please see Appendix A, Key Organic Waste Legislation and Funding

Key Broadband Legislation

Background:
While the digital divide is not a new challenge, the COVID-19 pandemic highlighted that a lack of broadband access persists for many communities. As nearly every household, business, and agency swiftly adapted to a new virtual environment, disparities around access to fast, reliable, and affordable broadband service became even more apparent. In addition to increased individual reliance on the internet to meet daily obligations such as school, work, and access to healthcare, local governments have taken to online platforms to ensure that transparency and accessibility continues to be maintained.

In June 2020, the Transportation, Communications, and Public Works Policy Committee voted, and the Cal Cities Board approved a new broadband policy supporting broadband deployment in unserved and underserved areas. Additionally, Cal Cities 2021 Action Agenda included securing state and federal resources to close the digital divide while protecting and modernizing critical infrastructure in California's communities. The new policy, coupled with this its prominence in this year's Action Agenda, played a key role in guiding Cal Cities staff as the Legislature considered broadband issues this last year.

Historical Role of the California Public Utilities Commission in Broadband Deployment

Under current law, the California Public Utilities Commission (CPUC) has regulatory authority over public utilities, including telephone corporations. Current law requires CPUC to develop, implement, and administer the California Advanced Services Fund (CASF) to encourage the deployment of high-quality advanced communications services to all Californians to promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies.

The CASF consists of several subaccounts, each with funding allocated for a specific purpose (i.e., infrastructure, consortia support, public housing, and adoption). In 2017, the program was reauthorized under AB 1665 (Eduardo Garcia, et al.), Chapter 851, Statues of 2017. That measure authorized the CPUC to collect a surcharge from Jan. 1, 2018, through Dec. 31, 2022, to fund the program at a rate of up to $66 million per year. The statutory goal of the program is to provide broadband access to no less than 98% of California households in each "consortium" (regional umbrella organizations made up of public, private, and community-based organizations that coordinate efforts to promote deployment, access, and adoption of broadband technology). As of 2021, the state has not met the CASF program goal; however, demand for CASF grants thoroughly exceeds available funds as thousands of Californian households across the state continue to lack service to even basic internet service.

Additionally, the CPUC is required to direct interconnected Voice over Internet Protocol providers, that service enabling two-way voice communications requiring broadband, to collect surcharges on California intrastate revenues and deposit those funds in the

accounts for the state's telecommunications universal service programs, including the CASF.

To address the digital divide, the Legislature proposed a package of broadband reforms, including the measures listed below, that would affirmatively embrace the small local government/non-profit model of broadband by creating a state-backed bond financing program that would enable long-term, low-interest loans to finance fiber; increased eligibility to grant programs; and increased oversight and accountability by the CPUC for the deployment of broadband throughout California communities.

Cal Cities Supported Measures:
AB 14 (Aguiar-Curry) Communications. California Advanced Services Fund. Deaf and Disabled Telecommunications Program. Surcharges.
Chapter 658, Statutes of 2021 (Urgency)
This measure extends the CASF program to encourage deployment of broadband service to unserved Californians and revises the surcharge collection methodology for interconnected VoIP service and the Deaf and Disabled Telecommunications Program (DDTP).

CPUC collects surcharges to fund and administer five telecommunications public purpose programs, including CASF and DDTP. Due to unreliable methodologies used to estimate surcharge amounts owed to the CPUC by providers of telephone service, the CPUC has under collected surcharges, leading to structural revenue problems for all the public purpose programs. The changes contained in this measure revise the surcharge collection mechanism for DDTP and all public purpose programs so that the CPUC may implement a more stable funding mechanism.

SB 4 (Gonzalez) Communications. California Advanced Services Fund.
Chapter 671, Statutes of 2021 (Urgency)
This measure eliminates the $330 cumulative cap on CASF funds and raises the annual revenue cap from $66 million to $150 million. Prior to Dec. 2020 adjustments to the CASF surcharge rate, CASF was on track to only collect $187 million out of the $330 million total funding authorized under existing law. Even with surcharge rate increases, CASF may never collect its total authorized revenue if the revenues disproportionately rely on surcharges paid by traditional telephone users.

On March 4, 2021, CPUC opened a rulemaking (R. 21-03-002) to update the surcharge mechanism for the state's Universal Service Fund programs. Neither this measure or AB 14 require CPUC to set a specific surcharge amount or increase surcharges. Instead, both measures eliminate restrictions in existing law that limit CPUC's ability to modify the surcharge mechanism through its existing proceeding. To the extent that CPUC takes action in its ongoing proceeding that results in the collection of more CASF revenues from reducing cost-shifts to wireline telephone ratepayers, this measure and AB 14 could provide a long-term source of broadband deployment funding for multi-year broadband projects that may not meet the deadlines for federal stimulus funding and expand local governments' eligibility to apply for available CASF grants.

Cal Cities supported both AB 14 and SB 4 from the start of the legislative session. The authors, Assembly Member Cecilia Aguiar-Curry and Senator Lena Gonzalez partnered as principal co-authors to both measures after a comprehensive broadband package failed to pass in the 2020 legislative session. The CASF reforms included in AB 14 and SB 4 provide stability and reliability to the fund and permit more eligible participants to serve a more significant role in closing the digital divide.

SB 28 (Caballero) Digital Infrastructure and Video Competition Act of 2006. Deployment Data.
Chapter 673, Statutes of 2021
This measure requires the CPUC to collect granular data on the actual locations served by the holder of a state franchise.

In 2006, the Legislature passed the Digital Infrastructure and Video Competition Act (DIVCA), which established a state cable franchise process at the CPUC. Prior to the passage of DIVCA, local governments licensed cable franchises. A cable provider seeking to offer video service in every part of California needed to obtain over 400 franchise agreements before the creation of a state franchise process. Few areas had more than one cable provider, and the primary service competing against cable, satellite television service, was not required to obtain franchise agreements. DIVCA was intended to grow cable service in the state and increase competition between cable providers by lowering barriers associated with local franchising.

In addition to providing video service, many DIVCA franchisees are also internet service providers and frequently provide video and internet services through some of the same infrastructure. Over 96% of Californians with broadband receive their internet service from a DIVCA franchisee. Since the enactment of DIVCA, the video service market has changed dramatically due to the rise of web-based streaming video subscriptions and the growth of wireless personal communications devices. As of 2018, the Motion Picture Association of America reported that total online streaming platform subscriptions surpassed total cable subscriptions.

While existing law requires cable providers to provide information about the number of households to which it provides internet service, existing law only requires this information on a census tract level and allows cable providers to submit an estimate of this figure if the company does not maintain the data. A census tract's size depends on the density of the population. As a result, rural counties generally have fewer census tracts than those contained in more urban counties. Given the potentially large geographic area that a census tract may contain, data at this level is unlikely to provide enough detail to identify whether a franchise is discriminating against a specific community. The enhanced data collection required by this measure may provide information that could enable the CPUC to better identify communities that lack service.

SB 156 (Cmte. on Budget and Fiscal Review) Communications. Broadband. Chapter 112, Statutes of 2021
This measure implements the first year of a three-year $6 billion investment in broadband.

Most of the funding ($3.25 billion) is budgeted to build a statewide, publicly owned, open-access broadband middle-mile network overseen by the California Department of Technology and a third-party administrator. The middle-mile will not directly serve households, but rather is the essential backbone infrastructure needed to enable direct, or "last-mile," connections to households or businesses by internet service providers. Therefore, the $3.25 billion middle-mile funding will serve a different purpose than CASF and this measure, which connects households through last-mile connections. This year's budget also allocated $750 million for a Loan-Loss Reserve fund. This funding is to assist local governments and non-profits in financing broadband service projects across the state. Like the CASF, the Loan-Loss Reserve fund will be administered by the CPUC.

For last-mile connections, this year's budget allocated $2 billion to a new CASF subaccount, the Federal Funding Account. The Federal Funding Account is funded through federal monies received from the American Rescue Plan Act (ARPA). The Federal Funding Account will be used to fund last-mile projects to connect unserved and underserved households to broadband service by applicable federal deadlines. Although the Federal Funding Account and its monies fall within the CASF program, that subaccount is separate from the existing CASF Infrastructure grant account. The CASF Infrastructure grant account also funds last-mile infrastructure projects for unserved households but currently has more funding requests than available funds.

In summary, this year's budget allocated $6 billion to broadband projects broadly; however, only $2 billion of that funding is allocated to CASF, and it all must be spent by 2026 or returned to the federal government. The surcharges collected under this measure could be used to fund the other CASF subaccounts that were not funded with the $2 billion appropriation under SB 156, such as the adoption and public housing subaccounts. The surcharge could also go towards funding the 37 outstanding CASF Infrastructure grant applications that have been pending since May 2020 but were never acted on, in part, because of a lack of available funding.

Cal Cities supported this measure as part of a large and diverse coalition. This measure included over $3 billion more than Cal Cities had originally requested in the budget for broadband deployment. SB 156 faced intense opposition from the telecommunications industry, which sought to divert funding away from the middle mile.

Cal Cities Opposed Measure:
SB 556 (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures. Attachments.
In 2018, the Federal Communications Commission (FCC) voted to limit the authority and standards that states and local governments can require for the installation and/or

deployment of small cell wireless facilities. However, the FCC regulations explicitly protect the ability of local governments to ensure that such installations meet appearance and design standards, maintain traffic safety, protect historical resources' integrity, and safeguard citizens' quality of life. Additionally, local governments can continue to charge fees that are a reasonable approximation of the local government's actual and direct costs, including costs to maintain a structure within the right-of-way, process an application or permit, and review a siting application.

While Cal Cities was a party to litigation seeking the U.S. Supreme Court's review and overturning of the 9th Circuit District Court of Appeals challenging the FCC declaratory ruling that abrogated protections for local governments in prior FCC regulations, the U.S. Supreme Court upheld the decision.

Specifically, SB 556 would have:

- Gone beyond the FCC's adopted regulations on wireless services deployment, which cities and counties across the nation are actively implementing;
- Required local governments to make space available to telecommunications providers for wireless infrastructure without recognizing local authority to manage the public right-of-way preserved in the federal law; and
- Created ambiguity in the fees local governments can charge for access to their infrastructure.

Cal Cities worked diligently with the author's office to secure amendments to SB 556 that ensured conformity with the existing FCC regulations. However, despite these amendments, Cal Cities continued to oppose the measure as SB 556 did not include any requirements that telecommunications providers service unserved and underserved communities across the state.

After the Legislature passed SB 556, Cal Cities urged the Governor to veto SB 556, which was successful.

APPENDIX B – CAL CITIES RESOURCES

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Rajveer Rakkar
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rrakkar@calcities.org

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League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814
Fax: (916) 658-8240

10 Tips for Cities Lobbying the California Legislature

1. Become engaged in the state level political process by appointing a legislative liaison within your city to track key legislation and work with your regional public affairs manager. Visit the Cal Cities regional division webpage to locate contact information for your regional public affairs manager.

2. Use Cal Cities as a resource. Visit the Cal Cities advocacy page to access Cal Cities priority bills, city sample support and opposition letters, legislative contacts, and use our online bill search feature to track bills' progress.

3. Read and subscribe to the *Cal Cities Advocate*, Cal Cities' online newsletter, to stay current on important legislation and stories.

4. Develop relationships with your Senate and Assembly representatives as well as their Capitol and district office staff. Make sure to look up who your local state elected official is.

5. Get to know members of your local press and educate them on legislative issues affecting your city.

6. Understand how state decisions impact your city's budget by attending Cal Cities educational conferences, policy committee meetings, and regional division events.

7. Build networks and collaborate with other stakeholders, such as non-profits, businesses, or your county, in your community on key legislative issues.

8. Organize an internal process within your city for developing and proposing changes to both state and federal laws that will help your city.

9. Adopt local policies on legislation that enable your city to react quickly to the legislative process and respond to Cal Cities action alerts.

10. Write letters on legislation featured in the *Cal Cities Advocate*. City sample support and opposition letters can be found using the Cal Cities bill search feature and entering the bill number or bill author.

Effective Letter Writing Techniques

1. **Include the Bill Number, Title, and Your Position in the Subject Line.** Never bury the bill number and the action you want the legislator to take in the body of the letter.

2. **One Bill per Letter.** Legislators file letters according to the bill number.

3. **State the Facts.** Describe the impact the bill would have on your city. Use "real world" facts; legislators like to know how a bill would specifically affect cities in their districts. Cal Cities often provides a sample letter that includes space to describe local impacts. Take the time to provide such examples. This part of the letter is the most valuable to the legislator.

4. **Think About the Message.** Letters may be targeted to specific legislators or entire committees. Think about who you want to act on the bill and message accordingly. If you are writing in support of transportation funding, emphasizing how the project will reduce greenhouse gases might be important to one legislator, while highlighting how the project could encourage additional development and jobs might be important to another. Both messages are correct, but your effectiveness will be in selecting the right message.

5. **Check for Amendments.** Always check the Cal Cities bill search page to make sure you are addressing issues in the latest draft. Bills are often significantly amended and the issue you are writing about may have changed or have been deleted altogether by the time you send your letter.

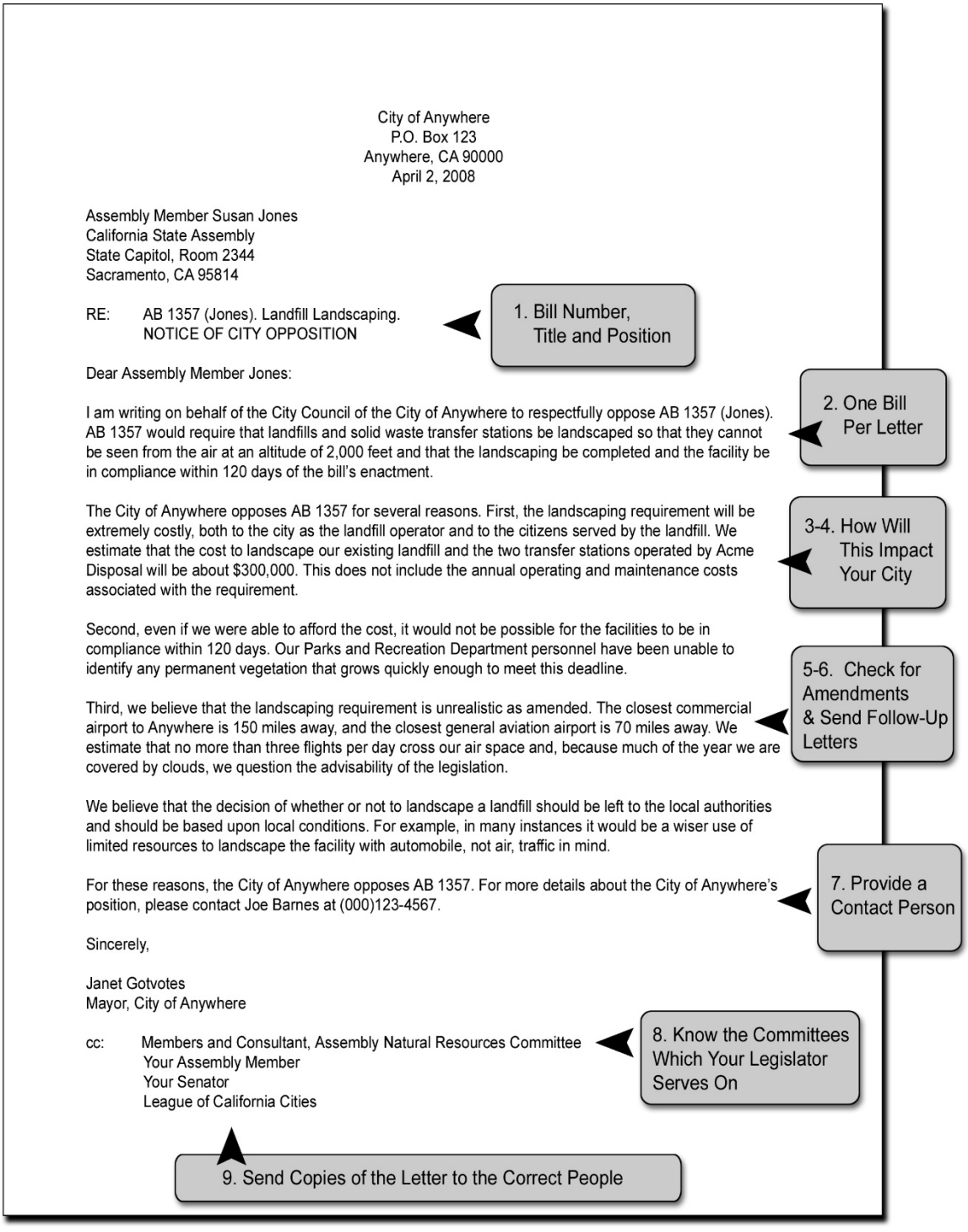
6. **Send Follow-up Letters to the Appropriate Legislative Committees as a Bill Moves Along.** You can often use your original letter with some modifications. Visit the Cal Cities bill search webpage to track the bill's location. In addition, the *Cal Cities Advocate* features stories on key legislation.

7. **Provide a Contact.** At the close of the letter, provide a contact person in case there are questions about the city's position.

8. **Know the Committees on Which Your Legislator Serves.** A legislator is likely to pay more attention to the bill positions of their constituents especially when it comes before his or her committee. At the committee level, this is even more important because your legislator has greater ability at this point in the legislative process to have the bill amended.

9. **Copy the Right People.** Email a copy of the letter to your local state senator, assembly member, your Cal Cities regional public affairs manager, and Cal Cities.

10. **Submit your Letter to the California Legislature Position Letter Portal**. The portal automatically sends letters to the author's office and the committee(s) of jurisdiction. Please visit the legislative portal to create an account and upload the letter.


City of Anywhere
P.O. Box 123
Anywhere, CA 90000
April 2, 2008
Assembly Member Susan Jones
California State Assembly
State Capitol, Room 2344
Sacramento, CA 95814
RE: AB 1357 (Jones). Landfill Landscaping.
NOTICE OF CITY OPPOSITION
1. Bill Number, Title and Position
Dear Assembly Member Jones:
I am writing on behalf of the City Council of the City of Anywhere to respectfully oppose AB 1357 (Jones). AB 1357 would require that landfills and solid waste transfer stations be landscaped so that they cannot be seen from the air at an altitude of 2,000 feet and that the landscaping be completed and the facility be in compliance within 120 days of the bill's enactment.
2. One Bill Per Letter
The City of Anywhere opposes AB 1357 for several reasons. First, the landscaping requirement will be extremely costly, both to the city as the landfill operator and to the citizens served by the landfill. We estimate that the cost to landscape our existing landfill and the two transfer stations operated by Acme Disposal will be about $300,000. This does not include the annual operating and maintenance costs associated with the requirement.
3-4. How Will This Impact Your City
Second, even if we were able to afford the cost, it would not be possible for the facilities to be in compliance within 120 days. Our Parks and Recreation Department personnel have been unable to identify any permanent vegetation that grows quickly enough to meet this deadline.
Third, we believe that the landscaping requirement is unrealistic as amended. The closest commercial airport to Anywhere is 150 miles away, and the closest general aviation airport is 70 miles away. We estimate that no more than three flights per day cross our air space and, because much of the year we are covered by clouds, we question the advisability of the legislation.
5-6. Check for Amendments & Send Follow-Up Letters
We believe that the decision of whether or not to landscape a landfill should be left to the local authorities and should be based upon local conditions. For example, in many instances it would be a wiser use of limited resources to landscape the facility with automobile, not air, traffic in mind.
For these reasons, the City of Anywhere opposes AB 1357. For more details about the City of Anywhere's position, please contact Joe Barnes at (000)123-4567.
7. Provide a Contact Person
Sincerely,
Janet Gotvotes
Mayor, City of Anywhere
cc: Members and Consultant, Assembly Natural Resources Committee
Your Assembly Member
Your Senator
League of California Cities
8. Know the Committees Which Your Legislator Serves On
9. Send Copies of the Letter to the Correct People

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CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Consider the Recommendation from Mayor Tran for the Appointment to a City Commission (Contact: Mayor Tran, 408- 586-3029)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	4/5/2022
	Recommendation: Receive Mayor Tran's recommendation and approve the appointment to the Energy and Environmental Sustainability Commission for a non-voting student member.

Background:
The City of Milpitas has 13 Commissions (including Measure F Oversight Committee), with the members appointed by the Mayor and confirmed by the City Council, that advise the Milpitas elected officials on a variety of community interest and policy areas. Mayor Tran is making the following recommendation.

Energy and Environmental Sustainability Commission

1. Appoint Tara Tony to serve as a non-voting student member.

Analysis:
Any resident interested in serving on a City Commission must complete a Commission Application and submit the form to the City Clerk. Copies of the applications are provided to the Mayor for his consideration. Per Government Code 40605, in a general law city where the office of Mayor is an elective office, the Mayor with the approval of the City Council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute.

The recommended Commissioner appointment has been reviewed and confirmed by the City Clerk's office.

Fiscal Impact:
There is no fiscal impact associated with this item.

Recommendation:
Receive Mayor Tran's recommendation and approve the appointment to the Energy and Environmental Sustainability Commission for a non-voting student member.

Attachments:
1. Application

student app

COMMISSION/COMMITTEE APPLYING FOR:	Energy and Environmental Sustainability Commission
Name	Tara Ambalathingal Tony
Address Type	Residence
Address	[redacted]
City	Milpitas
Postal/Zip Code	95035
Mobile Number	[redacted]
E-Mail Address	[redacted]

City Clerk's Office
MAR 21 2022
RECEIVED

Education: If Youth Advisory Commission applicant, indicate your grade/school: Challenger School, Berryessa, San Jose. Grade 7

List community organizations to which you belong or have belonged (additional information may be attached).

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

While researching the global impact of greenhouse gas emissions for a debate tournament, I realized the importance of keeping our environment safe and sustained. With my head held high, I articulated how these harmful emissions should be mitigated as they lead to the deteriorating of our planet. My passion for creating an eco-friendly environment grew from here. Practicing debate has also helped me grow in my creativity, problem solving, and ability to express my thoughts and opinions clearly to fellow listeners. I can use these skills to advocate for our environment by encouraging more recycling and reusing. Community clean ups can be conducted and speaker events with environmentalists and climate justice specialists can be held in order to spread awareness towards our community.
Dependability is a forte of mine as well. Any task that comes my way, I will complete to the best of my abilities. Keeping our environment clean and safe is very important to me. When it comes to keeping the earth clean, I can always be counted on.
Becoming a part of this environment sustainability program would mean putting my whole heart into not only keeping our environment safe for us to live in, but for the many more future generations to come.

Upload a File Tara_Ambalathingal_Tony_Additional_info.docx

Date Mar 19, 2022

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true. Tara Ambalathingal Tony

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Conduct a Public Hearing to Discuss the FY2022-25 Consolidated Plan Goals and Funding Allocations for FY2022-23 Community Development Block Grant and Corresponding Annual Action Plan (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**
Category:	Public Hearings-Community Development
Meeting Date:	4/5/2022
	Recommendations: (1) Open the public hearing, hear testimony, then move to close the public hearing; and (2) Provide direction on the FY2022-25 Consolidated Plan goals and funding allocations for FY2022-23 Community Development Block Grant and corresponding Annual Action Plan.

Background:
The U.S. Department of Housing and Urban Development (HUD) provides annual grants through the Community Development Block Grant (CDBG) program to local entitlement cities and counties. The CDBG program provides resources to the most vulnerable low- and moderate-income communities to address a wide range of community development needs through investment in capital projects and public services. The amount of funds that Milpitas receives is determined by a formula based on population and other factors.

Eligible and Ineligible Uses
HUD sets restrictions on how CDBG can be used. CDBG activities must be on HUD's list of eligible uses. A summary of eligible and ineligible activities is included as **Attachment 1**.

Meeting National Objectives
In addition, CDBG activities must meet one of the following National Objectives:

1. Provides a benefit to low- and moderate-income persons;
2. Eliminates or prevents slum or blight; or
3. Meets other community development needs having an urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs, often referred to as "urgent need."

The City of Milpitas has historically used its CDBG allocation to benefit low- and moderate-income persons. To meet the slum or blight National Objective, the City would have to identify areas of the City that meet the definition of a slum, blighted, deteriorated or deteriorating area under state or local law. Milpitas has not identified significantly blighted conditions within its boundaries. As such, CDBG formula, and prior year formula funds must be used to benefit low- and moderate-income persons.

CARES Act Flexibility
HUD sets caps on the proportion of annual formula CDBG funds that can be spent on different types of activities. Capital projects are capped at 65%, public services at 15%, and administration at 20%. The CARES Act has modified the caps on funds to allow for greater flexibility in responding to the COVID-19 pandemic. Specifically, there is no Public Service cap for COVID-19 related activities.

This means the City Council could allocate more of its formula funding, which would typically be reserved for capital improvement projects, to COVID-19 related activities within the fiscal year. This funding flexibility only applies if the allocations are used for COVID-19 related activities. If funds are allocated to a non-COVID-19

related activity, those funds must conform to the standard CDBG caps of 15% for public services and 65% for capital projects.

As of this agenda report, HUD has not given the City clear guidance as to whether the COVID-19 related flexibilities in allowable activities and how those activities can be funded will continue for FY2022-23.

In accordance with the federal regulations listed at 24 CFR, Part 91, the City of Milpitas is required to prepare and submit its Consolidated Action Plan (Con Plan) for its Housing and Community Development Entitlement Program. The Con Plan outlines the City's housing and non-housing community development needs and priorities. Included in the Con Plan is the FY2022-23 Annual Action Plan (AAP) which outlines how the City intends to use the HUD funds for the 2022-23 fiscal year. The City estimates it will receive $1,800,000 in Community Development Block Grant (CDBG) funds over the next three years. For FY2022-23, the City expects to have approximately $600,000 in CDBG funds available. As of this agenda report, HUD has yet to publish the FY2022-23 allocation amounts. It is expected that the allocations amounts will be released by the May 3, 2022 public hearing.

On June 30, 2020, the City Council approved a substantial amendment to the FY2017-22 Consolidated Plan to allow the City to allocate the CARES Act funding the City received in March 2020. See agenda report here. During that discussion, the City Council authorized the modification of CDBG goals to more closely align with the stated Council goals for CDBG funding. These additions further specified the public service goals the Council wanted prioritized.

Analysis:

Consolidated Plan

The Consolidated Plan is a three to five-year document that demonstrates a jurisdiction's plan to allocate CDBG funding to benefit low- and moderate-income individuals over that period of time. Each year, the City submits an Annual Action Plan to HUD which represents the City's one-year plan of action within the three to five-year Consolidated Plan. As a part of the proposed FY2022-25 Consolidated Plan is the FY2022-23 Annual Action Plan. This Consolidated Plan will be a three-year Consolidated Plan to align our timelines with the rest of the County.

The Consolidated Plan requires maximum citizen participation through public outreach meetings, community engagement, and surveys. The Consolidated Plan process serves as the framework for a community-wide dialogue to identify housing and community development priority needs. The Consolidated Plan requires a summary of citizen participation, housing and non-housing community development needs assessment. The Consolidated Plan outlines the community's priority needs, goals that address the priority needs, and strategies for CDBG funding and activity allocations that best meet those community needs and serve the City's low- and moderate-income residents.

Community Outreach

The proposed FY2022-25 Consolidated Plan was prepared through extensive outreach, research, as well as community and Council engagement. City staff conducted a survey and held two public meetings, in December and March, as part of the Community Advisory Commission meetings. Two public hearings are planned for the April 5 and May 3, 2022 City Council meetings to gather Council feedback on the priorities and goals, as well as any further public comment and input on the Con Plan.

On October 21, 2021, City staff launched a CDBG Consolidated Plan survey to identify community goals and priorities for the City's CDBG allocation over the next three years. The survey was distributed to the community via social media, direct email, and the City's website. The online survey was available for approximately 5 weeks (from October 21 – November 28, 2021) and had 32 responses.

Below is a brief overview of the goal of the Consolidated Plan survey followed by some key takeaways from the community's response. The CDBG Consolidated Plan Survey results are available as **Attachment 2**.

Survey Questions included the following:

- What are the City's top priorities over the next 3 years?
- What do you feel are the most common or pressing housing or community development problems in the City?
- What are the ways to overcome these problems?
- How should the City spend their annual CDBG allocations?

Key takeaways from the community's response:

- 72% of respondents want to see improvements to current City facilities
- 50% of respondents want the City to create additional affordable housing
- 56% of respondents want improvements to the current non-profit community services
- 66% of respondents want improved housing for special needs populations
- 59% of respondents would like the City to assist with job training for the homeless
- 63% of respondents want additional public services for people who are disabled
- 53% of respondents want increased funding for homeless, childcare, and mental health facilities
- 50% of respondents want a drop-in center for the homeless

Community Advisory Commission (CAC) Feedback

Feedback on the Consolidated Plan was solicited from the Community Advisory Commission. On December 1, 2021, staff held a public meeting to solicit community and CAC feedback on their desired Consolidated Plan goals. Nonprofit agencies that provide housing, health services, and social services provided comments to the CAC and the CAC agreed with the goals of these services. The CAC also received a staff presentation on the results of the CDBG Consolidated Plan survey, which guided their discussion.

The FY2022-25 Consolidated Plan Priority Needs and Goals Summary below reflect the Council priorities and goals that were approved during the June 30, 2020 City Council meeting. They also align with the priorities and goals expressed by the community and CAC. The full FY2022-25 draft Consolidated Plan is available for review as **Attachment 3.**

Priority Needs

The table below represents the high-level priority needs the community has identified. The priorities listed below reflect the same Council priorities that were approved during the June 30, 2020 City Council meeting as noted above.

Priority Need	Priority Level	Description	Population or Geographic Area	Goal	Basis for Relative Priority
Affordable Housing Development and Preservation	High	Develop and preserve affordable housing and owner housing which includes rehabilitation and new construction.	Targeted towards low to moderate income persons. No geographic areas targeted.	New Affordable Housing Maintain and Preserve Existing Housing Affordable Housing Rental Rehabilitation	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community Services	High	Greater provision of community services for those who are homeless or who have urgent housing instability.	Extremely low, very low, low- and moderate-income individuals, veterans, emancipated youth. No geographic areas targeted.	Community Funding/Public Services	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community Services	High	Greater provision of community social services for low- and moderate-income families with children, youth and emancipated youth	Low- and moderate-income families with children, youth, emancipated youth, and victims of domestic violence, No geographic areas targeted.	Public Services for Children and Youth	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community Services	High	Greater provision of community services for seniors	Low- and moderate-income seniors. No geographic areas targeted.	Public Services for Seniors	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community Services	High	Greater provision of community services including fair housing, landlord/tenant mediation, and legal services	Low- and moderate-income renters and landlords. No geographic areas targeted.	Community Funding/Public Services Fair Housing	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community, Public, and Neighborhood Sustainability	Low	Preservation, revitalizing, and maintenance of neighborhoods.	All geographic areas are targeted.	Public Improvements	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Economic Development	High	Create and retain jobs and encourage businesses etc. to provide educational and job readiness.	People of low to moderate income, microenterprises and small businesses	Community Funding/Public Services	Feedback from Consolidated Plan Community survey and stakeholder meetings.

Goals Summary

These CDBG goals are a reflection of how the Council should allocate its yearly CDBG allocation. Based on Council feedback, staff will guide the Council in allocating funding towards activities that best achieve the desired Consolidated Plan goals. As discussed in the background section, these goals were approved as part of a substantial amendment to the FY2017-22 Consolidated Plan at the June 30, 2020 City Council meeting.

The goals listed below reflect the same goals. The funding amount and outcome indicators will be determined based on the Council's discussion.

Goal	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Maintain and Preserve Existing Housing	2022	2025	Affordable Housing Non-Homeless Special Needs	Citywide	Affordable Housing Development and Preservation	TBD based on Council priority	TBD based on Council priority
New Affordable Housing	2022	2025	Affordable Housing	Citywide	Affordable Housing Development and Preservation	"	"
Affordable Housing Rental Rehabilitation	2022	2025	Non-Housing Community Development	Citywide	Affordable Housing Development and Preservation	"	"
Community Funding/Public Services	2022	2025	Homeless Non-Homeless Special Needs	Citywide	Community Services	"	"
Public services for low- and moderate-income residents at risk of eviction	2022	2025	Homeless Non-Homeless Special Needs	Citywide	Community Services	"	"
Fair Housing	2022	2025	Affordable Housing Non-Homeless Special Needs	Citywide	Community Services	"	"
Public Services for Children and Youth	2022	2025	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	"	"
Public Services for Seniors	2022	2025	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	"	"
Public Services for Domestic Violence support	2022	2025	Non-Homeless Special Needs	Citywide	Community Services	"	"
Public Improvements including accessibility and improving public facilities	2022	2025	Non-Housing Community Development	Citywide	Community, Public, and Neighborhood Sustainability	"	"
Assist Microenterprises and Small Businesses	2022	2025	Non-Housing Community Development	Citywide	Economic Development	"	"
Explore the use of HUD Section 108 Loan Guarantee Program	2022	2025	Affordable Housing	Citywide	Community Services	"	"

FY2022-23 Annual Action Plan

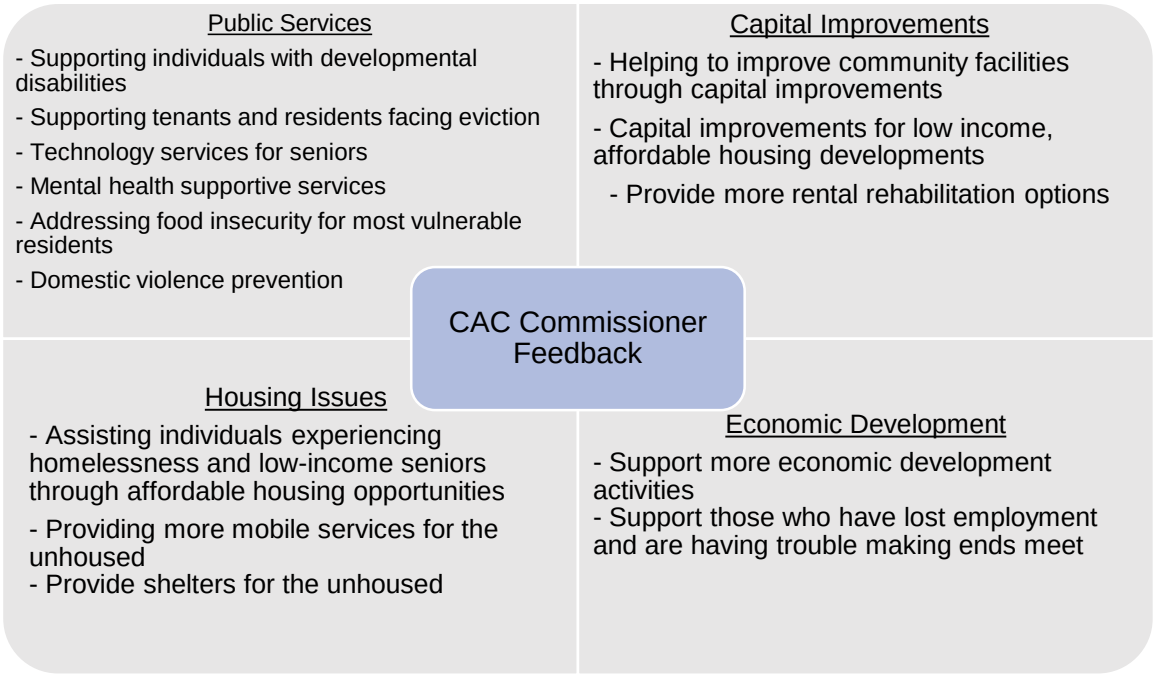
On December 24, 2021, the City announced that the application period for FY2022-23 CDBG applications would be open from January 3, 2022 through February 18, 2022. Throughout January and February, Staff conducted outreach to community organizations leading up to the application deadline. Staff also designed a simplified application to streamline and increase efficiency of the process. Twenty-three (23) simplified applications were received during the application period and one application was later withdrawn. The result was twenty-two (22) applications with requests totaling over $1,500,000. A full breakdown of these simplified applications is provided below.

As noted above, included in the submission of the proposed FY2022-25 Consolidated Plan will be the FY2022-23 Annual Action Plan. The Action Plan is the City's plan to accomplish the first year of goals and priorities laid out by the Consolidated Plan. The full FY2022-23 draft Annual Action Plan is available as **Attachment 4.**

Community Advisory Commission (CAC) Feedback

On March 2, 2022, staff held a public meeting to solicit community and CAC feedback on the proposed FY2022-2023 Annual Action Plan as well as the applicants applying for CDBG funding. Commissioners heard comments from the prospective FY2022-23 CDBG applicants. A total of 19 comments were provided, with at least one commenter from each applicant organization describing their proposed project and how it will benefit the residents of Milpitas.

Commissioners then provided verbal feedback on what priorities/areas they believe the City Council should focus on funding with the FY2022-2023 Annual Action Plan. A few Commissioners' priorities were captured solely through the CDBG Community Needs Survey. Public services, capital improvements, housing needs, and COVID-19 response were among the top priorities of the Commissioners. A broader summary of the Commissioners' priorities is provided below:



Available Funds

As mentioned above, the City has yet to receive its FY2022-23 formula allocation from HUD. It is not anticipated at this time that any additional COVID-19 related funding will be allocated. As of the preparation of this report in March, staff is operating under the assumption that approximately $600,000 in formula funding will be available for allocation.

See the table below for a breakdown of the available funding, the action required to receive these allocations per HUD guidance, and the approximate time it will take to receive the funding.

Funding Amount	Funding Year	Action Required	Eligible Use	Approximate Time to Receive Funding
$600,000.00*	FY2022-23 Formula Funds	Prepare New FY2022-23 Annual Action Plan	Awaiting HUD guidance	Late 2022
$85,839.74	FY2020-21 Unused Funds	Allocated Through FY2022-23 Annual Action Plan	Awaiting HUD guidance	Late 2022
$685,839.74	**Total**			

*Staff's estimate based on prior year allocations. Final allocation will be determined when HUD releases the FY2022-23 allocations.

An estimated $85,839.74 in FY2020-21 unused funding is available to be reallocated. Staff is in the process of meeting with the City's new HUD representative to determine the eligible uses for these funds.

Based on the approximate allocation of $600,000, the maximum funding allowed in each category would be as follows:

Approximate Allocation	Public Services (15%)	Capital Projects (65%)	Program Administration (20%)
$600,000.00	$90,000.00	$390,000.00	$120,000.00

It should be noted here that the City has not received clear direction from HUD as to whether COVID-19 related activities would be given the same flexibility as in the prior two fiscal years. During this time, as long as an activity was used to prepare, respond to, or prevent Coronavirus, it would not be counted towards any of the program caps. Economic development activities do not apply to any of the program caps listed above.

As noted above, twenty-three (23) simplified applications were received during the application period and one application was later withdrawn. A total of 22 applications from 19 applicants are being considered for FY2022-23 CDBG funding. Two (2) of the applicants are new organizations that have not been funded by the City in recent years. The combined total of all requests is $1,583,167.75, with the breakdown of the applications as follows:

- Public Service Requests = $796,415.00
- Capital Improvement Requests = $710,462.75
- Economic Development Requests = $20,000.00
- Program Administration Request = $56,290.00

The City received requests for funding that exceed the anticipated available amount it has to allocate.

	Approximate Total Allocation	Public Services	Capital Projects	Program Administration
CDBG Funds Available	$600,000.00	$90,000.00	$390,000.00	$120,000.00
Total Application Requests*	$1,583,167.75	$796,415.00	$710,462.75	$56,290.00
Requests for Programs and Services not funded by ARPA	$1,190,047.75	$423,295.00	$710,462.75	$56,290.00

*Economic development activity does not apply to any of the program caps.

As can be seen from the CDBG funds available versus the total application requests above, there are more applicant requests for funding than there is funding available. It is likely that some of the applicants will not receive an allocation in the amount they have requested, or any funding at all. As noted above, HUD has not given the City clear guidance on the funding caps for activity categories or whether they allow COVID-19 related flexibilities. Staff is awaiting HUD guidance on both the formula funding and prior-year unused funding as the prior year flexibilities may apply here.

Since 2021, the City Council has held a series of discussions on allocating the American Rescue Plan Act (ARPA) funding to help a broader sector of the Milpitas community. Rent relief, small business assistance, domestic violence, at-risk youth, and mental health have been allocated ARPA funding. CDBG applicants have also requested funding in these areas.

Since these areas have already been funded by ARPA, Council may wish to consider not funding these same areas further with CDBG. This would allow the Council to allocate the CDBG funding across the remaining applications and service areas. Assuming the areas funded by ARPA do not receive CDBG consideration, this makes the remaining applications total $1,190,047.75 in CDBG requests. This still exceeds the anticipated funding amount available but reduces the requests by $393,120.00.

Applications

A full list of the applicants, their proposed activity, and the requested amount is displayed below. The column to the right of CDBG fund request is to note where the City Council may have already funded the high-level service area, such as funding for at-risk youth, mental health, domestic violence, rent and mortgage relief, and economic development. Is it important to note that the ARPA funds have not been allocated to these exact grantees, but ARPA funds have been allocated to the service areas.

Public Service

Organization Name	Project Description	CDBG Fund Request	Area Funded by ARPA or Other Sources
Catholic Charities of Santa Clara County	The mission of the Long-Term Care Ombudsman Program is to seek resolution of problems and advocate for the rights and well-being of residents of long-term care facilities.	$20,500.00	
Child Advocates of Silicon Valley	Child Advocates' mission is to be there for every foster child in Santa Clara County who has experienced abuse, neglect and/or abandonment. We accomplish this by operating the Court Appointed Special Advocates (CASA) program in Santa Clara County. CASAs are trained community volunteers who are appointed by a judge's order to advocate for the best interests of foster children.	$14,000.00	$90,000 for at-risk youth funded by ARPA
City of Milpitas (Senior Nutrition Program)	Request for funding to support excess senior meals to Milpitas seniors (over the budgeted 77 average per day) as a result of the increased food security need related to the pandemic.	$61,900.00	
City of Milpitas (Technology for Seniors Program)	The Technology for Seniors program will target seniors age 62+ who are needing continued support and education on technology such as Chromebooks, as a means to counter social isolation, and as a result, stay better "connected" to family, friends and Milpitas community-based activities, services and resources.	$10,000.00	
Hope for the Unhoused	The first program, Emergency Shelter Fund, would provide up to 100 nights for unhoused in critical need. The second program, our Clean-Up Fund, would provide for the costs associated with helping encampments cleanup their areas, by providing vehicles to transport garbage to the dump.	$15,000.00	
Lighthouse of Hope Counseling Center	Lighthouse of Hope provides counseling, psychological support, and education to the entire community: families, homeless, adolescent fathers, and high school students onsite in their schools.	$5,000.00	$30,000 for mental health funded by ARPA
M.A.C.A	To foster and promote substance abuse prevention education to first, second, and third graders in the Milpitas Unified School District or Children Developmental Centers.	$50,000.00	
Next Door Solutions to Domestic Violence	58 victims of domestic violence (including children) will receive comprehensive, survivor-defined services from one or more programs	$28,120.00	$90,000 for domestic violence funded by ARPA
PRAGNYA	The Pragnya Enrichment program caters to children, youth and adults with developmental and intellectual disabilities (ID/DD).	$50,000.00	

Public Service

Organization Name	Project Description	CDBG Fund Request	Area Funded by ARPA or Other Sources
Senior Adults Legal Assistance (SALA)	SALA will continue our program of accessible and affordable (free) Legal Services, serving 20 Milpitas residents 62 or older primarily by phone during COVID-19.	$12,600.00	
Silicon Valley Independent Living Center	SVILC has partnered with the City of Milpitas to provide Rent Relief for residents who are struggling to locate and secure affordable, accessible housing, or to retain the housing they currently have.	$300,000.00	$1.1M for rent relief and mortgage relief funded by ARPA
Silicon Valley Independent Living Center	The Housing & Support Services for Persons with Disabilities & Older Adults program is the most utilized service with over 75% of consumers requesting and receiving housing assistance, rent relief, and/or other emergency services.	$18,295.00	
Sourcewise	The Sourcewise Meals on Wheels program provides vulnerable seniors age 60 and older who are homebound or have been impacted by the pandemic, nutritious home-delivered meals.	$39,000.00	
Terrace Gardens Senior Housing	Due to COVID-19, Terrace Gardens Senior Housing has had to close our Resident Dining Room and shift to “Delivery Only” for our Resident Food Program.	$42,000.00	
The Health Trust	Meals on Wheels helps medically vulnerable neighbors access nutritious food, maintain health and independence in their own homes, and reduce social isolation, all important priorities particularly during a pandemic.	$60,000.00	
YWCA Golden Gate Silicon Valley	YWCA Golden Gate Silicon Valley is proud to provide residents of the City of Milpitas with essential domestic violence services.	$26,000.00	$90,000 for domestic violence funded by ARPA
YWCA Golden Gate Silicon Valley	YWCA GGSV’s School-Based Prevention team will ensure that students in the Milpitas Unified School District (MUSD) receive primary intimate partner violence, sexual assault prevention education, and safe bystander intervention strategies.	$44,000.00	
SubTotal		**$796,415.00**	

Capital Projects

Organization Name	Project Description	CDBG Fund Request	Area Funded by ARPA or Other Sources
LifeMoves	Funding will be used to make improvements to the Julian Street Inn.	$400,000.00	
Rebuilding Together Silicon Valley	Rebuilding Together Silicon Valley's mission is repairing homes, revitalizing communities, rebuilding lives, and our vision is safe homes and communities for every person. We preserve affordable housing by providing critical home repairs and accessibility modifications for low-income residents, at no cost to the recipient.	$280,462.75	
Terrace Gardens Senior Housing	The existing wood trellis located in the community courtyard is an original fixture to our property built in 1989. Throughout the 33 years that Terrace Gardens has been in operation, the trellis has naturally had its fair share of 'wear and tear' and is in need of repair or replacement in order to remain structurally sound.	$30,000.00	
SubTotal		**$710,462.75**	

Economic Development

Organization Name	Project Description	CDBG Fund Request	Area Funded by ARPA or Other Sources
Filipino American Chamber of Commerce Silicon Valley	Extend the marketing project they are currently doing for small businesses by helping them pivot businesses from just brick and mortar to creating a more robust online presence.	$20,000.00	$1,500,000 for small business assistance funded by ARPA

Program Administration

Project Sentinel	Milpitas residents and those seeking to reside in Milpitas will have their civil rights protected with fair housing education, counseling, investigation, and enforcement actions.	$56,290.00	

Total of all applications	**$1,583,167.75**	

Other Considerations
Staff has identified the following potential considerations for Council to assist in allocating funding to applications.

Applicant Grant Experience
There are two new applicants to the City of Milpitas: M.A.C.A. and Hope for the Unhoused. Given the administrative burden on the applicant to meet HUD's stringent reporting requirements, the City's HUD representative suggested taking an applicant's experience into consideration when determining how much of an allocation to grant new applicants.

Applicant Activity Eligibility
All of the proposed activities in the applications are eligible activities and meet a national objective. However, in order to be eligible, an applicant must demonstrate that they have the systems in place to capture the HUD required data to prove their activity meets a national objective.

At the April public hearing, staff is seeking Council direction on the FY2022-25 Consolidated Plan goals listed in the Goals Summary above, and funding allocation focus for FY2022-23 CDBG and the corresponding Annual Action Plan. After receiving Council direction and HUD allocation and guidance, staff will prepare the FY2022-25 Consolidated Plan and FY2022-23 Annual Action Plan for Council approval in May.

Fiscal Impact:
At this time, there is no fiscal impact associated with this item to conduct a public hearing to discuss and provide input.

California Environmental Quality Act:
The actions being considered have no potential for causing a significant effect on the environment and are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Further, this action does not meet the definition of a project under CEQA Guideline 15378 as it is a government fiscal activity which does not commit to any project that would result in a potentially significant impact on the environment.

Recommendations:
1. Open the public hearing, hear testimony, then move to close the public hearing.
2. Provide direction on the FY2022-25 Consolidated Plan goals and funding allocations for FY2022-23 Community Development Block Grant and corresponding Annual Action Plan.

Attachments:
1. Eligible and Ineligible CDBG Activities
2. Consolidated Plan Survey Results
3. FY2022-25 draft Consolidated Plan
4. FY2022-23 draft Annual Action Plan

Eligible and Ineligible CDBG Activities

Eligible CDBG Activities

1. Acquisition of Real Property
2. Disposition
3. Public Facilities and Improvements
4. Clearance and Remediation
5. Public Services
6. Interim Assistance
7. Relocation
8. Loss of Rental Income
9. Housing Services
10. Privately-Owned Utilities
11. Rehabilitation and preservation
12. Construction of Housing
13. Code Enforcement
14. Special Economic Development Activities
15. Microenterprise Assistance
16. Special Activities by Community-Based Development Organizations
17. Homeownership Assistance
18. Planning and Capacity Building
19. Program Administration Costs
20. Miscellaneous Other Activities

Ineligible CDBG Activities

1. **Buildings or portions thereof, used for the general conduct of government may not be assisted with CDBG funds.** This does not include, however, the removal of architectural barriers involving any such building, which may be assisted under the category of Public Facilities and Improvements.

2. **General government expenses.** Expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

3. **Political activities**. CDBG funds may not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration.

4. **Purchase of equipment**. The purchase of equipment with CDBG funds is generally ineligible – construction equipment, fire protection equipment, furnishings and personal property.

5. **Operating and maintenance expenses**. The general rule is that any expense associated with repairing, operating, or maintaining public facilities, improvements, and services is ineligible.

6. **New housing construction**.

7. **Income payments**. The general rule is that CDBG funds may not be used for income payments.

Adapted from HUD booklet, Community Development Block Grant Program; A guide to National Objectives & Eligible Activities for Entitlement Communities.

2022-2025 Community Development Block Grant

December 1, 2021, 11:55 AM

Contents

i. Summary of responses 2

Topic Registration Type: No registration

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

Summary Of Responses

Topic Registration Type: No registration

As of December 1, 2021, 11:55 AM, this forum had:		Topic Start
Attendees:	46	October 19, 2021, 9:08 AM
Responses:	32	
Hours of Public Comment:	1.6	

QUESTION 1

How important are these Overall Services (1=not important, 2=somewhat important, 3=very important, 4=don't know)?

Improve city facilities that provide public services (such as parks, recreation or senior centers, parking facilities, and street improvements)

	%	Count
1	3.1%	1
2	18.8%	6
3	71.9%	23
4	6.3%	2

Create additional affordable housing available to low□income residents

	%	Count
1	25.0%	8
2	21.9%	7
3	50.0%	16
4	3.1%	1

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

Improve non□profit community services (such as senior, youth, health, homeless, and fair housing services)

		%	Count
1		12.5%	4
2		25.0%	8
3		56.3%	18
4		6.3%	2

Create more jobs available to low□income residents

		%	Count
1		15.6%	5
2		31.3%	10
3		53.1%	17

QUESTION 2

How important are these Housing Services (1=not important, 2=somewhat important, 3=very important, 4=don't know)?

Owner□occupied housing rehabilitation

		%	Count
1		28.1%	9
2		37.5%	12
3		15.6%	5
4		18.8%	6

Down payment assistance to purchase a home

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
1	34.4%	11
2	43.8%	14
3	18.8%	6
4	3.1%	1



Increase affordable rental housing inventory

	%	Count
1	25.0%	8
2	25.0%	8
3	46.9%	15
4	3.1%	1



Rental assistance (tenant□based rental assistance) for people who are homeless

	%	Count
1	28.1%	9
2	28.1%	9
3	40.6%	13
4	3.1%	1



Affordable housing located near transit

	%	Count
1	28.1%	9
2	25.0%	8



2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
3	43.8%	14
4	3.1%	1

Code enforcement, in coordination with a neighborhood plan

	%	Count
1	25.0%	8
2	34.4%	11
3	34.4%	11
4	6.3%	2

Emergency home improvement / repair

	%	Count
1	28.1%	9
2	37.5%	12
3	25.0%	8
4	9.4%	3

Rental housing rehabilitation

	%	Count
1	34.4%	11
2	34.4%	11
3	21.9%	7
4	9.4%	3

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

Permanent supportive rental housing (housing with case management and supportive services) for people who are homeless

	%	Count
1	25.0%	8
2	25.0%	8
3	43.8%	14
4	6.3%	2



Housing accessibility improvements

	%	Count
1	25.0%	8
2	37.5%	12
3	28.1%	9
4	9.4%	3



Energy efficiency and sustainability improvements

	%	Count
1	12.5%	4
2	34.4%	11
3	53.1%	17



Healthy homes (free of mold, lead, etc.)

	%	Count
1	15.6%	5
2	31.3%	10



2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
3	50.0%	16
4	3.1%	1

Housing for other special needs (such as seniors and persons with disabilities)

	%	Count
1	12.5%	4
2	15.6%	5
3	65.6%	21
4	6.3%	2

QUESTION 3

How important are these Economic Development: Job Creation in Low-Income Neighborhoods Services (1=not important, 2=somewhat important, 3=very important, 4=don't know)?

Financial assistance for low□income residents for business expansion and job creation

	%	Count
1	9.4%	3
2	50.0%	16
3	34.4%	11
4	6.3%	2

Public improvements to commercial / industrial sites

	%	Count
1	25.0%	8

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
2	43.8%	14
3	21.9%	7
4	9.4%	3

Job training for people who are homeless

	%	Count
1	18.8%	6
2	18.8%	6
3	59.4%	19
4	3.1%	1

Microenterprise assistance for small business expansion (5 or fewer employees)

	%	Count
1	28.1%	9
2	25.0%	8
3	31.3%	10
4	15.6%	5

Storefront improvements in low□income neighborhoods

	%	Count
1	18.8%	6
2	31.3%	10
3	37.5%	12

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

		%	Count
4		12.5%	4

QUESTION 4

How important are these Public Facilities Services (1=not important, 2=somewhat important, 3=very important, 4=don't know)?

Senior centers

		%	Count
1		12.5%	4
2		28.1%	9
3		56.3%	18
4		3.1%	1

Youth centers

		%	Count
1		12.5%	4
2		37.5%	12
3		46.9%	15
4		3.1%	1

Centers for people who are disabled

		%	Count
1		9.4%	3
2		21.9%	7

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
3	62.5%	20
4	6.3%	2

Homeless facilities (temporary housing and emergency shelters)

	%	Count
1	21.9%	7
2	21.9%	7
3	53.1%	17
4	3.1%	1

Childcare centers

	%	Count
1	18.8%	6
2	25.0%	8
3	53.1%	17
4	3.1%	1

Mental health care facilities

	%	Count
1	18.8%	6
2	21.9%	7
3	53.1%	17
4	6.3%	2

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

Recreation facilities

	%	Count
1	3.1%	1
2	40.6%	13
3	46.9%	15
4	9.4%	3

Drop□in day center people who are homeless

	%	Count
1	15.6%	5
2	25.0%	8
3	50.0%	16
4	9.4%	3

Parks and park facilities

	%	Count
1	6.3%	2
2	21.9%	7
3	62.5%	20
4	9.4%	3

Healthcare facilities

	%	Count
2	34.4%	11
3	53.1%	17

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

		%	Count
4		12.5%	4

Educational facilities

		%	Count
1		12.5%	4
2		18.8%	6
3		68.8%	22

Facilities for children who are abused, abandoned and / or neglected

		%	Count
1		9.4%	3
2		25.0%	8
3		59.4%	19
4		6.3%	2

Facilities for people with HIV / AIDS

		%	Count
1		34.4%	11
2		31.3%	10
3		28.1%	9
4		6.3%	2

Parking facilities

		%	Count
1		43.8%	14

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

		%	Count
2		18.8%	6
3		34.4%	11
4		3.1%	1

QUESTION 5

How important are these Public Services (1=not important, 2=somewhat important, 3=very important, 4=don't know)?

Senior services

		%	Count
1		12.5%	4
2		21.9%	7
3		62.5%	20
4		3.1%	1

Disability services

		%	Count
1		9.4%	3
2		25.0%	8
3		59.4%	19
4		6.3%	2

Legal services

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
1	28.1%	9
2	37.5%	12
3	28.1%	9
4	6.3%	2

Youth services

	%	Count
1	12.5%	4
2	31.3%	10
3	56.3%	18

Transportation services

	%	Count
1	15.6%	5
2	37.5%	12
3	40.6%	13
4	6.3%	2

Battered and abused spouses' services

	%	Count
1	9.4%	3
2	31.3%	10
3	56.3%	18

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
4	3.1%	1

Employment training services

	%	Count
1	12.5%	4
2	40.6%	13
3	43.8%	14
4	3.1%	1

Services to increase neighborhood and community engagement

	%	Count
1	12.5%	4
2	28.1%	9
3	53.1%	17
4	6.3%	2

Food banks

	%	Count
1	9.4%	3
2	21.9%	7
3	65.6%	21
4	3.1%	1

Access to fresh and nutritious foods

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

		%	Count
1		6.3%	2
2		18.8%	6
3		68.8%	22
4		6.3%	2

Veteran services

		%	Count
1		9.4%	3
2		31.3%	10
3		56.3%	18
4		3.1%	1

Lead□based paint / lead hazard screens

		%	Count
1		18.8%	6
2		25.0%	8
3		46.9%	15
4		9.4%	3

Services for people with HIV / AIDS

		%	Count
1		28.1%	9
2		34.4%	11

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
3	31.3%	10
4	6.3%	2

Crime awareness / prevention services

	%	Count
1	12.5%	4
2	25.0%	8
3	59.4%	19
4	3.1%	1

Tenant / landlord counseling services

	%	Count
1	25.0%	8
2	46.9%	15
3	28.1%	9

Childcare services

	%	Count
1	18.8%	6
2	15.6%	5
3	59.4%	19
4	6.3%	2

Services for children who are abused, abandoned and / or neglected

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

		%	Count
1		12.5%	4
2		9.4%	3
3		68.8%	22
4		9.4%	3

Mental health services

		%	Count
1		12.5%	4
2		21.9%	7
3		59.4%	19
4		6.3%	2

Homeless services

		%	Count
1		21.9%	7
2		15.6%	5
3		59.4%	19
4		3.1%	1

Housing counseling for homebuyers and owners

		%	Count
1		34.4%	11
2		37.5%	12

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

		%	Count
3		28.1%	9

Fair housing investigations, education

		%	Count
1		28.1%	9
2		34.4%	11
3		37.5%	12

Emergency housing assistance to prevent homelessness – such as utility and rental assistance

		%	Count
1		9.4%	3
2		21.9%	7
3		59.4%	19
4		9.4%	3

Financial literacy and planning

		%	Count
1		21.9%	7
2		40.6%	13
3		34.4%	11
4		3.1%	1

Neighborhood cleanups (trash, graffiti, etc.)

		%	Count
1		12.5%	4

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
2	18.8%	6
3	62.5%	20
4	6.3%	2

QUESTION 6

How important are these Infrastructure and Neighborhood Improvements Services (1=not important, 2=somewhat important, 3=very important, 4=don't know)?

Water/sewer improvements

	%	Count
1	12.5%	4
2	15.6%	5
3	68.8%	22
4	3.1%	1

Street improvements

	%	Count
1	12.5%	4
2	34.4%	11
3	50.0%	16
4	3.1%	1

Stormwater and drainage improvements

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

		%	Count
1		12.5%	4
2		28.1%	9
3		56.3%	18
4		3.1%	1

Accessibility improvements to public facilities for people with disabilities

		%	Count
1		15.6%	5
2		25.0%	8
3		53.1%	17
4		6.3%	2

Public art

		%	Count
1		43.8%	14
2		25.0%	8
3		25.0%	8
4		6.3%	2

Community gardens

		%	Count
1		25.0%	8
2		31.3%	10

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
3	40.6%	13
4	3.1%	1

Trails

	%	Count
1	21.9%	7
2	18.8%	6
3	56.3%	18
4	3.1%	1

Acquisition and clearance of vacant lots

	%	Count
1	15.6%	5
2	37.5%	12
3	40.6%	13
4	6.3%	2

Sidewalk improvements

	%	Count
1	18.8%	6
2	31.3%	10
3	46.9%	15
4	3.1%	1

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

Lighting improvements

	%	Count
1	9.4%	3
2	34.4%	11
3	46.9%	15
4	9.4%	3

Neighborhood signage

	%	Count
1	34.4%	11
2	34.4%	11
3	25.0%	8
4	6.3%	2

Landscaping improvements

	%	Count
1	28.1%	9
2	34.4%	11
3	28.1%	9
4	9.4%	3

New or renovated playgrounds

	%	Count
1	9.4%	3
2	25.0%	8

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
3	59.4%	19
4	6.3%	2

Cleanup of contaminated sites

	%	Count
1	3.1%	1
2	12.5%	4
3	68.8%	22
4	15.6%	5

Slowing traffic speed

	%	Count
1	25.0%	8
2	21.9%	7
3	50.0%	16
4	3.1%	1

QUESTION 7

Have you ever personally experienced housing discrimination?

	%	Count
No	90.6%	29
Don't Know	6.3%	2
If 'No' or 'Don't know', please skip the next three questions.	3.1%	1

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

QUESTION 8

Where did the discrimination occur?

	%	Count
Other	20.0%	1
Don't Know	80.0%	4

QUESTION 9

On what basis do you believe you were discriminated against?

	%	Count
Other	20.0%	1
Don't Know	80.0%	4

QUESTION 10

Who do you believe discriminated against you?

	%	Count
Don't Know	100.0%	4

QUESTION 11

Does the neighborhood you live in provide you access to opportunities? (1=Strongly Disagree; 2=Disagree; 3=Neutral; 4=Agree; 5=Strongly Agree, 6=Don't Know)?

High Performing Schools

	%	Count
3	18.8%	6
4	40.6%	13

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
5	34.4%	11
6	6.3%	2

Affordable Public Transportation

	%	Count
2	12.5%	4
3	37.5%	12
4	25.0%	8
5	15.6%	5
6	9.4%	3

Frequent Public Transportation

	%	Count
1	6.3%	2
2	15.6%	5
3	21.9%	7
4	21.9%	7
5	18.8%	6
6	15.6%	5

Jobs that Pay a Living Wage

	%	Count
1	3.1%	1

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
2	9.4%	3
3	40.6%	13
4	15.6%	5
5	15.6%	5
6	15.6%	5

A Safe and Healthy Living Environment

	%	Count
3	25.0%	8
4	25.0%	8
5	43.8%	14
6	6.3%	2

QUESTION 12

Do you feel there are common / pressing broadband internet problems (e.g., high-speed connectivity, availability of providers, etc.)?

	%	Count
Yes	56.3%	18
No	21.9%	7
Don't Know	21.9%	7

QUESTION 13

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

Do you feel that low- and moderate-income areas have adequate broadband access?

		%	Count
Yes		9.4%	3
No		37.5%	12
Don't Know		53.1%	17

QUESTION 14

Do you have any other comments, questions, or concerns?

Answered	8
Skipped	24

QUESTION 15

Optional: To receive updates on this planning process, please provide your email address.

Answered	10
Skipped	22

QUESTION 16

Are you a Milpitas resident?

		%	Count
Yes		87.5%	28
No		12.5%	4

QUESTION 17

Do you work in the City of Milpitas?

2022-2025 Community Development Block Grant

What are the most important priorities when allocating funding from the 2022-2025 Community Development Block Grant?

	%	Count
Yes	21.9%	7
No	78.1%	25

QUESTION 18

Please select the option that best represents you.

	%	Count
Resident	84.4%	27
Business Owner	6.3%	2
Community-based Organization / Non-profit	6.3%	2
Other	3.1%	1

City of Milpitas

CONSOLIDATED PLAN

Fiscal Year 2022-2025

DRAFT

Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Milpitas is located in Santa Clara County and is the fifth largest city within the County with a population of 71,533. Milpitas encompasses an area of approximately 18 square miles and is the home to numerous high-tech companies located in the heart of Silicon Valley. As of 2022, Santa Clara County has one of the highest median incomes in the nation at $151,300 for a family of four. However, many low- and moderate-income residents within the County and City of Milpitas cannot afford the high cost of living required within San Francisco Bay Area.

Every three to five years as required by Department of Housing and Urban Development (HUD), the City of Milpitas must prepare a Consolidated Plan outlining the strategies used to meet a variety of housing and non-housing community needs. The preparation of Milpitas three-Year Consolidated Plan provides the analysis and financial resources to address the housing and non-housing community services of those residents that require assistance in housing and a variety of public services to fit their specific needs.

The Consolidated Plan covers a three-year period, which included maximum citizen participation through public consultation meetings, request for statistical data, research and information to be incorporated into the plan. Notices were provided in the local Milpitas Post and City's Website. Presently, City of Milpitas only receives Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development. The Consolidated Plan links identified needs in the community to the federal and local resources available to address those needs.

The City of Milpitas' Building Safety and Housing department is the lead agency responsible for the preparation of the Consolidated Plan. The Consolidated Plan was prepared with the cooperation and consultation from numerous agencies, organizations, social service providers, housing providers, non-profit groups and members of the general public.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The objectives and outcomes identified in this Consolidated Plan address the housing and community development needs in Milpitas. The objectives address these priority needs:

- **Need: Affordable Housing Development and Preservation**
  - Maintain and Preserve Existing Housing
  - New Affordable Housing
  - Affordable Housing Rental Rehabilitation
- **Need: Community Services**
  - Community funding/public services
  - Public services for special needs populations
  - Public services for low- and moderate-income residents at risk of eviction.
  - Fair Housing
  - Public services for Children and Youth
  - Public services for Seniors
  - Public service for Domestic Violence Support
- **Need: Community, Public, and Neighborhood Sustainability**
  - Public improvements including accessibility and improving public facilities.
- **Need: Economic Development**
  - Assist Microenterprises and Small Businesses
  - Explore the use of HUD Section 108 Loan Guarantee Program

3. Evaluation of past performance

The City is responsible for ensuring compliance with all rules and regulations associated with the CDBG entitlement grant program. The City's Annual Action Plans and Consolidated Annual Performance and Evaluation Reports (CAPER) have provided many details about the goals, projects and programs completed by the City over the past five years. A review of past consolidated annual performance and evaluation reports reveals a strong record of performance in the use of CDBG funds.

The City will meet or exceed the quantitative goals and objectives of its previous Consolidated Plan. The process implemented by the City has been effective with an annual evaluation of funding allocation and a bi-annual review of funding priorities. The City recognizes that the evaluation of past performance is important to ensure the City is implementing activities effectively.

4. Summary of citizen participation process and consultation process

The City initiated the citizen participation process in November 2021 by distributing a Consolidated Plan Community Survey to residents in Milpitas. In December, at the Community

Advisory Commission (CAC) meeting, the City invited residents and potential CDBG stakeholders to attend and provide public comment on how they feel CDBG funds should be prioritized in the upcoming FY 22-25 Consolidated Plan.

Over 80 different agencies, organizations, social service providers, housing providers, non-profits groups, and members of the general public were contacted to participate in the public meetings to receive input and feedback on the preparation of the three-Year Consolidated Plan. The City held public meetings on December 1, 2021 and March 3, 2022 and public hearings on April 5 and May 3, 2022.

The City held a public meeting with the Community Advisory Commission (CAC) on March 2, 2022 to review applications and hear applicant presentations. The CAC made their recommendations for funding to the City Council. Nineteen (19) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

On March 4, 2022, the City placed an advertisement in the Milpitas post for the April 5 and May 3, 2022 City Council meetings. The notice of public hearing is to review funding applications for the FY22-25 Consolidated Plan and FY22-23 CDBG funding year.

On April 1, 2022, the City posted the draft FY22-25 Consolidated Plan and draft FY22-23 Annual Action Plan on its website to provide opportunities for public comment. The documents were posted at this url: http://www.ci.milpitas.ca.gov/milpitas/departments/federalprogram-community-development-block-grant-cdbg/

5. Summary of public comments

At the December 1, 2021 Community Advisory Commission meeting, staff provided a brief presentation on the fiscal year 2022-2025 CDBG Consolidated Plan process, including an overview of the results of the Consolidated Plan Community Survey, and a timeline of events for the upcoming fiscal year. Seven consultants from various public and private agencies that provide housing, health services, and other social services provided comments to the Commission. One member of the community provided public comment to the Commission in support of the services discussed during the meeting.

On March 2, 2022, the CAC received a staff presentation on, as well an overview of, the 23 simplified applications received for CDBG funding. The Commission heard 19 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds.

Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted. Please see Exhibit C for comments.

7. Summary

It is the City's intent that the FY23-27 Consolidated Plan will help improve the quality of life for the residents in the City of Milpitas. By providing residents and stakeholders with the ability to communicate how the CDBG funds should be allocated and prioritized, we believe the CDBG funds will be allocated in the best interest of the City's low- and moderate-income residents.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MILPITAS	Building Safety & Housing

Table 1 – Responsible Agencies

Narrative

The Building Safety and Housing Department serves as the lead agency in the preparation of the Consolidated Plan as well as the administration of the CDBG program. Per federal law, the preparation of the Consolidated Plan and Annual Action Plan is required by the Department of Housing and Urban Development (HUD). Both the Consolidate Plan and the first year annual action plan must delineate the priorities and strategies for the use of federal funds.

Every three to five years, as required by HUD, the City of Milpitas must prepare a Consolidated Plan outlining the strategies used to meet a variety of housing and non-housing community needs. It has come to the City's attention that every other jurisdiction in the region is on the same Consolidated Plan timeline, except Milpitas. Therefore, Milpitas will be submitting a three-year Consolidated Plan in order to align our Consolidated Plan timeline with the rest of region. The preparation of Milpitas three-year Consolidated Plan provides the analysis and financial resources to address the housing and non-housing community services of those residents that require assistance in housing and a variety of public services to fit their specific needs.

Consolidated Plan Public Contact Information

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Milpitas, CA 95035

PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(l) and 91.315(l)

1. Introduction

The City of Milpitas requested a number of consultations with a multitude of local non-profit organizations, various jurisdictions and other stakeholders in the development of the Consolidated Plan.

Milpitas conducted four (4) separate public meetings to obtain public input and comments on the preparation of the Consolidated Plan. meetings were conducted in different areas of the City in different times of the day. The City of Milpitas has reached out to the Santa Clara County Housing Authority and the Office of Supportive Housing, as well as surrounding jurisdictions for their input to the City's CDBG program. Milpitas also consulted with a wide variety of social service agencies that provide housing and support services to special needs groups in an effort to update data and information for the needs section of the Consolidated Plan. Finally, Milpitas along with the County of Santa Clara and other local jurisdictions held weekly meetings during the past three years to work together on sections of the Consolidated Plan which deal with regional issues such as fair housing and homelessness.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

As mentioned, the City participates in a weekly meeting with all local jurisdictions to discuss general housing, homelessness, and CDBG related issues. These issues are core to the consultation required by the Consolidated Plan.

City staff continues to maintain dialogue with all service providers, public and private, to ascertain if there are any areas in which the City can partner with the organization to enhance services or if the City can connect service providers for better coordination of service deliveries.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The Santa Clara County Continuum of Care (CoC) is a multi-sector group of stakeholders guiding the implementation of the County's housing and service system to meet the need and prevent homelessness in the county with the ultimate goal to end homelessness.

The Continuum of Care strategy includes permanent housing, emergency shelter with outreach and assessment services, transitional housing with support services, and prevention services. These services exist in Santa Clara County, but not in sufficient numbers to address the need. The County of Santa Clara, in collaboration with the entitlement jurisdictions, believe that strengthening the Continuum of Care on a regional basis will effectively address the needs of homeless people in individual cities and avoiding duplication of services, and increase the cost effectiveness.

In October 2020, the City of Milpitas participated in the preparation of the Community Plan to End Homelessness in Santa Clara County. The Plan identifies strategies to address the needs of homeless persons in the county, including chronically homeless individuals and families, families with children, veterans, and unaccompanied youth. Additionally, it also intended to address the needs of person at risk of homelessness.

In December 2020, the City Council directed staff to proceed with a pilot program to provide weekly hot shower and laundry services to the unhoused residents of Milpitas. The City will be using a nonprofit service provider, WeHOPE, to operate the Dignity on Wheels program, which includes mobile shower, mobile laundry, and connecting unhoused residents with resources.

In November 2020, the City Council authorized a revenue agreement with the County of Santa Clara in the amount of $200,000 per year for the County to provide street outreach, assessment, and case management services for unhoused residents in Milpitas via their Homeless Engagement and Assessment Team (HEAT). The HEAT team focuses first on connecting clients with mental health service providers to stabilize them before assisting with a housing plan

In December 2020, the City Council directed staff to proceed with a pilot program to provide weekly hot shower and laundry services to the unhoused residents of Milpitas. The City will be using a nonprofit service provider, WeHOPE, to operate the Dignity on Wheels program, which includes mobile shower, mobile laundry, and connecting unhoused residents with resources.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The City of Milpitas does not receive Emergency Shelter Grant (ESG) funding however the City participates with the CoC to address homeless issues.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

Agency/Group/Organization	**Rebuilding Together Silicon Valley**
Agency/Group/Organization Type	Services-Persons with disabilities Services-Elderly Persons
What section of the Plan was addressed by Consultation	Housing needs Assessment Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Forum where staff solicited input for community needs and priorities.
Agency/Group/Organization	**Project Sentinel**
Agency/Group/Organization Type	Services-Fair Housing
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs Homeless Needs-Families with Children
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Forum where staff solicited input for community needs and priorities. Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**Housing Authority of County of Santa Clara**
Agency/Group/Organization Type	Housing PHA
What section of the Plan was addressed by Consultation	Housing Needs Assessment Public Housing Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with a representative of the Housing Authority to discuss Housing Authority challenges, trends in housing concerns from the Housing Authority's perspective and determine potential areas where the City can partner with the Housing Authority.
Agency/Group/Organization	**Catholic Charities**
Agency/Group/Organization Type	Services-Elderly persons Services-Housing Services-Elderly Persons
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**Child Advocates of Silicon Valley**
Agency/Group/Organization Type	Services-Victims Services-Health Services-Victims of Domestic Violence

What section of the Plan was addressed by Consultation	Non-Homeless Special needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**City of Milpitas Recreation and Community Services**
Agency/Group/Organization Type	Services-children Other government-Local
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**LifeMoves**
Agency/Group/Organization Type	Services-Homeless
What section of the Plan was addressed by Consultation	Homeless Needs-Chronically homeless Homeless Needs-Families with Children Homelessness-Veterans Homelessness-Unaccompanied Youth Homelessness Strategy
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**Milpitas Food Pantry**
Agency/Group/Organization Type	Services-Children Services-Elderly Person Services-Homeless Services-Victims
What section of the Plan was addressed by Consultation	Homeless Needs-Chronically homeless Homeless Needs-Families with Children Homelessness-Veterans Homelessness-Unaccompanied Youth Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**Milpitas Unified School District**
Agency/Group/Organization Type	Services-Children

What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**Next Door Solutions to Domestic Violence**
Agency/Group/Organization Type	Service-Victims of Domestic Violence
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**Senior Adults Legal Assistance (SALA)**
Agency/Group/Organization Type	Service-Elderly Person
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**Silicon Valley Independent Living Center**
Agency/Group/Organization Type	Service-Elderly Person Service-Persons with disabilities
What section of the Plan was addressed by Consultation	Non-homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**The Health Trust**
Agency/Group/Organization Type	Service-Elderly Persons Service-Persons with Disabilities
What section of the Plan was addressed by Consultation	Non-Homeless Special needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**YWCA Silicon Valley**

Agency/Group/Organization Type	Housing Services-Children Services-Victims of Domestic Violence Services-Health
What section of the Plan was addressed by Consultation	Homeless Needs – Families with Children Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	**Terrace Gardens**
Agency/Group/Organization Type	Housing Services-Elderly Persons
What section of the Plan was addressed by Consultation	Housing Needs Assessment Non-homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.

Identify any Agency Types not consulted and provide rationale for not consulting

Not applicable. See PR-10 Table 2

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Regional Continuum of Care Council	The CoC works to alleviate the impact of homelessness in the community through the cooperation and collaboration of social service providers. This effort aligns with the Strategic Plan's goal to support activities to end homelessness.
City of Milpitas Housing Element	City of Milpitas	Housing Element serves as a policy guide to help the City meet its existing and future housing needs. This effort aligns with the Strategic Plan's goal to assist in the creation and preservation of affordable housing.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

Narrative (optional):

Santa Clara County Association of Planning Officials (SCAPPO) is a regional meeting for local planning officials to attend, cooperate, and coordinate with one another on regional issues. Items related to the consolidated plan are commonly discussed.

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal setting

The City initiated the citizen participation process in November 2021 by distributing a Consolidated Plan Community Survey to residents in Milpitas. In December, at the Community Advisory Commission (CAC) meeting, the City invited residents and potential CDBG stakeholders to attend and provide public comment on how they feel CDBG funds should be prioritized in the upcoming FY 23-27 Consolidated Plan.

Over 80 different agencies, organizations, social service providers, housing providers, non-profits groups, and members of the general public were contacted to participate in the public meetings to receive input and feedback on the preparation of the three-Year Consolidated Plan. The City held public meetings on December 1, 2021 and March 3, 2022 and public hearings on April 5 and May 3, 2022.

The CAC is a publicly noticed meeting that the community can attend. Seven organizations and one resident attended and provided input.

A schedule of meetings for the development, input review and recommendations that created the Consolidated Plan are as follows:

Date	Organization	Action
December 1, 2021	Community Advisory Commission	Public Meeting/Presentation
March 3, 2022	Community Advisory Commission	Public Meeting/Presentation
April 5, 2022	Milpitas City Council	Public Hearing/Presentation
May 3, 2022	Milpitas City Council	Public Hearing/Presentation

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	News-paper ad	Non-targeted/broad community	Opening the application period	No comments were received	n/a	
2	Internet/Social Media Outreach	Broad community	32 responses	The City created a Consolidated Plan community survey to obtain citizen and stakeholder input and comments for the development of the Consolidated Plan. A total of 32 responses were received.		https://www.ci.milpitas.ca.gov/wp-content/uploads/2021/12/2022-2025-community-development-block-grant_results.pdf
3	Public Meeting (CAC)	Non-targeted/broad community	20 Attendees	Seven consultants from various public and private agencies that provide housing, health services, and other social services provided comments to the Commission. One member of the community provided public comment to the Commission in support of the services discussed during the meeting.	n/a	
4	Public Meeting (CAC)	Non-targeted/broad community	10 Attendees	No comments were received	n/a	
5	Public Meeting (CAC)	Non-targeted/broad community	30 Attendees	The Commission heard 19 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds. One public comment requested consideration for disabled individuals when considering upgrades to the City's parks.	n/a	
6	News-paper ad/website	Non-targeted/broad community	Public Hearing Notice for City Council Meetings	No comments were received	n/a	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
7	City Council Meeting Public Hearing	Non-targeted/broad community	n/a	n/a	n/a	
8	Website	Non-targeted/Broad community	Draft AAP	n/a	n/a	
9	City Council Meeting Public Hearing	Non-targeted/broad community	n/a	n/a	n/a	

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

Located at the southern end of the San Francisco Bay, the City of Milpitas has become an integral part of high-tech Silicon Valley since becoming incorporated in 1954. Per available 2020 census data, Milpitas has an estimated population of 80,273[1]. The City is a strong employment center with a diverse population, quality schools, conveniently located neighborhood parks, and a variety of retail options. Milpitas is often called the "Crossroads of Silicon Valley" with most of its 13.6 square miles of land situated between two major freeways (I-880 and I-680), state route 237, and a county expressway. The City is served by Valley Transportation Authority (VTA) light rail and a BART extension that opened in 2020.

With the resurgence of the Silicon Valley economy, real estate has experienced dramatic price increase, with Milpitas being no exception. Milpitas has experienced a massive surge in residential building activity in recent years, with a considerable increase in residential permit applications, development entitlements, and new construction. In large part, these changes have been brought on by the adoption of two Specific Plans for areas adjacent to an existing VTA station and the City's BART station. The increased development potential that was made possible by these Specific Plans has prompted the conversion of areas once dominated by vacant and underutilized land and aging and obsolete industrial space into high-density transit-oriented development to meet the heightened demand for housing.

Methodology

The majority of data utilized is provided by HUD for the purpose of preparing the Consolidated Plan. HUD periodically receives custom tabulations of data from the U.S. Census Bureau that are largely not available through standard Census products. Known as the Comprehensive Housing Affordability Strategy (CHAS) data, it demonstrates the extent of housing problems and housing needs, particularly for low income households. The CHAS data is used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.

When CHAS data is not available or appropriate, other data is utilized, including 2010 and 2020 U.S. Census data and American Community Survey (ACS) 2013-2017 five-year estimates. While

[1] https://www.census.gov/quickfacts/fact/table/milpitascitycalifornia/POP010210#POP010210

ACS one-year estimates provide the most current data, this report utilizes five-year estimates as they reflect a larger sample size and are considered more reliable and precise.

Federal funds provided under the Community Development Block Grant (CDBG) entitlement program are primarily concerned with activities that benefit low-and moderate-income (LMI) households whose incomes do not exceed 80 percent of the area median family income (AMI), as established by HUD, with adjustments for smaller or larger families. HUD utilizes three income levels to define LMI households:

- Extremely low income: Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
- Very low income: Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
- Low and moderate income: Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)

NA-10 Housing Needs Assessment

Of the total 21,919 households in Milpitas, approximately 35 percent of City's households are LMI, with incomes ranging from 0-80% AMI:

- Thirteen percent of households (2,940) have incomes between 0-30% AMI
- Ten percent of households (2,175) have incomes between 30-50% AMI
- Twelve percent of households (2,550) have incomes between 50-80% AMI

NA-15 Disproportionately Greater Need: Housing Problems

NA-20 Disproportionately Greater Need: Severe Housing Problems

NA-25 Disproportionately Greater Need: Housing Cost Burden

NA-35 Public Housing

NA-40 Homeless Needs Assessment

NA-45 Non-Homeless Special Needs Assessment

NA-50 Non-Housing Community Development Needs

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

Demographics	Base Year: 2009	Most Recent Year: 2017	% Change
Population	65,371	75,500	15%
Households	18,379	21,920	19%
Median Income	$92,205.00	$110,752.00	20%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	2,940	2,175	2,550	2,314	11,940
Small Family Households	960	1,075	1,395	1,319	7,785
Large Family Households	250	290	530	490	1,525
Household contains at least one person 62-74 years of age	684	635	570	555	2,050
Household contains at least one-person age 75 or older	700	360	430	260	535
Households with one or more children 6 years old or younger	385	365	524	434	2,174

Table 6 - Total Households Table

Data Source: 2013-2017 CHAS

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	20	10	15	10	55	10	10	0	0	20
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	30	35	100	30	195	0	20	10	10	40
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	265	170	295	180	910	20	50	90	210	370
Housing cost burden greater than 50% of income (and none of the above problems)	825	400	45	0	1,270	720	295	215	65	1,295

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	120	320	570	265	1,275	180	245	360	470	1,255
Zero/negative Income (and none of the above problems)	210	0	0	0	210	94	0	0	0	94

Table 7 – Housing Problems Table

Data Source: 2013-2017 CHAS

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	1,135	615	450	220	2,420	750	375	315	285	1,725
Having none of four housing problems	265	460	875	650	2,250	475	730	910	1,159	3,274
Household has negative income, but none of the other housing problems	210	0	0	0	210	94	0	0	0	94

Table 8 – Housing Problems 2

Data Source: 2013-2017 CHAS

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	470	600	490	1,560	275	265	270	810
Large Related	175	195	155	525	70	65	115	250
Elderly	390	59	25	474	410	215	150	775
Other	160	75	145	380	165	35	95	295
Total need by income	1,195	929	815	2,939	920	580	630	2,130

Table 9 – Cost Burden > 30%

Data Source: 2013-2017 CHAS

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	420	305	40	765	245	125	60	430
Large Related	120	85	10	215	60	15	10	85
Elderly	300	30	0	330	280	150	115	545
Other	150	35	10	195	150	15	45	210
Total need by income	990	455	60	1,505	735	305	230	1,270

Table 10 – Cost Burden > 50%

Data Source: 2013-2017 CHAS

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	219	125	320	170	834	20	50	45	115	230

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Multiple, unrelated family households	25	80	75	25	205	0	20	55	105	180
Other, non-family households	50	0	10	15	75	0	0	0	0	0
Total need by income	294	205	405	210	1,114	20	70	100	220	410

Table 11 – Crowding Information – 1/2

Data Source: 2013-2017 CHAS

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present								

Table 12 – Crowding Information – 2/2

Describe the number and type of single person households in need of housing assistance.

Elderly and/or disabled populations tend to experience greater hardships with regard to housing. Per the provided data, 1,889 households between 0-80% AMI contain at least one person years 62-74 years of age. This represents 8.6% of the total households in Milpitas. Of the 8.6%, 36.2% (684 households) have incomes between 0-30% AMI, 33.6% (635 households) have incomes between 30-50% AMI, and 30.1% (570 households) have incomes between 50-80% AMI.

Elderly populations are often on fixed incomes, such as social security, that are (a) generally provide an insufficient amount of income to adequately cover both housing and general life expenses and (b) do not increase proportionately to the rise in the cost of living to keep up with inflation. This creates a desperate need for affordable housing. The lack of affordable housing in general, but specifically for seniors, will continue to be the greatest barrier to assisting this population.

The disabled population draws parallels to the senior community. While employment opportunities may be available to some, in some cases, there may no ability to secure employment. As such, this community is reliant on social security and/or disability in order to

cover their living expenses. And similar to senior community, the income provided is not sufficient to adequately cover their expenses. The lack of available housing resources for the disabled community also represents one of the greatest challenges for this population.

The data above does not distinguish between whether the household is a renter or owner. Additional considerations should be made for elderly/disabled homeowners. As the cost of goods and services increase, these individuals may be homeowners whose properties have appreciated significantly, but they lack the resources to secure loan products that would grant them access to their equity. These individuals are considered house rich and cash poor. These homes, without proper maintenance and repair, often fall into disrepair and sometimes into uninhabitable situations. More resources should be available to these homeowners to ensure they age gracefully in a safe and habitable living environment.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

The data does not provide a true number and types of families in need of housing assistance for those who are disabled or victims of domestic violence. From FY18-22, the period of time covering the last consolidated plan, he City Council has allocated $199,666 towards activities that directly benefit the victims of domestic violence. With these resources, various non-profit organizations such as YWCA Silicon Valley and Next Door Solutions to Domestic Violence have assisted over 1000 residents in Milpitas. Many of these individuals do not have access to the safe, affordable housing that is needed to more permanently remove themselves from domestic violence situations.

What are the most common housing problems?

Housing cost burden greater than 50% of income represents the greatest of housing problems. Of the eligible households, 825 renter occupied households who have incomes between 0-30% AMI experience a housing cost burden greater than 50% of their current income. A further 400 households who have incomes between 30-50% AMI also experience a housing cost burden greater than 50% of their current income. These number will only grow as affordability wanes.

Are any populations/household types more affected than others by these problems?

Low- to moderate-income renter households are more likely to experience at least one housing problem. Of the renters surveyed who had at least one housing problem, ninety-one percent (2,200) of them were LMI. LMI renter households are also severely cost burdened while extremely low and low income owner households are severely cost burdened.

LMI renter households are also more likely to be overcrowded. Households receiving incomes between 0-30% AMI are more heavily affected.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

The main characteristics are these families tend to be on the lower end of the income spectrum and are living in overcrowded households. In order to afford the high rent Milpitas commands, families must either live in a smaller (more affordable) unit or share space in a larger unit with another family.

As of this writing, we are approaching the end of year 2 of the COVID-19 pandemic. The City Council has allocated over $800,000 in rent relief funds to assist families that are at imminent risk of eviction. The state of California has allocated over $2B in rental assistance to prevent a mass wave of evictions. The economy continues to recover and these individuals, who predominantly work service level jobs, are now starting to go back to work. However, the costs of goods and services has increased tremendously with inflation reaching its highest year over year mark in decades (projected to be 7.5% in 2022)[2]. Wages has not kept pace with inflation and as a result, these household's live paycheck to paycheck often teetering on the line between housed and unhoused.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

We don't have an estimate. To date our rent relief program has provided assistance to over 120 households and 300 Milpitas residents. Our best attempt to collect this data relies on the data collected when a household applies for rental assistance through our program. For an operational definition of at risk, we believe that any household that is unable to pay or is struggling to afford their monthly rental obligation in our jurisdiction, they are considered an at-risk population.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

[2] https://tradingeconomics.com/united-states/inflation-cpi#:~:text=US%20Inflation%20Rate%20Accelerates%20to,coupled%20with%20strong%20demand%20weigh.

Severe cost burden is the greatest link between instability and an increased risk of homelessness. More affordable housing or better public/private options are needed to ensure at risk individuals do not experience homelessness.

Discussion

See above.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Per HUD definition, disproportionate housing needs is defined as "significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area" (24 CFR § 5.152).

Specifically, a disproportionately greater need exists when the members of a racial/ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the jurisdiction as a whole at that income level.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,195	440	304
White	410	135	40
Black / African American	94	0	15
Asian	1,095	250	179
American Indian, Alaska Native	0	0	0
Pacific Islander	25	0	0
Hispanic	540	40	60

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data Source: 2013-2017 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,555	625	0
White	224	180	0

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Black / African American	90	25	0
Asian	939	290	0
American Indian, Alaska Native	0	10	0
Pacific Islander	0	0	0
Hispanic	260	120	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data Source: 2013-2017 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,695	855	0
White	115	180	0
Black / African American	10	34	0
Asian	1,195	425	0
American Indian, Alaska Native	0	0	0
Pacific Islander	40	0	0
Hispanic	310	190	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data Source: 2013-2017 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,240	1,074	0
White	145	84	0
Black / African American	25	50	0
Asian	900	684	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	100	215	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data Source: 2013-2017 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

Seventy-five percent of households with 0%-30% AMI experience at least one housing problem.

- 86% of Black households with 0%-30% AMI experience at least one housing problem.
- 70% of White households with 0%-30% AMI experience at least one housing problem.
- 72% of Asian households with 0%-30% AMI experience at least one housing problem.
- 84% of Hispanic households with 0%-30% AMI experience at least one housing problem.

Seventy-one percent of households with 30%-50% AMI experience at least one housing problem.

- 93% of Black households with 30%-50% AMI experience at least one housing problem.
- 55% of White households with 30%-50% AMI experience at least one housing problem.
- 76% of Asian households with 30%-50% AMI experience at least one housing problem.
- 68% of Hispanic households with 30%-50% AMI experience at least one housing problem.

Sixty-six percent of households with 50%-80% AMI experience at least one housing problem.

- 23% of Black households with 50%-80% AMI experience at least one housing problem.
- 39% of White households with 50%-80% AMI experience at least one housing problem.
- 74% of Asian households with 50%-80% AMI experience at least one housing problem.
- 62% of Hispanic households with 50%-80% AMI experience at least one housing problem.

Fifty-four percent of households with 80%-100% AMI experience at least one housing problem.

- 33% of Black households with 80%-100% AMI experience at least one housing problem.
- 63% of White households with 80%-100% AMI experience at least one housing problem.
- 57% of Asian households with 80%-100% AMI experience at least one housing problem.
- 32% of Hispanic households with 80%-100% AMI experience at least one housing problem.

The groups disproportionately affected by housing problems include:

- Black households in 0-30% AMI and 30-50% AMI; and
- White households in 80-100% AMI; and
- Asian households in 50%-80% AMI; and

In summary, lower income Black and Asian households are disproportionately affected by housing problems within the city. White moderate households are affected by housing problems.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Per HUD definition, disproportionate housing needs is defined as "significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area" (24 CFR § 5.152).

A household is considered severely overcrowded when there are more than 1.5 persons per room and severely cost burdened when paying more than 50 percent of household income toward housing costs. For renters, housing costs include rent paid by the tenant plus utilities. For owners, housing costs include mortgage payment, taxes, insurance, and utilities.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,885	740	304
White	330	215	40
Black / African American	94	0	15
Asian	910	435	179
American Indian, Alaska Native	0	0	0
Pacific Islander	25	0	0
Hispanic	505	75	60

Table 17 – Severe Housing Problems 0 - 30% AMI

Data Source: 2013-2017 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	990	1,190	0
White	149	255	0
Black / African American	25	90	0
Asian	624	605	0
American Indian, Alaska Native	0	10	0
Pacific Islander	0	0	0
Hispanic	155	220	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data Source: 2013-2017 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	765	1,785	0
White	70	225	0
Black / African American	10	34	0
Asian	540	1,075	0
American Indian, Alaska Native	0	0	0
Pacific Islander	40	0	0
Hispanic	80	420	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data Source: 2013-2017 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	505	1,809	0
White	10	225	0
Black / African American	10	65	0
Asian	395	1,189	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	80	235	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data Source: 2013-2017 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

Sixty-four percent of households with 0%-30% AMI experience at least one severe housing problem.

- 86% of Black households with 0%-30% AMI experience at least one severe housing problem.
- 56% of White households with 0%-30% AMI experience at least one severe housing problem.
- 60% of Asian households with 0%-30% AMI experience at least one severe housing problem.
- 79% of Hispanic households with 0%-30% AMI experience at least one severe housing problem.
- 100% of Pacific Islander households with 0%-30% AMI experience at least one severe housing problem.

Forty-five percent of households with 30%-50% AMI experience at least one severe housing problem.

- 22% of Black households with 30%-50% AMI experience at least one severe housing problem.
- 37% of White households with 30%-50% AMI experience at least one severe housing problem.
- 51% of Asian households with 30%-50% AMI experience at one severe housing problem.

- 41% of Hispanic households with 30%-50% AMI experience at least one severe housing problem.

Thirty percent of households with 50%-80% AMI experience at least one severe housing problem.

- 23% of Black households with 50%-80% AMI experience at least one severe housing problem.
- 24% of White households with 50%-80% AMI experience at least one severe housing problem.
- 33% of Asian households with 50%-80% AMI experience at least one severe housing problem.
- 16% of Hispanic households with 50%-80% AMI experience at least one severe housing problem.
- 100% of Pacific Islander households with 0%-30% AMI experience at least one severe housing problem.

Twenty-two percent of households with 80%-100% AMI experience at least one severe housing problem

- 13% of Black households with 80%-100% AMI experience at one severe housing problem.
- 4% of White households with 80%-100% AMI experience at least one severe housing problem.
- 25% of Asian households with 80%-100% AMI experience at least one severe housing problem.
- 25% of Hispanic households with 80%-100% AMI experience at least one severe housing problem.

The groups disproportionately affected by severe housing problems include:

- Black households between 0-30% AMI; and
- Hispanic households between 0-30% AMI; and
- Pacific Islander households with 0-30% AMI and 50-80% AMI

In summary, extremely low-income households are disproportionately affected by severe housing problems.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Per HUD definition, disproportionate housing needs is defined as "significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area" (24 CFR § 5.152).

A household is considered cost burdened if they pay more than 30 percent of their household income toward housing costs.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	14,474	4,170	2,925	359
White	2,374	555	564	40
Black / African American	330	110	140	15
Asian	10,115	2,769	1,524	229
American Indian, Alaska Native	40	0	0	0
Pacific Islander	75	69	0	0
Hispanic	1,285	545	610	60

Table 21 – Greater Need: Housing Cost Burdens AMI

Data Source: 2013-2017 CHAS

Discussion:

As a whole, 32 percent of households are cost burdened and, of that percentage, 13 percent are severely cost burdened. Approximately 32% of White, 42% of Black, 29% of Asian, 48% of Pacific Islander, and 46 percent of Hispanic households are cost burdened. Of these percentages, both Black and Hispanic households contain more severe housing burdened households than not. Based on the data, we can conclude that Black, Pacific Islander, and Hispanic households are disproportionately severely cost burdened.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Among the lowest income categories, we see disparities in Black households experiencing a greater percentage of housing problems compared to other race/ethnicities. From the sections NA-15 and NA-20 above, we see only one commonality amongst the racial and ethnic groups.

The groups disproportionately affected by housing problems include:

- Black households in 0-30% AMI and 30-50% AMI; and
- White households in 80-100% AMI; and
- Asian households in 50%-80% AMI; and

The groups disproportionately affected by severe housing problems include:

- Black households between 0-30% AMI; and
- Hispanic households between 0-30% AMI; and
- Pacific Islander households with 0-30% AMI and 50-80% AMI

Lower income Black households are disproportionately affected by severe housing problems. This data is also striking because of the relative lack of Black households in Milpitas. Per the latest census data, a mere 2% of the population in Milpitas identifies as Black.

If they have needs not identified above, what are those needs?

Any discussion on the experience of Black households experiencing a disproportionately greater housing need would be incomplete without at least an acknowledgement of systemic racism and housing discrimination. This is a topic that will not be covered in great detail here, but it bares noting that Black households have historically experienced the housing market very poorly. Discriminatory practices such as segregation and redlining have created generational inequities that cannot be undone easily.

The needs for this community are expressed in a more equitable way to navigate the housing market. Providing affordable housing, providing access to housing opportunities that can create wealth, such as homeownership. But most importantly, establishing that fair housing is truly fair to all and not just those who have the resources.

Generally speaking, more housing assistance resources are needed. Whether that comes as an increase in Section 8 funding or an increase in rental assistance funding to help tenants secure units and/or pay for some of the costs to move in. These resources are needed to help cure the imbalance felt by lower income tenants who spend 50% or more of their income on rent.

Further resources are needed to help manage the Landlord-Tenant power imbalance. Oftentimes, tenants will be threatened with eviction if they communicate any issues with their unit. Resources to create a safe space for these conversations to take place will go a long way to promoting equity and decreasing the housing cost burden on tenants.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

No

NA-35 Public Housing – 91.205(b)

Introduction

Totals in Use

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	48	20	10,212	692	9,267	212	0	36

Table 22 - Public Housing by Program Type

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Data Source: PIC (PIH Information Center)

Characteristics of Residents

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project-based	Tenant-based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	20,067	16,342	15,882	13,333	16,112	14,199	0
Average length of stay	0	7	5	8	1	9	0	0
Average Household size	0	2	2	2	1	2	1	0
# Homeless at admission	0	0	1	15	4	4	0	0

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project-based	Tenant-based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
# of Elderly Program Participants (>62)	0	10	4	3,859	502	3,315	24	0
# of Disabled Families	0	10	6	1,784	69	1,610	85	0
# of Families requesting accessibility features	0	48	20	10,212	692	9,267	212	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	33	11	4,885	332	4,420	117	0	14
Black/African American	0	3	3	1,358	46	1,223	80	0	7
Asian	0	11	5	3,698	303	3,375	5	0	14
American Indian/Alaska Native	0	1	1	145	7	134	3	0	1

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Pacific Islander	0	0	0	95	4	84	7	0	0
Other	0	0	0	31	0	31	0	0	0

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	20	8	3,217	133	3,038	38	0	7
Not Hispanic	0	28	12	6,964	559	6,198	174	0	29

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

This data is not available for Milpitas.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

Finding landlords that will accept a voucher.

How do these needs compare to the housing needs of the population at large

This data is not available for Milpitas.

Discussion

See above

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The tables below provide demographic data on homelessness in Milpitas.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

In December 2021, the City Council authorized staff to enter into a revenue agreement with the County of Santa Clara Office of Supportive Housing to employ the Homeless Engagement and Assessment Team (HEAT) throughout Milpitas. A review of the data from HEAT shows that of the 100+ requests sent to HEAT, 99% were for chronically homeless single adults. Twenty-six percent of those individuals were residing in a vehicle while the others were predominantly living outdoors.

For families with children, the City has been actively using rent relief funding for temporary motel stays. The City has assisted in over 15 such cases since 2019.

Nature and Extent of Homelessness: (Optional)

Data Source: County of Santa Clara Continuum of Care							
Jurisdiction	**Unsheltered**		**Sheltered**		**Total**		**2017-2019 % Change**
	2017	**2019**	**2017**	**2019**	**2017**	**2019**	
Total Incorporated	**5,259**	**7,652**	**1,775**	**1,594**	**7,034**	**9,246**	**31%**
City of Campbell	94	74	0	0	94	74	-21%
City of Cupertino	127	159	0	0	127	159	25%
City of Gilroy	295	345	427	359	722	704	-2%
City of Los Altos	6	76	0	0	6	76	*
City of Los Altos Hills	0	2	0	0	0	2	*
Town of Los Gatos	52	16	0	0	52	16	*
City of Milpitas	**66**	**125**	**0**	**0**	**66**	**125**	**89%**
City of Monte Sereno	0	0	0	0	0	0	*
City of Morgan Hill	388	114	0	0	388	114	-71%
City of Mountain View	411	574	5	32	416	606	46%
City of Palo Alto	256	299	20	14	276	313	13%
City of San Jose	3,231	5,117	1,119	980	4,350	6,097	41%
City of Santa Clara	199	264	73	62	272	326	20%
City of Saratoga	12	10	0	0	12	10	*
City of Sunnyvale	122	477	131	147	253	624	147%
Total Unincorporated	189	270	113	89	302	359	19%
Confidential Locations	NA	NA	58	101	58	101	74%
Total	**5,448**	**7,922**	**1,946**	**1,784**	**7,394**	**9,706**	**31%**

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The City of Milpitas' Rent Relief Program provides various forms of financial assistance to Milpitas residents and families that have emergency housing needs. The funds are used to pay for rent and/or deposit assistance, emergency hardship relief, eviction protection, domestic violence relocation, and section 8 good faith deposits. These funds assist at-risk Milpitas residents from experiencing homelessness. To date, the program has assisted over 120 families and over 300 Milpitas residents, many of them families with children. It's likely that without these funds, many of these families would now be experiencing homelessness.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

Data Source: County of Santa Clara Continuum of Care	
Race:	**Percent of respondents**
White	40%
Black or African American	18%
Asian	3%
Pacific Islander	1%
Multiple Races	29%
Ethnicity:	
Hispanic	41%
Not Hispanic	59%

These figures are provided by the 2019 Santa Clara County Homeless Census & Survey. They provide a regional view of the race and ethnicity data, as the City does not have local data to provide.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Data Source: County of Santa Clara Continuum of Care	
Current Living Arrangement	**Percent of respondents**
Outdoors	34%
Emergency/Transitional Shelter	22%

Vehicle	18%
Structure not meant for permanent habitation	14%
Motel/Hotel	9%
Other	3%

These figures are provided by the 2019 Santa Clara County Homeless Census & Survey. They provide a regional view of the unsheltered and sheltered data, as the City does not have local data to provide.

As noted above, the City's HEAT program has assessed over 100 homeless individuals in Milpitas. Of those assessed, approximately 26% were living in a vehicle with most of the remaining individuals living outdoors.

Discussion:

See above

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

The following section describes the needs of the following non-homeless populations:

Elderly households (defined as 60 years or older)
Persons with developmental, physical, and/or mental disabilities
Large households
Female-headed households
Persons living with HIV/AIDS and their families

Describe the characteristics of special needs populations in your community:

Elderly households account for over 11% of the Milpitas population. Many seniors live on fixed incomes, making affordability an issue. Some elderly residents own homes but are unable to afford the maintenance on them due to rising costs. These residents are considered house rich and cash poor where most of their retirement income and/or asset value is tied into the home itself, with few options to safely extract the value.

Persons with developmental, physical, and/or mental disabilities require affordable housing as well as special accommodations in terms of accessibility to ensure maximal independence. These individuals may also live on fixed incomes or with family who provide for them. Over 6% of the population in Milpitas identifies as disabled.

Large households may live in overcrowded environments. As affordability wanes in the region, many low-income families are choosing to live together in order to make rents more affordable.

Female headed households disproportionately pay a higher ratio of gross income as expenses. Rent and childcare costs create challenges for female headed households. Additionally, these households are more likely to overcrowd to share space, rent, and childcare to blunt costs. Affordable housing, childcare subsidy, and/or other financial assistance could benefit female headed households.

Milpitas does not currently have data and/or programs geared toward persons living with HIV/AIDS and their families.

What are the housing and supportive service needs of these populations and how are these needs determined?

The Consolidated Plan Community Survey respondents noted that creation of affordable housing is a significant need for this population. As generally the highest expense incurred, quality of life could be improved by reducing housing costs. Further assistance in terms of childcare, food/nutrition subsidy, and job improvement training could benefit these groups as well.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

n/a

Discussion:

See above

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

The City of Milpitas Recreation and Community Services Department manages the City's public facilities. Of the facilities discussed in the Consolidated Plan Community Survey, the two most widely discussed as needing additional funding were: (1) the Barbara Lee Senior Center and (2) the City's Parks.

How were these needs determined?

Milpitas' needs were consulted through extensive community engagement. Seventy-one percent of respondents stated that improving city facilities that provide public services was a high priority. Additionally, the Recreation and Community Services department submitted their budget for the upcoming fiscal year, an approximate $4M in funding for upgrading the City parks was included.

Fifty-six percent of respondents indicated that more funding should go to improving city facilities that provide social services, such as the Barbara Lee Senior Center and the Milpitas Library.

Describe the jurisdiction's need for Public Improvements:

Milpitas' needs were consulted through extensive community engagement. Water, street, stormwater, accessibility, sidewalks and trails were among the areas of need for the City.

How were these needs determined?

Milpitas' needs were consulted through extensive community engagement. Fifty-six percent of respondents to the Consolidated Plan Community Survey noted the need for trail improvements, 53% requested accessibility improvements for people with disabilities, 69% requested water/sewer improvements, and 47% requested improvements to the sidewalks.

Describe the jurisdiction's need for Public Services:

Currently, the City contracts all of its public services to local or regional non-profits. Milpitas has a need to assist its growing homeless population, elderly households, victims of domestic violence, children and youth, and residents at-risk of eviction.

How were these needs determined?

Milpitas' needs were consulted through extensive community engagement. Fifty-six percent of respondents to the Consolidated Plan Community Survey responded they'd like to see improvements to non-profit community services, 59% responded that homeless services are very important and should receive more consideration for funding.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

Milpitas is predominantly a single-family based community with 75% of the housing stock being single-family attached and detached homes. The remaining housing stock are multi-family units with 14 of the remaining 25% of those units being a property type of 20 or more units.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	12,200	54%
1-unit, attached structure	4,814	21%
2-4 units	1,210	5%
5-19 units	1,035	5%
20 or more units	3,075	14%
Mobile Home, boat, RV, van, etc	440	2%
Total	***22,774***	***100%***

Table 26 – Residential Properties by Unit Number

Data Source: 2013-2017 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	75	1%	250	3%
1 bedroom	90	1%	1,425	18%
2 bedrooms	1,814	13%	3,075	39%
3 or more bedrooms	12,145	86%	3,045	39%
Total	***14,124***	***101%***	***7,795***	***99%***

Table 27 – Unit Size by Tenure

Data Source: 2013-2017 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

- Sunnyhills Apartments, a 171-unit apartment complex with 149 project based rental assistance units
- Terrace Gardens, a 149-unit apartment complex for seniors under 50% AMI

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

The Sunnyhills apartments project based rental assistance contract is set to expire in 2023. At this time the owner has not expressed an interest in renewing their contract with HUD. The Santa Clara County Housing Authority and the City have been in communication with the tenants to provide resources and information to the group to ensure they are aware of their rights and protections should the contract not be renewed.

City and Housing Authority staff has also been in communication with the ownership group to ensure they follow all applicable state and federal laws pertaining to the termination of an affordable unit or development to a market rate one.

Does the availability of housing units meet the needs of the population?

As noted during the citizen participation process, there is a significant lack of housing available to lower income populations. At this time, the demand for affordable housing is greater than the availability of the units.

Describe the need for specific types of housing:

Affordable rental housing is needed for all income levels but mostly for below 50% AMI. Additionally, housing units specifically geared toward seniors, people with disabilities, homeless individuals, and people at-risk of homelessness will assist in providing the most vulnerable with housing opportunities currently unafforded to them.

Discussion

See above

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

The City of Milpitas continues to see a sharp increase in the cost of housing, along with the region in general. From 2009 to 2017, the median contract rent in Milpitas increased 43%.

Cost of Housing

	Base Year: 2009	Most Recent Year: 2017	% Change
Median Home Value	619,600	704,300	14%
Median Contract Rent	1,405	2,016	43%

Table 28 – Cost of Housing

Data Source: 2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)

Rent Paid	Number	%
Less than $500		
$500-999		
$1,000-1,499		
$1,500-1,999		
$2,000 or more		

Table 29 - Rent Paid

Data Source: 2013-2017 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	400	No Data
50% HAMFI	1,000	240
80% HAMFI	2,705	413
100% HAMFI	No Data	847
Total	***4,105***	***1,500***

Table 30 – Housing Affordability

Data Source: 2013-2017 CHAS

Monthly Rent

Monthly Rent ($)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	2145	2418	2868	3687	4213
High HOME Rent	n/a	n/a	n/a	n/a	n/a
Low HOME Rent	n/a	n/a	n/a	n/a	n/a

Table 31 – Monthly Rent

Data Source: HUD FMR and HOME Rents

Is there sufficient housing for households at all income levels?

The data presented above is limited but the narrative from our resident survey and our citizen participation continues to express that there is an insufficient amount of housing for households at all income levels.

How is affordability of housing likely to change considering changes to home values and/or rents?

Housing affordability will continue to decline as home values and/or rent costs increase. The State of California has implemented AB 1584, which limited rent increases on applicable units to 5% plus CPI. However, as noted above, Milpitas is 75% single-family homes, which are not applicable to AB 1584. The other thing to note is that the CPI the past two years will allow rent increases of 8+% each year. This compounding effect on the rent impacts lower income populations the greatest. But the lack of an effective control on rents on single-family homes also impacts larger households disproportionately since there's no limit on rent increases on those units.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

Fair market rents compare favorably to moderate income area median rent level. In order to achieve affordability at the 2BR rent level, a household must earn approximately $115,000 per year. Presently, the need for extremely low, very low, and low-income housing is in high demand. The challenges to create these housing opportunities are multi-faceted. High land and development costs, ongoing maintenance and repairs, and the ability of a development to provide a positive return while collecting on the lower end rents. Without further subsidy, it makes deeply affordable developments very challenging to develop.

Discussion

See above

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

This section analyzes the condition of housing and the risks of lead based paint.

Definitions

HUD defines "condition" as: 1) Lack of complete plumbing; 2) Lack of kitchen facilities; 3) More than one person per room; and, 4) Housing cost burden greater than 30 percent.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	4,375	31%	3,510	45%
With two selected Conditions	215	2%	690	9%
With three selected Conditions	0	0%	15	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	9,535	68%	3,580	46%
Total	***14,125***	***101%***	***7,795***	***100%***

Table 32 - Condition of Units

Data Source: 2013-2017 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	2,419	17%	2,160	28%
1980-1999	4,060	29%	2,805	36%
1950-1979	7,420	53%	2,720	35%
Before 1950	229	2%	115	1%
Total	***14,128***	***101%***	***7,800***	***100%***

Table 33 – Year Unit Built

Data Source: 2013-2017 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	7,649	54%	2,835	36%
Housing Units build before 1980 with children present	2,833	20%	1,428	18%

Table 34 – Risk of Lead-Based Paint

Data Source: 2013-2017 ACS (Total Units) 2013-2017 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 35 - Vacant Units

Need for Owner and Rental Rehabilitation

Fifty-three percent of Milpitas owner occupied homes were built from 1950-1979. These homes are now 50-70+ years old and in need of deferred maintenance to ensure they maintain a standard of habitability. Long time owners of these homes are often house rich and cash poor. Meaning, the majority of their wealth is stored in the substantial increase in equity created from owning their home, but they do not currently earn large incomes to continue supporting the cost of owning a home.

Rebuilding Together Silicon Valley has been working with low-moderate income owners in Milpitas to homes in our community are safe and habitable. Milpitas currently supports their mission with CDBG funding.

Estimated Number of Housing Units Occupied by Low- or Moderate-Income Families with LBP Hazards

The data is not clear as to the number of units occupied by low- or moderate-income families with LBP hazards but again a predominant amount of owner and renter occupied households were built prior to 1979. Therefore, we can estimate that there are still homes in Milpitas that could have occupants at risk of LBP.

Discussion

See above

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

Totals Number of Units

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	48	20	10,635	815	9,820	1,964	0	465
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 36 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

n/a

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

n/a

Public Housing Condition

Public Housing Development	Average Inspection Score

Table 37 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

n/a

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

n/a

Discussion:

n/a

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

This section discusses homeless facilities and services available for the homeless population.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)					
Households with Only Adults					
Chronically Homeless Households					
Veterans					
Unaccompanied Youth					

Table 38 - Facilities and Housing Targeted to Homeless Households

Describe mainstream services, such as health, mental health, and employment services to the extent those services are use to complement services targeted to homeless persons

Mainstream services that compliment services targeted to homeless persons include:

- The Valley Homeless Healthcare Program (VHHP) is part of the Santa Clara Valley Medical Center and provides medical services to homeless individuals, including primary care and urgent care. VHHP also manages a Medical Respite program for homeless individuals discharged from hospitals as well as a Backpack Homeless Health Care Program for those in encampments. 21
- The County Social Services Agency has expedited the review process of homeless household CalFresh applications so that they may receive benefits within three days.
- The County Behavioral Health Services Department (BHS) has multiple programs to connect homeless individuals with housing or shelter assistance. BHS also treats those going through behavioral health crises.
- The County Reentry Resource Center (RRC) provides services to those who have been previously incarcerated and to individuals who are homeless upon release. Services include referrals to drug treatment, housing assistance, food assistance, counseling, and other benefits.
- The County Office of Supportive Housing (OSH) mission is to increase the supply of housing and supportive housing that is affordable and available to extremely low income and /or special needs households. OSH supports the County mission of promoting a healthy, safe, and prosperous community by ending and preventing homelessness.
- Other mainstream services include:

- Non-Employment Income: Social Security, Social Security Disability, General Assistance, Cash Aid, CALWORKS, Veterans Benefits, Tribal TANF, and CAPI.
- Food Related Assistance: CalFresh, SNAP, and WIC.
- Legal Services: Bay Area Legal Aid and Law Foundation of Silicon Valley.
- Medical: Medicaid, Medicare, Covered California, and Valley Homeless Healthcare Program (VHHP).
- Employment Training Opportunities: Living Wage Employment Initiative. The area Continuum of Care provides a Living Wage Employment Initiative, which is a program that engages previously homeless program participants in job training, holds jobs fairs, and connects them with living-wage employment leading to careers in high growth industries.22
- Transportation: CalWorks
- Childcare: Early Childhood Providers and CalWorks

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

There are currently no facilities that meet the needs of the homeless or chronically homeless in Milpitas.

The services provided to meet the needs of the homeless are:

- Project WeHope - Mobile shower and laundry services
- Homeless Engagement and Assessment Team – In partnership with the County, the County HEAT team contracts with ABODE Services to provide outreach and engagement with the homeless population, to provide VI-SPIDAT assessments and enter these individuals into the community queue for housing opportunities.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

This section describes facilities and services for the special needs communities

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

Elderly, Frail Elderly, and Persons with Disabilities

Elderly, frail elderly, and persons with disabilities have a range of housing needs, including maintaining affordability as rents continue to rise and fixed incomes do not keep pace. Another major factor will be retrofitting housing to accommodate their induvial needs. Additional resources to combat social isolation, depression, and food insecurity are all areas of concern for these special needs communities.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

n/a

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

[Insert paragraph with final City Council allocations]

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

See above

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

- High cost of land and development of housing in general
- Lack of local, state, and federal resources to promote more affordable housing
- Lack of available, developable land throughout the city
- Lack of appetite for more affordable housing from key stakeholders
- General political opposition preventing affordable housing

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

This section describes the non-housing community development assets that are unique to the city of Milpitas.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	213	4	1	0	-1
Arts, Entertainment, Accommodations	3,583	5,383	10	11	1
Construction	1,353	3,052	4	6	3
Education and Health Care Services	5,603	4,179	15	8	-7
Finance, Insurance, and Real Estate	1,384	965	4	2	-2
Information	2,375	889	6	2	-5
Manufacturing	7,740	14,423	21	29	8
Other Services	1,079	1,595	3	3	0
Professional, Scientific, Management Services	6,445	8,931	17	18	1
Public Administration	0	0	0	0	0
Retail Trade	2,778	4,832	7	10	2
Transportation and Warehousing	712	776	2	2	0
Wholesale Trade	1,557	2,298	4	5	0
Total	34,822	47,327	--	--	--

Table 39 - Business Activity

Data Source: 2013-2017 ACS (Workers), 2017 Longitudinal Employer-Household Dynamics (Jobs)

Labor Force

Total Population in the Civilian Labor Force	40,160
Civilian Employed Population 16 years and over	37,800
Unemployment Rate	5.90
Unemployment Rate for Ages 16-24	12.15
Unemployment Rate for Ages 25-65	4.34

Table 40 - Labor Force

Data Source: 2013-2017 ACS

Occupations by Sector	Number of People
Management, business and financial	14,225
Farming, fisheries and forestry occupations	1,830
Service	3,829
Sales and office	6,774
Construction, extraction, maintenance and repair	1,735
Production, transportation and material moving	2,460

Table 41 – Occupations by Sector

Data Source: 2013-2017 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	18,498	58%
30-59 Minutes	11,123	35%
60 or More Minutes	2,539	8%
Total	***32,160***	***100%***

Table 42 - Travel Time

Data Source: 2013-2017 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
Less than high school graduate	2,000	210	1,905
High school graduate (includes equivalency)	5,180	330	1,615
Some college or Associate's degree	7,895	610	2,304
Bachelor's degree or higher	18,240	770	3,174

Table 43 - Educational Attainment by Employment Status

Data Source: 2013-2017 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	55	240	400	1,140	1,690

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
9th to 12th grade, no diploma	515	405	515	1,414	625
High school graduate, GED, or alternative	1,535	1,720	1,445	3,980	1,800
Some college, no degree	2,305	1,690	1,785	3,388	1,650
Associate's degree	250	880	1,040	2,020	684
Bachelor's degree	1,189	4,709	3,639	4,844	1,740
Graduate or professional degree	200	3,853	2,634	2,504	728

Table 44 - Educational Attainment by Age

Data Source: 2013-2017 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	
High school graduate (includes equivalency)	
Some college or Associate's degree	
Bachelor's degree	
Graduate or professional degree	

Table 45 – Median Earnings in the Past 12 Months

Data Source: 2013-2017 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Describe the workforce and infrastructure needs of the business community:

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Discussion

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

There are currently no predominately low and moderate income census tracts in the city.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Minority concentration is defined as census tracts where the percentage of individuals of a particular racial or ethnic minority group is at least 20 percentage points higher than the citywide average. LMI concentration is defined as census tracts where the median household income is 80% or less than the jurisdiction as a whole.

Because of the high percentage of minorities in the city, there are no areas that meet the definition of concentration. As for LMI concentration, there are areas of LMI concentration. Those areas are primarily in Census Tract 5044.18 (the Selwyn Dr./Edsel Dr. neighborhood) and the Census Tract 5044.12 (E. Calaveras apartments).

What are the characteristics of the market in these areas/neighborhoods?

These areas are multi-family, generally higher density, residential neighborhoods.

Are there any community assets in these areas/neighborhoods?

n/a

Are there other strategic opportunities in any of these areas?

The city will continue to explore strategic opportunities for our lower income residents.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

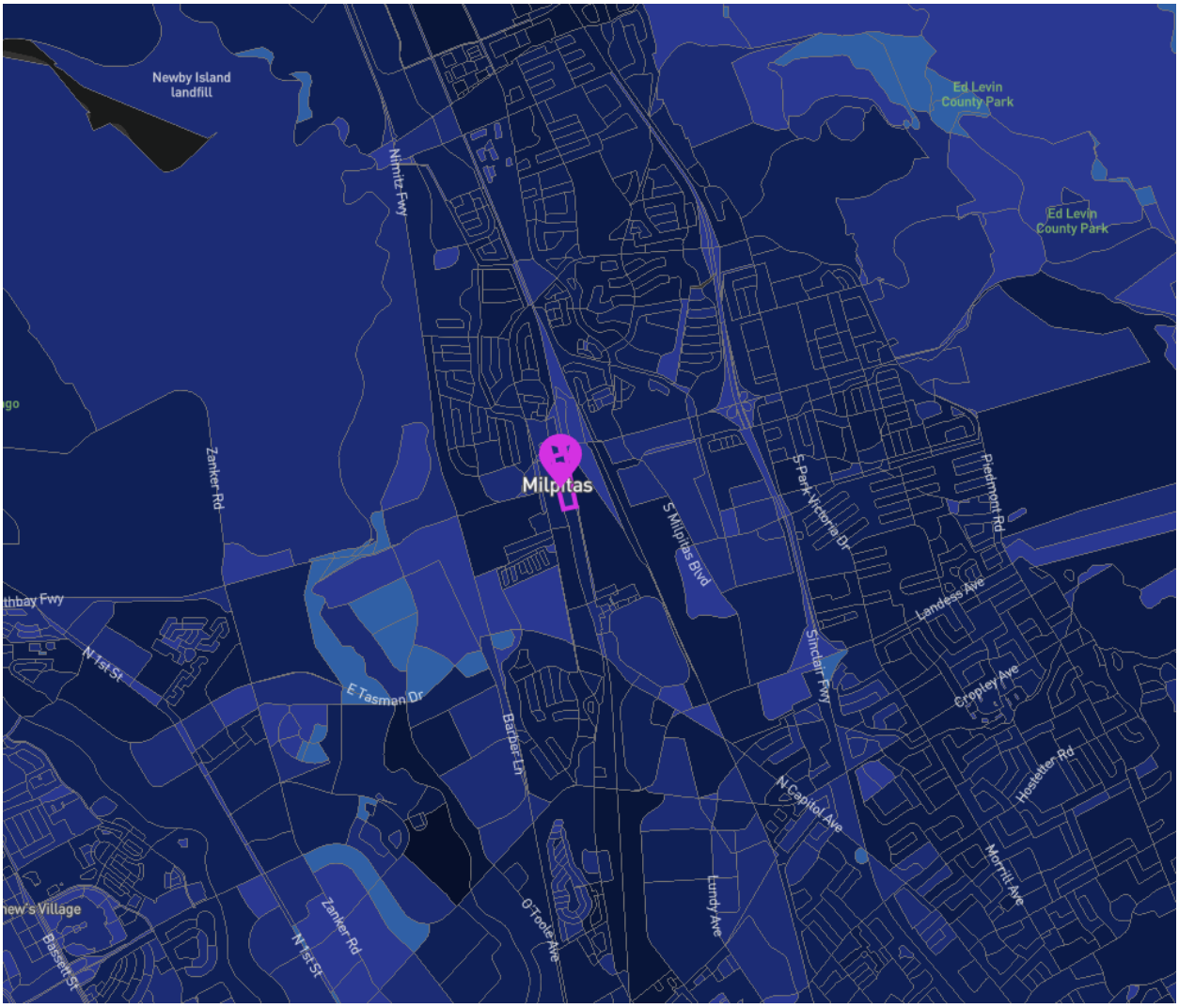
Access to technology is fundamental for low- and moderate-income households and neighborhoods. The need to adopt to modern technology is rooted in one's ability to be connected. Lack of broadband creates a distinct disadvantage in a world where every day tasks continue to be migrated online. These disparities are worsened in terms of access to health care, education, employment, civic participation, commerce, and inclusion in society.[3]

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

Per HUD guidance, all Consolidated Plan submitted after January 1, 2018, must address broadband needs within the jurisdiction. Below is a map outlining mobile and the region's access to providers offering broadband services. According to the Federal Communications Commission Fixed Broadband Deployment Map, 100% of the City of Milpitas residents have access to broadband.

The majority of the City of Milpitas has access to 3-5 internet service providers. Data was obtained from the Federal Communications Commission's Fixed Broadband Deployment website.

[3] https://www.fcc.gov/sites/default/files/bdac-low-income-communities-approved-rec-12172020.pdf


Newby Island landfill
Ed Levin County Park
Ed Levin County Park
Nimitz Fwy
Zanker Rd
Milpitas
S Milpitas Blvd
S Park Victoria Dr
Piedmont Rd
Landess Ave
Sinclair Fwy
Cropley Ave
Hostetter Rd
N Capitol Ave
Merrill Ave
Lundy Ave
E Tasman Dr
Barber Ln
O'Toole Ave
N 1st St
Zanker Rd
Basset St

All Providers Reporting Service

Census block ID: 060855045044022

Number of Fixed Residential Broadband Providers



Broadband

Technology ADSL, Cable, Fiber, Fixed Wireless, Satellite, Other
Speed ≥ 25/3 Mbps
Date Dec. 2020 *(latest public release)*

Provider	Tech	Down (Mbps)	Up (Mbps)
Comcast Corporation	Cable	1000	35
Sail Internet	Fixed Wireless	200	100
Etheric Networks, Inc.	Fixed Wireless	150	150
ViaSat, Inc.	Satellite	100	3
Hughes Network Systems, LLC	Satellite	25	3
AT&T Inc.	ADSL	18	1.5
Raw Bandwidth Telecom, Inc.	ADSL	15	1.5
VSAT Systems, LLC	Satellite	2	1.3

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

Per HUD guidance, all Consolidated Plan submitted after January 1, 2018, must assess risks of natural hazard associated with climate change to low-and moderate-income residents. As part of the 2017 County of Santa Clara's Operational Area Hazard Mitigation Plan – a county wide plan that identifies risks from natural and manmade disasters and how to minimize damage – the City of Milpitas has reviewed and evaluated a set of potential natural hazards to help identify the top hazards threatening the area. The table below summarizes the analysis.

Hazard Type (in order of risk)	Exposed Population	# of buildings exposed	Total Value Exposed
Earthquake	All	18,242	$19,146,882,365
Flood (1% Annual Chance area)	17,998	4,373	$3,326,581,303
Flood (.2% Annual Chance area)	45,594	11,241	$15,779,588,420
Severe weather	N/A	N/A	$19,146,882,365
Dam Fail (Anderson)	4,406	1,065	$1,370,025,538
Dam Fail (Lexington)	0	0	$0
High Risk Landslide Areas	N/A	N/A	$376,962,365
Estimated Population Residing in Sea Level Rise Inundation Areas	2,691	635	$854,962,309

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

Vulnerable populations such as the elderly and disabled communities are adversely affected by natural hazards. Low- and moderate-income populations are also disproportionately affected by natural disasters as, on average, they lack the resources to adequately deal with the financial burden a natural disaster may impose.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The Consolidated Plan for the City of Milpitas represents the needs of the community and goals to help address the needs which are outlined in the three-year Housing and Community Development Strategy. The list below will help allocate resources, identify strategies, and prioritize funding to implement the Consolidated Plan.

The following are the City's housing and community development goals:

1. Available resources to implement the proposed strategies
2. Affordable housing needs
3. Homeless needs and objectives
4. Other special groups needs
5. Anti-poverty strategy
6. Fair housing and services needs
7. Youth needs and services
8. Lead-Based paint reduction strategy
9. Institutional structure for implementing strategies
10. Reduction of barriers to affordable housing
11. Housing Authority
12. Community and economic development needs
13. Coordination among various agencies
14. Support activities that provide interim assistance to low- and moderate-income households at risk of being evicted due to a COVID-19-related hardship.
15. Support activities that provide loans to microenterprises experiencing hardships due to COVID-19.
    Support activities that provide loans to small businesses experiencing hardships due to COVID-19.

The Milpitas Housing and Community Development Strategy Plan identify activities that will be funded with the Community Development Block Grant entitlement funds. Whenever appropriate, Milpitas will use other funding sources (local funds, housing authority funds, outside grants, housing trust fund, leveraging, etc.) to address the needs that will be discussed in this chapter to provide a comprehensive assessment of the City's overall housing and community development strategy.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

This is not applicable to the City of Milpitas. The City does not target specific geographic areas to focus CDBG funds. The City attempts to fund programs that target low to moderate income households only.

Table 46 - Geographic Priority Areas

General Allocation Priorities

The City receives only CDBG which is not geographically prioritized but the City does have funding priorities for its CDBG Public Service and Capital activities.

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

The city does not receive HOPWA funds. It does receive CDBG funds which are allocated to benefit low- and moderate-income persons throughout the city.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 47 – Priority Needs Summary

Priority Need	Priority Level	Description	Population or Geographic Area	Goal	Basis for Relative Priority
Affordable Housing Development and Preservation	High	Develop and preserve affordable housing and owner housing which includes rehabilitation and new construction.	Targeted towards low to moderate income persons. No geographic areas targeted.	New Affordable Housing Maintain and Preserve Existing Housing Affordable Housing Rental Rehabilitation	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community Services	High	Greater provision of community services for those who are homeless or who have urgent housing instability.	Extremely low, very low, low- and moderate-income individuals, veterans, emancipated youth. No geographic areas targeted.	Community Funding/Public Services	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community Services	High	Greater provision of community social services for low- and moderate-income families with children, youth and emancipated youth	Low- and moderate-income families with children, youth, emancipated youth, and victims of domestic violence, No geographic areas targeted.	Public Services for Children and Youth	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community Services	High	Greater provision of community services for seniors	Low- and moderate-income seniors. No geographic areas targeted.	Public Services for Seniors	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Community Services	High	Greater provision of community services including fair housing, landlord/tenant mediation, and legal services	Low- and moderate-income renters and landlords. No geographic areas targeted.	Community Funding/Public Services Fair Housing	Feedback from Consolidated Plan Community survey and stakeholder meetings.

Community, Public, and Neighborhood Sustainability	Low	Preservation, revitalizing, and maintenance of neighborhoods.	All geographic areas are targeted.	Public Improvements	Feedback from Consolidated Plan Community survey and stakeholder meetings.
Economic Development	High	Create and retain jobs and encourage businesses etc. to provide educational and job readiness.	People of low to moderate income, microenterprises and small businesses	Community Funding/Public Services	Feedback from Consolidated Plan Community survey and stakeholder meetings.

Narrative (Optional)

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	As per the Needs Assessment, 12 percent of households in the city are severely cost burdened and pay more than 50 percent of their income toward housing costs.
TBRA for Non-Homeless Special Needs	Housing costs in the region continue to increase and be more burdensome for those with special needs. Housing affordability can help minimize the burden held by persons with special needs along with greater availability for supportive housing.
New Unit Production	The State of California's Housing and Community Development Department has established the current Regional Housing Needs Assessment (RHNA) for the City of Milpitas for the years 2014-2023. The city was allocated 3,290 units, of which 1,004 units for very-low income households, 570 to low income, 565 units to moderate and 1,151 units to above moderate-income households. This number is expected to close to 10,000 units in the next RHNA cycle.
Rehabilitation	Over 60% of the housing stock in Milpitas was built before 1970, in which many will be due for repairs and rehabilitation work. The city's CDBG funds will continue to fund organizations that complete repairs and rehabilitation for low and very low-income households.
Acquisition, including preservation	With a lack of vacant land and funding for new development, acquisition and preservation of the current housing stock is important to maintain the affordable housing stock.

Table 48 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	$600,000	$8,959	$85,839.74	$694,798.74	$1,105,201.26	

Table 49 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Not applicable, the City does not match federal funds.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There are two parcels controlled by the City. One parcel, located at 1432 S. Main Street, is owned by Milpitas Housing Authority and is approximately 0.9 acres in size. Currently the parcel is occupied by commercial tenants, but the land is zoned as high-density multi-family residential. The other parcel, approximately 1.7 acres, is located adjacent to the Milpitas Housing Authority property and is owned by the City of Milpitas. That City parcel is also occupied by commercial business but is also zoned for multi-family residential use. In January 2022, the City Council directed staff to sell the parcel owned by the Milpitas Housing Authority with the intent that the buyer will develop affordable housing.

Discussion

See above

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served

City of Milpitas	Government	Economic Development, Homelessness, Non-homeless, special needs, Ownership, Planning, Rental Neighborhood improvements, Public facilities, Public Services	Jurisdiction
County of Santa Clara Office of Supportive Housing	Continuum of Care	Homelessness, Non-homeless, Special Needs, Planning	Region
Project Sentinel	Non-profit	Planning, Rental	Region
SCCHA	PHA	Ownership, Public Housing Rental	Region
The Health Trust	Non-profit	Public Services	Region
SV Independ. Living Center	Non-profit	Public Services	Region
Catholic Charities	Non-profit	Public Services	Region
Rebuilding Together SV	Non-profit	Public Services	Region
Abode Services, Inc.	Non-profit	Homelessness	Region
Next Door Solutions to DV	Non-profit	Public Services	Region
YWCA	Non-profit	Public Services	Region

Assess of Strengths and Gaps in the Institutional Delivery System

The delivery structure is established to provide social services to the community. Current strengths of the system include its ability to reach seniors, children and youth, and victims of domestic violence. The system has gaps in assisting the homeless and those most at-risk of homelessness. Currently, there are no homeless shelters located within the City limits. The closest shelter is more than 10 miles away in downtown San Jose. The system also lacks in providing adequate resources for those most at risk of experiencing homelessness. While the city has made strides to enhance that section of the delivery system, a substantial investment must be made to prevent those most at risk of homelessness from experiencing homelessness.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	
Legal Assistance			
Mortgage Assistance			
Rental Assistance			
Utilities Assistance			
Street Outreach Services			
Law Enforcement	X	X	
Mobile Clinics	X	X	
Other Street Outreach Services	X	X	

Supportive Services			
Alcohol & Drug Abuse			
Child Care			
Education			
Employment and Employment Training			
Healthcare			
HIV/AIDS			
Life Skills			
Mental Health Counseling	X	X	
Transportation			
Other			
Other			

Table 50 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

Currently, there are no homeless shelters located within the City limits. The closest shelter is more than 10 miles away in downtown San Jose. The system also lacks in providing adequate resources for those most at risk of experiencing homelessness. While the city has made strides to enhance that section of the delivery system, a substantial investment must be made to prevent those most at risk of homelessness from experiencing homelessness.

The City contracts with the County of Santa Clara's Office of Supportive Housing to secure services from its Homeless Engagement and Assessment Team (HEAT). HEAT focuses on providing direct outreach services to Milpitas' unhoused residents. The outreach results in the placement of our unhoused residents into the community queue for transitional housing opportunities in the long term and counseling, mental health, and other resources in the short term.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

Current strengths of the system include its ability to reach seniors, children and youth, and victims of domestic violence. The system has gaps in assisting the homeless and those most at-risk of homelessness. Currently, there are no homeless shelters located within the City limits. The closest shelter is more than 10 miles away in downtown San Jose. The system also lacks in providing adequate resources for those most at risk of experiencing homelessness. While the city has made strides to enhance that section of the delivery system, a substantial investment must be made to prevent those most at risk of homelessness from experiencing homelessness.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

The City endeavors to connect with new service providers that can aid in filling gaps in the delivery system. However, the greatest need is to provide affordable housing opportunities. These opportunities are very few and far between. The 2020 County plan to end homelessness addresses the region's strategy to house the unhoused population. As a regional approach, the County plan identifies a three part strategy: (1) Address the root causes of homelessness through system and policy change; (2) Expand homelessness prevention and housing programs to meet the need; and (3) Improve quality of life for unsheltered individuals and create healthy neighborhoods for all. With this strategy, the county estimates a 30% reduction in the annual inflow of people becoming homeless.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Maintain and Preserve Existing Housing	2022	2025	Affordable Housing Non-Homeless Special Needs	Citywide	Affordable Housing Development and Preservation	N/A	N/A
2	New Affordable Housing	2022	2025	Affordable Housing	Citywide	Affordable Housing Development and Preservation	N/A	N/A
3	Affordable Housing Rental Rehabilitation	2022	2025	Non-Housing Community Development	Citywide	Affordable Housing Development and Preservation	N/A	N/A
4	Community Funding/Public Services	2022	2025	Homeless Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
5	Public services for low- and moderate-income residents at risk of eviction	2022	2025	Homeless Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
6	Fair Housing	2022	2025	Affordable Housing Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
7	Public Services for Children and Youth	2022	2025	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	N/A	N/A

8	Public Services for Seniors	2022	2025	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	N/A	N/A
9	Public Services for Domestic Violence support	2022	2025	Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
10	Public Improvements including accessibility and improving public facilities	2022	2025	Non-Housing Community Development	Citywide	Community, Public, and Neighborhood Sustainability	N/A	N/A
11	Assist Microenterprises and Small Businesses	2022	2025	Non-Housing Community Development	Citywide	Economic Development	N/A	N/A
12	Explore the use of HUD Section 108 Loan Guarantee Program	2022	2025	Affordable Housing Non-Housing Community Development	Citywide	Community Services Economic Development	N/A	N/A

Table 51 – Goals Summary

Goal Descriptions

1	**Goal Name**	Maintain and Preserve Existing Housing
	Goal Description	N/A
2	**Goal Name**	New Affordable Housing
	Goal Description	Availability/Accessibility
3	**Goal Name**	Affordable Housing Rental Rehabilitation
	Goal Description	N/A
4	**Goal Name**	Community Funding/Public Services
	Goal Description	N/A
5	**Goal Name**	Public services for low- and moderate-income residents at risk of eviction
	Goal Description	N/A
6	**Goal Name**	Fair Housing
	Goal Description	N/A
7	**Goal Name**	Public Services for Children and Youth

	Goal Description	N/A
8	**Goal Name**	Public Services for Seniors
	Goal Description	N/A
9	**Goal Name**	Public Services for Domestic Violence support
	Goal Description	N/A
10	**Goal Name**	Public Improvements including accessibility and improving public facilities
	Goal Description	N/A
11	**Goal Name**	Assist Microenterprises and Small Businesses
	Goal Description	N/A
12	**Goal Name**	Explore the use of HUD Section 108 Loan Guarantee Program
	Goal Description	Support activities that assist in addressing the Affordable Housing Development and Preservation& Economic Development goals with the use of Section 108 funds.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The City currently has approximately 300 affordable units in the development pipeline that are expected to be made available to lower income residents in Milpitas over the next 3-5 years.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

n/a

Activities to Increase Resident Involvements

n/a

Is the public housing agency designated as troubled under 24 CFR part 902?

no

Plan to remove the 'troubled' designation

n/a

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

Along with other jurisdictions in Santa Clara County, the City of Milpitas is facing many obstacles in creating more affordable housing. The many constraints that the City is facing is the limited amount of developable land, government constraints, infrastructure and public facilities constraints, environmental, housing for persons with disabilities, and financing and construction costs.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will help contribute to future affordable housing projects that will house homeless.

Affordable Housing Ordinance

On June 12, 2018, the City Council adopted Affordable Housing Ordinance No. 297 which requires that any new development with 10 or more units must include 15% of the units these units as affordable. The ordinance applies to both rental and ownership developments. In January 2022, Council approved changes to the Affordable Housing Ordinance to encourage more on-site affordable housing production. Council also adopted changes to add clarity and consistency throughout the ordinance.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the construction of affordable units.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, a qualified applicant from the waiting list will have the ability to purchase a home in Milpitas at one of the various developments throughout the City. For qualified households, the City also provides a loan of up to $50,000.

Fair Housing

Milpitas provides CDBG funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals,

community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition, they provide education and outreach to property owners, and property management to become proactive in their housing policies.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

In October 2020, the City Council endorsed the 2020-2025 Santa Clara County Plan to End Homelessness. On November 10, 2020, the City Council approved and authorized staff to enter into an agreement for homeless outreach, assessment, and street-based case management services with Santa Clara County. In December 2020, the City Council authorized staff to contract with Project WeHope to provide mobile shower and laundry services in Milpitas. The City Council also established a Homelessness Task Force, who will be responsible for providing low cost homeless response suggestions to the City Council. The City's Building Safety and Housing team will continue to explore resources that can further benefit the homeless population in Milpitas.

The Santa Clara Office of Supportive Housing surveys homeless individuals every two years and writes strategic plans every five years, which involves extensive community engagement.

Addressing the emergency and transitional housing needs of homeless persons

The City of Milpitas will address emergency shelter and transitional housing needs of homeless persons by continuing to coordinate services between the City's Police, Building Safety & Housing, and Public Works Departments and our local service providers, such as LifeMoves.

CDBG Funded

- Next Door Solutions to Domestic Violence: Next Door Solutions to Domestic Violence provides client-centered, community-based supportive services for victims of domestic violence and his/her children. The organization also provides undisclosed emergency shelter when requested and needed by the individual and/or family.
- YWCA Silicon Valley (YWCA): YWCA Silicon Valley empowers women and her children to end racism and violence through offering supportive services for self-improvement and undisclosed emergency shelter for short-term to a longer amount of time if needed. YWCA also provides clients referrals to permanent housing if possible, and available.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

On November 10, 2020, the City Council approved and authorized staff to enter into an agreement for

homeless outreach, assessment, and street-based case management services with Santa Clara County. The assessment will place our residents in the Santa Clary County community queue, which is the pathway towards being placed in rapid rehousing, transitional or permeant affordable housing. On March 16, 2022, the City Council approved allocating $100,000 from the Federal American Rescue Plan Act funding to extend the homeless outreach, assessment, and street-based case management services contract for an additional year.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

As mentioned in the previous paragraph of CDBG funded programs related to emergency shelter, the City also funds organizations that take proactive measures in helping individuals in need of legal help, youth needs and concerns and fair housing so that he/she can become informed of his or her rights before the individual is forced into homelessness.

CDBG and City Local Funds

- Rent Relief Program: The Silicon Valley Independent Living Center has been administering the City's Rent Relief Program, which offers low- and moderate-income residents no more than 3 months of rental assistance to prevent eviction, avoid community displacement, and to remain housed.
- Child Advocates of Silicon Valley: Child Advocates connect court appointed special advocates (CASAs) to foster children. These volunteers must make a commitment to the children for a long-term, many for his or her entire life. The consistent support of the CASA is often the only adult who has steadily remained with the child, providing crucial mentorship.
- Seniors Adults Legal Assistance (SALA): SALA is committed to providing free-legal services to seniors. Legal services that SALA provides ranges from: public benefits, long-term care, alternatives to institutionalization, elder abuse, long-term care insurance, incapacity planning, probate, simple wills and housing – related to Landlord-Tenant issues. Often, many seniors do not know his or her housing rights or sign over the will of their house without knowing, and with fixed income, many are unable to provide legal help. SALA provides legal help free of charge for these low to extremely low-income seniors.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

The County of Santa Clara has received funding from State's Department of Health Service and Federal Government for Center for Disease Control to implement a Childhood Lead Poisoning Prevention Program. The funded programs include community outreach screen, case management and public education to inform low-to-moderate income and older communities. The project will then follow up with environmental testing, lead-based education, blood-lead testing for children, hazard reduction grants and follow up with monitoring and testing.

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects. In addition, the City publicize and identifies lead-based hazards and older residential projects through its Code Enforcement Division and Building Department. In addition, projects undergoing rehabilitation, under the City's Rehabilitation, provides technical assistance and abatement of lead-based paints.

How are the actions listed above related to the extent of lead poisoning and hazards?

Fifty-five percent of owner-occupied homes in Milpitas were built prior to 1970, the period of time identified as using lead-based paint.

How are the actions listed above integrated into housing policies and procedures?

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The City of Milpitas will follow these actions:

- Work with non-profit housing developers to fund and provide more affordable housing opportunities to address the homeless problem and needs of very low and low-income households.
- Provide funding and supportive services to prevent very low-income persons and families from becoming homeless and assist them in ending the cycle of homelessness.
- Address the employment and income needs of individuals and families who are economically disadvantaged, including persons who are homeless, who have disabilities, and those who are participating in the County of Santa Clara Welfare-to-Work Programs.
- Provide funding for a variety of services and referrals to assist people in obtaining access to public assistance to prevent poverty.
- Per Section 3, if there are HUD funded projects that can create direct economic opportunities must take every effort to recruit, target and directed towards low and very low-income residents and businesses.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

Many of the organizations the City contracts with regionally work to reduce poverty within the City. Our respective plan and missions are very well aligned to confront poverty.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City enters into a subrecipient agreement with each subgrantee. The terms and conditions are in compliance with HUD regulations and approved by our City Attorney. Once per quarter, each subgrantee is to report their activities to the City. This has allowed the City to maintain a high integrity level with regards to monitoring our subgrantees and reporting our progress to HUD.

City of Milpitas

ANNUAL ACTION PLAN

Fiscal Year 2022-2023

DRAFT

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

As of this writing, the City of Milpitas has yet to receive an initial Community Development Block Grant (CDBG) entitlement allocation. On December 24, 2021, the City announced that the application period for FY22-23 applications would be open from January 3, 2022 through February 18, 2022. Staff also designed a simplified application to streamline and increase efficiency of the process. Twenty-three (23) simplified applications with requests totaling over $2,500,000 were received during the application period. A full breakdown of these simplified applications is provided in the analysis section below.

Staff held two public outreach meetings during CAC meetings to provide a forum for the community to come provide feedback on their desired priorities for the Con Plan. On December 1, 2021, the CAC received a staff presentation on the results of the CDBG Consolidated Plan survey. On March 2, 2022, the CAC received a staff presentation on, as well an overview of, the 23 simplified applications received for CDBG funding. The Commission heard 19 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds.

Staff will conduct two public hearings with the community and City Council on April 5 and May 3, 2022.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The objectives and outcomes identified in this Consolidated Plan to allocate CDBG funds and action taken by Annual Action Plan will be directed towards accomplishing the following priority housing and community development needs in Milpitas:

- Maintain and Preserve Existing Housing
- New Affordable Housing
- Affordable Housing Rental Rehabilitation
- Community Funding/Public Services
- Public services for low- and moderate-income residents at risk of eviction
- Fair Housing
- Public Services for Children and Youth
- Public Services for Seniors
- Public Services for Domestic Violence support
- Public Improvements including accessibility and improving public facilities

- Assist Microenterprises and Small Businesses
- Explore the use of HUD Section 108 Loan Guarantee Program

3. Evaluation of past performance

City of Milpitas has had successful implementation of all projects included in the plan. The projects have met all timeliness deadlines and have benefitted low- and moderate-income residents.

4. Summary of Citizen Participation Process and consultation process

The City held a public meeting with the Community Advisory Commission (CAC) on March 2, 2022 to review applications and hear applicant presentations. The CAC made their recommendations for funding to the City Council. Nineteen (19) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

On March 4, 2022, the City placed an advertisement in the Milpitas post for the April 5 and May 3, 2022 City Council meetings. The notice of public hearing is to review funding applications for the FY22-25 Consolidated Plan and FY22-23 CDBG funding year.

On April 1, 2022, the City posted the draft FY22-25 Consolidated Plan and draft FY22-23 Annual Action Plan on its website to provide opportunities for public comment. The documents were posted at this url: http://www.ci.milpitas.ca.gov/milpitas/departments/federalprogram-community-development-block-grant-cdbg/

5. Summary of public comments

At the December 1, 2021 Community Advisory Commission meeting, staff provided a brief presentation on the fiscal year 2022-2025 CDBG Consolidated Plan process, including an overview of the results of the Consolidated Plan Community Survey, and a timeline of events for the upcoming fiscal year. Seven consultants from various public and private agencies that provide housing, health services, and other social services provided comments to the Commission. One member of the community provided public comment to the Commission in support of the services discussed during the meeting.

On March 2, 2022, the CAC received a staff presentation on, as well an overview of, the 23 simplified applications received for CDBG funding. The Commission heard 19 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds.

6. Summary of comments or views not accepted and the reasons for not accepting them

N/A

7. Summary

Following the requirements of the Citizen Participation Plan, the CAC made their recommendations for priority areas to be funded to the City Council on March 2, 2022. The City held public hearings on April 5 and May 3, 2022. A summary of public comments will be added at the conclusion of the hearings.

On April 1, 2022, the City posted the draft FY22-25 Consolidated Plan and the draft FY22-23 Annual Action Plan on its website to provide opportunities for public comment. The documents were posted at this url: http://www.ci.milpitas.ca.gov/milpitas/departments/federalprogram-community-development-block-grant-cdbg/

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MILPITAS	Building Safety & Housing

Table 1 – Responsible Agencies

Narrative (optional)

The City of Milpitas – Building Safety & Housing Department is the lead agency for the United States Department of Housing and Urban Development (HUD) entitlement program, Community Development Block Grant (CDBG).

Pursuant to the Department of Housing and Urban Development (HUD) funding requirements and in conformance with 24 CFR Part 91, Consolidated Submission for Community Planning and Development Programs, City of Milpitas has prepared and adopted the 2022-2023 Annual Action Plan. The Action Plan is submitted annually and describes the eligible programs, projects and activities to be undertaken with funds that are expected to be made available during the fiscal year 2022-2023 and their relationship to the City's priorities and needs for housing, homelessness and community development laid out in the three-Year Consolidated Plan. The 2022-2023 Annual Action Plan will be the first year action plan under the new three year Consolidated Plan.

The City of Milpitas will submit its three-year Consolidated Plan (2022-2025) to HUD. The Consolidated Plan identifies the long-term goals and objectives achieved and consistent with the annual Action Plan Report. Included with the submission of the Action Plan is the Standard Form 424, Proposed Projects and Certifications as required the by Community Development Block Grant (CDBG) Program regulations. The goals and objectives identified in the Milpitas Action Plan are in full compliance with the approved and adopted policies and procedures outlined in the Milpitas CDBG Citizen Participation Plan.

The public review and comments period for the Draft Annual Action Plan is April 1 – May 3, 2022.

The City of Milpitas has updated its Analysis of Impediments (AI) to Fair Housing Choice Report in 2016 in anticipation of the preparation for the future Consolidated Plan (2018-2023). The previous AI Report was adopted in 2011.

In May 2015, City of Milpitas General Plan Housing Element (2015-2023) was certified by State of California Department of Housing and Community Development (HCD). The Milpitas City Council reviewed and adopted its Housing Element on April 28, 2015.

Consolidated Plan Public Contact Information

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AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Milpitas requested a number of consultations with a multitude of stakeholders in the development of the Annual Action Plan. The City of Milpitas solicited comments and public input for 30 days for the draft Annual Action Plan. In addition, the City posted the public hearing notice on its website, sent an email to all CDBG applicants, the Community Advisory Commission, and other agencies or individuals who can further Citizen Participation. Public notices were sent out notifying the public hearings for the funding recommendations discussion to be held at the two scheduled City Council meetings. Additionally, an advertisement was posted in the Milpitas Post.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City participates in a weekly meeting with all local jurisdictions, which often includes the Housing Authority and HUD, to discuss housing cooperation. City staff continues to maintain dialogue with all service providers, public and private to enhance services or if the City can connect service providers for better coordination of service deliveries.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Santa Clara County Continuum of Care (CoC) is a multi-sector group of stakeholders guiding the implementation of the County's housing and service system to meet the need and prevent and end homelessness. The CoC includes: 1) permanent housing, 2) emergency shelter with outreach and assessment services, 3) transitional housing with support services, and 4) prevention services. In 2020, the City of Milpitas participated in the preparation of the Community Plan to End Homelessness in Santa Clara County. The Plan identifies strategies to address the needs of homeless persons in the county. On October 6, 2020, the City Council endorsed the 2020-2025 Santa Clara County Community Plan to End Homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Milpitas does not receive Emergency Shelter Grant (ESG) funding however the City participates with the CoC to address homeless issues.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	Project Sentinel
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Fair Housing
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Project Sentinel attended a community meeting to voice the needs on behalf the community and seek continued support for fair housing and tenant landlord mitigation services. The City will continue to support fair housing services.
2	**Agency/Group/Organization**	Catholic Charities of Santa Clara County Long Term Care Ombudsman Program
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Catholic Charities attended to voice the need for those living in long term care.
3	**Agency/Group/Organization**	Child Advocates of Silicon Valley
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Child Advocates attended to voice the need for the children in the foster care system.
4	**Agency/Group/Organization**	Next Door Solutions to Domestic Violence
	Agency/Group/Organization Type	Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Next Door Solutions to Domestic Violence attended to voice the need for services for family's experience abuse.
5	**Agency/Group/Organization**	Senior Adults Legal Assistance (SALA)
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from SALA attended to voice the need for continuing legal services for senior persons.
6	**Agency/Group/Organization**	Silicon Valley Independent Living Center
	Agency/Group/Organization Type	Housing Services – Interim Assistance (Rent Relief) Services – Elderly Person Services – Persons with Disabilities Services – Homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Disproportionately Greater Need: Housing Cost Burdens
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from SVILC attended to voice the need for providing additional rent relief services as well as other housing needs and referrals to partner organizations.
7	**Agency/Group/Organization**	YWCA
	Agency/Group/Organization Type	Services - Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from YWCA attended to voice the need for continued services for persons experiencing domestic abuse.
8	**Agency/Group/Organization**	Rebuilding Together Silicon Valley
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Rebuilding Together Silicon Valley attended to voice the need for continued services for low-income home repairs.
9	**Agency/Group/Organization**	Terrace Gardens Senior Housing, Inc.
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Terrace Gardens attended to voice the need for services for senior person(s).
10	**Agency/Group/Organization**	LifeMoves
	Agency/Group/Organization Type	Housing Services - Housing Services - Homeless housing need assessment
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homeless Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from LifeMoves attended to voice the need for continued services for the homeless populations they serve.

Identify any Agency Types not consulted and provide rationale for not consulting

The City did not consult with nearby correctional facility or child welfare entities. The organization has various partnerships with the County and the City works with those organizations indirectly through the several partnerships through the County and sub-recipients funded and outlined in this Action Plan.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Regional Continuum of Care Council	The Continuum of Care works to alleviate the impact of homelessness in the community through the cooperation and collaboration of social service providers. This effort aligns with the Strategic Plan's goal to support activities to prevent and end homelessness.
City of Milpitas Housing Element	City of Milpitas	The Housing Element serves as a policy guide to help the City meet its existing and future housing needs. This effort aligns with the Strategic Plan's goal to assist in the creation and preservation of affordable housing.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal setting

The citizen participation process includes holding several public community meetings and workshops for maximum citizen participation. City staff worked closely with the City's Community Advisory Commission (CAC) holding two public meetings for the Commission and community to understand and participate in the CDBG process. The CAC held public meetings on December 1, 2022 and March 2, 2022 to discuss the priorities and goals for the FY22-25 Consolidated Plan and funding allocations for the FY22-23 Annual Action Plan.

The City conducted 5 total meetings to discuss CDBG allocations, 2 of which were public hearings. Noticing for the public hearings were done in accordance with the Citizen Participation Plan, which has been amended in accordance with HUD guidelines.

At the December 1, 2021 Community Advisory Commission meeting, staff provided a brief presentation on the fiscal year 2022-2025 CDBG Consolidated Plan process, including an overview of the results of the Consolidated Plan Community Survey, and a timeline of events for the upcoming fiscal year. Seven consultants from various public and private agencies that provide housing, health services, and other social services provided comments to the Commission. One member of the community provided public comment to the Commission in support of the services discussed during the meeting.

On March 2, 2022, the CAC received a staff presentation on, as well an overview of, the 23 simplified applications received for CDBG funding. The Commission heard 19 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds. One public comment requested consideration for disabled individuals when considering upgrades to the City's parks.

On April 1, 2022, the City posted the draft FY22-25 Consolidated Plan and the draft FY22-23 Annual Action Plan on its website to provide opportunities for public comment. The documents were posted at this url: http://www.ci.milpitas.ca.gov/milpitas/departments/federalprogram-community-development-block-grant-cdbg/

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	News-paper ad	Non-targeted/broad community	Opening the application period	No comments were received	n/a	
2	Internet/Social Media Outreach	Broad community	32 responses	The City created a Consolidated Plan community survey to obtain citizen and stakeholder input and comments for the development of the Consolidated Plan. A total of 32 responses were received.		https://www.ci.milpitas.ca.gov/wp-content/uploads/2021/12/2022-2025-community-development-block-grant_results.pdf
3	Public Meeting (CAC)	Non-targeted/broad community	20 Attendees	Seven consultants from various public and private agencies that provide housing, health services, and other social services provided comments to the Commission. One member of the community provided public comment to the Commission in support of the services discussed during the meeting.	n/a	
4	Public Meeting (CAC)	Non-targeted/broad community	10 Attendees	No comments were received	n/a	
5	Public Meeting (CAC)	Non-targeted/broad community	30 Attendees	The Commission heard 19 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds. One public comment requested consideration for disabled individuals when considering upgrades to the City's parks.	n/a	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
6	News-paper ad/website	Non-targeted/broad community	Public Hearing Notice for City Council Meetings	No comments were received	n/a	
7	City Council Meeting Public Hearing	Non-targeted/broad community	n/a	n/a	n/a	
8	Website	Non-targeted/Broad community	Draft AAP	n/a	n/a	
9	City Council Meeting Public Hearing	Non-targeted/broad community	n/a	n/a	n/a	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Milpitas will receive $682,977 for Program Year 2021 in CDBG funds.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	$600,000	$8,959	$85,839.74	$694,798.74	$1,105,201.26	

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Not applicable, the City does not match federal funds.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There are two parcels controlled by the City. One parcel, located at 1432 S. Main Street, is owned by Milpitas Housing Authority and is approximately 0.9 acres in size. Currently the parcel is occupied by commercial tenants, but the land is zoned as high-density multi-family residential. The other parcel, approximately 1.7 acres, is located adjacent to the Milpitas Housing Authority property and is owned by the City of Milpitas. That City parcel is also occupied by commercial business but is also zoned for multi-family residential use. In January 2022, the City Council directed staff to sell the parcel owned by the Milpitas Housing Authority with the intent that the buyer will develop affordable housing.

Discussion

Please see discussion above.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Maintain and Preserve Existing Housing	2022	2025	Affordable Housing Non-Homeless Special Needs	Citywide	Affordable Housing Development and Preservation	N/A	N/A
2	New Affordable Housing	2022	2025	Affordable Housing	Citywide	Affordable Housing Development and Preservation	N/A	N/A
3	Affordable Housing Rental Rehabilitation	2022	2025	Non-Housing Community Development	Citywide	Affordable Housing Development and Preservation	N/A	N/A
4	Community Funding/Public Services	2022	2025	Homeless Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
5	Public services for low- and moderate-income residents at risk of eviction	2022	2025	Homeless Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
6	Fair Housing	2022	2025	Affordable Housing Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
7	Public Services for Children and Youth	2022	2025	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	N/A	N/A
8	Public Services for Seniors	2022	2025	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	N/A	N/A

9	Public Services for Domestic Violence support	2022	2025	Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
10	Public Improvements including accessibility and improving public facilities	2022	2025	Non-Housing Community Development	Citywide	Community, Public, and Neighborhood Sustainability	N/A	N/A
11	Assist Microenterprises and Small Businesses	2022	2025	Non-Housing Community Development	Citywide	Economic Development	N/A	N/A
12	Explore the use of HUD Section 108 Loan Guarantee Program	2022	2025	Affordable Housing Non-Housing Community Development	Citywide	Community Services Economic Development	N/A	N/A

Table 6 – Goals Summary

Goal Descriptions

1	**Goal Name**	Maintain and Preserve Existing Housing
	Goal Description	N/A
2	**Goal Name**	New Affordable Housing
	Goal Description	Availability/Accessibility
3	**Goal Name**	Affordable Housing Rental Rehabilitation
	Goal Description	N/A
4	**Goal Name**	Community Funding/Public Services
	Goal Description	N/A
5	**Goal Name**	Public services for low- and moderate-income residents at risk of eviction
	Goal Description	N/A
6	**Goal Name**	Fair Housing
	Goal Description	N/A
7	**Goal Name**	Public Services for Children and Youth
	Goal Description	N/A
8	**Goal Name**	Public Services for Seniors

	Goal Description	N/A
9	**Goal Name**	Public Services for Domestic Violence support
	Goal Description	N/A
10	**Goal Name**	Public Improvements including accessibility and improving public facilities
	Goal Description	N/A
11	**Goal Name**	Assist Microenterprises and Small Businesses
	Goal Description	N/A
12	**Goal Name**	Explore the use of HUD Section 108 Loan Guarantee Program
	Goal Description	Support activities that assist in addressing the Affordable Housing Development and Preservation& Economic Development goals with the use of Section 108 funds.

Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Milpitas only receives Community Development Block Grant (CDBG) funding. If available and recommended in certain circumstances, the City Council may also augment the funds and contribute from local funds, such as the Community Promotion Fund (CPF). All the funds mentioned, are in efforts to serve and improve the lives of low- and moderate-income persons in Milpitas.

Projects

#	Project Name
1	Catholic Charities of Santa Clara County
2	Child Advocates of Silicon Valley
3	City of Milpitas (Technology for Seniors Program)
4	Hope for the Unhoused
5	Lighthouse of Hope Counseling Center
6	M.A.C.A
7	Next Door Solutions to Domestic Violence
8	PRAGNYA
9	Senior Adults Legal Assistance (SALA)
10	Silicon Valley Independent Living Center – Rent Relief
11	Silicon Valley Independent Living Center – Housing Search
12	Terrace Gardens Senior Housing - Capital

13	YWCA Golden Gate Silicon Valley – DV Services
14	Rebuilding Together Silicon Valley - Capital
15	YWCA Golden Gate Silicon Valley – MUSD Partnership
16	LifeMoves - Capital
17	Milpitas Recreation and Community Services - Capital
18	Filipino American Chamber of Commerce Silicon Valley
19	Terrace Gardens Senior Housing - Senior Nutrition
20	Sourcewise
21	The Health Trust
22	City of Milpitas (Senior Nutrition Program)
23	Project Sentinel
24	Program Administration

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Allocation priorities are derived through qualitative research such as surveys, public meetings, public hearings and other avenues of resident input. The research has impacted the priority needs that address the most vulnerable population in our communities and the City Council has established the priorities to address those underserved needs. The main obstacle is the lack of available funding and lack of flexibility in CDBG funding. As only 15% of the grant is available for public service activities, this severely limits the use of funds on addressing high priority needs.

AP-38 Project Summary

Project Summary Information

1	**Project Name**	Catholic Charities of Santa Clara County
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: $20,500
	Description	Investigate and resolve complaints for seniors and disabled adults in long term care facilities.
	Target Date	6/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	40
	Location Description	All long term care facilities in Milpitas.
	Planned Activities	Site visits to long term care facilities and nursing homes and provide with case management for those clients with open cases.
2	**Project Name**	Child Advocates of Silicon Valley
	Target Area	Citywide
	Goals Supported	Public Services for Children and Youth
	Needs Addressed	Community Services
	Funding	CDBG: $14,000
	Description	Provides court appointed youths with volunteers to maintain life-long mentorship and guidance.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	16
	Location Description	Milpitas, CA
	Planned Activities	Organization will recruit, train more volunteers and providing essential mentor and guidance for youth.
3	**Project Name**	City of Milpitas (Technology for Seniors Program)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: $10,000
	Description	The Technology for Seniors program will target seniors age 62+ who are needing continued support and education on technology such as Chromebooks, as a means to counter social isolation, and as a result, stay better "connected" to family, friends and Milpitas community-based activities, services and resources.
	Target Date	6/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	35
	Location Description	Milpitas Senior Center
	Planned Activities	Technology support for Seniors
4	**Project Name**	Hope for the Unhoused
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: $15,000
	Description	The first program, Emergency Shelter Fund, would provide up to 100 nights for unhoused in critical need. The second program, our Clean-Up Fund, would provide for the costs associated with helping encampments cleanup their areas, by providing vehicles to transport garbage to the dump.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	100
	Location Description	Citywide
	Planned Activities	Providing support for the homeless community
5	**Project Name**	Lighthouse of Hope Counseling Center
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: $5,000
	Description	Lighthouse of Hope provides counseling, psychological support, and education to the entire community: families, homeless, adolescent fathers, and high school students onsite in their schools.
	Target Date	6/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	23
	Location Description	Citywide
	Planned Activities	Psychological support, and education to the entire community: families, homeless, adolescent fathers, and high school students onsite in their schools.
6	**Project Name**	M.A.C.A
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: $50,000
	Description	To foster and promote substance abuse prevention education to first, second, and third graders in the Milpitas Unified School District or Children Developmental Centers.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	300
	Location Description	Citywide
	Planned Activities	To foster and promote substance abuse prevention education to first, second, and third graders in the Milpitas Unified School District or Children Developmental Centers.
7	**Project Name**	Next Door Solutions to Domestic Violence
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Public Services for Domestic Violence support
	Funding	CDBG: $28,120
	Description	Next Door Solutions to Domestic Violence is a nonprofit, multi-cultural agency dedicated to providing proactive and progressive solutions to domestic violence. Next Door Solutions provides peer counseling, advocacy, legal help and support groups. Additionally, Next Door Solutions to Domestic Violence provides safe emergency shelter to victims of domestic violence and their children within a confidential and protected environment.

	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	58
	Location Description	The office is located in San Jose.
	Planned Activities	Domestic violence services
8	**Project Name**	Pragnya
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: $50,000
	Description	The Pragnya Enrichment program caters to children, youth and adults with developmental and intellectual disabilities(ID/DD).
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	200
	Location Description	Citywide
	Planned Activities	Support children, youth and adults from the Special Needs community
9	**Project Name**	Senior Adults Legal Assistance (SALA)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: $12,600

	Description	Legal services in the form of advice/referrals, consultations/brief service, and legal representation will be provided to Milpitas elders in areas of law common to SALA's target population including, but not limited to, the following: Public Benefits (Social Security, SSI, Medicare, and Medi-Cal); Nursing Homes and Alternatives to Institutionalization (including Advance Directives); Elder Abuse; Housing Law, Consumer Problems; and Personal Affairs (including Simple Wills through SALA's No Fee Wills Panel). SALA will provide services through on-site appointments scheduled at intake days at least once a month at the Barbara Lee (Milpitas) Senior Center. Home visits will be made to elders in Milpitas who are homebound or who reside in nursing homes. Milpitas residents with urgent problems will also be served on an emergency basis by telephone. Milpitas residents who appear at SALA intake sites in other cities will also be served. SALA will also conduct one community education presentation annually for the participants at the Milpitas Senior Center. All services described herein will be provided by one of the attorneys on SALA's staff, a pro bono (volunteer) attorney, or a paralegal (either paid staff or volunteer).
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	20
	Location Description	At their San Jose office, Milpitas Senior Center and Milpitas Library.
	Planned Activities	Legal assistance, including advising and counseling on basic rights. Facilitation access to public benefits to meet basic life needs and legal planning.
10	**Project Name**	Silicon Valley Independent Living Center - Rent Relief
	Target Area	Citywide
	Goals Supported	Public services for low and moderate income residents at risk of eviction
	Needs Addressed	Community Services
	Funding	$300,000.00
	Description	Direct aid to the Rent Relief Program
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	230
	Location Description	Throughout Milpitas

	Planned Activities	Providing rental assistance to LMC Milpitas residents at risk of eviction due to COVID-19.
11	**Project Name**	Silicon Valley Independent Living Center - Housing Search
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	$300,000.00
	Description	The Housing & Support Services for Persons with Disabilities & Older Adults program is the most utilized service with over 75% of consumers requesting and receiving housing assistance, rent relief, and/or other emergency services.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	60
	Location Description	Housing search assistance for Milpitas residents
	Planned Activities	Providing rental assistance to LMC Milpitas residents at risk of eviction due to COVID-19.
12	**Project Name**	Terrace Gardens Senior Housing - Capital
	Target Area	Citywide
	Goals Supported	Affordable Housing Rental Rehabilitation
	Needs Addressed	Affordable Housing Rental Rehabilitation
	Funding	CDBG: $20,000
	Description	Rehab the existing trellis at Terrace Gardens.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	184
	Location Description	186 Beresford Court
	Planned Activities	Funding will be used to rehab the existing trellis at Terrace Gardens.
13	**Project Name**	YWCA Silicon Valley
	Target Area	Citywide

	Goals Supported	Public Services for Domestic Violence support
	Needs Addressed	Community Services
	Funding	CDBG: $26,000
	Description	Provide residents of the City of Milpitas domestic violence supportive services.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	65
	Location Description	YWCA Office in San Jose
	Planned Activities	Activities include emergency shelter, basic needs, including food and clothing, case management, and safety.
14	**Project Name**	Rebuilding Together Silicon Valley
	Target Area	Citywide
	Goals Supported	Maintain and Preserve Existing Housing
	Needs Addressed	Affordable Housing Development and Preservation
	Funding	CDBG: $280,462.75
	Description	Funding to providing home repairs, rehabilitation, accessibility and mobility services work to low-income homeowners in Milpitas.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	50
	Location Description	Throughout Milpitas
	Planned Activities	Funding to providing home repairs, rehabilitation, accessibility and mobility services work to low-income homeowners in Milpitas.
15	**Project Name**	YWCA Silicon Valley - MUSD Partnership
	Target Area	Citywide
	Goals Supported	Public Services for Domestic Violence support
	Needs Addressed	Community Services
	Funding	CDBG: $44,000

	Description	YWCA Silicon Valley will provide intimate partner violence prevention and sexual assault prevention education to students.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	500
	Location Description	At an MUSD campus identified as having students from predominantly LMI households.
	Planned Activities	Activities include education, workshops, and awareness events
16	**Project Name**	LifeMoves - Capital
	Target Area	Citywide
	Goals Supported	Public Improvements including accessibility and improving public facilities
	Needs Addressed	Community Services
	Funding	CDBG: $400,000
	Description	Performing repairs to Julian Street Inn Shelter.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	105
	Location Description	The shelter is located in San Jose
	Planned Activities	Performing repairs to Julian Street Inn Shelter.
17	**Project Name**	Milpitas Recreation & Community Services - Capital
	Target Area	Citywide
	Goals Supported	Public Improvements including accessibility and improving public facilities
	Needs Addressed	Community Services
	Funding	CDBG: $1,000,000
	Description	City park improvements are needed for public safety and ADA accessibility
	Target Date	6/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	2000
	Location Description	Citywide
	Planned Activities	Performing upgrades to the City's Parks
18	**Project Name**	Filipino American Chamber of Commerce
	Target Area	Citywide
	Goals Supported	Assist Microenterprises and Small Businesses
	Needs Addressed	Economic Development
	Funding	CDBG: $20,000
	Description	Provide hands on training for microenterprise owners on how to create and/or revamp their websites and create marketing strategies.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	20
	Location Description	Filipino American Chamber of Commerce
	Planned Activities	Provide hands on training for small business owners on how to create and/or revamp their websites and create marketing strategies.
19	**Project Name**	Terrace Gardens Senior Housing - Senior Nutrition
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: $42,000
	Description	The project proposed will provide meal delivery to residents, rather than dinner being held in the dining room. Additionally, cleaning supplies and PPE will be purchased to keep up with necessary sanitation practices for our at-risk seniors
	Target Date	6/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	184
	Location Description	186 Beresford Court
	Planned Activities	Funding will be used for meal delivery to residents, rather than dinner being held in the dining room, to keep proper social distancing.
20	**Project Name**	Sourcewise - Meals on Wheels
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: $39,000
	Description	Provide vulnerable seniors age 60 and older who have been impacted by the pandemic nutritious home-delivered meals.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	50
	Location Description	At each of the client's home.
	Planned Activities	Provide seniors with daily healthy, hot meals.
21	**Project Name**	The Health Trust
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: $60,000
	Description	The Health Trust Meals on Wheels program serves physically challenged, home-bound individuals, whether they are elderly, are recuperating after a recent hospitalization, or have disabilities confining them to a wheelchair. Trained drivers, most of whom are volunteers, deliver hot, nutritious meals five days a week along with frozen meals for preparation over the weekend. Drivers also provide daily wellness checks, making sure that clients are safe, alert and cared for. This service provides peace of mind not only to the clients, but also to their families.

	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	35
	Location Description	At each of the client's home.
	Planned Activities	Provide seniors with daily healthy, hot meals.
22	**Project Name**	City of Milpitas (Senior Nutrition Program)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: $61,900
	Description	Request for funding to support excess senior meals to Milpitas seniors (over the budgeted 77 average per day) as a result of the increased food security need related to the pandemic.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	200
	Location Description	Milpitas Senior Center
	Planned Activities	Provide seniors with daily healthy, hot meals.
23	**Project Name**	Project Sentinel (Fair Housing)
	Target Area	Citywide
	Goals Supported	Fair Housing
	Needs Addressed	Community Services
	Funding	CDBG: $56,290

	Description	Project Sentinel is a private nonprofit agency providing fair housing, tenant-landlord counseling and dispute resolution services to the City of Milpitas. In addition to counseling and case intake, education and outreach activities will be ongoing. Outreach activity includes: the publication of Rent Watch, a rental housing advice column; distribution of brochures, radio public service announcements and public presentations and workshops. Presentations and workshops are provided to a wide spectrum of the community: ESL classes at local schools; civic groups like the Rotary and Lions; social service agencies like Catholic Charities and Next Door Solutions; municipal offices such as the Senior Center and Community Center; housing provider associations such as the Apartment Owners Association (AOA). Program services are delivered by designated staff in the agency's Fremont office using a local Milpitas phone line and by staff in the agency's main office at 1490 El Camino Real, Santa Clara. Office hours for counseling and case intake are from 9:00 am to 4:00 pm, Monday through Friday. Evening and week-end appointments are provided when necessary. Tenant-Landlord counseling/Dispute Resolution includes all areas of concern in rental housing; however, evictions and substandard housing complaints receive priority attention. Mediations and conciliations are conducted by trained staff and volunteers. Services are delivered in a neutral, unbiased manner to all parties engaged in the rental housing relationship. Fair Housing services of community education, and complaint investigation are provided from the corporate office and other public facilities within the City of Milpitas (library, community center). HUD-certified mortgage default counseling and First Time Homebuyer workshops are open to Milpitas residents. These services are provided from Project Sentinel's office at the Milpitas Sobrato Center.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	320
	Location Description	At various venues in Milpitas and also their Santa Clara office.
	Planned Activities	Provide educational presentations, outreach, and brochures at a variety of venues. Provide information and referral services and investigate cases of alleged discrimination.
24	**Project Name**	Program Administration
	Target Area	Citywide
	Goals Supported	Program Administration
	Needs Addressed	Program Administration
	Funding	CDBG: $TBD
	Description	Program Administration
	Target Date	6/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	Program Administration
	Location Description	Milpitas, CA
	Planned Activities	Program Administration

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City of Milpitas does not set geographic concentration areas for assistance. Instead the City helps fund organizations that provide supportive services to low- and moderate-income individuals throughout the City.

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not applicable

Discussion

Not applicable

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City adopted Affordable Housing Ordinance No. 297 on June 12, 2018. The Affordable Housing Ordinance requires that all new developments over 10 units requires 15% affordable units. On March 5, 2019, the City established residential and non-residential affordable housing fees. In January 2022, Council approved changes to the Affordable Housing Ordinance to encourage more on-site affordable housing production. Council also adopted changes to add clarity and consistency throughout the ordinance.

One Year Goals for the Number of Households to be Supported	
Homeless	50
Non-Homeless	200
Special-Needs	1,000
Total	1,250

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	50
The Production of New Units	0
Rehab of Existing Units	42
Acquisition of Existing Units	0
Total	92

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City estimates that over 300 affordable units are currently in the development pipeline. These will be built as stand-alone affordable housing and as mixed-income housing in compliance with the City's Affordable Housing Ordinance.

AP-60 Public Housing – 91.220(h)

Introduction

The City of Milpitas currently does not have any public housing. However, there is one Project-based Section 8 property in the City, the Sunnyhills Apartments. The Sunnyhills Apartments is a 171-unit development in which 149 units receive project-based Section 8 vouchers. The Project-based Section 8 vouchers provides rental assistance for each unit between the Department of Housing and Urban Development (HUD) established Fair Market Rent (FMR) for the area and what the tenant can afford to pay. Its aim is to be competitive with the local market thus incentivizing the owner to rent to low income households.

Actions planned during the next year to address the needs to public housing

This is not applicable to the City of Milpitas as there are no public housing units owned or managed by the Housing Authority of the County of Santa Clara in the City.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Not applicable. There are no public housing units in the City of Milpitas.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

Not applicable.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The County of Santa Clara and the City have designated homelessness as a critical issue. Although the total homeless population is declining as a whole, there still remains 7,394 homeless persons. In Santa Clara County's 2019 Point-in-Time Census & Survey Comprehensive Report, the survey identified a total of 125 unsheltered homeless persons in Milpitas. Notably, there was an 89% increase in unsheltered homeless persons in Milpitas. Given the complexity of homelessness, interagency and interregional collaboration is crucial in solving the homeless issue.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

In October 2020, the City Council endorsed the 2020-2025 Santa Clara County Plan to End Homelessness. On November 10, 2020, the City Council approved and authorized staff to enter into an agreement for homeless outreach, assessment, and street-based case management services with Santa Clara County. In December 2020, the City Council authorized staff to contract with Project WeHope to provide mobile shower and laundry services in Milpitas. The City Council also established a Homelessness Task Force, who will be responsible for providing low cost homeless response suggestions to the City Council. The City's Building Safety and Housing team will continue to explore resources that can further benefit the homeless population in Milpitas.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Milpitas will address emergency shelter and transitional housing needs of homeless persons by continuing to coordinate services between the City's Police, Building Safety & Housing, and Public Works Departments and our local service providers, such as LifeMoves.

CDBG Funded

- Next Door Solutions to Domestic Violence: Next Door Solutions to Domestic Violence provides client-centered, community-based supportive services for victims of domestic violence and his/her children. The organization also provides undisclosed emergency shelter when requested and needed by the individual and/or family.
- YWCA Silicon Valley (YWCA): YWCA Silicon Valley empowers women and her children to end racism and violence through offering supportive services for self-improvement and undisclosed emergency shelter for short-term to a longer amount of time if needed. YWCA also provides clients referrals to permanent housing if possible, and available.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent

housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

On November 10, 2020, the City Council approved and authorized staff to enter into an agreement for homeless outreach, assessment, and street-based case management services with Santa Clara County. The assessment will place our residents in the Santa Clary County community queue, which is the pathway towards being placed in rapid rehousing, transitional or permeant affordable housing. On March 16, 2022, the City Council approved allocating $100,000 from the Federal American Rescue Plan Act funding to extend the homeless outreach, assessment, and street-based case management services contract for an additional year.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

As mentioned in the previous paragraph of CDBG funded programs related to emergency shelter, the City also funds organizations that take proactive measures in helping individuals in need of legal help, youth needs and concerns and fair housing so that he/she can become informed of his or her rights before the individual is forced into homelessness.

CDBG and City Local Funds

- Rent Relief Program: The Silicon Valley Independent Living Center has been administering the City's Rent Relief Program, which offers low- and moderate-income residents no more than 3 months of rental assistance to prevent eviction, avoid community displacement, and to remain housed.
- Child Advocates of Silicon Valley: Child Advocates connect court appointed special advocates (CASAs) to foster children. These volunteers must make a commitment to the children for a long-term, many for his or her entire life. The consistent support of the CASA is often the only adult who has steadily remained with the child, providing crucial mentorship.
- Seniors Adults Legal Assistance (SALA): SALA is committed to providing free-legal services to seniors. Legal services that SALA provides ranges from: public benefits, long-term care, alternatives to institutionalization, elder abuse, long-term care insurance, incapacity planning, probate, simple wills and housing – related to Landlord-Tenant issues. Often, many seniors do not know his or her housing rights or sign over the will of their house without knowing, and with fixed income, many are unable to provide legal help. SALA provides legal help free of charge for

these low to extremely low-income seniors.

Discussion

Please see discussion above.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Along with other jurisdictions in Santa Clara County, the City of Milpitas is facing many obstacles in creating more affordable housing. The many constraints that the City is facing is the limited amount of developable land, government constraints, infrastructure and public facilities constraints, environmental, housing for persons with disabilities, and financing and construction costs.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will help contribute to future affordable housing projects that will house homeless.

Affordable Housing Ordinance

On June 12, 2018, the City Council adopted Affordable Housing Ordinance No. 297 which requires that any new development with 10 or more units must include 15% of the units these units as affordable. The ordinance applies to both rental and ownership developments. In January 2022, Council approved changes to the Affordable Housing Ordinance to encourage more on-site affordable housing production. Council also adopted changes to add clarity and consistency throughout the ordinance.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the construction of affordable units.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, a qualified applicant from the waiting list will have the ability to purchase a home in Milpitas at one of the various developments throughout the City. For qualified households, the City also provides a loan of up to

$50,000.

Fair Housing

Milpitas provides CDBG funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals, community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition, they provide education and outreach to property owners, and property management to become proactive in their housing policies.

Discussion:

Please see discussion above.

AP-85 Other Actions – 91.220(k)

Introduction:

The most significant obstacle to addressing the underserved needs for fiscal year 2022-2023 is the lack of sufficient federal, state, and local funds to carry out all the necessary programs, activities and projects.

Actions planned to address obstacles to meeting underserved needs

The diminishing amount of funds continues to be the most significant obstacle to addressing the needs of underserved populations. To address this, the City supplements its CDBG funding with other resources and funds, such as:

- The City of Milpitas Affordable Housing Fund – Used primarily to increase the number of new affordable housing units. It is funded through fees collected from developers in accordance with Affordable Housing Ordinance 297. As an example, the City used these funds to initially fund the Pilot Rent Relief Program the City established in November 2019.
- The City's provides loans on an ongoing, as qualified basis for BMR applicants to qualify for purchasing an available BMR unit.
- Measure A Affordable Housing Bond was approved by voters in November 2016 that approved $950 million dollars for the County to address housing needs for the most vulnerable residents, those in the extremely low-income households.

Actions planned to foster and maintain affordable housing

The City has taken proactive steps to help decrease the barriers in affordable housing through the following ordinances:

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will consider contributing to future affordable housing projects that will house the homeless. The City is in discussion to create its first 100% permanent supporting housing project in Milpitas.

Affordable Housing Ordinance

On June 12, 2018, the City Council adopted Affordable Housing Ordinance No. 297 which requires that any new development with 10 or more units must include 15% of the units these units as affordable. The ordinance applies to both rental and ownership developments. In January 2022, Council approved changes to the Affordable Housing Ordinance to encourage more on-site affordable housing production.

Council also adopted changes to add clarity and consistency throughout the ordinance.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the provision of affordable units in the development.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, the homebuyer will have the ability to purchase a home in Milpitas at one of the various developments throughout the City. For qualified households, the City also provides a loan of up to $50,000.

Fair Housing

Milpitas provides CDBG funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals, community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition, they provide education and outreach to property owners, and property management to become proactive in their housing policies.

Actions planned to reduce lead-based paint hazards

The County of Santa Clara has received funding from State's Department of Health Service and Federal Government for Center for Disease Control to implement a Childhood Lead Poisoning Prevention Program. The funded programs include community outreach screen, case management and public education to inform low-to-moderate income and older communities. The project will then follow up with environmental testing, lead-based education, blood-lead testing for children, hazard reduction grants and follow up with monitoring and testing.

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects. In addition, the City publicize and identifies lead-based hazards and older residential projects through its Code Enforcement Division and Building Department. In addition, projects undergoing rehabilitation, under the City's Rehabilitation, provides technical assistance and abatement of lead-

based paints.

Actions planned to reduce the number of poverty-level families

The City of Milpitas will follow these actions:

- Work with non-profit housing developers to fund and provide more affordable housing opportunities to address the homeless problem and needs of very low and low-income households.
- Provide funding and supportive services to prevent very low-income persons and families from becoming homeless and assist them in ending the cycle of homelessness.
- Address the employment and income needs of individuals and families who are economically disadvantaged, including persons who are homeless, who have disabilities, and those who are participating in the County of Santa Clara Welfare-to-Work Programs.
- Provide funding for a variety of services and referrals to assist people in obtaining access to public assistance to prevent poverty.
- Per Section 3, if there are HUD funded projects that can create direct economic opportunities must take every effort to recruit, target and directed towards low and very low-income residents and businesses.

Actions planned to develop institutional structure

The City is striving to improve intergovernmental and private sector cooperation to synergize efforts and resources and develop new revenues for community service needs and the production of affordable housing. Collaborative efforts include:

- Regular quarterly meetings between entitlement jurisdictions at the CDBG Coordinators Meeting and Regional Housing Working Group
- Joint jurisdiction Request for Proposals and project review committees
- Coordination on project management for projects funded by multiple jurisdictions. Recent examples include the effort by the County to create a regional affordable housing fund, using former redevelopment funds that could be returned to the County to use for affordable housing. Another effort underway involves the possible use of former redevelopment funds to create a countywide pool for homeless shelters and transitional housing. These interactions among agencies generate cohesive discussion and forums for bridging funding and service gaps

on a regional scale.

Actions planned to enhance coordination between public and private housing and social service agencies

The City benefits from a strong jurisdiction and region-wide network of housing and community development partners, such as the County and the CoC. To improve intergovernmental and private sector cooperation, the City will continue to participate with other local jurisdictions and developers in sharing information and resources.

Discussion:

Please see discussion above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l) (1, 2, 4)

Introduction:

The City of Milpitas only receives CDBG funds and will receive the following program income for FY22-23.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	$8,959
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**$8,959**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	90.00%

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive a Presentation and Provide Direction to Staff on a Draft Zoning Ordinance Amendment amending Sections of Title V, Chapter 100, and Title XI, Chapter 10, of the Milpitas Municipal Code Relating to Mobile Food Vending (Food Trucks) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Avery Stark, Associate Planner, 408-586-3288)**
Category:	Community Development
Meeting Date:	3/15/2022
	Recommendation: (1) Receive a presentation from staff; and (2) Provide direction to staff on a draft Zoning Ordinance Amendment setting forth regulations related to mobile food vending.

Background:

Mobile food vehicles, commonly known as food trucks, have become increasingly popular and prevalent as part of the food and beverage industry over the past decade. Food trucks are extremely popular with consumers due to the convenience and novelty of being located in different places at different times (often at festivals or special food truck events), the creativity and liveliness of the food truck movement, the unique types of cuisine served, and the affordability of the food. They are also beneficial for local economic development, since they provide low-cost and low-barrier business opportunities for food entrepreneurs, bring diverse dining options to areas that may have few or no brick-and-mortar restaurants, and generate foot traffic and customers who may also support other nearby local businesses.

The growing popularity of food trucks across the nation, in large cities and small towns alike, has created the need for local regulations that address public health and safety issues while also encouraging and supporting a thriving food truck industry. While food safety and health standards for food trucks are regulated at the county level – in the case of Milpitas, by the Santa Clara County Department of Environmental Health – the process of setting standards and requirements for location, site design, signage, and operating characteristics (e.g. hours of operation, noise, trash management) for food trucks falls within the purview of city government.

With the growing prevalence of food trucks, Planning staff has recognized the need to adopt a thorough, comprehensive set of standards to regulate food trucks operating in Milpitas. The Planning Department currently has a written set of guidelines for owners and operators of food trucks; however, they are not codified in the City's zoning regulations and are therefore not legally enforceable. The only existing reference to mobile food vending in the City's Municipal Code is found in Title V–Public Health,Safety and Welfare; Chapter 100–Traffic; Subsection V-100-10.11–Unlawful Parking–Peddlers, Vendors. This section of the code currently states that vehicles selling any type of goods or merchandise (including food) are prohibited from stopping or parking on any city street for a period exceeding 10 minutes.

Since the summer of 2020, staff has been working on developing draft citywide regulations for mobile food vending. This effort was initiated in part in response to the submittal in 2018 of an application for a mobile food service area ("food truck park") at 25 South Abbott Avenue. Due to the lack of a specific land use classification for mobile food truck facilities in the City's zoning ordinance or other regulations in the Milpitas Municipal Code pertaining to food trucks, the Planning Director determined that the proposed mobile food park at 25 South Abbott Avenue was similar in nature to a restaurant with outdoor seating and referred the

application to the Planning Commission for a decision. The application, which included a request for a Site Development Permit and Conditional Use Permit for the proposed mobile food park, was approved by the Planning Commission on May 27, 2020.

Through the review process for 25 South Abbott Ave., Planning staff concluded that it would be beneficial to prepare and adopt specific regulations for mobile food vending throughout the city, in order to clarify for both City staff and food truck operators what are the zoning requirements, review process, and other rules that apply to such uses. The draft regulations are intended to allow a balance between freedom and opportunity for these small businesses and protection of public safety and welfare.

The Planning Commission considered the draft mobile food vending regulations at a public hearing on February 24, 2021. Members of the Commission generally supported the draft ordinance and voted unanimously (7-0) to recommend approval, with a few specific modifications included in the motion. Staff has subsequently revised the draft ordinance according to the recommendations received from the Planning Commission and is now bringing the proposed regulations to the City Council for review and discussion. Further detail on the Planning Commissioners' comments and the specific changes made to the ordinance is provided below on page 6.

Proposed Zoning Ordinance Amendments

The proposed Zoning Ordinance amendment establishes new regulations for mobile food vehicles by adding a new section (Section 13.18–Mobile Food Vending) to Chapter 10 of Title XI (Zoning, Planning and Annexation) of the Milpitas Municipal Code. These draft regulations for mobile food vending have been crafted and vetted to minimize regulatory barriers and to make it as easy as possible for food truck operators to establish business in Milpitas, while at the same time providing necessary rules to avoid potential impacts from food trucks, especially in residential areas.

The ordinance would include new definitions related to mobile food vending and related facilities such as commissaries (i.e. commercial kitchens where food to be sold off-site from mobile food vehicles is stored and prepared).[1] Mobile food vending and related uses would be added to the use tables for residential, commercial, mixed-use, industrial, institutional, and public open space zoning districts, allowing mobile food vending either by-right or conditionally in these zones. Minor amendments are also proposed to Section 15 (Special Events and Activities) of the Zoning Code and Subsection 10.11 (Unlawful Parking– Peddlers, Vendors) of Municipal Code Title V, Chapter 100–Traffic to ensure consistency with the new mobile food vending regulations.

The proposed regulations would allow mobile food vehicles to operate on private property and within the public right-of-way (i.e. parked on public streets) in most non-residential areas of the city. Mobile food vending would also be allowed, subject to certain limitations and restrictions, in residential zones.

The table on the following page summarizes the proposed mobile food vending regulations by zoning district.

[1] *The Santa Clara County Department of Environmental Health requires food served from mobile food trucks to be prepared in an approved commissary facility*.

Table 1: Summary of Proposed Mobile Food Vending Regulations

Zoning District	Summary of Regulations
Low- and Medium-Density Residential Zones (R1, R2, R3)	*Public Right-of-Way*: May be permitted only as part of a special event (with Special Event permit). *Private Property*: Individual food truck permitted only on a parcel with a museum, hospital, school, or place of religious assembly and worship.
High-Density Residential Zones (R4, R5)	Public Right-of-Way: Permitted Private Property: Individual food truck permitted on a parcel with a museum, hospital, school, or place of religious assembly and worship; individual food truck on a parcel with multi-family residential use may be permitted only as part of a special event (with Special Event permit). Mobile food parks* prohibited in all residential zones.
All Commercial Zones	Individual food trucks permitted on private parcels and in public rights-of-way. Mobile food parks* conditionally permitted in all commercial zones.
Mixed Use Zones – MXD, MXD3	Individual food trucks permitted on private parcels and in public rights-of-way. Mobile food parks* conditionally permitted.
MXD2	Individual food trucks permitted on private parcels and in public rights-of-way. Mobile food parks* prohibited.
All Industrial Zones	Individual food trucks permitted on private parcels and in public rights-of-way. Mobile food parks* prohibited in all industrial zones.
Institutional Zone	Individual food trucks permitted on private parcels and in public rights-of-way. Two or more food trucks may be permitted through a Special Event permit. Mobile food parks* prohibited.
Park and Public Open Space Zone	Individual food trucks permitted. Mobile food parks* prohibited.
Citywide, all zoning districts	Two or more food trucks on a private parcel or in a public park/open space may be permitted through a Special Event permit (operating for seven consecutive days or less).

* *Mobile food parks are defined as sites with two or more mobile food vehicles operating together on the same parcel for a period of more than seven consecutive days.*

Commissaries generally would not be permitted in residential districts (unless part of a civic or community use such as a church or social club, in which case they could be allowed through the Conditional Use Permit process). Commissaries and catering establishments would be permitted by right in the C1, C2, and HS commercial zones and the M1 and MP industrial zones. They would be conditionally permitted in the CO and TC commercial zones, MXD and MXD-3 mixed-use zones and Institutional zone.

Review and approval procedures for mobile food vending are outlined in the draft ordinance and are based on the use regulations for the applicable zoning district, the number of food trucks operating on the site, and the duration of operations at that site.

For mobile food vending ***on private property (****when permitted under use regulations for the applicable zone****) and in public parks***:

		Duration of Operations	
		Seven (7) consecutive days or less	More than seven (7) consecutive days
Number of mobile food vehicles on property	One (1)	Minor Site Development Permit (Staff Review)	
	Two (2) or more	Special Event Permit	(Mobile Food Park) Conditional Use Permit or Not Permitted *(as indicated in use regulations by zone)*

For mobile food vending ***in the public right-of-way (on City streets)***:

Planning staff, in consultation with other City departments including Traffic Engineering, Fire, and the City Attorney, considered what would be the appropriate review process for mobile food vending in the public right-of-way. Because the Zoning Code regulates land uses on private and publicly owned parcels, but not on City streets, review and permitting of mobile food vending within the public right-of-way does not fall within the authority of the Zoning Code.

Thus, in all areas of the city except low- and medium-density residential zones – R1, R2 and R3, a mobile food vehicle proposing to operate in the public right-of-way would be required to obtain a City business license but would not require any other City permits or approvals. At the time of application for a business license to operate a food truck in the public right-of-way, Planning staff would advise the applicant as to the rules and regulations that apply to mobile food vending on city streets. Per the draft ordinance, mobile food vehicles operating in the public right-of-way are required to comply with all local regulations, state laws, and posted restrictions pertaining to traffic and parking.

As described above, mobile food vending in the public right-of-way in R1, R2, and R3 areas would require a Special Event Permit. This provision would allow a single food truck to operate in the public right-of-way in conjunction with a private event.

Location and Siting Requirements

The proposed regulations specify location and siting requirements for mobile food vending. The Planning Director would have discretion to waive or reduce operational and siting standards where appropriate, based on site-specific conditions and subject to required findings for approval.

For vending on private property, a mobile food vehicle operator must obtain written permission from the property owner. The draft regulations stipulate that the vehicle must be parked on a paved surface, clear of t

lanes and loading zones, and at least 15 feet from a driveway or curb cut. The siting of a mobile food vehicle must not reduce the number of parking spaces that are required by the zoning code for the existing use or uses on the lot.

For vending in public parks, approval of location and siting would be required from the City of Milpitas Recreation Services Department (through the Minor Site Development Permit or Special Event Permit review process) and a vehicle must be parked legally on a paved surface while in operation. For vending in the public right-of-way, as noted above, mobile food vehicles must be parked in a legal parking space while in operation and must comply with all parking rules and restrictions, including time limits and payment at metered parking spaces. Customers may be served only from the sidewalk or curb side of the vehicle.

In addition, mobile food vehicles must maintain a minimum distance of 150 feet from existing restaurants and freeway on/off ramps.

Site Design Standards

Off-street parking is not required for mobile food vending uses (since they do not typically function as a primary use on a lot), except in the case of mobile food parks, where two or more vehicles are operating on a site for more than seven consecutive days. For mobile food parks, the same off-street parking requirement applies as for restaurants offering takeout service, which is one space per 2.5 seats provided on site for customers plus one space per 60 square feet of lot areadedicated to the mobile food operations. The operation of mobile food vehicles must not impede safe movement of, and clear lines of sight for, vehicles, bicycles, and pedestrians. Vehicles must not obstruct access to sidewalks or alleys or interfere with circulation through a parking lot.

Seating areas and related amenities such as tables, chairs, and canopies for mobile food vending on private property (both individual food trucks and mobile food parks) would be subject to review and discretion through the Minor Site Development Permit or Conditional Use Permit process. For any mobile food vending operation requiring a Special Event Permit, seating and dining areas would be subject to the rules and requirements for special events in Section 15 of the Zoning Code. Seating areas for on-site dining would not be allowed for food trucks in public rights-of- way.

Restrooms would not be required for individual mobile food vehicle on private property or in parks, or for mobile food vehicles in the public right-of-way. For mobile food parks, a single restroom (gender neutral) would be required for every five vehicles operating on the site. The restroom requirements for Special Event Permits apply to any mobile food vending operation requiring such a permit.

Operational Standards

Standard proposed hours of operation for all mobile food vending activities in the city are 7:00 am to 10:00 pm. Extended hours may be allowed at the Planning Director's discretion or pursuant to a Special Event Permit. Mobile food vehicles may not be parked on the site or in the public right-of-way outside of these hours, overnight, or while not in active operation.

Noise associated with mobile food vending operations is regulated by the Noise Abatement ordinance of the Milpitas Municipal Code (Title V, Chapter 213) and food truck operators must comply with this ordinance.

Any signage advertising mobile food vending operations would be limited to signs permanently attached to or painted on the vehicle. The standards and requirements of the Signs chapter of the Zoning Code (Section XI-10-24) apply.

Trash management requirements and procedures would apply to mobile food vending operations. For all mobile food uses other than those requiring a Special Event Permit, the operator must provide receptacles for trash, recycling, and organic waste (if collection services are available). Operators must also keep the area within a 25-foot radius of the vehicle or site clean and free of trash generated by the mobile food vending use. Trash management requirements for Special Event Permits apply to mobile food operations that require such a permit. In addition, polystyrene (styrofoam) food wares would be prohibited for all mobil

food vending operations, and any disposable foodservice packaging or serving items must be recyclable or compostable.

Finally, mobile food vehicles would not be allowed to connect to temporary or permanent on-site utilities such as water, gas, electricity, telephone, or cable.

Other Required Permits

All mobile food vehicles operating in Milpitas would be required to have a valid City business license and all applicable permits required by the Santa Clara County Health Department.

Minor Amendments to Subsection V-100-10.11–Unlawful Parking–Peddlers, Vendors

In addition to the amendments to the Zoning Code described above, the proposed ordinance includes minor changes to the "Unlawful Parking–Peddlers, Vendors" section of the Traffic Code (Title V, Chapter 100 of the Municipal Code) for consistency between this section and the new mobile food vending regulations. Currently the regulations for parking or stopping for peddlers and vendors apply to "any vehicle, wagon or push-cart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged." The proposed ordinance includes language clarifying that the provisions of Subsection V-100-10.11 do not apply to mobile food vehicles as defined in the Zoning Code. This eliminates a conflict between the provisions of the Traffic Code and the new mobile food regulations in the Zoning Code.

Minor Amendments to Subsection XI-10-15.04 – Special Events and Activities - Definitions

The proposed ordinance also includes minor changes in the "Definitions" section of the Special Events and Activities section of the Zoning Code. This section currently includes the following definition: "Food Truck Event" means an event where more than three food trucks gather in one location." This definition would be deleted and a new definition for "Mobile Food Vending Event" would be added to include events where two or more vehicles gather in a location for seven consecutive days or less, consistent with the provisions of the new mobile food regulations.

Planning Commission Comments and Direction:

At its meeting on February 24, 2021, the Planning Commission requested that staff revise the draft regulations to allow more flexibility for mobile food vending in residential areas for occasions such as block parties or other special events, subject to City review and approval. The draft ordinance originally prohibited food trucks from operating in all residential zones and included a requirement for a food truck to maintain a 150-foot separation from residentially zoned properties – standards which are typical and common for cities where specific mobile food vending regulations are included in the municipal code. The Commission also recommended allowing flexibility in the regulations, at discretion of the Planning Director, to reduce or waive any of the siting or operational standards based on site-specific conditions (for example, the requirement for a food truck in operation to be located at least 15 feet from a driveway or curb cut).

Following the Planning Commission hearing, staff conducted additional background research on mobile food vending regulations in other cities in the Bay Area as well as around the U.S., focusing on zoning provisions that apply to mobile food vending in residential areas. Based on this research, and to better align the proposed regulations with the Commission's guidance, staff amended the draft ordinance to allow more flexibility for food trucks to operate in residential areas during events such as block parties, National Night Out, or other private events. These changes are reflected in the current version of the proposed regulations, as summarized above in Table 1.

Policy Alternatives:

This is an informational item for Council feedback and direction on the draft ordinance. A specific policy proposal and alternatives will be brought before the Council for consideration and a vote at a later date.

Fiscal Impact:

This is an informational item for Council feedback and direction on the draft ordinance. As such, there is no fiscal impact.

California Environmental Quality Act:

This report represents ongoing work on updates to the City of Milpitas Zoning Ordinance (Milpitas Municipal Code Title XI, Chapter 10). It is anticipated that the draft ordinance for mobile food vending regulations that is brought forward for City Council consideration will be exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) (common sense exemption), which states that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

Recommendations:

1. Receive a presentation from staff.
2. Discuss the presentation and provide direction to staff on key issues outlined in this report.

Attachments:

1. Draft Ordinance, Mobile Food Vending Regulations
2. Summary of Mobile Food Vending Regulations in Other Cities

New Section to be added to Zoning Ordinance:

XI-10-13.18 – Mobile Food Vending

A. Purpose and Intent

The purpose of this section is to allow mobile food vendors to operate in appropriate areas of the city and to protect and maintain public safety, health and welfare while providing opportunities for small businesses, adding vibrancy and activity to streetscapes and neighborhoods, and expanding food access in areas underserved by brick and mortar restaurants.

B. Definitions

“Catering establishment” means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for serving and consumption.

“Commissary” means a fixed-location kitchen where food is stored and prepared for off-site vending from mobile food vehicles. Commissaries serving mobile food vendors may include shared-use commercial kitchens, private commercial kitchens, restaurant kitchens, and kitchens associated with civic and community organizations such as churches or social clubs; but do not include catering service establishments.

“Mobile Food Park” means a site with two or more mobile food vehicles located together on the same parcel and operating at the same time for more than seven consecutive days.

“Mobile Food Vehicle” means a motorized, wheeled vehicle or towed vehicle designed and equipped to store, prepare, serve and sell food, but which does not include mobile food vending wagons or push-carts as regulated in Milpitas Municipal Code Section V-100-10-11.

“Mobile Food Vending” means the selling or offering to sell products from a mobile food vehicle.

C. Mobile Food Vending Review Procedures

1. On Private Property

    a. One mobile food vehicle operating on a parcel, when permitted under the use regulations for the applicable zone, may be approved subject to approval of a Minor Site Development Permit (Staff Review) pursuant to Subsection XI-10-57.03(B)(2) of this Chapter.

    b. A mobile food park operating for more than seven consecutive days may be approved subject to a Minor Conditional Use Permit (Zoning Administrator Review) pursuant to Subsection XI-10-57.04(E)(2)(a) of this Chapter.

    c. Two or more mobile food vehicles operating on a parcel for a period of seven consecutive days or less shall require a Special Event Permit pursuant to Section 15 of this Chapter.

2. In Public Parks and Open Spaces

a. One mobile food vehicle operating within a public park or open space may be approved subject to approval of a Minor Site Development Permit (Staff Review) pursuant to Subsection XI-10-57.03(B)(2) of this Chapter.

b. Two or more mobile food vehicles operating together within a public park or open space for a period of seven consecutive days or less shall require a Special Event Permit pursuant to Section 15 of this Chapter.

c. Mobile food parks shall not be permitted within public parks and open spaces.

3. In Public Right-of-Way

a. Mobile food vending in the public right-of-way is permitted subject to the review and approval of the Milpitas Planning Department, as follows:

i. In low- and medium-density residential zoning districts R1, R2, and R3, mobile food vending in the public right-of-way may be permitted as part of a special event for which a Special Event Permit has been issued pursuant to Subsection XI-10-15.07 of this Chapter, or as part of another official event authorized by the City (e.g., National Night Out).

ii. In high-density residential zoning districts R4 and R5; all commercial, industrial, mixed-use, and institutional zoning districts; and within the Midtown and Transit Area Specific Plan areas; mobile food vending in the public right-of-way is permitted upon issuance of all required permits per Section XI-10-13.18(H).

D. Location and Siting Requirements

1. On Private Property

a. The operator of a mobile food vehicle operating on a privately owned parcel shall obtain prior written permission from the property owner and shall have an original signed copy of such permission available at all times while the mobile food vehicle is in operation on the property.

b. A mobile food vehicle shall be parked on a paved surface outside any designated fire lane and outside any parking or loading space that is required for the principal use on the property.

i. Mobile food vending operations shall not reduce the available parking on the property below the minimum number of parking spaces required to serve the existing use(s) on the lot.

ii. For a property that is nonconforming with respect to parking, mobile food vending operations shall not reduce the total existing amount of parking on the lot.

c. Unless otherwise approved pursuant to Section XI-10-13.18(G)(1), a mobile food vehicle shall maintain a minimum setback of 15 feet from all driveway curb cuts while in operation.

2. In Public Right-of-Way

    a. A mobile food vehicle operating in the public right-of-way shall be parked in a legal parking space and comply with all City parking regulations while in operation.

    b. A mobile food vehicle may only serve customers from an adjacent sidewalk or the side of the vehicle closest to the curb and shall not serve customers from the side of the vehicle closest to the motorized travel lanes of the street.

3. In Public Parks and Open Spaces

    a. The location and siting of mobile food vending operations within a public park or open space shall be subject to the approval of the City of Milpitas Recreation and Community Services Department, through the Minor Site Development Permit or Special Event Permit process as required per Section XI-10-13.18(C)(2)(a) or (b).

    b. A mobile food vehicle operating within a public park shall be parked in a legal parking space on a paved surface outside any designated fire lane.

4. Separation from Other Uses.

    a. A mobile food vehicle in operation shall be located a minimum of 150 feet from any existing restaurant.

    b. A mobile food vehicle in operation shall be located a minimum of 150 feet from a freeway on- or off-ramp.

E. Site Design Standards

1. Parking

    a. For one mobile food vehicle operating on private property or in a public park, no parking shall be required to serve the mobile food vending use. The mobile food vehicle shall comply with Subsection XI-10-13.18(D)(1)(b) with respect to parking for other existing uses on a lot.

    b. For mobile food parks, one parking space shall be required per 2.5 seats provided on site for customers, plus one parking space per 60 square feet of lot area dedicated to the mobile food vending operation (see Table 53.09-1). Such parking shall be provided in addition to any required parking serving other existing uses on the lot.

2. Access and Circulation

    a. All mobile food vending operations shall be located so as not to impede safe movement of vehicular, bicycle or pedestrian traffic, and to maintain a clear line of sight for vehicles, bicycles and pedestrians.

    b. No mobile food vehicle shall obstruct access to or circulation through any parking lot access to any public sidewalk or alley.

3. Seating Areas

    a. For mobile food vehicles operating in the public right-of-way, on-site seating (including tables, chairs, canopies, umbrellas, or similar amenities) shall not be permitted.

    b. For one mobile food vehicle operating on private property, the site plan submitted for Minor Site Development Permit review per Subsection XI-10-13.18(C)(1)(a) shall show all proposed temporary amenities and structures for on-site seating and dining. For mobile food parks, the site plan submitted for Minor Conditional Use Permit review per Subsection XI-10-13.18(C)(1)(b) shall show all proposed temporary and permanent amenities and structures for on-site seating and dining.

    c. Mobile food vending operations requiring a Special Event Permit shall be subject to the requirements and procedures in Section 15 of this Chapter for seating, dining areas and similar amenities.

4. Restrooms

    a. For one mobile food vehicle operating on private property or for mobile food vehicles operating in the public right-of-way, no restrooms shall be required.

    b. For mobile food parks, one single-stall, gender-neutral restroom shall be provided for every five mobile food vehicles operating on the site. In calculating the restroom requirement, fractional numbers shall be rounded down to the nearest whole number.

    c. Mobile food vending operations requiring a Special Event Permit shall be subject to the requirements and procedures in Section 15 of this Chapter for restrooms.

F. Operational Standards and Requirements

1. Mobility of operations. Mobile food vehicles shall not connect to temporary or permanent on-site water, gas, electricity, telephone or cable sources.

2. Hours of operation. Unless otherwise approved pursuant to Section XI-10-13.18(G)(1), hours of operation for mobile food vending shall be between 7:00 am and 10:00 pm.

3. Parking and storage of mobile food vehicles. Outside of hours of active operations mobile food vehicles shall be removed from the operating site, whether on private property or in the public right-of-way. Mobile vehicles shall not be parked overnight at the location of operation.

4. Noise. Mobile food vending operations shall comply with the provisions of Milpitas Municipal Code Title V, Chapter 213 – Noise Abatement.

5. Signage. Any signage advertising the products and services of a mobile food vehicle must be permanently attached to or painted on the vehicle. All such signs shall be subject to the provisions of Section XI-10-24 of this chapter**.** No signs or banners that are separate from the mobile food vehicle shall be placed at the operating site or within the public right-of-way.

6. Trash management and disposal.

    a. For one mobile food vehicle operating on private property or in the public right-of-way, and for mobile food parks:

        i. All mobile food vending operations shall provide separate and clearly marked receptacles for trash, recycling and/or compost, according to the collection services available, at the operating site. Operators of mobile food vehicles shall properly dispose of all trash, recycling and/or compost generated by their operations daily.

        ii. The operator of a mobile food vehicle shall keep the area within a 25-foot radius of the vehicle, including private property, sidewalks, and roadways, clean and free of paper, food waste and other refuse generated by the operation.

    b. Mobile food vending operations requiring a Special Event Permit shall be subject to the requirements and procedures in Section 15 of this Chapter for trash management and disposal.

    c. Mobile food vending operations, if using disposable food service ware for packaging and serving, shall use products that are recyclable or compostable. Use of polystyrene foam food service ware is prohibited per Milpitas Municipal Code Title III, Chapter 8 – Prohibition of Expanded Polystyrene (EPS) Foam Food Service Ware.

G. Exceptions to Standards and Requirements

1. Exceptions or reductions to the Location and Siting Requirements, Site Design Standards, and Operational and Standards in Subsections XI-10-13.18(D) through (F) may be granted at the discretion of the Planning Director and the Fire Marshal based on site-specific conditions and subject to the following findings:

    a. The proposed number, configuration, and operation of mobile food vehicles is generally consistent with the overall intent of these regulations;

    b. The proposed mobile food vending activity will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

H. Other Permits and Licenses Required

1. Mobile food vehicles operating within the City of Milpitas must obtain a permit for mobile food facilities from the Santa Clara County Dept. of Environmental Health. The County health permit shall be displayed on the vehicle in a location visible to the public.

2. All mobile food vehicles operating within the boundaries of the City of Milpitas shall obtain a current City of Milpitas business license prior to establishing a vending location on public or private property or setting up operations. The license shall at all times be displayed on the vehicle in a location visible to the public.

3. All mobile food vehicles shall clearly display current and valid vehicle registration on their license plates while vending at the operating site or in the public right-of-way.

Amendments to Use Tables in the Zoning Ordinance:

XI-10-4.02 - Residential Use Regulations

Table XI-10-4.02-1
Residential Zone Uses

Use	R1	R2	R3	R4	R5
1. Commercial					
Commercial services [1,2]	NP	NP	C	C	C
2. Professional Offices and related uses					
Offices [1,2]	NP	NP	C	C	C
3. Public/Quasi-Public and Institutional Uses					
Child care center	C	C	C	C	P
Nursing home [3]	NP	C	C	C	C
Park, playground or community center (non-profit)	C	C	C	C	C
Parking lots	C	C	C	C	C
School (not trade or vocational)	C	C	C	C	C
Places of Assembly	C	C	C	C	C
4. Residential Uses					
Condominiums and condo conversions	NP	SFR: C Duplex: C	C	C	C
Duplex (Two dwellings)	NP	P	NP	NP	NP
Group dwelling	NP	NP	NP	C	C
Guest house	C	NP	NP	NP	NP
Manufactured home [4]	P	P	NP	NP	NP
Multi-family dwellings (Three or more units)	NP	NP	P	P	P
Planned unit development [5]	P	P	P	P	P
Accessory dwelling unit [6]	P	SFR: P Duplex: P	P	P	P
Single-family dwelling	P	P	NP	NP	NP
Single-room occupancy residences [7]	NP	NP	C	C	C
Transitional and supportive housing	P [8]	P [8]	P [9]	P [9]	P [9]
5. Restaurants or Food Service					
Restaurants [1,2]	NP	NP	C	P/C	P/C
Catering Establishment [10]	NP	NP	NP	NP	NP
Mobile Food Vending (individual vehicle) [11]	P[12, 13,14]	P[12, 13,14]	P[12, 13, 14]	P[12, 13, 14]	P[12, 13, 14]
Mobile Food Park	NP	NP	NP	NP	NP
Commissary [10]	NP	NP	NP	NP	NP
6. Unclassified Uses					
Agriculture [15]	P	P	P	NP	NP
Boarding house (three or more persons)	NP	C	C	C	C

Use	R1	R2	R3	R4	R5
Golf course [16]	C	C	C	NP	NP
Live work units [17]	NP	NP	C	C	C
Model home complex [18]	P	P	P	P	P
Short-Term Rentals [19]	P	P	P	P	P

[1] Refer to Subsection XI-10-4.03(A), Residential Zone Special Uses, of this Chapter, for standards.

[2] Refer to Subsection XI-10-4.03(B), Residential Zone Special Uses, of this Chapter, for standards.

[3] Licensed nursing home serving more than six persons, except when used primarily for contagious sickness, mental or drug alcohol addict cases.

[4] Refer to Subsection XI-10-13.07, Manufactured Homes, of this Chapter, for standards.

[5] Refer to Subsection XI-10-54.07, Planned Unit Developments, of this Title, for standards.

[6] In conjunction with existing or proposed legal single-family, duplex, or multi-family dwellings. Refer to Subsection XI-10-13.08, Accessory Dwelling Units, of this Chapter, for standards.

[7] Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this Chapter.

[8] Permitted only in single family dwellings.

[9] Permitted only in multi-family dwellings.

[10] May be permitted with approval of a Conditional Use Permit for kitchens associated with a civic or community organization, such as a church or social club.

[11] Refer to Subsection XI-10-13.18, Mobile Food Vending, of this Chapter.

[12] Mobile food vending in the R1, R2, and R3 zones may be permitted in the public right-of-way as part of an approved special event. See Subsection XI-10-13.18(C)(3)(a)(i). Mobile food vending in the R4 and R5 zones is permitted in the public right-of-way upon issuance of all required City and County permits (see Subsection XI-10-13.18(H). [13] In all residential zones, mobile food vending on private property may be permitted on a parcel having a current certificate of use and occupancy as a museum, hospital, school, or place of religious assembly and worship, provided that the mobile food vending use shall not operate more frequently than once per week and for no longer than three consecutive days.

[14] In the R1, R2, and R3 residential zones, mobile food vending shall not be permitted on a private property having a residential use. In the R4 and R5 residential zones, mobile food vending on private property having residential use may be permitted as part of an approved special event. See Subsection XI-10-13.18(C)(3)(a)(i).

[15] Except for the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.

[16] Except for driving tee or range, miniature course and similar uses operated for commercial purposes.

[17]Allowed commercial uses to be specified through the Conditional Use Permit process.

[18] Refer to Subsection XI-10-13.11€, Model Home Complexes and Sales Offices, of this Chapter for temporary tract offices.

[19] Subject to the requirements of Subsection XI-10-13.16, Short-Term Rentals, of this Chapter.

XI-10-5.02 – Commercial Use Regulations

Table XI-10-5.02-1
Commercial Zone Uses

Use	CO	C1	C2	HS	TC
1. Commercial Uses					
Alcoholic beverage sales	C [6]	C	C	NP	C
Art/photography studio or gallery	NP	P	P	P	P
Bookstore	NP	P	P	P	P
Commercial services [1]	P	P	P	NP	P
Funeral home or mortician	NP	NP	C	C	NP
Furniture sales	NP	P	P	P	P
Grocery store (supermarkets)					
Within 1,000 ft. of residential zone	NP	C	C	C	C
Not within 1,000 ft. of residential zone	NP	P	P	P	P
Head/smoke/tobacco shop	NP	C	C	NP	C
Home improvement (hardware, blinds, interior decorating, etc.)	NP	P	P	C	P
Not fully enclosed operation	NP	C	C	C	C
Household appliance store [7]	NP	NP	P	P	NP
Small appliance repair	NP	NP	MCS	P	NP
Large appliance repair	NP	NP	NP	P	NP
Janitorial services	NP	NP	P	P	NP
Newsstand					
Indoor	P	P	P	NP	P
Outdoor	C	C	C	NP	C
Nursery (flower or plant)					
Indoor	NP	NP	P [2]	P	P
Outdoor	NP	NP	C	P	NP
Office supply sales (stationery, equipment)	P	P	P	P	P
Paint and wallpaper stores	NP	NP	P	P	P
Pawnshops	NP	NP	C	NP	NP
Pet stores	NP	NP	P	P	P
Printing (newspaper, publishing)	NP	NP	P	P	P
Rentals (medical supplies, costumes, party equipment, office equipment)	NP	NP	P	P	P
Retail stores, general merchandise	NP	P	P	NP	P
Tanning salon	NP	NP	P	NP	P
Thrift store [3]	NP	C	P	P	P

Use	CO	C1	C2	HS	TC
2. Entertainment and Recreation					
Adult business [4]	NP	NP	NP	P	NP
Bowling alley	NP	NP	P	P	P
Commercial athletic facilities					
Indoor	NP	C	P	P	P
Outdoor	NP	NP	NP	C	NP
Motion picture theater (See 7 below)					
Recreation or entertainment facility	NP	C	C	C	C
Shooting range, indoor	NP	NP	NP	C	NP
3. Health and Veterinarian Uses					
Animal grooming (no boarding)	NP	P	P	P	P
Hospital	C	NP	C	C	C
Kennel	NP	NP	C	NP	NP
Massage establishment [15]	NP	NP	MC	MC	MC
Massage establishment, accessory [15]	NP	NP	MCS	MCS	MCS
Medical and dental office	P	P	P	NP	P
Medical and dental clinic	P	C	C	NP	P
Medical support laboratories	P	C	C	C	C
Optician and optometrist shop	P	P	P	NP	P
Pharmacy or drug store	NP	P	P	P	P
Sauna and steam bath	NP	NP	NP	P	NP
Veterinary clinic	NP	NP	P	P	P
4. Industrial Uses [5]					
Assembly from pre-processed materials	NP	NP	C	NP	NP
Commercial fueling facility	NP	NP	NP	C	NP
Commercial laboratory	NP	NP	C	P	NP
Contractor's yards and offices	NP	NP	C	C	NP
Disinfection and extermination business	NP	NP	C	P	NP
Dry cleaning plant	NP	NP	NP	P	NP
Food storage locker	NP	NP	NP	P	NP
Landscape contractor	NP	NP	C	P	NP
Lumberyards	NP	NP	C	C	NP
Mini-storage complex	NP	NP	C	C	NP
Plumbing, metalworking, glassworking or woodworking	NP	NP	C	C	NP
Research & development	NP	NP	C	NP	NP
Sign sales and fabrication (Electric and neon sign, sign painting)	NP	NP	C	P	NP
Warehousing and wholesale	NP	NP	C	NP	NP
5. Lodging					
Hotel and motel	NP	NP	C	C	C
6. Professional Offices, Financial Institutions and Related Uses					

Use	CO	C1	C2	HS	TC
Automatic teller machines (freestanding) [6]	NP	P	P	P	P
Financial institutions (banks, savings and loans, etc.)	P	P	P	P	P
General offices (administrative and business services, real estate, travel agencies, etc.)	P	P	P	P	P
7. Public, Quasi-Public and Assembly Uses					
Auction hall	NP	NP	C	C	C
Child care					
Child care center	C	C	C	C	C
Day care school	C	C	C	C	C
Large family child care home	NP	NP	NP	NP	C
Small family child care home	NP	NP	NP	NP	C
Places of assembly	C	C	C	C	C
Cultural center	NP	NP	C	C	C
Educational institutions					
Schools, private (elementary, middle, high)	NP	NP	C	NP	C
Trade and vocational school	C	NP	P	P	C
Farmer's market (not including flea market)	NP	C	C	C	C
Instruction					
Group [8]	MCS	MCS	MCS	MCS	MCS
Private	P	P	P	P	P
Motion picture theater					
Indoor	NP	C	C	C	C
Outdoor	NP	NP	NP	C	NP
Parking facility, storage garage	NP	P	P	C	C
Public utilities	C	C	C	C	C
Transportation facility (taxi, limousine, etc.)	NP	NP	C	C	C
8. Restaurants or Food Service					
Banquet hall	NP	NP	C	C	C
Bar or nightclub	NP	NP	C	C	C
Catering establishment	C	NP	P	P	P
Restaurants	C [7]	P	P	P	P
With live entertainment/dancing	NP	NP	C	C	C
With drive-in or drive-through	NP	C	C	C	C
With ancillary on-premise beer & wine with no separate bar	NP	MC	PMC	MC	MC
Mobile Food Vending (individual vehicle) [16]	P	P	P	P	P
Mobile Food Park [16]	MC	MC	MC	MC	MC
Commissary	MC	P	P	P	MC
9. Residential Uses					
Caretaker (in conjunction with contractor's yard or mini-storage complex)	NP	NP	C	C	NP

Use	CO	C1	C2	HS	TC
Emergency shelters [9]	NP	NP	NP	P/C	NP
Single-room occupancy residences [10]	NP	NP	NP	C	NP
10. Vehicle Related Uses					
Auto repair (tire, oil change, smog check, etc.)	NP	NP	C	C	NP
Auto sales and rental, outdoor (new and used cars, RV and truck)	NP	NP	C	C	NP
Auto broker (wholesale, no vehicles on site)	MCS	MCS	MCS	MCS	MCS
Car wash	NP	NP	C	C	NP
Service stations (with or without repair or retail) [11]	C	C	C	C	C
Drive through uses (restaurants, pharmacies, etc.)	NP	C	C	C	C
11. Unclassified Uses					
Accessory structures [12]	P	P	P	P	P
Model home complex [13]	NP	NP	NP	NP	P
Mortuary or crematory	NP	NP	NP	C	NP
Radio or television station	NP	NP	C	P	NP
Temporary seasonal sales [14]	NP	P	P	P	P

Refer to the definition for "Commercial Services" in Section 2, Definitions, of this Chapter.

[2] Provided that all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

[3] Refer to XI-10-5.04, Commercial Zone Special Development Standards, of this Chapter.

[4] In accordance with the Title III, Chapter 4, Adult Business Ordinance, and Subsection 13.04, Adult Businesses, of this Chapter.

[5] For conditionally permitted uses, refer to Subsection 57.04(C) (9), Certain Industrial Uses within Commercial Districts, of this Chapter.

[6] Refer to Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

[7] When intended to serve the occupants and patrons of the permitted use (office, etc.) and conducted and entered from within the building and provided there is no exterior display of advertising.

[8] Refer to Subsection 5.02-1, Commercial Zone Special Uses, of this Section.

[9] Refer to XI-10-13.14, Special Uses, Emergency Shelters, of this Chapter.

[10] Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this Chapter.

[11] Refer to Subsection XI-10-6.02-2, Special Uses, of this Chapter, for standards. Service stations shall follow the "General development policy: Gasoline service stations, and automotive service centers" adopted by the City Council on December 19, 1995.

[12] Not including warehouses on the same site as the permitted use.

[13] No tract sign shall be permitted within 600 feet of a Santa Clara County Expressway.

[14] Refer to Section 13.11, Temporary Uses and Structures, of this Chapter.

[15] Massage establishments are subject to Title III, Chapter 6 of the Milpitas Municipal Code and Subsection XI-10-13.16 of this title. Refer to Subsection XI-10-13.16, of this Title, for special provisions for massage establishments.

[16] Refer to Subsection XI-10-13.18, Mobile Food Vending, of this Chapter.

XI-10-6.02 - Mixed Use Regulations

Table XI-10-6.02-1
Mixed Use Zone Uses

Use	MXD	MXD2		MXD3
		Ground Level (Facing Retail street)	Upper Floor	
1. Commercial Uses				
Alcohol beverage sales	C	C	C	C
Commercial services [1]	MCS	MCS	MCS	MCS
Grocery stores (supermarkets)	C	C	C	C
Pawnshops [2]	C	C	C	C
Pet shops	C	NP	NP	NP
Retail stores, general merchandise [3]	MCS	MCS	MCS	MCS
Tanning salons	P	P	P	P
Thrift shops (used merchandise)				
Retail	P	P	P	P
With collections	C	C	C	C
2. Entertainment and Recreation				
Commercial athletic facilities	P	P	P	P
Motion picture theater (see 6 below)				
Recreation or entertainment facility	C	C	C	C
3. Health and Veterinarian Uses				
Animal grooming (no boarding)	P	P	NP	P
Hospitals or sanitariums [4]	C	C	C	C
Massage establishment [17]	MC	MC	MC	MC
Massage establishment, accessory [17]	MCS	MCS	MCS	MCS
Medical or dental offices and clinics	P	NP	P	P
Medical support laboratories	P	P	P	P
Optician and optometrist shop	P	P	P	P
Pharmacy or drug store	P	P	P	P
Veterinarian clinic	P	P	P	P
4. Lodging				

Bed and breakfast	P	P	NP	NP
Boarding houses (3 or more persons)	C	C	C	C
Group dwellings	C	C	C	C
Hotels	C	P	P	P
Motels	C	C	C	C
5. Professional Offices, Financial Institutions and Related Uses[4]				
Financial institutions (banks, savings and loans, etc.)	MCS	NP	MCS	P
Offices [3]	MCS	NP	MCS	P
6. Public/Quasi Public and Assembly Uses				
Child care				
Child care center	C	P	C	P
Day care school	C	C	C	
Large family child care home	P	P	C	P
Small family child care home	P	P	P	P
Instruction				
Group [13]	P	NP	NP	NP
Private	P	P	P	P
Park, playground or community center [5]	O	O	O	O
Places of assembly [4]	C	C	C	C
Public utilities	C	C	C	C
Schools, private (elementary, middle and high) [4]	C	C	C	C
Theaters (Indoor)	C	C	C	C
Trade and vocational schools [4]	C	C	C	C
Transportation facilities [2]	C	C	C	C
7. Residential Uses				
Multi-family housing [7]	P	NP	P	P
Transitional and supportive housing [7]	P	NP	P	P
Accessory Dwelling Unit [19]	P	NP	P	P
8. Restaurants or Food Service				
Bar or nightclub	C	C	C	C
Brewery/Eateries [10]	MCS	MCS	NP	MCS
Catering establishments	C	C	C	C
Restaurants [2]	P/C	P/C	NP	P/C
With dancing and entertainment	C	C	C	C
With ancillary on-premise beer & wine with no separate bar	P	P	P	P
Mobile Food Vending (individual vehicle) [20]	P	P	NP	P
Mobile Food Park [20]	MC	NP	NP	MC
Commissary	MC	NP	NP	MC
9. Unclassified Uses				
Artisan Studios & Live-work units, woodworking or glassworking, plumbing or metalworking and sign shops [2]	MCS	MCS	MCS	MCS
Lobbies and entries for upper floor uses	P	P	NP	P

Model home complex [11]	P	P	P	P
Mixed use developments [12]	P	P	P	P
Planned Unit Development [13]	P	P	P	P
Temporary seasonal sales [14]	P	P	P	P
Short-Term Rentals [18]	P	NP	P	P
10. Vehicle-Related Repair, Sales and Services				
Auto sales and rental [15]	C	C	C	C
Auto broker (wholesale, no vehicles on site) [2]	MCS	MCS	MCS	MCS
Vehicle service uses [16]	C	NP	NP	C

[1] Refer to Subsection XI-10-6.02-1(B), Performance standards for certain uses, of this Chapter, for standards.

[2] Refer to Subsection XI-10-6.02-1, Special Uses, of this Chapter, for standards.

[3] Refer to Subsection XI-10-6.02-1(B) Performance standards for certain uses, of this Chapter.

[4] Refer to Subsection XI-10-6.02-2, Quasi-Public Uses, of this Chapter, for standards.

[5] For parks, playgrounds or community center owned and operated by a government agency or a nonprofit community organization.

[6] Refer to XI-10-13.14, Special Uses, Emergency Shelters, of this Chapter.

[7] Ground level residential is prohibited in the Ground Level Commercial Area as shown on the Midtown Specific Plan Land Use Map, Figure 3.1.

[8] Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this Chapter.

[9] Uses serving upper-floor residential uses, such as common gathering space, lobby, and resident services, may be allowed as ground floor uses where residential uses would otherwise not be permitted.

[10] Reserved.

[11] Refer to Subsection XI-10-13.11(E), Model Home Complexes and Sales Offices, of this Chapter for temporary tract offices.

[12] Which include only permitted uses.

[13] Refer to Section XI-10-54.07, Planned Unit Developments, of this Chapter, for standards.

[14] Refer to Section XI-10-13.11(D), Temporary Seasonal Sales, of this Chapter.

[15] New and used auto, recreational vehicle and boat sales, excluding commercial vehicles, trucks, buses, vans, and farm equipment, with accessory repairs and services, only allowed if fully enclosed within a building. Bicycle and auto rental agency, excluding commercial vehicles, trucks, buses, vans, boats and RV rentals, only if fully enclosed within a building.

[16] Refer to Subsection XI-10-6.02-2, Special Uses, of this Chapter, for standards. Service stations shall follow the "General development policy: Gasoline service stations, and automotive service centers" adopted by the City Council on December 19, 1995.

[17] Massage establishments are subject to Title III, Chapter 6 of the Milpitas Municipal Code and Subsection XI-10-13.16 of this title. Refer to Subsection XI-10-13.16, of this Title, for special provisions for massage establishments.

[18] Only allowed within a dwelling unit, subject to the requirements of Subsection XI-10-13.17, Short-Term Rentals, of this Chapter.

[19] Only allowed within multi-family dwellings, subject to the requirements of Subsection XI-10-13.08, Accessory Dwelling Units, of this Chapter.

[20] Refer to Subsection XI-10-13.18, Mobile Food Vending, of this Chapter.

XI-10-7.02 - Industrial Use Regulations

Table XI-10-7.02-1
Industrial Zone Uses

Use	M1	M2	MP
1. Commercial Uses			
Adult Businesses [1]	P	NP	NP
Business support services	P	NP	P
Commercial services	P	NP	P
Janitorial services	P	NP	P
Office supplies	C	NP	C
Printing (newspaper, blueprint, publishing)	P	NP	C
Retail stores, general merchandise [2]	C	NP	C
2. Entertainment and Recreation Uses			
Billiards	C	NP	C
Commercial athletic facilities	C	NP	C
3. Health and Veterinarian Uses			
Hospitals	NP	NP	C
Kennel	P	NP	NP
Medical support laboratories	P	NP	P
Medical and dental offices and clinics [2]	P	NP	P
Veterinarian hospital	P	NP	P
4. Industrial Uses			
Assembly from pre-processed materials [3]	P	P	P
Auto assembly facility	NP	P	NP
Bottling facility	P	P	NP
Building material sales (equipment rental) [4]	NP	C	NP
Commercial fueling facility	C	C	NP
Commercial laboratory	P	P	P
Contractor's yard and offices [4]	NP	C	NP

Use	M1	M2	MP
Distribution facility	P	P	P
Freight and trucking yard [4]	NP	P	NP
Mini-storage complex	C	C	NP
Plumbing, metalworking, glassworking or woodworking	P	P	NP
Plant or facility (research & development, assembly, manufacturing, packaging, processing, repairing, etc. or materials, merchandise or products)	P	P	P
Pottery or tile manufacturing	P	P	NP
Recycling processing facility	C	C	NP
Warehousing and wholesale	P	P	P
5. Lodging Uses			
Hotels/motels	C	NP	C
6. Professional Office Uses			
Administrative, professional or research [2]	P	NP	P
Financial institutions (banks, savings and loans, etc.)	C	NP	P
7. Public, Quasi-Public and Assembly Uses			
Auditorium [5]	NP	NP	C
Conference center [5]	NP	NP	C
Vocational school	C	NP	C
Farmer's market (not including flea market) [6]	NP	NP	C
Public utilities [7]	P	P	P
Transportation facility (taxi, parcel service, armored car, etc.) [4]	NP	P	NP
Temporary Public Safety Uses [8]	C	C	C
Places of assembly [12]	C	NP	C
8. Residential Uses			
Caretaker's residence	C	C	NP
9. Restaurants or Food Service Uses			
Catering establishment	P	NP	P
Restaurants			
With on-site service of alcohol	C	NP	C
Without on-site service of alcohol	C	NP	C
With live entertainment/dancing	NP	NP	NP
Drive-in or drive-thru	C	NP	C
Mobile Food Vending (individual vehicle) [13]	P	P	P
Mobile Food Park	NP	NP	NP
Commissary	P	NP	P
10. Vehicle Related Uses			
Auto junk yard [4]	NP	C	NP
Auto repair (tire, oil change, smog check, etc.) [9]	C	P	C [10]
Service stations (with or without repair or retail) [9]	C	C	C
With car wash	NP	C	C

Use	M1	M2	MP
Vehicle sales and rental (auto, RV and truck-new and used in operable condition) [11]	C	C	C [10]
Auto broker (wholesale, no vehicles on site) [12]	MCS	MCS	MCS

[1] In accordance with the Title III, Chapter 4, Adult Business Ordinance and Subsection XI-10-13.04, Adult Businesses, of this Chapter.

[2] When found necessary to serve and appropriate to the industrial area.

[3] Assembling, packaging, or distribution from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, electric or electronic instruments and devices such as television, radios, and pharmaceutical products.

[4] When conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence (e.g. chain link with slats) not less than eight feet in height.

[5] Shall be ancillary to the primary use or associated with business or industrial uses.

[6] Refer to Subsection XI-10-13.10, Farmers Markets, of this Chapter.

[7] Includes service facilities, electric transmission and distribution substations and public utility service centers.

[8] See Subsection XI-10-13.11(I), Temporary Public Safety Uses.

[9] Entrances to the services bays shall not be open to the street, but shall be so designed to face the rear or interior side property line.

[10] Within MP zones, rental and repair may be considered only when ancillary to new auto dealerships.

[11] Within MP zones, boat and camper sales are prohibited. Dealerships shall be on property at least three acres or greater in area.

[12] See Subsection XI-10-7.04(A)(1), Industrial Zone Special Development and Performance Standards.

[13] Refer to Subsection XI-10-13.18, Mobile Food Vending, of this Chapter.

XI-10-10.02 - Institutional Use Regulations

Table 10.02-1
Institutional Zone Uses

Use	Institutional Zone
Correctional facility	C
Educational institutions: [1]	
Public colleges or universities	O
Private colleges or universities	C
Public schools	O
Farmer's market (not including flea market)	C
Government offices and related facilities (Federal, State and Local)	C
Hospital or sanitarium (Public) [1]	C

Use	Institutional Zone
Library (Public)	C
Medical clinic or offices (Public)	C
Catering establishment	C
Mobile Food Vending (individual vehicle) [3]	P
Mobile Food Park	NP
Commissary	MC
Museum	C
Parks	C
Public safety uses	C
Public service uses	C
Public utilities	C
Temporary seasonal sales [2]	P
Transportation facility	C

[1] State has authority over permitting process regarding public facilities.

[2] Refer to Section XI-10-13.11(D), Temporary Seasonal Sales, of this Chapter.

[3] Refer to Subsection XI-10-13.18, Mobile Food Vending, of this Chapter.

Section 39 – POS Park and Public Open Space District

XI-10-39.02 – Uses Permitted

The following are the principal permitted uses in a POS District:

39.02-1 Public parks and recreational facilities, with the exception of public community centers and public indoor sports centers.

39.02-2 Public trails.

39.02-3 Public community gardens.

The following are permitted as accessory uses in a POS District:

39.02-4 One mobile food vehicle, subject to approval of a Minor Site Development Permit pursuant to Subsection XI-10-57.03(B)(2) of this Chapter. See also Subsection XI-10-13.18.

39.02-5 Two or more mobile food vehicles operating together for a period of seven consecutive days or less, subject to approval of a Special Event Permit pursuant to Section 15 of this Chapter. See also Subsection XI-10-13.18.

XI-10-39.03 – Conditional Uses

The following uses may also be permitted if their location is first approved by the Planning Commission, as provided for in Section 57, after considering a recommendation from the Parks, Recreation, and Cultural Resources Commission:

39.03-1 Public community centers and public indoor sports centers.

39.03-2 Day care centers.

39.03-3 Public utility facilities.

39.03-4 Radio or television transmitters.

Amend:

Section V-100-10.11 – Unlawful Parking – Peddlers, Vendors

10.11-1 Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or push-cart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this City, except that such vehicles, wagons or push-carts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten (10) minutes at any one place. The provisions of this Subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.

10.11-2 Deleted by Ord. 43.139.
10.11-3 Deleted by Ord. 43.139.
10.11-4 Deleted by Ord. 43.139.

10.11-5 It shall be unlawful to sell, display, solicit or offer for sale, barter or exchange or otherwise peddle or vend any goods, wares or merchandise (including, but not limited to wearing apparel, flowers or foodstuffs) from the sidewalk, curb or street (and whether on foot or from any vehicle, wagon or cart, or otherwise) at any of the following locations within the City of Milpitas:

1. Abbott Avenue from Spence Avenue to Calaveras Boulevard
2. Abel Street (Entire)
3. Calaveras Boulevard/SR-237 from and including the western City Limit to Coyote Creek to and including its intersection with Carnegie Drive
4. Capitol Avenue from Abel Street to the south City Limits
5. Dixon Landing Road (Entire)
6. Dixon Road from Milpitas Boulevard to Arizona Avenue
7. Jacklin Road from Milpitas Boulevard to and including Park Victoria Drive

8. Landess Avenue those portions within the City of Milpitas

9. Main Street from Curtis Avenue to south City Limits

10. McCarthy Boulevard (Entire)

11. Milpitas Boulevard (Entire)

12. Montague Expressway (Entire)

13. Park Victoria Drive from Ayer Street to south City Limits

14. Serra Way (Entire)

10.11-6 Application

(a) The provisions of V-100-10.11-5 shall be applicable to any vehicle, wagon or push-cart, to which V-100-10.11-1 applies.
(b) The provisions of this Section V-100-10.11 shall not apply to mobile food vehicles as defined in Section XI-10-13.18(B).
(c) The provisions of V-100-10.11-5 shall be applicable to any wagon or push-cart to which V-100-10.11-1 applies.

Amendments to existing regulations in the Zoning Ordinance:

Section 15 - Special Events and Activities

XI-10-15.04 - Definitions

The definitions set forth in this part shall govern the application and interpretation of this Section.

1. "Amplified Sound" means any sound created by the use of sound amplification equipment and/or performance with electric or acoustic instruments associated with a special event.
2. "Athletic Events" means a physical or endurance activity that includes but is not limited to races, runs, walkathons, bicycle tours and the like.
3. "Block Party" means a party for all the residents of a block or neighborhood, typically held on a temporarily closed City street.
4. "Business day" means any day except Saturday, Sunday and holidays observed by the City of Milpitas.
5. "Business License" means a permit issued by the City of Milpitas that allows individuals, companies, or other entities to transact and conduct business within the City limits.
6. "City Official" means an authorized officer of the City of Milpitas as appointed by the City Manager or City Council.
7. "Director" means the Director or head of the department(s) designated to issue Special Event Permits, or such other person or persons designated by the Director to fulfill the responsibilities identified as the Director's responsibilities herein.
8. "Downtown" means the main business or commercial areas within the Specific Plan districts and the Town Center Zoning District.
9. "First Amendment Event" means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary, or auditory means of opinion, views or ideas. Expressive activity includes, but is not limited to, public oratory and distribution of literature.
10. "Indigent Natural Person" includes, but is not limited to, a person enrolled or participating in a federal or state government assistance program for low-income or indigent persons such as general assistance, CalWORKS, Medi-Cal, food stamps, Supplemental Security Income (SSI), Women, Infants and Children (WIC), U.S. Department of Housing and Urban Development (HUD) Section 8 rental housing subsidy, and other subsidized or public housing.
11. "Indoor/Outdoor Facility Rental Agreement" means a rental agreement issued by the Recreation Services Department to conduct a special event in a park.
12. “Mobile Food Vending Event” means an event where two or more mobile food vehicles gather in one location for a period of seven consecutive days or less.
13. "Outside Agency" means any local, state or federal regulatory agency responsible for administering permits to allow certain activities within their purview. Outside agencies includes but not limited to other City jurisdictions, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), California Department of

Transportation (Caltrans), California Department of Alcoholic Beverage Control, Santa Clara Country Department of Environmental Health and Santa Clara County Roads and Airports.

14. "Parade" means an organized group marching in procession on a street. Parades do not include races, runs or other athletic events.

15. "Park", for purposes of this Section, means all outdoor areas managed by the Recreation Services Department, which are identified as a City park by the City, made available for use by the public as a park for recreation or open space purposes, and over which the City has the right of use for such purposes. The term "park" does not include outdoor areas adjacent to community centers not otherwise located within a City park, or property owned by school districts even if the property is used by the City for recreational purposes.

16. "Paseo" means a mall designed and used for pedestrian passage between two or more parallel streets and which is owned or controlled by the City. The definition of "paseo" includes any adjacent sidewalks.

17. "Permittee" means a person, company, corporation or entity that is given a permit or permission to hold a Special Event.

18. "Permit Applicant" means a person, company, corporation or entity that applies for a permit.

19. "Plaza" means a public square or similar open area in the downtown which is owned or controlled by the City. The definition of "plaza" includes any adjacent sidewalks.

20. "Public Right-of-Way" means any street, alley, or similar parcel of land, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

21. "Regulations" means the policies, rules and regulations mandated by the City which govern the Special Event Permit and use of City sidewalks, streets, plazas, paseos, and parks.

22. "Simple Assembly" means a gathering of persons at a park, plaza or paseo that does not include any of the following:

    a) The placement or erection of equipment or temporary structures other than one portable table and two chairs; or

    b) Activities referenced in Section XI-10-15.04(23)(c) of this Code.

    c) For purposes of illustration, a simple assembly can be a large gathering of 150 persons; no equipment or structures (other than a table and two chairs) are placed or erected; and the other activities (i.e., cooking, sale or public distribution of food and commercial merchandise) are not involved. Nothing herein prevents the use of handheld equipment, including a loudspeaker, and handheld signs at a simple assembly.

23. "Special Event" means an outdoor event that consists of any of the following:

    a) A parade or assembly consisting of persons, animals, vehicles, or any combination thereof, which is to intended to assemble or travel in unison on any street and which does not comply with applicable traffic regulations, laws, or controls;

    b) An organized assemblage of 150 or more persons at a plaza or park, or 75 or more persons on a paseo, or any assemblage that exceeds the maximum capacity of

the plaza, park or paseo facility gathered for a common purpose under the direction or control of a person or organization; or

c) An activity or event on a public right-of-way, plaza, paseo, park or private property which involves:

i. The placement or erection of equipment or temporary structures other than one portable table and two chairs, including but not limited to a booth, tent, canopy, stage, barricade, fencing, generator, heating equipment, sound amplifier, vehicle or float;

ii. The use of live animals, fireworks, pyrotechnics, electrical power and/or cabling, or equipment or materials that can create a risk of damage to public or private property or injury to persons;

iii. Cooking or the sale, preparation for sale or commercial distribution of food or beverages;

iv. The sale of commercial merchandise.

d) An activity which involves blocking off a street or other use of a street which obstructs the normal traffic thereon.

e) Examples of Special Events include, but are not limited to, concerts, parades, carnivals, fairs, festivals, block parties, public dances, street fairs, community events, sporting or athletic events, parties, meals, mobile food vending events, celebrations and receptions.

f) For definitions of "Major" or "Minor" Special Events, see Table XI-10-15.03-1: Review Requirements for Special Events.

24. "Special Event Permit" means a permit issued pursuant to this Section, which authorizes the holder to conduct a Special Event at a Special Event Venue in accordance with its terms and conditions. A Special Event Permit includes a Temporary Street Closure Permit, Temporary Assembly Permit, Business License, and any outside agency regulatory permits that may be required for the operations and activities for the aforementioned Special Event.

25. "Special Event Venue" means the outdoor area (i.e., private property, street, park, paseo, or plaza) for which a Special Event Permit has been issued.

26. "Street" means a public or private right-of-way used for vehicular traffic that is owned, controlled or maintained by the City. The definition of "street" includes the entire street right-of-way inclusive of any and all adjacent sidewalks.

27. "Temporary Street Closure Permit" means a permit issued by the Chief of Police of the Milpitas Police Department or designee to conduct a special event on a public street.

28. "Temporary Assembly Permit" means a permit that is issued by the City of Milpitas Fire Marshal for the temporary assembly of 50 or more people associated with a Special Event.

29. "Temporary Collection Service Agreement" means an agreement between the Permittee and City's public service provider for the trash and recycling collection.

30. "Written Request" means written, typed or email correspondence submitted by the applicant to the Director or Designee. Text messages are not included.

Summary of Research on Mobile Food Vending Regulations

1. GENERAL TRENDS AND OBSERVATIONS

Defining Different Types of Mobile Food Vending

Many cities only include a general definition for food trucks (or mobile food vehicles) and don't get into other, more specific categories.

However, some cities differentiate food trucks from other mobile food vending types, such as ice cream trucks (which have historically not been restricted in residential areas, and which primarily vend in these areas) and smaller food carts (which, if allowed, usually have a separate set of requirements and a different approval process).

Zoning Districts Where Permitted

Nearly all cities allow food trucks in commercial and industrial zones and prohibit them in residential zones (*see also section on "Mobile Food Vending Regulations for Residential Zones" below on pages 4-5*).
Some cities don't allow food trucks in office zones but do allow them in general commercial or neighborhood commercial zones. Some cities, typically larger ones, restrict mobile food vendors from operating in their downtowns or centrally located historic districts.

Most cities allow food trucks in mixed-use zones.

For public parks, regulations vary greatly from city to city. Some allow food trucks in parks with a zoning or other City permit, while others are silent on this point in their regulations (which likely means it would not be permitted). Some allow mobile food vending in parks only by special approval (e.g. City Manager authorization, only in connection with an organized event).

Number of mobile food vending vehicles permitted

Many cities don't address this in their mobile food vending regulations.

Examples of cities that do:

Denver, CO – No more than one food truck per parcel, unless part of a special event (festival, carnival, bazaar, etc.)

Raleigh, NC – Parcels less than 0.5 acre – only one food truck
Parcels between 0.5 acre and 1 acre – up to two food trucks
Parcels over 1 acre – up to three food trucks

Oakland, CA - Regulations include categories and different requirements for individual food trucks and "group sites" (2 or more food trucks).

Review and approval process

There is significant variation in terms of the review and approval process for mobile food vending in different cities. Some cities allow food truck operations through approval of an

existing permit type – typically a 'temporary use,' 'special use,' or 'special event' or similar. Other cities establish a new, specific permit type for food truck operations, e.g. a 'mobile food truck permit.' Some cities adopt regulations and standards for mobile food vending and define where (i.e. which zoning districts) it is permitted and prohibited, but do not require the approval of a planning or land use permit (business licenses and health permits are typically required in all cases).

Other Permits/Licenses Required

Many cities require that food truck operators: (1) obtain a City business license, and (2) maintain a valid permit for mobile food facilities from the County health department and display this permit in a location visible to the public.

Location/Siting Requirements

On private property

Many cities require than a food truck operator must obtain prior written permission from property owner and must have an original copy of this permission at all times while the food truck is onsite or in operation.

Many cities require that a food truck be parked on a paved surface outside any designated fire lane and outside any parking or loading space that is required for the principal use on the property.

In public right-of-way

Many cities require that a food truck be parked in a legal parking space and comply with all City and State traffic and parking restrictions.

Site design criteria

Parking

Most cities do not include specific parking requirements for food trucks, since in most cases they are considered a temporary use or an accessory use. Many cities require site plans for food trucks operating on private property to show parking spaces, but there is usually no prescribed parking requirement.

Some cities state that food trucks on private property may not park in required spaces (i.e. parking spaces that are required to serve the principal use on the lot).

Parking requirements for food trucks are most relevant for group vending sites.

Access, circulation

Some cities include requirements for mobile food vending operations related to access and circulation, e.g. that they must not impede safe movement of vehicular or pedestrian traffic, parking lot circulation or access to any public alley or sidewalk; or that they must maintain a clear line of sight for vehicles, bicyclists, and pedestrians.

For food trucks in public right-of-way, some cities state that vehicles may only serve customers from an adjacent sidewalk or the curbside of the vehicle.

Separation from restaurants and other uses:

Most cities include a minimum required separation from restaurants. Requirements for minimum distance from food trucks to restaurants vary from 150 to 500 feet. Some cities allow the minimum distance from restaurants to be reduced or waived with Planning Director approval, or with written consent from all restaurant owners within a certain number of feet.

Some cities also include separation requirements from other types of land uses (e.g. residential uses, typically around 150 feet; and schools, typically 200-300 feet).

Space for dining

Most cities do not address this in their regulations, unless it is to say that tables, chairs, canopies, etc., are not allowed.

Standards, allowances, or restrictions for dining areas are most relevant for group vending sites. For individual food trucks, it seems to be assumed that food will be purchased for take-away to be eaten somewhere else.

Restrooms

Most cities do not address this in their regulations.

Standards or requirements for restrooms are most relevant for group vending sites.

Operational characteristics

Hours

Most cities allow mobile food trucks to operate from 7am to 9pm, or 7am to 10pm. Some allow late night operation until 3am (usually restricted to certain locations e.g. downtown, in commercial zones or at a certain distance from residential zones; may also be restricted to Friday and Saturday only).

Duration

Most cities do not address this in their regulations, but some include restrictions such as: No more than X calendar days per year, no more than X consecutive days in a specific location, or no more than X consecutive hours at a specific location.

Noise

Some cities state that no amplified music is allowed. Many cities cite the jurisdiction's noise ordinance and require food trucks to adhere to these rules.

Advertising

Many cities state that no signs/banners for mobile food vendors are allowed in the public right-of-way or across roadways. Some cities state that food truck signs must be permanently attached to or painted on the vehicle.

Trash disposal

Many cities require that mobile food vending operators provide separate and clearly marked receptacles for trash/recycling. Some go further to state that operators must properly dispose of

all trash and recycling generated by the use on a daily basis. Some cities use language to the effect that operators must keep sidewalks, roadways, and other spaces adjacent to the operating site clean and free of paper, food waste, and other refuse generated from the mobile food vending operation. Some cities provide a specific distance within which the food truck operator is responsible for picking up litter and keeping the area clean (e.g. 25 feet).

Commissaries

Most cities do not address this in their regulations.
Note: County Health Departments typically require food sold by mobile food vehicles to be prepared in an approved commissary or commercial kitchen.

Night parking of food trucks

Many cities do not address this in their regulations. Some state that food trucks may not be parked overnight in the public right-of-way or on the private lot where they are operating.

2. MOBILE FOOD VENDING REGULATIONS FOR RESIDENTIAL ZONES

Examples from Bay Area Cities

San Leandro, CA (pop. 90,000)

- Mobile food vending prohibited in all residential zones; no exceptions

Santa Rosa, CA (pop. 180,000)

- Mobile food vending prohibited in all residential zones; no exceptions

Mountain View, CA (pop. 81,600)
Note: mobile food vending regulations are not in the zoning code; they have their own chapter in the municipal code.

- Private property – mobile food vending not permitted on lots used for single-family home or duplex, or on vacant lots (otherwise permitted – on lots with multi-family residential)
- Public property – certain streets are named where mobile food vending is not allowed (otherwise permitted, including in all residential zones)

Examples from other U.S. cities

Louisville, CO (Denver/Boulder area, pop. 21,000)

- Mobile food vending prohibited in all residential zones; no exceptions

Aurora, CO (suburb of Denver, pop. 386,000)

- Mobile food vending prohibited in all residential zones; no exceptions

Boulder, CO (pop. 330,000)

- On private property – mobile food vending prohibited in all residential zones

- In public right-of-way – mobile food vending conditionally permitted in R-1 (low-density residential), and prohibited in other residential zones

Austin, TX (pop. 961,855)

- Mobile food vending prohibited in all residential zones; no exceptions

Miami-Dade County, FL (pop. 2,700,000)

- Residential zones (all) - Mobile food vending permitted only on properties having a current certificate of use and occupancy as a museum, hospital, school, or church, provided such use does not operate more frequently than once per week and no longer than three consecutive days

San Diego, CA (pop. 1,386,000)

- Low density residential zones – mobile food vending prohibited; no exceptions
- Multi-family residential zones – mobile food vending permitted by right only where accessory to a development with at least 16 dwelling units, and where food and beverage service is limited to residents and their guests

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Review the Proposed Streets, Parks and Facilities Naming Policy, the current City Naming Lists, Authorize the Process for naming McCandless Park and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	4/05/2022
	Recommendation: (1) Review the Proposed Streets, Parks and Facilities Naming Policy and Provide Feedback to Staff; (2) Review City Naming Lists and Provide Feedback to Staff; and (3) Authorize Staff to begin process for naming McCandless Park.

Background:
On April 21, 2006, the City Council adopted Standard Operating Procedures (SOP) for naming City streets, parks and facilities through Council Subcommittee recommendation and Council action. After naming several streets and facilities, the Council at that time discontinued the subcommittee. On January 7, 2016, the then City Council established a Streets, Parks and Facilities Naming Subcommittee that made recommendations to the existing Naming Policy, the Naming Lists, and naming several City streets, parks and facilities. This Subcommittee met through November 8, 2017.

On February 26, 2019, City Council sunset the Streets, Parks and Facilities Naming Subcommittee and directed staff to assign naming recommendations for streets to the Planning Commission and for parks and facilities to the Parks, Recreation and Cultural Resources Commission. Based on the City Council direction and the input from the previous Naming Subcommittee, staff is bringing forward an updated policy in the new City Council Policy format for naming streets, parks and facilities.

Analysis:
This staff report provides a summary of the attached draft City Streets, Parks and Facilities Naming Policy (Policy), discusses the current naming list and provides the information regarding the naming of McCandless Park.

Draft Policy Summary
Below, please find highlights of the Policy from the Purpose, Policy, and Procedure sections.

The Purpose of the Policy is to establish the guidelines, criteria and processes for naming City streets, parks and other facilities.

For naming of facilities, the draft Policy requires that

- The Planning Commission shall evaluate names of City streets and shall make recommendations to the City Council.
- The Parks, Recreation and Cultural Resources Commission shall evaluate names of City parks and facilities and shall make recommendations to the City Council.
- Naming recommendations are made from City established and City Council approved Naming Lists.
- The Policy does not prohibit the duplicative use of a name on a street, park or facility, but does not allow duplication within an asset type such as street, park or facility.

The draft Policy also allows for the consideration to rename a City asset per the policy statement as follows

A deliberative process by City staff will be conducted to ensure that renaming of a street, park and facility will not diminish the original justification for the name or the prior contributors. Parks and facilities named after individuals shall not be changed unless it is found that because of the individual's character the continued use of their name would not be in the best interest of the community. Parks that have been named by deed restriction shall not be considered for renaming.

Further, the policy recommends that when naming parks and facilities near schools that the naming effort is coordinated with the Milpitas Unified School District when possible.

The draft Policy identifies criteria and guiding factors for naming or renaming a street, park or facility as follows:

1. Neighborhood or geographical identification, such as street, school, or other descriptive names;
2. Natural or geological features of the area;
3. Historical or cultural significance: the name of a historical figure can be considered if the figure had a significant and extraordinary historical influence on the area, state, national or international level;
4. The name of any person or family that has made a significant impact in the community and/or in development of the street, park, facility;
5. An individual or organization that contributed significantly to the acquisition or development of the park or facility to be named. This can include either a deed or substantial monetary contribution, or contribution toward acquisition and/or development of the park or facility. (Naming rights are not guaranteed if the donation is a dedication as required by the subdivision.
6. The articulated preference of residents of the neighborhood surrounding the street, park, facility;
7. A name should represent community values and consider future generations and ethnic diversity; If the name of an individual or family is to be considered, the use of such name shall have the approval of the individual (or his/her surviving family) or family when reasonably possible.
8. Avoid confusing or similar sounding names. (Public Safety Dispatch test)
9. Avoid changing street names along any continuous alignment. (Continuity test)

The draft Policy procedures implement the policy statements such as maintaining Naming Lists, the recommendation process from the Planning and Parks and Recreation and Cultural Resources Commission, and the steps for renaming streets, parks or facilities.

Naming Lists

The City currently has three (3) naming lists (attached) covering three naming categories with approved naming areas (streets, parks and/or facilities). Those lists are:

Naming List Category	Approved Naming Area
California Native Plants, Flowers, Trees	Streets
U.S. Presidents	Streets, Parks
Influential People	Streets, Parks
Milpitas Historical Names	Streets, Parks, Facilities

Naming lists were last updated in 2017. Feedback from the City Council on the lists is requested, including new names to add to the existing lists or creating additional lists through new Naming criteria genres.

Naming of McCandless Park

The new City park on McCandless Drive is anticipated to have a partial opening of its playgrounds, picnic areas, and community garden in late summer or early fall of 2022. This 4-acre park, adjacent to the new Mabel Mattos Elementary School, will also have in later park development phases, dog park areas, and lit field for sports use. This park is not currently named. Signage for the park requires ordering by early spring 2022 so that it can be installed before the park opens.

To keep with the park project timeline, staff is seeking the approval of City Council to move forward with the process to name the park based on the Naming Policy feedback received at this meeting.

Next Steps

After receiving Council input, staff will return with a final Policy no later than the first Council meeting in May

Fiscal Impact:
There is no fiscal impact associated with this item.

California Environmental Quality Act:
By the definition provided in the CEQA Guidelines Section 15378, this action does not qualify as a “project” for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Recommendation:
1. Review the Proposed Streets, Parks and Facilities Naming Policy and Provide Feedback to Staff.
2. Review City Naming Lists and Provide Feedback to Staff.
3. Authorize Staff to begin process for naming McCandless Park.

Attachments:
1. Proposed Streets, Parks, and Facilities Naming Policy
2. City Naming Lists – President List
3. City Naming Lists – Milpitas Historical Names
4. City Naming Lists – California Native Plant, Flower, Tree

CITY OF MILPITAS

Revision	Date
Original	04/21/2006

CITY COUNCIL POLICY

Policy No: Click or tap here to enter text.	**CITY STREETS, PARKS AND FACILITIES NAMING POLICY**	**Effective Date:** 2/15/2022
Revision No: 1	**Policy Administrator:** Recreation and Community Services	**Next Review Due:** As needed
Related Policies and Procedures: Incorporates and replaces SOP 1.3	**Approved by:** Click or tap here to enter text. Council meeting date, agenda item #, and vote	**Date Approved:** 2/15/2022

1. PURPOSE

1.1. This Policy establishes the guidelines, criteria, and processes for naming City streets, parks, and other facilities.

1.2. This Policy is consistent with Milpitas Municipal Code, Title XI-1000 and Government Code Section 34093.

2. POLICY

2.1. The City shall have the sole authority and the City Council shall have the final authority to approve names of City Streets, Parks, and other Facilities.

2.2. The Planning Commission shall evaluate names of City streets, and shall make recommendations to the City Council.

2.3. The Parks, Recreation, and Cultural Resources Commission shall evaluate names of City parks and facilities, and shall make recommendations to the City Council.

2.4. Although the City will have full control and final decision-making authority on any names selected, public input will be received, and other names may be raised and requested to be considered by the City Council.

2.5. From time to time, the City Council shall approve names to be added to a list(s) of names suitable for streets, parks, and facilities.

2.6. No duplication of names within an asset type (i.e., park, facility, plaza) will be approved.

2.7. A deliberative process by City staff will be conducted to ensure that renaming of a street, park, and facility will not diminish the original justification for the name of the prior contributors. Parks and facilities named after individuals shall not be changed unless it is found that because of the individual's character the continued use of their name would not be in the best interest of the community. Parks that have been named by deed restriction shall not be considered for renaming.

2.8. The following criteria and factors shall be considered with naming or renaming a street, park, or facility:

2.8.1. Neighborhood or geographical identification, such as street, school, or other descriptive names;

2.8.2. Natural or geological features of the area;

2.8.3. Historical or cultural significance: the name of a historical figure can be considered, if the figure had a significant and extraordinary historical influence on the area, state, national, or international level;

2.8.4. The name of any person or family that has made a significant impact in the community and/or in development of the street, park, or facility;

2.8.5. An individual or organization that contributed significantly to the acquisition or development of the park or facility to be named. This can include either a deed or substantial monetary contribution, or contribution toward the acquisition, and/or development of the park of facility. (Naming rights are not guaranteed if the donation is a dedication as required by the subdivision.)

2.8.6. The articulated preference of residents of the neighborhood surrounding the street, park, facility;

2.8.7. A name should represent community values and consider future generations and ethnic diversity;

2.8.8. If the name of an individual or family is to be considered, the use of such name shall have the approval of the individual (or his/her surviving family) or family when reasonably possible;

2.8.9. Avoid confusing or similar sounding names (Public Safety Dispatch test);

2.8.10. Avoid changing street names along any continuous alignment (Continuity test).

2.9. Naming of parks and facilities near schools shall be coordinated with the Milpitas Unified School District as much as possible.

2.10. All naming and/or renaming of a park or facility will be set forth by a Council Resolution.

2.11. Should policy conflict with any City Ordinance, Code or other laws and regulations, the respective City Ordinance, Code or other laws and regulations shall prevail.

3. PROCEDURE

3.1. Maintaining a List of Names for Naming Streets, Parks, and Facilities.

3.1.1. The Recreation and Community Services Department shall maintain a List of Names for Naming Streets, Parks, and Facilities.

3.1.2. As needed, the Director of Recreation and Community Services shall bring additions to the List of Names for Naming Streets, Parks, and Facilities to Council for approval at any regular or special meeting.

3.2. Naming of Streets, Parks, and Facilities

3.2.1. City street naming recommendations shall be brought to the Planning Commission for recommendation to the City Council and may be considered at any regular or special meeting.

3.2.2. City park and facility naming recommendations shall be brought to the Parks, Recreation, and Cultural Resources Commission for recommendation to the City Council and may be considered at any regular or special meeting.

3.2.3. Naming recommendations shall be from the City Council approved List of Names available from the Director of Recreation and Community Services.

3.3. Proposed names for new City streets, parks, and facilities should be considered during the entitlement process prior to the final map approval.

3.4. Names being considered for streets shall be reviewed by the City and County emergency services dispatch and Post Office to discourage names that are too similar or confusing that may hinder emergency response; or are otherwise inappropriate for public safety purposes.

3.5. The following City Departments will contribute to the establishment and maintenance of databases for named streets, parks, and facilities:

- 3.5.1. Information and Technology Department – Maintain database of all City assets (streets, parks, and facilities)
- 3.5.2. Recreation and Community Services Department – Maintain Naming Lists, information about historical references, person's full names, ancestry, dates of birth and death, and other information of interest about the person or group, and the significance of their name to Milpitas' history and/or to that particular named asset.
- 3.5.3. Planning Department – Coordinate Street Naming related to new development, prepare, and maintain GIS databases for mapping of new facilities.

3.6. Renaming of a street, park, or facility

- 3.6.1. The renaming of a street, park, or facility may be initiated by City Council, City Commission, City staff, a group, or individuals.
- 3.6.2. The initiation of renaming by non-City organizations or individuals shall be made by participating during Public Forum at the appropriate advisory City Commission or City Council meeting.
- 3.6.3. The City Commission may place the request on the agenda for review of the proposed name(s), taking of public comment, and discussion of the renaming proposal consistent with this Policy.
- 3.6.4. When a City Commission considers the renaming proposal of a street, park, or facility, staff shall notify the surrounding neighborhood in a ¼ mile radius.
- 3.6.5. If the City Commission supports the renaming proposal, it will make a recommendation to the City Council for Council consideration.

3.7. The name of a park or facility that is sold, transferred to non-city ownership, or otherwise deemed to no longer be a City of Milpitas property, should be transferred to another location eligible for naming. Should there not be an appropriate location, the name shall be added to the appropriate Naming List for future use.

City of Milpitas
Facilities, Streets & Park Naming Subcommittee
Naming List – US Presidents
Approved for: Streets & Parks

PRESIDENT	EXISTING STREET LOCATION
1. George Washington	Washington Dr./N. Milpitas Blvd.
2. John Adams	Adams Ave./N. Temple
3. Thomas Jefferson	
4. James Madison	
5. James Monroe	
6. John Quincy Adams	Adams Ave./N. Temple
7. Martin Van Buren	
8. William Henry Harrison	
9. John Tyler	
10. James K. Polk	
11. Zachary Taylor	Taylor Dr./Conway St.
12. Millard Fillmore	
13. Franklin Pierce	
14. James Buchanan	
15. Abraham Lincoln	
16. Andrew Johnson	
17. Ulysses S. Grant	
18. Rutherford B. Hayes	

PRESIDENT	EXISTING STREET LOCATION
19. James A. Garfield	
20. Chester Arthur	
21. Grover Cleveland	
22. Benjamin Harrison	
23. Grover Cleveland	
24. William McKinley	
25. Theodore Roosevelt	
26. William Howard Taft	
27. Woodrow Wilson	Wilson Way/N. Milpitas Blvd.
28. Warren G. Harding	
29. Calvin Coolidge	
30. Herbert Hoover	
31. Franklin D. Roosevelt	
32. Harry S Truman	
33. Dwight D. Eisenhower	
34. John F. Kennedy	Kennedy Dr./Fanyon St.
35. Lyndon B. Johnson	
36. Gerald Ford	
37. Jimmy Carter	
38. Ronald Reagan	
39. George Bush	

PRESIDENT	EXISTING STREET LOCATION

40. Bill Clinton

41. George W. Bush

42. Barack Obama

City of Milpitas
Facilities, Streets & Park Naming Subcommittee
Naming List – Milpitas Historical Names
Approved for: Streets, Parks, Facilities

NAME	SUGGESTED BY	DEDICATION LOCATION
19th CENTURY		
1. Charles Beverson Milpitas Cattle Rancher/Dairy Farmer	Commission: PRCRC	
2. Alfred Doten Milpitas literary figure/author	Commission: PRCRC	
3. Alfred French Ran first hotel that brought tourism to Milpitas	Commission: PRCRC	
4. JW Johnson First Town Constable	Commission: PRCRC	
5. Augustus Rathbone First Storekeeper	Commission: PRCRC	**Augustus Rathbone Park**
20th CENTURY		
6. Chew Family Part of Milpitas' early agricultural history, the Chew's had 15 acres where they ran their Flower Farm business	Naming Subcommittee	
7. Albert Currlin One of the first Doctors in Milpitas	Commission: PRCRC	**Dedication Plaque: Valley Health Center**

NAME	SUGGESTED BY	DEDICATION LOCATION
8. Sal Cracolice Ran Milpitas' first Pharmacy, started first Youth Center	Naming Subcommittee	**Sal Cracolice Building (through June 2016)**
9. Ernestina Garcia Civil Rights Activist	Commission: PRCRC	
10. Joe House Mayor (1974 – 1976)	Commission: PRCRC	
11. Bob McGuire First Parks and Recreation Director	Commission: PRCRC	**Dedication Plaque: Comm. Center Amphitheater** **Bob McGuire Park**
12. Ray Madruga Early Ironworker, invented "Milpitas Plow"	Commission: PRCRC	
13. Mabel Mattos	NA	**Street: Mattos Dr./Edsel** **Bench/Farm Equipment: Alviso Adobe**
14. Ford	Naming Subcommittee	
15. Dick Delong	Commission: PRCRC	**Street: Delong Dr./Tradezone Blvd.**
16. Joe Smith	Commission: PRCRC	**Street: Smith Ln./Pimentel Cir.**
17. Rogers Family (Ben, Jim)	NA	**Ben Rogers Park**
18. Weller Family (Joseph, Abraham)	NA	**Street: Weller Ln./N. Main St./Weller Elementary**
19. Denny Weisgerber	NA	**Denny Weisgerber Community Room: Senior Center**
21st CENTURY		
20. Larry Voellger Started Milpitas' first Public art Program (Art in Your Park)/ Long Serving Arts Commissioner	Naming Subcommittee	**Public Art Project Dedication: Higuera Adobe Park**

21. Jimmy Chamoures Naming Subcommittee
    Instrumental in the rebuilding of the Milpitas Post Newspaper in the mid 90's/Started Milpitas Yellow Pages

City of Milpitas
Facilities, Streets & Park Naming Subcommittee
Naming List – California Native Plants, Flowers, Trees
Approved for: Streets

NAME	EXISTING STREET LOCATION
1. Maple	**Maple Ave./N. Abbott Ave.**
2. Paprika	
3. Pomegranate	
4. Terracotta	**Terracotta Ct./Dogwood Ct.**
5. Beacon	**Beacon Dr./Canton Dr.**
6. Chamise	
7. Fern Family	
a. Fernleaf Dr.	**Fernleaf Dr./ Sandisk Dr.**
8. Snapdragon	
9. Manzanita	**Manzanita Court/Blue Spruce Way**
10. Poppy Family	
a. Poppy Lane	**Poppy Ln./E. Calaveras Blvd.**
b. Poppy Court	**Poppy Ct./Poppy Ln.**
11. Sagebrush	**Sage Brush St./Milkweed**
12. Finnis	
13. Milkweed	
14. Butterfly Weed	
15. California Aster	
16. Pacific Aster	
17. Desert Holly	
18. Coyote Brush	
19. Chuparosa	
20. Barberry	
21. Goldenstar	
22. Lily Family	
23. Camas	
24. Harebell	
25. Berkeley Sedge	
26. Anemone	
27. Purple Owls Clover	
28. Lilac	
29. Redbud	
30. Willow	**Willow Ave./N. Abbott Ave.**
31. Rabbit Brush	
32. Thistle	**Thistle Pl./Clover Cir.**
33. Clarkia	
34. Chinese Houses	
35. Dogwood	**Dogwood Ct./Terracotta Ct.**

NAME	EXISTING STREET LOCATION
36. Sacred Thorn	
37. Dichondra	
38. Shooting Star	
39. Bleeding Heart	
40. Candleholder	
41. Lance Leaf	
42. Cactus	
43. Canyon Prince	
44. Desert Tea	
45. Stream Orchid	
46. Rabbit Brush	
47. Yerba Santa	
48. Buckwheat	
49. St. Catherine's Lace	
50. Golden Yarrow	
51. Lizard Tail	
52. Fremontea	
53. Bush Family	
54. Bedstraw	
55. Snapdragon	
56. Sunrose	**Sunrose Ct./Joshu Tree Ct.**
57. Toyon	
58. Coral Bells	
59. Alumroot	
60. Cardinal	
61. Bridget Bloom	
62. Wooly Rose	
63. Desert Lavender – "Lavender"	**Lavender Loop/Currant Rd.**
64. Iris	
65. Scarlet Gilia	
66. Walnut	**Walnut Dr./N. Abbott Ave.**
67. Chuparosa	
68. Goldfields	
69. Mallow Family	
70. Tidy Tips	
71. El Tigre	
72. Sage	**Sage Ct/Tarob Ct.**
73. Tiger Lily	**Tiger Lily St./Sunflower Ln.**
74. Western Flax	
75. Bitterroot	
76. Cardinal Flower	
77. Honeysuckle	
78. Water Primrose	
79. Lupine	

NAME	EXISTING STREET LOCATION
80. Chamisso Bush	
81. Catalina Ironwood	
82. Laurel	
83. Blazing Star	
84. Wishbone Bush	
85. Mustang Mint – "Mint"	**Mint Way/Cherry Cir.**
86. Myrtle	**Myrtle Ln./Clover Cir.**
87. Needlegrass	
88. Beavertail	
89. Pricklypear	
90. Cactus	
91. Clover	**Clover Cir/Myrtle Ln.**
92. Redwood Sorrel	
93. Palo Verde	
94. Peony	
95. Scarlet Bugler	
96. Desert Bluebell	
97. Fiesta Flower	
98. Pine	
a. Pinewood Way	**Pinewood Way/Fallen Leaf Dr.**
b. Pinewood Court	**Pinewood Way/Pinewood Ct.**
c. Pinehurst Court	**Pinehurst Ct./Tularcitos Dr.**
99. Sycamore	**Sycamore Dr./Barber Ln.**
100. Cottonwood	**Cottonwood Dr./Barber Ln.**
101. Desert Peach	
102. Desert Almond	
103. Cherry	**Cherry Cir./Mint Way**
104. Coffee Berry	**Coffee Berry Ln./Wild Rose Ln.**
105. Red Berry	**Red Berry Ln./Sunflower Ln.**
106. Lemonade Berry	
107. Sugar Bush	
*108. **Currant** Family*	
*a. **Currant***	**Currant Rd./Lavender Loop**
109. Matilija Poppy	
110. Wild Rose	
111. Baja Rose	
112. Chia	
113. Sage Family	
a. Sagemeadow Court	**Sagemeadow Ct./ Beresford Ct.**
114. Mexican Elderberry	
115. Checker	
116. Catchfly	
117. Grass Family	

NAME	EXISTING STREET LOCATION
118. Goldenrod	
119. La Luna	
120. Aster Family	
121. Clover	**Clover Cir & Clover Ct.**
122. Southern Cattail	
123. Sunflower	**Sunflower Ln./S. Main St.**
124. Wild Grape	
125. Joshua Tree	**Joshua Tree Cir./Lundy Rd.**
126. Nightshade	**Nightshade Rd./Garden St.**
127. Oak	
a. Oakhurst Way	**Oakhurst Way/Sandhurst Way**
b. Oak Ridge Road	**Oak Ridge Rd./Calaveras Blvd.**

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive a Presentation on Responses to Council Inquiries and Other Matters Related to the Proposed 2023-2027 Capital Improvement Program and Provide Feedback to Staff (Staff Contact: Michael Silveira, CIP Manager, 408-586-3303)**
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	4/5/2021
	Recommendation: Receive a presentation on responses to Council Inquiries and other matters related to the proposed 2023-2027 Capital Improvement Program and provide feedback to staff.

Background:
The City plans and budgets for its capital improvement projects through a five-year Capital Improvement Program (CIP). The projects in the first year of any proposed Five-Year CIP are funded while projects in the subsequent four years may be partially funded or not funded at all. The City Council is required to consider and adopt a five-year Capital Improvement Program before June 30, 2022.

On February 8, staff presented the proposed 2023-27 Capital Improvement Program, Fiscal Year 2022-23 CIP Workplan, Referrals, and the Engineering Department position requests to the City Council for review and consideration. The Council provided feedback to staff on referrals and requested staff bring additional information back on several items for Council consideration. On March 15, the City Council requested that staff bring forward as part of the adoption of the 2023-2027 CIP, a Sports Center Visitor Bleacher project for potential inclusion in the 2023-2027 Adopted CIP.

Analysis:
Based on Council discussion at the 2023-2027 CIP Study Session on February 8 and CIP related inquiries at the March 15 City Council meeting, staff is providing requested information, confirming Council's intent related to certain projects, seeking Council direction for including certain projects into the 2023-2027 CIP and presenting the additional staffing complement and related Engineering project plan to deliver the Council's highest priority projects during the next three years given currently anticipated funding.

Informational Items:
During the February 8th CIP Study Session and staff presentation, the Council asked questions on the various items presented and requested staff return with addition details on the following:

- **Fire Station 1 Ambulance Personal Quarters**
  In preparation for the deployment of the ambulance, staff executed a contract with Ron Paris Construction (RPC) for the installation of a window at Fire Station #1 to improve sleeping quarters for the future ambulance staff in January 2021. Due to supply chain delays and contractor error, the shipment of the window was delayed significantly, which prompted staff to let the contract with RPC expire and contract with Tucker Construction. Tucker Construction had successfully completed several projects previously for the City and has the appropriate experience for the project at Fire Station #1. The contract with Tucker Construction was executed on September 28, 2021 and is for the not-to-exceed amount of $41,159.00. Work is expected to be completed by June 30, 2022.

- **McCandless & Curtis Well Improvement**

The western United States has experienced a historic dry period during the last few decades, and we have been in a drought for several years. In response to the drought, on August 5, 2021, the City Council adopted an urgency ordinance relating to the Water Shortage Contingency Plan due to mandatory and voluntary water consumption reduction targets required by the City's water wholesalers. Given the insufficient precipitation this winter, drought conditions will continue for the foreseeable future, which may result in reduction of water availability from our wholesalers. The construction of wells expands the City's water supply portfolio which will allow the City to supplement water supply cutbacks during drought conditions.

Currently, the City does not use groundwater to meet customer potable water demand under normal conditions. The City has one existing fully developed well, Pinewood Well, which is dedicated to meet emergency water supply needs, and Curtis Well and McCandless Well will supplement emergency need once completed.

Capital Improvement Program Project No. 7076 provides for the design and construction of McCandless and Curtis potable water wells and related infrastructure as recommended by the Water Supply Augmentation Feasibility Report, March 2015. These projects are currently underway; however, staff has had to pause work due to new Council directed priorities. However, work will need to resume in order to meet future water demand.

Based on the projected water demand through 2040, the City would need a 6 million gallon above ground storage reservoir to meet storage requirements. With the use of the McCandless well, the above ground storage requirement is reduced to 2 million gallons.

Therefore, staff recommends that work on McCandless and Curtis wells continue in order to complete the project and bring these wells on-line as quickly as possible.

- **Metro Police Substation**
  The Council requested additional information on the history and significance of the Metro Police Substation project (Project, No. 2011)

  The project was first added to the Capital Improvement Program in 2019 as part of the adopted 2019-2024 CIP. The Project provides funding to construct tenant improvements to convert a commercial building space within the Metro area into a 1,500 square foot police substation. The Project is funded through TASP fees and the total estimated cost is $1M.

  It is anticipated that a new substation located in the Metro Specific Plan area will mitigate future traffic congestion impacts and help maintain police response times and police presence due to anticipated increased call volume from new residential developments, entertainment zone, and the Milpitas Transit Station.

  There is an existing police substation within The Great Mall of the Bay Area, however the station is small and inadequate. There's also increased risk and response delay because of pedestrians and vehicle traffic when responding to emergencies from the mall substation, so this location is not desirable.

  With the build-out of the Metro Specific Plan area, estimated by 2050, and the development of City owned parcels, staff will bring forward potential sites for a Police Substation for Council consideration in the next few years.

- **Dempsey Water Line Project**
  The Mayor asked what the project cost and schedule would be for a reduced project length between Selwyn Drive to Yosemite in order to repair a highly degraded road.

  The Dempsey Water Line Project, No. 7118 provides for the design and construction for the replacement of 4,000 linear feet of 12" diameter cast iron pipe along Dempsey Road from North Park

Victory Drive to Yosemite Drive. The pipe segment was installed in the 1950s and has reached the end of its service life. The estimated Project cost for the water line phase is $7.8M, however, a lack of Engineering resources and work on existing Council requested projects has prevented the Dempsey Water Line Project from moving forward.

In response to Council inquiry, the length of pipe segment between Selwyn Drive to Yosemite Drive is approximately 2,500 feet, and the estimated cost to replace this segment of water line is estimated at $4.8M. While a reduction in linear footage of pipeline replacement does correlate to a reduction in project cost, it does not equate to a reduction in City staff time required to start and administer the project as the same effort is required to administer the project regardless of length of pipe replacement.

Staff does not recommend a reduction in the length of pipe to be replaced. Rather, in order to resurface Dempsey Road as soon as possible, staff recommends including Dempsey Road in the resurfacing project schedule for construction summer of 2023 at an estimated cost of $2.5 million and start the water line project in FY 2024-25 with construction to occur about two years later. In order to mitigate the delay of the water line project and potential service interruptions, staff will proactively monitor critical sections of the water line for leaks and breaks.

City Council Referrals:

At the February 8, 2022, proposed 2023-2027 CIP Study Session, the Council provided feedback on several Council Referrals. Staff seeks confirmation of Council's intent regarding inclusion of the discussed referrals. It is important to note that on March 15, the City Council approved the Pickleball pilot and requested that staff bring forward as part of the adoption of the 2023-2027 CIP, a Sports Center Visitor Bleacher project for potential inclusion in the 2023-2027 Adopted CIP. The scheduled project start date is dependent on the addition of two positions in Engineering and filling of authorized positions and completion of current Council priorities underway.

<u>Referrals to be included in the 2023-2027 CIP</u>

- **Gateway Signage**
  This unfunded project will be added to unfunded project list of the CIP to allow time for staff to research potential grant funding and outreach to local business and service clubs.

- **Landmark Policy - Historic Resource Master Plan Update and Marker Program** ($200,000)
  This project, which will be scheduled to begin in FY 2022-23, funds a study to assess the City's historic structures.

- **Police Substation**
  The Police Substation Project will remain as a funded project in the CIP, and staff will continue to look for suitable locations within the Metro area as noted above.

- **Railroad Quiet Zone Study** ($300,000)
  This project, which will be scheduled to begin in FY 2024-25 depending on staff resources, funds a study and assessment for the implementation of Quiet Zones at the City's 11 railroad crossings. The study will include a determination if the crossings meet established Quiet Zone criteria and will provide an analysis of crossing and street improvements required for Quiet Zone implementation. Improvements may include permanent roadway and sidewalk closure, roadway undergrounding, or surface and rail gate improvements. Future crossing improvements required to support a Rail Quiet Zone petition, which are estimated to cost $2.4M to $10.1M per crossing, are not funded at this time. No Federal, State, or County grant funding source is currently available to implement mitigations for Quiet Zones. A local municipality is financially responsible for these mitigation costs. However, jurisdictions such as City of San Jose through legislative advocacy was successful in obtaining State funding allocation for mitigations toward establishment of some Quiet Zones. Milpitas would need to take similar legislative advocacy effort to pursue outside funding for the desired Quiet Zones.

- **Rose Garden with Children's Memorial** ($300,000)
  This project, which will be scheduled to begin in FY 2024-25 depending on staff resources, funds design and construction of the garden and memorial. Ongoing City maintenance costs, including utilities, is estimated at $10,000 annually. Potential community volunteers may help reduce the anticipated annual maintenance cost.

Referrals Not Scheduled to be Included in the 2023-2027 CIP

- **Pavement Marker Pilot Program**
  Staff understands a majority of Council was not in favor of proceeding with the pavement marker pilot program. Staff will continue with current traffic calming and assessment programs and will start two new projects in the current fiscal year related to traffic calming: Citywide Traffic Safety Assessment (Project No. 4293) and a Citywide Traffic Modeling (Project No. 4297).

New Projects or Projects with additional Information

On March 15, the City Council requested that staff bring forward as part of the adoption of the 2023-2027 CIP, a Sports Center Visitor Bleacher project for potential inclusion in the 2023-2027 Adopted CIP. Therefore, staff requests that the City Council provide feedback regarding the Sports Center Visitor Bleacher project for incorporation into the 2023-27 CIP. Further, staff is providing additional information regarding the Council Chamber Audio Visual System Replacement project and the criticality for advancing the project as soon as possible. The S. Milpitas Blvd. Vehicle Bridge at Penitencia project is included in this staff report to update the public regarding the $3 million allocation of federal funds.

- **Sports Center Visitor Bleacher**
  In 2016, the expansion and improvement of the bleachers at the Sports Center main field was completed as part of the installation of the synthetic turf fields. The work included the expansion of the existing "Home" bleacher and the addition of two 8-foot x 21-foot "Visitor" bleacher units on the opposite side of the field with a seating capacity up to 52 people per unit for a total of 104. Bleacher improvements were completed in conformance with the requirements of the Americans with Disabilities (ADA).

  The "Visitor" bleacher units are approximately 8-foot by 21-foot, and the estimated cost to increase bleacher capacity by 50%, or an additional 52 seats, by adding one unit is $275,000, and the cost to increase capacity by 100%, or an additional 104 seats, by adding two additional units is estimated at $300,000.

  Staff seeks Council direction regarding adding this project, and if affirmative, whether to expand the capacity by 50% or 100%, and the criticality of project completion. If the Council approves adding this project, it would be funded from the General Government CIP fund and given the current set of priorities, proposed and actual staffing levels, this project would be scheduled to start in FY 2026-27.

- **Council Chamber Audio Visual System Replacement**

  Staff understands Council direction on February 8 was to not fund Project construction next fiscal year (FY 2022-23), however staff recommends at least proceeding with an assessment of the Council Chambers' Audio Visual (AV) system and to align the City's equipment needs with new available technology.

  This is a proposed new Project for the replacement of the AV system in the Council Chambers, used to support City Council Meetings, Planning Commission Meetings, and other public events. The existing AV equipment is almost 10 years old and has reached the end of its service life where it has technical obsolescence and suffers frequent breakdowns. Since August of 2021, when the City Council meetings transitioned to a hybrid format, staff has needed to troubleshoot and develop multiple workaround solutions in order to enable the hybrid City Council meetings on at least five occasions. The breakdowns have included failure of hardware and associated power supply (UPS), as well as

malfunctioning of video switching functions, audio functions, display screens, and the centralized control system itself. Staff has had to shut down and re-start the system multiple times and have managed to get the system functioning just minutes before the meeting start. Staff is currently developing a temporary solution as a back-up however this will not allow seamless integration and smooth streaming of the City Council meetings.

Furthermore, the current system was intended to be used for the purposes of television broadcasting. The system now needs to interface with Zoom and live streaming media; thus, the proposed new equipment is desired to effectively handle web-streaming capabilities. Although the current legislation allows some flexibility for Council to attend the meetings virtually in the event of a failure of the Council Chambers' AV system, this will likely change in the near future once the local state of emergency has ended. The project, once funded, will take at least several months to complete which is why staff is recommending proceeding with an assessment and a conceptual design.

The recommended assessment and design Phase proposed for (FY 2022-23) would include a recommended scope of work for system replacement that would be used by a future contractor. The assessment and design work is anticipated to cost $200K, which is recommended to be funded in FY2022-23. The Project is currently proposed to be funded through General Government CIP fund and the estimated cost is $1.3M. The construction phase of the Project is currently proposed for FY2023-24 and listed in the CIP document as unfunded. However, based on the assessment and any additional breakdown of equipment, staff may bring forward recommendations ahead of the subsequent five-year CIP, with potential funding proposed from the $2 million technology reserve fund.

- **S. Milpitas Blvd. Vehicle Bridge at Penitencia (Project No. 2016)**

  This project provides for the design and construction of a vehicular bridge over Penitencia Creek at the end of the new S. Milpitas Blvd. Extension. The vehicular bridge is part of the Metro Area Specific Plan circulation infrastructure plan to provide vehicular, bicycle and pedestrian connectivity between Metro developments, Milpitas BART Station, Great Mall and surrounding residential developments.

  The City of Milpitas was just awarded $3 million in Federal Community Project Funding for this project as part of the federal appropriations package signed by the President on March 11, 2022, which will augment the project budget from $12.7 million to $15.7 million. This increase in funding will be incorporated in the 2023-2027 Adopted Budget scheduled for Council approval on May 3rd, 2022.

Engineering Staffing and Project Delivery

On February 8th, staff discussed the staff shortage within the Engineering Department and the need to add positions to address the current workload as well as Council's capital improvement priorities. Staff proposed the addition of 4 new positions, which appeared to have City Council support.

Given recent geo-political impacts to the global, national and regional economy, staff projects less General Fund revenue. To better align the request for new positions with General Fund resources, the proposed FY 2022-23 Budget will include the addition of only two positions in Engineering. Pending a recovery of the economy during the next 12 months, staff intends to bring forward an additional two positions. The two engineering positions recommended to be added as part of the FY 2022-23 proposed Budget are a Principal Civil Engineer and a Junior/Assistant Engineer. The total cost for these 2 new positions is $476,500 and funded 30% by General Fund ($142,950) and 70% by the CIP ($333,550).

If the two additional positions are provided, the engineering department would complete its existing workload, and start up to 6 new projects: Cardoza Fields (currently only funding for design is allocated for this project) and Fire Station 1 Modular Building (design work would start in FY 2022-23) as well as McCandless Street Bridge, Dempsey Road Water Line, the Rose Garden and Children's Memorial and Railroad Quiet Zone Study (design work would start in FY 2023-24). If the City Council prefers to advance the Sports Center Visitor Bleacher, one of the six projects would have to be delayed.

Currently, the Department is working to complete Council requested projects including the replacement of Fire Station 2 (bond funded); McCandless Park (grant funded); McCandless Well (water funded); Calaveras Bridge Widening (Measure B funded); ADA Compliance Review (grant funded); Alviso Adobe renovation; and we anticipate starting ARPA funded park improvements and a required project for the renovation of the two Lighting Landscape Maintenance Assessment Districts (LLMD).

Staff is also working on a project to extend South Milpitas Boulevard across Capitol Avenue and Penitencia Creek and construct a vehicle/pedestrian bridge over Penitencia Creek, and a road to connect Sango and Tarob Court. As stated above, the City was awarded $3M in Federal Community Project Funding. Due to the requirements and deadline for use of this federal funding, staff is now required to focus additional time to this project and ensure it is completed in accordance with requirements for use of the funding.

The Engineering Department work schedule provided for the start of new projects assumes the prompt filling of new positions. It should be understood there is a current labor shortage making it difficult to fill positions and to obtain contract staffing. It may require 6 to 12 months to fill any new approved positions, which will delay starting new projects until the positions are filled.

Next Steps

Staff will incorporate Council feedback into the proposed 2023-27 CIP document. Staff anticipates presenting the Proposed 2023-2027 CIP document, as revised, to the City Council for consideration on May 3, 2022. Proposed funding actions for the first year of the 2023-2027 CIP document will be presented for Council consideration as part of the approval of the FY2022-23 Adopted Budget scheduled for June 7, 2022.

Fiscal Impact:
As reported on February 8, 2022, the proposed Capital Improvement Program includes funding recommendations for 38 projects in the amount of $29.6 million for FY2022-23 for repairs and improvements to City infrastructure. Based on direction from the April 5, 2022 City Council meeting, the Proposed 2023-2027 CIP will be updated, as necessary, including the total amount of all funding recommendations.

California Environmental Quality Act:
The City Council's receipt of a presentation is not a discretionary action subject to the California Environmental Quality Act (CEQA). Further, even if this action was deemed to be a discretionary action, the City Council's action in receiving the report is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3) as it can be seen with certainty that the City Council's input on the CIP does not have the potential to cause a significant effect on the environment as it does not involve the approval of any CIP project. Further, this action is also exempt pursuant to CEQA Guideline 15378(b)(4) as a governmental fiscal activity which does involve any commitment to any specific project. Although the CIP does include various projects, the City is not mandated to move forward with any project, and at the time of any project approval, CEQA review will be conducted at that time.

Recommendation:
Receive a Presentation on Responses to Council Inquiries and other Matters related to the Proposed 2023-2027 Capital Improvement Program and provide feedback to staff.

Attachment:
NONE

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive a Presentation on the Draft Climate Action Plan Update and Provide Direction to Staff (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)**
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	4/5/2022
	Recommendation: Receive a Presentation on the Draft Climate Action Plan Update and provide direction to Staff.

Background:

The City's Climate Action Plan (CAP) was adopted in May 2013 and was intended to serve as a roadmap to meeting the State's 2020 greenhouse gas (GHG) emissions reduction target (15% below 2005 baseline emissions). The CAP was designed to streamline environmental review of future development projects in the City of Milpitas and its planning horizon only went are far as 2020.

Since 2013, new studies and reports are showing that climate change is happening faster than anticipated. Many communities, including some nearby, are experiencing extreme weather events such as flooding, prolonged drought, and wildfires. New state targets have been adopted that call for longer term GHG reductions including the most recent Executive Order B-55-18 (signed in September 2018) which sets a goal for the State to achieve carbon neutrality by 2045. Additionally, there are new requirements to increase organics diversion and ensure water is used efficiently.

Immediately after the August 2021 release of the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report—the IPCC's most recent, comprehensive report outlining the scientific community's latest information on climate change, its causes, and potential impacts—the United Nations Secretary-General António Guterres issued a statement. For his opening remark, he declared, "[the] Report is a code red for humanity. The alarm bells are deafening, and the evidence is irrefutable: greenhouse gas emissions from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk. Global heating is affecting every region on Earth, with many of the changes becoming irreversible." As California continues to experience rising average temperatures, more severe storms, and intense drought, it has become evident that the effects of global climate change are already occurring. Climate change poses an imminent threat to the city and the world at large, but it is not too late for the global community to put the brakes on climate change and ensure a livable, healthy, and prosperous planet for generations to come.

While climate change is a global issue, local governments have an important role to play in reducing GHG emissions and preparing for the impacts of climate change in their communities. To help achieve these objectives, public agencies develop Climate Action Plans (CAPs), which serve as long-term strategic planning frameworks that outline specific strategies, measures, and actions an agency can take to mitigate GHG emissions and strengthen resilience to climate change. CAPs also contain specific guidance for governments to effectively implement emissions reduction and adaptation measures and monitor progress over time.

City Council approved CIP #3416 to update the CAP as part of the adoption of the 2019-2025 Capital Improvement Program. After a competitive RFP process, on August 4, 2020, the City Council approved a contract with Ascent Environmental Consultants to provide technical support for the CAP Update.

Analysis:

Through the development and implementation of its CAP Update, the City is joining hundreds of other communities across the nation in tackling the challenges posed by climate change. The update process began in fall 2020 with multiple community engagement points throughout 2021 including an online survey, virtual community workshop in May 2020, workshops with Milpitas High school students, and multiple meetings with the Energy and Environmental Sustainability Commission, and City's Executive Steering Committee. The CAP Update aims to meet these long term targets as approved by the State and sets a path for the City to achieve carbon neutrality by 2045. This CAP Update is primarily focused on achieving the 2030 target and aims to make substantial progress in achieving the longer-term 2040 and 2045 targets.

In order to develop a path for carbon neutrality, the attached draft CAP Update establishes the current Community Green House Gas (GHG) Emmissions Inventoy. Based on the inventory, the GHGs are forecasted, which determines the gap of GHG emissions vs. the goal of carbon neutrality by 2045. Then, key strategies are recommended for Council consideration to close the gap and set the City on a path of achieving carbon neutrality.

Community Green House Gas Emissions Inventory

The critical first step in the overall climate action planning process is to prepare a GHG emissions inventory. To develop and implement a CAP that will effectively reduce GHG emissions, local governments must first have a comprehensive understanding of the emissions that are generated by activities within their jurisdictions. The standard GHG emissions inventory used in the climate action planning process, known as a "production-based" inventory, estimates GHG emissions generated within a defined geographic boundary during a single year. It identifies the sources, activities, and sectors that are producing these emissions and the relative contribution of each, while also providing a baseline used to forecast emissions trends into the future. This information is used to set reduction targets that are consistent with State objectives and then to create solutions for reducing GHG emissions locally through the creation of a CAP.

Based on the modeling conducted for the revised baseline inventory, community activities in the city generated approximately 547,972 MTCO2e in 2005. The largest emissions-generating sectors included on-road transportation, nonresidential building energy, and residential building energy. In preparation of the CAP Update, the City developed an updated baseline inventory, which evaluated community emissions in 2019 using the same seven emissions sectors in the revised 2005 inventory.

Comparison of Milpitas Community Greenhouse Gas Emissions Inventories				
Emissions Sector	Revised 2005 Inventory ($MTCO_2e$)	2015 Inventory ($MTCO_2e$)	2019 Inventory ($MTCO_2e$)	Percent Change 2005 – 2019
On-Road Transportation	252,864	278,061	259,627	+3%
Nonresidential Building Energy	183,424	202,368	98,319	-46%
Residential Building Energy	64,108	57,581	42,218	-34%
Solid Waste	26,998	28,984	23,566	-13%
Off-Road Vehicles and Equipment	15,034	16,511	15,554	+3%
Wastewater Treatment	1,078	1,935	1,578	46%
Water Supply	4,466	2,974	694	-84%
Total	**547,972**	**588,414**	**441,557**	**-19%**

Notes: Totals may not sum exactly due to independent rounding. $MTCO_2e$ = metric tons of carbon dioxide.
Source: Ascent Environmental 2021.

In 2019, community GHG emissions decreased by approximately 19 percent below the revised 2005 baseline. Although Milpitas' population and employment continued to rise in 2019, a larger portion of the reduction in emissions between the revised 2005 inventory and the 2019 inventory can be explained by:

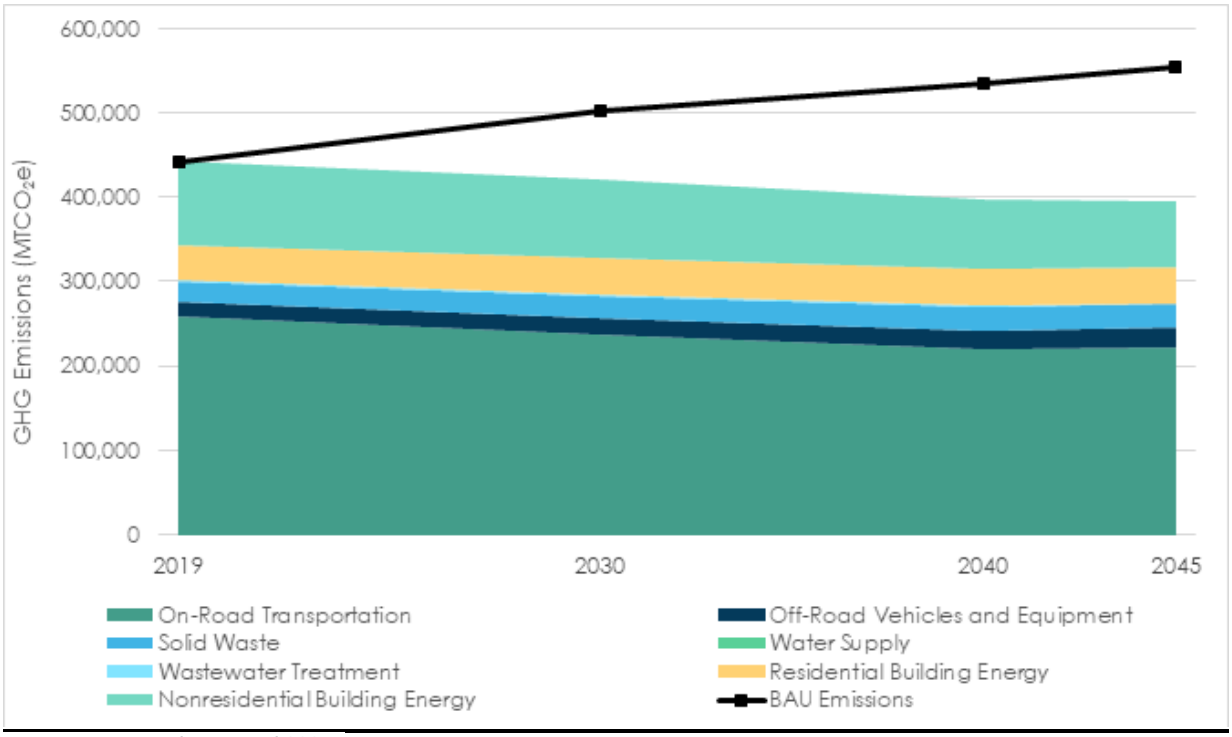
- improvements in vehicle and equipment fuel efficiency due to State and federal regulations,
- reductions in the carbon intensity of grid electricity due to State regulations, and

- the supply of near-zero-emissions grid electricity from SVCE to the Milpitas homes, businesses, and city facilities starting in 2018.

Community GHG Emissions Forecast

GHG emissions forecasts provide a modeled estimate of future emissions levels based on a continuation of current trends in activity, population, and job growth, while also accounting for known regulatory actions by State and federal agencies (i.e., "legislative" actions) that are expected to reduce emissions in the future. These legislative actions account for the difference between the estimated Business as Usual (BAU) projection shown in the black line on graph below and the estimated emissions forecast from local emissions sources. Emissions forecasts provide insights into the scale of local reductions needed to achieve GHG emissions reduction targets after applying anticipated reductions from regulatory actions.

Milpitas Community Legislative-Adjusted Business-as-Usual Greenhouse Gas Emissions Forecasts



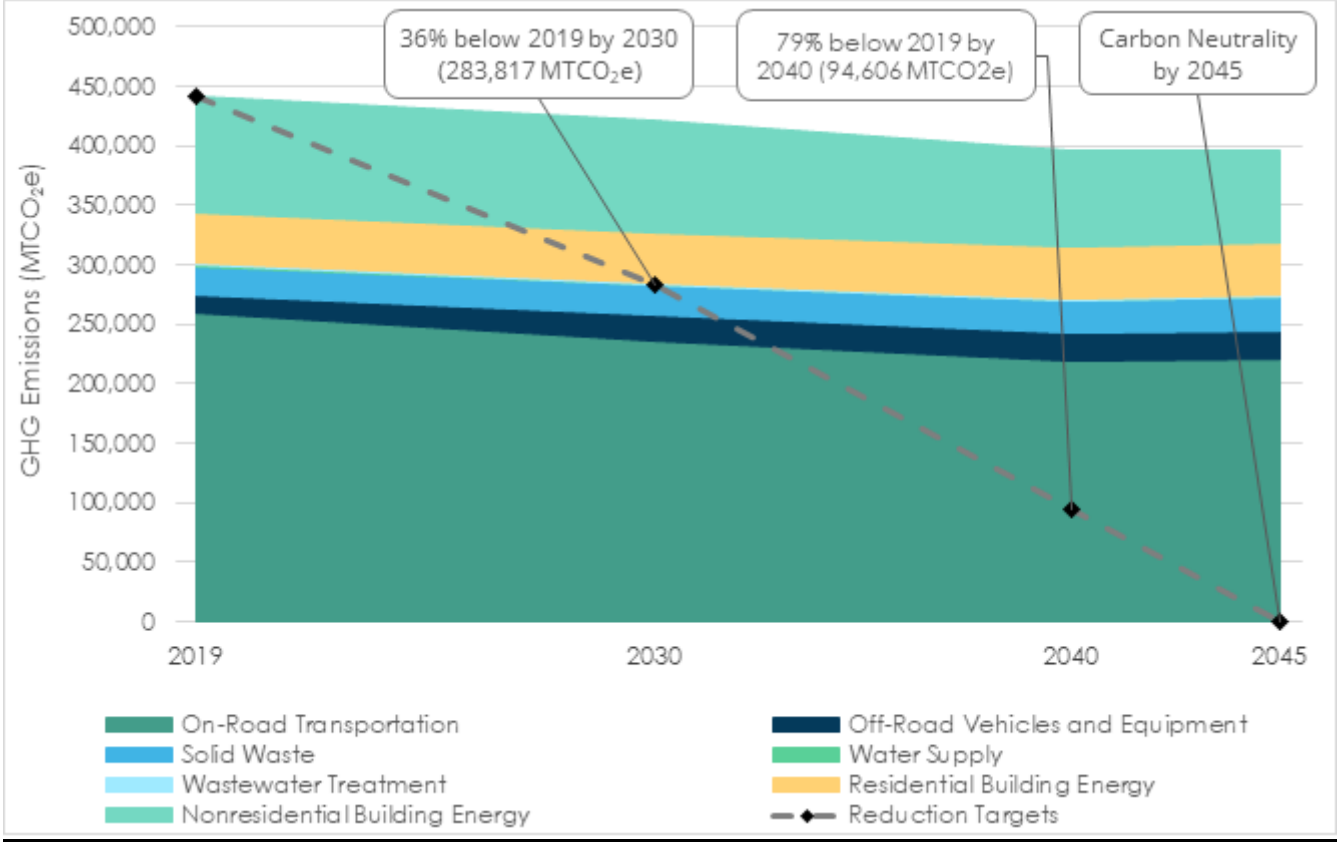
Source: Ascent Environmental 2021.

The emissions reduction targets in this CAP Update have been established to be consistent with statewide GHG emissions targets. As directed in SB 32, EO B-55-18, and EO S-3-05, the State aims to reduce annual GHG emissions to:

- 40 percent below 1990 levels by 2030;
- 80 percent below 1990 levels by 2050; and
- carbon neutrality by 2045

State and federal regulations alone will not be sufficient to achieve the City's GHG emissions reduction targets. The City needs to implement additional actions to close the remaining "local emissions gap" and achieve its reduction targets.

Milpitas Community Local Emissions Gap



Source: Ascent Environmental 2021.

This CAP Update is primarily focused on achieving the 2030 target and aims to make substantial progress in achieving the longer-term 2040 and 2045 targets. Achievement of the 2030 target and the longer-term 2040 and 2045 targets will require the implementation of locally enacted GHG reduction measures, along with updates to CARB's Scoping Plan and future State and federal actions.

Key Strategies

The CAP Update will identify strategies, measures, and actions that the City will implement to reduce GHG emissions to achieve its emissions reduction targets. These locally based initiatives are organized under six emissions sectors and include descriptions of actions that can be taken for implementation, GHG reduction potential, and associated co-benefits.

The proposed strategies, measures, and actions proposed for inclusion in the CAP Update were developed based on a combination of factors, including the results of the City's GHG emissions inventories and forecasts, robust engagement with the public and stakeholders, feedback from City staff and elected officials, and the best available climate action planning guidance. Ten key strategies have been identified to address the key sources of GHG emissions in our community. The Key Strategies are:

Strategy	Emission Source/Sector
Shift to Clean and Reliable Energy	Building Energy
Maximize Building Decarbonization and Efficiency	Building Energy
Facilitate Sustainable Transportation and Land Use Planning	Transportation
Decarbonize Vehicles	Transportation
Increase Active and Public Transportation Use	Transportation
Achieve Zero Waste	Solid Waste
Shift to Clean Off Road Equipment and Vehicles	Other Sources
Promote Resilient Water Supply, Water Use, and Water Resources	Water and Wastewater
Resilient Infrastructure and Healthy Urban Forest and Natural Systems	Carbon Sequestration
Foster Green Economic Opportunities and Support Circular Economy Policies	All

2022-2025 Actions

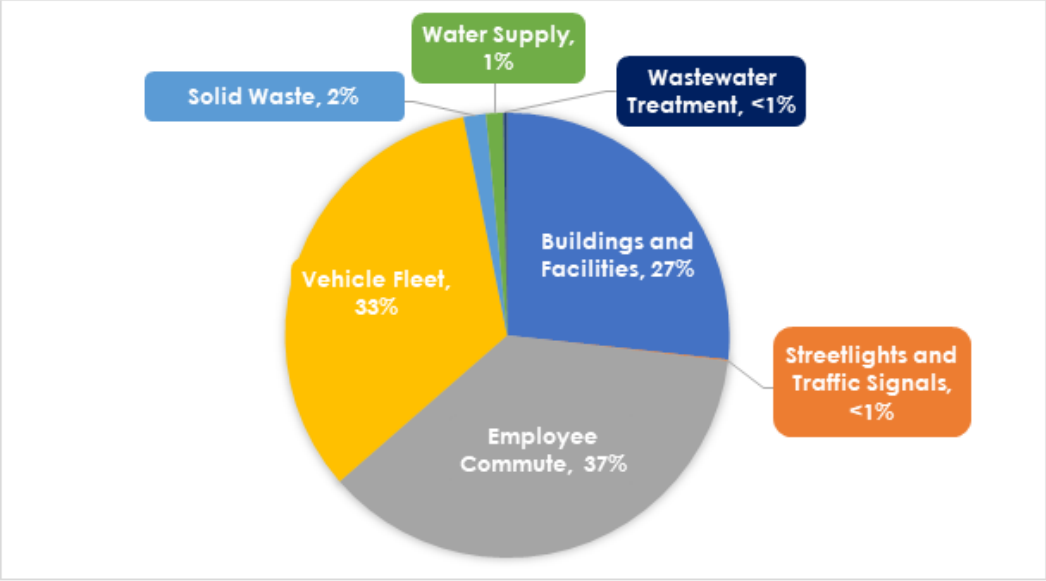
Under each Key Strategy are specific measures and actions that define the activities, programs, policies, or projects that the City will implement or support to achieve the CAP Update's goals. This CAP Update identifies ten (10) Key Strategies (see table above), forty-five (45) Measures, and more than 130 potential actions for reducing community GHG emissions. An evaluation process was applied to the extensive list to help prioritize actions for near term implementation. These criteria included GHG emissions reduction potential, cost-effectiveness, technological/implementation feasibility, consistency with existing policies or programs, jurisdictional control, timeframe of implementation, and associated co-benefits, to generate a prioritization score.

Based on the assessment approach described above, the maximum prioritization score for each action was 29. To enable the City to focus on and feasibly implement high-priority actions, a minimum score of 18 was chosen as the threshold for the inclusion of an action in the CAP Update as near-term actions for implementation in the next five years. The 34 actions with prioritization scores equal to or greater than 18 are included in the summarized prioritization matrix in Attachment 1. For example, for the strategy titled "Decarbonize Vehicles," one of the recommended measures is to "Increase Electric Vehicle (EV) Charging Infrastructure" with the related actions to "work with SVCE and other partners to provide incentives and increase EV charging stations" and "adopt updated EV charging station standards for all new development through the City's reach codes that go beyond State requirements (require at least 50% of parking spaces in new development to be EV-ready/EVSE installed by 2030)."

The implementation of these 34 actions, which includes actions related to municipal operations, requires a significant dedication of staff time and funds and existing resources may not be sufficient depending on Council input to the draft plan. Further, in order to achieve the 2030 GHG emission reduction goal, the Council will have to exhibit significant resolve. For instance, if this plan is adopted, staff would bring forward an updated reach code for the 2022 code cycle that prohibits the installation of natural gas infrastructure in new development and resources would have to be dedicated to develop a comprehensive energy retrofit program starting with education and incentives.

Municipal Operations

The 2013 CAP focused on community GHG emissions reduction actions and did not include a separate assessment of emission from City municipal operations. In addition to taking action at the community-level, the City is furthering its commitment to addressing climate change for this CAP Update through climate action planning for its municipal operations. Local governments have an important role to play in influencing GHG reductions throughout their communities, and by taking steps to reduce contributions to climate change from its municipal operations, the City is demonstrating its commitment and setting an example for the community at large.



Milpitas 2019 Municipal Operations Greenhouse Gas Emissions Inventory

Source: Ascent Environmental 2021.

Following established protocols for conducting municipal operations inventories, the City's municipal operations were estimated to generate approximately 5,019 MTCO2e in 2015 and 3,252 MTCO2e in 2019. Major emissions sectors included buildings and facilities, employee commute, and vehicle fleet. Attachment 1 lists the key Municipal Operations measures and actions to reduce overall GHG emissions.

Next Steps

Incorporate Council Feedback into Final CAP Update	Apr 2022
Complete Environmental Review (CEQA)	Apr/May 2022
Energy and Environmental Sustainability Commission Presentation and Public Workshop	Apr/May 2022
City Council Adoption	June 21, 2022

Fiscal Impact:
This is an information item for Council review and comment with no fiscal impact. Additional information and implementation costs will be brought forward with the CAP adoption and/or considered as part of City's annual budget processes as appropriate.

California Environmental Quality Act:
This report represents an initial review of potential strategies, measures, and actions to include in the City's Climate Action Plan Update; a CEQA analysis will be prepared for consideration and certification prior to the City Council adoption of the Climate Action Plan Update.

Recommendation:
Receive a Presentation on the Draft Climate Action Plan Update and Provide Direction to Staff

Attachments:
1. CAP Update Near Term GHG Reduction Actions

DRAFT Near-Term GHG Reduction Actions

To enable the City to focus on and feasibly implement high-priority actions, a prioritization assessment was applied to a comprehensive list of actions identified through the stakeholder engagement and benchmarking efforts. A maximum prioritization score for each action was 29. a minimum score of 18 was chosen as the threshold for the inclusion of an action for near-term (within next 3-5 years or sooner) in the CAP Update. The 34 actions with prioritization scores equal to or greater than 18 are included in the summarized prioritization matrix below, which presents each action's overall prioritization score and the City department(s) responsible for implementation. The full prioritization matrix with all factor scores will be included in the final CAP Update report.

Measure	Action	Prioritization Score	Implementing Department
BUILDING ENERGY			
STRATEGY BE-1. SHIFT TO CLEAN AND RELIABLE ENERGY			
Measure BE-1.1: Achieve 100 percent carbon-free electricity by 2030 in all existing and new development.	**Action BE-1.1.1:** Require new development to install on-site renewable energy and storage systems capable of meeting anticipated building energy consumption, or participate in a group-buy solar and storage program, or opt-in to SVCE.	22	BSH
	Action BE-1.1.2: Review zoning regulations for opportunities to simplify and encourage renewable energy systems.	20	BSH/PL
	Action BE-1.1.3: Conduct outreach to residents and business owners to increase awareness of SVCE's carbon-free electricity supply.	18	PW/SVCE
	Action BE-1.1.4: Work with utility partners (PG&E, SVCE) and state regulators to improve electricity grid reliability	18	CMO/PW
Measure BE-1.3: Strengthen community awareness of energy efficiency, energy conservation,	**Action BE-1.3.1:** Work with regional partner agencies and utilities, such as BAAQMD, PG&E, and SVCE, to promote State rebates and other incentives and funding opportunities for renewable energy.	18	PW
	Action BE-1.3.2: Develop and implement a comprehensive energy efficiency, energy conservation, electrification, and clean energy outreach and	18	PW

Measure	Action	Prioritization Score	Implementing Department
electrification, and clean energy.	education campaign to support emissions reductions from building energy use (in collaboration with SVCE or Bay Area Regional Energy Network).		
STRATEGY BE-2. MAXIMIZE BUILDING DECARBONIZATION AND EFFICIENCY			
Measure BE-2.1: Adopt updated "reach" building codes with each building and energy code cycle to accelerate all-electric new development.	**Action BE-2.1.1:** Adopt an updated reach code for the 2022 code cycle that prohibits the installation of natural gas infrastructure in new development. Include a ban on the installation of fossil fuel-powered backup energy sources in new development by 2030.	20	BSH
Measure BE-2.3: Expand the City's Green Building Program.	**Action BE-2.3.1:** Develop additional incentives, above and beyond expedited building permit processing, for projects that incorporate sustainable design approaches and/or elements that exceed local, regional, and State requirements.	18	PL/BSH
Measure BE-2.4: Retrofit existing residential and nonresidential buildings and municipal facilities to improve energy efficiency and facilitate fuel switching.	**Action BE-2.4.1:** Develop a comprehensive energy retrofit program to transition existing residential buildings to all-electric by 2045. Begin program providing education and incentives, with future transition to point-of-sale and replace retrofit requirements.	23	PW/BSH
	Action BE-2.4.2: Connect building owners to funding resources and financing options, such as Energy Upgrade California, for energy efficiency retrofits and improvement projects.	18	PW/BSH/ED
TRANSPORTATION AND LAND USE			
STRATEGY TR-1. FACILITATE SUSTAINABLE TRANSPORTATION AND LAND USE PLANNING			
Measure TR-1.1: Reduce VMT from new development.	**Action TR-1.1.1:** Enforce the City's requirements for SB 743, which mandate a 15% reduction in new project-generated VMT. Continuously Update VMT Policy and Implementation Tools to further reduce VMT	20	PL

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Measure	Action	Prioritization Score	Implementing Department
Measure TR-1.2: Reduce VMT from existing development.	**Action TR-1.2.1:** Work with local employers to provide subsidies to employees for using transit or active transportation to commute to work, and encourage flexible work schedules (e.g., 9/80s and 4/10s) as well as tele-commuting.	20	PL/ED
	Action TR-1.2.2: Partner with local businesses to provide discounts or rewards programs to incentivize using transit or active transportation to travel to businesses.	20	PL/ED
	Action TR-1.2.6: Support Redevelopment of older commercial or gateway areas (Main Street and Calaveras) to intensify development and a mix of uses along major transit corridor	19	PL
Measure TR-1.3: Continue to implement and adopt policies that support high-density, mixed-use, transit-oriented development and housing near jobs.	**Action TR-1.3.1:** Incorporate Sustainable Design Measures into the City's new Zoning Ordinance Update	19	PL
	Action TR-1.3.2: Facilitate the development of complete streets and neighborhoods.	19	PL/ENG
STRATEGY 2. DECARBONIZE VEHICLES			
Measure TR-2.1: Increase EV charging infrastructure.	**Action TR-2.1.1:** Work with SVCE and other partners to provide incentives and increase EV charging stations in visible, accessible, shared locations such as mixed-use development or accessible to multi-family renters.	21	PW
	Action TR-2.1.2: With each Title 24 and CALGreen code cycle, adopt updated EV charging station standards for all new development through the City's reach codes that go beyond State requirements. Require at least 50% of parking spaces in new development to be EV-ready/EVSE installed by 2030.	20	BSH

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Measure	Action	Prioritization Score	Implementing Department
Measure TR-2.2: Increase EV and low-carbon vehicle adoption.	**Action TR-2.2.1:** Improve awareness of local, regional, and State incentives for low- and zero-emission vehicles and increase EV purchases in Milpitas through events and resource promotion such as through Climate Action Milpitas Dashboard.	18	PW
STRATEGY 3. INCREASE PUBLIC TRANSIT AND ACTIVE TRANSPORTION USE			
Measure TR-3.1: Enhance and expand transit facilities and infrastructure.	**Action TR-3.1.1:** Implement the Milpitas OnDemand "hub-and-spoke" micro-transit pilot program, including on-demand shuttle service for first- and last-mile connections to existing transit hubs such as the BART station and VTA light rail stops.	22	PL
	Action TR-3.1.2: Ensure a pedestrian-friendly environment around the BART and light rail transit stations.	19	PL
Measure TR-3.2: Increase transit ridership.	**Action TR-3.2.1:** Work with transit agencies to provide free or subsidized transit to low-income residents, expanding to all residents by 2030.	21	CMO
Measure TR-3.3: Improve active transportation options.	**ACTION tr-3.3.5:** Implement the updated Trail, Pedestrian, and Bicycle Master Plan to enhance and expand bicycle and pedestrian infrastructure and networks.	19	EN
SOLID WASTE			
STRATEGY 1. ACHIEVE ZERO WASTE			
Measure SW-1.1: Eliminate the disposal of organic waste at landfills.	**Action SW-1.1.1:** Implement and enforce the requirements of SB 1383 and eliminate disposal of compostable organic materials to landfills.	18	PW

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Measure	Action	Prioritization Score	Implementing Department
WATER AND WASTEWATER			
STRATEGY WA-1. PROMOTE RESILIENT WATER SUPPLY, WATER USE, AND WATER RESOURCES			
Measure WA-1.2: Reduce water consumption for irrigation and landscaping.	**Action WA-1.2.1:** Continue to fund and operate the City's Water Conservation Program in conjunction with resources provided by Valley Water and BAWSCA, including the Irrigation Equipment Upgrades Rebate Program, Landscape Conversion Rebate Program, Water Wise Survey Program, and Water Efficient Gardening workshops.	18	PW
Measure WA-1.3: Increase the use of recycled water and support efforts to drought proof our water supply.	**Action WA-2.3.1:** Support use of recycled water as drought proof water supply including potential indirect potable recharge (in collaboration with regional water supply agencies)	18	PW
CARBON SINKS			
STRATEGY CS-1. RESILIENT INFRASTRUCTURE AND HEALTHY FOREST AND NATURAL SYSTEMS			
Measure CS-1.1: Protect native trees and vegetation and enhance carbon sequestration.	**Action CS-1.1.1:** Based on the recommendations from the City's Urban Forestry Management Plan, implement a tree planting program to expand the city's urban forest canopy.	18	PW
	Action CS-1.1.2: Develop and implement a street tree planting program for residential neighborhoods.	18	PW
Measure CS-3.1: Increase the use of green infrastructure.	**Action CS-3.1.1:** Develop and implement a green infrastructure program for the installation and maintenance of projects and existing public resources, such as the parks system and other open spaces.	18	EN/PW
CIRCULAR AND GREEN ECONOMY			
STRATEGY GE-1. FOSTER GREEN AND SUSTAINABLE ECONOMIC DEVELOPMENT OPPORTUNITIES			

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Measure	Action	Prioritization Score	Implementing Department
Measure GE-1.1: Support and attract clean technology businesses and jobs in Milpitas.	**Action GE-1.1.1:** Partner with local and regional agencies and educational institutions to offer courses/training that prepare students/workers for green jobs, such as the Milpitas Adult School Program, South Bay Consortium for Adult Education, Center for Employment Training in San Jose and PG&E's on-demand energy trainings.	18	ED
	Action GE-1.1.2: Incentivize and promote green business practices	18	ED
	Action GE-1.1.3: Explore opportunities to work with key stakeholders to incorporate an Eco-Innovation District in conjunction with local Specific Planning efforts	18	ED
Measure GE-1.2: Support circular economy policies.	**Action GE-1.2.1:** Support Circular Economy policymaking at Federal/State/local level	18	CMO/PW
	Action GE-1.2.2: Support policies that reduce single use disposable items and increase sustainable product purchasing	18	PW/FD

Notes: BAAQMD = Bay Area Air Quality Management District; BART = Bay Area Rapid Transit; BAWSCA = Bay Area Water Supply and Conservation Agency; BSH = Building Safety and Housing Department; CALGreen = California Green Building Standards; CMO = City Manager's Office; ED = Economic Development Department; EN = Engineering Department; EV = electric vehicle; FTE = Full-time equivalent; PG&E = Pacific Gas & Electric; PL = Planning Department; PW = Public Works Department; Valley Water= Santa Clara Valley Water District; SVCE = Silicon Valley Clean Energy; VTA = Santa Clara Valley Transportation Authority.

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Municipal Operations Actions

Municipal operations actions were not evaluated using the prioritization matrix. Action development for municipal operations relied heavily on existing and planned policies, programs, and other initiatives, as well as recommendations from previous efforts to identify GHG reduction opportunities. Therefore, the actions presented below only identify the suggested timing of implementation. Timing of implementation was assigned to each action using a scale of immediate, near-term, or mid-term. This rating was determined based on the magnitude of GHG emissions reductions associated with the action, the amount of time and effort required for the action to be operational, and the presence or absence of existing traction or support for each action.

Measure	Action	Timing	Implementing Department
EMPLOYEE COMMUTE			
STRATEGY MEC-1. SUSTAINABLE EMPLOYEE COMMUTES			
Measure MEC-1.1: Reduce employee commute VMT and support low-carbon alternatives.	**Action MEC-1.1.1**: Provide preferential parking, EV charging, and/or other benefits for City employee carpool and EVs and alternative fuel vehicles at City facilities.	Near-term	PW
	Action MEC-1.1.2: Provide secure bicycle parking, showers, lockers and other amenities at City facilities.	Near-Term	PW
	Action MEC-1.1.3: Expand and improve existing incentives for City employees to choose alternatives to single-occupant auto commuting, such as flexible work schedules, telecommuting, transit incentives and subsidies, and ridesharing and carpooling services and subsidies.	Immediate	CMO/HR
VEHICLE FLEET			
STRATEGY MVF-1. ZERO- AND LOW-EMISSION FLEET VEHICLES AND EQUIPMENT			
Measure MVF-1.1: Convert the City's fleet vehicles and equipment to all-electric or alternative	**Action MVF-1.1.1**: Install EV charging and alternative fuel stations at appropriate sites throughout the city, including the Senior Center, Sports Center, City Hall, and Public Works, to service the fleet's alternative fuel vehicles.	Mid-term	PW
	Action MVF-1.1.2: Where practical, utilize bicycles and low- or zero-emissions vehicles for City employees traveling between facilities and for park maintenance and operations (e.g., electric golf carts).	Immediate	PW

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Measure	Action	Timing	Implementing Department
fuels, such as renewable diesel.	**Action MVF-1.1.3:** Update the City's Green Fleet Policy to convert the City's non-specialized fleet to all electric and identify alternative fuel options for other vehicles and equipment.	Immediate	PW
BUILDINGS AND PUBLIC LIGHTING			
STRATEGY MBL-1. CLEAN ENERGY			
Measure MBL-1.1: Continue to use SVCE-supplied 100 percent renewable electricity.	**Action MBL-1.1.1**: Continue to participate in SVCE whereby City-owned facilities, parks, and streetlights will be supplied by renewable electricity.	Immediate	PW
Measure MBL-1.2: Transition to 100 percent clean energy for municipal operations.	**Action MBL-1.2.1**: Implement solar photovoltaic installations at the Senior Center; Community Center; Sports Center. Pursue funding to expand to Public Works Administration Building/Corp Yard and Police Department, and other City facilities such as fire stations.	Immediate to Mid-term	PW
	Action MBL-1.2.2: Install battery electric storage microgrid systems at Senior Center and Community Center. Pursue funding to expand to Public Works Administration Building/Corp Yard and Police Department, and other City facilities such as fire stations. .	Immediate to Mid-term	PW
STRATEGY MBL-2. ENERGY EFFICIENCY AND CONSERVATION			
Measure MBL-2.1: Reduce lighting-related energy consumption.	**Action MBL-2.1.1**: Retrofit all municipal facility lighting with LEDs (or other high-efficacy lighting where LEDs are infeasible) by 2025.	Near-term	PW
	Action MBL-2.1.2: Require all new municipal facility lighting to be LEDs (or other high-efficacy lighting where LEDs are infeasible).	Immediate	PW
	Action MBL-2.1.4: Retrofit all City-owned streetlights to LEDs.	Near-term	PW
	Action MBL-2.1.5: Retrofit lighting at City sports facilities and parks with LEDs.	Near-term	PW

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Measure	Action	Timing	Implementing Department
Measure MBL-2.2: Increase energy efficiency.	**Action MBL-2.2.2**: Replace outdated electricity transformers with new, high-efficiency models at the Sports Center, Police Department, Public Works, and City Hall.	Mid-term	PW
	Action MBL-2.2.3: Replace current Energy Management Systems at municipal buildings with Automated Logic building management/automation systems.	Near-term	PW
	Action MBL-2.2.4: Replace outdated HVAC equipment at municipal facilities.	Mid-Term	PW
Measure MBL-2.3: Implement conservation best practices to reduce energy use.	**Action MBL-2.3.1:** Develop and enforce energy conservation guidelines for municipal employees to implement at facilities and in day-to-day operations.	Near-term	PW
STRATEGY MBL-3. ELECTRIFICATION			
Measure MBL-3.1: Transition municipal buildings and facilities to be all-electric.	**Action MBL-3.1.1:** Require new municipal development to be all-electric by 2030.	Mid-term	PW
	Action MBL-3.1.2: Inventory and develop strategy to retrofit existing municipal buildings and facilities to be all-electric by 2045.	Mid-term	PW
	Action MBL-3.1.3: Eliminate fossil-fuel powered backup generator usage by 2040 and replace with zero-emission alternatives to ensure energy resilience at municipal facilities.	Mid-term	PW
SOLID WASTE			
STRATEGY MSW-1. ZERO WASTE			
Measure MSW-1.1: Increase waste	**Action MSW-1.1.1:** Increase the amount of recycling and organics diversion/composting at City facilities to achieve a 95 percent diversion rate by 2030.	Near-term	PW

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Measure	Action	Timing	Implementing Department
diversion and achieve zero waste by 2030.	**Action MSW-1.1.2:** Require 75 percent of construction and demolition debris to be recycled and reused from municipal projects by 2030.	Mid-term	PW
	Action MSW-1.1.3: Require that contractors use best management practices to maximize diversion of waste from the landfill by including a provision in requests for services and City agreements.	Immediate	ENG/PW
STRATEGY MSW-2. RESPONSIBLE CONSUMPTION			
Measure MSW-2.1: Implement an environmentally preferable purchasing policy.	**Action MSW-2.1.1**: Use resource-efficient landscaping techniques in new or renovated medians and parks.	Immediate	PW
	Action MSW-2.1.2: Continue to increase the percentage of recycled content in purchases made through City purchasing policies and other efforts, such as 100 percent recycled content paper, other office supplies, and transportation supplies.	Near-term	FD
	Action MSW-2.1.3: Enhance and expand waste reduction policies and programs for City facilities, such as the environmentally preferable purchasing policy.	Near-term	PW/FD
WATER			
STRATEGY MWA-1. WATER EFFICIENCY AND CONSERVATION			
Measure MWA-1.1: Reduce municipal water consumption.	**Action MWA-1.1.1**: Implement the water fixture and water meter upgrades	Near-term	PW
	Action MWA-1.1.2: Develop and implement a "water neutrality program" that requires new municipal development not increase the City's total municipal water demand.	Mid-term	PW
	Action MWA-1.1.3: Ensure that all of the City's irrigation systems in parks and other spaces are controlled by computer systems that tie watering cycles to soil moisture.	Near-Term	PW

Notes: CMO = City Manager's Office; ED = Economic Development Department; EV = electric vehicle; FD = Finance Department; FTE = Full-time equivalent; HVAC = heating, ventilation, and air conditioning; LED = light-emitting diode; PL = Planning Department; PW = Public Works Department

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CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive Report on Community Odor Monitoring Pilot Program Results (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	4/5/2022
	Recommendation: Receive a report on the Community Odor Monitoring Pilot Program Results and provide direction to Staff.

Background:

On February 26, 2019, the City Council approved funding for City staff to implement a Community Odor Monitoring Pilot Program which was to be conducted in collaboration with the Bay Area Air Quality Management District's (BAAQMD) South Bay Odor Attribution Study. The City's study was to focus on assessing the characteristics of the odors impacting the community, while the BAAQMD study focused on identifying the types and quantity of odors from targeted facilities (and their processes) in and around the City.

In June 2019, Public Works staff executed a consultant agreement with Jacobs Engineering Group (Jacobs) to provide technical support with the development of the City's approach, monitoring plan, and ongoing technical support including staff training and data analysis for the pilot community odor monitoring program. Based on their review of historic odor data, Jacobs developed a Monitoring Plan which included two main monitoring approaches: (1) weekly point in time monitoring events where staff visit specific monitoring locations and collect data related to weather, wind, and odor conditions; and (2) odor sample collection events where air samples are gathered and sent to UCLA laboratory for analysis.

Staff participated in training sessions led by Jacobs to gain knowledge on how to properly use the odor monitoring equipment and how to categorize odors in the field. The odor monitoring equipment used by staff included a Scentroid SM1000 field-olfactometer, weather monitoring equipment, and Teflon bags for sampling. With the odor monitoring equipment, staff were able to detect odorous conditions based on what humans would naturally smell.

Staff conducted weekly field odor monitoring activities beginning November 2019 through July 2021. Each week staff visited 11 key locations to characterize point-in-time odor impacts. This was accomplished by setting up monitoring equipment, collecting data at that point in time, and moving the equipment to the next location to repeat the process. The locations are located relative to areas of historic concentration of odor complaints and from downwind of presumed odor sources. The presumed odor sources include Newby Island Landfill, Zero Waste Energy Development (ZWED), San Jose-Santa Clara Regional Wastewater Facility (RWF), and the City's Main Lift Pump Station.

There was a gap in data collection from March 2020 through June 2020 due to Covid 19 Shelter-In-Place order. Additionally, there was an additional gap in data collection due to poor air quality as a result of the summer 2020 wildfires. The pilot odor study was completed in Summer 2021 when staff collected additional seasonal data that was missed during 2020.

Additionally, staff worked with Jacobs Engineering Group to conduct the sample collection on October 22, 2020, March 4, 2021, and May 20, 2021. The collected samples were sent to UCLA for analysis.

Analysis:
This section summarizes the attached Community Odor Monitoring Study with laying out the study's goals, highlighting key results, and seeking Council input on consultant recommendations.

Community Odor Monitoring Pilot Program Goals
The City's Community Monitoring Pilot Program focused on assessing and documenting the characteristics and intensity of the odors observed impacting the Milpitas community. The pilot program did not have access to odor source facilities and was not designed to determine odor sources. By contrast, the BAAQMD South Bay Odor Attribution Study focused on identifying the relative contribution and variability of odor causing compounds from targeted source facilities (and their processes) in and around the City. The BAAQMD Study utilized measurement technology that can measure at parts per trillion levels over an extremely large range of compounds in order to aid the community in potentially identifying sources.

Community Odor Monitoring Pilot Program Results
Field odor assessments were conducted using a field olfactometer to measure the odor strength and describe the odors observed (character, intensity and hedonic tone). A total of fifty field odor monitoring assessments were undertaken at eleven discrete locations in the community between November 2019 and July 2021. On average, two field assessments were undertaken every three weeks on random days of the week and a random time of the day, resulting in a total of 580 field observations. See Attachment 1 for City of Milpitas Phase 1 Community Odor Study Report prepared by Jacobs summarizing the results, findings, and recommendations. A summary of the report follows.

The frequency of odors present, the odor intensity, the odor strength (Dilution/Threshold or D/T) and the hedonic tone of the odors observed at the discrete locations in the community have been established.

One of the key assessments taken at each monitoring event is the odor strength which is measured in units known as Dilution/Threshold or D/T. The Dilution/Threshold is defined as the number of times a sample must be diluted to reach the odor detection threshold. The field olfactometer draws in sample air and dilutes it with odorless air from a compressed air tank, starting at a high dilution, and slowly adjusts the dial to incrementally increase the sample dose (lower dilution) until the odor is detected. The sampler then records the dial setting and uses the instrument specific calibration certificate to determine the D/T.

Odor Impact Criteria[1]	Likelihood of Complaints
>10 D/T	Complaints are highly likely, and odor exposure at these levels represents an actionable nuisance.
>5 D/T	Complaints may occur and, depending on the sensitivity of the locality and nature of the odor, this may constitute a nuisance.
<3 D/T	Complaints are unlikely to occur, and exposure below this level is unlikely to constitute significant detriment to amenity unless the locality is highly sensitive or the odor highly unpleasant in nature.

1) Based on a 1-hour averaging period and 98 percentile compliance.

The following table shows the average odor strength detected at each of the monitoring locations over the course of the pilot. The odor strength at the discrete locations inside the community were typically faint (D/T around 5) and unpleasant, which may lead to nuisance and complaints depending on the sensitivity of the locality and nature of the odor (i.e., frequency, duration, and offensiveness). The odor strength was occasionally distinct (D/T > 10) and revolting at the Milmont Drive, Tramway Drive, and Marylinn Drive survey locations, which makes the likelihood of odor nuisance and complaints highly likely.

Survey Location	Odor Strength[1] average[2]	maximum[2]
Downwind ZWED	936	2260
Downwind NIRRP	68	720
Downwind RWF	57	411
Downwind Lift Station	27	259
Milmont Drive	7	39
Marylinn Drive	7	20
Tramway Drive	6	28
Alvarez Court	4	11
Murphy Ranch Road	3	6
Los Coches Street	3	8
Mt Shasta Avenue	3	5
Wilson Way	< 2	< 2

1) The odor strength in dilution to threshold (D/T) as measured with the SM100 field olfactometer.

Noticeable odors were consistently observed directly downwind of the following facilities:

- Newby Island Resource Recovery Park (NIRRP), comprised of Newby Island Landfill (NISL), Material Recovery Facility (MRF), and NIRRP composting facility;
- San José-Santa Clara Regional Wastewater Facility (RWF);
- Zero Waste Energy Development (ZWED), a dry anaerobic organic waste processing facility; and
- Main Lift Station, which is the main collection point of the sewage that is transferred to the RWF.

These odors were always strong and often extremely strong. The odor strength downwind of the NIRRP, RWF and ZWED facilities was on average greater than 50 D/T and described as 'revolting', which makes the likelihood of odor nuisance and complaints almost certain in these locations.

Table. The Degree to Which Observed Odors were Perceived as Pleasant or Unpleasant (Hedonic Tone).

Survey Location	Hedonic Tone[1] average		maximum	
Downwind ZWED	-2.7	Nauseating/Revolting	-3	Nauseating
Downwind NIRRP	-1.7	Revolting/Unpleasant	-3	Nauseating
Downwind RWF	-1.7	Revolting/Unpleasant	-3	Nauseating
Downwind Lift Station	-1.2	Unpleasant/Revolting	-2	Revolting
Milmont Drive	-1.1	Unpleasant	-2	Revolting
Tramway Drive	-1.0	Unpleasant	-1	Unpleasant
Marylinn Drive	-1.0	Unpleasant	-1	Unpleasant
Los Coches Street	-1.0	Unpleasant	-1	Unpleasant
Wilson Way	-1.0	Unpleasant	-1	Unpleasant
Murphy Ranch Road	-0.8	Unpleasant/Neutral	-1	Unpleasant
Alvarez Court	-0.7	Unpleasant/Neutral	-1	Unpleasant
Mt Shasta Avenue	-0.3	Neutral/Unpleasant	-1	Unpleasant

1) Scale: Pleasant (1), Neutral (0), unpleasant (-1), revolting (-2), nauseating (-3).

Odors were observed during each season and no significant differences were observed between the odor strength and odor character emitted in the Winter-Spring 2019/2020 period (before COVID-19 restrictions) and in the Winter-Spring 2020/2021 period (during COVID-19 restrictions).

The odor character downwind of the three main odor-emitting facilities are relatively unique and have mostly been described by different field assessors as follows:

- RWF facility: Sewage, Septic, Fecal or Urine
- Newby facility: Garbage, Sweet or Rotten Vegetables
- ZWED facility: Rancid, Putrid, Manure, Rotten Vegetables or Pungent

These relatively unique odor descriptors have been used to assess the origin of the odors that are experienced in the community. All three main odor-emitting facilities contribute to odors frequently observed in the community. Although the odors emitted from ZWED are by far the most intense and the most unpleasant, their reach is mostly limited to only the first locations in the west and south-west areas of the City. Odors emitted from the NIRRP facility contribute to a large extent to the odors observed at most of the discrete survey locations, while odors emitted from the RWF contribute to a lesser extent at most of the discrete survey locations and more to the further away location in the east and south-east of the community (Mt Shasta Avenue).

Sample Analysis by UCLA

Bag samples were taken three times and submitted for lab odor analyses at UCLA by trained panelists to identify the multiple dominant odor characters in a single sample and their respective intensities at different dilutions. The obtained results were consistent with the observations in the community during the field assessments.

Consultant Recommendations

Based on the analysis of the data collected during the pilot, Jacobs has identified two recommendations for ongoing data monitoring and community odor reporting that could be forwarded to BAAQMD for implementation as the BAAQMD is able to use such data to better regulate odor emitting facilities, measure progress, and implement enforcement. Based on Council feedback, these recommendations could be championed with BAAQMD by Vice Mayor Montano, who serves as the BAAQMD Board Member, Mayor Tran, who is a member of the South Bay Odor Stakeholder's Group, and/or staff.

Consultant Recommendation #1: Purchase four Instrumental Odor Monitoring Systems (IOMS) with automatic air samplers.

Instrumental odor monitoring systems (IOMS) are intelligent electronic multi-sensing tools with multiple sensors for which the primary application is indicating odors as perceived by human observers. An IOMS can alert the BAAQMD or can initiate an air bag sample, allowing inspectors to capture transient odors within the community. The auto air bag sampler takes a sample of the air and stores it, enabling detailed analyses later by a mobile lab for origin determination. Jacobs recommends installing IOMS with auto air bag samplers near each of the following survey locations as a minimum: Milmont Drive, Tramway Drive, Marylinn Drive, and Murphy Ranch.

These units should be purchased and installed by the BAAQMD in partnership with the City to provide broader understanding of odor impacts and to measure progress on future odor reduction actions. Purchase of four IOMS with auto samplers and the required software is estimated to be $176,256. The ongoing subscription cost of the software platform would be $3,700 per year after the first year. Each bag sample analysis is estimated to cost $695. As an example, the analysis cost of 80 samples over a one-year period is estimated to cost $55,600.

Consultant Recommendation #2: Develop a dedicated mobile app or enable mobile odor complaint reporting in an existing app for the community to provide improved feedback on the odors observed and to support public outreach efforts. Reporting should include key odor characteristics identified by Jacobs and used in the monitoring pilot program for improved response. This improves on existing odor reporting systems which provide only generic information on the odor occurrence.

This information could help the BAAQMD to better understand the areas suffering from odor nuisance, which may help to optimize the regulatory framework and may help to enforce remedial actions to address the

nuisance more effectively. Online submission of odor complaints would aid in tracking complaints more quickly and provide more detailed information for improved response. This could also allow complaints to be forwarded to plant operators/supervisors at the main odor emitting facilities immediately for interpretation and response.

The cost of introducing a mobile app for odor complaints is estimated to be minimal but would require staff time to tailor the app and advertise it to the community.

Policy Alternatives:

Alternative 1: Direct staff to implement the Consultant recommended actions.

Pros: City would gain improved understanding of the odor impacts and be able to measure progress on future odor reduction actions taken by others.
Cons: City would have to fund the recommendations; there would also be staffing impacts for ongoing operations and management of the odor monitoring stations.
Reason not recommended: City does not have enforcement authority over the odor contributing facilities and is not in a position to take any action based on collected data. Any ongoing data collection systems/program would best be maintained by the BAAQMD who can use the data to monitor facility emissions and take enforcement measures if needed.

Fiscal Impact:
This is an informational item for Council review and comment.

California Environmental Quality Act:
The City Council's action in providing direction is not an action subject to the California Environmental Quality as it is more akin to information collection which is exempt from environmental review pursuant to CEQA Guideline 15306. It is also exempt pursuant to CEQA Guideline 15303 as the construction of small structures which may occur with the instrumental odor monitoring systems installation.

Recommendation:
Receive report on Community Odor Monitoring Pilot Program results and provide direction to staff.

Attachments:
1. City of Milpitas Phase 1 Community Odor Study Report


CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

Community Odor Study

Document No. | rev 2

October 21, 2021

City of Milpitas

Client Reference

Document history and status

Revision	Date	Description	Author	Checked	Reviewed	Approved
0	9/11/21	first draft	BK			
1	10/21/21	final draft	BK	SC	SC / ML	ML
2	12/6/2021	Updated final draft	BK	SC	SC / ML	ML

Distribution of copies

Revision	Issue approved	Date issued	Issued to	Comments
1	ML	10/21/21	City of Milpitas	Final draft for client review
2	ML	12/17/21	City of Milpitas	Updated final draft for client review
3	BK	03/21/22	City of Milpitas	Final report

Phase 1 Community Odor Study

Project No:	W8Y01700
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Revision:	rev 3
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Date:	March 21, 2022
Client Name:	City of Milpitas
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Executive Summary

Odor has been an issue in Milpitas for decades. Over the years, various odor mitigation approaches have been undertaken with varying degrees of success. While the number of odor complaints from residents has decreased in recent years, the high number of complaints indicates a persistent and ongoing odor issue. The City of Milpitas does not have jurisdiction over most of the odor emitting sites but is a key stakeholder as its community has been adversely affected by fugitive odors in the area due to its position southeast and generally downwind of key odor sources.

An Odor Study (Phase 1) has been undertaken by the City of Milpitas to gather data about the potential sources of the odors impacting the community and to determine how these odors are affecting the City's residents. The study is being done in collaboration with the BAAQMD, the agency in charge of enforcing remedial actions. Based on data collected, recommendations for next steps include continuous odor monitoring stations, which could be strategically installed at odor-sensitive locations within Milpitas to inform future actions to reduce odors, provide better understanding of odor trending in terms of diurnal or seasonal or transient affects, to better understand the key odor sources and to establish methods to measure progress on future odor reduction actions.

Field odor assessments were conducted using a field olfactometer and a portable weather station to measure the odor strength in dilution to threshold (D/T) and describe the odors observed (character, intensity, and hedonic tone) under the wind conditions. A total of fifty field odor assessments were undertaken at eleven discrete locations in the community of the City of Milpitas by multiple field assessors between November 2019 and July 2021. On average, two field assessments were undertaken every three weeks on random days of the week and a random time of the day, resulting in a total of 580 field observations.

Findings

Field Observations

This Study has determined the frequency of odors present, the odor intensity, the odor strength (D/T) and the hedonic tone of the odors observed at the discrete locations in the community during the field assessments. The odor strength at the discrete locations within City boundaries were typically faint (D/T around 5) and unpleasant, which may lead to nuisance and complaints depending on the sensitivity of the locality and nature of the odor (i.e., frequency, duration, and offensiveness). The odor strength was occasionally distinct (D/T > 10) and revolting at Milmont Drive, Tramway Drive, and Marylinn Drive, which makes the likelihood of odor nuisance and complaints highly likely.

Table. The Odor Intensity of the Odors Observed at Discrete Locations within the Milpitas Community.

Survey Location	**Odor Intensity[1]**			
	average			**maximum**
Downwind ZWED	5.8	Extremely Strong/Very Strong	6	Extremely Strong
Downwind RWF	4.1	Strong	6	Extremely Strong
Downwind NIRRP	3.8	Strong/Distinct	6	Extremely Strong
Downwind Lift Station	3.0	Distinct	5	Very Strong
Wilson Way	2.2	Weak/Distinct	3	Distinct
Milmont Drive	2.1	Weak	4	Strong
Tramway Drive	1.8	Weak/Very Weak	3	Distinct
Marylinn Drive	1.7	Weak/Very Weak	3	Distinct
Murphy Ranch Road	1.6	Weak/Very Weak	4	Strong
Mt Shasta Avenue	1.4	Very Weak/Weak	1	Very Weak
Alvarez Court	1.3	Very Weak/Weak	2	Weak
Los Coches Street	1.1	Very Weak	2	Weak

[1)] Scale: Not Detectable (0), Very Weak (1), Weak (2), Distinct (3), Strong (4), Very Strong (5), Extremely Strong (6).

Table. The Degree to Which Observed Odors were Perceived as Pleasant or Unpleasant (Hedonic Tone).

Survey Location	Hedonic Tone[1] average		maximum	
Downwind ZWED	-2.7	Nauseating/Revolting	-3	Nauseating
Downwind NIRRP	-1.7	Revolting/Unpleasant	-3	Nauseating
Downwind RWF	-1.7	Revolting/Unpleasant	-3	Nauseating
Downwind Lift Station	-1.2	Unpleasant/Revolting	-2	Revolting
Milmont Drive	-1.1	Unpleasant	-2	Revolting
Tramway Drive	-1.0	Unpleasant	-1	Unpleasant
Marylinn Drive	-1.0	Unpleasant	-1	Unpleasant
Los Coches Street	-1.0	Unpleasant	-1	Unpleasant
Wilson Way	-1.0	Unpleasant	-1	Unpleasant
Murphy Ranch Road	-0.8	Unpleasant/Neutral	-1	Unpleasant
Alvarez Court	-0.7	Unpleasant/Neutral	-1	Unpleasant
Mt Shasta Avenue	-0.3	Neutral/Unpleasant	-1	Unpleasant

[1)] Scale: Pleasant (1), Neutral (0), unpleasant (-1), revolting (-2), nauseating (-3).

Noticeable odors were consistently observed directly downwind of the following facilities:

- Newby Island Resource Recovery Park (NIRRP), comprised of Newby Island Landfill (NISL), Material Recovery Facility (MRF), and NIRRP composting facility;
- San José-Santa Clara Regional Wastewater Facility (RWF);
- Zero Waste Energy Development (ZWED) facility which is a dry anaerobic organic waste processing facility; and
- Milpitas' Main Sewer Lift Station, which is the main collection point of the sewage that is transferred to the RWF.

These odors were always strong in odor intensity or often extremely strong. The odor strength downwind of the odor emitting facilities was on average greater than 50 D/T and described as 'revolting', which makes the likelihood of odor nuisance and complaints almost certain in these locations.

Odors were observed during each season and no significant differences were observed between the odor strength and odor character emitted in the Winter-Spring 2019/2020 period (before COVID-19 restrictions) and in the Winter-Spring 2020/2021 period (during COVID-19 restrictions).

The odor character downwind of the odor-emitting facilities are relatively unique and have mostly been described by different field assessors as follows:

- RWF facility and Main Lift Station: **Sewage, Septic, Fecal or Urine**
- Newby facility: **Garbage, Sweet or Rotten Vegetables**
- ZWED facility: **Rancid, Putrid, Manure, Rotten Vegetables or Pungent**

These relatively unique odor descriptors have been used to assess the origin of the odors that are experienced in the community. A high-level visual representation BLOB map has been created to illustrate where the odors observed in the community during the odor study most likely originated from. All three main odor-emitting facilities contribute to odors frequently observed in the community. Although the odors emitted from ZWED are by far the most intense and the most unpleasant, their reach is mostly limited to only the first locations west and south-west of the community in the City of Milpitas. Odors emitted from the NIRRP facility contribute to a large extent to the odors observed at most of the discrete survey locations, while odors emitted from the RWF contribute to a lesser extent at most of the discrete survey locations and more to the further away location in the east and south-east of the community (Mt Shasta Avenue).

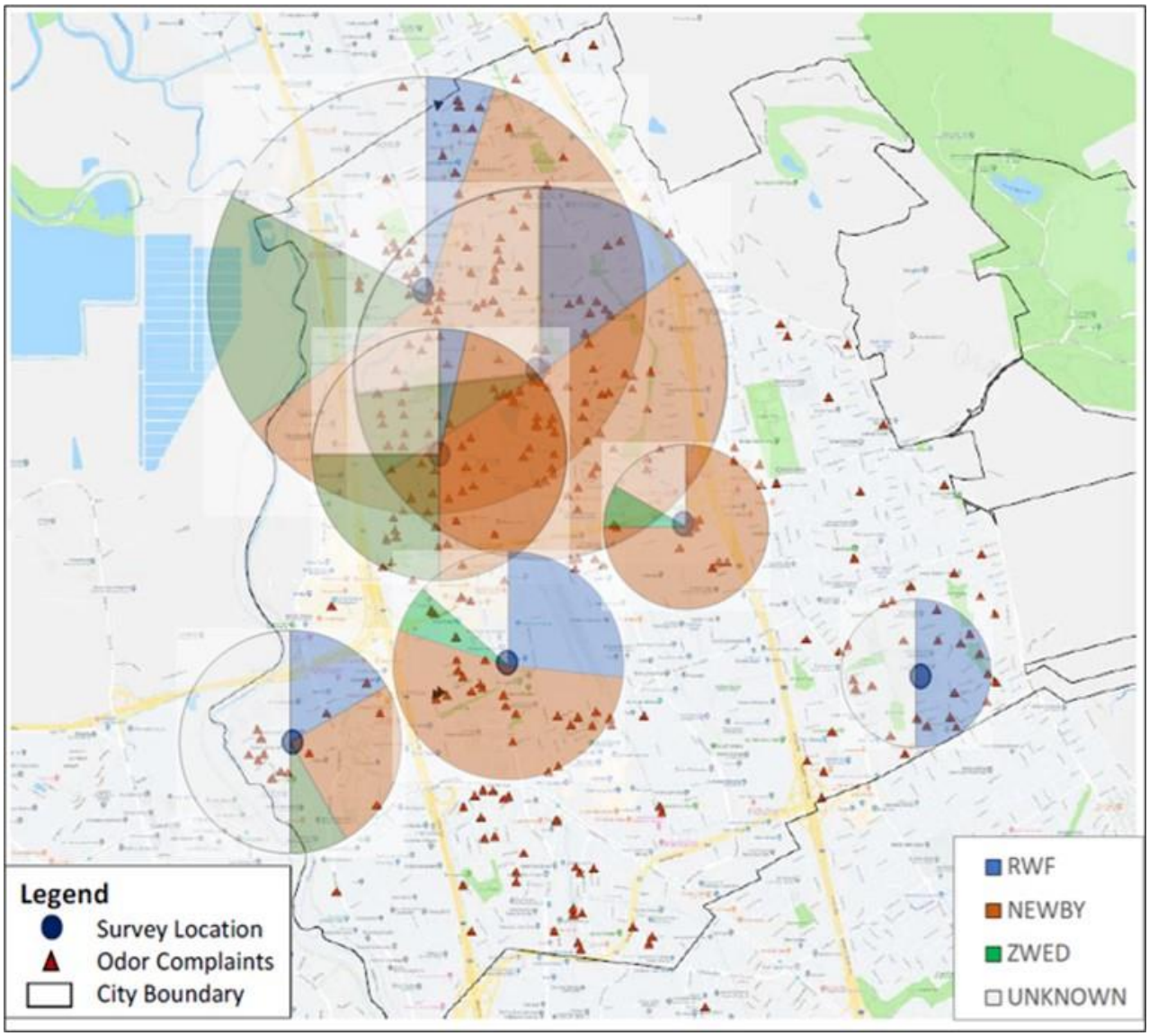


Figure: High-level Visual Representation (BLOB map) that Illustrates Most Likely Origination of Odors Observed in the Community, with the Size of the Circles a Measure of the Average Odor Intensity Observed.

Odor Characteristic Analysis

Bag samples were also taken downwind of the facilities for lab odor analyses at University of California at Los Angeles (UCLA) by a panel of trained panelists to identify the multiple dominant odor characters in a single sample and their respective intensities at different dilutions (aka Odor Profile Method). Persistency curves were developed to understand how odor impacts the communities when traveling from the odor sources into the community. The results were consistent with the observations in the community during the field assessments.

Recommended Next Steps

An ongoing odor monitoring system may assist stakeholders to understand the extent of the odor impact. A public complaint is considered unconfirmed until and unless an inspector can confirm it by smelling it with the complainant and then tracing its source. Confirming an odor complaint is often difficult because the time for an inspector to arrive at the complainant site is typically too long to properly assess the odor complaint and trace its source. This is due to the transient nature of odors, with changes in wind direction and speed or process changes at the odor source. A real-time odor monitoring system would be required that uses multiple sensors to provide a generic response from the different odorous compounds emitted in the community. Instrumental odor monitoring systems (IOMS) are intelligent electronic multi-sensing tools for which the primary application is the generation of indicators of odor as perceived by human observers. Jacobs recommends installing an IOMS with auto air bag samplers at specific locations within the community.

An IOMS can alert stakeholders including BAAQMD and City of Milpitas staff or can initiate an air bag sampler, enabling the fast collection of air within the community and preventing the ineffectiveness associated with time delays when an inspector arrives at the complainant site. Auto samplers can also be initiated remotely on-demand by staff of the City of Milpitas or BAAQMD at any moment after receiving odor complaints. The auto air bag sampler takes a sample of the air and stores it in a bag and enables specific detailed analyses.

Jacobs also recommends the introduction of a mobile app for the community to provide improved feedback on the odors observed in the community and to support public outreach efforts. This information could help regulatory agency BAAQMD to better understand the areas suffering from odor nuisance, which may help to optimize the regulatory framework and may help to enforce remedial actions to address the nuisance more effectively. Online submission of odor complaints would aid in tracking complaints more quickly and provide more detailed information for improved response. This could also allow complaints to be forwarded to plant operators/supervisors at the main odor emitting facilities immediately for interpretation and response.

The continuous odor monitoring stations (using an IOMS) together with an improved public engagement (through a mobile app) would assist stakeholders such as the odor emitting facilities and the BAAQMD to understand the odor impacts, would better inform future actions to reduce odors and would establish a method to measure progress on future odor reduction actions.

It is recommended that BAAQMD as the enforcement agency would take the lead in implementing these recommendations in close cooperation with the City of Milpitas.

Acronyms and Abbreviations

°F	degrees Fahrenheit
BAAQMD	Bay Area Air Quality Management District
City	City of Milpitas
D/T	dilutions to threshold
EN	European norm
EPA	U.S. Environmental Protection Agency
FPA	Flavor Profile Analysis
Hedonic Tone	Degree to which an odor was perceived as pleasant or unpleasant
IOMS	Industrial odor monitoring system
Jacobs	Jacobs Engineering Group
MRF	Material Recovery Facility
MSW	municipal solid waste
NIRRP	Newby Island Resource Recovery Park
NISL	Newby Island Landfill
OPM	odor profile method
PTR-MS	proton transfer reaction – mass spectrometer
QA	quality assurance
QC	quality control
RWF	San Jose-Santa Clara Regional Wastewater Facility
SM100	Scentroid SM100 field olfactometer
Study	City of Milpitas Phase 1 Community Odor Study
UCLA	University of California at Los Angeles
VOC	volatile organic compound
ZWED	Zero Waste Energy Development facility

1. Introduction

1.1 Background

Odor has been an issue in Milpitas for decades. Over the years, various odor mitigation approaches have been undertaken with varying degrees of success. While the number of odor complaints from residents has decreased in recent years from a peak of 3,500 in 2015, the high number of complaints (1,500) reported for 2018 indicates a persistent and ongoing odor issue (BAAQMD, 2019; San Jose Mercury News, 2019).

It is understood that the odors originate primarily from multiple potential sources located outside of the city (**Figure 1-1**), including:

- Newby Island Resource Recovery Park (NIRRP), operated by Republic Services
- San Jose-Santa Clara Regional Wastewater Facility (RWF), operated by the City of San Jose
- Zero Waste Energy Development (ZWED)'s anaerobic digestion facility, operated by Zanker Recycling
- Main Lift Station, operated by the City of Milpitas
- San Francisco Bay Estuary

The City of Milpitas has contracted with Jacobs Engineering Group Inc. (Jacobs) to conduct an Odor Study (Study) to gather data about the sources of the odors impacting their community to assist them in understanding better how these odors are affecting the City's residents. Based on data collected, recommendations were made for continuous odor monitoring stations that could be strategically installed at odor-sensitive locations in Milpitas.

1.2 Study Objectives and Scope

The objectives of the Study are to:

- quantify ambient odor impacts and validate odor complaints
- identify and confirm the main sources that are a concern regarding odor
- train City staff on odor sampling best practices
- recommend an ambient odor monitoring strategy.

The scope of work was to develop a Sample Plan for field odor assessments and to train the City's staff on odor sampling best practices, while providing ongoing support during the field sampling campaigns which were undertaken by the City.

The field sampling assessed all significant sources that may impact the residents of City of Milpitas. Odor data was gathered regularly at different locations in the community by City staff using field olfactometers. The survey locations were primarily based on historical odor complaint data and safe access considerations. These field odor assessments characterized and quantified odors affecting the City. Also, vacuum chambers were used to collect bag samples three times downwind of the facilities for lab odor analysis to understand how odors from the key facilities change in odor intensity and odor character as the odors travels into the community.

Based on the field assessment results, recommendations have been made herein on the type of sensors and strategic locations for continuous ambient air odor monitoring stations targeting the specific odors of concern for Milpitas.

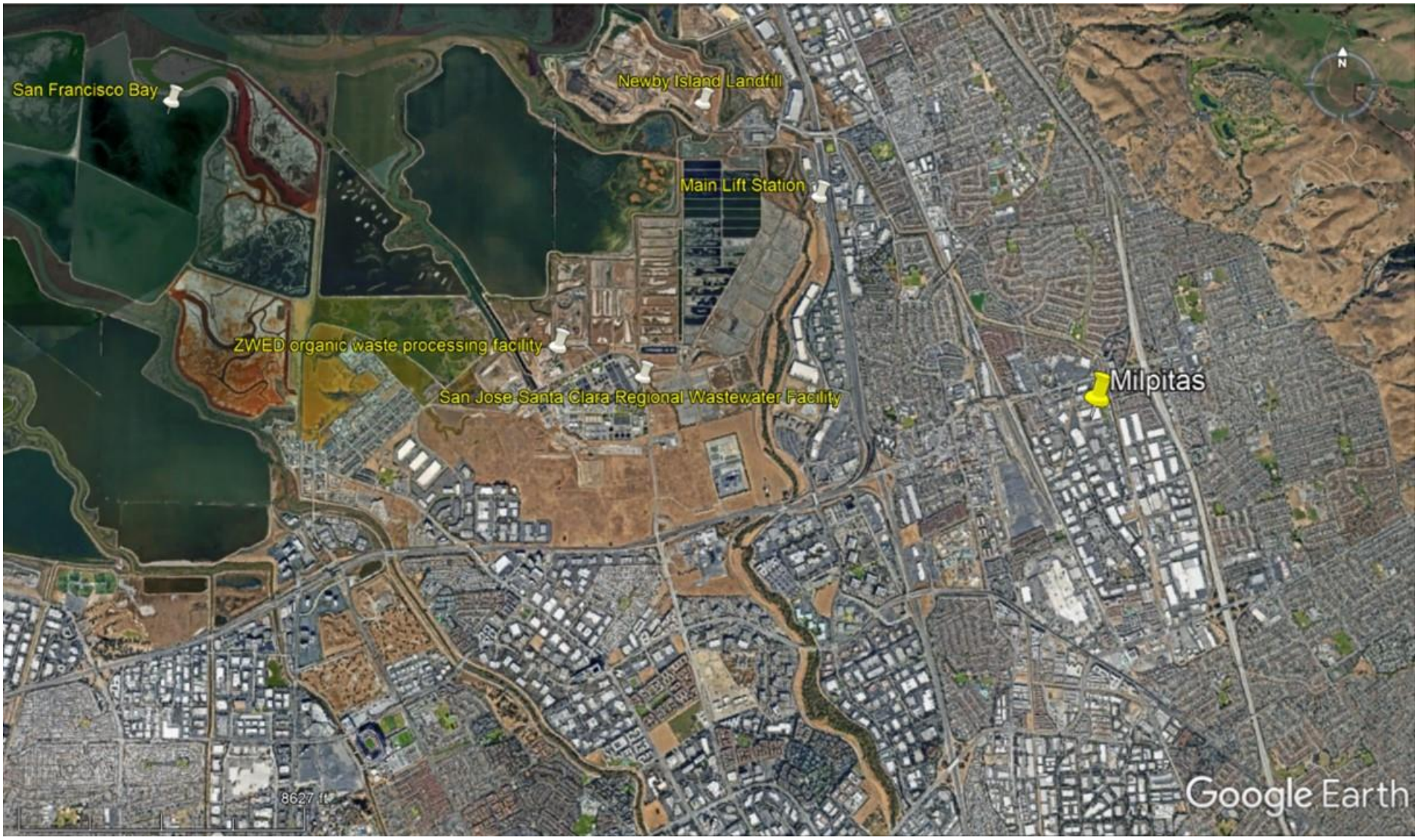


Figure 1-1. A Map of the Study Area

1.3 Description of Receptor Areas

The community of the City of Milpitas has been adversely affected by fugitive odors in the area due to its position southeast and generally downwind of key potential odor sources. **Figure 2-2** illustrates a summary of complaints plotted by approximate location within the Milpitas area. These initial odor complaint records were recorded from September 2012 to September 2015 when 3,412 complaints were logged by BAAQMD. Complaint data is based on block data and no real addresses or names are reflected in the data.

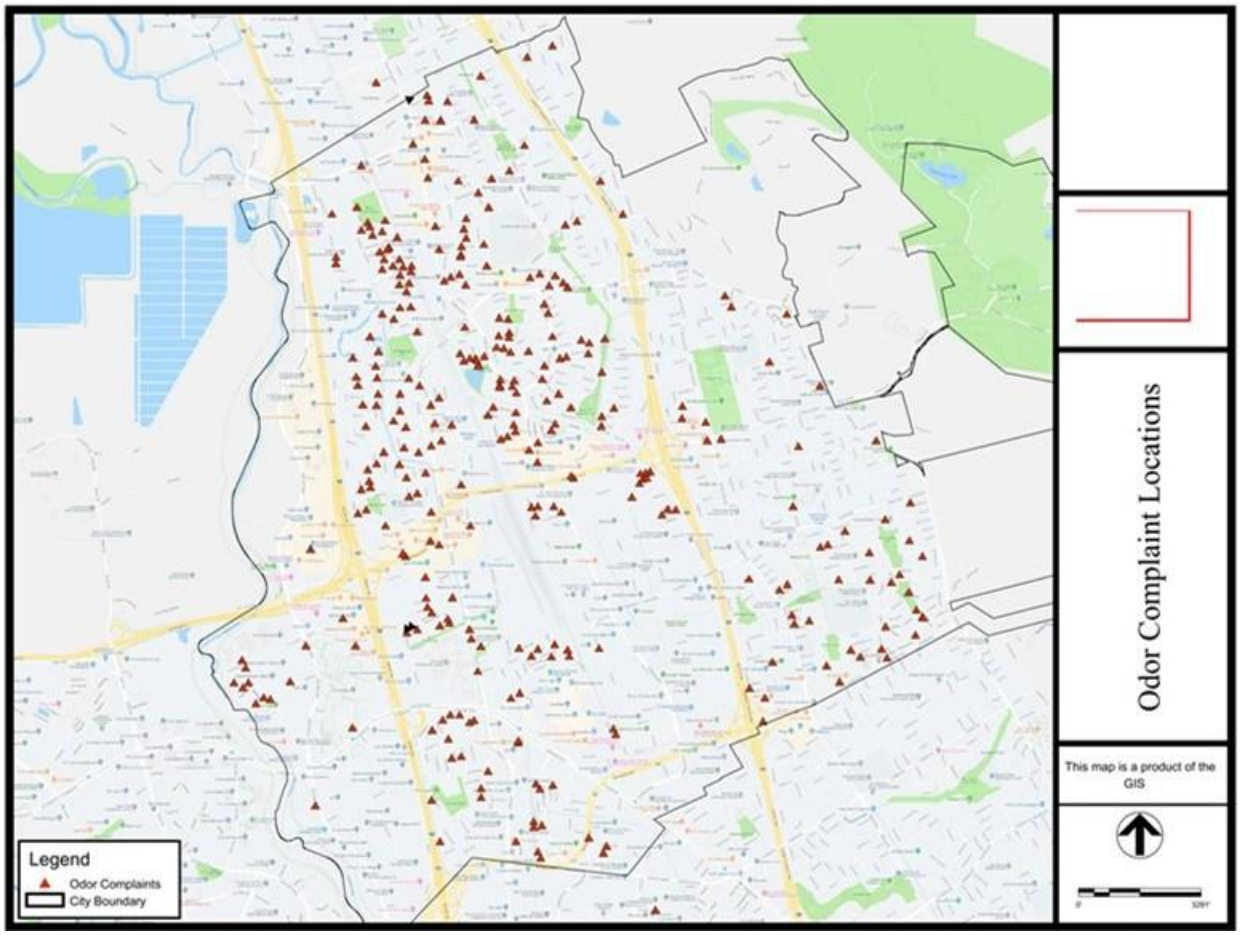


Figure 2-2. Milpitas Historical Complaint Locations (2012 to 2015)

To provide context on how this compares to other communities: between December 2014 and March 2016, 4,810 odor complaints were received from the greater Milpitas area. This number represents approximately 65 percent of the total 7,394 odor complaints received by the BAAQMD within its nine-county jurisdiction during that same period. **Table 2-1** shows complaints were as high as 3,306 in 2015 and dropped as low as 827 in 2019. Similar trends can be seen in the cities of Fremont and San José.

Table 2-1. BAAQMD Received Odor Complaints, South Bay (2015 to 2019)

City	2015	2016	2017	2018	2019
Fremont	546	255	152	83	53
Milpitas	3,306	2,782	1,756	1,707	827
San José	70	43	22	15	9

Based on complaint information provided by BAAQMD, the top complaint areas between 2017 and 2019 in Fremont, Milpitas, and San José are summarized in **Table 2-2**. These locations account for the majority of the complaints received in the respective year, in comparison to other locations within that city.

Table 2-2. Locations of Highest Number of Complaints (2017 to 2019)

City	2017	2018	2019
Fremont	5500 Simm Ct Fremont Blvd 200 Mayten Way 500 Pistache Terrace 48900 Rusty Leaf Terrace	42400 Osgood Rd 48800 Sauvignon Ct 48900 Air Fern Common	3600 Main Street
Milpitas	1300 Elkwood Dr 1400 Platt Ave 200 Ontario Rd Aspen Ridge Dr 0 Butero Ln 200 Tram Wy 500 maple Ave 0 Berylwood Ln 100 Beaumere Wy	1300 Elkwood Dr 1300 Beaumere Wy 1500 Platt Ave 1900 Baderwood Ln	1300 Elkwood Dr 1500 Hidden creek Ln 1100 California Cir 100 Beaumere Wy 800 N Abbott Ave 100 Sudbury Dr
San José	100 Descanso Dr 4200 Sophia Wy	400 Mill River Ln 400 Camille Cir 4000 Biscotti Pl	4000 Biscotti Pl 300 River Oaks Pkwy

Note: Complaint data is based on block data and no real addresses or names are reflected in the data.

1.4 Climate and Prevailing Wind Direction

The climate can be categorized as Mediterranean, with mostly sunny weather and devoid of extreme temperature changes. Winter months are cooler ranging from 31 degrees Fahrenheit (°F) to 59 °F. Rainfall occurs periodically with an average of 15 inches (in) falling annually in the City. The transition to spring brings warmer weather and sparse rain. Summer months are dry and warm with temperatures averaging in the mid to high 80s ^{O}F. While it is typically infrequent, temperatures can exceed 100 °F. Autumn brings cooler temperatures; however, it tends to remain dry and sunny into late October.

Wind speeds vary in the area. Typically, during winter, winds are calm (remaining between 5 and 10 miles per hour). During summer, winds are calm during the morning hours and increase gradually during the day to greater than 10 miles per hour along the San Francisco Bay. Wind direction is predominantly from the west between February and October and from the north between November and January. Even so, wind direction can shift between morning hours and afternoon hours in the summer months. The prevailing wind directions in 2019 are shown in the wind rose shown below (**Figure 2-2**) with wind typically coming from the south-east in the early mornings and coming from the north-west in the late afternoons and in the diurnal wind graphic below (**Figure 2-3**). The circular format of the wind rose shows the direction the winds typically blow from and the length of each "spoke" around the circle shows how often the wind blew from that direction.

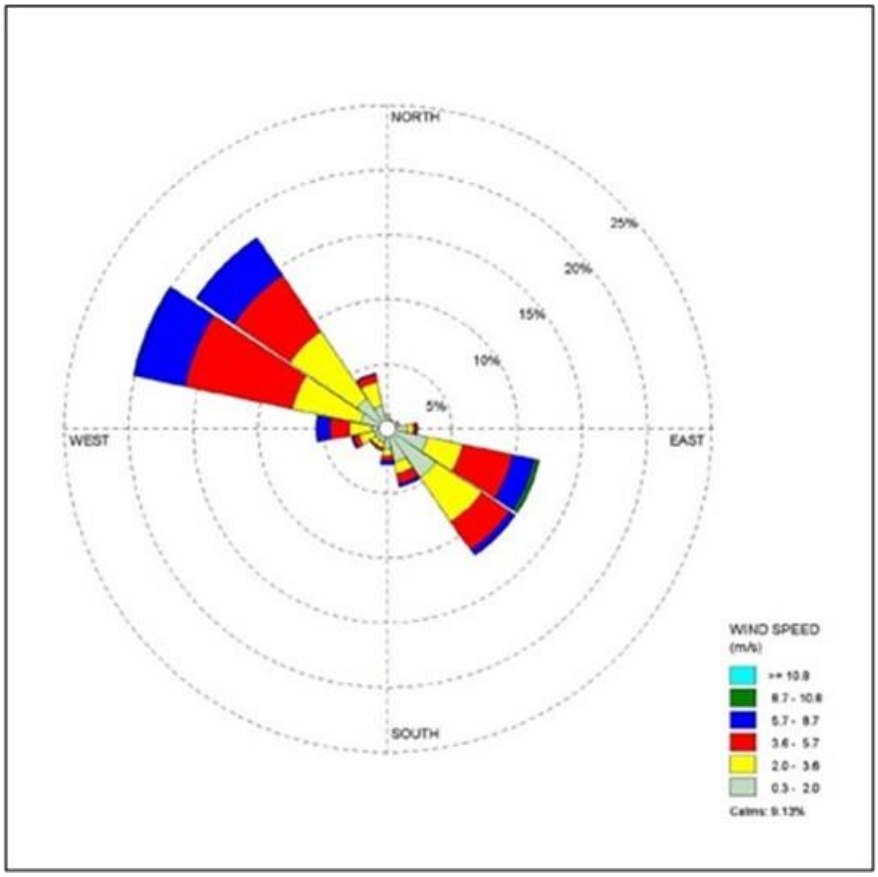


Figure 2-2: Prevailing Wind Direction and Speed as Measured about 6 Miles South of the Study Area (San Jose Airport).

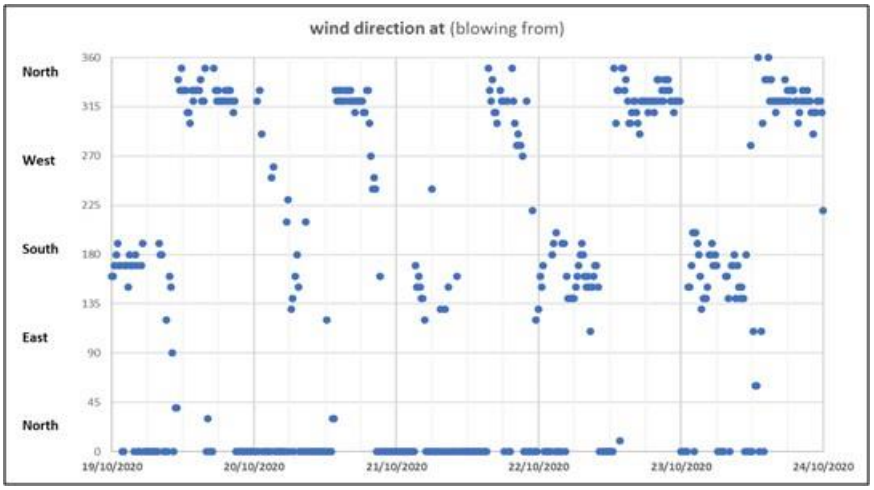


Figure 2-3: Typical Diurnal Wind Direction as Measured about 6 Miles South of the Study Area (San Jose Airport).

1.5 Description of Odor-Emitting Facilities of Focus

Three facilities have been identified as the primary odor emitters of concern based on reviews of the BAAQMD and South Bay community's odor complaint logs and historical records: the NIRRP, the RWF, and the ZWED facility. They are in close proximity to one another (see Figure 1-1), typically upwind of the impacted communities during seasonal and/or operational periods that have the highest potential for odor impacts, and their odor emission plumes are often mixed together before reaching the receptors. In addition to off-site wastes, the three facilities also receive, process, and discharge waste streams to and from each other. For example,

stabilized and dried biosolids from the RWF is transported in late summer or early fall and stockpiled at the Newby Island Landfill (NISL) for use as alternate daily cover for landfill operations. NISL leachate is delivered to the RWF for treatment. Green waste and food waste are delivered to the NIRRP composting area. The nonbiodegradable wastes, or "overs", from the ZWED operation are transported to NISL.

Besides these three facilities, two other potential odor-emitting sources have been identified:

- A lift station collects wastewater streams and pumps it to the RWF for treatment. This main lift station is located east of the lagoons of the RWF and has been identified as one of the primary odor emitters.

- Bay mud may potentially be considered a significant non-facility odor source, creating background odors that can either mask or worsen odor impacts from odor emitting facilities. Furthermore, tidal variation can impact bay mud odor emissions. During low tide, decaying organics may be exposed and can produce odor.

The subsequent sections provide a general description of the three primary odor emitting facilities.

1.5.1 Newby Island Resource Recovery Park

The NIRRP is operated by Republic Services, Inc. The facility consists of the NISL, the Material Recovery Facility (MRF), and a covered aerated static pile (ASP) organic composting facility. It is located on the northern boundary of the City of San José, with Milpitas generally located to the east (**Figure 1-1**). The Fremont industrial area lies immediately north and northeast of the facility boundary, with Fremont residential areas located further to the north and east. The main residential areas of San José and Santa Clara are to the south and southwest of the facility, respectively.

The facility accepts and processes a wide variety of municipal, recyclable, and industrial waste from the surrounding communities. These wastes can include green waste, limited food waste (such as spoiled milk solids and other food waste comingled with green waste delivered to the composting facility), commercial waste, residential waste, and biosolids material. According to Newby Island staff (BAAQMD, 2021), overall, the amount of waste initially received is 13.9 percent lower than pre-COVID-19 (prior to business closures and travel restrictions resulting from local shelter-in-place orders that went into effect in mid-March 2020). Late summer the profiled waste such as sludge and soils returned to pre-COVID-19 levels. Municipal solid waste (MSW) was down 9 percent while other types also remain slightly down from pre-COVID-19 levels.

There are six process areas for processing the wastes entering the facility: MRF, working face of the landfill, green waste receiving and grinding area, composting area, biosolids stockpiling area, and the landfill gas collection area (**Figure 2**-4). Typically, the wastes enter the facility from the east via trucks and are dumped at various locations throughout the site for further processing, depending upon the types of waste.

The NIRRP has eight odor neutralizing systems placed strategically onsite. Each system consists of multiple nozzles. The system serving the fence line is approximately 1,300 feet in length. When biosolids are delivered in October, the NIRRP rents a large misting system. Misting is operated until 11:00 pm at landfill locations. All others are operated 24 hours.

Gas systems and liquids systems are operated 24 hours per day, seven days per week while the working face is open until 11:00 pm. Leachate from the landfill is temporarily stored in a leachate storage system before being pumped to the RWF for treatment.



Figure 2-4. Newby Island Resource Recovery Park Facility Map, Milpitas, California (source: Google Earth)

1.5.2 San José-Santa Clara Regional Wastewater Facility

The RWF is located in the City of San José at 700 Los Esteros Road. It is a tertiary publicly owned wastewater treatment plant, which includes pretreatment, primary treatment, sludge digestion, secondary treatment, and tertiary treatment. Built in 1956 and expanded several times since, the RWF treats an average of 110 million gallons per day (mgd) of wastewater and has the design capacity to treat 167 mgd. It is jointly owned by the cities of San José and Santa Clara and is managed and operated by the City of San José's Environmental Services Department. The RWF also serves several tributary cities or agencies including Milpitas and Fremont. **Figure 2-5** illustrates the overall RWF site plan excluding lagoons and sludge drying beds.

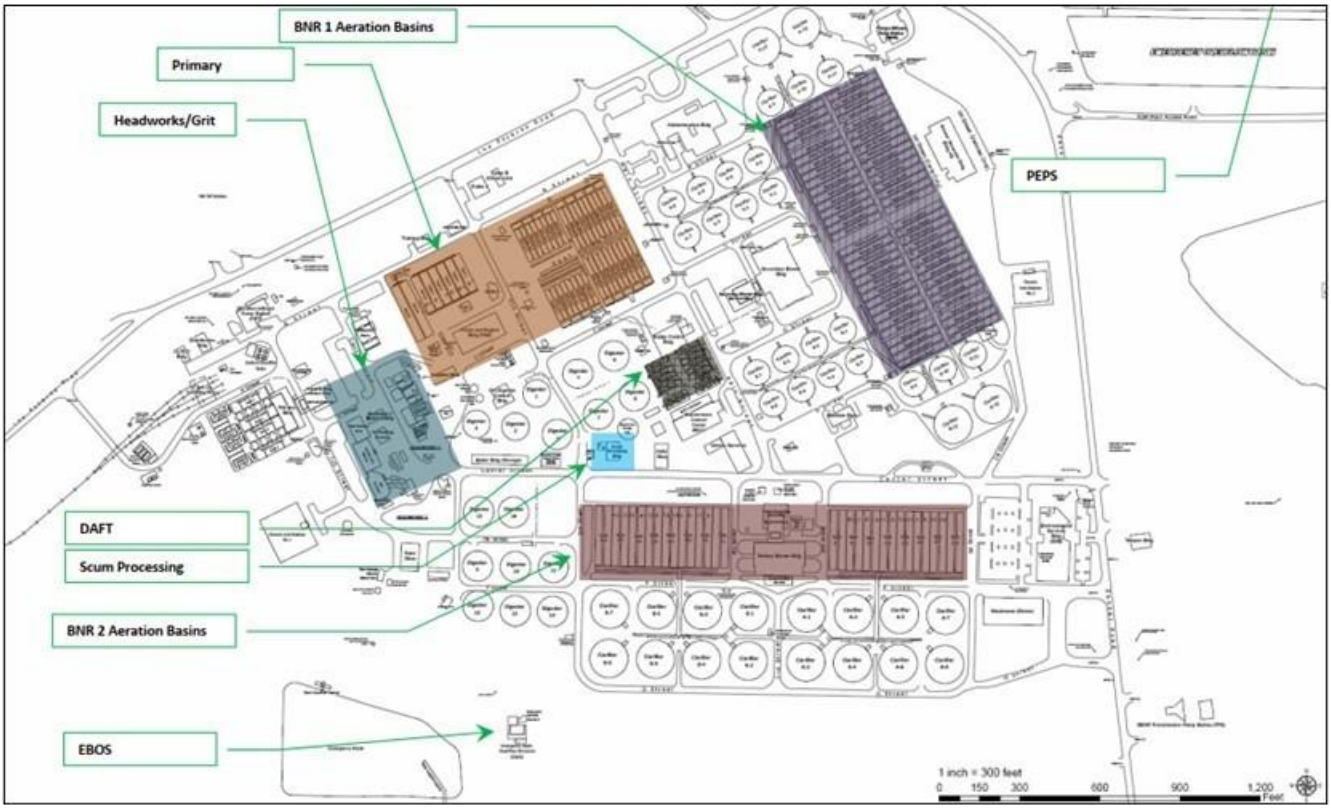


Figure 2-5. San José-Santa Clara RWF Overview (CH2M Hill 2012)

The RWF is located on 2,600 acres along the southern shoreline of the San Francisco Bay and includes a 175-acre wastewater processing area, a 750-acre sludge-drying area, and an 850-acre former salt production pond that has been restored to a tidal marsh. The remaining acreage is open land that buffers adjacent communities from RWF operations. The RWF 10-year $1.4 billion capital improvements project began in 2014. Key upgrades include sludge digestion process, piping, structural improvements, a new flare, construction of a third headworks facility, dissolved air flotation thickener (DAFT) improvements, new cogeneration facilities, and a sludge dewatering facility.

Based on feedback from RWF staff (BAAQMD, 2021), there have been minimal impacts on total volume of wastewater received at the RWF during the Study period compared to pre-COVID-19 levels. While the influent flow hasn't changed significantly since the shelter-in-place order was implemented in mid-March 2020, the daily peak flow occurs a bit later in the day. These changes have not affected operations.

Wastewater entering the RWF is divided into two key treatment processes: liquid treatment and solid treatment, each having unique odor characteristics.

1.5.3 Zero Waste Energy Development Facility

The Zero Waste Energy Development Facility (ZWED) is a dry fermentation anerobic digestion (AD) facility located in the City of San José at 685 Los Esteros Road (**Figure 2-6**) that produces clean, green renewable energy, while simultaneously producing a feedstock for composting. At approximately 41 acres in area, it is the first large-scale commercial dry fermentation AD technology in the United States and is the largest facility of its kind in the world. The facility processes an estimated 90,000 tons per year of “wet” organic waste material that is collected primarily from commercial industries and includes food waste and residential waste (mainly yard trimmings), that would otherwise go to landfill. The facility is primarily contained within a single building where sorting, digestion and in-vessel composting occur.

ZWED sources organic waste (feedstock) from the City of San José and surrounding communities and converts it into biogas through controlled anaerobic conversion of organic materials in large airtight containers (digesters).

The biogas is stored onsite and used to power two on-site combined heat and power (CHP) engines. As of May 2020, material is delivered directly to ZWED instead of first being sorted at the Newby Island MRF. At the beginning of the shelter-in-place orders implemented in mid-March 2020 in response to the COVID-19 global pandemic, incoming feedstock slowed to almost nothing. Late summer 2020, the incoming feedstock was approximately 50 percent of normal (BAAQMD, 2021).

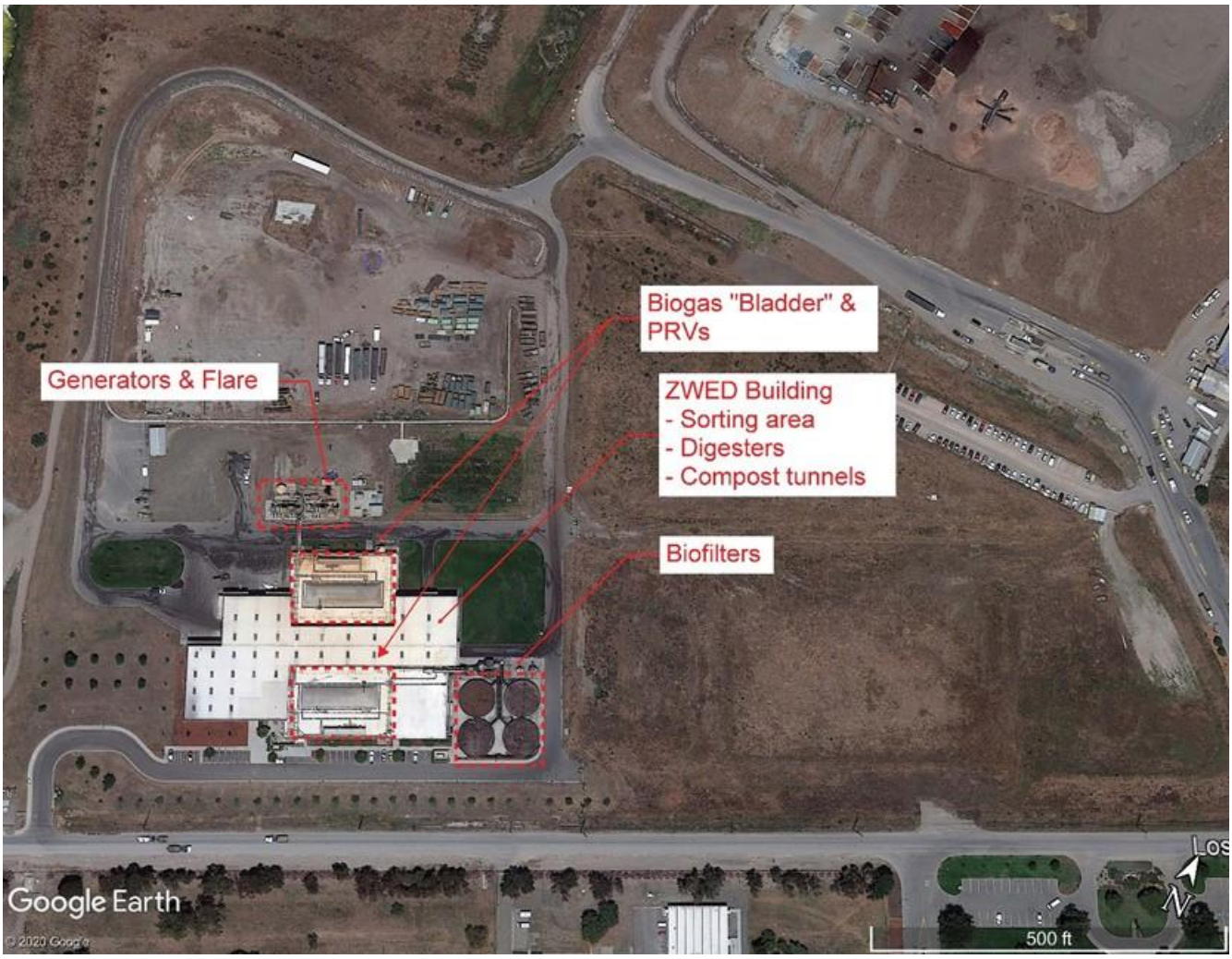


Figure 2-6. ZWED Facility Overview

Approximate feedstock source and percent breakdown is as follows (BAAQMD, 2021):

- San José; 60 percent by volume. Mostly commercial (Safeway, restaurants).
- Sunnyvale: 10 percent by volume.
- Palo Alto: 10 percent by volume. Residential/commercial (residential is mostly green waste).
- Mountain View: 10 percent by volume.
- Other: 10 percent by volume.

The facility exhibits seasonal variations due to changes in feedstock. For example, ZWED receives more fruit in the summer and more pumpkins in October. Methane generation is greatest in the summer and slows down in the winter.

Approximately 20 to 25 trucks deliver feedstock to the facility daily. Approximately nine to ten trucks leave with finished product daily. Trucks are covered to contain odors. Only three to four trucks deliver on Saturdays, while there are no deliveries on Sundays. Material is delivered to the facility between 3:00 a.m. and 4:00 p.m. daily, but most deliveries are in the morning between 6:00 a.m. and noon. Facility doors are only opened when trucks deliver or leave.

2. Community Odor Assessment Methodology

Sample collection methodology and analyses conforms to industry best practice and approved U.S. Environmental Protection Agency (EPA) protocol, as described below.

2.1 Field Odor Assessments

Field odor assessments were undertaken with a field olfactometer, the Scentroid SM100, which measures the odor strength in dilution to threshold (D/T). The dilution to threshold is a measure of the odor strength and is defined the number of times a sample has to be diluted to reach the odor detection threshold as measured by a trained assessor. The field olfactometer draws in sample air and dilutes the air with odorless air from a compressed air tank (scuba dive air). The field sampler begins at a low sample dose (high dilution), and slowly adjusts the sliding valve (dial) to incrementally increase the sample dose (lower dilution). The operator increases the sample dose until the odor is detected. The sampler then records the dial setting and uses the instrument specific calibration certificate to determine the odor strength (D/T).

When using the Scentroid SM100 field olfactometer, a portable weather station, a descriptor guide and a field log sheet were used during the field odor assessments. All field observations were recorded on the Field Log Sheet (**Appendix A**) including the measured weather conditions and description of the odors observed directly after the measurement with the field olfactometer. The subjective description of odor sources was undertaken, including the following information:

- The odor character, e.g., earthy, musty, rotten egg, urine, ammonia, sweet, chemical, fishy, burnt, and others. The odor descriptor guide (Odor Characterization Wheel) shown in **Appendix B** was used as reference.
- The perceived intensity of odor sensation was described as Not Detectable (0), Very Weak (1), Weak (2), Distinct (3), Strong (4), Very Strong (5), Extremely Strong (6).
- The hedonic tone, or degree to which an odor was perceived as pleasant or unpleasant, is described as Pleasant (1), Neutral (0), Unpleasant (-1), Revolting (-2), Nauseating (-3).



Figure 3-1. Field Olfactometer (left) and Weather Station (right) used for the Field Odor Assessments.

Field-olfactometry surveys were conducted in the Milpitas community at discrete locations including downwind of the primary odor sources to quantify and characterize odors (see **Figure 3-2**). The survey locations were primarily based on historical odor complaint data and safe access considerations.

In total, fifty field odor assessments were undertaken at eleven locations over a period of twenty-one months. The first assessments were made on October 31, 2019, and the last assessment was completed on July 30, 2021. This equals an average odor assessment frequency of two assessments every three weeks, except for the initial months of the global Covid-19 pandemic (middle of March 2020 till the end of June 2020) when no assessments were undertaken.

Meteorological conditions (i.e., dry/wet conditions, wind speed, and wind direction) during each survey were recorded in detail on a field log sheet. Prior to surveying, wind direction was confirmed to ensure the location of each primary odor source was downwind from the odor-generating facilities. Surveys were undertaken randomly at different times of the day and on different days of the week.

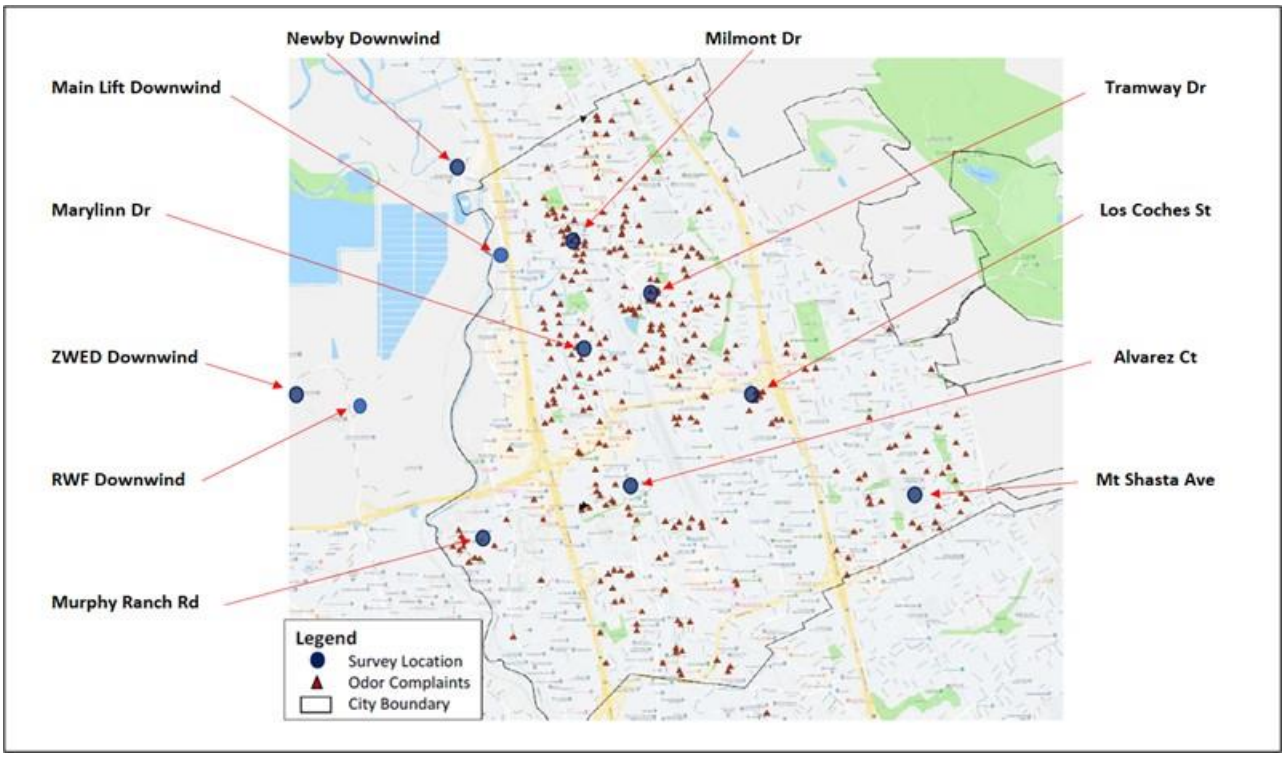


Figure 3-3. Survey Locations in the Milpitas Community for Field-Olfactometric Assessments.

On the day of the field assessments, no perfumes or deodorants were used by the field assessors and no coffee was consumed in the hours before a field odor assessment.

The field odor assessors were tested for their sensitivity to odor. Each field assessor had their olfactory acuity quantified using St. Croix's Odor Sensitivity Test Kit to test their noses. The n-butanol odorant pen dilution series provides a standard measure of sensitivity typically used in the industry to qualify odor assessors (see also EN13725). The results of the tests are shown in **Table 3-1** below and confirm that the sensitivity to odor of three field assessors were comparable and typical for humans.

Table 3-1. Results Quality Control Testing of the Field Odor Assessors.

Assessor	Pen Kit Serial Number	Result Round 1	Result Round 2	Odor Sensitivity Score[1]
#1	51548	5	7	6.0
#2	51548	6	5	5.5
#3	51548	6	5	5.5
			average	5.7

[1] Score can range from 2 to 15 with typical human nose sensitivity threshold level being between 5 to 8.

2.2 Laboratory Odor Analysis

Bag samples were taken on October 22 2020, March 4 2021 and May 20 2021and laboratory odor analyses for the Odor Profile Method (OPM) were completed at the University of California at Los Angeles (UCLA) by a panel of four or more trained panelists. OPM is a modification of Standard Method 2170: the Flavor Profile Analysis Method (FPA). The panelists identified multiple odor characters in a single sample based upon Odor Wheels and their respective intensities based upon the seven-point Weber-Fechner scale. The Weber-Fechner scale including 0 (no odor), 1, (threshold) 2, 4, 6, 8, 10, 12 was used for intensity. The OPM panelists associated the intensity of

each odor using a surrogate sugar-solution scale used for the FPA Method (Burlingame et al, 1999; Burlingame et al., 2009).

Odor plumes consist of an array of odorants each exhibiting a unique persistency; meaning that each odorant intensity diminishes at a different rate as it becomes diluted. Because of this, coupled with masking effects, a predominant odor may be observed close to the source but as one moves further away that odorant may dilute and diminish in intensity, leaving previously masked odors as most distinguishable. For this reason, persistency curves are believed to be key to understanding how odor impacts the community when traveling from odor sources into the community. **Figure 3-3** illustrates a persistency curve in which a sample has been diluted to different dilution ratios and intensities recorded and graphed. As illustrated in **Figure 3-2**, fecal and sulfur compounds are most dominant with minor dilution while musty odorants become most dominant with most dilution. The persistent curve method is also referred to as "peeling of the onion" method.

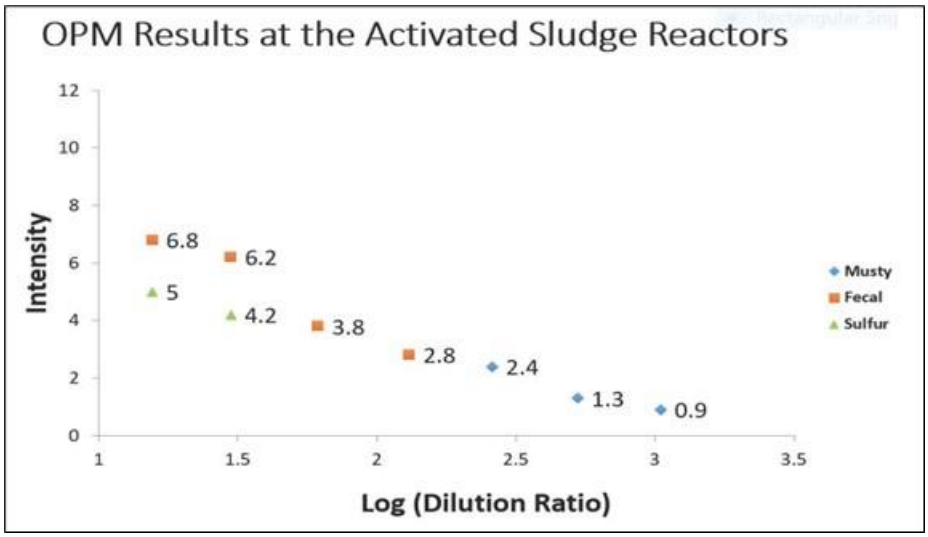


Figure 3-3. Example of a Persistency Curve to Understand Potential Off-site Odor Impacts from a Wastewater Treatment Plant.

Air samples for OPM analysis were collected using a vacuum chamber conforming to EPA-approved design parameters and sampling methodologies. Odorous air samples were collected and shipped via overnight express for next-day laboratory analysis to UCLA.

Ambient air samples were taken downwind of each of the primary odor sources and closest to the sources (fence-line). Once in the field, wind direction was confirmed using a portable weather station to ensure samples were collected at a true downwind location.

Ambient air samples were collected using 10-liter (L) Teflon bags and a vacuum chamber. Teflon bag samples were collected by connecting the bag to the vacuum chamber (shown in **Figure 3-4**) using flexible fittings and 1/4-inch (outside diameter) Teflon tubing, and filling the 10-L bag completely. All sample bags were pre-conditioned by partially filling, then expelling, the bag contents with the sample prior to taking the final sample.

Following collection, samples were labeled with an appropriate location description, and the date and the time of collection. This information is important for distinguishing sample results and ensuring proper hold times are not exceeded.

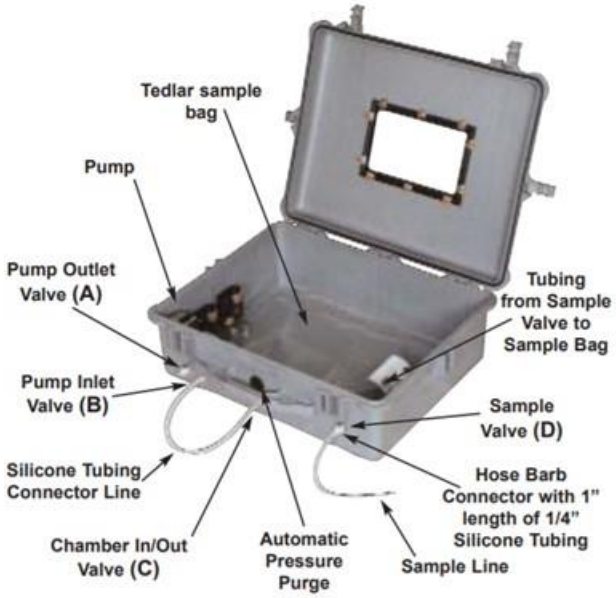


Figure 3-4. Vacuum Chamber

Ambient air samples contained in the 10-L Teflon bags were handled with care and kept away from excessive heat that could weaken the material or objects that may impale the bags. Following sample collection Teflon bags were stored in a container (for example a cardboard box) to be kept away from other objects including field equipment and direct sun light.

Ambient air samples were recorded using a chain-of-custody sheet. A copy of the chain-of-custody was kept with the field samplers, and a copy was shipped to UCLA along with the samples. The UCLA staff reviewed the chain-of-custody, made any necessary annotations, and returned a copy of the chain-of-custody with the reporting of the lab results.

The following is a list of key field quality control items that were followed in the field when collecting bag samples for odor lab analyses:

- Prior to sample collection, inspect each Teflon bag and ensure there are no rips in the bag that may allow the sample to leak out or non-sample air to leak in.
- Prior to sample collection, prime the sample bag by running sample air through the sample line into the sample bag for pre-conditioning by partially filling, then expelling, the bag contents with the sample prior to taking the final sample., and allowing any non-sample air to be removed from the sample line.
- Clean sample lines were used specifically for each odor source and each sample line were cleaned after each sampling event. Sampling lines were cleaned by running warm water (no soap to be used) through the sample line for a few minutes and dry the sample line with odor-free air.
- Following sample collection, the Teflon bag cap were screwed on tightly to ensure the sample air does not leak out of the bag.
- Prior to shipping the samples, the filled Teflon bag was examined to ensure that the bag was at least half full but not more than ¾ full. The bags will expand in the air when delivered via aircraft due to pressure changes. A bag that is more ¾ full is at risk of popping from over-expansion.
- Field log forms were filled out while collecting samples or conducting field-olfactometry surveys, to ensure the proper information is noted. All fields were completed, and where applicable, additional notes were made.

3. Results and Discussion

Field odor assessments were conducted using the field olfactometer, portable weather station, odor descriptor guide and a field log sheet. Field measurements were recorded including the measured weather conditions and description of the odors observed directly after the measurement with the field olfactometer. The results of these surveys are included in **Appendix C** and summarized here in this section.

3.1 Frequency of Odors Observed

Table 4-1 shows the frequency of odors observed at the eleven assessment locations, which included the locations downwind of the primary odor-emitting facilities. Directly downwind of the primary odor-emitting facilities, noticeable odors were consistently observed. Odors were observed frequently within the community with most frequent observation at Milmont Drive (50% of all field assessments) and least frequent at Mount Shasta Avenue (9% of all field assessments).

Table 4-1. Results Field Odor Assessments_Frequency of Odors Observed.

Survey Location	**Odor Present (% of the time)[1]**
Downwind NIRRP	100
Downwind ZWED	100
Downwind RWF	98
Downwind Lift Station	98
Milmont Drive	50
Tramway Drive	50
Marylinn Drive	30
Alvarez Court	25
Murphy Ranch Road	20
Los Coches Street	16
Mt Shasta Avenue	9
Wilson Way	5

1) The percentage of the fifty field odor assessments in which odors were observed by at least one assessor.

A discrete location at the northern city boundary (Wilson Way) was also assessed between December 21, 2020, and July 30, 2021. Nineteen surveys were undertaken during that period and odors were observed only one time and were characterized as unpleasant but weak.

3.2 Odor Intensity

When odors were observed at the different survey locations, the odor intensity varied from being very weak to extremely strong as illustrated in **Table 4-2**. Directly downwind of the key odor-emitting facilities, strong odors were noticed consistently and were often extremely strong, with the ZWED downwind location consistently having the strongest odor intensity (average 5.8 on a scale from 0 to 6). The odor intensity at the discrete locations within the community was typically weak while occasionally strong at Milmont Drive and Murphy Ranch.

Table 4-2. Results Field Odor Assessments_The Odor Intensity of the Odors Observed during the 50 Surveys.

Survey Location	Odor Intensity[1]			
	average[2]		maximum[2]	
Downwind ZWED	5.8	Extremely Strong/Very Strong	6	Extremely Strong
Downwind RWF	4.1	Strong	6	Extremely Strong
Downwind NIRRP	3.8	Strong/Distinct	6	Extremely Strong
Downwind Lift Station	3.0	Distinct	5	Very Strong
Wilson Way	2.2	Weak/Distinct	3	Distinct
Milmont Drive	2.1	Weak	4	Strong
Tramway Drive	1.8	Weak/Very Weak	3	Distinct
Marylinn Drive	1.7	Weak/Very Weak	3	Distinct
Murphy Ranch Road	1.6	Weak/Very Weak	4	Strong
Mt Shasta Avenue	1.4	Very Weak/Weak	1	Very Weak
Alvarez Court	1.3	Very Weak/Weak	2	Weak
Los Coches Street	1.1	Very Weak	2	Weak

1) Odor Intensity scale: Not Detectable (0), Very Weak (1), Weak (2), Distinct (3), Strong (4), Very Strong (5), Extremely Strong (6)
2) Fifty field odor assessments undertaken between October 31, 2019 and July 30, 2021. This equals an average odor assessment frequency of two assessments every three weeks, except for the initial months of the global Covid-19 pandemic (middle of March 2020 till the end of June 2020) when no assessments were undertaken. Wilson Bay was added later and assessed only between December 21, 2020, and July 30, 2021 with nineteen surveys undertaken during that period.

3.3 Hedonic Tone

The (un)pleasantness of the odors (hedonic tone) varied greatly when odors were observed at the different survey locations but was never pleasant, as illustrated in **Table 4-3**. Directly downwind of the four key odor-emitting facilities, hedonic tone was consistently unpleasant/ revolting, with the ZWED downwind location consistently observed as the most unpleasant (average -2.7 on a scale from -3 to 1). The odor intensity at the discrete locations inside the community was typically unpleasant while occasionally revolting at Milmont Drive.

Table 4-3. Results Field Odor Assessments_ Hedonic Tone of the Odors Observed.

Survey Location	Hedonic Tone[1]			
	average[2]		maximum[2]	
Downwind ZWED	-2.7	Nauseating/Revolting	-3	Nauseating
Downwind NIRRP	-1.7	Revolting/Unpleasant	-3	Nauseating
Downwind RWF	-1.7	Revolting/Unpleasant	-3	Nauseating
Downwind Lift Station	-1.2	Unpleasant/Revolting	-2	Revolting
Milmont Drive	-1.1	Unpleasant	-2	Revolting
Tramway Drive	-1.0	Unpleasant	-1	Unpleasant
Marylinn Drive	-1.0	Unpleasant	-1	Unpleasant
Los Coches Street	-1.0	Unpleasant	-1	Unpleasant
Wilson Way	-1.0	Unpleasant	-1	Unpleasant
Murphy Ranch Road	-0.8	Unpleasant/Neutral	-1	Unpleasant
Alvarez Court	-0.7	Unpleasant/Neutral	-1	Unpleasant
Mt Shasta Avenue	-0.3	Neutral/Unpleasant	-1	Unpleasant

1) Hedonic Tone scale: Pleasant (1), Neutral (0), unpleasant (-1), revolting (-2), nauseating (-3)

2) Fifty field odor assessments undertaken between October 31, 2019 and July 30, 2021. This equals an average odor assessment frequency of two assessments every three weeks, except for the initial months of the global Covid pandemic (middle of March 2020 till the end of June 2020) when no assessments were undertaken. Wilson Bay was added later and assessed only between December 21, 2020, and July 30, 2021 with nineteen surveys undertaken during that period.

3.4 Odor Strength (D/T)

When odors were observed at the different survey locations, the odor strength (D/T) varied from weak to distinct as illustrated in **Table 4-4**. Directly downwind of the key odor-emitting facilities, distinct odors were consistently observed with average values greater than 50 for the three largest facilities (NEWBY, ZWED, and RWF). The odor strength at all discrete locations within the community were faint (D/T around 5) while usually distinct (D/T > 10) at Milmont Drive, Tramway Drive, and Marylinn Drive. This was consistent with the measured odor intensity at the locations.

Table 4-4. Results Field Odor Assessments_ Odor Strength of the Odors Observed.

Survey Location	**Odor Strength[1]**	
	average[2]	**maximum[2]**
Downwind ZWED	936	2260
Downwind NIRRP	68	720
Downwind RWF	57	411
Downwind Lift Station	27	259
Milmont Drive	7	39
Marylinn Drive	7	20
Tramway Drive	6	28
Alvarez Court	4	11
Murphy Ranch Road	3	6
Los Coches Street	3	8
Mt Shasta Avenue	3	5
Wilson Way	< 2	< 2

1) The odor strength in dilution to threshold (D/T) as measured with the SM100 field olfactometer.
2) Fifty field odor assessments undertaken between October 31, 2019 and July 30, 2021. This equals an average odor assessment frequency of two assessments every three weeks, except for the initial months of the global Covid pandemic (middle of March 2020 till the end of June 2020) when no assessments were undertaken. Wilson Bay was added later and assessed only between December 21, 2020, and July 30, 2021 with nineteen surveys undertaken during that period.

3.5 Likelihood of Odor Complaints

Human responses to odors at varying odor concentrations are dependent upon the sensitivity of the individual person (receptor) and the level of background odor levels. The general correlation between numerical odor concentrations and qualitative odor descriptors (how it smells to people) can generally be described as follows (United Utilities, 2015):

- 1 D/T: A weak odor strength that is not normally detectable outside the controlled environment of an odor laboratory by the majority of the population.
- 5 D/T: A faint odor.
- 10 D/T: A distinct odor.

Annoyance with respect to odor, also called the odor nuisance, is a set of complex reactions that takes place when repeated or continued exposure to that odor takes place. Ultimately, annoyance may lead to a complaint, although the absence of complaints does not necessarily indicate the absence of an odor problem. The annoyance process can be summarized by an odor emission that leads to an exposure at a receptor (person). The receptor detects the odor and experiences a reaction to the odorous substances, potentially creating an impact.

sufficient to lead to a complaint. The frequency, intensity, duration, offensiveness, and location (or FIDOL factors) of the odors are usually used to evaluate the likelihood of odor nuisance.

The correlation between reported odor complaints and modelled odor impacts in relation to wastewater treatment works with ongoing odor complaints is shown in **Table 4-5**. This general correlation may be different for foul air from other processes, but the likelihood of odor complaints when exposed to an odor with an odor strength greater than 10 D/T is highly likely and may represent a nuisance that requires action (action level). Based on this empirical correlation between odor strength at the impacted location and the likelihood of odor complaints, it can be expected that odor complaints occur at Murphy Ranch Road, Los Coches Street, and Mt Shasta Avenue and that odor complaints are highly likely at Milmont Drive, Tramway Drive, Marylinn Drive, and Alvarez Court.

Table 4-5. Empirical Correlation Between the Odor Impact (D/T) and the Likelihood of Complaints (CIWEM, 2012).

Odor Impact Criteria[1]	Likelihood of Complaints
>10 D/T	Complaints are highly likely, and odor exposure at these levels represents an actionable nuisance.
>5 D/T	Complaints may occur and, depending on the sensitivity of the locality and nature of the odor, this may constitute a nuisance.
<3 D/T	Complaints are unlikely to occur, and exposure below this level is unlikely to constitute significant detriment to amenity unless the locality is highly sensitive or the odor highly unpleasant in nature.

1) Based on a 1-hour averaging period and 98 percentile compliances.

3.6 Seasonal Influences on Odors Observed

The results of the field odor assessments during different periods are summarized in **Table 4-6**. On average, between 50 and 60% of the time odors were observed during the fifty field surveys at the eleven sample locations: 100% of the time downwind of the facilities and about 30% of the time in the community. Odors were observed in all seasons, with the average odor intensity ranging from Distinct to Strong (3.1 to 3.6 on a scale from 0 to 6) and hedonic tone ranging from Unpleasant to Revolting (-1.3 to -1.7 on a scale from -3 to 1).

No significant differences were observed between the odors emitted in the Winter-Spring 2019/20 period (before COVID-19 restrictions) and in the same period a year later Winter-Spring 2020/21 period (during COVID-19 restrictions).

Table 4-6. Results Field Odor Assessments_ Odors Observed during Different Periods of the Odor Study.

Period	Bay Water[1] Temperature average (°F)	Field Observations (#)	Odor Present (% of the time)	Odor Intensity[2] average	Hedonic Tone[3] average
WINTER-SPRING 2019/20	65	185	54	3.1	-1.3
SUMMER-AUTUMN 2020	77	124	55	3.6	-1.6
WINTER-SPRING 2020/21	60	107	59	3.6	-1.7
SPRING - SUMMER 2021	73	144	52	3.2	-1.6
		560			

1) Average water temperature of the Bay
2) Intensity Scale: Not Detectable (0), Very Weak (1), Weak (2), Distinct (3), Strong (4), Very Strong (5), Extremely Strong (6)
3) Hedonic Tone scale: Pleasant (1), Neutral (0), unpleasant (-1), revolting (-2), nauseating (-3)

3.7 Odor Character Downwind of Facilities

The odor character as observed directly downwind of the main odor-emitting facilities has been described by different field assessors independently a total of fifty times at different times of the days and different days of the week throughout the study. In more than 75% of these assessments, the odor character downwind of the RWF and Lift Station was described as either Sewage, Septic, Fecal or Urine. These odor descriptors can be considered unique for the RWF and Lift Station as they were not used when describing the odor downwind of the Newby facility and rarely used when describing the odor downwind of the ZWED facility (see **Figure 4-1**).

Similarly, in nearly 70% of these assessments the odor character downwind of the NIRRP facility was described as either Garbage, Sweet, or Rotten Vegetables. These odor descriptors are also unique for the NIRRP facility as they were not used when describing the odor downwind of the RWF and Lift Station and only Rotten Vegetables was used when describing the odor downwind of the ZWED facility (see **Figure 4-1**).

Also, in nearly 70% of these assessments the odor character downwind of the ZWED facility was described as either Putrid, Rancid, Manure, Pungent, or Rotten Vegetables. These odor descriptors are unique for the ZWED facility as they were rarely used when describing the odor downwind of the RWF and Lift Station or the NIRRP facility (see **Figure 4-1**).

In summary, the odor character downwind of the three main odor-emitting facilities are relatively unique and were mostly described as follows:

- RWF facility: **Sewage, Septic, Fecal, or Urine**
- Newby facility: **Garbage, Sweet, or Rotten Vegetables**
- ZWED facility: **Rancid, Putrid, Manure, Rotten Vegetables, or Pungent**

These relatively unique odor descriptors may be used when assessing the origin of the odors that are experienced in the community. The frequency of odor descriptors used to describe the odor character at the discrete survey locations are shown in **Appendix D**.

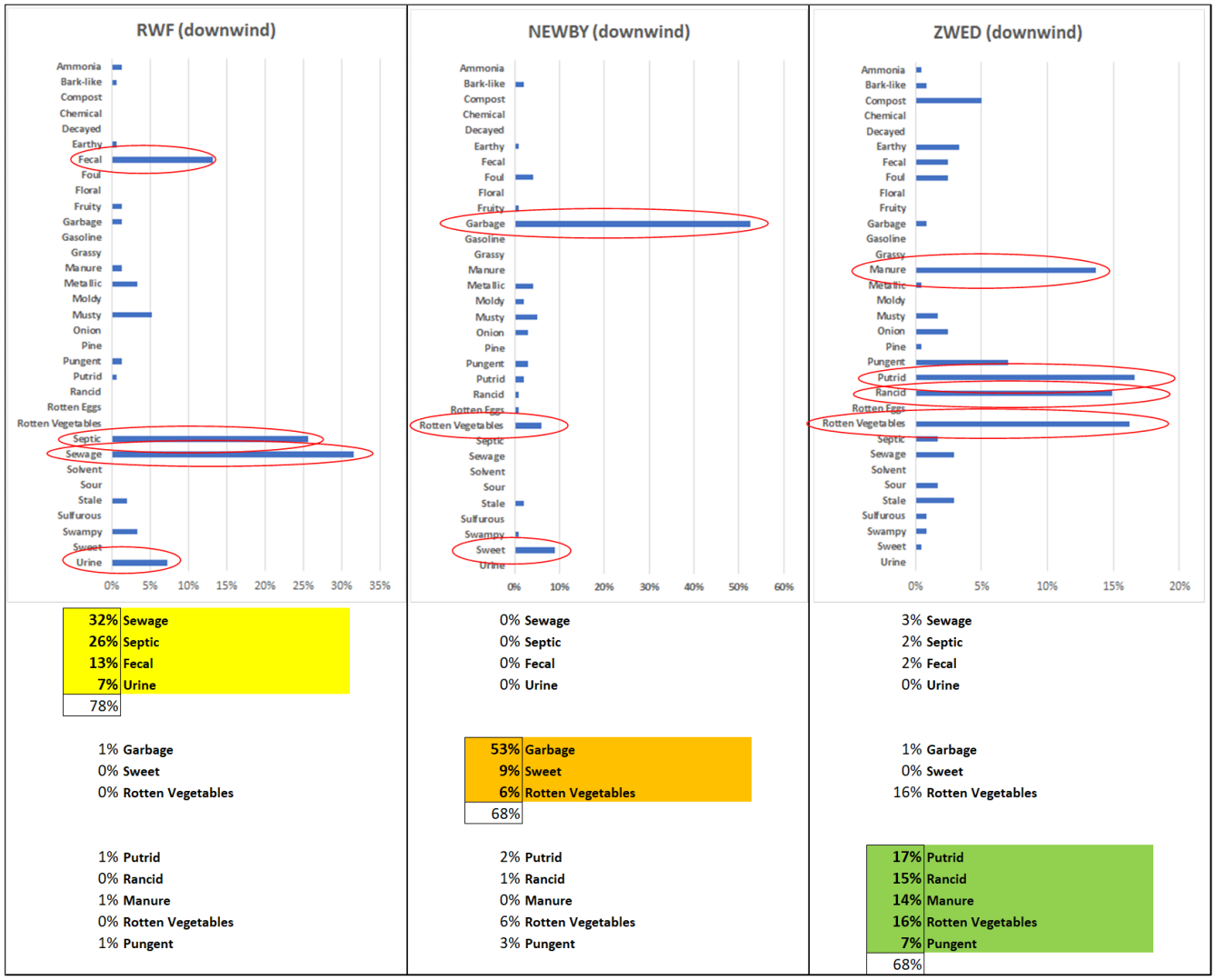
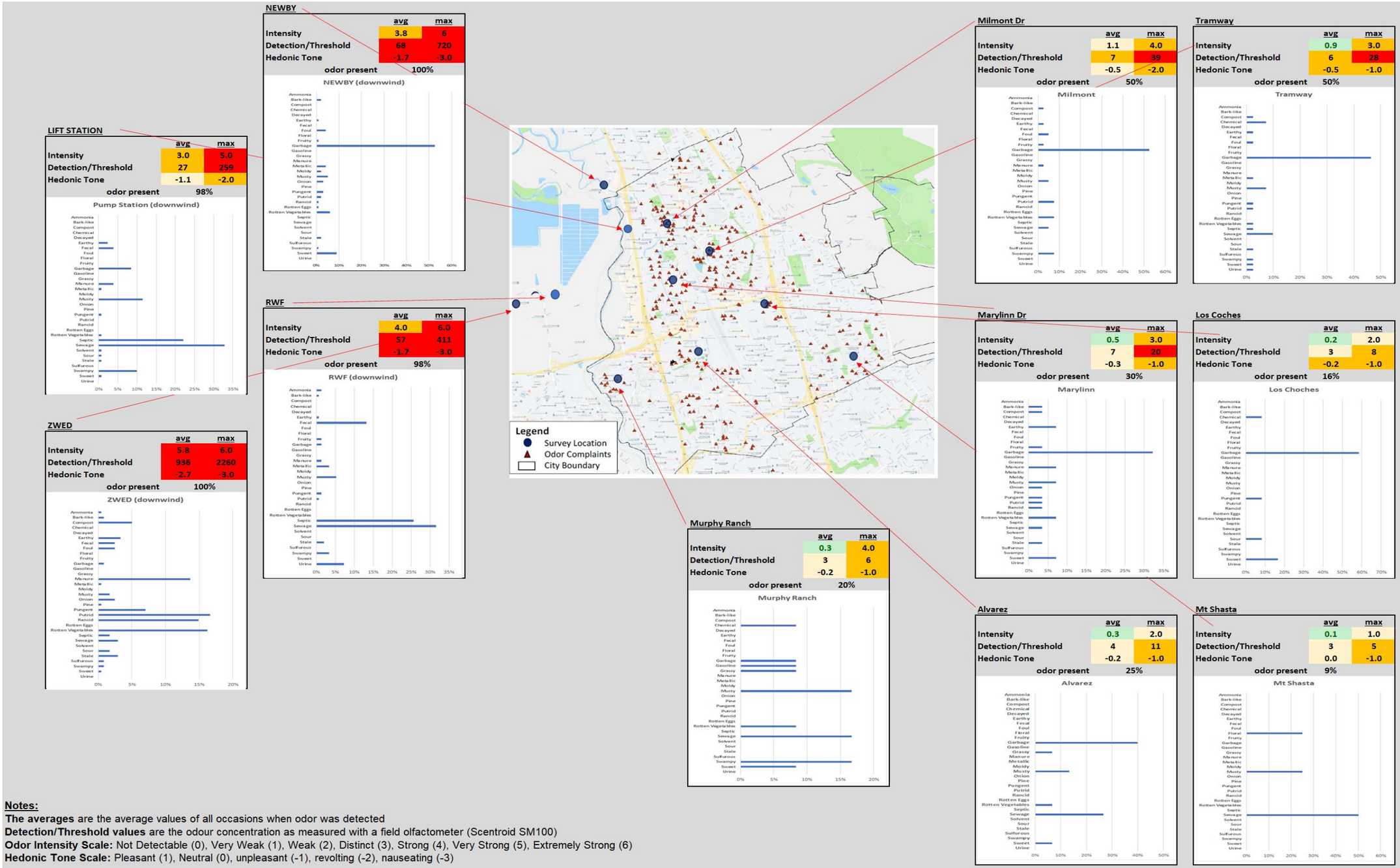


Figure 4-1: Frequency an Odor Descriptor is used to Describe Odor Character of Odor Observed Directly Downwind of the Three Main Odor-Emitting Facilities.

3.8 Odor Character in the Community

The relatively unique odor descriptors used to describe the odors emitted from the three main facilities can be used to provide a global estimation of the origin of the odor experienced in the community. This estimation has been illustrated using a BLOB (acronym for binary large object) map. A BLOB map is a visual representation of a vague amount of grouped data that lacks definite shape. BLOB is a block of data stored in a database that cannot read the BLOB's structure and only references it by its size and location. **Figure 4-3** illustrates the BLOB map which depicts the estimated source of odor emissions pertaining to the odors observed in the community.

All three main odor-emitting facilities contribute to odors frequently observed in the community. Although the odors emitted from ZWED are by far the most intense and the most unpleasant, their reach is mostly limited to only the first locations west and south-west of the community in the City of Milpitas (see Figure 4-3). Odors emitted from the NIRRP facility contribute to a large extent to the odors observed at most of the discrete survey locations, while odors emitted from the RWF contribute to a lesser extent at most of the discrete survey locations and more to the further away location in the east and south-east of the community (Mt Shasta Avenue). Although this BLOB map is only a high-level visual representation, it can be used as a fairly accurate indication of where impacted odors originate from. This is because the observations have been made over a long period of time (21 months) on multiple individual field assessments (in total 50 assessment on random days of the week and random times of the day) by several assessors (three assessors that showed to have a representative sensitivity for smell as shown; see **section 3.2.1**).



Notes:
The averages are the average values of all occasions when odor was detected
Detection/Threshold values are the odour concentration as measured with a field olfactometer (Scentroid SM100)
Odor Intensity Scale: Not Detectable (0), Very Weak (1), Weak (2), Distinct (3), Strong (4), Very Strong (5), Extremely Strong (6)
Hedonic Tone Scale: Pleasant (1), Neutral (0), unpleasant (-1), revolting (-2), nauseating (-3)

Figure 4-2: Summary of Odor Assessments Results.

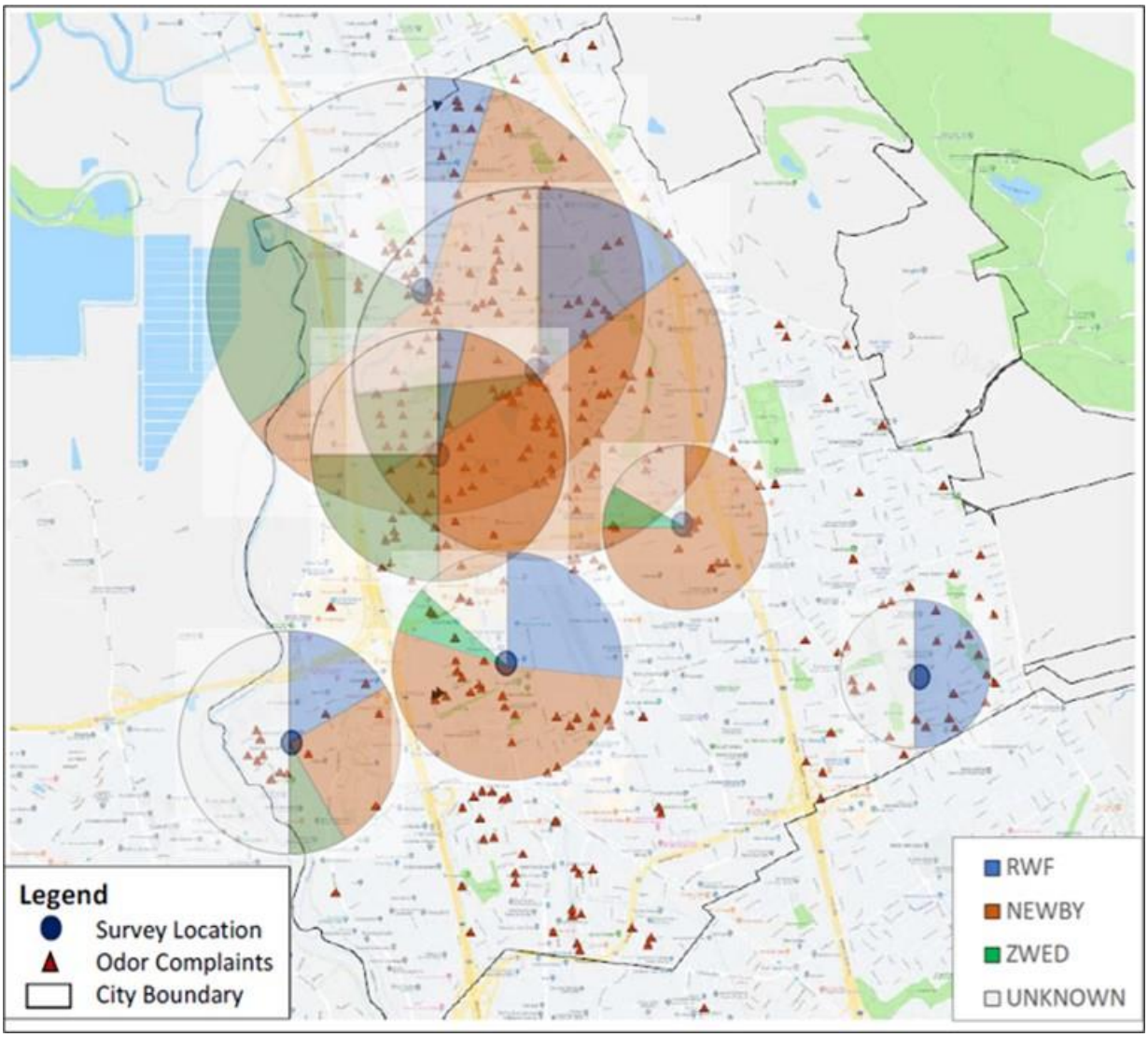


Figure 4-3: High-level Visual Representation (BLOB map) that Illustrates Most Likely Origination of Odors Observed in the Community, with the Size of the Circles a Measure of the Average Odor Intensity Observed.

3.9 Odor Profile Method Results

Lab odor analyses for OPM were completed at UCLA to create persistency curves which helps to understanding how odor impacts in the communities occur from odor sources because they simulate dilution that occurs as one moves further away from a source.

Of the multiple bag samples collected, only certain samples showed high enough odor intensity to generate a persistency curve. The results of the analyses of three samples are illustrated in **Figure 4-4** through **Figure 4-6**.

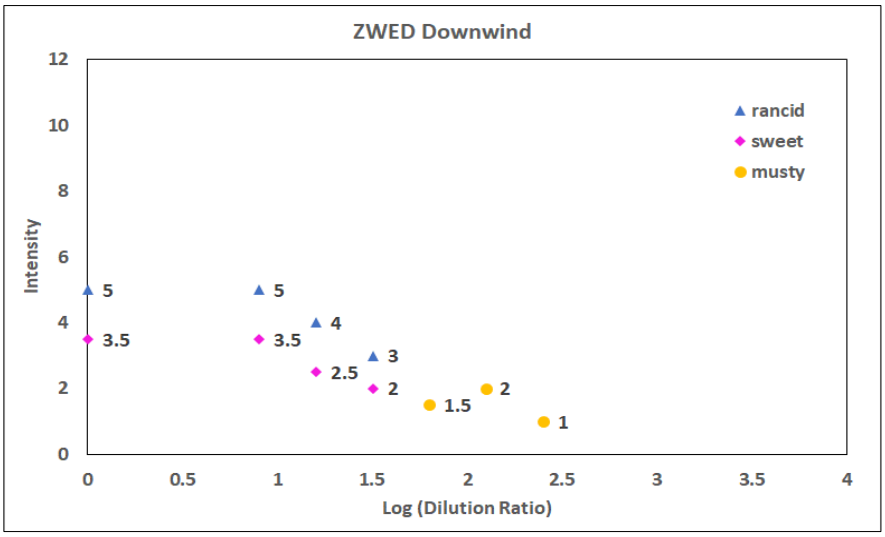


Figure 4-4: Odor Persistency Curve for ZWED.

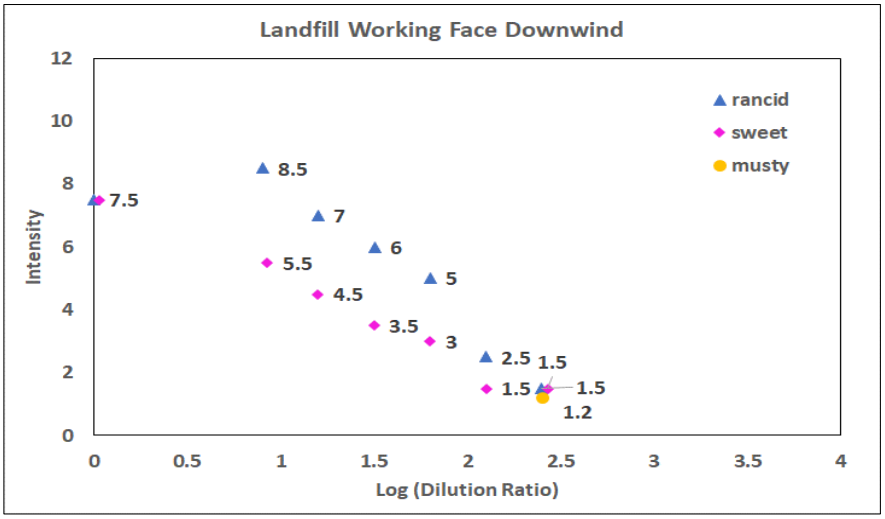


Figure 4-5: Odor Persistency Curve for NISL at NIIRP.

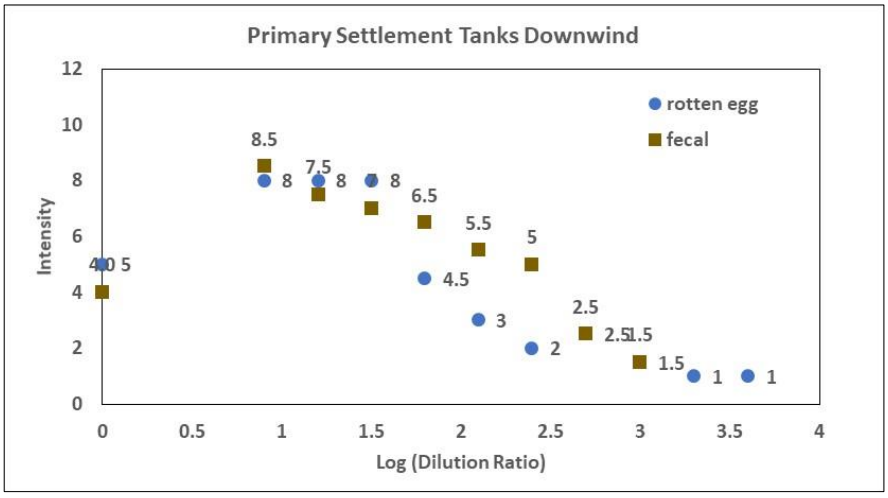


Figure 4-6: Odor Persistency Curve for Primaries at RWF.

The figures illustrate how dominant odorant intensities diminish at a different rate as they become diluted and how the odor character changes as the plume travels into the community. The figures also show the

required dilution rate of the specific samples for reducing the intensity to a level that the odor cannot be smelled anymore (the threshold level, which equals an intensity level 1 on the Weber-Fechner scale). This dilution would be from the location where the odor samples were collected which is just downwind and typically about 100 feet away from the sources. Note that an intensity level of 3 is synonymous with the recognition threshold, which is equal to the concentration by which the sample is detectable, and the odor character is able to be identified (e.g.; "smells like rotten eggs"). As such, an intensity level of 3 at a receptor location is typically the action level in which some type of mitigation is required to be implemented.

For the odor just downwind of the ZWED facility the required dilution level is about a log 2.5 (about 300 times). Similarly, for the odor just downwind of the landfill working face the required dilution level is about log 2.5 to 3 (about 600 times) while for the odor just downwind of the Primary Settlement Tanks the required dilution level is about log 3 to 3.5 (about 1800). This is consistent with the observations in the community during the field odor assessments where the location furthest away (Mt Shasta Avenue) observed an odor character predominately described with the odor descriptor Sewage. This is the typical odor descriptor used to describe odors emitted from the RWF (see the BLOB map **Figure 4-3**).

4. Conclusions

Field odor assessments were conducted using a field olfactometer to measure the odor strength and describe the odors observed (character, intensity and hedonic tone). A total of fifty field odor assessments were undertaken at eleven discrete locations in the community of the City of Milpitas by multiple trained field assessors between November 2019 and July 2021. On average, two field assessments were undertaken every three weeks on random days of the week and a random time of the day, resulting in a total of 580 field observations.

The frequency of odors present, the odor intensity, the odor strength (D/T) and the hedonic tone of the odors observed at the discrete locations in the community have been established. The odor strength at the discrete locations inside the community were typically faint (D/T around 5) and unpleasant, which may lead to nuisance and complaints depending on the sensitivity of the locality and nature of the odor (i.e., frequency, duration, and offensiveness). The odor strength was occasionally distinct (D/T > 10) and revolting at Milmont Drive, Tramway Drive, and Marylinn Drive, which makes the likelihood of odor nuisance and complaints highly likely.

Noticeable odors were consistently observed directly downwind of the following facilities:

- Newby Island Resource Recovery Park (NIRRP), comprised of Newby Island Landfill (NISL), Material Recovery Facility (MRF), and NIRRP composting facility;
- San José-Santa Clara Regional Wastewater Facility (RWF);
- Zero Waste Energy Development (ZWED) facility which is a dry anaerobic organic waste processing facility; and
- Main Lift Station, which is the main collection point of the sewage that is transferred to the RWF.

These odors were always strong and often extremely strong. The odor strength downwind of the NIRRP, RWF and ZWED facilities was on average greater than 50 D/T and described as 'revolting', which makes the likelihood of odor nuisance and complaints almost certain in these locations.

The odor character downwind of the three main odor-emitting facilities are relatively unique and have mostly been described by different field assessors as follows:

- RWF facility: **Sewage, Septic, Fecal or Urine**
- Newby facility: **Garbage, Sweet or Rotten Vegetables**
- ZWED facility: **Rancid, Putrid, Manure, Rotten Vegetables or Pungent**

These relatively unique odor descriptors have been used to assess the origin of the odors that are experienced in the community. A high-level visual representation BLOB map has been created to illustrate where the odors observed in the community during the odor study most likely originated from. All three main odor-emitting facilities contribute to odors frequently observed in the community. Although the odors emitted from ZWED are by far the most intense and the most unpleasant, their reach is mostly limited to only the first locations west and south-west of the community in the City of Milpitas. Odors emitted from the NIRRP facility contribute to a large extent to the odors observed at most of the discrete survey locations, while odors emitted from the RWF contribute to a lesser extent at most of the discrete survey locations and more to the further away location in the east and south-east of the community (Mt Shasta Avenue).

Bag samples were taken three times and taken for lab odor analyses at University of California at Los Angeles (UCLA) by a panel of trained panelists to identify the multiple dominant odor characters in a single sample and their respective intensities at different dilutions. The obtained results were consistent with the observations in the community during the field assessments.

5. Recommendations for Ongoing Odor Monitoring

This section discusses recommendations for continuous odor monitoring stations. Continuous odor monitoring stations need to inform future actions to reduce odors, improve understanding of odor transient impacts, and to establish methods to measure progress on future odor reduction actions. It is recommended that BAAQMD as the enforcement agency would take the lead in implementing the recommendations in close cooperation with the City of Milpitas.

5.1 Recommendation #1

Install an IOMS with auto air bag samplers at specific locations within the community.

An ongoing odor monitoring system can assist inspectors in confirming public odor complaints. A public complaint is considered unconfirmed until and unless an inspector can confirm it by smelling it with the complainant and then tracing its source. Confirming an odor complaint is often difficult because the time for an inspector to arrive at the complainant site is typically too long to properly assess the odor complaint and trace its source due to changes in wind direction or process changes at the odor source. Jacobs therefore recommends installation of an instrumental odor monitoring system (IOMS) with auto air bag samplers at specific locations within the community.

An IOMS is a computationally sophisticated multi-sensor device(s) for odor monitoring and consists of non-specific sensor arrays. This means that they do not measure specific odorants but the aggregate of chemical compounds including odorants in the air responding to a series of electronic sensors. IOMS devices are specifically developed and used to detect concentrations and qualities of odors. Although any IOMS are not very specific to individual compounds, they can classify "unhealthy" or sub-optimum conditions. They continuously log responses and can alert City of Milpitas staff or can initiate an air bag sampler for fast collection of air samples within the community for a more enhanced assessment of any odor impact. The auto bag samplers can also be initiated remotely on-demand by staff of the BAAQMD and the City of Milpitas at any moment after receiving odor complaints. The auto air bag sampler takes a sample of the air and stores it in a bag ready for a technician to collect it for shipping to a laboratory in case a detailed analysis is warranted.

The number of IOMS units should be further detailed and is dependent on several factors including historical odor complaints, safe access, costs, and resources available. Jacobs recommends installing an IOMS with auto air bag sampler at the following locations as a minimum: Milmont Drive, Tramway Drive, Marylinn Drive, and Murphy Ranch. The IOMS units with auto bag samplers should be installed in partnership with BAAQMD to provide broader understanding of odor impacts and to measure progress on future odor reduction actions.

An example of an IOMS and a bag sampler system is illustrated in Appendix E and F, respectively. The estimated cost for the bag sampler systems with IOMS is $176,256. - (see further detail in Appendix G). The bag samples can be used by Montrose to fingerprint the odor and determine the main odor source using PTR-TOF MS Analysis with the Principal Component Analysis (PCA). This would require about $2,672. - for the analyses of four bags each time.

5.2 Recommendation #2

Introduce a mobile app for the community to provide improved feedback on the odors observed.

Unique software applications have been developed specifically for the public to provide information on odors observed in the community. These public consultation software applications are commercially available as mobile apps (and websites). A mobile app specifically for the application at Milpitas and

surrounding communities is recommended to be used in the future as part of public outreach efforts. Prompt online submission of odor complaints would aid in tracking complaints more quickly and with more detailed information for improved response. It can also allow complaints to be forwarded to plant operators/supervisors of the main odor-emitting facilities immediately for interpretation and response.

Some examples of community odor reporting apps are:

- WBEA Community Odour Monitoring Program
- Ortelium_odour complaint management
- Total Odour Management_TOMS
- D-NOSES_Odour Observatory

Some of these examples also include odor monitoring, odor dispersion modelling and automated reporting. Community odor reporting could also be included in an already existing general community engagement mobile app.

The app should as a minimum collect the following information:

- Confirmation that odors are present
- Location of the odor observed[1]
- Time of the odor observed
- Duration of the odor observed
- Odor Character[2]
- Odor Intensity[3]
- Hedonic Tone[4]
- Wind direction

[1] Mobile phone location using GPS may be used automatically.

[2] The character of odor, e.g., earthy, musty, rotten egg, urine, ammonia, sweet, chemical, fishy, burnt, and others. The odor descriptor guide (Odor Characterization Wheel) may be used as reference.

[3]The perceived intensity of odor sensation may be described as Not Detectable (0), Very Weak (1), Weak (2), Distinct (3), Strong (4), Very Strong (5), Extremely Strong (6).

[4]The degree to which an odor was perceived as pleasant or unpleasant may be described as Pleasant (1), Neutral (0), Unpleasant (-1), Revolting (-2), Nauseating (-3).

The cost of a mobile app will have to be investigated further as it would include programming efforts to make the app case specific and to include the collection of the above-mentioned information. BAAQMD may probably be best the owner of this system as an improvement to the BAAQMDs existing complaint reporting system.

The continuous odor monitoring stations together with an improved public engagement (through a mobile community odor reporting app) would better inform future actions to reduce odors, provide improved understanding of offsite odor diurnal and seasonal dynamics, and establish a method to measure progress on future odor reduction actions.

It is recommended that BAAQMD as the enforcement agency would take the lead in implementing both recommendations in close cooperation with the City of Milpitas.

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Appendix A. Field Log Sheet

City of Milpitas Phase 1 Community Odor Study

Jacobs

Samplers Name: _____ Page ___ of _____

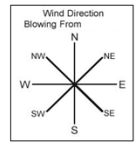
Date: _____

Conditons / Stage of Project: _____

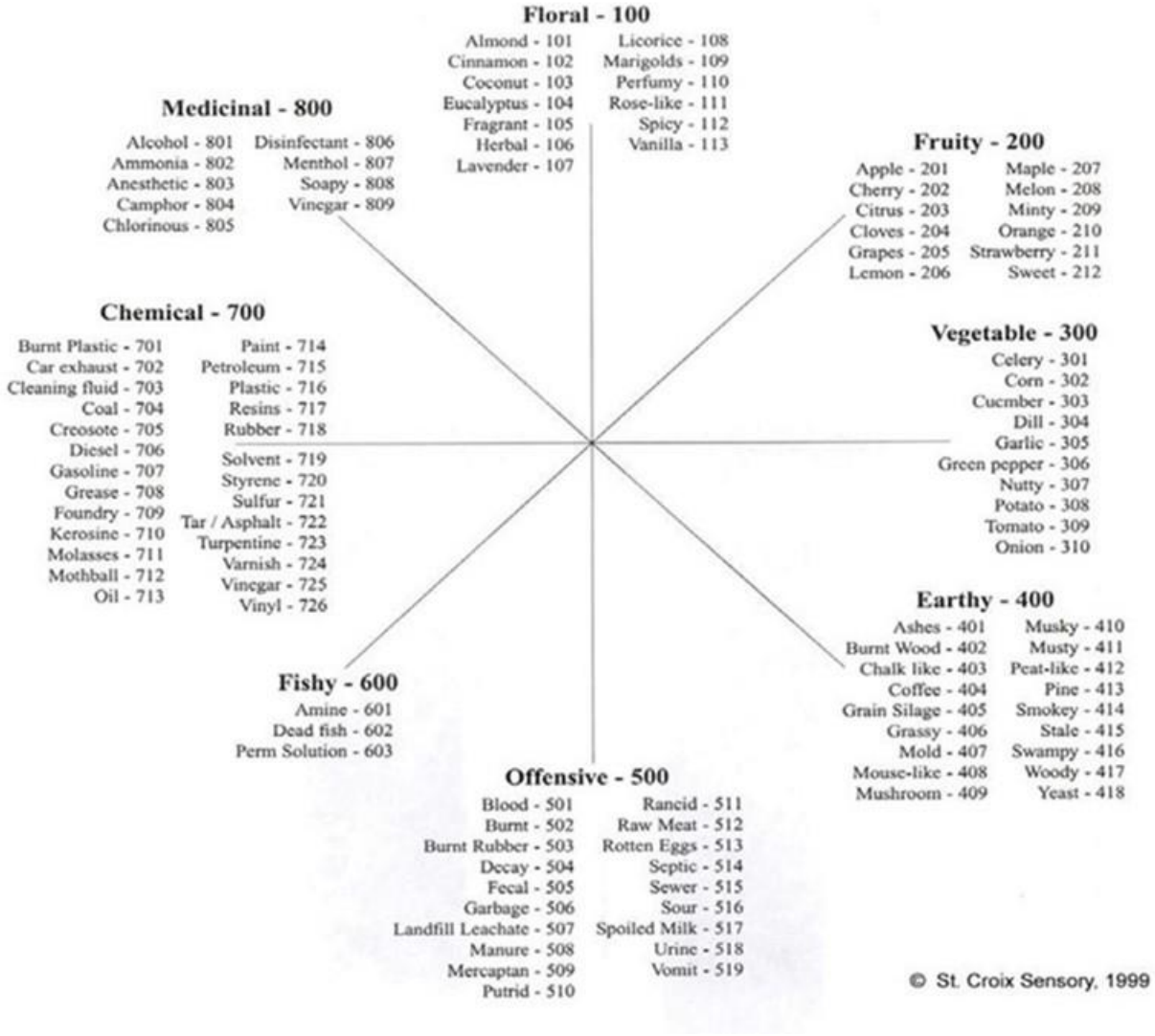
Activities/conditions that could influence odors: _____

Location	Time	Field		Weather Conditions		Odor Present? (Yes/No)	Odor Strength (field olfactometer)	Assessor	Odor Character [3]	Intensity Scale (0 - 6) [4]	Hedonic Tone (1 to -3) [5]	Comment
		Wind Direction	Wind Velocity (mph)	Sunny/ Cloudy [1]	Precipitation [2]							
Example	11:20 AM	N-NW	3 - 5	1	1	Yes	19	BK	rotten egg (and smells like fresh sewage)	4	-2	field olfacometer dial position 7 when Plate H was used

1. Weather Conditions: Sunny (1), partly cloudy (2), mostly cloudy (3), overcast (4), hazy (5)
2. Precipitation: None (1), fog (2), light rain (3), rain (4)
3. Odor Character: eg. earthy, musty, rotten egg, urine, sour, ammonia, sweet, chemical, fishy, seaweed, agricultural, superphosphate, and other (please state)
4. Odor Intensity: Not Detectable (0), Very Weak (1), Weak (2), Distinct (3), Strong (4), Very Strong (5), Extremely Strong (6)
5. Hedonic Tone: Pleasant (1), Neutral (0), unpleasant (-1), revolting (-2), nauseating (-3)



Appendix B. Odor Characterization Wheel


Floral - 100
Almond - 101
Cinnamon - 102
Coconut - 103
Eucalyptus - 104
Fragrant - 105
Herbal - 106
Lavender - 107
Licorice - 108
Marigolds - 109
Perfumy - 110
Rose-like - 111
Spicy - 112
Vanilla - 113
Medicinal - 800
Alcohol - 801
Ammonia - 802
Anesthetic - 803
Camphor - 804
Chlorinous - 805
Disinfectant - 806
Menthol - 807
Soapy - 808
Vinegar - 809
Fruity - 200
Apple - 201
Cherry - 202
Citrus - 203
Cloves - 204
Grapes - 205
Lemon - 206
Maple - 207
Melon - 208
Minty - 209
Orange - 210
Strawberry - 211
Sweet - 212
Chemical - 700
Burnt Plastic - 701
Car exhaust - 702
Cleaning fluid - 703
Coal - 704
Creosote - 705
Diesel - 706
Gasoline - 707
Grease - 708
Foundry - 709
Kerosine - 710
Molasses - 711
Mothball - 712
Oil - 713
Paint - 714
Petroleum - 715
Plastic - 716
Resins - 717
Rubber - 718
Solvent - 719
Styrene - 720
Sulfur - 721
Tar / Asphalt - 722
Turpentine - 723
Varnish - 724
Vinegar - 725
Vinyl - 726
Vegetable - 300
Celery - 301
Corn - 302
Cucmber - 303
Dill - 304
Garlic - 305
Green pepper - 306
Nutty - 307
Potato - 308
Tomato - 309
Onion - 310
Earthy - 400
Ashes - 401
Burnt Wood - 402
Chalk like - 403
Coffee - 404
Grain Silage - 405
Grassy - 406
Mold - 407
Mouse-like - 408
Mushroom - 409
Musky - 410
Musty - 411
Peat-like - 412
Pine - 413
Smokey - 414
Stale - 415
Swampy - 416
Woody - 417
Yeast - 418
Fishy - 600
Amine - 601
Dead fish - 602
Perm Solution - 603
Offensive - 500
Blood - 501
Burnt - 502
Burnt Rubber - 503
Decay - 504
Fecal - 505
Garbage - 506
Landfill Leachate - 507
Manure - 508
Mercaptan - 509
Putrid - 510
Rancid - 511
Raw Meat - 512
Rotten Eggs - 513
Septic - 514
Sewer - 515
Sour - 516
Spoiled Milk - 517
Urine - 518
Vomit - 519
© St. Croix Sensory, 1999

Appendix C. Data Base Results Field Odor Assessments

NameFacility	DateRecorde	INSPECT_TM	Direction	Column	WindVelocit	WindVelocity	CondItionWeathe	Precipitatio	OdorPresen	OdorStrengtl	Odor Character	IntensitySacle	HedonicTon	WATER_TEMP	COMMENTS	PlateNi	Dilution to Threshold
Newby Downwind	2019-10-31	02:02 pm	SW-W		2		1	1	1	2	Foul;Garbage	4	-1	72	"strong" intensity. misters are running. Readings taken during training	U-H	119
Milmont Dr	2019-10-31	02:29 pm	W		1		1	1	1	9	Garbage	1	-1	71	Can only smell during some wind gusts. Readings taken during training	U-H	9
Milmont Dr	2019-11-07	08:49 am	N		0		4	2	0		N/A	0	0	65		U-H	
Newby Downwind	2019-11-07	09:05 am	N-NW		1.8		4	2	1	6	Garbage;Musty	3	-1	59		U-H	20
Main Lift Downwind	2019-11-07	09:23 am	N		0.4		4	2	1	14	Sewage	3	-1	56	No odor ID by Matt	U-H	3.9
RWF Downwind	2019-11-07	09:50	NW		0.4		4	2	1		Sewage	4	-1	58	Odor strength number lost during database update	U-H	
ZWED Downwind	2019-11-07	10:11 am	NW		0.4		4	2	1	5	Fecal;Other(describe);Sewage;Stale;Sulfurous;Swampy	4	-2	60	Manure smell	U-H	28.2
Murphy Ranch Rd	2019-11-07	10:34 am	S		1		4	2	0		N/A	0	0	60		U-H	
Alvarez Ct	2019-11-07	10:50 am	SE-S		0.4		2	2	0		N/A	0	0	61		U-H	
Marylinn Dr	2019-11-07	11:02 am	SW-W		1		4	1	0		N/A	0	0	62		U-H	
Tramway Dr	2019-11-07	11:29 am	E		0.9		5	1	1	14	Garbage	1	-1	65	No odor ID by Matt	U-H	3.9
Mt Shasta Ave	2019-11-07	12:04 pm	W-NW		0.9		5	1	1	13	Sewage	1	-1	66	No odor ID by Matt	U-H	4.5
Los Coches St	2019-11-07	12:15	S		0.4		5	1	0		N/A	0	0	62		U-H	
Milmont Dr	2019-11-14	09:11 am	SE		1.5		1	1	0		N/A	0	0	62	finished at 9:20	U-H	
Tramway Dr	2019-11-14	09:30 am	SE		0.9		1	1	0		N/A	0	0	65	Done to 9:34	U-H	
Marylinn Dr	2019-11-14	09:47 am	S		0.4		1	1	0		N/A	0	0	67	done at 9:49	U-H	
Los Coches St	2019-11-14	10:03 am	S		0.9		2	1	0		N/A	0	0	69	done at 10:09	U-H	
Alvarez Ct	2019-11-14	10:19 am	SE-S		2.2		2	1	0		N/A	0	0	69	done at 10:24	U-H	
Murphy Ranch Rd	2019-11-14	10:42 am	E-SE		0.4		2	1	0		N/A	0	0	69		U-H	
Mt Shasta Ave	2019-11-14	11:00 am	SE-S		0.9		2	1	0		N/A	0	0	70		U-H	
RWF Downwind	2019-11-14	11:20 am	S-SW		3.1		2	1	1	7	Bark-like;Earthy;Musty	2	0	69	Done by 11:31	U-H	13.4
ZWED Downwind	2019-11-14	11:46 am	S-SW		3.6		2	1	1	5	Fecal;Septic;Sewage	5	-2	67	both Scentroids gave result of 5 odor strength. Done at noon.	U-H	28.2
Main Lift Downwind	2019-11-14	12:09 pm	S-SW		3.5		3	1	1	15	Septic;Sewage	1	-1	66	Weather App says AQI=188. done at 12:22	U-H	3.5
Newby Downwind	2019-11-14	12:32 pm	SW		3.1		3	1	1	7	Garbage;Moldy	4	-1	68	misters on. done by 12:45	U-H	13.4
Tramway Dr	2019-11-20	10:09 am	W		0.4	2.7	2	1	1	11	Garbage	3	-1	66		U-H	6.4
Marylinn Dr	2019-11-20	10:30 am	SW-W		0.4	0.9	2	1	0		N/A	0	0	64		U-H	
Los Coches St	2019-11-20	10:56 am	SW		1.3	2.2	2	1	0		N/A	0	0	67		U-H	
Mt Shasta Ave	2019-11-20	11:09 am	NE-E		0.4	0.9	2	1	1		Floral	2	1	66		U-H	2
Alvarez Ct	2019-11-20	11:32 am	W-NW		1.3		2	1	1	15	Garbage;Sewage	1	-1	66	max wind 2.2	U-H	3.5
Murphy Ranch Rd	2019-11-20	12:56 pm	NW		0.9	1.3	2	1	1		Gasoline	1	-1	75	asphalt odor.	U-H	2
RWF Downwind	2019-11-20	01:14 pm	NW		0.4	2.2	2	1	1	8	Fecal;Sewage	4	-2	70	Linda odor strength 6	U-H	11
ZWED Downwind	2019-11-20	01:41 pm	W		1.8	3.6	1	1	1	9	Earthy;Garbage;Pine	4	-1	71	Matt odor strength 7 (W wind)	U-H	9
Main Lift Downwind	2019-11-20	02:15 pm	NW		1.6	3.6	2	1	1	11	Rotten Eggs;Septic;Sewage	3	-1	70		U-H	6.4
Newby Downwind	2019-11-20	02:37 pm	NW		1.3	2.2	2	1	1	11	Garbage	3	-1	73		U-H	6.4
Milmont Dr	2019-11-20	02:55 pm	N-NW		0.9	1.8	2	1	1		Garbage;Swampy	1	0	72	scent too weak for Scentroid	U-H	2
Mt Shasta Ave	2019-11-26	08:42 am	SE		0	0.4	1	1	0		N/A	0	0	62		U-H	
Los Coches St	2019-11-26	08:59 am	SE		0.9	1.3	2	1	0		N/A	0	0	60		U-H	
Alvarez Ct	2019-11-26	09:18 am	SE		0	0	3	1	1		Grassy	1	0	58		U-H	
Murphy Ranch Rd	2019-11-26	09:30 am	SE		0.4	0.9	3	1	0		N/A	0	0	58		U-H	
Marylinn Dr	2019-11-26	09:45 am	NE		0	0.4	4	1	0		N/A	0	0	59		U-H	
Tramway Dr	2019-11-26	09:53 am	SE		0	0	4	1	0		N/A	0	0	59		U-H	
Milmont Dr	2019-11-26	10:22 am	E		0	0.4	4	1	0		N/A	0	0	60		U-H	
Newby Downwind	2019-11-26	10:38 am	NE		0.4	0.9	4	1	1	14	Garbage	3	-1	58	misters on further away	U-H	3.9
Main Lift Downwind	2019-11-26	10:53 am	S		0	0.4	4	1	1		Sewage;Swampy	1	-1	60		U-H	2
RWF Downwind	2019-11-26	11:05 am	SE		1.3	1.8	4	1	1	13	Sewage	2	-1	60	Matt didn"t smell odor	U-H	4.5
ZWED Downwind	2019-11-26	11:35 am	SE		0.4	0.9	4	1	1	1	Putrid;Septic;Sewage	6	-3	62	Linda odor strength <1	U-H	411.1
Milmont Dr	2019-12-13	10:54 am	NW		0.4	0.9	4	2	1	13	Sewage;Swampy	2	-1	64		U-H	4.5
Newby Downwind	2019-12-13	11:19 am	W-NW		0.4	1.3	4	2	1	3	Garbage;Rotten Eggs	5	-2	64	misters on	U-H	57
Main Lift Downwind	2019-12-13	11:38 am	W		1.3	1.8	4	2	1	4	Garbage;Sewage;Manure	5	-2	65		U-H	39
RWF Downwind	2019-12-13	11:59 am	NW		0.4	1.3	4	2	1		Fecal;Sewage	5	-2	65		U-H	2
ZWED Downwind	2019-12-13	12:17 pm	N-NW		0.4	1.8	4	2	1	2	Fecal;Putrid;Rancid;Rotten Vegetables;Sewage	6	-3	65		U-H	119
Murphy Ranch Rd	2019-12-13	12:41 pm	NW		0.4	1.3	4	1	0		N/A	0	0	66		U-H	
Marylinn Dr	2019-12-13	02:00 pm	N		0	0	4	1	0		N/A	0	0	73		U-H	
Alvarez Ct	2019-12-13	02:14 pm	N		0.4	0.9	4	1	0		N/A	0	0	73		U-H	
	2019-12-13	02:29 pm	SE-S		0.4	0.9	4	1	1	13	Fishy;Swampy	3	-1	70	sampling. Check neighboring businesses for source? Flex or other circuit boar	U-H	4.5
Los Coches St	2019-12-13	02:49 pm	SE		0.4	0.9	4	1	0		N/A	0	0	68		U-H	
Mt Shasta Ave	2019-12-13	02:59 pm	E-SE		0	0.4	4	1	0		N/A	0	0	69		U-H	
Tramway Dr	2019-12-13	03:14 pm	E-SE		0.4	0.9	4	1	0		N/A	0	0	71		U-H	
Marylinn Dr	2019-12-19	11:37 am	S		0	0.4	1	1	0		N/A	0	0	68		U-H	
Tramway Dr	2019-12-19	11:44 am	S-SW		0	0.4	1	1	0		N/A	0	0	66		U-H	
Alvarez Ct	2019-12-19	12:58 pm	W-NW		0.4	1.3	1	1	1		Garbage	1	-1	73	odor intermittent and too weak for Scentroid	U-H	2
Mt Shasta Ave	2019-12-19	01:15 pm	E		0.4	0.9	1	1	0		N/A	0	0	71		U-H	
Los Coches St	2019-12-19	01:27 pm	W		0.9	1.3	1	1	1		Garbage	1	-1	70	Too weak for Scentroid	U-H	2
Murphy Ranch Rd	2019-12-19	01:48 pm	W		0.9	2.7	1	1	1	11	Garbage;Sewage;Swampy	1	-1	70		U-H	6.4
RWF Downwind	2019-12-19	02:07 pm	NW		1.3	1.9	1	1	1	1	Sewage	4	-2	69	setween 1-9. Strong on arrival, weak during first reading, strong during secon	U-H	411.1
ZWED Downwind	2019-12-19	02:37 pm	NW		0.9	1.8	1	1	1	2	ecayed;Foul;Pungent;Putrid;Rancid;Rotten Vegetables;Sour;Stale;Manu	6	-3	68		U-H	119
Main Lift Downwind	2019-12-19	03:02 pm	W		0.9	1.3	1	1	1	13	Fecal;Sewage	3	-1	73	did not smell during Scentroid test so then Linda got the number. odor interm	U-H	4.5
Newby Downwind	2019-12-19	03:27 pm	NW		0.4	1.3	2	1	1	8	Garbage;Metallic	4	-2	66		U-H	11
Milmont Dr	2019-12-19	03:49 pm	W-NW		0.9	1.8	2	1	0		N/A	0	0	70	faint swampy from creek	U-H	
Milmont Dr	2020-01-03	12:23 pm	E		0	0.4	2	1	0		N/A	0	0	71	wind measured in m/s	U-H	
Newby Downwind	2020-01-03	12:32 pm	SE-S		0	0.4	2	1	1	9	Garbage;Musty;Sweet	3	-1	65	misters blowing in this direction for part of the survey	U-H	9
Main Lift Downwind	2020-01-03	12:56 pm	SE-S		0	0.4	5	1	1		Sewage;Swampy	1	-1	67	odor too weak for Scentroid reading	U-H	2
RWF Downwind	2020-01-03	01:14 pm	NW		0.4	0.9	5	1	1	9	Fruity;Septic;Sewage	3	-1	66		U-H	9
ZWED Downwind	2020-01-03	01:35 pm	N-NW		0.4	0.9	5	1	1	2	Putrid;Rancid;Rotten;Rotten Vegetables;Sewage;Manure	5	-2	69	odor coming through mask even though not gusty wind	U-H	119
Murphy Ranch Rd	2020-01-03	02:01 pm	NW		0.4	0.9	2	1	0		N/A	0	0	70		U-H	
Alvarez Ct	2020-01-03	02:15 pm	NE-E		0.4	0.9	2	1	0		N/A	0	0	70		U-H	
Mt Shasta Ave	2020-01-03	02:30 pm	SE-S		0	0.4	2	1	0		N/A	0	0	71		U-H	
Los Coches St	2020-01-03	02:40 pm	S-SW		0.4	0.9	2	1	0		N/A	0	0	71		U-H	
Tramway Dr	2020-01-03	02:56 pm	S-SW		1.7	2.7	2	1	1	5	Garbage	3	-1	69	odor intermittent	U-H	28.2
Marylinn Dr	2020-01-03	03:16 pm	W-NW		0.9	1.3	2	1	1	6	Garbage;Manure	3	-1	69		U-H	20

Newby Downwind	2020-01-03	03:40 pm	SW-W	0.4	0.9	2	1	1	3	Garbage	5	-2	69	additional odor survey due to odor present at Tramway and Marylinn	U-H	57
Marylinn Dr	2020-01-07	11:24 am	SW	0.4	0.9	1	1	0		N/A	0	0	66		U-H	
Tramway Dr	2020-01-07	11:33 am	SW-W	0.9	1.3	1	1	0		N/A	0	0	63		U-H	
Mt Shasta Ave	2020-01-07	11:47 am	NW	0.9	1.3	1	1	0		N/A	0	0	64		U-H	
Los Coches St	2020-01-07	11:54 am	W	1.4	1.9	1	1	1		Garbage	2	-1	62	odor intermittent, not able to detect with scentroid	U-H	2
Alvarez Ct	2020-01-07	01:52 pm	W-NW	0.9	1.3	2	1	0		N/A	0	0	58		U-H	
Murphy Ranch Rd	2020-01-07	02:06 pm	N-NW	0.9	1.3	2	1	0		N/A	0	0	58		U-H	
RWF Downwind	2020-01-07	02:16 pm	W	0.9	2.2	2	1	1	8	Septic;Sewage	4	-2	57		U-H	11
ZWED Downwind	2020-01-07	02:37 pm	SW-W	0.4	1.3	2	1	1	1	Earthy;Foul;Pungent;Putrid;Rancid;Rotten Vegetables;Sour;Manure	6	-2	57	not as bad as usual	U-H	411.1
RWF Downwind	2020-01-07	03:03 pm	W	0.9	1.8	1	1	1	10	Garbage;Metallic	4	-2	62		U-H	7.5
Main Lift Downwind	2020-01-07	03:22 pm	N-NW	2.2	4	1	1	1	9	Septic;Sewage;Swampy	3	-1	58	Location inside fence due to driveway construction	U-H	9
Milmont Dr	2020-01-07	03:57 pm	W-NW	1.8	3.1	1	1	0		N/A	0	0	58		U-H	
Marylinn Dr	2020-01-13	12:58 pm	N	0	0.4	3	1	0	0	N/A	0	0	56	mp reading often reflects car temp and takes a long time to reach ambient ter	U-H	
Mt Shasta Ave	2020-01-13	01:27 pm	W-NW	0.4	1.3	4	1	0	0	N/A	0	0	57		U-H	
Tramway Dr	2020-01-13	01:10 pm	W-NW	1.3	1.8	3	1	0	0	N/A	0	0	56		U-H	
Los Coches St	2020-01-13	01:36 pm	W-SW	0	0.9	4	1	0	0	N/A	0	0	57		U-H	
Alvarez Ct	2020-01-13	01:51 pm	W-SW	0.4	1.8	4	1	0	0	N/A	0	0	57		U-H	
Murphy Ranch Rd	2020-01-13	02:01 pm	N-NW	0.4	1.3	4	1	0	0	N/A	0	0	56		U-H	
RWF Downwind	2020-01-13	02:12 pm	N-NW	0.4	1.3	4	1	1	12	Fecal;Musty;Septic;Sewage;Manure	4	-1	58	odor is transient	U-H	5.6
ZWED Downwind	2020-01-13	02:38 pm	W	0.4	0.9	2	1	1	1	cal;Foul;Musty;Pungent;Putrid;Rancid;Rotten;Rotten Vegetables;Sour;St	6	-3	56		U-H	411.1
Main Lift Downwind	2020-01-13	03:05 pm	W-NW	1.3	1.8	2	1	1	6	Fecal;Musty;Septic;Sewage;Swampy;Manure	4	-1	56		U-H	20
Newby Downwind	2020-01-13	03:27 pm	W-SW	0	0.4	2	1	1	2	Foul;Garbage;Pungent;Sweet Garbage	5	-2	57		U-H	119
Milmont Dr	2020-01-13	03:49 pm	W-NW	0.4	0.9	3	1	1	14	Garbage;Sweet Garbage	2	-1	58		U-H	3.9
Newby Downwind	2020-01-22	09:56 am	W-SW	0.9	1.3	3	1	1	0	Fruity;Garbage	3	-1	59		U-H	2
Marylinn Dr	2020-01-22	11:33 am	W-NW	0.4	0.9	3	1	0	0	N/A	0	0	59		U-H	
Milmont Dr	2020-01-22	09:44 am	S	0	0.4	3	1	0	0	N/A	0	0	56		U-H	
Main Lift Downwind	2020-01-22	10:20 am	W	0.9	1.8	2	1	1	14	Musty;Sewage;Swampy	1	-1	57		U-H	3.9
Alvarez Ct	2020-01-22	12:58 pm	W-NW	0	0.4	2	1	0	0	N/A	0	0	60		U-H	
RWF Downwind	2020-01-22	10:42 am	W-NW	0.4	0.9	2	1	1	10	Musty;Septic;Sewage	2	-1	58	odor is transient	U-H	7.5
ZWED Downwind	2020-01-22	11:06 am	W	1.3	1.8	3	1	1	3	Pungent;Putrid;Rancid;Rotten Vegetables;Sour;Manure	6	-2	59		U-H	57
Tramway Dr	2020-01-22	11:50 am	SW	0.9	1.3	2	1	1	0	Garbage;Musty;Sewage;Urine	1	-1	61	too weak for Scentroid	U-H	2
Murphy Ranch Rd	2020-01-22	01:11 pm	N-NW	0	0.9	2	1	1	0	Musty;Swampy	1	0	60	too weak for Scentroid. Matt didn"t smell	U-H	2
Mt Shasta Ave	2020-01-22	01:36 pm	SW	0	1.8	3	1	0	0	N/A	0	0	60		U-H	
Los Coches St	2020-01-22	01:52 pm	SW	0.9	1.8	2	1	0	0	N/A	0	0	60		U-H	
Tramway Dr	2020-01-28	12:19 pm	E	0	0	4	1	0	0	N/A	0	0	62		U-H	
Marylinn Dr	2020-01-28	01:51 pm	NE	0	0.9	4	2	1	14	Garbage;Musty	2	-1	62	transient odor. was worse when we first got out of car	U-H	3.9
Murphy Ranch Rd	2020-01-28	02:30 pm	N	0.4	0.9	2	1	1	0	Musty;Rotten Vegetables;Sweet Garbage	1	0	58		U-H	2
RWF Downwind	2020-01-28	02:57 pm	N	0	0.4	2	1	1	8	Musty;Septic;Sewage;Stale	3	-1	60		U-H	11
Milmont Dr	2020-01-28	04:36 pm	NW	1.8	3.6	3	1	0	0	N/A	0	0	61		U-H	
ZWED Downwind	2020-01-28	03:18 pm	N	0	0.4	2	1	1	3	Garlic;Putrid;Rancid;Rotten;Rotten Vegetables;Sweet Garbage;Manure	5	-2	61		U-H	57
Los Coches St	2020-01-28	01:40 pm	W	0.4	0.9	4	3	0	0	N/A	0	0	62		U-H	
Mt Shasta Ave	2020-01-28	01:27 pm	N	0.9	1.3	4	2	0	0	N/A	0	0	62		U-H	
Alvarez Ct	2020-01-28	02:15 pm	NE	0.4	0.9	3	1	0	0	N/A	0	0	59		U-H	
Newby Downwind	2020-01-28	04:16 pm	NW	0.4	0.9	3	1	1	7	Foul;Garbage;Sweet;Sweet Garbage	4	-1	61		U-H	13.4
Main Lift Downwind	2020-01-28	03:56 pm	W	0.4	0.9	2	1	1	6	Garbage;Musty;Swampy;Manure	3	-1	61		U-H	20
Main Lift Downwind	2020-02-07	12:11 pm	W-SW	0	0.9	1	1	1	11	Musty;Pungent;Septic;Sewage	3	-1	62	burst of strong odor observed	U-H	6.4
Newby Downwind	2020-02-07	11:51 am	SW	0.9	1.8	1	1	1	2	Foul;Garbage;Pungent;Putrid;Rotten	4	-2	59		U-H	119
Alvarez Ct	2020-02-07	02:31 pm	N-NW	0.4	0.9	1	1	0	0	N/A	0	0	66		U-H	
Mt Shasta Ave	2020-02-07	02:50 pm	W-NW	0.4	0.9	1	1	0	0	N/A	0	0	66		U-H	
RWF Downwind	2020-02-07	12:39 pm	N-NW	0.4	1.4	1	1	1	9	Fecal;Musty;Pungent;Septic;Sewage;Swampy	5	-2	63	Odor stronger on arrival than during Scentroid	U-H	9
ZWED Downwind	2020-02-07	01:03 pm	W	0.9	1.4	1	1	1	1	Foul;Pungent;Putrid;Rancid;Manure	6	-3	63		U-H	411.1
Murphy Ranch Rd	2020-02-07	02:14 pm	W	0.9	1.3	1	1	1	0	Chemical	1	-1	66	too weak for scentroid	U-H	2
Los Coches St	2020-02-07	03:07 pm	W-SW	2.7	3.6	1	1	0	0	N/A	0	0	68		U-H	
Tramway Dr	2020-02-07	03:17 pm	W-SW	1.8	3.1	1	1	0	0	N/A	0	0	68		U-H	
Marylinn Dr	2020-02-07	03:24 pm	W-NW	0.4	0.9	1	1	0	0	N/A	0	0	66		U-H	
Milmont Dr	2020-02-07	03:38 pm	W-SW	1.4	1.8	1	1	1	0	Garbage	3	-1	66	Odor more distinct before Scentroid reading	U-H	2
ZWED Downwind	2020-02-10	12:17 pm	N-NW	0.9	2	1	1	1	1	Bark-like;Fecal;Pungent;Putrid;Rotten Vegetables;Sour;Manure	6	-2	70	Odor stronger when wind shifts	U-H	411.1
Main Lift Downwind	2020-02-10	11:30 am	N-NW	1.3	1.8	1	1	1	9	Fecal;Septic;Sewage;Swampy;Manure	3	-1	68	odor is transient	U-H	9
Murphy Ranch Rd	2020-02-10	01:40 pm	W-NW	0.4	0.9	1	1	0	0	N/A	0	0	72		U-H	
Mt Shasta Ave	2020-02-10	02:00 pm	N-NE	3.6	5	1	1	0	0	N/A	0	0	72		U-H	
Los Coches St	2020-02-10	02:08 pm	NW	0	0.4	1	1	0	0	N/A	0	0	72		U-H	
Tramway Dr	2020-02-10	02:41 pm	NW	1.3	1.8	1	1	0	0	N/A	0	0	72		U-H	
Newby Downwind	2020-02-10	11:06 am	N-NW	2.2	3.5	1	1	1	13	Garbage;Musty;Rotten Vegetables;Woody	3	-1	66	odor fluctuating as wind shifts	U-H	4.5
Alvarez Ct	2020-02-10	02:21 pm	W-SW	0.9	1.3	1	1	0	0	N/A	0	0	72		U-H	
Marylinn Dr	2020-02-10	02:32 pm	W	0.9	1.8	1	1	0	0	N/A	0	0	72		U-H	
RWF Downwind	2020-02-10	11:53 am	N-NE	2.2	3.6	1	1	1	8	Sewage;Swampy	2	-1	70		U-H	11
Milmont Dr	2020-02-10	02:52 pm	W-NW	1.3	1.8	1	1	1	0	Garbage;Musty	1	-1	73	Too weak for Scentroid reading	U-H	2
Alvarez Ct	2020-02-18	02:23 pm	NW	0.9	3.1	1	1	1	13	Garbage;Sweet Garbage	2	-1	70		U-H	4.5
Murphy Ranch Rd	2020-02-18	02:42 pm	W-NW	1.8	2.8	1	1	0	0	N/A	0	0	72		U-H	
Milmont Dr	2020-02-18	04:18 pm	W	1.8	3.6	1	1	1	8	Foul;Putrid;Rotten Vegetables;Sewage	3	-1	71		U-H	11
Los Coches St	2020-02-18	05:24 pm	W	0.4	2.2	1	1	1	10	Garbage;Sweet Garbage	2	-1	65		U-H	7.5
Main Lift Downwind	2020-02-18	03:37 pm	W-SW	1.8	3.1	1	1	1	7	Garbage;Musty;Sewage	3	-1	70	At first garbage stronger than sewage smell	U-H	13.4
Mt Shasta Ave	2020-02-18	05:14 pm	W-NW	0.9	1.3	1	1	0	0	N/A	0	0	65		U-H	
RWF Downwind	2020-02-18	02:53 pm	W	1.8	2.2	1	1	1	2	Fecal;Septic;Sewage	4	-2	72		U-H	119
ZWED Downwind	2020-02-18	03:13 pm	W-NW	2.7	3.1	1	1	1	1	Putrid;Rancid;Rotten Vegetables;Manure	6	-2	72		U-H	411.1
Newby Downwind	2020-02-18	03:59 pm	W-SW	0.9	1.3	1	1	1	3	Garbage;Moldy;Rotten Vegetables;Sweet Garbage	5	-2	70		U-H	57
Tramway Dr	2020-02-18	04:41 pm	W	1.3	4	1	1	1	10	Foul;Garbage;Pungent;Putrid;Rotten;Rotten Vegetables	3	-1	70	compost smell	U-H	7.5
Marylinn Dr	2020-02-18	04:59 pm	W	0.4	0.9	1	1	0	0	N/A	0	0	70		U-H	
Main Lift Downwind	2020-02-27	03:15 pm	W	1.3	2.7	1	1	1	10	Garbage;Sewage;Swampy	3	-1	74	Data entry at office	U-H	7.5
Mt Shasta Ave	2020-02-28	12:25 pm	N-NW	1.3	1.8	1	1	0	0	N/A	0	0	72		U-H	
Los Coches St	2020-02-28	12:46 pm	SW	0.4	0.9	1	1	0	0	N/A	0	0	75		U-H	

RWF Downwind	2020-02-28	02:04 pm	NW	1.3	2.2	1	1	1	9	Fecal;Septic;Sewage	4	-1	75		U-H	9
ZWED Downwind	2020-02-28	02:24 pm	W-SW	2.6	4	1	1	1	1	Foul;Putrid;Rancid;Rotten;Rotten Vegetables;Stale;Onion	5	-2	75		U-H	411.1
Milmont Dr	2020-02-28	03:32 pm	W-NW	1.3	3.1	2	1	1	11	Foul;Garbage;Putrid;Rotten Vegetables	4	-2	73	odor not as bad when taking scentroid	U-H	6.4
Alvarez Ct	2020-02-28	12:59 pm	N-NW	1.3	1.8	1	1	0	0	N/A	0	0	75		U-H	
Murphy Ranch Rd	2020-02-28	01:54 pm	W-NW	1.3	2.2	1	1	0	0	N/A	0	0	75		U-H	
Newby Downwind	2020-02-28	02:55 pm	W	1.3	2.7	2	1	1	7	Garbage;Metallic;Stale;Onion	5	-2	74	misters on	U-H	13.4
Tramway Dr	2020-02-28	03:57 pm	W	1.8	2.7	2	1	0	0	N/A	0	0	74		U-H	
Marylinn Dr	2020-02-28	04:03 pm	W	0.4	0.9	2	1	1	12	Putrid;Rancid;Rotten Vegetables;Stale;Onion	3	-2	73	smell is similar to what was observed at ZWED	U-H	5.6
Mt Shasta Ave	2020-03-05	02:30 pm	W-NW	0.4	0.9	1	1	0	0	N/A	0	0	68		U-H	
Alvarez Ct	2020-03-05	02:54 pm	NW	2.2	3.6	1	1	0	0	N/A	0	0	68		U-H	
ZWED Downwind	2020-03-05	03:36 pm	W	1.3	3.6	1	1	1	1	Putrid;Rancid;Rotten;Rotten Vegetables;Stale	6	-3	67		U-H	411.1
Los Coches St	2020-03-05	02:40 pm	W-SW	1.3	1.8	1	1	1	0	Garbage;Sweet Garbage	1	-1	67	odor intermittent and too weak for scentroid	U-H	2
Main Lift Downwind	2020-03-05	04:02 pm	NW	2.2	3.1	1	1	1	4	Sewage;Swampy;Sweet;Manure	4	-1	67		U-H	39
Newby Downwind	2020-03-05	04:24 pm	NW	2.6	3.3	1	1	1	8	Garbage;Onion	3	-1	66		U-H	11
Murphy Ranch Rd	2020-03-05	03:05 pm	NW	1.3	1.8	1	1	1	0	Grassy;Sewage	1	-1	67	odor too weak for scentroid	U-H	2
RWF Downwind	2020-03-05	03:19 pm	SE	1.8	3.1	1	1	1	1	Fruity;Sewage	6	-2	67		U-H	411.1
Marylinn Dr	2020-03-05	04:54 pm	W-NW	0.4	1.8	2	1	1	0	Garbage	1	-1	65	too weak for scentroid	U-H	
Tramway Dr	2020-03-05	05:08 pm	NW	0.4	1.3	2	1	0	0	N/A	0	0	65		U-H	
Milmont Dr	2020-03-05	05:22 pm	N-NW	1.3	1.8	2	1	0	0	N/A	0	0	63		U-H	
Newby Downwind	2020-03-13	01:38 pm	S	1.8	3.4	1	1	1	14	Earthy;Garbage	2	-1	67		U-H	3.9
Marylinn Dr	2020-03-13	03:35 pm	SW	3.6	5.4	1	1	0	0	N/A	0	0	64		U-H	
Main Lift Downwind	2020-03-13	01:19 pm	S	6.3	7.2	1	1	1	13	Earthy;Sewage;Sour	1	-1	67		U-H	4.5
RWF Downwind	2020-03-13	01:57 pm	S-SE	4.9	6.3	1	1	1	0	Sewage	1	-1	66	too weak for scentroid	U-H	2
ZWED Downwind	2020-03-13	02:16 pm	S-SE	2.7	3.6	1	1	1	3	Fecal;Septic;Sewage	4	-2	64		U-H	57
Murphy Ranch Rd	2020-03-13	02:38 pm	S	1.3	3.1	1	1	0	0	N/A	0	0	65		U-H	
Alvarez Ct	2020-03-13	02:50 pm	SE	1.8	2.7	1	1	0	0	N/A	0	0	64		U-H	
Mt Shasta Ave	2020-03-13	03:08 pm	S	3.1	4.5	1	1	0	0	N/A	0	0	63		U-H	
Los Coches St	2020-03-13	03:17 pm	SW	2.3	2.7	1	1	0	0	N/A	0	0	64		U-H	
Tramway Dr	2020-03-13	03:27 pm	S-SW	1.8	3.6	1	1	0	0	N/A	0	0	64		U-H	
Milmont Dr	2020-03-13	03:46 pm	S	4.5	5.8	1	1	1	0	Fruity;Garbage	1	-1	64	too weak for scentroid	U-H	2
Mt Shasta Ave	2020-07-07	01:13 pm	NW	4.0	7.0	1	1	0	0	N/A	0	0	79	Resuming study after COVID-19 shutdown	U-H	2
Los Coches St	2020-07-07	01:37 pm	SW	2.0	4.0	1	1	0	0	N/A	0	0	79		U-H	
Tramway Dr	2020-07-07	04:31 pm	W-NW	2.0	7.0	1	1	0	0	N/A	0	0	81	Air is smokey from regional wild fires	U-H	
Murphy Ranch Rd	2020-07-07	01:59 pm	NW	3.0	10.0	1	1	0	0	N/A	0	0	79		U-H	
Alvarez Ct	2020-07-07	01:48 pm	W-NW	1.0	4.0	1	1	0	0	N/A	0	0	79		U-H	
RWF Downwind	2020-07-07	02:12 pm	W-NW	5.0	8.0	1	1	1	6	Septic;Sewage;Manure	5	-2	79		U-H	20
ZWED Downwind	2020-07-07	02:36 pm	W	6.0	10.0	1	1	1	1	Manure	5	-2	80	mell not as offensive as previous surveys which were more of a foul and putrid	U-H	411.1
Main Lift Downwind	2020-07-07	02:56 pm	W-NW	3.0	9.0	1	1	1	12	Sewage;Swampy	2	-1	80		U-H	5.6
Newby Downwind	2020-07-07	03:23 pm	W-NW	3.0	9.0	1	1	1	8	Garbage;Onion	3	-2	80		U-H	11
Milmont Dr	2020-07-07	03:53 pm	W-NW	9.0	12.0	1	1	0	0	N/A	0	0	81		U-H	
Marylinn Dr	2020-07-07	04:12 pm	W	4.0	8.0	1	1	1	14	Garbage;Manure	2	-1	80	garbage with intermittant manure	U-H	3.9
Tramway Dr	2020-07-13	04:55 pm	W-NW	2.0	4.0	1	1	0	0	N/A	0	0	80		U-H	
Alvarez Ct	2020-07-13	01:28 pm	W-NW	1.0	7.0	1	1	0	0	N/A	0	0	80		U-H	
Mt Shasta Ave	2020-07-13	01:47 pm	W	1.0	4.0	1	1	1	0	Musty;Sewage	1	-1	80		U-H	
Los Coches St	2020-07-13	02:01 pm	W-SW	2.0	3.0	1	1	0	0	N/A	0	0	81		U-H	
Murphy Ranch Rd	2020-07-13	02:19 pm	NW	3.0	5.0	1	1	0	0	N/A	0	0	79		U-H	
RWF Downwind	2020-07-13	02:29 pm	W-NW	5.0	7.0	1	1	1	2	Fecal;Septic;Sewage	5	-2	79		U-H	119
ZWED Downwind	2020-07-13	03:04 pm	W-NW	6.0	8.0	1	1	1	1	Putrid;Rotten Vegetables;Manure;Compost;Onion	6	-2	80	intensity less then past observations	U-H	411.1
Milmont Dr	2020-07-13	04:27 pm	W-NW	1.0	11.0	1	1	0	0	N/A	0	0	78		U-H	
Marylinn Dr	2020-07-13	04:45 pm	W-NW	2.0	3.0	1	1	0	0	N/A	0	0	79		U-H	
Main Lift Downwind	2020-07-13	03:25 pm	W-NW	3.0	6.0	1	1	1	10	Septic;Sewage	3	-1	79		U-H	7.5
Newby Downwind	2020-07-13	04:00 pm	N	5.0	9.0	1	1	1	12	Garbage;Rotten Vegetables;Woody	2	-1	78	distinct when present, odor comes and goes	U-H	5.6
Newby Downwind	2020-07-23	11:29 am	W-SW	2.0	4.0	1	1	1	7	Garbage;Metallic;Putrid;Sweet Garbage	4	-2	73		U-H	13.4
Main Lift Downwind	2020-07-23	11:52 am	N	0.0	4.0	1	1	1	9	Musty;Sewage	3	-1	73	Odor comes and goes, distinct when here	U-H	9
RWF Downwind	2020-07-23	12:16 pm	NW	3.0	5.0	1	1	1	6	Sewage	4	-2	75		U-H	20
ZWED Downwind	2020-07-23	12:38 pm	N-NW	1.0	2.0	1	1	1	1	Putrid;Rancid;Rotten Vegetables;Manure;Compost	6	-3	76	Work being done on bio filter today	U-H	411.1
Murphy Ranch Rd	2020-07-23	12:57 pm	W-NW	1.0	3.0	1	1	0	0	N/A	0	0	78		U-H	
Mt Shasta Ave	2020-07-23	01:47 pm	W-NW	4.0	5.0	1	1	0	0	N/A	0	0	81		U-H	
Los Coches St	2020-07-23	01:57 pm	SW	3.0	6.0	1	1	0	0	N/A	0	0	81		U-H	
Alvarez Ct	2020-07-23	02:11 pm	W	2.0	4.0	1	1	0	0	N/A	0	0	81		U-H	
Marylinn Dr	2020-07-23	02:22 pm	W-SW	4.0	9.0	1	1	0	0	N/A	0	0	81		U-H	
Tramway Dr	2020-07-23	02:32 pm	W	2.0	7.0	1	1	0	0	N/A	0	0	80		U-H	
Milmont Dr	2020-07-23	02:45 pm	W	4.0	8.0	1	1	1	12	Putrid;Manure	2	-1	80	Intermittant odor	U-H	5.6
Alvarez Ct	2020-07-31	01:01 pm	N	0.0	2.0	1	1	0	0	N/A	0	0	73		U-H	
Mt Shasta Ave	2020-07-31	01:42 pm	N	0.0	5.0	1	1	0	0	N/A	0	0	76	weather station not working estimates entered	U-H	
Los Coches St	2020-07-31	01:53 pm	W-SW	2.0	3.0	1	1	1	0	Garbage	1	-1	77	too weak for scentroid	U-H	2
Murphy Ranch Rd	2020-07-31	02:09 pm	W-SW	4.0	6.0	1	1	0	0	N/A	0	0	76		U-H	
ZWED Downwind	2020-07-31	02:19 pm	W-SW	7.0	12.0	1	1	1	1	Pungent;Putrid;Rotten Vegetables;Manure	6	-3	76		U-H	411.1
Main Lift Downwind	2020-07-31	03:08 pm	W	1.0	4.0	1	1	1	11	Earthy;Garbage;Sewage;Swampy	3	-1	77		U-H	6.4
Newby Downwind	2020-07-31	03:28 pm	NW	2.0	6.0	1	1	1	13	Garbage;Rotten;Sweet;Sweet Garbage	4	-2	76	I shifted from West to Northwest during scentroid usage resulting in reduced	U-H	4.5
Milmont Dr	2020-07-31	03:52 pm	W-NW	1.0	3.0	1	1	0	0	N/A	0	0	77		U-H	
RWF Downwind	2020-07-31	02:30 pm	NW	5.0	9.0	1	1	1	5	Fecal;Septic;Sewage	5	-2	77		U-H	28.2
Tramway Dr	2020-07-31	04:10 pm	W	7.0	9.0	1	1	0	0	N/A	0	0	78		U-H	
Marylinn Dr	2020-07-31	04:13 pm	N-NW	2.0	4.0	1	1	1	0	Earthy;Sweet Garbage	2	-1	78		U-H	2
Los Coches St	2020-08-07	01:44 pm	N	0.0	2.0	1	1	0	0	N/A	0	0	82		U-H	
Mt Shasta Ave	2020-08-07	01:34 pm	E-SE	3.0	5.0	1	1	0	0	N/A	0	0	82		U-H	
Alvarez Ct	2020-08-07	01:57 pm	W-NW	3.0	4.0	1	1	0	0	N/A	0	0	81		U-H	
Murphy Ranch Rd	2020-08-07	02:08 pm	NW	4.0	4.0	1	1	0	0	N/A	0	0	82		U-H	
RWF Downwind	2020-08-07	02:19 pm	W	4.0	6.0	1	1	1	6	Fecal;Septic;Sewage	5	-2	83		U-H	20
ZWED Downwind	2020-08-07	02:43 pm	W	7.0	9.0	1	1	1	1	Putrid;Rancid;Rotten;Rotten Vegetables;Manure	6	-3	84		U-H	411.1
Main Lift Downwind	2020-08-07	03:07 pm	W-SW	4.0	7.0	1	1	1	14	Septic;Sewage	2	-1	83		U-H	3.9
Newby Downwind	2020-08-07	03:26 pm	W-NW	2.0	3.0	1	1	1	5	Garbage;Musty	4	-1	84		U-H	28.2

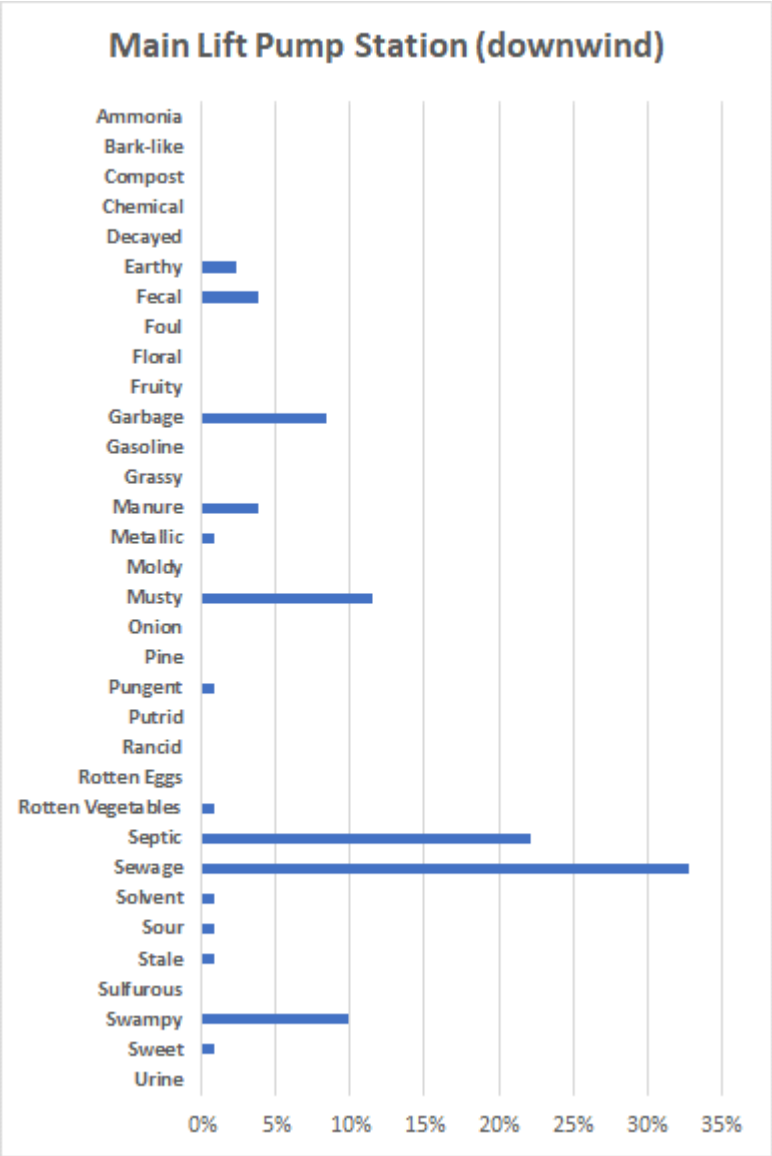
Milmont Dr	2020-08-07	03:45 pm	W	7.0	9.0	1	1	1	12	Garbage	3	-1	84	odor less stronger when scentroid taken	U-H	5.6
Marylinn Dr	2020-08-07	04:12	W-NW	4.0	6.0	1	1	0	0	N/A	0	0	84		U-H	
Tramway Dr	2020-08-07	04:24	W	4.0	6.0	1	1	0	0	N/A	0	0	84		U-H	2
Newby Downwind	2020-08-12	03:17 pm	W	2.0	7.0	1	1	1	6	Garbage;Pungent;Putrid	5	-2	83		U-H	20
Milmont Dr	2020-08-12	03:02 pm	W-SW	4.0	9.0	1	1	1	13	Garbage	3	-1	84		U-H	4.5
Main Lift Downwind	2020-08-12	03:34 pm	NW	2.0	7.0	1	1	1	9	Septic;Sewage	4	-1	83		U-H	9
RWF Downwind	2020-08-12	03:55 pm	W	4.0	8.0	1	1	1	3	Fecal;Septic;Sewage	6	-3	84		U-H	57
ZWED Downwind	2020-08-12	04:11 pm	W	4.0	8.0	1	1	1	1	Putrid;Rancid;Rotten Vegetables;Manure;Compost	6	-3	82		U-H	411.1
Murphy Ranch Rd	2020-08-12	04:31 pm	W	2.0	6.0	1	1	0	0	N/A	0	0	82		U-H	
Alvarez Ct	2020-08-12	04:47 pm	W	4.0	7.0	1	1	1	0	Sewage	1	0	82	Too weak for Scentroid	U-H	2
Mt Shasta Ave	2020-08-12	05:04 pm	W-NW	2.0	6.0	1	1	0	0	N/A	0	0	85		U-H	
Los Coches St	2020-08-12	05:19 pm	SW	4.0	5.0	1	1	0	0	N/A	0	0	84		U-H	
Marylinn Dr	2020-08-12	05:31 pm	W-NW	2.0	6.0	1	1	1	0	Fruity;Sweet	1	1	84	Occasion sweet, fruity smell. Does not linger	U-H	2
Tramway Dr	2020-08-12	05:41 pm	SW	3.0	7.0	1	1	1	14	Garbage	2	-1	84		U-H	3.9
Alvarez Ct	2020-09-01	02:09 pm	W-NW	1.0	1.0	4	1	0	0	N/A	0	0	74	Data collected while SCU fire burning	U-H	
Mt Shasta Ave	2020-09-01	02:25 pm	SW	4.0	8.0	4	1	0	0	N/A	0	0	74	SCU fire burning	U-H	
Los Coches St	2020-09-01	02:41 pm	SW	1.0	2.0	4	1	1	0	Chemical;Pungent;Sour	0	-1	74	too weak for Scentroid	U-H	2
Murphy Ranch Rd	2020-09-01	03:00 pm	W-SW	1.0	3.0	3	1	1	0	Other(describe)	4	-1	74	very smokey	U-H	2
RWF Downwind	2020-09-01	03:14 pm	W	7.0	9.0	3	1	1	3	Fecal;Pungent;Septic;Sewage	5	-2	74		U-H	57
ZWED Downwind	2020-09-01	03:34 pm	W-SW	9.0	10.0	3	1	1	1	Earthy;Pungent;Putrid;Rancid;Rotten Vegetables;Compost	6	-3	74		U-H	411.1
Main Lift Downwind	2020-09-01	03:50 pm	W-SW	2.0	4.0	3	1	1	6	Metallic;Musty;Sewage;Solvent	3	-1	74		U-H	20
Newby Downwind	2020-09-01	04:09 pm	W-SW	4.0	7.0	4	1	1	5	Garbage;Musty;Pungent	5	-2	73		U-H	28.2
Milmont Dr	2020-09-01	04:26 pm	W-SW	5.0	8.0	5	1	1	0	Rotten Vegetables;Compost	1	-1	74	smell passed through	U-H	
Marylinn Dr	2020-09-01	04:39 pm	W	1.0	3.0	5	1	0	0	N/A	0	0	73	smoky from SCU fire	U-H	
Tramway Dr	2020-09-01	04:49 pm	W-NW	4.0	10.0	5	1	1	10	Chemical;Garbage	2	-1	73		U-H	7.5
Mt Shasta Ave	2020-09-22	01:55 pm	W	4.0	4.0	1	1	0	0	N/A	0	0	80		U-H	
Marylinn Dr	2020-09-22	04:31 pm	N-NW	4.0	6.0	1	1	1	0	Earthy;Pungent;Rotten Vegetables;Woody	1	-1	79	too weak for Scentroid	U-H	2
Tramway Dr	2020-09-22	04:43 pm	W	4.0	7.0	1	1	1	0	Chemical	1	-1	80	too weak for Scentroid	U-H	2
Los Coches St	2020-09-22	02:08 pm	N-NW	2.0	3.0	1	1	0	0	N/A	0	0	82		U-H	
Alvarez Ct	2020-09-22	02:22 pm	W-NW	4.0	7.0	1	1	1	0	Garbage	2	-1	82	too weak for Scentroid. Smell only present for a short time.	U-H	2
Murphy Ranch Rd	2020-09-22	02:36 pm	W	2.0	3.0	1	1	0	0	N/A	0	0	81		U-H	
RWF Downwind	2020-09-22	02:48 pm	NW	4.0	4.0	1	1	1	9	Metallic;Septic;Sewage;Urine	5	-2	82		U-H	9
ZWED Downwind	2020-09-22	03:09 pm	N	2.0	4.0	1	1	1	1	Pungent;Putrid;Rancid;Rotten Vegetables;Compost	6	-3	81		U-H	411.1
Main Lift Downwind	2020-09-22	03:28 pm	NW	3.0	9.0	1	1	1	10	Septic;Sewage	4	-2	81		U-H	7.5
Newby Downwind	2020-09-22	03:50 pm	NW	3.0	5.0	1	1	1	12	Garbage	3	-1	81		U-H	5.6
Milmont Dr	2020-09-22	04:17 pm	W-SW	4.0	8.0	1	1	0	0	N/A	0	0	82		U-H	
Alvarez Ct	2020-10-07	01:38 pm	W	2.0	2.0	2	2	0	0	N/A	0	0	68		U-H	
Mt Shasta Ave	2020-10-07	01:54 pm	W	2.0	3.0	2	1	0	0	N/A	0	0	68		U-H	
Los Coches St	2020-10-07	02:05 pm	W-NW	3.0	3.0	2	1	1	0	Garbage	1	-1	69		U-H	
Murphy Ranch Rd	2020-10-07	02:19 pm	SW	3.0	4.0	2	1	0	0	N/A	0	0	68		U-H	
RWF Downwind	2020-10-07	02:28 pm	W-SW	3.0	7.0	2	1	1	5	Septic;Sewage;Urine	4	-2	69		U-H	28.2
ZWED Downwind	2020-10-07	02:47 pm	SW	4.0	7.0	2	1	1	1	Putrid;Rancid;Rotten Vegetables;Manure	6	-3	69		U-H	411.1
Main Lift Downwind	2020-10-07	03:04 pm	W-SW	3.0	5.0	2	1	1	5	Musty;Septic;Sewage	3	-1	69		U-H	28.2
Newby Downwind	2020-10-07	03:22 pm	W	1.0	3.0	2	1	1	3	Garbage	5	-2	69		U-H	57
Milmont Dr	2020-10-07	03:39 pm	W-SW	4.0	8.0	2	1	1	6	Garbage	3	-1	69		U-H	20
Marylinn Dr	2020-10-07	03:54 pm	SW	1.0	2.0	1	1	0	0	N/A	0	0	69		U-H	
Tramway Dr	2020-10-07	04:03 pm	SW	3.0	5.0	1	1	1	0	Garbage	1	-1	69		U-H	2
Mt Shasta Ave	2020-10-13	09:23 am	N	0.0	1.0	1	1	0	0	N/A	0	0	64		U-H	
Los Coches St	2020-10-13	09:31 am	NW	1.0	1.0	1	1	0	0	N/A	0	0	64		U-H	
Alvarez Ct	2020-10-13	09:41 am	N	0.0	0.0	1	1	0	0	N/A	0	0	69		U-H	
Murphy Ranch Rd	2020-10-13	09:53 am	E-SE	1.0	2.0	1	1	0	0	N/A	0	0	69		U-H	
RWF Downwind	2020-10-13	10:04 am	W	1.0	2.0	1	1	1	3	Septic	5	-2	69		U-H	57
ZWED Downwind	2020-10-13	10:27 am	N-NW	2.0	2.0	1	1	1	2	Putrid;Rancid;Rotten;Rotten Vegetables;Manure	6	-3	69		U-2	1033
Main Lift Downwind	2020-10-13	10:42 am	W	1.0	3.0	1	1	1	8	Garbage;Sewage	4	-1	72		U-H	11
Newby Downwind	2020-10-13	11:00 am	SW	1.0	3.0	1	1	1	10	Garbage;Rotten Vegetables	5	-2	74	is an air leak so we are using the Scenario that has the U-2 plate. Smell reduce	U-2	208
Milmont Dr	2020-10-13	11:30 am	W	2.0	3.0	1	1	1	0	Garbage	1	-1	76	smell comes and goes; too weak for Scentroid	U-H	2
Marylinn Dr	2020-10-13	11:43 am	W-NW	1.0	2.0	1	1	0	0	N/A	0	0	76		U-H	
Tramway Dr	2020-10-13	11:53 am	W	3.0	4.0	1	1	0	0	N/A	0	0	77		U-H	
Main Lift Downwind	2020-10-29	03:12 pm	W	4.0	8.0	1	1	1	10	Musty;Septic	3	-1	78	smoky	U-2	208
Tramway Dr	2020-10-29	04:13 pm	SW	4.0	6.0	1	1	0	0	N/A	0	0	76		U-H	
RWF Downwind	2020-10-22	12:04 pm	N			1	1	1	10	Septic;Sewage	4	-2	73	see jacobs notes	U-H	7.5
ZWED Downwind	2020-10-22	12:46 pm	N-NE	3.0	6.0	1	1	1	4	Putrid;Rancid;Sweet	6	-3	75	see jacobs sheet	U-2	539
Main Lift Downwind	2020-10-22	01:07 pm	N			1	1	1	7	Septic;Sewage	3	-1	77	see jacobs notes	U-H	13.4
Alvarez Ct	2020-10-29	01:45 pm	W	1.0	2.0	1	1	0	0	N/A	0	0	75	smoke from fires	U-2	
Mt Shasta Ave	2020-10-29	02:03 pm	W-NW	4.0	5.0	1	1	0	0	N/A	0	0	75	smoky from fires	U-H	
Los Coches St	2020-10-29	02:14 pm	W	1.0	2.0	1	1	0	0	N/A	0	0	75	smoky	U-H	
Murphy Ranch Rd	2020-10-29	02:27 pm	N-NW	1.0	2.0	1	1	0	0	N/A	0	0	75	smoky	U-H	
RWF Downwind	2020-10-29	02:38 pm	W-NW	4.0	6.0	1	1	1	10	Septic;Sewage;Urine	5	-2	75		U-2	208
ZWED Downwind	2020-10-29	02:54 pm	W	6.0	8.0	1	1	1	2	Putrid;Rancid;Rotten Vegetables	6	-3	75	smoky	U-2	1033
Newby Downwind	2020-10-29	03:32 pm	W	3.0	5.0	1	1	1	3	Garbage	6	-3	76		U-2	720
Milmont Dr	2020-10-29	03:50 pm	W-NW	2.0	3.0	1	1	0	0	Garbage	1	-1	76	too weak for Scentroid, smoky	U-H	
Marylinn Dr	2020-10-29	04:05 pm	W-NW	1.0	1.0	1	1	0	0	N/A	0	0	76		U-H	
Tramway Dr	2020-11-06	01:54 pm	W	9.0	11.0	2	1	1	0	Garbage	2	-1	61	too weak for Scentroid	U-H	2
	2020-11-06	02:36 pm	SW	2.0	2.0	2	1	0	0	N/A	0	0	61		U-H	
Main Lift Downwind	2020-11-06	03:33 pm	NW	3.0	6.0	2	1	1	8	Septic;Sewage	3	-1	61		U-2	259
Newby Downwind	2020-11-06	03:50 pm	W	4.0	8.0	2	1	1	3	Garbage	5	-3	59		U-2	720
Marylinn Dr	2020-11-06	02:02 pm	W	2.0	4.0	2	1	1	0	Garbage	1	-1	61	too weak for Scentroid	U-H	2
Alvarez Ct	2020-11-06	02:10 pm	NW	3.0	8.0	2	1	0	0	N/A	0	0	61		U-H	
Mt Shasta Ave	2020-11-06	02:25 pm	W-NW	7.0	11.0	2	1	0	0	N/A	0	0	62		U-H	
Murphy Ranch Rd	2020-11-06	02:48 pm	W	2.0	5.0	2	1	0	0	N/A	0	0	64		U-H	
RWF Downwind	2020-11-06	02:58 pm	W-NW	5.0	7.0	2	1	1	4	Metallic;Septic;Sewage;Urine	5	-2	60		U-H	39
ZWED Downwind	2020-11-06	03:19 pm	N	7.0	9.0	2	1	1	2	Earthy;Other(describe);Rotten Vegetables;Compost	6	-3	61	slight citrus smell	U-2	1033

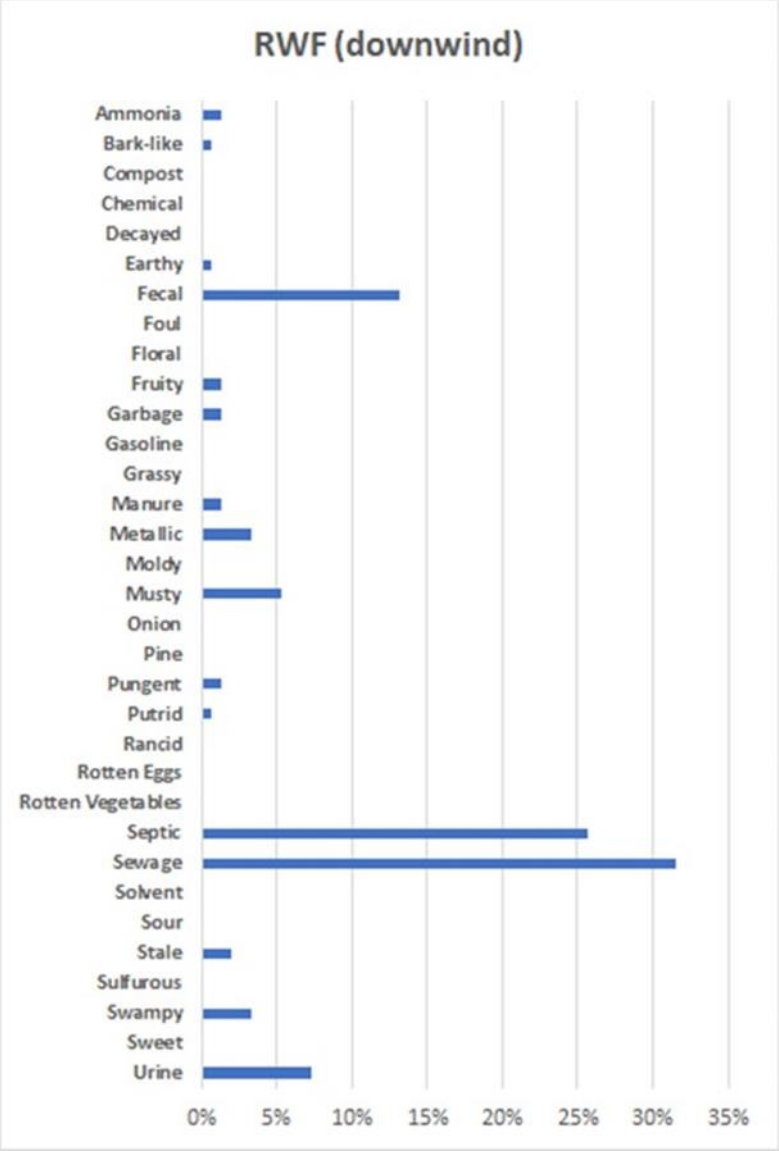
Milmont Dr	2020-11-06	04:05 pm	W		4.0	8.0	2	1	0	0	N/A	0	0	59		U-H	
RWF Downwind	2020-11-09	11:22 am	NW		5.0	8.0	1	1	1	3	Septic;Sewage;Urine	5	-2	56		U-H	57
Tramway Dr	2020-11-09	10:09 am	NW		1.0	4.0	1	1	1	0	Garbage	1	-1	51	too weak for Scentroid	U-H	2
ZWED Downwind	2020-11-09	11:41 am	W-NW		5.0	8.0	1	1	1	2	Pungent;Putrid;Rancid;Rotten Vegetables	6	-3	56		U-2	1033
Mt Shasta Ave	2020-11-09	12:12 pm	N-NW		1.0	4.0	1	1	0	0	N/A	0	0	56		U-H	
Alvarez Ct	2020-11-09	10:28 am	W-NW		1.0	2.0	1	1	1	0	Decayed;Garbage	2	-1	52	too weak for Scentroid	U-H	2
Milmont Dr	2020-11-09	10:41 am	N-NW		4.0	8.0	1	1	1	0	Earthy;Swampy	1	0	52	too weak for Scentroid	U-H	2
Newby Downwind	2020-11-09	10:49 am	N		2.0	4.0	1	1	1	3	Garbage;Rotten	5	-2	54		U-H	57
Main Lift Downwind	2020-11-09	11:04 am	NE		4.0	5.0	1	1	1	5	Fecal;Musty;Septic;Sewage	5	-2	55		U-H	28.2
Murphy Ranch Rd	2020-11-09	11:55 am	N-NE		2.0	3.0	1	1	0	0	N/A	0	0	56		U-H	
Los Coches St	2020-11-09	12:22 pm	W		1.0	1.0	1	1	0	0	N/A	0	0	58		U-H	
Tramway Dr	2020-11-25	02:20 pm	W-SW		5.0	9.0	1	1	1	0	Garbage	2	-1	63		U-H	2
Main Lift Downwind	2020-11-25	03:56 pm	W-NW		3.0	4.0	1	1	1	4	Fecal;Garbage;Septic;Sewage	4	-2	59	getting garbage smell from newby	U-H	39
Newby Downwind	2020-11-25	04:15 pm	NW		2.0	6.0	1	1	1	4	Garbage	5	-2	59		U-H	39
Marylinn Dr	2020-11-25	02:31 pm	SW		1.0	5.0	1	1	0	0	N/A	0	0	62		U-H	
Alvarez Ct	2020-11-25	02:38 pm	W		2.0	6.0	1	1	0	0	N/A	0	0	62		U-H	
Mt Shasta Ave	2020-11-25	02:53 pm	SW		6.0	12.0	1	1	0	0	N/A	0	0	61		U-H	
Los Coches St	2020-11-25	03:03 pm	SW		1.0	1.0	1	1	0	0	N/A	0	0	61		U-H	
Murphy Ranch Rd	2020-11-25	03:17 pm	W		2.0	10.0	1	1	0	0	N/A	0	0	61		U-H	
RWF Downwind	2020-11-25	03:26 pm	W		4.0	7.0	1	1	1	2	Septic;Sewage;Urine	5	-2	61		U-H	119
ZWED Downwind	2020-11-25	03:43 pm	S-SW		9.0	13.0	1	1	1	2	Putrid;Rancid;Rotten Vegetables	6	-3	60		U-2	1033
Milmont Dr	2020-11-25	04:22 pm	W-NW		7.0	8.0	1	1	1	0	Musty	1	-1	57		U-H	2
Marylinn Dr	2020-12-04	04:01 pm		**225**	0.0	1.0	1	1	1	0	Sweet Garbage	1	-1	67	too weak for Scentroid	U-H	
Tramway Dr	2020-12-04	04:12 pm		**292.5**	1.0	3.0	1	1	0	0	N/A	0	0	66		U-H	
Milmont Dr	2020-12-04	01:55 pm		**180**	1.0	2.0	1	1	0	0	N/A	0	0	66		U-H	
Newby Downwind	2020-12-04	02:07 pm		**157.5**	0.0	1.0	1	1	1	8	Garbage	4	-2	65		U-H	11
Main Lift Downwind	2020-12-04	02:20 pm		**225**	1.0	2.0	1	1	1	9	Septic;Sewage	3	-1	66		U-H	9
RWF Downwind	2020-12-04	02:35 pm		**225**	2.0	3.0	1	1	1	3	Fecal;Metallic;Septic;Sewage	5	-2	68		U-H	57
ZWED Downwind	2020-12-04	02:58 pm		**247.5**	1.0	3.0	1	1	1	1	Pungent;Putrid;Rancid;Woody;Manure;Compost	6	-3	67		U-2	2260
Murphy Ranch Rd	2020-12-04	03:10 pm		**270**	2.0	2.0	1	1	1	12	Septic;Sewage	2	-1	68		U-H	5.6
Mt Shasta Ave	2020-12-04	03:30 pm		**225**	1.0	2.0	1	1	0	0	N/A	0	0	68		U-H	
Los Coches St	2020-12-04	03:39 pm		**337.5**	1.0	1.0	1	1	0	0	N/A	0	0	68		U-H	
Alvarez Ct	2020-12-04	03:49 pm		**225**	2.0	3.0	1	1	0	0	N/A	0	0	69		U-H	
Tramway Dr	2020-12-21	01:46 pm		**180**	2.0	3.0	1	1	1	9	Garbage;Musty;Sewage	3	-1	57		U-H	9
Alvarez Ct	2020-12-21	02:10 pm		**225**	1.0	1.0	1	1	1	8	Musty;Septic;Sewage	3	-1	59		U-H	11
Main Lift Downwind	2020-12-21	03:24 pm		**315**	1.0	1.0	2	1	1	4	Septic;Sewage	4	-2	61		U-H	39
Marylinn Dr	2020-12-21	01:59 pm		**315**	1.0	2.0	1	1	1	0	Musty;Sewage	1	-1	59		U-H	
Los Coches St	2020-12-21	02:26 pm		**135**	1.0	1.0	1	1	0	0	N/A	0	0	59		U-H	
Murphy Ranch Rd	2020-12-21	02:40 pm		**202.5**	1.0	2.0	1	1	0	0	N/A	0	0	59		U-H	
RWF Downwind	2020-12-21	02:48 pm		**270**	3.0	5.0	1	1	1	7	Musty;Septic;Sewage	3	-1	59		U-H	13.4
ZWED Downwind	2020-12-21	03:07 pm		**202.5**	4.0	5.0	2	1	1	1	Putrid;Rancid;Rotten Vegetables;Manure	6	-3	61		U-2	2260
Newby Downwind	2020-12-21	03:43 pm		**270**	1.0	1.0	2	1	1	4	Garbage	4	-2	59		U-H	39
Milmont Dr	2020-12-21	03:52 pm		**247.5**	1.0	2.0	1	1	0	0	N/A	0	0	60		U-H	
Wilson	2020-12-21	04:01 pm		**270**	0.0	2.0	1	1	1	0	Chemical;Other(describe)	2	-1	59	new smell observed	U-H	
Tramway Dr	2021-01-15	03:04 pm		**225**	1.0	2.0	1	1	1	0	Chemical;Sweet	1	-1	69		U-H	
Marylinn Dr	2021-01-15	03:14 pm		**225**	2.0	2.0	1	1	0	0	N/A	0	-1	68		U-H	
Los Coches St	2021-01-15	03:25 pm		**180**	1.0	3.0	1	1	0	0	N/A	0	0	69		U-H	
Alvarez Ct	2021-01-15	03:37 pm		**202.5**	3.0	7.0	1	1	1	0	Musty;Sewage	2	-1	66	too weak for Scentroid	U-H	
Murphy Ranch Rd	2021-01-15	03:53 pm		**202.5**	1.0	3.0	1	1	0	0	N/A	0	0	67		U-H	
RWF Downwind	2021-01-15	04:03 pm		**225**	1.0	3.0	1	1	1	3	Fecal;Septic;Sewage	5	-2	66		U-H	57
ZWED Downwind	2021-01-15	04:18 pm		**202.5**	3.0	8.0	1	1	1	2	Pungent;Putrid;Rancid;Rotten Vegetables	6	-3	66		U-2	1033
Main Lift Downwind	2021-01-15	04:33 pm		**45**	0.0	1.0	1	1	1	6	Musty;Septic;Sewage	3	-1	64		U-H	20
Newby Downwind	2021-01-15	04:44 pm		**135**	1.0	2.0	4	1	1	3	Garbage	5	-2	64		U-H	57
Milmont Dr	2021-01-15	05:03 pm		**225**	0.0	1.0	5	1	1	0	Garbage	2	-1	64		U-H	
Wilson	2021-01-15	05:09 pm		**0**	0.0	0.0	1	1	0	0	N/A	0	0	63		U-H	
Marylinn Dr	2021-01-25	02:37 pm		**202.5**	4.0	11.0	1	1	1	0	Compost	1	-1	53	too weak for Scentroid	U-H	
Los Coches St	2021-01-25	02:49 pm		**315**	2.0	7.0	1	1	0	0	N/A	0	0	53		U-H	
RWF Downwind	2021-01-25	03:20 pm		**247.5**	11.0	13.0	1	1	1	1	Fecal;Septic;Sewage;Urine	6	-3	52		U-H	411.1
ZWED Downwind	2021-01-25	03:35 pm		**225**	9.0	16.0	1	1	1	1	Putrid;Rancid;Rotten Vegetables;Manure;Compost	6	-3	52		U-2	2260
Tramway Dr	2021-01-25	02:26 pm		**247.5**	5.0	12.0	1	1	1	6	Earthy;Garbage;Compost	3	-1	54		U-H	20
Alvarez Ct	2021-01-25	02:57 pm		**225**	5.0	9.0	1	1	1	0	Sewage	1	-1	53	too weak for Scentroid	U-H	
Murphy Ranch Rd	2021-01-25	03:10 pm		**247.5**	4.0	7.0	1	1	0	0	N/A	0	0	52		U-H	
Main Lift Downwind	2021-01-25	03:49 pm		**225**	9.0	19.0	1	1	1	6	Garbage;Septic;Sewage	5	-2	52		U-H	20
Newby Downwind	2021-01-25	04:10 pm		**225**	9.0	12.0	1	1	1	1	Garbage	6	-3	51		U-H	411.1
Milmont Dr	2021-01-25	04:21 pm		**225**	8.0	15.0	1	1	1	4	Garbage	3	-2	52		U-H	39
Wilson	2021-01-25	04:35 pm		**247.5**	3.0	7.0	1	1	0	0	N/A	0	0	50		U-H	
Tramway Dr	2021-02-12	02:33 pm		**270**	3.0	11.0	2	1	0	0	N/A	0	0	57		U-H	
Marylinn Dr	2021-02-12	02:43 pm		**292.5**	2.0	8.0	3	1	1	0	Sweet Garbage	2	-1	59	too weak for Scentroid	U-H	
Wilson	2021-02-12	04:34 pm		**270**	3.0	4.0	2	1	0	0	N/A	0	0	57		U-H	
Los Coches St	2021-02-12	02:54 pm		**247.5**	1.0	5.0	2	1	0	0	N/A	0	0	59		U-H	
Alvarez Ct	2021-02-12	03:07 pm		**270**	2.0	6.0	2	1	0	0	N/A	0	0	59		U-H	
Murphy Ranch Rd	2021-02-12	03:22 pm		**315**	3.0	4.0	2	1	0	0	N/A	0	0	60		U-H	
RWF Downwind	2021-02-12	03:32 pm		**270**	7.0	9.0	2	1	1	4	Fecal;Septic;Sewage;Urine	5	-2	60		U-H	39
ZWED Downwind	2021-02-12	03:48 pm		**270**	5.0	6.0	3	1	1	2	Pungent;Putrid;Rancid;Rotten;Rotten Vegetables	6	-3	60		U-2	1033
Main Lift Downwind	2021-02-12	04:00 pm		**292.5**	4.0	8.0	2	1	1	10	Musty;Septic;Sewage	3	-1	57		U-H	7.5
Newby Downwind	2021-02-12	04:17 pm		**270**	3.0	3.0	2	1	1	7	Garbage	3	-2	58		U-H	13.4
Milmont Dr	2021-02-12	04:25 pm		**225**	4.0	6.0	2	1	0	0	N/A	0	0	58		U-H	
Tramway Dr	2021-03-03	02:32 pm		**247.5**	3.0	4.0	1	1	1	0	Garbage	2	-1	66		U-H	
Marylinn Dr	2021-03-03	02:40 pm		**180**	1.0	3.0	1	1	1	0	Sweet Garbage	2	-1	66		U-H	
Los Coches St	2021-03-03	02:50 pm		**270**	2.0	2.0	1	1	0	0	N/A	0	0	67		U-H	
Alvarez Ct	2021-03-03	03:00 pm		**202.5**	3.0	3.0	1	1	1	0	Sweet Garbage	1	-1	66		U-H	
Murphy Ranch Rd	2021-03-03	03:12 pm		**225**	2.0	4.0	1	1	0	0	N/A	0	0	68		U-H	
RWF Downwind	2021-03-03	03:23 pm		**247.5**	5.0	6.0	1	1	1	4	Fecal;Musty;Septic;Sewage	6	-2	70		U-H	39
ZWED Downwind	2021-03-03	03:39 pm		**225**	3.0	4.0	1	1	1	1	Musty;Putrid;Rancid;Rotten Vegetables;Manure	6	-3	68		U-2	2260

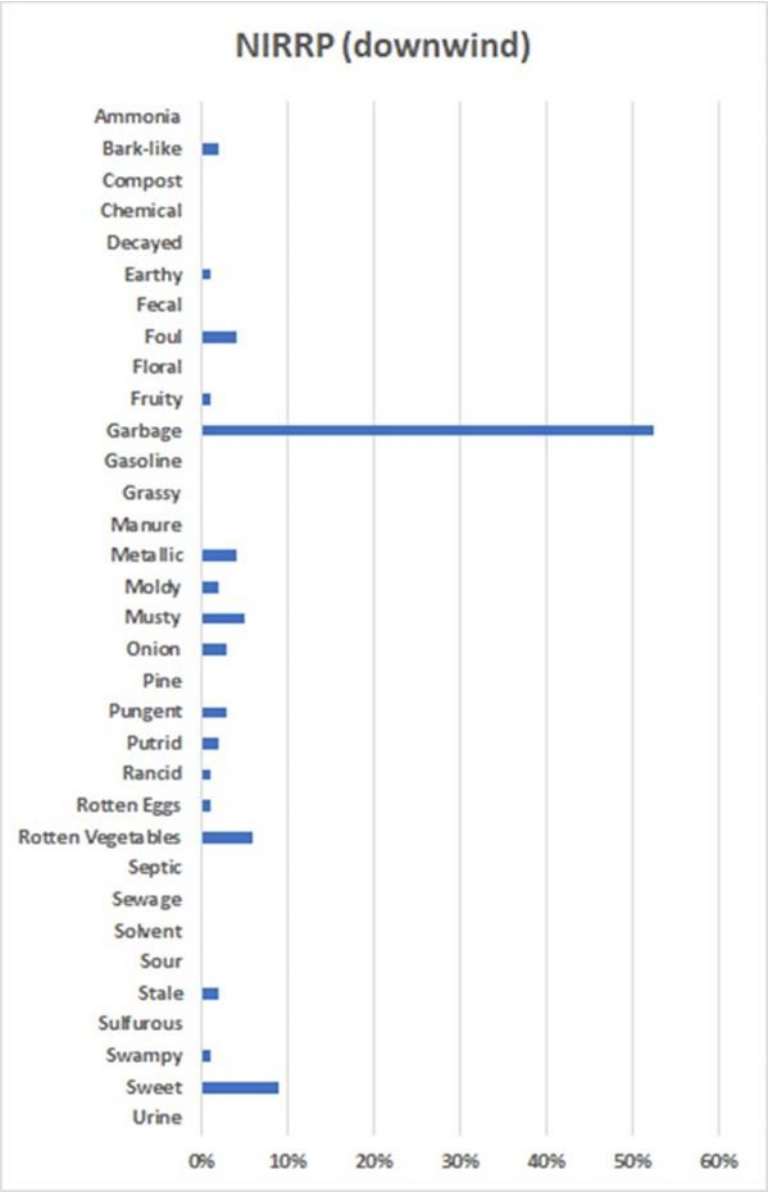
Main Lift Downwind	2021-03-03	03:56 pm	270	3.0	4.0	4	1	1	7	Earthy;Musty;Septic;Sewage	3	-1	66		U-H	13.4
Newby Downwind	2021-03-03	04:14 pm	247.5	4.0	7.0	4	1	1	7	Garbage	3	-1	63		U-H	13.4
Milmont Dr	2021-03-03	04:15 pm	292.5	3.0	9.0	4	1	0	0	N/A	0	0	63		U-H	
Wilson	2021-03-03	04:28 pm	270	3.0	6.0	4	1	0	0	N/A	0	0	66		U-H	
Tramway Dr	2021-03-15	01:10 pm	225	6.0	10.0	3	1	1	13	Garbage;Musty	2	-1	51		U-H	4.5
Marylinn Dr	2021-03-15	01:25 pm	292.5	4.0	7.0	3	1	0	0	N/A	0	0	52		U-H	
Los Coches St	2021-03-15	01:40 pm	292.5	5.0	7.0	3	1	0	0	N/A	0	0	52		U-H	
Alvarez Ct	2021-03-15	01:45 pm	270	5.0	11.0	3	1	0	0	N/A	0	0	51		U-H	
Murphy Ranch Rd	2021-03-15	01:56 pm	270	5.0	8.0	3	1	0	0	N/A	0	0	51		U-H	
RWF Downwind	2021-03-15	02:06 pm	270	7.0	12.0	3	1	1	5	Fecal;Septic;Sewage	4	-2	51		U-H	28.2
ZWED Downwind	2021-03-15	02:21 pm	247.5	12.0	17.0	3	1	1	2	Rotten;Rotten Vegetables;Stale;Swampy;Manure;Compost	6	-3	51		U-2	1033
Main Lift Downwind	2021-03-15	02:38 pm	315	5.0	8.0	3	1	1	4	Septic;Sewage;Swampy	3	-1	52		U-H	39
Newby Downwind	2021-03-15	02:59 pm	247.5	7.0	13.0	4	1	1	3	Garbage	4	-2	52		U-H	57
Milmont Dr	2021-03-15	03:08 pm	270	8.0	10.0	4	1	0	0	N/A	0	0	52		U-H	
Wilson	2021-03-15	03:17 pm	270	7.0	11.0	4	1	0	0	N/A	0	0	52		U-H	
Tramway Dr	2021-03-24	02:38 pm	270	3.0	9.0	1	1	0	0	N/A	0	0	68		U-H	
Marylinn Dr	2021-03-24	02:47 pm	225	2.0	4.0	1	1	1	0	Garbage	2	-1	68	too weak for scentroid	U-H	
Los Coches St	2021-03-24	02:58 pm	337.5	1.0	2.0	1	1	0	0	N/A	0	0	68		U-H	
Main Lift Downwind	2021-03-24	03:59 pm	0	2.0	2.0	1	1	1	0	Septic;Sewage	2	-1	68	normal access points inaccessible, smell is weak	U-H	
Newby Downwind	2021-03-24	04:15 pm	247.5	1.0	3.0	1	1	1	13	Garbage	2	-1	68		U-H	4.5
Alvarez Ct	2021-03-24	03:08 pm	0	2.0	3.0	1	1	0	0	N/A	0	0	68		U-H	
Murphy Ranch Rd	2021-03-24	03:18 pm	292.5	5.0	6.0	1	1	0	0	N/A	0	0	68		U-H	
RWF Downwind	2021-03-24	03:29 pm	270	3.0	4.0	1	1	1	4	Fecal;Septic;Sewage;Urine	5	-2	70		U-H	39
ZWED Downwind	2021-03-24	03:44 pm	0	2.0	4.0	1	1	1	2	Putrid;Rancid;Rotten Vegetables;Compost	6	-3	70		U-2	1033
Milmont Dr	2021-03-24	04:20 pm	225	2.0	4.0	1	1	1	8	Garbage	3	-1	68		U-H	11
Wilson	2021-03-24	04:33 pm	0	3.0	7.0	1	1	0	0	N/A	0	0	68		U-H	
Alvarez Ct	2021-04-02	01:23 pm	270	4.0	7.0	2	1	0	0	N/A	0	0	70		U-H	
Los Coches St	2021-04-02	01:12 pm	337.5	1.0	3.0	2	1	0	0	N/A	0	0	69		U-H	
Murphy Ranch Rd	2021-04-02	01:33 pm	315	2.0	4.0	2	1	0	0	N/A	0	0	70		U-H	
RWF Downwind	2021-04-02	01:50 pm	292.5	3.0	7.0	2	1	1	0	Fecal;Septic;Sewage;Swampy	3	-2	70	scentroid ran out of air could not get reading	U-H	
Newby Downwind	2021-04-02	02:45 pm	270	5.0	11.0	1	1	1	0	Garbage	3	-2	71	scentroid ran out of air could not get reading	U-H	
ZWED Downwind	2021-04-02	02:12 pm	225	4.0	9.0	2	1	1	0	Metallic;Pungent;Rotten;Manure;Compost	5	-3	70	scentroid ran out of air could not get reading	U-H	
Main Lift Downwind	2021-04-02	02:29 pm	247.5	2.0	5.0	2	1	1	0	Garbage;Septic;Sewage	3	-1	71	scentroid ran out of air could not get reading	U-H	
Milmont Dr	2021-04-02	03:03 pm	0	3.0	7.0	1	1	1	0	Garbage	3	-2	71	scentroid ran out of air could not get reading	U-H	
Wilson	2021-04-02	03:15 pm	247.5	7.0	9.0	1	1	0	0	N/A	0	0	71		U-H	
Marylinn Dr	2021-04-02	03:25 pm	270	5.0	7.0	1	1	0	0	N/A	0	0	72		U-H	
Tramway Dr	2021-04-02	03:32 pm	292.5	4.0	7.0	1	1	1	0	Stale;Swampy	2	-1	71	scentroid ran out of air could not get reading	U-H	
Murphy Ranch Rd	2021-04-13	03:21 pm	337.5	3.0	5.0	1	1	0	0	N/A	0	0	64		U-H	
RWF Downwind	2021-04-13	03:35 pm	315	8.0	10.0	1	1	1	2	Metallic;Septic;Sewage;Stale;Urine	6	-3	63		U-H	119
ZWED Downwind	2021-04-13	03:51 pm	0	4.0	6.0	1	1	1	1	Earthy;Putrid;Rancid;Manure	6	-3	63		U-2	2260
Newby Downwind	2021-04-13	04:24 pm	270	6.0	9.0	1	1	1	3	Garbage;Sweet Garbage	4	-2	63		U-H	57
Milmont Dr	2021-04-13	04:40 pm	202.5	4.0	7.0	1	1	1	0	Garbage	1	-1	64		U-H	
Wilson	2021-04-13	04:48 pm	225	2.0	4.0	1	1	0	0	N/A	0	0	63		U-H	
Los Coches St	2021-04-13	02:38 pm	225	2.0	6.0	1	1	0	0	N/A	0	0	64		U-H	
Tramway Dr	2021-04-13	02:12 pm	247.5	5.0	7.0	1	1	0	0	N/A	0	0	63		U-H	
Main Lift Downwind	2021-04-13	04:07 pm	292.5	2.0	3.0	1	1	1	8	Septic;Sewage	3	-1	63		U-H	11
Marylinn Dr	2021-04-13	02:22 pm	270	3.0	6.0	1	1	0	0	N/A	0	0	63		U-H	
Alvarez Ct	2021-04-13	02:54 pm	292.5	4.0	7.0	1	1	0	0	N/A	0	0	64		U-H	
Tramway Dr	2021-04-22	08:28 am	67.5	2.0	3.0	3	1	0	0	N/A	0	0	54		U-H	
Los Coches St	2021-04-22	08:40 am	135	1.0	3.0	3	1	0	0	N/A	0	0	53		U-H	
Alvarez Ct	2021-04-22	08:52 am	112.5	1.0	2.0	3	1	1	0	N/A	0	0	54		U-H	
Murphy Ranch Rd	2021-04-22	09:02 am	112.5	3.0	6.0	2	1	0	0	N/A	0	0	54		U-H	
RWF Downwind	2021-04-22	09:20 am	135	6.0	10.0	2	1	1	0	Swampy	1	-1	55	Odor too weak for scentroid	U-H	
ZWED Downwind	2021-04-22	09:36 am	135	1.0	2.0	2	1	1	2	Ammonia;Septic;Sewage;Stale;Compost	6	-3	55		U-2	1033
Newby Downwind	2021-04-22	10:05 am	112.5	3.0	7.0	2	1	1	11	Garbage;Swampy	2	-1	57		U-H	6.4
Main Lift Downwind	2021-04-22	09:56 am	135	4.0	8.0	2	1	0	0	N/A	0	0	56		U-H	
Milmont Dr	2021-04-22	10:23 am	112.5	2.0	9.0	2	1	0	0	N/A	0	0	58		U-H	
Wilson	2021-04-22	10:30 am	135	1.0	2.0	1	1	0	0	N/A	0	0	58		U-H	
Marylinn Dr	2021-04-22	10:39 am	180	2.0	4.0	1	1	0	0	N/A	0	0	58		U-H	
Tramway Dr	2021-04-27	02:27 pm	270	4.0	7.0	2	1	1	0	Garbage;Sewage	1	-1	70		U-H	
Los Coches St	2021-04-27	02:51 pm	292.5	1.0	2.0	1	1	0	0	N/A	0	0	69		U-H	
Alvarez Ct	2021-04-27	03:00 pm	247.5	6.0	9.0	1	1	1	0	N/A	0	0	69		U-H	
ZWED Downwind	2021-04-27	03:33 pm	292.5	2.0	8.0	1	1	1	2	Pungent;Putrid;Rancid;Manure	6	-3	72		U-2	1033
Main Lift Downwind	2021-04-27	03:49 pm	247.5	3.0	8.0	1	1	1	4	Musty;Septic;Sewage	4	-2	70		U-H	39
Newby Downwind	2021-04-27	04:09 pm	270	5.0	12.0	1	1	1	6	Garbage	4	-2	71		U-H	20
Wilson	2021-04-27	04:27 pm	247.5	4.0	9.0	1	1	0	0	N/A	0	0	70		U-H	
RWF Downwind	2021-04-27	03:19 pm	315	8.0	9.0	1	1	1	7	Fecal;Septic;Sewage;Urine	4	-2	70		U-H	13.4
Milmont Dr	2021-04-27	04:18 pm	292.5	7.0	10.0	1	1	0	0	N/A	0	0	71		U-H	
Marylinn Dr	2021-04-27	02:39 pm	247.5	1.0	3.0	1	1	0	0	N/A	0	0	70		U-H	
Murphy Ranch Rd	2021-04-27	03:09 pm	292.5	5.0	11.0	1	1	1	0	Septic;Sewage	2	-1	69		U-H	
Tramway Dr	2021-05-03	01:08 pm	247.5	6.0	11.0	1	1	1	0	Garbage	1	-1	79	all of garbage that comes and goes with the wind. Not able to pick it up with S	U-H	
Marylinn Dr	2021-05-03	01:19 pm	270	2.0	3.0	1	1	0	0	N/A	0	0	79		U-H	
Los Coches St	2021-05-03	01:29 pm	225	1.0	9.0	1	1	0	0	N/A	0	0	79		U-H	
Alvarez Ct	2021-05-03	01:41 pm	247.5	4.0	9.0	1	1	0	0	N/A	0	0	80		U-H	
Murphy Ranch Rd	2021-05-03	01:50 pm	270	3.0	8.0	1	1	0	0	N/A	0	0	81		U-H	
RWF Downwind	2021-05-03	02:00 pm	270	4.0	13.0	1	1	1	5	Ammonia;Septic;Sewage	4	-2	82		U-H	28.2
ZWED Downwind	2021-05-03	02:15 pm	247.5	5.0	10.0	1	1	1	2	Earthy;Pungent;Putrid;Rotten Vegetables;Manure	6	-3	82		U-2	1033
Main Lift Downwind	2021-05-03	02:32 pm	225	6.0	12.0	1	1	1	9	Musty;Septic	3	-1	81		U-H	9
Newby Downwind	2021-05-03	02:49 pm	247.5	4.0	8.0	1	1	1	6	Garbage	3	-1	82		U-H	20
Milmont Dr	2021-05-03	03:04 pm	270	8.0	14.0	1	1	0	0	N/A	0	0	82		U-H	
Wilson	2021-05-03	03:12 pm	225	4.0	8.0	1	1	0	0	N/A	0	0	82		U-H	
Los Coches St	2021-05-12	02:20 pm	247.5	1.0	5.0	1	1	1	15	Garbage	1	-1	75		U-H	3.5
Alvarez Ct	2021-05-12	02:36 pm	292.5	4.0	7.0	1	1	0	0	N/A	0	0	75		U-H	
RWF Downwind	2021-05-12	03:05 pm	270	7.0	8.0	1	1	1	7	Septic;Sewage	3	-1	78		U-H	13.4
Murphy Ranch Rd	2021-05-12	02:54 pm	292.5	3.0	5.0	1	1	1	0	Musty	1	-1	75	Too weak for scentroid	U-H	
Marylinn Dr	2021-05-12	04:41 pm	270	2.0	4.0	1	1	0	0	N/A	0	0	74		U-H	
Wilson	2021-05-12	04:32 pm	270	4.0	6.0	1	1	0	0	N/A	0	0	77		U-H	

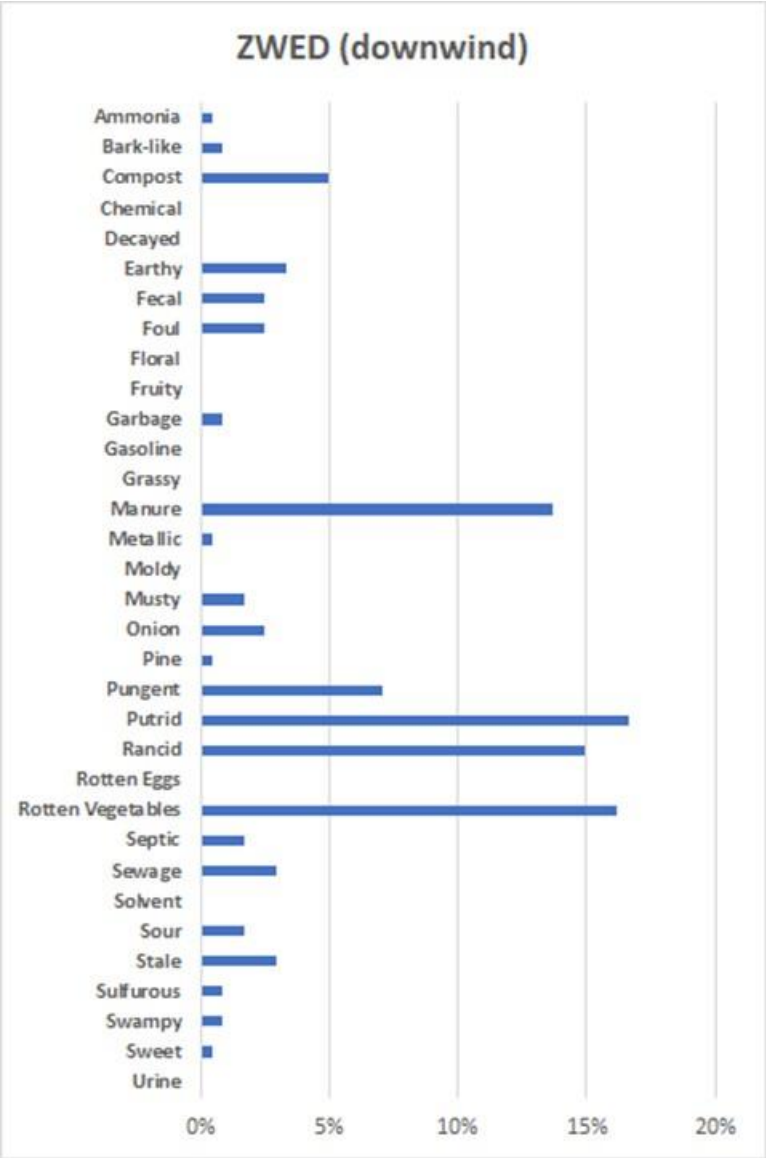
ZWED Downwind	2021-05-12	03:24 pm	**225**	7.0	11.0	1	1	1	1	Putrid;Rancid;Rotten Vegetables;Manure;Onion	6	-2	78		U-2	2260
Main Lift Downwind	2021-05-12	03:40 pm	**247.5**	7.0	9.0	1	1	1	2	Garbage;Septic;Sewage;Sweet Garbage	5	-2	76	c and sewage smell not very strong; overall smell intensity died down after rec	U-H	119
Newby Downwind	2021-05-12	03:59 pm	**270**	7.0	11.0	1	1	1	12	Garbage	3	-1	75		U-H	5.6
Milmont Dr	2021-05-12	04:16 pm	**270**	4.0	11.0	1	1	1	15	Garbage	1	-1	76		U-H	3.5
Tramway Dr	2021-05-12	04:47 pm	**247.5**	2.0	5.0	1	1	0	0	N/A	0	0	75		U-H	
ZWED Downwind	2021-05-20	08:50 am	**270**	1.0	5.0	1	1	1	1	Foul;Musty;Putrid;Rotten;Rotten Vegetables;Stale;Manure	6	-3	55	baaqmd study day	U-2	2260
Newby Downwind	2021-05-20	08:16 am	**292.5**	3.0	4.0	1	1	1	2	Garbage;Metallic	5	-2	54	baaqmd sample day	U-H	119
RWF Downwind	2021-05-20	08:36 am	**315**	4.0	7.0	1	1	1	5	Putrid;Septic;Sewage	4	-2	54		U-H	28.2
ZWED Upwind	2021-05-20	09:09 am	**270**	1.0	3.0	1	1	0	0	N/A	0	0	55	baaqmd sample day	U-H	
Main Lift Downwind	2021-05-20	09:43 am	**270**	4.0	8.0	1	1	1	12	Musty;Sewage	2	-1	55	baaqmd study day	U-H	5.6
RWF Downwind	2021-05-20	09:31 am	**337.5**	3.0	5.0	1	1	1	14	Garbage	1	-1	55	baaqmd study day	U-H	3.9
RWF Downwind	2021-05-20	09:55 am	**270**	5.0	7.0	1	1	0	0	N/A	0	0	55	baaqmd study day. RWF lagoon downwind	U-H	
Newby Upwind	2021-05-20	10:09 am	**270**	7.0	12.0	1	1	0	0	N/A	0	0	58	baaqmd study day. upwind of Newby	U-H	
ZWED Downwind	2021-05-20	11:32 am	**270**	3.0	8.0	1	1	1	1	Putrid;Rancid;Rotten Vegetables;Manure	6	-3	61		U-2	2260
Wilson	2021-05-20	01:05 pm	**270**	7.0	11.0	1	1	0	0	N/A	0	0	63	baaqmd study day	U-H	
Milmont Dr	2021-05-20	01:16 pm	**292.5**	4.0	12.0	1	1	1	14	Garbage	2	-1	63	baaqmd study day. odor intermittent. wind shifting a lot	U-H	3.9
Marylinn Dr	2021-05-20	01:37 pm	**337.5**	2.0	6.0	1	1	0	0	N/A	0	0	63	baaqmd study day	U-H	
RWF Downwind	2021-05-20	10:44 am	**270**	3.0	11.0	1	1	1	2	Sewage	6	-3	57	baaqmd study day	U-H	119
Alvarez Ct	2021-06-01	02:32 pm	**270**	5.0	8.0	1	1	0	0	N/A	0	0	81		U-H	
Tramway Dr	2021-06-01	01:54 pm	**180**	4.0	8.0	1	1	1	13	Garbage	2	-1	81	Odor intermittent	U-H	4.5
Los Coches St	2021-06-01	02:10 pm	**247.5**	3.0	7.0	1	1	0	0	N/A	0	0	81		U-H	
Alvarez Ct	2021-06-01	02:19 pm	**292.5**	4.0	8.0	1	1	0	0	N/A	0	0	81		U-H	
RWF Downwind	2021-06-01	02:42 pm	**270**	5.0	8.0	1	1	1	4	Ammonia;Fecal;Septic;Sewage;Swampy	4	-2	81		U-H	39
ZWED Downwind	2021-06-01	03:00 pm	**225**	5.0	9.0	1	1	1	1	Pungent;Putrid;Manure	6	-3	79		U-2	2260
Main Lift Downwind	2021-06-01	03:16 pm	**270**	5.0	11.0	1	1	1	3	Septic;Swampy	3	-1	79	really intense smell suddenly but it didn"t stay	U-H	57
Newby Downwind	2021-06-01	03:34 pm	**270**	3.0	9.0	1	1	1	14	Garbage	2	-1	79		U-H	3.9
Milmont Dr	2021-06-01	03:49 pm	**247.5**	5.0	9.0	1	1	1	8	Garbage	3	-1	78		U-H	11
Wilson	2021-06-01	04:03 pm	**270**	4.0	5.0	1	1	0	0	N/A	0	0	78		U-H	
Marylinn Dr	2021-06-01	04:11 pm	**270**	3.0	7.0	1	1	0	0	N/A	0	0	78		U-H	
Alvarez Ct	2021-06-17	03:02 pm	**292.5**	3.0	6.0	1	1	0	0	N/A	0	0	97		U-H	
Tramway Dr	2021-06-17	02:17 pm	**270**	6.0	8.0	1	1	1	12	Septic;Sewage	3	-1	95		U-H	5.6
ZWED Downwind	2021-06-17	03:54 pm	**225**	5.0	9.0	1	1	1	2	Musty;Putrid;Rancid;Manure;Onion	6	-3	95		U-2	1033
Main Lift Downwind	2021-06-17	04:13 pm	**337.5**	5.0	9.0	1	1	1	9	Septic;Sewage	3	-1	97		U-H	9
Milmont Dr	2021-06-17	04:45 pm	**315**	7.0	10.0	1	1	0	0	N/A	0	0	93		U-H	
Wilson	2021-06-17	04:55 pm	**270**	3.0	6.0	1	1	0	0	N/A	0	0	93		U-H	
Marylinn Dr	2021-06-17	02:30 pm	**270**	4.0	7.0	1	1	0	0	N/A	0	0	97		U-H	
Los Coches St	2021-06-17	02:48 pm	**270**	3.0	6.0	1	1	0	0	N/A	0	0	97		U-H	
Murphy Ranch Rd	2021-06-17	03:22 pm	**247.5**	3.0	8.0	1	1	0	0	N/A	0	0	97		U-H	
RWF Downwind	2021-06-17	03:33 pm	**270**	6.0	9.0	1	1	1	13	Septic;Sewage	2	-1	95		U-H	4.5
Newby Downwind	2021-06-17	04:31 pm	**270**	6.0	10.0	1	1	1	15	Garbage	1	-1	95		U-H	3.5
Tramway Dr	2021-06-24	02:23 pm	**270**	7.0	11.0	1	1	1	0	Metallic	1	-1	75		U-H	
Marylinn Dr	2021-06-24	02:31 pm	**247.5**	1.0	4.0	1	1	1	0	N/A;Garbage	1	0	75		U-H	
Los Coches St	2021-06-24	02:43 pm	**225**	5.0	5.0	1	1	0	0	N/A	0	0	76		U-H	
Alvarez Ct	2021-06-24	02:52 pm	**292.5**	5.0	10.0	1	1	0	0	N/A	0	0	77		U-H	
Murphy Ranch Rd	2021-06-24	03:04 pm	**315**	8.0	10.0	1	1	0	0	N/A	0	0	75		U-H	
RWF Downwind	2021-06-24	03:12 pm	**292.5**	4.0	8.0	1	1	1	8	Fecal;Septic;Sewage;Urine	4	-2	75		U-H	11
ZWED Downwind	2021-06-24	03:28 pm	**270**	10.0	11.0	1	1	1	1	Putrid;Rancid;Manure	6	-3	75		U-2	2260
Main Lift Downwind	2021-06-24	03:41 pm	**270**	4.0	7.0	1	1	1	7	Septic	3	-1	46		U-H	13.4
Newby Downwind	2021-06-24	03:57 pm	**292.5**	6.0	12.0	1	1	1	6	Garbage	4	-2	74		U-H	20
Milmont Dr	2021-06-24	04:05 pm	**292.5**	12.0	16.0	1	1	0	0	N/A	0	0	73		U-H	
Wilson	2021-06-24	04:15 pm	**292.5**	5.0	12.0	1	1	0	0	N/A	0	0	73		U-H	
Los Coches St	2021-06-30	01:05 pm	**247.5**	2.0	4.0	1	1	0	0	N/A	0	0	74		U-H	
Alvarez Ct	2021-06-30	01:20 pm	**225**	4.0	9.0	1	1	0	0	N/A	0	0	75		U-H	
Murphy Ranch Rd	2021-06-30	01:29 pm	**292.5**	1.0	8.0	1	1	0	0	N/A	0	0	75		U-H	
RWF Downwind	2021-06-30	01:39 pm	**292.5**	3.0	5.0	1	1	1	12	Musty;Sewage	3	-1	75		U-H	5.6
ZWED Downwind	2021-06-30	02:07 pm	**315**	3.0	9.0	1	1	1	1	Earthy;Manure;Onion	6	-2	75	Not nauseating or putrid like it normally is	U-2	2260
Marylinn Dr	2021-06-30	03:06 pm	**315**	2.0	4.0	1	1	0	0	N/A	0	0	75		U-H	
Main Lift Downwind	2021-06-30	02:24 pm	**292.5**	5.0	8.0	1	1	1	0	Musty;Sewage	1	-1	75	Too weak for scentroid	U-H	
Newby Downwind	2021-06-30	02:34 pm	**0**	3.0	11.0	1	1	1	15	Garbage	1	-1	75	Smell comes and goes; does not linger	U-H	3.5
Milmont Dr	2021-06-30	02:49 pm	**315**	5.0	9.0	1	1	0	0	N/A	0	0	75		U-H	
Wilson	2021-06-30	02:57 pm	**270**	2.0	6.0	1	1	0	0	N/A	0	0	75		U-H	
Tramway Dr	2021-06-30	03:13 pm	**292.5**	3.0	6.0	1	1	1	0	N/A	0	0	75		U-H	
Milmont Dr	2021-07-30	03:08 pm	270	8.0	10.0	1	1	1	9	Garbage;Sweet Garbage	3	-1	82		U-H	9
Wilson	2021-07-30	03:23 pm	247.5	7.0	9.0	1	1	0	0	N/A	0	0	83	Recent paving in Pioneer Park mobile home park	U-H	
Los Coches St	2021-07-30	01:03 pm	315	1.0	4.0	1	1	0	0	N/A	0	0	81		U-H	
Alvarez Ct	2021-07-30	01:15 pm	247.5	2.0	4.0	1	1	0	0	N/A	0	0	81		U-H	
Murphy Ranch Rd	2021-07-30	01:43 pm	315	2.0	4.0	1	1	0	0	N/A	0	0	82		U-H	
RWF Downwind	2021-07-30	01:58 pm	270	3.0	7.0	1	1	1	13	Septic;Sewage	2	-1	82		U-H	4.5
Main Lift Downwind	2021-07-30	02:29 pm	270	3.0	10.0	1	1	1	5	Musty;Sewage;Stale	4	-1	82		U-H	28.2
ZWED Downwind	2021-07-30	02:12 pm	247.5	5.0	9.0	1	1	1	1	Earthy;Peat-like;Rancid;Stale;Manure;Onion	5	-2	82		U-2	2260
Newby Downwind	2021-07-30	02:50 pm	270	4.0	7.0	1	1	1	4	Garbage;Rancid;Stale	5	-3	82		U-H	39
Marylinn Dr	2021-07-30	03:31 pm	270	5.0	9.0	1	1	0	0	N/A	0	0	82		U-H	
Tramway Dr	2021-07-30	03:40 pm	270	5.0	7.0	1	1	1	11	Garbage	2	-1	82		U-H	6.4

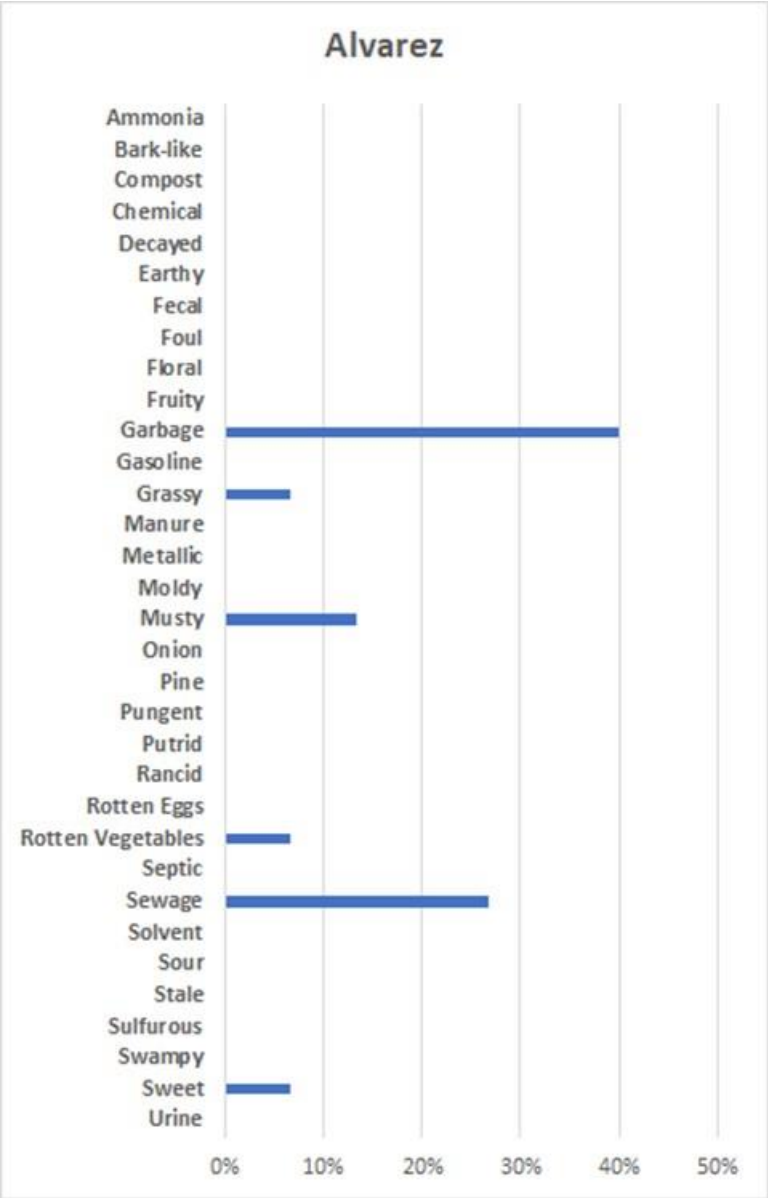
Appendix D. Odor Descriptors Used at the Community Locations

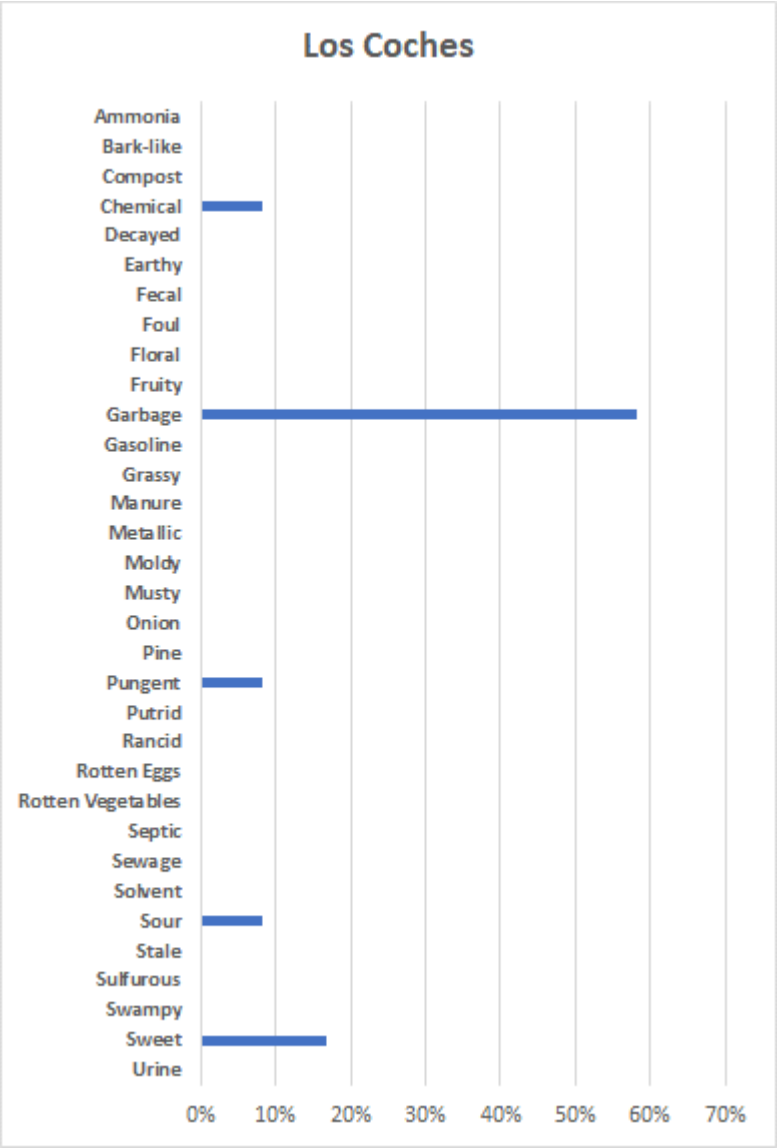

Main Lift Pump Station (downwind)
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
5%
10%
15%
20%
25%
30%
35%

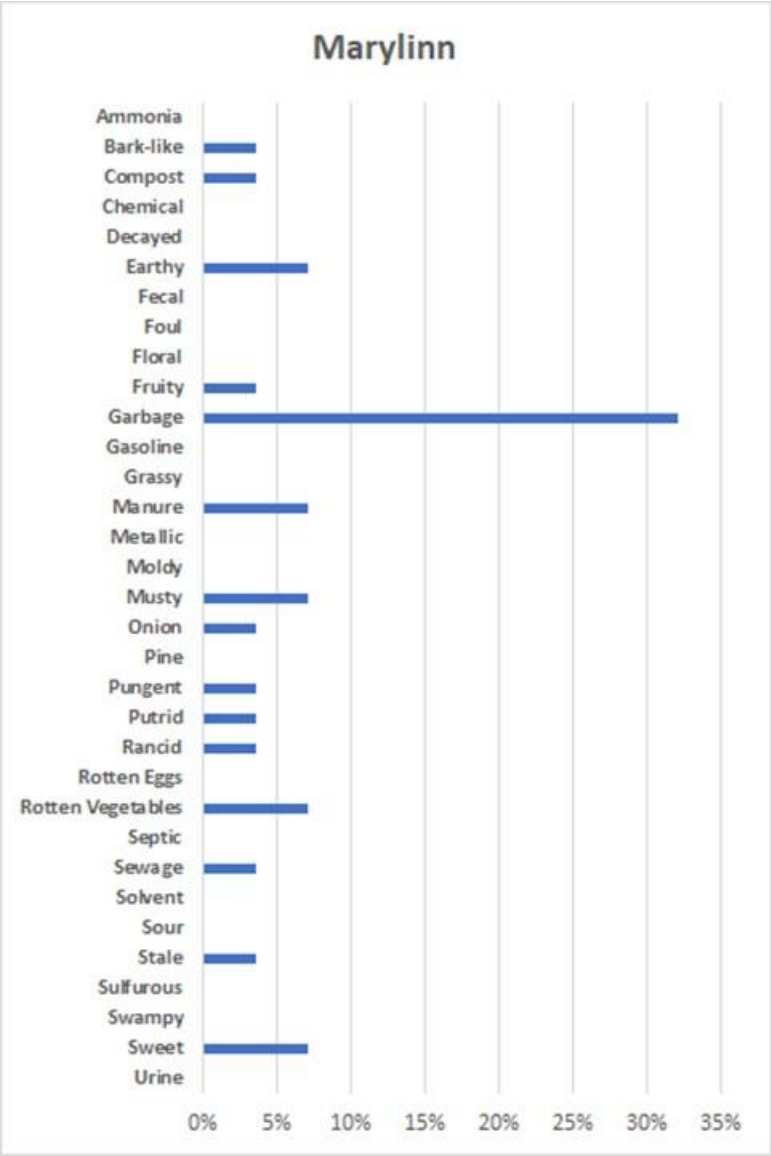

RWF (downwind)
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
5%
10%
15%
20%
25%
30%
35%

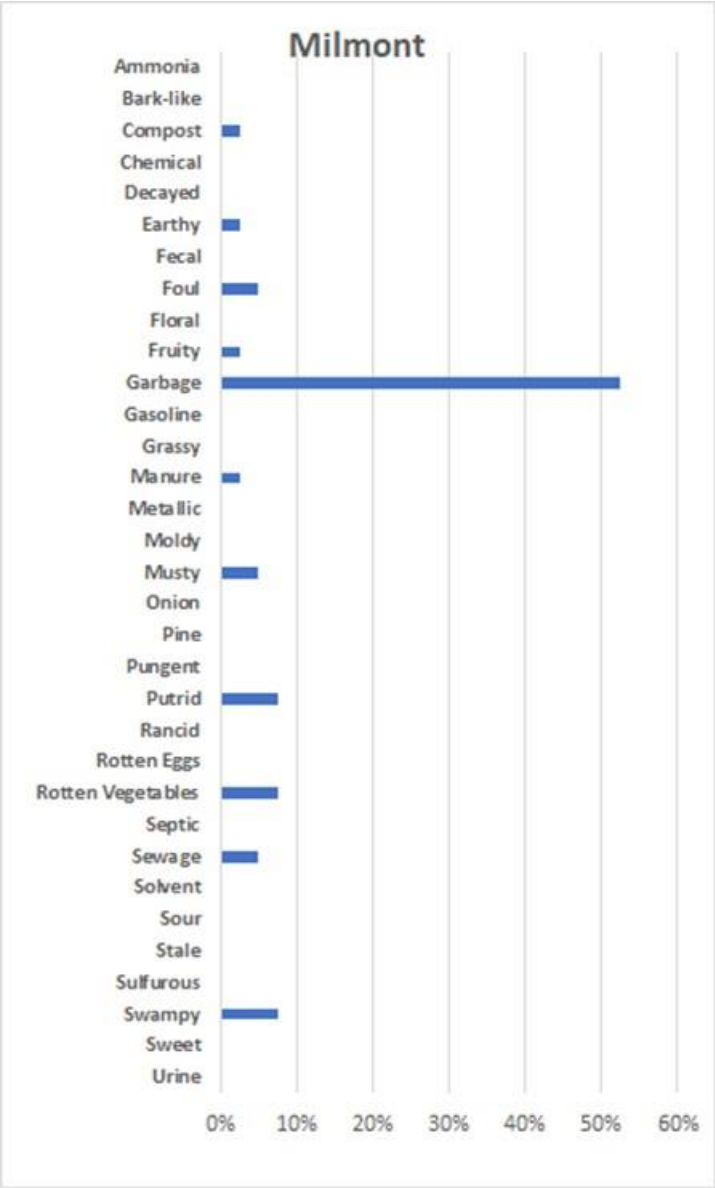

NIRRP (downwind)
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
10%
20%
30%
40%
50%
60%

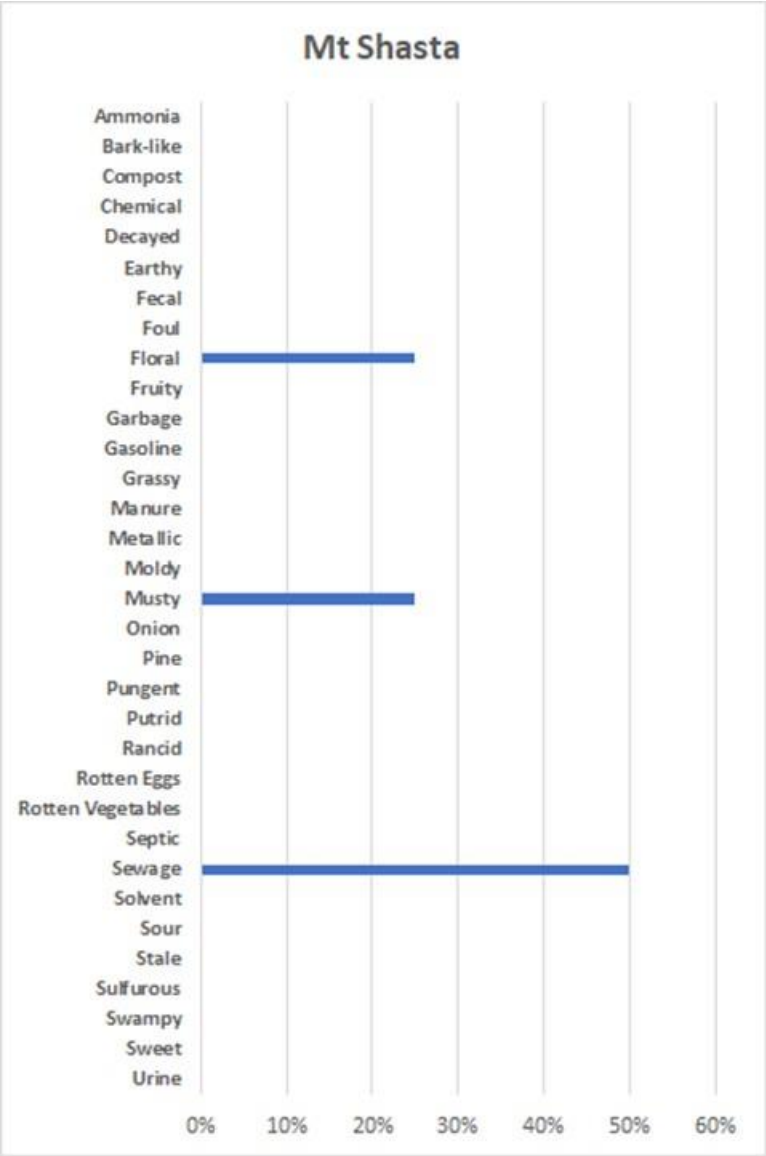

ZWED (downwind)
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
5%
10%
15%
20%

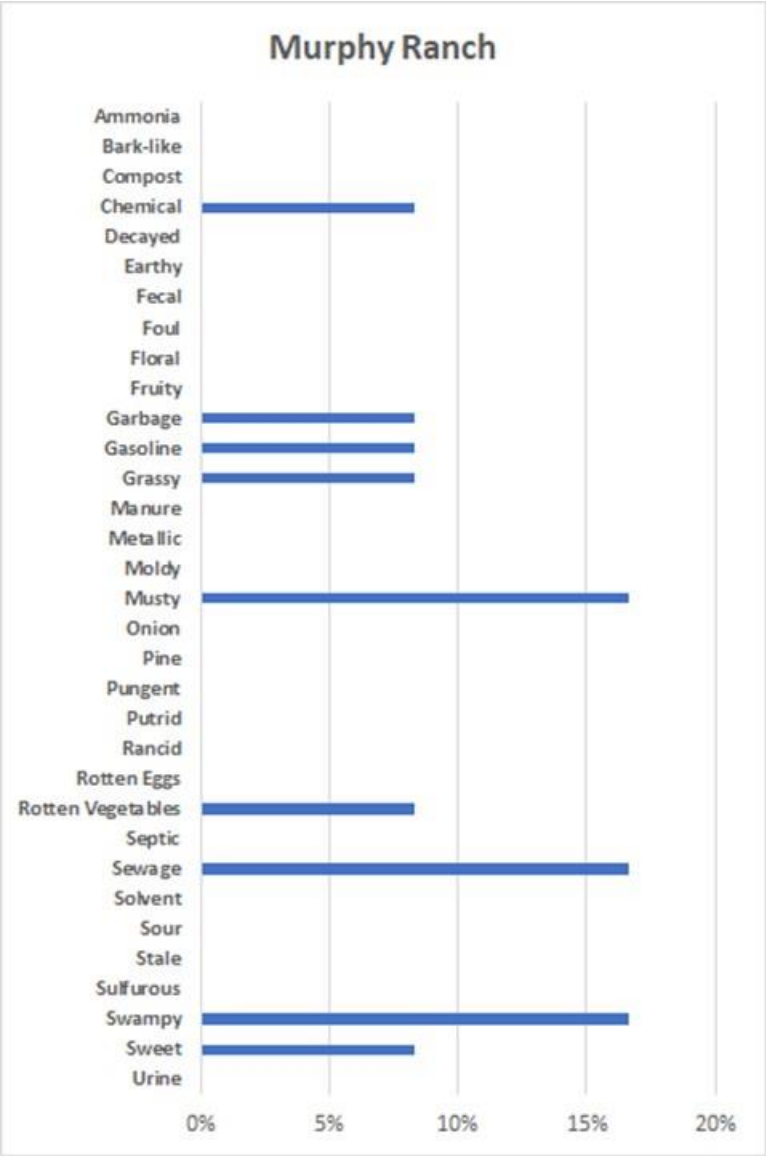

Alvarez
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
10%
20%
30%
40%
50%

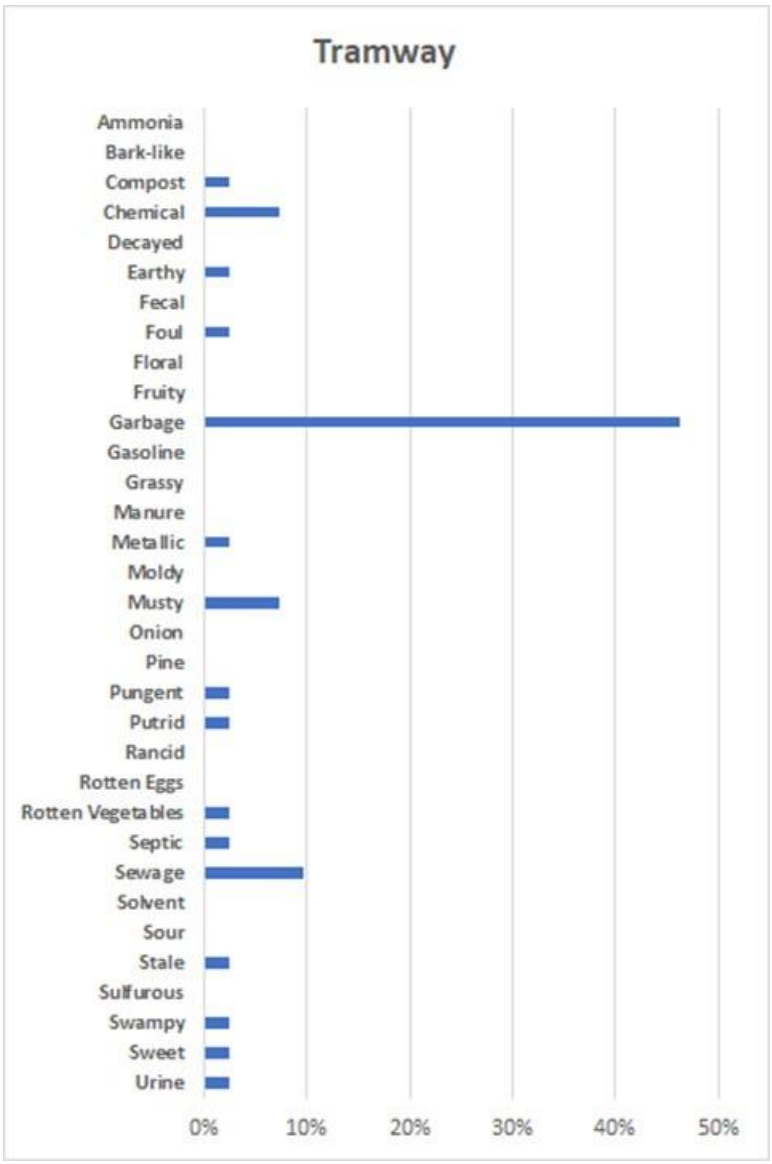

Los Coches
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
10%
20%
30%
40%
50%
60%
70%


Marylinn
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
5%
10%
15%
20%
25%
30%
35%


Milmont
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
10%
20%
30%
40%
50%
60%


Mt Shasta
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
10%
20%
30%
40%
50%
60%


Murphy Ranch
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
5%
10%
15%
20%


Tramway
Ammonia
Bark-like
Compost
Chemical
Decayed
Earthy
Fecal
Foul
Floral
Fruity
Garbage
Gasoline
Grassy
Manure
Metallic
Moldy
Musty
Onion
Pine
Pungent
Putrid
Rancid
Rotten Eggs
Rotten Vegetables
Septic
Sewage
Solvent
Sour
Stale
Sulfurous
Swampy
Sweet
Urine
0%
10%
20%
30%
40%
50%

Appendix E. Example of an Instrumental Odor Monitoring System



WATCHTOWER 1 - V1.3

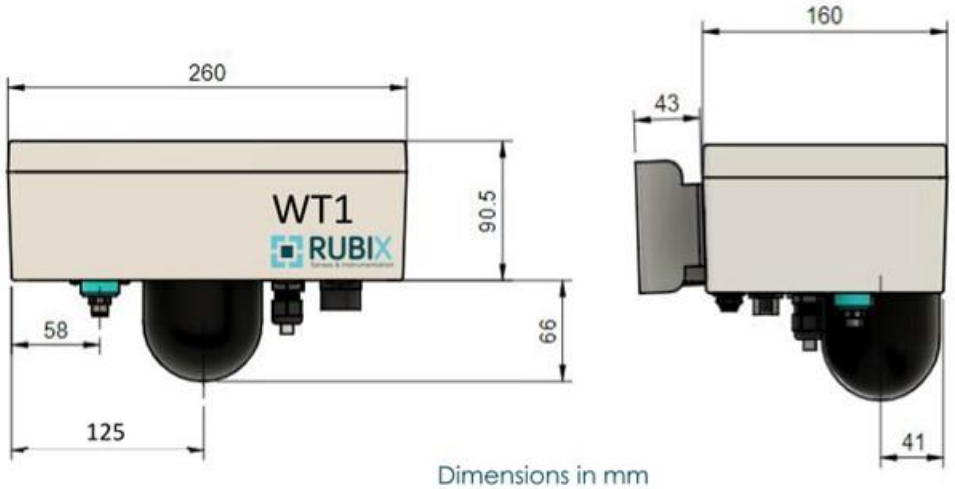
Air quality | Gases | Odors | Particles | Noises | Temperature | Humidity | Pressure

Operations depend on an effective environmental impact control

Turnkey system for monitoring and identifying sources of nuisances and pollutants in outdoor air

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Senses & Instrumentation

Technical specifications and options



Dimensions in mm

- 4 metal oxide (MOX) gas sensors for smells
- 6 electrochemical gas sensors: H2S, NH3, NO2… (from a 15+ gas list)
- 1 PID sensor: BTX and alkanes
- 1 double-band optical sensor (2 optical sensors if PID not used): CO2, CH4
- 1 PM optical sensor: PM1-2.5-10 (from a list of 2 sensors: one specialized in size and concentration and one specialized in type fingerprinting[1])
- Temperature, humidity, noise and atmospheric pressure sensors
- Soil and liquid sensors on demand (4-20mA)
- Software in SaaS mode
- IP 54 housing
- 12V DC input, PoE or a 12-V solar panel battery (option)
- 110-240V AC – 12V DC Power adapter
- LTE-M/GPRS[2], Wi-Fi, Ethernet communication
- Built-in GNSS (GPS, Galileo, Beidou, Glonass)
- Data logger with up to 2 years of data storage in case of communication failure
- Over the air configuration upgrade
- Operating temperature range: -30°C / + 60°C (-86° F/+140 ° F)[3]
- Weight: 3 kg. (6.61 lbs.)

[1] For construction sites only and on demand.
[2] Used as LTE-M fallback
[3] Note that extreme temperature and humidity impact proper operation of the sensors

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Senses & Instrumentation

Watchtower 1's Missions

WT1 is a system that monitors outdoor air quality at the source of emissions and on the fence line with:

- 24/7 real time readings of gas concentrations (up to 7 different gases) and volatile organic compounds (VOCs)
- Odor measurement and identification (possible correlation with Dynamic Olfactometry - EN 13725)
- Quantification and identification of particles
- Intensity and identification of noises
- Real-time alerts (configurable thresholds) with notifications (text message, email, etc.)
- Automated process activation (sampling, misting systems, ventilation, etc.)
- Integrated input from the community thanks to the devices unique QR codes

Main application fields



Industrial parks



Wastewater treatment plants

The only scalable and customizable solution on the market



- Air quality
- VOCs

+

- Up to 7 different gases simultaneously

+

- Odors
- Intensity (OU)
- Identification

+

- PM 1 µm
- PM 2,5 µm
- PM 10 µm

How it works



Data collection

- Pollutants
- Nuisances
- Weather

Data processing and storage

- Principal component analysis (PCA)
- AI algorithms
- Quantification
- Identifications

Data access and visualization

- Secure user account
- Custom settings
- SaaS mode
- 24/7 access

Main application fields



Ports



Smart cities

The only scalable and customizable solution on the market

- Noise
- Intensity dB(A)
- Identification

+

- Dispersion plume
- Impact on the neighborhood

+

- Human perceptions (subjective feedback)
- Customizable surveys

Appendix F. Example of Auto-Bag Sampler


CITIZEN
SCIENCE AND
MULTISENSOR
TECHNOLOGY TO
SAMPLE ODOR.
ODORPREP®
Automated Odor Emission Sampler

Odour is a form of atmospheric pollution that can cause significant discomfort to people.

Industrial activities, purification systems, landfill sites, waste treatment, farms, agriculture and food industries: these are all sources of odour that risks making difficult the presence of production activities in populated area, creating worries and complaints.

Unfortunately, odour is a complex issue to manage, because of the difficulty for operators to verify the real presence of odour incidents at the moment of inspections and to detect the actual source of emission.

For this reason, it is necessary to perform a timely, objective and documented assessment of the air, in order to allow authorities to intervene for removing the problem.

IT IS NECESSARY TO PERFORM A TIMELY, OBJECTIVE AND DOCUMENTED ASSESSMENT OF THE AIR.

THE SOLUTION: ODORPREP

Air of innovation



ODORPREP IS THE ON-DEMAND SYSTEM FOR MONITORING AND SAMPLING AIR.
THE SYSTEM COMPRISES A MOBILE APP THAT ALLOWS REPORTING THE OLFACTIVE TROUBLES IN REAL TIME, AN ON-LINE PLATFORM THAT GATHERS THE INDICATIONS AND VERIFIES THEIR RELIABILITY AND A DETECTION SYSTEM THAT CAPTURES AIR FOR THE LABORATORY CONTROL.

ODORPREP IS THE ON-DEMAND SYSTEM FOR MONITORING AND SAMPLING AIR.



APPLICATIONS

At the service of citizens and companies.

FOR INSTITUTIONS

OdorPrep is installed in the urban areas to be monitored and provides a measurement in real time of odour.

The system collects the incidents reported by citizens via app and activates the air sampling through the detection system. In this way, authorities can intervene to eliminate the problem in a timely manner.

The cooperation between citizens and institutions, through the use of an innovative technology as OdorPrep represents a positive system to ensure the healthiness of air, to protect the quality of living condition and the psycho-physical wellbeing of citizens.

How it works

View our video



THE CITIZENS REPORT THE PRESENCE OF AN OLFACTIVE INCIDENT VIA THE MOBILE APP.

THE REPORT IS GATHERED INTO AN IT PLATFORM THAT VERIFIES ITS RELIABILITY (ORIGIN, USER'S DATA, FREQUENCY OF REPORTS, ETC.). THE PLATFORM ALERTS THE SYSTEM MANAGER.



OdorPrep



THE MANAGER ACTIVATES THE SAMPLING OF THE AIR. THE AIR IS CAPTURED INTO A BAG. THE SAMPLE OF THE AIR IS COLLECTED BY TECHNICIANS AND BROUGHT TO A SPECIALIZED LABORATORY.



THE LABORATORY TECHNICIANS PERFORM THE DYNAMIC OLFACTOMETRIC ANALYSIS.

Ph. source: thanks to Olfasense.



THE CONTROL AUTHORITIES, BASED ON ACTUAL RESULTS, INTERVENE TO SORT THE PROBLEMS OUT.

FOR COMPANIES

View success story

To keep the odorous emissions under control, companies can install OdorPrep inside their plant or close to critical processes.

When the electronic nose detects an excess over the threshold values, the sampling begins.
The sample is collected by the technicians and brought to a specialized laboratory for the olfactometric analysis.

In this way, companies can constantly monitor the odorous trends to detect the critical processes that cause odours and adopt all the measures to contain emissions.



DETECTION SYSTEM

A champion of technology.



The system is provided with highly sensitive ancillary sensors that measure in real time the presence of odorous substances contained in the air.

The electronic nose simulates the behaviour of the human nose: it records the variations of signal and measure odours through statistical analysis.

The sampling of the air, both short and long term, takes place into inert bags (Nalophan) via remote control.



Image for illustrative purposes only.

CONFIGURATION	I° LINE	II° LINE	III° LINE	IV° LINE
TT	Nalophan™	Nalophan™	X	X
FF	Cartridge	Cartridge	X	X
CC	Canister	Canister	X	X
TF	Nalophan™	Cartridge	X	X
TC	Nalophan™	Canister	X	X
FC	Cartridge	Canister	X	X
TFC	Nalophan™	Cartridge	Canister	X
TTF	Nalophan™	Nalophan™	Cartridge	X
FFC	Cartridge	Cartridge	Canister	X
CCF	Canister	Canister	Cartridge	X
CCFF	Canister	Canister	Cartridge	Cartridge

Available sampling lines	Abbreviation
Rigid and opaque vacuum tube for sampling on Nalophan©bag	**T**
Sampling module on a thermal-chemical desorption cartridge	**F**
Sampling module on Canister	**C**

View data sheet

ODORPREP®
Automated Odor Emission Sampler

www.odorprep.eu

ODORPREP IS A PROJECT BY
LABSERVICE ANALYTICA SRL
Via Emilia 51/c - 40011 Anzola Emilia (BO)
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This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No. 756865

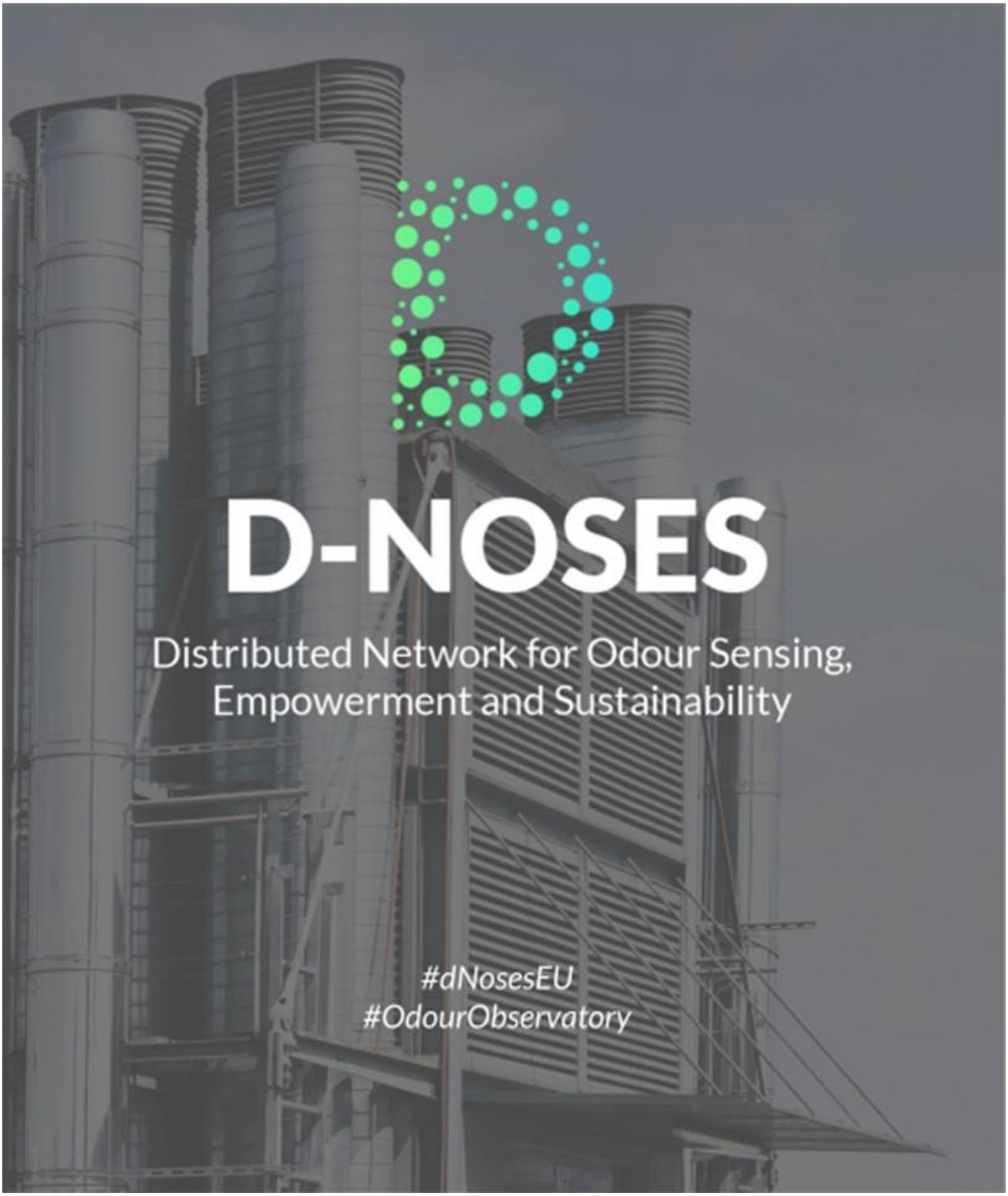
DOWNLOAD OUR APP

GET IT ON Google play

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02

Appendix G. Example of Community Engagement App


D-NOSES
Distributed Network for Odour Sensing,
Empowerment and Sustainability
#dNosesEU
#OdourObservatory

Working together for new solutions to odour pollution

D-NOSES is an EU funded project to provide a new, bottom-up approach to odour pollution issues.

The project will use new mapping, data collection and community engagement tools to facilitate citizen science interventions across Europe and beyond. This will result in ***The International Odour Observatory***, a website to promote engagement in odour issues at all levels. The aim is to literally put odour pollution on the map. D-NOSES, will identify **local problems** and **co-create local solutions** with citizens, industries, regional & local authorities and odour experts. The experiences from **10 pilot sites** will be used to build up a multi-level governance model for odour pollution.

From April 2018 to March 2021, D-NOSES will cooperate with all stakeholders to test and improve the new citizen science based approach to odour management. This will result in a ***Green Paper on Odour Pollution***, new scientific and policy guidelines, and a ***Strategic Roadmap on Odour Pollution.*** The ultimate aim is to introduce the issue into the policy agenda and help promote sustainability through community action.

Citizen science for healthy, sustainable communities.

Did you know that the second most common reason for environmental complaints across Europe, after noise - is odour pollution?

Do odours affect your community?

Odour pollution tends to be ignored in policy agendas, leaving citizens to fend for themselves. The new D-NOSES bottom-up approach empowers citizens, increases transparency, improves relationships in communities, and increases the quality of life.

D-NOSES needs help from engaged citizens to produce **real-time data** to inform the **co-creation process** with all stakeholders. Anyone can help gathering odour observations using:

The free mapping app **OdourCollect**

The collaborative **Community Maps**

Get involved!

Appendix H. Indicative Costs of Recommendations

HARDWARE + SOFTWARE

		price per unit		# units		subtotal	
1. Automatic Bag Samplers							
devices	€	15,000		4	€	60,000	assumed OdorPrep - two-sampling module
software	€	8,000		1	€	8,000	OdorPrep Alert software
2. Instrumental Odor Measurement System							
devices	€	11,650		4	€	46,600	assumed Rubix SM-1
software	€	700		4	€	2,800	annual subscription
shipment cost estimate from Europe					€	5,000	total assumed for 1. and 2.
Sales taxes or import fees					€	24,480	assumed 20%
Total (Euros)					€	146,880	
Total (USD)					**$**	**176,256**	

ANALYSES[1)]

		price per unit		# units		subtotal	
Option 1. Odor bag analyses (Montrose) 1 x four locations	$	695		4	$	2,780	each time (4 bags)
Option 2. Odor bag analyses (Montrose) 20 x four locations	$	2,780		20	**$**	**55,600**	per year assuming 20 times (80 bags)

[1)] The costs for the analyses of the collected bags includes PTR-TOF MS Analysis and Results Table for each bag, and the Principal Component Analysis (PCA) for Calculated Source determination. This is an indicative cost based on information received from Steven Yuchs on March 14th, 2022 (syuchs@montrose-env.com). Montrose has an office in Antioch (that is 90 minutes away) that could potentially also collect the bags and ship them to the Montrose lab for PTR-TOF MS and PCA analyses.

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Cap. Soc. € 102.774,92 i.v.
Trib. Bologna n. 39837
C.F./Reg. Impr. 03442910372
Reg. AEE n. IT08020000002556
Cert. Nr. 39001721510

Spettabile:
JACOBS
One Glass Wharf
BS20EL BRISTOL (GB)

PREVENTIVO: 22VQ000399/0 ***del:*** 09/03/22 Pag. 1/1

DELIVERY COSTS: Free of charge (*)
Terms of delivery: 10-12 WEEKS
Packaging : included
Validity Offer: **60 DAYS**
Payment: 30 days d.f. bank transfer

OdorPrep V3 - Configuration	Description	Unit Price HT
Two sampling modules	On-demand air sampling system configured with two sampling lines. On-board control panel. Mobile application (Play store) for the creation of monitoring campaign, the management of the sampling unit and the remote activation of sampling lines. 3 sampling methods available: Nalophan™ bag; thermal / chemical desorption cartridge; canister. Thermoregulation cabinet for samples storage.	€ 15.000
Three sampling modules	On-demand air sampling system configured with three sampling lines. On-board control panel. Mobile application (Play store) for the creation of monitoring campaign, the management of the sampling unit and the remote activation of sampling lines. 3 sampling methods available: Nalophan™ bag; thermal / chemical desorption cartridge; canister. Thermoregulation cabinet for samples storage.	€ 20.000
Four sampling modules	On-demand air sampling system configured with four sampling lines. On-board control panel. Mobile application (Play store) for the creation of monitoring campaign, the management of the sampling unit and the remote activation of sampling lines. 3 sampling methods available: Nalophan™ bag; thermal / chemical desorption cartridge; canister. Thermoregulation cabinet for samples storage.	€ 25.000

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Optional	Description	Unit Price HT
OdorAlert	Optional IT module of the OdorPrep® mobile application. Creation of users. Odor reports in real-time. Activation of threshold limit for the automatic triggering of one or more samplers. Push notifications or e-mails at the sampling end. OdorAlert mobile application available on Play Store.	€ 8.000,00
OdorSens	Optional IT module of the OdorPrep® mobile application. Integration of sensors data into the monitoring campaigns for monitoring the air quality, the weather condition, the detection of odors. Activation of threshold limits for the automatic triggering of one or more samplers. Push notifications or e-mails at the sampling end.	€ 16.000,00
OdorBot	Single board computer and software solution for the collection and the overall management of odor complaints sent by citizens via Telegram ™. Automatic on-demand sampling activation option available.	€ 2.500,00
LSRE27411	6L SilcoCan, 3 Port RAVE - Siltek SS	€ 2.000,00
LSNETPID	NETPID bichannel Sensor PID ppb + HIGH- SENSITIVITY (HS)	€ 10.000,00
LSNETPIDV3_HS_PPB	Sistema di monitoraggio dei VOC per applicazioni in Outdoor. Sensori HS 0-3000 ppb alta sensibilità	€ 8.000,00

(*) Delivery costs free of charge to final destination **in UK**

Responsabile Dr. Cesare Rossini
Tel. e-mail cesare.rossini@labservice.it

Servizio Clienti Sig.a Silvia Venturi

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RUBIX
Senses & Instrumentation

JACOBS
MILPITAS PROJECT

Mr. Bart Kraakman

Mr. Scott Cowden

October 7th, 2021

Quotation Ref. JACOBS MILPITAS - CUSTOMER REQUEST 10/5/2021

Subject: Technical proposal for JACOBS Americas for Real Time Monitoring of multiple sites and sources in the Milpitas/ California geographical Area

Dear Sirs,

Further to your request, please find attached our technical proposal regarding the operational environmental monitoring of the three facilities plus the city area.

This proposal describes the full offer for the hardware and software solution but not the physical, electrical and connectivity installation.

We hope that this proposal meets your request, and we remain at your disposal for any further information that you may need.

Yours faithfully,

Jean Christophe Mifsud PhD

RUBIX Senses & Instrumentation

10. BUDGET

This is a budgetary quotation to be replaced by a formal estimate upon request

Component	Description	Unit amount (Ex-works Toulouse/ France)	Expected # of Units
A Network of Environmental Analyzers	WT1 – Analyzer – Industrial Site Configuration (see 3.1.1) (each unit)	€9,180	12
A Network of Environmental Analyzers	WT1 – Analyzer – City Configuration (see 3.1.1) (each unit)	€11,650	5
A Network of Environmental Analyzers	Rubix Software Platform – Subscription (for each individual Analyzer - annual)	€700	17
B & C Odor intensity and odor quality assessment	Consulting support of the model implementation by Analyzer Unit (one time)	€1,200	17
D Odor Dispersion Analysis	Dispersion Plume implementation	TBD	TBD
E Sampling	Provision of Sampling Cases (each)	€6,500	TBD
F Data Analysis	Analytical Services- Customized Reporting (by day)	€1,200	TBD

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive Report Regarding Mayoral/Council Term Limits and Provide Direction to Staff on Future Ballot Measures, If Any (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040 and Ashwini Kantak, Assistant City Manager, 408-586-3053)**
Category:	Leadership and Support Services
Meeting Date:	3/15/2022
	Recommendation: Receive report regarding Mayor/Council term limits and provide direction to staff on future ballot measures, if any.

BACKGROUND:

At the August 4, 2020, City Council meeting, the City Council voted 3-2 (Councilmembers Phan and Dominguez voted no) to discuss the possibility of the following: pursuing a change to the term limits applicable to the Mayor and/or the City Council. At the March 16, 2021 City Council meeting, the City Council voted 3-1-1 (Councilmember Dominguez abstained, and Councilmember Phan voted no) to agendize a discussion to change the term limits. At March 16, 2021, meeting, Mayor Tran also requested information related to potentially eliminating the position of the directly elected Mayor in favor of a rotational Mayor position amongst all councilmembers.

The position of the directly elected Mayor was established by the voters in the November 2, 1976 Election.

Term limits were also adopted by the voters in May 17, 1996, which added Milpitas Municipal Code section I-400. The Municipal Code specifies that a person may serve a maximum of three consecutive elective terms as either a City Councilmember or as the Mayor. However, a person can extend out these terms if they are a Councilmember who is elected to Mayor or the Mayor who is elected to a City Council seat. Under this latter scenario, a person can serve a combined total of no more than four consecutive elected terms.

In order to change the position of directly elected Mayor or term limits, a future ballot measure would need to be proposed by the City Council and approved by voters.

ANALYSIS:

Directly Elected Mayor

The position of a directly elected Mayor and how to establish and terminate such a position is governed by California Government Code Section 34902(b) that specifies as follows:

> *(b) After an office of elective mayor has been established, the city council may subsequently submit to the electors the question of whether or not to eliminate the elective office of mayor, pursuant to the procedures enumerated in this article, and thereby reestablish the procedure of selection of the mayor by the city council. If a majority of the votes cast on the proposition are in favor of the elimination of the office of elective mayor, the office shall be eliminated on the expiration date of the incumbent's term, and on the date the procedure of selection of the mayor by the city council shall be reestablished*

Therefore, if the City Council wishes to eliminate the office of elective mayor, the question will need to be posed to the voters. It is recommended that the ballot measure for this question, if it is adopted, be effective in 2024 so that any individual elected to Mayor in 2022 can serve one full term.

Term Limits

California Government Code section 36502(b) authorizes a general law city, such as the City of Milpitas, to limit the number of terms an elected Mayor and/or City Councilmembers may serve. This State law outlines two principal rules:

- *A local term limits measure must be "prospective*". It may only apply to new Mayoral/Council terms that were voted upon at the same election as the measure, or terms voted upon at a later election. For example, a term limits measure passed at the November 8, 2022 General Municipal Election could apply to new terms elected at that same election and to those new terms elected in November 2024, 2026, etc. However, it could not apply to terms elected two years earlier at the November 3, 2020 General Municipal Election. That would make the measure impermissibly "retroactive" rather than "prospective".

- *A local term limits measure requires voter approval.* It must be submitted to City of Milpitas voters at a "regularly scheduled election" and obtain majority voter approval. Under case law, a "regularly scheduled election" means (i) a statewide primary election, (ii) a statewide general election or (iii) a general municipal election. The next Statewide General Election will be held on November 8, 2022, which also coincides with the City's next General Municipal Election. Staff notes that most cities schedule term limits measure elections to coincide with their Council elections. Because term limits measures require voter approval, the State Elections Code for local measures applies. Such a measure may be placed on the ballot by either a citizens' initiative petition, signed by least 10% of the City's registered voters, or by City Council majority action to call the measure for election. Once placed on the ballot, the City Attorney will prepare an impartial analysis of the measure and interested persons may submit written arguments for or against the measure, to be included in the voter information guide as provided by State Elections Code.

Beyond these two principal rules, how a term limits measure is ultimately written is left to local policy. There are a number of policy factors to consider:

Length of Term Limits?

California cities typically set either a two- or three-term limit. While one-term and four-term limits are legally permissible, they are rare in California. The current term limits in the City of Milpitas are effectively three consecutive terms with an option for a fourth term if the Mayor is voted into a Council seat, or a Councilmember is voted into the Mayor's seat.

Lifetime or Consecutive Term Limits?

A *lifetime* term limit is precisely that. When the elected official reaches the applicable term limit, he or she may no longer serve in that elected office for the remainder of his or her life.

However, in the case of a *consecutive* term limit, when the elected official reaches the applicable term limit, he or she must step down from the office for a period of time. During this "cooling off" period, the person may not be elected or appointed to serve in that office. State law does not set a specific "cooling off" period. That said, this is typically set by local agencies at either two or four years. After the "cooling off" period expires, the person may again run for that elected office (or be appointed to such office) for additional consecutive terms as allowed under the term limits measure. In the case of the City of Milpitas, the cooling off period is the time period between general municipal elections which is 2 years.

Separate Term Limits for Mayor and Council or Combined Term Limits for Both Offices?

State law allows a term limits measure to set different limits for the elected Mayor and City Councilmembers. It also allows a single term limit to cover both Mayor and Councilmembers combined. The City of Milpitas currently has a single term limit that covers both the Mayor and Councilmembers. The City Council could

retain a single term limit for ease in administration or opt to create different limits for the elected Mayor and City Council, assuming the City retains an elected Mayor.

Based on the above, we will be inquiring with the City Council regarding the following:

- *Does the City Council desire to eliminate the directly elected Mayor position? This would mean, if the measure passes, the directly elected Mayoral seat would be eliminated and all seats will be councilmember seats beginning in 2024.*

    - If not, then the City Council will need to consider whether it wants to provide any direction on the applicable term limits for the Mayor's position or leave them as-is.
    - If so, then the City Council could consider options on term limits for all Council seats as further detailed below.

- *Does the City Council want to modify the term limits applicable to City Councilmembers? If so, then:*

    - *How many years should constitute a term?* Current number of years that constitute a term is 4 years
    - *How many terms are allowed?* Current number of limits allowed for each term is 3 at 4 years each for a total of 12 years.
    - *Are the term limits consecutive or lifetime?* Current term limits are consecutive, not lifetime.

FISCAL IMPACT:
None at this time. However, if a term limits measure and/or a measure eliminating the directly elected Mayor position were placed on the ballot, there would be an estimated expense of $73,000 per ballot measure added to the cost for the Santa Clara County Registrar of Voters to conduct the election.

California Environmental Quality Act (CEQA): The City Council's action in receiving the report and providing direction is not a project subject to the California Environmental Quality Act (CEQA) as it is more akin to general organizational or administrative activities of the City that will not result in direct or indirect physical changes in the environment pursuant to CEQA Guideline 15378(b)(5).

RECOMMENDATION:
Receive report regarding Mayor/Council term limits and provide direction to staff on future ballot measures, if any.

Attachment(s):
None