


Part 20. Additional Policies

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL		
	POLICY 20.1 CODE ENFORCEMENT POLICY		
Adoption Date:	11/14/2011	Adopted by:	City Council Motion
Revised Date: ¹	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

20.1.1 BACKGROUND

City staff is on occasion called on to address non-compliance with the Belvedere Municipal Code (BMC). These issues range in nature from illegal construction to failure to obtain design review approval. The Municipal Code provides for administrative remedies for Code violations (Chapter 1.14) which includes assessment of fines by the City Council, and nuisance abatement (Chapter 8.12) which includes remedies to resolve a public nuisance by City-awarded contract bid.

20.1.2 COMMENTS

This policy addresses violations of the BMC. The purpose of this policy is to assist in categorizing typical violations between City departments, and to establish a procedure for addressing code violations and occasions of public nuisance.

20.1.3 DEPARTMENT AUTHORITY AND JURISDICTION

“Code enforcement” is a term that applies generally to any deviation from the regulations in the BMC. The first step in resolving a complaint is to determine what violation of the BMC has occurred, or is occurring, and which department(s) has or have the responsibility to respond. For example, violations of Title 16, “Building and Construction,” are the responsibility of the Building Official and violations of Title 20, “Design Review,” are the responsibility of the City Planner. If a violation is referenced by both Ordinances, both departments shall be notified.

Other examples of separate department authority and jurisdiction are Public Works and the Fire Department. Public Works has the responsibility to respond to violations of the BMC involving the public right-of-way. The Tiburon Fire Protection District (TFPD) has authority and jurisdiction over violations involving fire lanes and vegetation management standards.

The table on the following page indicates some typical complaint types and the departments that would be responsible for responding and following up on a code enforcement case. The departments may choose to coordinate code enforcement efforts, or the departments may choose to pursue enforcement individually, with coordination by the City Manager.

¹ Records indicate this policy was revised administratively 1/2/2012

Type of Complaint	Responsible Department				
	Public Works Manager/City Engineer	City Planner	Building Official/ Code Enforcement Officer	Fire Marshal (TFPD)	Police
Construction requiring building permit on private property		X	X		
Installation of other improvements [not requiring a building permit; e.g. landscaping, house painting] on private property		X			
Construction requiring building permit in the public ROW or public lands	X	X	X		
Construction work on weekends			X		X
Existing trees or hedges that block views in the public ROW or public lands	X				
Existing trees or hedges that blocks views on private property		X - as applicable			
Installation of new trees or hedges in the public ROW or public lands	X	X		X	
Installation of other new improvements in the public ROW or public lands	X	X			
Illegal construction parking			X		X
Illegal parking on private street (fire lanes)				X	
Illegal parking on public streets					X
Nuisance Abatement Public Hearing at City Council			X - with input and report from staff		

Type of Complaint	Responsible Department				
	Public Works Manager/City Engineer	City Planner	Building Official/ Code Enforcement Officer	Fire Marshal (TFPD)	Police
Noise complaints			X		X
Tree removal in the public ROW	X				
Tree removal on private property		X			

20.1.4 CODE ENFORCEMENT LOG

Code enforcement logs help staff track open cases of violations. Currently, the city does not use a code enforcement log, but staff may consider using an Excel spreadsheet to track active code enforcement cases between departments, or by a single department.

Data that should be collected in a code enforcement log might include: complainant contact information, responsible party contact information, times/dates of violation notification(s), inspection(s), all communication(s), and final resolution.

The Building Official/Code Enforcement Officer is responsible for maintaining the paper code enforcement files. The Building Official/Code Enforcement Officer has the authority to withhold the issuance of a building permit until a Code Enforcement case is resolved.

20.1.5 COMPLAINT POLICY

With the adoption of this policy, the City finds that it is in the best interest of the public that violations of the Municipal Code be reported to City authorities for action and correction. Because complainants may have significant privacy interests at stake, divulging their names and contact information could have a chilling effect on future complaints. Therefore the City adopts a policy of keeping the names and contact information of complainants confidential.

In some Code Enforcement cases, it may be in the overriding public interest not to disclose all of the information in the City’s possession. To prevent the premature release of information which could be deemed confidential, and to allow for the redaction from the record of complainant identification, requests to view or obtain copies of Code Enforcement records shall be submitted following the procedure set forth in Policy 7.6, “Records Requests,” of this Manual. Verbal inquiries and requests for information shall be directed to the City Manager and/or City Attorney.

In the case of anonymous complaints that do not involve life/safety issues, City staff maintains discretion to pursue or not pursue a remedy based on the severity of the violation and the availability of staff time and resources.

20.1.6 GENERAL PROCEDURES

Upon receiving notice of a code violation, the first course of action is to conduct an investigation to confirm or deny the alleged violation. During staff's investigation of complaints, it is imperative to be aware of safety issues inherent to on-site inspections, and to take any and all precautions as may be necessary depending on the circumstances of the situation. This may include requesting assistance from other departments to bring their expertise to the investigation process.

If a violation is confirmed, staff shall contact the responsible party (RP), inform them of the violation, and offer remedies to them so that they may pursue voluntary compliance. Staff should begin a written record of the course of action (see Code Enforcement Log, above). A stop work notice may be issued for violations of the Building Code, design review, or other violations of the Belvedere Municipal Code. The RP may respond immediately to pursue remedy, and the code enforcement case may be resolved quickly. If the violation came to the attention of staff via complaint, staff shall confirm the remedy and notify the complainant that the code enforcement case is resolved. However, if the RP does not seek to correct the violation immediately, and/or to the satisfaction of the responsible department director, the next course of action is to determine if the appropriate procedure involves an administrative remedy for code violations (BMC 1.4), or nuisance abatement (BMC 8.12).

At the close of a code enforcement case, staff should update the code enforcement log with the final outcome.

20.1.7 PROCEDURES --ADMINISTRATIVE REMEDIES FOR CODE VIOLATIONS

The following is a summary of BMC Chapter 1.4, "Administrative Remedies for Code Violations." Please refer to the Municipal Code for more detailed information.

The administrative remedies describes procedures for compliance orders, method of service, hearings, and penalties. The first course of action in pursuing a remedy for a code violation is to notify the responsible party in writing of the violation.

Pursuant to BMC Section 1.14.030, a compliance order shall contain the following information:

1. The date and location of the violation;
2. The section of the Code violated and a description of the violation;
3. The actions required to correct the violation;
4. The time period after which administrative penalties will begin to accrue if compliance with the order has not been achieved;
5. Either a copy of Chapter 1.14 of the Municipal Code, or an explanation of the consequences of noncompliance with the chapter and a description of the hearing procedure and appeal process.

Please refer to Municipal Code Section 1.14.040, "Method of Service," for proper methods of service of a compliance order.

If the department director determines that all violations have been corrected within the time specified in the compliance order, the code enforcement log should be updated to reflect the final resolution of the case.

If full compliance is not achieved within the time specified by the compliance order, the Director shall advise the City Clerk to set a hearing before the City Council. The City Clerk shall cause a written notice of hearing to be served on the RP, and where real property is involved, a notice of hearing shall be served on the property owner at the address as it appears on the last County assessment roll available on the date the notice is prepared. Please refer to Municipal Code Section 1.14.060, "Notice of hearing," for more information.

If the City Council determines that a violation has occurred which was not corrected within the time period specified in the compliance order, the City Council shall issue an administrative order which imposes any or all of the following:

- A. An order to correct, including a schedule for correction where appropriate;
- B. Administrative penalties as provided in BMC Section 1.14.090, "Administrative penalties;"
- C. Administrative costs as provided in BMC Section 1.14.100, "Administrative costs."

20.1.8 PROCEDURES --NUISANCE ABATEMENT

Public nuisance procedures and remedies are an alternative to any other procedure (such as administrative remedies, above) allowed by law. Belvedere Municipal Code Chapter 8.12, "Nuisance Abatement," deals with specific conditions that may be defined as a public nuisance. The following conditions are edited and adapted from BMC Section 8.12.010, "Nuisances designated." For complete information regarding public nuisance conditions, please refer to the Municipal Code.


- A. Grading, excavation, the removal of a structure or fill, causing erosion or surface water drainage problems of such magnitude as to be injurious to the public health, safety and welfare or to adjacent properties, or which violates state or federal regulations or local ordinances regarding stormwater runoff;
- B. Building or structures constructed without applicable permits or approvals, or which are partially destroyed or are permitted to remain in a state of partial construction for more than 12 months;
- C. Doorways, windows or other openings into vacant structures which are not secured and maintained from public access;
- D. Accumulated trash and debris;
- E. Dead, decayed, diseased or hazardous trees, weeds and other vegetation on developed property which creates a danger to public health, safety and welfare, or blocks or obstructs a sidewalk, street, driveway or alley;
- F. Landscape features failing to meet minimum levels of maintenance and care;
- G. Maintenance of premises in a manner so out of harmony or conformity with the maintenance standards of adjacent properties as to cause material diminution of the enjoyment, use or property values of such adjacent properties;

- H. Storage on private property of products which are items of commerce that are stored as part of conducting a private business, and which are visible from a public right-of-way or neighboring properties;
- I. Except in fully enclosed garages, the parking or storage of abandoned or nonoperational motor vehicles, boats, trailers or motorcycles;
- J. Private sewer lines which have been determined to be illegally connected or in a leaking, broken or clogged condition;
- K. Any attractive nuisance dangerous to children, including but not limited to (1) any swimming pool, pond, spa or other body of water which does not conform to City or state statutes regulating pool safety enclosures, (2) buildings which are abandoned or partially destroyed, (3) abandoned, neglected or broken motor vehicles, boats, machinery or equipment;
- L. Performance of work on motor vehicles, vehicle engines or parts, boats, trailers, or household fixtures or appliances, on a public right-of-way or visible from a public right-of-way or neighboring properties;
- M. Use of the public right-of-way for temporary or permanent storage and/or cleaning of commercial kitchen appliances or utensils;
- N. Docks which are in a deteriorated condition resulting in the threat of breaking loose from their moorings, or which have broken loose from their moorings;
- O. Storage on private property of construction vehicles or materials for more than 30 days without evidence of substantial construction activity;
- P. Abandoned utility lines.

For noticing requirements to abate a public nuisance, refer to BMC Section 8.12.030, "Notice--Posting and service requirements--Form."

The City officer abating a Nuisance shall keep an account of the cost of abatement and shall render an itemized, written report to the City Council showing the cost of removing or abating the nuisance. Abatement of the Nuisance may, in the discretion of the City Council, be performed by contract awarded by the Council on the basis of competitive bids let to the lowest responsible bidder pursuant to Government Code (Sections 37903, 37904, 37905 and 37935). In such an event, the contractor shall keep the account and submit the itemized written report.

A public nuisance which is an emergency and which, if unabated, constitutes a threat to the public safety, health and welfare, may be summarily abated upon the determination of the City Manager. Upon such determination, the City Manager may direct any officer of the City to enter upon private property for the purpose of abating the public nuisance.

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL POLICY 20.2 RISK MANAGEMENT POLICY		
	Adoption Date:	1/10/2006	Adopted by:
Revised Date¹:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

20.2.1 RISK MANAGEMENT MISSION STATEMENT

The Belvedere local government has a moral and legal duty to its citizens, employees, and assets. It will meet its duty by ensuring that risk management plays an integral part in sound governance at both a strategic and operational level.

20.2.2 RISK MANAGEMENT GOALS

- To eliminate or reduce the risk of loss.
- To transfer the City’s risk of loss to others whenever possible and practical.
- To apply responsive claims management techniques to losses that do occur.
- To protect the City budget from catastrophic losses, or an annual accumulation of losses, that would cause financial hardship.

20.2.3 RESPONSIBILITIES

- **City Council:** The City Council shall support the risk management effort through setting policy in accordance with its Resolution No. 2005-23. The City Council shall appoint one of its members to serve as the board member of insurance JPAs to which the City belongs.
- **City Manager:** The City Manager shall have overall responsibility for the risk management program and for assigning responsibilities to the City staff. He shall be responsible for the City’s disaster preparedness program. He shall serve as the City’s alternate liaison to the City’s insurance brokers, carriers, and claims administrators.
- **Risk Manager:** The Risk Manager shall have responsibility for the day-to-day administration of the City’s risk coverage, claims processing, and safety training program (non-sworn personnel). The Risk Manager shall serve as: alternate board member of insurance JPAs to which the City belongs; liaison to the City’s insurance brokers, carriers, and claims administrators; and chairman of the Personnel Safety Committee. The Risk Manager shall serve as an advisor to the City Manager and City Council on risk-related matters.

¹ Prior history indicates this policy was updated administratively 12/8/2006, 5/11/2009, and 7/9/2012

- Police Chief: The Police Chief shall have responsibility for the day-to-day administration of the Police Department's risk management program and safety training program for sworn personnel and non-sworn employees of the police department. The Chief of Police shall serve on the Personnel Safety Committee.
- Supervisors and Department Heads: The following staff members shall also serve on the Personnel Safety Committee: Building Official/Code Enforcement Officer; Public Works Manager.

20.2.4 ORGANIZATION OF PERSONNEL SAFETY COMMITTEE

- The Committee is responsible for keeping the City's Illness and Injury Prevention Program (IIPP) up-to-date and for making policy recommendations regarding the safety and health of City employees; decisions are made by majority vote of those present with each member having one vote. The Committee's organization and duties, as far as personnel matters are concerned, are prescribed in the City's IIPP.
- Meetings shall be held quarterly, and minutes prepared of the proceedings.

20.2.5 ACCIDENT INVESTIGATION & CLAIMS PROCESSING

- Work-related injuries and illnesses shall be investigated as prescribed in the City's IIPP.
- Vehicle collisions, citizen injuries, property and equipment damage or theft/vandalism shall be investigated by the Police Department with the full cooperation and assistance of other departments, as needed.
- The Risk Manager shall review all draft incident reports and claims, sign off on them, and submit them to the appropriate claims investigator within 24 hours. Department heads and supervisors shall review all accident reports, incident reports, and claims affecting their departments and provide timely information to the Risk Manager for forwarding to the appropriate claims investigator. The Risk Manager shall keep the City Manager apprised of all incidents and claims.
- The Risk Manager shall be responsible for all paperwork & documentation of claims and OSHA reporting.

20.2.6 HAZARD IDENTIFICATION PROGRAM

- Hazards in the workplace are covered by the City's IIPP and logged in the City-wide Hazard Log.
- All City employees who work in the field are responsible for identifying and reporting hazards to the head of the department that is responsible for correcting them. The City's compact size and limited number of employees creates a unique situation in which hazards can immediately be reported directly to the responsible department head and corrected in a time-frame appropriate to their severity. All City employees who either observe on their own or take reports from the public regarding hazards and service requests shall enter the information in the City's central Hazard Log. The corrective

action taken and date shall be entered by the staff person assigned to investigate and/or correct the problem. Hazard Logs are retained for a period of at least three years. (Refer to Administrative Policy Manual, Policy 11.12, "Hazard Log.")

- The Risk Manager shall work with the Public Works Manager to formally document established and proven safety programs of the City, such as the tree and brush trimming program and the sidewalk repair program.

20.2.7 INSURANCE COVERAGE, LITIGATION, AND SETTLEMENT AUTHORITY

- General Liability. The City shall maintain primary and excess coverage being purchased in appropriate amounts consistent with the City's financial resources.
- Property. The City shall maintain insurance sufficient to cover the replacement cost of its real and personal property, with appropriate deductibles.
- Employee Crime/Errors and Omissions. The City shall maintain coverage for employee crime/errors and omissions with appropriate deductibles.
- Workers' Compensation. The City shall maintain an appropriate ~~insured-retention~~ plan for workers' compensation.
- Funding sources. All insurance premiums shall be paid out of the General Fund as a regular line item under Operations in the General Administration budget of the City.
- Claims administration. The City shall use outside professional claims management for all of its insurance claims.
- Settlement authority. By a resolution adopted on July 9, 2012, the City Council delegated authority to the California Joint Powers Insurance Authority to act on its behalf to settle all claims against it.
- Comparison of providers. At the direction of the City Manager, the Risk Manager shall periodically prepare a comparison of providers for the City's insurance needs with a recommendation to the City Manager for any changes.

20.2.8 CONTRACTUAL LIABILITY

- The Assistant City Manager shall be responsible for determining indemnity requirements for contractors and for monitoring certificates of insurance and endorsements for all City public works projects.
- The Director of the Belvedere-Tiburon Joint Recreation Department shall be responsible for determining indemnity requirements for users of the Community Center and Community Park and for monitoring certificates of insurance and endorsements from facility users.
- The Assistant City Manager, in consultation with the risk management advisors of the City's liability insurance provider, shall be responsible for determining indemnity requirements for City contractors, facility users, and providers not described above. The Assistant City Manager shall be responsible for monitoring certificates of insurance and endorsements required from such entities.

20.2.9 EMPLOYMENT ISSUES

The following issues shall be addressed as prescribed in the City's Personnel Rules and Regulations and/or the IIPP: Pre-placement screening; first aid certification; background checks (motor vehicle and criminal); employee indemnification; employee activities; employee benefit coordination and plan document responsibilities.



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL

POLICY 20.3
GUIDELINES FOR PUBLIC MEMORIALS

Adoption Date:	6/8/2009 ¹	Adopted by:	City Council Motion
Revised Date:	3/11/2013 ² 3/11/2019	Revised by:	City Council Resolution No. 2013-07 City Council Resolution No. 2019-04
Authority:	City Council		

20.3.1 **PURPOSE**

This policy was created to assist the Belvedere Parks and Open Space Committee in standardizing approvals for memorial and dedicatory installations in public places within the City. Considering the visual aesthetics, placement and long-term maintenance, guidelines are set for appropriate management of pending sites.

20.3.2 **APPROVAL REQUIRED FOR INSTALLATIONS IN PUBLIC PLACES**

Installations donated to the City, including any dedicatory monuments or plaques and the wording thereon, must first be approved by the Belvedere Parks and Open Space Committee in conjunction with the City staff. Requests should be submitted in writing to the Parks and Open Space Department.

20.3.3 **REPLACEMENT OF INSTALLATIONS**

Installations that suffer deterioration with the passage of time so that they no longer present a neat appearance and/or lose their functionality may be replaced or relocated by the City at its discretion. Department staff will attempt to notify the original donor, in writing, to facilitate a timely replacement or relocation if so desired, at their last known address.

20.3.4 **CRITERIA FOR NEW INSTALLATIONS**

- A. Honorees. Persons honored must be present or past residents of Belvedere. No pets or other animals shall be honored in this manner.
- B. Types of Installations. The following items will be reviewed and accepted on a case by case basis:
 - 1. City-approved structures or landscape projects.
 - 2. Trees named as part of a City-approved landscape project.
 - 3. Lanes: reopening; redesign or repair; installation of handrails.


¹ Recommended by the Parks & Open Space Committee 5/7/2009

² Recommended by the Parks & Open Space Committee in 2012

- C. Donor Plaques. The design of the plaques used on new installations, maintenance, or replacement installations will be (determined) provided by the Parks and Open Space Committee.
 - 1. The standard plaque installation for maintenance of or replacement of existing benches consists of a brass plate, 1/4- to 1/8-inch thick, or thinner where possible, with text that is clearly legible
 - 2. Step discs lanes.
 - 3. Other recognition plaques.
- D. Locations. The Parks and Open Space Committee shall maintain, in the office of the City Clerk, a list of suggested locations and installation types.
- E. Installations Subject to Design Review. All installations shall be subject to the City's Design Review standards and review process.

20.3.5 MORATORIUM ON INSTALLATIONS

- A. The Belvedere Parks and Open Space Committee has created a moratorium on installations within the Belvedere Community Park playground.
- B. The Belvedere Parks and Open Space Committee has created a moratorium on the installation of new benches within the parks and open spaces of the City except replacement of benches if original donor is not available or in the case of unnamed benches.

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL POLICY 20.4 USE OF CITY FACILITIES		
	Adoption Date:	1/10/2006	Adopted by:
Revised Date¹:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

20.4.1 CITY HALL – NORMAL HOURS OF OPERATIONS

The City Hall shall be open for public business from 8:00 AM to Noon and 1:00 PM to 4:30 PM, Monday through Thursday, excepting legal City holidays (see Policy 9.26 of this Manual for a list of City holidays). The Police Department shall be open Monday through Thursday from 6:00 AM to 3:00 PM.

20.4.2 USE OF COMMUNITY CENTER AS POLLING PLACE

The center room of the Community Center shall be made available as a polling place for voters within City precincts. So as to make the public parking lot available to voters, none of the rooms within the Community Center shall be used for other purposes, including regularly scheduled recreation classes, on election days. Classes which can be held outdoors, in the Community Park, may do so.

20.4.3 GENERAL RULES

No alcohol is allowed in or upon any City of Belvedere facility without prior City approval.

Facility users shall not practice or tolerate discrimination because of race, color, religion, sex, national origin or disability in the use of public facilities.

Applicant/permittee must make application in person to City Hall or the Joint Recreation Department office. All related paperwork, payment of fees, insurance, and other communication will be made and coordinated with the Applicant only.

All applications must be made at least 15 working days in advance of the reservation.

Reservations may be made up to 12 months in advance.

An application to use the Council Chambers is approved only upon the signature of the City Manager.

¹ Records indicate this policy was revised administratively 5/11/2009

City sponsored events take priority over all other usage of the facilities.

A minimum rental of 2 hours is required on all facilities. Reservation may be made for a maximum of 5 hours, not including clean up time. Clean up time is limited to 1 hour; set up time is limited to 2 hours.

Only time stated on the application will be granted for usage. All decorating, set up, event time & cleaning time, must be stated on the application. Additional fees will be charged if the reservation goes beyond the stated time. If additional time for cleanup is needed, it will be billed at 2 times the hourly rate.

For reimbursement of the security deposit, the facility must be left without damage according to all guidelines. The staff will determine if applicant has complied. Security deposits shall be returned by mail within 15 working days after the event.

Facility reservations are not available on holidays and holiday weekends due to strong demand for city facilities on such occasions.

20.4.4 WHAT'S AVAILABLE

The Belvedere Council Chambers is available for reservations through City Hall.

The Belvedere Community Center is available through the Belvedere-Tiburon Recreation Department.

The Belvedere Community Park cannot be reserved but rather is available on a “first-come, first-serve” basis only.

20.4.5 DURING AND AFTER

No equipment or materials shall be removed from any building or facility.

Permittees will be required to have not less than one adult chaperon for each 10 minors present during use of the facilities.

No solicitation of donations, contributions, or sale of anything of value for any purpose shall be allowed on any City facility without prior written approval.

Live or amplified music is permitted for reservations. In order to minimize potential disruption to the use and enjoyment of adjacent properties, music/noise levels shall comply with the Belvedere Municipal Code Sections with respect to noise. Failure to comply with this requirement shall result in immediate suspension of the reservation.

No decorations shall be displayed, installed or provided by permittee, which may damage or deface

the building. Existing decorations may not be removed. The permittee is responsible for removing all of their own decorations and trash at the end of their reservation. No staples, nails, or tape may be used on any building surface or tables.

Place trash in the trashcans. Pick up and mop large debris and/or spills in facility, kitchen and restrooms. Check with staff to insure that facility is left in an acceptable manner, and initial the reservation form.



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL

**POLICY 20.5
LABOR CONTRACT
APPROVAL REQUIREMENTS**

Adoption Date:	12/14/2015	Adopted by:	City Council Resolution No. 2015-35
Revised Date:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

20.5.1 PURPOSE

This policy was created in an effort to increase the transparency of the City’s labor agreement contracts and enhance the public’s awareness of costs and other impacts resulting from the collective bargaining process.

20.5.2 POLICY

All City labor agreements shall be placed on two consecutive public City Council meeting agendas. The first meeting shall be for discussion of the tentative agreement. The second meeting shall be for a vote by the City Council to approve or disapprove the agreement.