City of Belvedere

Administrative Policy Manual

Revised June 9, 2014
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CHAPTER 1. GENERAL PROVISIONS

1.05  **OFFICIAL MANUAL ADOPTED BY THE CITY OF BELVEDERE**

This Administrative Policy Manual, as adopted and amended by City Council resolution, contains a compilation of official policies for various administrative functions of the City, as well as the official policies, rules and procedures regarding City personnel.

1.06  **INJURY AND ILLNESS PREVENTION PROGRAM**

The City of Belvedere Injury and Illness Prevention Program, as adopted and amended by the City of Belvedere Personnel Safety and Risk Management Committee, contains the official policies, rules, and procedures regarding the City’s personnel safety program.

1.07  **GOVERNANCE**

In accepting employment with the City of Belvedere, each employee agrees to be governed by and to comply with these administrative rules and procedures and by the regulations and directives of the department in which he/she is employed. All employees holding a position in the municipal service on the effective date of this manual shall thereafter be subject to the provisions herein.

1.08  **SEVERABILITY**

Should any provision contained in this manual be rendered or declared invalid by reason of any state or federal legislation, court action, or emergency situation, such invalidation so declared shall not invalidate the remaining portion of this manual, which shall remain in full force and effect.
Part 3. Ethics
CHAPTER 8. CODE OF ETHICS AND VALUES

8.05 PURPOSE

Good government requires that decision-makers and policy makers be independent, impartial, and accountable to the people they serve. The City of Belvedere has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in the pursuit of good government. All elected and appointed officials, City employees, volunteers, and others who participate in the city’s government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work.

Because we seek public confidence in the City’s services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

8.06 CODE OF ETHICS AND VALUES

A. As a Representative of the City of Belvedere, I will be ethical. In practice, this value looks like:

- I am trustworthy, acting with the utmost integrity and moral courage.
- I am truthful, do what I say I will do, and am dependable.
- I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- I show respect for persons, confidences, and information designated as “confidential.”
- I use my title(s) only when conducting official City business, for information
purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

B. As a Representative of the City of Belvedere, I will be professional. In practice, this value looks like:

- I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- I approach my job and work-related relationships with a positive attitude.
- I keep my professional knowledge and skills current and growing.

C. As a Representative of the City of Belvedere, I will be service-oriented. In practice, this value looks like:

- I provide friendly, receptive, courteous service to everyone.
- I am attuned to, and care about, the needs and issues of citizens, public officials, and co-workers.
- In my interactions with constituents, I am interested, engaged, and responsive.

D. As a Representative of the City of Belvedere, I will be fiscally responsible. In practice, this value looks like:

- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- I make good financial decisions that seek to preserve programs and services for City residents.

E. As a Representative of the City of Belvedere, I will be organized. In practice, this value looks like:

- I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.
- I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- I am respectful of established City processes and guidelines.

F. As a Representative of the City of Belvedere, I will be communicative. In practice, this value looks like:

- I convey the City’s care for and commitment to its citizens.
- I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
• I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response that adds value to conversations.

G. As a Representative of the City of Belvedere, I will be collaborative. In practice, this value looks like:

• I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
• I work towards consensus building and gain value from diverse opinions.
• I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
• I consider the broader regional and statewide implications of the City’s decisions and issues.

H. As a Representative of the City of Belvedere, I will be progressive. In practice, this value looks like:

• I exhibit a proactive, innovative approach to setting goals and conducting the City’s business.
• I display a style that maintains consistent standards, but is also sensitive to the need for compromise, “thinking outside the box,” and improving existing paradigms when necessary.
• I promote intelligent and thoughtful innovation in order to forward the City’s policy agenda and City services.
CHAPTER 12. GIFTS, GRATUITIES & FINANCIAL INTERESTS

12.05  **PERSONAL GIFTS**

Employment in municipal government carries with it responsibilities that are not ordinarily found in private employment. Gifts from an individual, a company, or organization may be accepted on behalf of the City for all the employees to enjoy. Acceptance of personal gifts will be considered a conflict of interest and will carry the appropriate disciplinary action.

12.06  **GRATUITIES**

No officer or employee of the City shall solicit or accept any gratuity for services rendered.

12.07  **BUSINESS TRANSACTIONS AND FINANCIAL INTERESTS**

No employee shall engage in any business transaction or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest or would tend to impair independence of judgment or action in the performance of his/her official City duties.
CHAPTER 16. CONFLICT OF INTEREST CODE

16.05 ADOPTION & CONTENTS OF THE CONFLICT-OF-INTEREST CODE

The City of Belvedere’s Conflict-of-Interest Code was updated and adopted in its entirety by City Council Resolution No. 2012-34 on October 8, 2012.

The body of the Conflict-of-Interest Code is a word-for-word copy of the Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations. The Conflict-of-Interest Code has an appendix consisting of two parts which spell out which of Belvedere’s public officials must file Statements of Economic Interests and what financial interests they are required to disclose. The appendix is reproduced in the following two sections.

16.06 C.O.I. CODE – APPENDIX SECTION 1 – SCHEDULE OF DESIGNATED PUBLIC OFFICIALS

<table>
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<th>Public Official</th>
<th>Category</th>
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<tr>
<td>Public officials whose duties are broad and indefinable:</td>
<td>1</td>
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<tr>
<td>• Building Official/Code Enforcement Officer</td>
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<tr>
<td>• Deputy City Attorney</td>
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<tr>
<td>• Community Development Director/Assistant City Manager</td>
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<td>Public officials with limited decision-making authority over insurance matters and purchasing and who make recommendations to the city council, thereby participating in the making of governmental decisions:</td>
<td>2</td>
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<tr>
<td>• City Clerk/Risk Manager</td>
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<tr>
<td>Public officials with limited decision-making authority, such as purchasing, contracting for services, and/or making recommendations to the city council, and who work for specific departments within the City:</td>
<td>3</td>
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<td>• Computer Systems Administrator</td>
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<td>• Police Chief</td>
<td></td>
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<tr>
<td>• Public Works Manager</td>
<td></td>
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<tr>
<td>• City Engineer</td>
<td></td>
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<tr>
<td>Members of the planning and building</td>
<td></td>
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<tr>
<td>Public Official</td>
<td>Category</td>
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<td>departments who issue permits and/or make recommendations to the planning commission:</td>
<td>4</td>
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<tr>
<td>• Assistant Planner</td>
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<tr>
<td>• Associate Planner</td>
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<tr>
<td>• Planning Manager</td>
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<tr>
<td>• Planning Intern</td>
<td></td>
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<tr>
<td>• Administrative Assistant/Records Technician</td>
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<tr>
<td>Consultants who serve in a staff capacity that is equivalent to a designated position.</td>
<td>Same category as the designated position.</td>
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<td>Consultants who serve in a staff capacity that is equivalent to a designated position, but who are hired to perform a range of duties that is limited in scope.</td>
<td>The City Clerk or City Attorney shall describe in writing the consultant’s duties and, based upon the description, state the extent of disclosure requirements. <em>(This determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.)</em></td>
</tr>
<tr>
<td>Consultants who serve in a capacity for which there is no equivalent designated position, who are hired to make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest of the City of Belvedere.</td>
<td>The City Clerk or City Attorney shall determine whether disclosure is required. If so, the City Attorney shall describe in writing the consultant’s duties and, based upon the description, state what those requirements are.</td>
</tr>
<tr>
<td>• Positions which do not entail the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest of the City of Belvedere.</td>
<td>Not required to disclose economic interests.</td>
</tr>
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<td>• Unsalaried members of boards or commissions which serve in a solely advisory capacity.</td>
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<tr>
<td>• Positions that are clerical, secretarial, manual, or ministerial.</td>
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<td>• Public officials who file a statement of</td>
<td>These officials are subject to the disclosure</td>
</tr>
<tr>
<td>Public Official</td>
<td>Category</td>
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<tr>
<td>Public officials who manage public investments as defined by 2 California Code of Regulations Section 18701(b):</td>
<td>requirements of Government Code Section 87200 et seq. rather than to this conflict of interest code.</td>
</tr>
<tr>
<td>economic interest pursuant to Government Code Section 87200:</td>
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<tr>
<td>o City Council members.</td>
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<tr>
<td>o Planning Commissioners.</td>
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<tr>
<td>o City Manager/City Treasurer</td>
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<td>o City Attorney</td>
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<td>o Finance Officer</td>
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(Rest of sentence not transcribed)

### 16.07 C.O.I. CODE – APPENDIX SECTION 2 - DISCLOSURE CATEGORIES

<table>
<thead>
<tr>
<th>Category</th>
<th>Disclosure Requirements</th>
</tr>
</thead>
</table>
| 1        | - All investments, business positions in, and income (including gifts, loans, and travel payments) from sources which are now: located in the city; doing business in the city; and/or which own real property in the city.  
- All investments, business positions in, and income (including gifts, loans, and travel payments) from sources which plan within the next calendar year to: be located in the city; do business in the city; and/or acquire real property in the city.  
- All interest in real property, except for a primary residence, which is located in whole or in part within, or within a two-mile radius of, the limits of the city.  
- All investments, business positions in, and income (including gifts, loans, and travel payments) from sources that:  
  o Manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City of Belvedere.  
  o Are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before the City of Belvedere.  
  o Engage in construction, or the acquisition or sale of real property, on the Tiburon peninsula.  
  o Are the type of entity with which the City of Belvedere is empowered to invest funds.  
  o Engage in the business of insurance, including but not limited to, insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries.  
  o Are financial institutions, including but not limited to: banks and savings and loan associations.  
  o Have filed a claim, or have a claim pending, against the City of Belvedere.  
  o Deliver concessions or services on behalf of the City of Belvedere by virtue of the City’s authority. |
<table>
<thead>
<tr>
<th>Category</th>
<th>Disclosure Requirements</th>
</tr>
</thead>
</table>
| 2        | All investments, business positions in, and income (including gifts, loans, and travel payments) from sources that:  
  o Manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City of Belvedere.  
  o Engage in the business of insurance, including but not limited to, insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries.  
  o Have filed a claim, or have a claim pending, against the City of Belvedere.  
  o Deliver concessions or services on behalf of the City of Belvedere by virtue of the City’s authority. |
| 3        | All investments, business positions in, and income (including gifts, loans, and travel payments) from sources that:  
  o Manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the employee’s designated department. |
| 4        | • All investments, business positions in, and income (including gifts, loans, and travel payments) from sources which are now: located in the city and/or which own real property in the city.  
  • All investments, business positions in, and income (including gifts, loans, and travel payments) from sources which plan within the next calendar year to be located in the city and/or acquire real property in the city.  
  • All interest in real property, except for a primary residence, which is located in whole or in part within, or within a two-mile radius of, the limits of the city.  
  • All investments, business positions in, and income (including gifts, loans, and travel payments) from sources that:  
    o Are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before the planning or building departments of the City of Belvedere.  
    o Engage in construction, or the acquisition or sale of real property, on the Tiburon peninsula. |

(Rev. 10/08/2012)
CHAPTER 20. RECUSAL PROCEDURES FOR LEGISLATIVE BODIES

California Assembly Bill 1797 went into effect January 1, 2003. It changes the manner in which members of the City Council, Planning Commission, and other City committees must recuse themselves from items during a meeting. Staff has already been briefed on the new procedure, which is as follows:

- If you have a potential conflict of interest associated with an agenda item, announce it immediately prior to consideration of that item.
- Recuse yourself from discussing, voting, or otherwise acting on or participating in the matter.
- Describe the conflict of interest in sufficient detail so that the members of the audience understand why you are excusing yourself. (Because the address of your property is confidential, you need not give the street number.) For example: “I must recuse myself from this matter because I live within 500 feet of the subject property;” “I must recuse myself from this matter because the applicant is a client of my consulting business.”
- If the matter is on the Consent Calendar, you should step down from the dais and take a seat in the audience.
- For any matter placed elsewhere on the agenda, such as a public hearing, you should retire to the city offices where you cannot be seen or heard from the council chambers.
- If you wish to say something as a private citizen, you may do so during the time public comments are solicited from the audience. Before leaving the chambers, let staff know if this is your intention so they can summon you at the appropriate time to make your statement.
- When the matter is concluded, a staff member will let you know it’s time to come back in and proceed on to the next agenda item. Your questions regarding the conduct and outcome of the part of the meeting you missed should be directed to staff, after the meeting, as you continue to refrain from speaking about it with other members.

(Policy instituted Winter 2003)
CHAPTER 24. CONFERENCE & WORKSHOP ATTENDANCE

24.05 PURPOSE

1. The City Council of the City of Belvedere determines that attendance at conferences and workshops by Councilmembers, Commissioners, and staff provides an opportunity to keep up to date on current issues and regulations.
2. Conference and workshop attendance benefits the community by allowing City representatives to network with other professionals in their field and bring back new ideas.
3. Conference and workshop attendance allows City representatives to learn from the mistakes of other communities and share the Belvedere way of doing things.
4. The City Council therefore established this policy for attendance at conferences and workshops by Councilmembers, Commissioners, and staff.

24.06 POLICY

It is the policy of the City Council of the City of Belvedere to allow attendance at conferences and workshops based on the following criteria:
1. The conference attendee shall make a request to attend the conference or workshop specifying the value of the conference or workshop and their reasons for a request to attend.
   a. Commissioners shall provide a written or oral request to their staff liaison who will prepare a staff report for City Council consideration.
   b. Staff members shall make a request to the City Manager for authorization to attend a conference or workshop.
2. Upon return from a conference or workshop:
   c. Commissioners shall provide a written or oral report to their corresponding Commission members on the information learned from the conference or workshop. The minutes shall reflect the discussion or the written report shall be given to the City Council.
   d. Councilmembers shall provide an oral report to the City Council on the information learned from the conference or workshop.
   e. Staff members shall provide a written report to the City Manager on the information learned from the conference or workshop.
CHAPTER 28. EXPENDITURE REIMBURSEMENTS

The intent of this policy is to establish equitable standards and to achieve reasonably consistent and fair treatment insofar as the reimbursement of expenses incurred in the service of the City of Belvedere. It is intended as a guide for City elected and appointed officials and all City employees for the preparation of expense reports and use of credit cards. Further, it is a means of informing all concerned of their privileges and obligations in the use of City funds for travel, entertainment, and other expenses.

28.05  POLICY

It is the policy of the City of Belvedere to reimburse City elected and appointed officials and all City employees for all actual and necessary expenses incurred in the performance of official duties. Individuals are expected to exercise good judgment in the expenditure of City funds. Items of purely personal expense are not to be approved for reimbursement.

Expenses rendered for reimbursement must be substantiated with receipts and/or other documentation and must state the date, place, and business purpose of the expense. Expense reimbursement should be requested within 30 days after the expense was incurred. Expense advances must be approved by the City Manager and should be substantiated within 10 days after the advance was paid or the expense was incurred, and the unused portion returned within 10 days after the advance was paid or the expense was incurred.

28.06  TRANSPORTATION COSTS

A. Airplane. The cost of air travel tickets for Council, commissioners, and staff while traveling on authorized City business is reimbursable. It is expected that Council, commissioners, and staff will travel by coach or economy class.
B. Automobiles. Mileage reimbursements shall be paid consistent with the applicable Internal Revenue Service rate for those employees not provided an automobile allowance. The cost of rented automobiles is reimbursable when justified by the nature of the trip or the location of the places to be visited or where transportation is limited.
C. Taxis and other local transportation are reimbursable when incurred during an approved
City business trip.

D. Out-of-state travel by City Councilmembers, commissioners, or staff must be approved in advance by the City Council, and shall be deemed pre-approved by the City Council if such expenditure was approved as part of the City's budget.

E. For City staff, prior approval by the City Manager must be obtained where unusual expenses are involved, such as leaving the City for a period in excess of one day or round trip(s) over 100 miles.

28.07 HOTELS

The cost of hotel or motel accommodations incurred on business trips is reimbursable for Council and staff. It is expected that accommodations appropriate to the nature of the business trip will be utilized. It is expected that governmental or group rates will be utilized if offered by the provider.

28.08 MEALS

The actual cost of meals and beverages, including tips, incurred on business trips is reimbursable for Council and staff. Meals should be appropriate to the nature of the business. All meal receipts must note the purpose of the meal and where and when the meal took place. If the receipt was for more than one individual, or the purpose of the meal included more than one individual, the receipt must also note those in attendance. The receipt must be signed and contain all of the preceding information before any reimbursements will be made.

28.09 COMMUNICATIONS

All necessary business calls and messages are reimbursable. Personal communication expenses are reimbursable if incurred because of an emergency or while an individual is on an extended out-of-town assignment.

28.10 GRATUITIES

Tips are reimbursable when confined to reasonable limits as determined by services required and received. Tips for restaurant services should be reported as part of the cost of meals. All other tips should be reported separately.

28.11 ENTERTAINMENT

The cost of reasonable expenses of entertaining individuals not associated with the City who are in a position to benefit the City will be reimbursed. Names of guests and business affiliations must be shown on the expense report. Names of City personnel included in group entertainment must also be shown. Reasonable expenses for such entertainment are reimbursable. Such expenses incurred
by the spouses of City Councilmembers or City staff shall not be reimbursed unless approved in advance by the City Council.

28.12 **MISCELLANEOUS EXPENSES**

A variety of miscellaneous expenses may be reimbursable if appropriate to the nature of the business trip and if properly documented with receipts or other relevant information that sufficiently explains the nature and purpose of the expense.

28.13 **TRAVEL WITH SPOUSE OR COMpanion**

Unless the presence of a spouse or companion will serve a substantial public purpose, or unless the City is the host of a function and spouses or companions are specifically invited to attend, the City will not reimburse the expenses of a spouse or companion who accompanies a Councilmember, Commissioner or staff member on a business trip. In the event that either of the two contingencies in this section are met, reimbursements will be made only if the signed receipts indicate who attended the event, where and when the event took place, and the nature and public purpose of the event.

28.14 **NON-REIMBURSABLE EXPENSES**

Examples of the types of personal expenses which are not reimbursable:
A. Personal entertainment not incurred as a necessary part of entertaining a business guest.
B. Personal reading matter and personal sundries.
C. Personal articles such as clothing.
D. Personal medical costs except in unusual cases where workers compensation benefits most likely will be involved.
E. Political fund raising dinners, parties, and other events.
F. Expenses of spouse, unless specifically allowed under this policy (see comments to section 8 above).
G. Alcoholic beverages.

28.15 **CREDIT CARDS**

All credit card use must note the following required information on submitted receipts:
A. Dinner/entertainment
   1. persons attending
   2. persons city/business affiliation
   3. reason for dinner/entertainment
B. Purchase
   1. purchased items
   2. reason for purchase

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If a receipt is lost, a memorandum to the Finance Officer noting the above information must be submitted or payment will be rejected.

28.16 **ADMINISTRATION**

This policy will be administered by the Mayor, City Manager, and Finance Officer. In case of a question regarding a report, the City Manager and Finance Officer will address the matter without delay with the Mayor and the party or parties involved. If the question involves the Mayor, the Mayor Pro Tem shall be involved. If the question concerns either the City Manager or Finance Officer, the City Attorney shall be involved.

*(Amended 06/08/2009)*

28.17 **ETHICS TRAINING REQUIREMENT FOR PUBLIC OFFICIALS**

The following policy is instituted in compliance with Article 2.4, “Ethics Training,” of Chapter 2, Part 1, Division 2, Title 5 of the California Government Code, also known generally as AB1234 (2005).

28.18 **PERSONS REQUIRED TO RECEIVE ETHICS TRAINING**

Section 05 of the Chapter “Expense Reimbursements” of this Administrative Policy Manual states: “It is the policy of the City of Belvedere to reimburse City elected and appointed officials and all City employees for all actual and necessary expenses incurred in the performance of official duties.” Therefore, members of the City Council and Planning Commission are required by §53235(a) G.C. to receive ethics training. In addition, individual members of other legislative bodies of the City of Belvedere who receive reimbursement of expenses, as well as all City employees and contractors who are required to file a Statement of Economic Interest, FPPC Form 700, are required by the City to receive ethics training.

The only appointed officials exempt from this policy are board members of the Belvedere-Tiburon Library Agency (BTLA), Belvedere-Tiburon Joint Recreation Committee (BTJRC), and other JPA’s and special districts (e.g., County Commission on Aging, Marin/Sonoma Mosquito and Vector Control District) who receive expense reimbursement from those agencies.

28.19 **TYPE OF TRAINING**

The required training shall be composed of at least two hours of training in general ethics principles and ethics laws relevant to service in municipal government. Training shall meet all State requirements and a proof of participation shall be issued to each person successfully completing the training. The City Clerk shall provide information on training available to meet the requirement to Belvedere’s local officials at least once annually.
28.20 FREQUENCY OF TRAINING

Every newly elected or appointed official shall receive the training no later than one year from the first day of service with the City. Thereafter, each official shall receive training at least once every two years. Costs associated with the training shall be paid by the City of Belvedere.

28.21 RECORD KEEPING

The City Clerk is responsible for maintaining records indicating the dates that officials satisfied the training requirement and the entity that provided the training. These records shall be retained for a minimum of five years after the official received the training.

(Added 09/08/2006; revised 09/09/2013)
CHAPTER 36. OATH OF OFFICE

The Oath of Office is an affirmation that the employee will support, defend, and bear truth and allegiance to the Constitution of the United States and the State of California. It states that the employee will take this obligation freely and will faithfully carry out the duties upon which the employee is about to enter.

All employees, city council members, and planning commissioners are required to take an Oath of Office upon assuming their position. The City Clerk shall arrange to administer the Oath of Office.
Part 5. City Council
CHAPTER 44. ITEMS FOR COUNCIL AGENDA

44.05  **Submitting Items for the Agenda**

The following procedure should be utilized in order to put the City Clerk on notice of upcoming items for the agenda:

On the second Wednesday prior to a meeting, the official wording for all items are due in the City Clerk’s office by Noon. It is the responsibility of the staff member to consult the City Attorney’s office for the correct wording for public hearings.

44.06  **Pre-Agenda Staff Meeting**

All staff members who have proposed items for the agenda shall attend the Pre-Agenda Staff meeting with the City Manager and City Clerk that same afternoon at 3:00 PM. The City Clerk will prepare the Notice of Hearing the next morning, post it in front of City Hall, and submit it to The Ark to meet the newspaper’s Noon deadline for submissions for the following week’s issue.

44.07  **Final Staff Report and Attachments**

Typed staff reports are due in their final form on the first Wednesday prior to the meeting in the City Clerk’s office by Noon. All staff reports must be submitted in electronic format except for non-electronic attachments which must be submitted on single-sided sheets 8.5” x 11” (maps and diagrams may be submitted on 8.5” x 14” or 11” x 14” if they are suitable for folding). Pre-printed attachment (e.g. color photographs and diagrams, full-size blueprints) must be submitted with the staff report in sets of 16 copies.

All staff reports will be checked for formatting errors by the City Clerk before submission to the City Manager at the end of the day Wednesday.
RESPONSES TO GRAND JURY REPORTS

When considering responses to Grand Jury Reports, the City shall comply with California Penal Code Section 933 and the Ralph M. Brown Act.

Responses to Grand Jury Reports shall be prepared by the City Manager in consultation with the Mayor, or in his or her absence, the Vice Mayor. Prior to submission to the Grand Jury, proposed responses to Grand Jury Reports shall be placed on a City Council Agenda under City Manager Reports such that the City Council may consider and approve the response.

(Amended 07/2006)
CHAPTER 48. CITY COUNCIL OPERATIONS

48.05  PURPOSE

The purpose of this policy is to provide a framework for operation of the City Council of the City of Belvedere. The City Council of the City of Belvedere serves without compensation and is subject to Section 2.08 of the Belvedere Municipal Code.

48.06  APPLICATION

This policy applies to all City Council elected officials.

48.07  MEETINGS

Regular meetings of the City Council shall be held on the first Monday in each calendar month at 7:30 p.m. When the day for any regular meeting of the City Council falls on a legal holiday, no meeting shall be held on such holiday, but such meeting shall be held at the same hour on the next succeeding day which is not a holiday or at such time and date agreed to by a majority of the City Council. Calendar dates for regular City Council meetings shall be set by Council resolution. All regular meetings of the City Council shall be held at the Belvedere City Hall, 450 San Rafael Avenue, Belvedere, CA 94920-2336.

48.08  SPECIAL MEETINGS

Special meetings may be called at any time by the Mayor or by determination of the majority of the City Council. Written notice of any such meeting must be given to all members of the City Council and to all newspapers, radio stations, television stations, or other media who have previously requested same in accordance with applicable provisions of the Government Code. Such notice may be given either personally or by mail, but must be received at least twenty-four (24) hours before the time set for the special meeting. Such notice is not necessary for any member who submits a written waiver of notice to the City Clerk at or before the time set for the meeting, or for any member who is actually present at the special meeting.
48.09 **SPECIAL EMERGENCY MEETINGS**

A special emergency meeting may be called by the Mayor or by a majority of the City Council where there exists:

A work stoppage, crippling disaster or other activity which severely impairs public health or safety; or

Such other circumstance specified by State law as authorizing the conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and conducted only in accordance with the procedures set forth in State law.

48.10 **CLOSED SESSIONS**

The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. If a closed session is included on the agenda, the description of the item shall be in substantial compliance with applicable State law. During closed session, the City Council may exclude any person or persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the City Council during a closed session are required. There shall be no closed session during any special emergency meeting.

48.11 **ADJOURNED MEETINGS**

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each Council member at least three (3) hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special was held within twenty-four (24) hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held it shall be held at the hour specified for regular meetings.

48.12 **AGENDA FOR MEETINGS**

The City Clerk, under the supervision of the City Manager, prepares the agenda and all such matters according to the order of business and delivers or mails a complete copy of such agenda, together with supporting materials, to each Councilmember and each department head as soon as
possible, but in no event later than the Wednesday preceding the Council meeting.

All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description need not set out the specific action or alternatives which will be considered by the City Council, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda.

48.13 CANCELLATION

Any meeting of the City Council may be cancelled in advance by a majority vote of the City Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of the members have confirmed in writing their unavailability.

48.14 TAKING ACTION AT A MEETING

No action shall be taken by the City Council, on any item not appearing on a posted agenda, subject only to the exceptions listed in the subsection below. "Action taken" as used herein shall mean a collective decision made by a majority of the quorum of the City Council, a collective commitment or promise by a majority of the quorum of the City Council to make a positive or a negative decision, or an actual vote by a majority of the quorum of the City Council upon a motion or proposal, resolution, order or ordinance.

With regards to matters not on the agenda, the members of the City Council may ask questions of persons who raise such matters during the "Open Forum" period or otherwise, but such questions should be limited to informational purposes, and the City Council should avoid discussions of the merits or giving directions regarding such subjects. With regards to matters raised by members of the City Council under "Items from Members," at the direction of the City Council, such matters should be placed on a future agenda without discussion by the City Council.

Every agenda posted for any regular or special meeting shall contain an item consisting of an opportunity for the public to address the City Council on items of interest to the public within the City Council's subject matter jurisdiction. This Open Forum period shall be conducted in accordance with the procedures set forth under Open Forum of this policy.

48.15 EXCEPTIONS TO AGENDA REQUIREMENT FOR ACTION TAKEN

The City Council may take action at a meeting on an item not appearing on the agenda for that meeting only under one (1) of the following circumstances:

Upon a majority determination that an "emergency situation," as that term is defined by State law, exists.

Upon a determination by a two-thirds vote of the City Council, or if less than two-thirds of the
members are present by a unanimous vote of those members present, that the need to take action arose subsequent to the agenda posting. For the purposes of this subsection, the term "need to take action" shall mean those circumstances whose occurrence creates a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the City Council. The mere failure of any person to notify the City Council or staff of a preexisting situation requiring City Council attention until after the time for the posting of the agenda shall not be deemed to constitute a "need to take action" hereunder. If the City Council makes a determination pursuant to this subsection, the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the "need to take action" and why the item could not be placed on the agenda.

Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar days prior to the date of the meeting at which action is to be taken, and at the prior meeting the item was continued to the meeting at which action is being taken.

48.16 POSTING OF NOTICE AND AGENDA

For every regular or special meeting, the City Clerk or his/her designee, shall post an agenda containing a brief description of all the items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.

The agenda shall be posted at the places indicated in Section 1.08 of the Belvedere Municipal Code. For any regular meeting of the City Council, the agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting. For any special meeting of the City Council, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting.

48.17 ORDINANCES, RESOLUTIONS, MOTIONS AND CONTRACTS

All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council or requested in writing by a member of the City Council or the City Manager, or prepared by the City Attorney on his own initiative.

All ordinances, resolutions and contract documents shall, before presentation to the City Council, have been approved as to form and legality by the City Attorney or his authorized representative and shall have been examined and approved for the administration by the City Manager, or his or her authorized representative, where there are substantive matters of administration involved.

Ordinances, resolutions and other matters or subjects requiring action by the City Council shall be introduced and sponsored by a member of the City Council; except that the Mayor, City Manager or City Attorney may present ordinances, resolutions or other matters or subjects to the City Council, and any Councilmember may assume sponsorship thereof by moving that such
ordinances, resolutions or other matters or subjects be adopted; otherwise they shall not be considered.

48.18  AUTHORIZED TO APPOINT OFFICERS

The City Council may, by appropriate action, create those positions necessary for the orderly function of a City. The City Council may, by appropriate action, fill those positions that are allowed under the Government Code of the State of California. The City Council, in appointing said officers, or in creating those positions they deem advisable, shall define the duties therefor and determine the rate of compensation to be paid.

48.19  CONDUCT OF CITY COUNCIL MEETINGS

Order of Business

Promptly at the hour set by law on the day of each regular meeting, the members of the City Council, the Mayor, the City Manager/City Clerk, and the City Attorney, unless previously excused by the Mayor, shall take their regular stations in the Council Chambers and the business of the City Council shall be taken up for consideration and disposition in the order as set forth by resolution.

The business of the City Council, at its meetings shall be conducted in accordance with the following order of business; however, such order may be modified by a majority of the City Council:

Call to Order
Pledge of Allegiance
Open Forum
Presentations
City Council Reports
City Manager Reports
Commission and Committee Reports
Consent Calendar
Continued Public Hearings
New Public Hearings
Other Scheduled Items
Items from Members
Adjournment

Duties of Presiding Officer, Signing of Ordinances, Contracts, etc.

The Mayor, or in the absence of the Mayor, the Vice Mayor, shall be the presiding officer, and shall assume the place and duties as such immediately following election. The Mayor shall preserve strict order and decorum at all meetings of the City Council, state questions coming
before the City Council, announce its decision on all subjects and decide all questions of order; subject, however, to an appeal to the City Council as a whole, in which event a majority vote of the City Council members present shall govern and conclusively determine such question of order. The Mayor shall vote on all questions, and on roll call, the Mayor shall be called last.

The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the City Council at meetings at which the Mayor is in attendance. In the event of the Mayor’s absence, the Vice Mayor shall sign such documents as have been adopted and approved during the meeting at which the Vice Mayor presided.

**Call to Order; Absence of Mayor and Vice Mayor**

The Mayor, or in the absence of the Mayor, the Vice Mayor, shall call the City Council to order. In the absence of the Mayor and the Vice Mayor, the City Clerk, or City Clerk designee, shall call the Council to order, whereupon a temporary chairman shall be elected by the Councilmembers present. Upon the arrival of the Mayor or the Vice Mayor, the temporary chairman shall relinquish the chair at the conclusion of the business then before the City Council.

**Roll Call**

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Councilmembers. At the request of any Council member, the City Clerk may conduct a roll call vote on any item on the Agenda.

**Quorum; Adjournment of Meeting When Quorum Not Present**

A majority of the City Council constitutes a quorum for the transaction of business. When there is no quorum, the Mayor, Vice Mayor, or any Councilmember shall adjourn such meeting, or if no Councilmember is present, the City Clerk shall adjourn the meeting.

**48.20 MINUTES OF MEETINGS**

**Preparation of Minutes**

The minutes of the City Council shall be kept by the City Clerk and shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transaction set off in paragraphs, with proper subheads; provided, that the City Clerk shall be required to make a record only of such business as was actually passed by a vote of the City Council, and may at the direction of the City Council include a summary of Councilmember remarks and those of any other person addressing the City Council.

**Approval of Minutes**

Unless the reading of the minutes of a City Council meeting is requested by a Councilmember, such minutes may be approved without reading if the City Clerk previously has furnished each
Councilmember with a copy thereof stamped "draft." Nothing may be added to the minutes; except that they may be amended by a majority vote of the City Council members to reflect correctly the business of the City Council at such meeting.

48.21 RULES OF DEBATE

Presiding Officer May Debate and Vote. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Councilmember, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of his acting as the presiding officer.

 Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless it is to call that Councilmember to order or as herein otherwise provided. If a Councilmember, while speaking, is called to order, the Councilmember shall cease speaking until the question of order is determined to proceed.

Getting the Floor; Improper References To Be Avoided. Every Councilmember desiring to speak shall address the chair, and upon recognition by the presiding officer, shall be confined to the question under debate, avoiding all personalities and indecorous language.

Motions. The Mayor or any member of the Council may bring a matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Mayor shall open the matter for debate offering the first opportunity to debate to the moving party and thereafter, to any Councilmember properly recognized by the Mayor. Once the matter has been fully debated and the Mayor calls for a vote, no further debate will be allowed, provided however, Councilmembers may be allowed to explain their vote.

Disqualification. No City Councilmember shall be permitted to disqualify himself and abstain from voting unless such disqualification shall have been reviewed by the City Attorney in the public portion of a meeting or the unanimous vote of the remainder of the City Council present. Unapproved disqualifications shall be counted by the City Clerk as an affirmative vote. This subsection will not apply at the time of reorganization of the City Council.

Tied Votes Deemed Denial. All tie votes shall be deemed to be denials.

48.22 RULES OF ORDER

Except as otherwise provided in this section, the latest edition of "Robert's Rules of Order, Revised" shall govern the conduct of the meetings of the City Council. However, no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow such rules.

Once the main motion is properly placed on the floor, several related motions may be employed
in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Councilmember at any appropriate time during the main discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

Subsidiary Motions

Lay on the Table. Any Council Member may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. In order to bring the matter back before the Council, a member must move that the matter be taken from the table, seconded and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Council. Otherwise the motion that was tabled dies, although it can be raised later as a new motion.

Move Previous Question. Any Council Member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A 2/3 vote is required for passage.

Limit or Extend Limits of Debate. Any Council Member may move to put limits on the length of debate. The motion must be made and seconded and requires 2/3 vote of the Council to pass.

Postpone to a Time Certain. Any Council Member may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the Council at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.

Commit or Refer. Any Council Member may move that the matter being discussed should be referred to a committee or commission for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as, a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, any Council Member may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a 2/3 vote if the item is to be immediately discussed by the Council at the time the motion to return is made.

Amend. Any Council Member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the Mayor.
Postpone Indefinitely. Any Council Member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

Motions of Privilege, Order, and Convenience

The following actions by Council are to insure orderly conduct of meetings and for the convenience of the Mayor and Council Members. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

Call for Orders of the Day. Any Council Member may demand that the agenda be followed in the order stated therein. No second is required and the Mayor must comply unless the Council, by 2/3 vote, sets aside the orders of the day.

Question of Privilege. Any Council Member, at any time during the meeting, may make a request of the Mayor to accommodate the needs of the Council or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the Mayor.

Recess. Any Council Member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

Adjourn. Any Council Member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

Point of Order. Any Council Member may require the Mayor to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the Mayor.

Appeal. Should any Council Member be dissatisfied with a ruling from the Mayor, he/she may move to appeal the ruling to the full Council. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the Mayor. The motion is debatable and the Mayor may participate in the debate.

Suspend the Rules. Any Council Member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a 2/3 vote is required for passage.

Division of Question. Any Council Member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

Reconsider. Except for votes regarding matters which are quasi-adjudicatory in nature or matters which require a noticed public hearing, the Council may reconsider any vote taken at the same
session, but no later than the next immediate available regular council meeting date, to correct errors, or consider new information not available at the time of the vote. With respect to votes regarding matters which are quasi-adjudicatory in nature or which require a noticed public hearing, a motion for reconsideration may be made at the same session or no later than the next immediate available regular Council meeting date. However, if the motion passes, the matter shall not be heard until the next immediate regular Council meeting or at a special meeting called by the Council for that purpose and after giving any required notice to the applicant and/or the public. The motion to reconsider may only be made by a member who voted with the prevailing side in the vote on this matter. The motion must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

Rescind, Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

**Authority of the Mayor**

Subject to appeal, the Mayor shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is making the motion in good faith.

**48.23 PUBLIC HEARINGS**

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner.

**Time for Consideration**

Matters noticed to be heard by the Council shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

**Continuance of Hearings**

Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the
meetings at which the order or notice of continuance was adopted or made.

**Public Discussion at Hearings**

When a matter for public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing, the Mayor shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. Speakers shall be limited to three minutes, unless extended by the Mayor. The Council shall not limit the number of speakers on any item; however, the Council may establish procedures for testimony to include reasonable time limitations on particular topics or individual speakers. These limitations shall not apply to applicants, or to appellants who bring a matter to the City Council on an appeal from the Planning Commission, each of whom shall have a reasonable amount of time to present their testimony. Members of the Council who wish to ask questions of the speakers or each other, during the public hearing portion may do so but only after first being recognized by the Mayor. Members should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public hearing. The Mayor shall conduct the meeting in such a manner as to afford due process.

All persons interested in the matter being heard by Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record. Time limits may be established by the Mayor, limiting the duration of presentations as set forth in these rules. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed as set forth in these rules.

**Consideration of Question by Council**

After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Mayor and the Council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Mayor, to speak further on the question during this period of deliberation, although the Council Members may ask questions of the speakers if so desired. At the conclusion of Council discussion, and appropriate motion having been made and seconded, the Council shall vote on the matter.
Securing Permission; Right To Address Council

Any person desiring to address the City Council shall first secure the permission of the presiding officer to do so; provided, that under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested person shall have the right to address the City Council upon obtaining recognition by the presiding officer.

Staff Reports

Interested parties or their authorized representatives may address the City Council with regard to written communications referred to in the report of the City Manager or any department head.

Group of Persons Addressing Council

Whenever a group of persons wishes to address the City Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the City Council, and in case additional matters are to be presented at the time by any other member of such group, to limit the number of persons addressing the City Council, so as to avoid unnecessary repetition before the City Council.

Open Forum

Open Forum and Items From Members

During the Open Forum item of the agenda, any member of the public may address the City Council on items of interest to the public that are within the subject matter jurisdiction of the City Council. It must be emphasized that no action may be taken on such matters without being placed on a subsequent agenda, and members of the City Council should refrain from discussing the merits or giving directions concerning such subjects.

Limitations

The Open Forum period shall be limited to no more than thirty (30) minutes for all speakers, to be apportioned among all speakers who request time. No single speaker shall be allotted more than three (3) minutes to address the City Council at any one (1) meeting, unless this limitation is waived by the City Council.

Procedure

Upon addressing the City Council, each speaker must first state his or her name and address, and then identify the subject or subjects upon which he/she intends to speak.

At the close of the speaker's comments, the Presiding Officer may ask staff to respond to the
speaker's comments. Thereafter, the chair shall make one of the following determinations:

- The subject(s) raised do not require investigation or response.
- The subject(s) raised should be referred to staff for investigation and/or response.
- The subject(s) raised should be placed on the agenda for the next meeting for action by the City Council.
- Such other determination consistent with State law.

Other Agenda Matters

In addition to receiving comment from the public during the Open Forum period, the presiding officer shall have the discretion to recognize persons from the audience who wish to address the City Council on a particular agenda item at the time that item is considered by the City Council.

Items From Members

In addition to receiving comment from the public, the Council may receive general comments, announcements, and/or suggestions from Members of the City Council. These matters may not be discussed and if they do not concern an item on the agenda, shall be handled by the Presiding Officer according to the same procedures set out for Open Forum. It must be emphasized that no action may be taken on such matters without being placed on a subsequent agenda.

**48.26 DECORUM**

By Councilmembers

While the City Council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceeding or the peace of the City Council, nor disturb any member while speaking or refuse to obey the orders of the City Council or the presiding officer, except as otherwise herein provided.

By Other Persons

When a member of the public testifies before the City Council, the Council may not prohibit the individual from criticizing the policies, procedures, programs or services of the City or the acts or omissions of the City Council. However, the City Council may prohibit testimony on matters that are not within the subject matter jurisdiction of the City Council. The City Council may exclude persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion. Where the removal of the disruptive persons is not sufficient to restore order, the City Council may clear the room of all persons. However, in such situations, media personnel not involved in the disturbance will be permitted to attend the session as continued.
48.27 **VOTING**

All Councilmembers present at a meeting when a question comes up for a vote, shall vote for or against the measure, or abstain. If the vote is a voice vote, the Mayor shall declare the result and note for the record all “aye” votes and all “no” votes. The City Council may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all “aye” or “no” votes must be clearly set forth for the record.

48.28 **PROCEDURE FOR CONSIDERATION OF DEMANDS FOR CORRECTIVE ACTION**

**Requirement of Written Demand**

Prior to any person's commencing a judicial action for injunction or mandamus to declare any action taken by the City Council void because of failure to observe Brown Act requirements, such person must first serve upon the City Clerk a written demand describing the alleged violation and demanding corrective action. Such demand must be served upon the City Clerk within thirty (30) days of the action so complained of.

**Consideration of Corrective Action**

Upon receipt of such a demand, consideration of the demand shall immediately be placed on the agenda for the next meeting of the City Council. If the demand is received less than seventy-two (72) hours prior to the time set for the next meeting, the City Council may determine that the notice constitutes the initiation of litigation, and that the need to take action on the threatened litigation arose subsequent to the posting of the agenda, and may consider it at that meeting pursuant to the requirements of a Closed Session. A description of any item so placed on the agenda shall include both consideration of the demand, and the possibility of corrective action by the City Council.

In considering such demands, the City Council shall first determine by motion whether corrective action should be taken. If no motion to take corrective action is carried the City Clerk shall inform the demanding party in writing of the City Council's decision not to cure or correct the challenged action.

**Implementing Corrective Action**

If a motion to take corrective action passes, the presiding officer may entertain a motion implementing corrective action. Any motion implementing corrective action shall address the concerns raised in the consideration of corrective action. The motion implementing corrective action may include a motion to rescind prior action taken, as appropriate. Passage of a motion to rescind invalidates prior action only as of the time of the passage of the motion, and not from the date of the initial action. A motion implementing corrective action resulting from a written demand is out of order if the action complained of: (a) was in substantial compliance with Government Code Sections 54953, 54954.2, 54954.5, 54954.6, and 54956; (b) was in connection with the sale or issuance of notes, bonds or other evidences of indebtedness, or any contract,
agreement or incident thereto; (c) gave rise to a contractual obligation upon which a party has, in
good faith, detrimentally relied; or (d) was taken in connection with the collection of any tax. In
any event, the City Council shall notify the party making the demand in writing of its decision to
take corrective action, and shall describe any corrective action taken. This notice shall be given
to the demanding party as soon as possible after the meeting, but in no event more than thirty
(30) days after receipt of the demand.

48.29 ADDITIONAL DUTIES OF THE CITY COUNCIL

Council Reorganization

Annually, the City Council conducts a reorganization of the Mayor and Vice Mayor
responsibilities. Nominations are made by the Council pursuant to a schedule of proceedings
prepared by the City Clerk.

Prior to the meeting at which the reorganization occurs, the City Manager shall prepare for the
Mayor a list of the members of the Councilmembers showing where they are in the unofficial
order of rotation that has traditionally been followed by the City Council.

Appointments and Reconfirmations

Annually, the City Council appoints members to the City’s various committees.

Before December 31 of each calendar year, the City Clerk shall cause to be posted in front of
City Hall and the Belvedere-Tiburon Library a Local Appointments List that shall contain the
following information: A list of all boards, committees and commissions whose members serve
at the pleasure of the Council; the terms on each board, committee and commission that will
expire during the next calendar year, with the name of the incumbent appointee, the date of
appointment, and the date the appointee's term expires; and the necessary qualifications, if any,
for the position.

In April of each calendar year the City Clerk shall cause to be published in the local newspaper a
list of pending vacancies with a request for all interested Belvedere residents to submit a letter of
interest, preferably accompanied by a curriculum vitae. If a sitting incumbent is interested in
continuing to serve in an appointive office, the incumbent shall be required to notify the City
Clerk that he/she wishes to be considered for reappointment.

In May of each calendar year, and at any other time an unscheduled vacancy occurs, the Council
shall interview all interested candidates for appointive office and select qualified individuals to
serve on the board, committee or commission for which they applied. Sitting incumbents and
those who recently interviewed for that particular position shall be exempt from the interviewing
rule.

Prior to any Council meeting at which appointments are to be considered, the City Clerk shall
give to the City Council a list of the incumbents, if any, who are reapplying and showing their
years of service in that position. The Mayor shall contact the chair of the committee or board to discuss the current make-up of the membership and any needs the body may have.

The terms of all members of all boards, commissions, and committees who serve for a fixed term shall begin on either June 1 or July 1 and end on May 31 or June 30, depending upon which board, commission or committee they are appointed to. The terms of members appointed to fill unscheduled vacancies on such boards, commissions, and committees shall commence on the date they are appointed by the City Council, or in the case of the Planning Commission, on the date they take the oath of office.

In the event an unscheduled vacancy occurs in an appointive office prior to the expiration of a term of office, a special vacancy notice shall be posted in front of City Hall and the Belvedere-Tiburon Library. The City shall advertise the vacancy in the local newspaper and solicit letters of interest in the same manner as above. In response, an applicant interested in being appointed to the position in question shall be required to submit a letter of interest with the accompanying curriculum vitae.

[See Government Code §§ 54972 & 54974 for statutes regarding appointments by the legislative body.]

**Council Committees**

Committees of Council are appointed by the Mayor annually to serve within assigned areas of responsibility for the purpose of gathering and studying information. Citizens at large may be included to assist in carrying out a Committee’s charges. The majority vote of the City Council at a regular, adjourned or special Council meeting will be required for approval of Committee recommendations and/or for any specific Committee authority to carry out a task.

Appointments are typically made at the Annual City Council Goals meeting. City staff maintains a roster of Committees and Committee activities.

(Amended 06/2010)

**48.30 PLANNING COMMISSION**

In order to make adequate provisions for and guide for growth, development, beautification and efficient planning of the City, the City Council has established a City Planning Commission.

The City Planning Commission consists of seven (7) persons appointed by the Mayor, with the approval of the City Council. The City Manager and Building Inspector serve as ex-officio members of the Planning Commission. Each of the appointed members shall normally serve a term of four years or fraction thereof, and the terms shall be staggered so that no more than three (3) members’ terms shall expire at one time.
Vacancies shall be filled by the Mayor with the approval of the City Council for the unexpired portions of the term of a retiring member.

Four members of the Planning Commission shall constitute a quorum.

Planning Commissioners receive no compensation for their services and shall report their transactions and recommendations to the City Council at least once every year at a Joint Meeting of the City Council and Planning Commission.

**48.31 ADOPTION OF ANNUAL OPERATING BUDGET**

Annually, the City Council reviews and approves an operating budget for the City of Belvedere. The fiscal year is from July 1 through June 30. The budget is typically adopted prior to June 30 of each year. The City Manager is responsible for preparation of the annual operating budget and presentation to the City Council.

**48.32 ANNUAL TOWN MEETING**

The City Council and City Manager shall present a State of the City Address at the Annual Town Meeting to be held every January.

**Appearances, Presentations and Proclamations**

Periodically, the City Council will recognize members of the community, organizations, or entities that have contributed positively to the City of Belvedere through economic means, enhanced the quality of life, or by nature of their activities contributed to the positive outlook of the community. These recognitions are typically accomplished by appearance before the City Council and presenting the individuals with a certificate of recognition however, in the interest of timely recognition, the Mayor is authorized to execute and deliver certificates of recognition.

On occasion the City Council will adopt a proclamation of support or opposition regarding particular issues.

City staff will typically prepare all presentations and proclamations at the request of the City Council.

**48.33 USE OF CITY LETTERHEAD**

In general, City staff produces all official correspondence by members of the City Council using City letterhead. Committee chairs are authorized to produce correspondence on City letterhead providing that the viewpoint represents a majority of the City Council and a copy of the correspondence is provided to the City Clerk prior to distribution.
CHAPTER 52. COUNCIL-MANAGER RELATIONS

52.05  PURPOSE

The City Council of the City of Belvedere recognizes that the City Manager is responsible for the day-to-day operations of the City. As such, the City Council shall endeavor to maintain a professional relationship with the City Manager to afford him or her the ability to work for the benefit of the organization.

52.06  APPLICATION

This policy shall apply to all City elected officials and the City Manager.

52.07  POLICY

The precise duties of the City Manager are not defined under California law. Section 2.04 of the Belvedere Municipal Code establishes the office of the City Manager and outlines the duties generally as the administrative head of the government of the City under the direction and control of the City Council.

52.08  COUNCIL-MANAGER RELATIONS

Pursuant to Section 2.04 of the Belvedere Municipal Code, neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. The City Manager shall take his or her orders and instructions from the City Council only when sitting in a duly held meeting of the City Council and no individual Council member shall give any orders or instruction to the City Manager. Nothing shall prevent any Council member from discussing matters of the City with the City Manager. In addition, nothing shall prevent the City Council from authorizing the Mayor or a committee of the Council from instructing the City Manager in any area designated by the City Council.

The City Council agrees none of its members will publicly censure or criticize City staff and will instead relay any criticism of a City staff member privately through the City Manager. The City
Council shall not interfere in any way in the City Manager’s authority over employees and how the organization does its work.

52.09  CITY MANAGER PERFORMANCE

Annually, the City Council and the City Manager shall define such goals and performance objectives that they determine necessary for the proper operation of the City in the attainment of the City Council’s policy objectives, and the City Council and City Manager shall establish a relative priority among those various goals and objectives to be reduced to writing.

The City Council shall review and evaluate the performance of the City Manager at least once annually. The annual review and evaluation should contain specific criteria developed jointly by the City Council and the City Manager.

52.10  HOURS OF WORK

The City Manager’s hours of work shall vary in accordance with the work required to be performed; however, it shall be understood that the City Manager shall work a minimum of forty (40) hours per week based on a standard work week.
Part 6. Committees, Commissions & Boards
### CHAPTER 53. COUNCIL-APPOINTED LEGISLATIVE BODIES

#### 53.05 Responsibilities & Term Lengths

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<th>Body</th>
<th>Term Begins</th>
<th>Term Length</th>
<th>Term Limit</th>
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<tbody>
<tr>
<td>Belvedere-Tiburon Joint Disaster Advisory Council</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
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</tbody>
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The Joint Disaster Council was created by the municipalities of Belvedere and Tiburon as an advisory body to help both cities to better prepare for and respond to disasters that will eventually strike the peninsula.

At the present time, there are sixteen voting members on the Council: One councilmember, the city managers, and police chiefs from both municipalities; two residents from each municipality appointed by their Councils; one resident of the Tiburon unincorporated area; the Bel-Tib Disaster Coordinator; the Chief of Tiburon Fire Protection District; one member each from the Marin Operational Area Disaster & Citizen Corps Council, Reed Union School District and the Bel-Tib Library staff. There are no defined terms or term limits.

The Disaster Council meets once every three months; the day is not fixed, but the meeting is always from 4:00 to 5:30 PM.

Members are subject to the State’s Brown Act Open Meeting laws and FPPC Conflict of Interest regulations. Members are not required to file individual Statements of Economic Interests.

| Belvedere-Tiburon Joint Recreation Committee | June 1\(^1\) | 2 years | NA |

The Committee was created as a joint powers authority (JPA) between the city and the town in 1975 and is responsible for providing the residents of both communities with recreational programming.

There are nine voting members of the Committee: Three residents from each municipality appointed by their Councils; one at-large member, if possible a member of the Reed Union School District Board, who is approved by both Councils; and one Council Member from each municipality. Council appointees serve a two-year term; there are no term limits.

The committee meets on the 3rd Monday of each month at 7:00 p.m. in the Tiburon Town Hall.

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\(^1\) Refer to § 48.29 of this manual for appointment procedures.

\(^2\) Town of Tiburon members’ terms expire on the last day of Feb. The at-large member’s term expires in mid-Dec.)
Members are subject to the State’s Brown Act Open Meeting laws, the FPPC Conflict of Interest regulations, and must file individual Statements of Economic Interests upon appointment and annually thereafter.

**Belvedere-Tiburon Library Agency Board of Trustees**

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<th>Term Limit</th>
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<tbody>
<tr>
<td>Belvedere-Tiburon Library Agency Board of Trustees</td>
<td>July 1</td>
<td>3 years</td>
<td>Max. 2 terms</td>
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The Joint Library Agency oversees the operation of the library that serves both Belvedere and Tiburon.

There are seven voting members: Three residents from each municipality appointed by their Councils; one at-large member recommended by the RUSD Board of Trustees and approved by both Councils. Council appointees serve three-year terms and are limited to two terms.

The Library Agency meets on the third Monday of each month at 6:15 PM in the Founders Room of the Library.

Members are subject to the State’s Brown Act Open Meeting laws, the FPPC Conflict of Interest regulations, and must file individual Statements of Economic Interests upon appointment and annually thereafter.

**City Council**

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<th>Body</th>
<th>Term Begins</th>
<th>Term Length</th>
<th>Term Limit</th>
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</thead>
<tbody>
<tr>
<td>City Council</td>
<td>With swearing in of new member in July.</td>
<td>4 years</td>
<td>Traditionally 2 terms</td>
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</table>

There are five members; elections are held in June in even-numbered years. The mayor and vice mayor are chosen by vote of Council at the regular July meeting and serve for one year in that capacity. Councilmembers serve a four-year term; there are no term limits.

The Council meets on the second Monday of each month at 7:30 PM in the City Council Chambers at Belvedere City Hall. Starting time may be earlier when a closed session is held. The Council meets once a year in joint session with the Planning Commission, and special Council meetings are occasionally held as needed. The Councilmembers divide between themselves appointments as liaisons and voting members to approximately 22 community, municipal, county, and regional committees and agencies ranging from recreation and traffic to finance and insurance.

Members are subject to the State’s Brown Act Open Meeting laws, the FPPC Conflict of Interest regulations, and must file individual Statements of Economic Interests upon appointment and annually thereafter.

**Finance Committee**

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<th>Term Begins</th>
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</thead>
<tbody>
<tr>
<td>Finance Committee</td>
<td>July 1</td>
<td>4 years</td>
<td>NA</td>
</tr>
</tbody>
</table>

There are seven voting members: the Mayor, Vice Mayor, and five members appointed by the City Council. The City Manager and Finance Officer serve as non-voting staff liaisons. Council appointees serve four-year terms; there are no term limits.

The Committee meets twice a year: to review the draft annual operating budget for the upcoming fiscal year and make its recommendation to the City Council; to review the mid-year budget report.

Members are subject to the State’s Brown Act Open Meeting laws and FPPC Conflict of Interest regulations. Members are not required to file individual Statements of Economic Interests.
<table>
<thead>
<tr>
<th>Body</th>
<th>Term Begins</th>
<th>Term Length</th>
<th>Term Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Preservation Committee</td>
<td>July 1</td>
<td>4 years</td>
<td>NA</td>
</tr>
</tbody>
</table>

This Committee is a quasi-legislative body which considers applications for historic preservation recognition and makes recommendations to the Planning Commission and/or City Council regarding the granting of historic preservation status. The committee meets periodically whenever an application is filed or a matter of relevant business is to be considered.

The seven voting members are appointed by the Council. There is one non-voting City Council representative. The City Planner serves as non-voting staff liaison. Council appointees serve a four-year term; there are no term limits.

While the committee meets as needed, they typically meet on the second Tuesday of each month at 5:30 p.m. at Belvedere City Hall.

Members are subject to the State’s Brown Act Open Meeting laws and FPPC Conflict of Interest regulations. Members are not required to file individual Statements of Economic Interests.

<table>
<thead>
<tr>
<th>Marin County Commission on Aging</th>
<th>July 1</th>
<th>3 years</th>
<th>NA</th>
</tr>
</thead>
</table>

The Core purpose of the MCCA is to make life better for older adults. The Marin County Commission on Aging is a 23-member federally mandated advisory council to the Marin County Board of Supervisors. The Commission works closely with the County's Division of Aging on behalf of Marin’s older adults.

Commissioners are appointed by either the Board of Supervisors or the 11 incorporated Cities and Towns in Marin. In addition, Marin County's Senior Assembly Member and Senior Senator, representatives of the California Senior Legislature (CSL) also serve as ex-officio members for a two-year term. Members also serve on approximately eight subcommittees and two task forces. Commissioners serve three-year terms; there are no term limits.

State and Federal laws and regulations require the following for the membership of the Commission:

- A majority of persons 60 years of age or older;
- Service providers and consumers;
- Members who reflect the geographic, racial, economic, and social complexion of the planning and service area they represent.

In the Spring of 2010, the Marin County Director of the Division of Aging and Adult Services strongly encouraged the City Council to consider appointing a representative from a low-income and/or a minority group in order to increase the diversity of the Commission at that time.

The Commission meets on the second Thursday of each month in the morning at a different location in Marin.

Members are subject to the State’s Brown Act Open Meeting laws and FPPC Conflict of Interest regulations.
<table>
<thead>
<tr>
<th>Body</th>
<th>Term Begins</th>
<th>Term Length</th>
<th>Term Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marin/Sonoma Mosquito &amp; Vector Control District</td>
<td>The first Monday in January</td>
<td>2 or 4 years</td>
<td>NA</td>
</tr>
</tbody>
</table>

The Board serves as the governing body of a special district which exists to prevent mosquito vector and pest populations from transmitting infectious diseases and to reduce their ability to cause annoyance and discomfort.

One Board member is appointed for Belvedere by the City Council to serve a term of either two or four years; there are no term limits.

The Board meets on the second Wednesday of each month at 7:00 PM at the District office, 595 Helman Lane, Cotati.

Members are subject to the State’s Brown Act Open Meeting laws and FPPC Conflict of Interest regulations.

<table>
<thead>
<tr>
<th>Parks and Open Space Committee</th>
<th>June 1</th>
<th>3 years</th>
<th>No lifetime limit. Council encourages a hiatus after each consecutive 9 years of service</th>
</tr>
</thead>
</table>

This Committee is comprised of residents who have an interest in landscaping. The committee considers various projects—such as infrastructure improvements, landscaping, and memorial designations—that are proposed on City-owned property, including the park areas, the playground, open space and median strips.

Seven voting members appointed by the City Council. There is one non-voting City Council representative and the Public Works Manager serves as a non-voting staff liaison.

The committee meets in odd months, on the second Thursday at 4:00 PM at Belvedere City Hall.

Members are subject to the State’s Brown Act Open Meeting laws and FPPC Conflict of Interest regulations. Members are not required to file individual Statements of Economic Interests.

<table>
<thead>
<tr>
<th>Planning Commission</th>
<th>July 1</th>
<th>4 years</th>
<th>No lifetime limit. Council encourages a hiatus after each consecutive 12 years of service</th>
</tr>
</thead>
</table>

The Planning Commission is comprised of seven council-appointed volunteers who have some professional background in architecture or design. The Commission reviews development applications for design review and zoning conformity in accordance with the Belvedere Municipal Code.

The Commission meets once per month on the third Tuesday of each month at 6:30 p.m. and at other times as necessary. Service as a Planning Commissioner generally will involve approximately 10-15 per month, inclusive of meetings. Service outside of regular meetings involves site visits to development projects, review of development materials and applications, and special meetings and training as required. Commissioners serve a four-year term; there are no enforced term limits.

Members are subject to the State’s Brown Act Open Meeting laws, the FPPC Conflict of Interest regulations, and must file individual Statements of Economic Interests upon appointment and annually thereafter.
<table>
<thead>
<tr>
<th>Body</th>
<th>Term Begins</th>
<th>Term Length</th>
<th>Term Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>So. Marin Emergency &amp; Paramedic System</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Safety Committee</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

One City representative appointed by the City Council to serve on the Board of this special district. There is no set term or term limits.

This committee reviews and decides on all traffic control issues that arise from time-to-time in the community.

There are eight voting members: the City Manager, Building Official, Public Works Manager, Police Chief and four residents appointed by the City Council. The City Engineer is an ad hoc, non-voting member who attends as needed, and there is one non-voting representative from the City Council. There are no set terms or term limits.

The Committee meets on a non-regular basis whenever it has sufficient business to consider.


### 53.10 Designated F.P.P.C. Filing Officer & Ethics Training

#### F.P.P.C. Filing Officer for Statements of Economic Interest – Belvedere City Clerk:
- Belvedere City Council Members
- Belvedere Planning Commissioners
- Belvedere-Tiburon Joint Recreation Committee Members
- Belvedere-Tiburon Joint Recreation Department staff

#### Ethics Training Provided By – City of Belvedere:
- Belvedere City Council Members
- Belvedere Planning Commissioners
- Finance Committee
- Historic Preservation Committee
- Parks and Open Space Committee
- Traffic Safety Committee
- City of Belvedere staff
- Belvedere-Tiburon Joint Disaster Advisory Council members who live in Belvedere

#### Ethics Training Provided By – Town of Tiburon:
- Town of Tiburon staff
- Belvedere-Tiburon Joint Disaster Advisory Council Members who live in Tiburon

#### Ethics Training Provided By – Belvedere-Tiburon Recreation Department:
- Belvedere-Tiburon Joint Recreation Committee
- Belvedere-Tiburon Recreation Department staff
The following boards and agency staff file F.P.P.C. statements with, and receive ethics training from, their parent agencies:

<table>
<thead>
<tr>
<th>Board/Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marin County Commission on Aging</td>
</tr>
<tr>
<td>Marin/Sonoma Mosquito and Vector Control District</td>
</tr>
<tr>
<td>Southern Marin Emergency and Paramedic System</td>
</tr>
<tr>
<td>Belvedere-Tiburon Library Agency Board of Trustees</td>
</tr>
<tr>
<td>Belvedere-Tiburon Library staff</td>
</tr>
</tbody>
</table>

The following are not required to file Statements of Economic Interest:

<table>
<thead>
<tr>
<th>Committee/Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belvedere-Tiburon Joint Disaster Advisory Council</td>
</tr>
<tr>
<td>Finance Committee</td>
</tr>
<tr>
<td>Historic Preservation Committee</td>
</tr>
<tr>
<td>Parks and Open Space Committee</td>
</tr>
<tr>
<td>Traffic Safety Committee</td>
</tr>
<tr>
<td>Members of temporary committees</td>
</tr>
</tbody>
</table>

The following are not required to take ethics training:

<table>
<thead>
<tr>
<th>Committee/Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members of temporary committees</td>
</tr>
</tbody>
</table>

CHAPTER 54. PARKS & OPEN SPACE COMMITTEE OPERATIONS

54.05 Purpose

The Parks and Open Space Committee (POSC) may make and alter rules and regulations for its own organization and proceedings consistent with the Ordinances of the City and the Laws of the State. The purpose of this Chapter is to assist members of POSC in the process of developing and memorializing relevant rules and procedures of the Committee. A number of different categories of procedures and/or policies of the Committee are currently followed but not written down, or simply have not been addressed and need to be. The POSC rules for motions, quorum, voting, elections, and amendments are provided herein.

54.10 Mission Statement

The POSC is dedicated to the preservation and enhancement of Belvedere’s parks and limited open spaces, including the city lane system. These areas should reflect the historic ambiance of the city’s waterside heritage. Sustainability and beauty are integral while maintaining low impact recreation sites that exist adjacent to homes. The POSC should strive to enhance community areas by way of public landscaping and suitable improvements. Committee members intend to further the cooperative spirit with the town of Tiburon and its residents in relation to common objectives.

54.15 Committee Composition

Varying perspectives and expertise are beneficial to any committee. POSC seeks to reflect this in the selection of its members. Ongoing involvement of members is vital.

The seven members are each appointed for a term of three years, not to exceed three terms. The committee should include one or more of the following:

- A Master Gardener, or equivalent
- Persons with an interest in preservation and/or development of designated spaces in the tradition of this community.
Residents representing the various geographical areas that comprise Belvedere i.e. both Islands and the Lagoon

The presence of these different backgrounds on the Committee ensures specialized expertise which is often integral to POSC decisions. The POSC also seeks to have geographical diversity through Members living in a variety of neighborhoods and zoning districts.

54.20 **SELECTION OF CHAIR AND VICE CHAIR**

The issue of determining chair and vice-chair positions is handled in many different ways by municipalities. Options include both rotation and election of these positions. POSC members are appointed for a term of three (3) years. Pursuant to City Council direction, the POSC member election shall be held on an annual basis at the July meeting. Current Chair and Vice Chair shall indicate whether or not each wishes to continue. No Chair or Vice Chair shall serve more than two consecutive one year terms.

54.25 **QUORUM AND VOTING**

*Robert’s Rules of Order* is a frequently cited source of procedure in regards to motions for decision-making bodies. Accordingly, the POSC adopts the rules applicable to the operations of the Committee, including those for establishing a quorum (four members).

All voting shall be done by open ballot and overseen by the Council representative. There will be no absentee voting.

54.30 **TIE VOTES**

Currently, a tie vote is considered “no action,” and is therefore tantamount to a denial. The POSC chooses to continue this policy. In the event of a tie vote on a motion, a motion containing alternative measures can be made to see if it can successfully pass. A motion to continue can also be made. The alternative motion or motion to continue must be made during the hearing on the particular item. If the alternative motion and/or continuance motion also ties and/or fails, the result remains “no action” and the item is ultimately denied. The Chair may reopen the public hearing prior to a new vote if, in his/her opinion, additional information from the applicant, neighbors, and other interested parties would benefit the discussion.

54.40 **MEETING ATTENDANCE**

To remain as a member in good standing, a member cannot miss more than two of the six regular meetings within a calendar year. The Committee can recommend removal of a member to the City Council. Regular meeting days and times should not be changed without committee member consensus.  *(Added 11/14/2011)*
CHAPTER 55. PLANNING COMMISSION OPERATIONS

55.05 PURPOSE

Pursuant to Section 2.28.030 of the Belvedere Municipal Code, the Planning Commission may make and alter rules and regulations for its own organization and proceedings consistent with the ordinances of the City and the laws of the State. The purpose of this Chapter is to assist the Planning Commission in the process of developing and memorializing relevant rules and procedures of the Commission. A number of different categories of procedures and/or policies of the Commission are currently followed but not written down, or simply have not been addressed and need to be. The Belvedere Planning Commission rules for motions, quorum, voting, elections, and amendments are provided herein.

55.10 COMMISSION COMPOSITION

Varying perspectives and expertise are beneficial to any board or commission. As a policy, the Belvedere Planning Commission seeks to enlist at least one member from each of the following fields:

- Architecture
- Landscape architecture, master gardener, or equivalent
- Law

The presence of these different backgrounds on the Commission ensures specialized expertise which is often integral to planning decisions. The Planning Commission also seeks to have geographical diversity through Commissioners living in a variety of neighborhoods and zoning districts.

55.15 SELECTION OF CHAIR AND VICE CHAIR

The issue of determining chair and vice-chair positions is handled in many different ways by municipalities. Options include both rotation and election of these positions. Belvedere’s Planning Commissioners are appointed for a term of four years. The Belvedere Planning Commission chooses to hold elections for the positions of chair and vice chair every two years,
beginning in July of 2010 (or earlier, if requested by any member of the Commission prior to that date). No Commissioner shall serve more than two consecutive two-year terms in each position.

Examples of acceptable and unacceptable term limits for a Commissioner

<table>
<thead>
<tr>
<th>Years 1 &amp; 2</th>
<th>Year 3 &amp; 4</th>
<th>Year 5 &amp; 6</th>
<th>Year 7 &amp; 8</th>
<th>Year 9 &amp; 10</th>
<th>Allowed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice Chair</td>
<td>Vice Chair</td>
<td>Chair</td>
<td>Chair</td>
<td>Vice Chair</td>
<td>Yes</td>
</tr>
<tr>
<td>Vice Chair</td>
<td>Chair</td>
<td>Vice Chair</td>
<td>Chair</td>
<td>Vice Chair</td>
<td>Yes</td>
</tr>
<tr>
<td>Chair</td>
<td>Chair</td>
<td>-</td>
<td>Chair</td>
<td>Chair</td>
<td>Yes</td>
</tr>
<tr>
<td>Member</td>
<td>Vice Chair</td>
<td>Vice Chair</td>
<td>Vice Chair</td>
<td>Member</td>
<td>No</td>
</tr>
<tr>
<td>Member</td>
<td>Vice Chair</td>
<td>Chair</td>
<td>Chair</td>
<td>Chair</td>
<td>No</td>
</tr>
</tbody>
</table>

55.20 MOTIONS

Robert’s Rules of Order is a frequently cited source of procedure in regards to motions for decision-making bodies. However, a close review of Robert’s Rules reveals that there can be some unintended, or at least complicated, motion results. Accordingly, Rosenberg’s Rules of Order, excerpts from which are included in this Manual under Appendix 55.A, was developed specifically for municipal bodies such as the Planning Commission and provides a more streamlined and easier to understand set of parameters for making motions. The Planning Commission has adopted Rosenberg’s Rules for its procedural source for motions, with the exception that the Commission chooses to amend Rosenberg’s Rules to allow Commission deliberation both before and after a motion is made.

55.25 QUORUM AND VOTING

The quorum of the Commission is set at four members by Section 2.28.030 of the Belvedere Municipal Code. The issue of recusals and their effect on the quorum was raised at a number of different Commission hearings. Prior to the effective date of this Chapter (June 18, 2009), this issue was handled in accordance with Robert’s Rules in that the quorum was counted before recusals took place, and then majority rule continued to govern. Accordingly, in a scenario where four Commissioners were present and one of them was recused, a 2-1 vote was still adequate to pass a particular motion.

With the adoption of this Chapter, the Belvedere Planning Commission has chosen to amend Robert’s Rules for the purposes of establishing a quorum. Under the Commission’s rules, a quorum is tallied after recusals have taken place. This means that, if four Commissioners attend a meeting and one of the four is recused from an item, then this item cannot be heard for lack of quorum. Because of the small size of Belvedere, regular Commissioner participation continues to be crucial to the timely review of pending applications.
55.30 TIE VOTES

Currently, a tie vote is considered “no action,” and is therefore tantamount to a denial. The Belvedere Planning Commission chooses to continue this policy. In the event of a tie vote on a motion, a motion containing alternative measures can be made to see if it can successfully pass. A motion to continue can also be made. The alternative motion or motion to continue must be made during the hearing on the particular item. If the alternative motion and/or continuance motion also ties and/or fails, the result remains “no action” and the item is ultimately denied. The Chair may reopen the public hearing prior to a new vote if, in his/her opinion, additional information from the applicant, neighbors, and other interested parties would benefit the discussion.

55.35 FINDINGS FOR AFFIRMATIVE VOTES

It is State law that each affirmative vote by the Commission be supported by necessary findings. Besides complying with State law, the practice of specifically articulating findings assists applicants in understanding the crucial components of their projects and also provides member transparency for the public. Accordingly, it is important that each Commissioner articulate, in one way or another, his/her position on the findings for a particular matter.

The Belvedere Planning Commission chooses to make findings by stating the following:

- The specific findings that the Commissioner can make in support of the project;
- That the Commissioner concurs with the findings as written in the staff report;
- That the Commissioner concurs with findings already articulated by another member of the Commission; or
- That the Commissioner cannot make certain findings necessary for an approval and why.

55.40 RESOLUTION AMENDMENTS

Often project details are more fully explored in the hearing process and this leads to a Commission’s desire for additions, changes, or deletions to a resolution drafted in advance of a hearing. When this situation occurs, the Belvedere Planning Commission chooses to use the following formats to accurately reflect the desired changes in the record:

1. State the changes desired when making the corresponding motion on a project, or
2. Ask staff to read into the record the changes to the resolution proposed by Commissioners X, Y, and Z, and then make a motion concerning the project and state that said motion, “includes the changes to the resolution as read by staff.”

55.45 NEW RULES

The Planning Commission may make recommendations for amendments to this Chapter at a
public hearing by a vote of the majority of Planning Commissioners. Amendments shall take
effect 30 days after approval by a majority of Planning Commissioners or immediately upon
affirmation by the City Council, whichever is later.

(Added 06/08/2009)
CHAPTER 59. JOINT POWERS AGREEMENTS

59.05 BELVEDERE-TIBURON JOINT RECREATION COMMITTEE

AMENDED AND RESTATEJoint POWERS AGREEMENT FOR BELVEDERE-TIBURON JOINT RECREATION COMMITTEE

This Agreement made and entered into this October 8th 2001, by and between the City of Belvedere (hereinafter "Belvedere") and the Town of Tiburon (hereinafter "Tiburon") and pursuant to the provisions of Government Code Section 6500, et seq, relating to joint exercise of powers.

RECITALS

That in June, 1975, Belvedere and Tiburon entered into a Joint Powers Agreement which established the Belvedere/Tiburon Joint Recreation Committee (hereinafter "Committee").

B. Since that time the Committee has functioned pursuant to the original Agreement as amended in April 1983, September 1, 1992, and October 4, 1995.

C. The parties now wish to again amend and restate the Agreement in its entirety to approve a bi-monthly meeting schedule for the Belvedere-Tiburon Recreation Committee.

NOW, THEREFORE, the parties hereto do agree as follows:

1. Purpose of Agreement. This Joint Powers Agreement (hereinafter "Agreement") is entered into for the purpose of establishing a Recreation Committee to formulate, administer and operate recreation and education programs and facilities for the residents of Belvedere and Tiburon.

2. Administering Agency. Pursuant to California Government Code Section 6500 et seq., there is hereby created a public entity to administer and execute this Agreement. This agency shall be known as the Belvedere/Tiburon Joint Recreation Committee (hereinafter the "Committee").

3. Powers of Committee. The Committee shall take all such steps as it deems advisable and appropriate in its discretion to do the following:

(a) Initiate, plan, coordinate, maintain and operate recreation and education programs for the primary benefit of residents of Belvedere and Tiburon.

(b) Administer and operate those recreation facilities designated by the parties, such as tennis courts, playing fields, community center and other-such facilities.
(c) In addition to programs initiated by the Committee, additional programs may be initiated by either of the parties hereto so long as the program satisfies the provisions of this Agreement.

(d) The Committee shall have the power to charge fees for participation in its programs.

(e) The Committee shall have the power to appoint or employ officers, employees, and agents or to contract for professional services, as may from time to time appear reasonable and appropriate in the exercise of its powers under this Agreement, and shall do all other acts necessary for the exercise of the express common power and for the purpose specified in Section 1 hereof.

4. Membership of Committee. The Committee shall consist of seven (7) members appointed as follows:

(a) The Town Council of the Town of Tiburon shall appoint three (3) members to the Committee;

(b) The City Council of the City of Belvedere shall appoint three (3) members to the Committee;

(c) A seventh member shall be designated an "at large" member and shall, to the extent possible, be recommended by and be a member of the Reed Union School District; The appointment of the at large member shall be approved by the parties hereto.

(d) Each member shall be subject to removal and replacement at the pleasure of the appointing government body(ies).

5. Term. The term of office for each member shall be two (2) years. The terms of the members shall be staggered so that no more than four (4) terms expire during any one fiscal year. Members may be reappointed for any number of successive terms at the discretion of the appointing authority.

6. Committee Officers. The Committee shall select a chairperson and vice chairperson whose terms shall run for one (1) year, commencing on the first meeting of the calendar year. The Committee shall hold regular meetings, and special meetings as may be called pursuant to the Bylaws.

7. Bylaws. The Committee shall adopt Bylaws which make provisions for the calling and conduct of meetings, casting of votes, appointment of officers and other matters normally contained in Bylaws, all to be consistent with the Ralph M. Brown Act (Section 54900, et seq. of the Government Code) and all other applicable state statutes.
8. **Financial Responsibility.** The parties hereto shall be responsible for all obligations incurred by the Committee in the exercise of its powers. The parties shall share the financial responsibility as follows (to be periodically revised to reflect the ratio between the populations between the parties hereto):

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Belvedere:</td>
<td>25%</td>
</tr>
<tr>
<td>Tiburon:</td>
<td>75%</td>
</tr>
</tbody>
</table>

9. **Treasurer and Controller.** Pursuant to the provisions of Government Code Section 6505.6, the Treasurer of the Committee shall be an officer or an employee of the Committee. The Treasurer shall receive and have custody of all monies of the Committee, shall be responsible for the safekeeping and disbursement of all such monies and shall pay all sums due when appropriately presented to the Committee. All withdrawals from the Committee's bank accounts shall be made by check approved by an officer or an employee approved by the Committee by resolution. Pursuant to this section, the Treasurer shall cause an independent audit to be made by a certified public accountant, or public accountant in compliance with Section 6505.5. The Treasurer shall obtain a public official surety bond. The premium for this bond shall be paid by the Committee.

10. **Independent Contractors.** The Committee may, within its discretion, contract with independent consultants or individuals to perform administrative and/or operational functions of the Committee. Before entering into any contract with such independent consultants or individuals, the Committee shall have the form of contract to be executed approved by Tiburon and Belvedere. The Committee may in its discretion require independent contractors to provide liability insurance in appropriate amounts.

11. **Office Space and Service.** The Committee shall pay for services rendered to or on behalf of it or for space or facilities provided to it by the parties at the parties' cost or for that compensation which is agreed to by the Committee and the party rendering the service or providing the space, or facility, whichever is less.

12. **Supervision of Committee.** Each of the parties hereto shall designate one member of its governing body to serve as an advisor and liaison between the Committee and the parties. If emergencies arise which must be dealt with by the parties prior to a scheduled meeting of the governing bodies of the parties, the Committee shall immediately contact the advisors and their decision shall be final.

13. **Budget.** The Committee shall prepare an annual budget using a March 1 through February 28 fiscal year, and to the extent practical said budget shall be submitted to the parties for approval at least sixty (60) days prior to the beginning of the fiscal year.
14. **Liability of Committee and Committee Members, Employees and Independent Contractors.** During the term of this Agreement, the parties agree to be liable for damages on account of bodily injury, including death there from or property damage suffered or alleged to be suffered by any person or persons whomsoever, resulting directly or indirectly from any act or activity of the Committee, and its members, employees or independent contractors if said act or activities occurs in the course of representing the Committee or performing the duties of the Committee. This protection shall also include the costs of defending any such Committee member, employee, or independent contractor. Notwithstanding the above, the Committee may in its discretion require independent contractors to indemnify, defend and hold harmless the Committee and the parties to this agreement. Any liability incurred shall be shared as follows (to be periodically revised to reflect the ratio between the populations of the parties hereto):

- Belvedere: 25%
- Tiburon: 75%

15. **Liability for Obligations of Committee.** The parties shall be liable for the debts and obligations of the Committee as follows (to be periodically revised to reflect the ratio between the populations of the parties hereto):

- Belvedere: 25%
- Tiburon: 75%

16. **Term: Termination.** This Agreement shall be for an indefinite term, and may be terminated only by at least sixty (60) days written notice by either party to the other party.

17. **Disposition of Assets Upon Termination.** While this Agreement is in effect, all property and monies received by the Committee shall be held by the Committee. If this Agreement is terminated as provided for in paragraph 16, all property, both real and personal, shall be disposed of as agreed upon by the parties. All cash on hand at the termination of this agreement shall be returned to the parties in the following ratio:

- Belvedere: 25%
- Tiburon: 75%

18. **Entire Agreement.** This document constitutes the entire agreement between the parties as to the subject matter thereof, and may be altered or amended only by an instrument in writing duly executed by both parties.
I do hereby certify that the foregoing Amended and Restated Agreement for Joint Exercise of Powers was approved by the Town Council of the Town of Tiburon on October 3, 2001.

MAYOR, Town of Tiburon
ANDREW THOMPSON

TOWN CLERK, Town of Tiburon
DIANE CRANE TACOPIN

(Seal)

I do hereby certify that the foregoing Amended and Restated Joint Powers Agreement was approved by the City Council of the City of Belvedere on October 8, 2001.

MAYOR, City of Belvedere
STEVEN P. JOHNSON

TOWN CLERK, City of Belvedere
EMMA W. ANDERSON
AMENDMENT TO THE JOINT POWERS AGREEMENT ESTABLISHING THE BELVEDERE-TIBURON JOINT RECREATION COMMITTEE

This Agreement to amend the Joint Powers Agreement that established the Belvedere-Tiburon Joint Recreation Committee ("Agreement") is entered into by the Town of Tiburon (the "Town") and the City of Belvedere (the "City"), together the "Parties", on this 12th day of June, 2012.

Recitals

1. WHEREAS, the Town and the City created the Belvedere-Tiburon Joint Recreation Committee ("BTJR") pursuant to a Joint Powers Agreement ("JPA") executed in June of 1975 and most recently amended on October 8, 2001. The BTJR's governing board is referenced in the JPA as the "Committee."

2. WHEREAS, the JPA provides for the Council of each party to appoint three members to the Committee and the BTJR’s bylaws further provide that each Council shall designate one of their respective members to act as a liaison to the Committee.

3. WHEREAS, Town and the City wish to amend the JPA and bylaws to provide that, instead of appointing liaisons pursuant to the bylaws, the Council of each party shall appoint one of its members to the Committee.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the City and the Town agree as herein set forth:

Agreement

1. Section 4 is hereby amended to provide as follows:

4. Membership of Committee. The Committee shall consist of nine (9) members appointed as follows:

(a) The Town Council of the Town of Tiburon shall appoint three (4) members to the Committee, one of whom shall be a member of the Town Council.
(b) The City Council of the City of Belvedere shall appoint three (4) members to the Committee, one of whom shall be a member of the City Council.
(c) A ninth member shall be designated an "at large" member and shall, to the extent possible, be recommended by and a member of the Reed Union School District. The appointment of the at large member shall be approved by the parties to this Agreement.
2. Except as expressly amended by this Amendment, the JPA shall remain in full force and effect.

TOWN OF TIBURON

[Signature]

Dated: 6/12/12

James Fraser
Mayor

CITY OF BELVEDERE

[Signature]

Dated: __________________________

Gerald Butler
Mayor

APPROVED AS TO FORM:

By [Signature]
Ann R. Danforth, Esq.
Town Attorney, Town of Tiburon

Dated: 6/12/12

By [Signature]
Robert Epstein, Esq.
City Attorney, City of Belvedere

ATTEST:

DIANE CRANE IACOPI
TIBURON TOWN CLERK

ATTEST:

LESLIE CARPENTIERS
BELVEDERE CITY CLERK
2. Except as expressly amended by this Amendment, the JPA shall remain in full force and effect.

TOWN OF TIBURON

__________________________________________
James Fraser
Mayor

Dated: __________

CITY OF BELVEDERE

__________________________________________
Gerald Butler
Mayor

Dated: June 11, 2012

APPROVED AS TO FORM:

By _______________________________________
Ann R. Danforth, Esq.
Town Attorney, Town of Tiburon

Dated: __________

By _______________________________________
Robert Epstein, Esq.
City Attorney, City of Belvedere

Dated: June 11, 2012

ATTEST:

_____________________________________
Diane Crane lacobpi
Tiburon Town Clerk

ATTEST:

Leslie Carpentiers
Belvedere City Clerk
BYLAWS

BELVEDERE-TIBURON JOINT RECREATION COMMITTEE

ARTICLE I

OFFICES

PRINCIPAL OFFICE. The Board shall fix the location of the principal office of the committee at any place within the city or town limits of Belvedere or Tiburon.

ARTICLE II

SECTION 1 - Number of Members

The Committee shall consist of seven (7) members, three of whom shall be appointed by the Town of Tiburon, three of whom shall be appointed by the City of Belvedere, and a seventh member shall be designated an "at large" member and shall, to the extent possible, be recommended by and be a member of the Reed Union School District Board of Trustees. The appointment of the At Large Member shall be approved by the governing bodies of Belvedere and Tiburon.

SECTION 2 - Removal of Members

Each member shall be subject to removal and replacement at the pleasure of the appointing government body(ies).

SECTION 3 - Term

The terms of office for each member shall be two (2) years. The terms of the members shall be staggered so that no more than four (4) terms expire during any one fiscal year. Members may be reappointed for any number of successive terms at the discretion of the appointing authority.
ARTICLE III

MEETINGS

SECTION 1 - Place of Meetings

Meetings of the Committee may be held at any place within the County of Marin designated by the Chairman of the Committee. In the absence of any such designation, all Committee meetings shall be held at the principal office of the Committee.

SECTION 2 - Regular Meetings

Regular meetings of the Committee shall be held bi-monthly on the 3rd Monday of the month at 7:30 p.m.

SECTION 3 - Special Meetings

Special meetings of the Committee may be called by the Chairman or by a majority of members of the Committee. Written notice of the time and place of any such special meeting shall be delivered personally or by mail to each member of the Committee and to each local newspaper of general circulation, or radio or television station requesting notice in writing. This written notice must be received at least 24 hours before the specified time of the meeting. The notice shall specify the business to be transacted and no other business shall be considered by the Committee. The notice required by this section may be dispensed with as to any member who files a written waiver of the requirement with the Director.

SECTION 4 - Quorum

A majority of the authorized number of members shall constitute a quorum for the transaction of business, except to adjourn as provided in Section V of this Article. Every act or decision done or made by a majority of the members present at a meeting duly held at which a quorum is present, shall be regarded as the act of the Committee. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of members. If any action taken is approved by at least a majority of the required quorum for that meeting.

SECTION 5 - Adjournment

A majority of the members present, whether or not constituting a quorum, may adjourn any meeting to another time and place.
SECTION 6 - Notice or Adjournment

Notice of the time and place of holding of an adjourned meeting need not be given, unless the meeting is adjourned for more than 24 hours, in which case notice of the time and place shall be given before the time of the adjourned meeting, in the manner specified in Section III of this Article.

SECTION 7 - Compensation of Members

Members of the Committee shall not be compensated for their services, but the Committee in its discretion may reimburse members of actual expenses incurred in carrying out Committee business.

SECTION 8 - Minutes

The Chairman shall arrange to have Minutes taken at all meetings of the Committee. The Minutes for each meeting shall be transcribed and approved by the Committee, with any changes added by members, at its next regular meeting.

ARTICLE IV

SECTION 1 - Officers

The officers of the Committee shall be a Chairman and a Vice Chairman, which offices shall be held by members of the Committee. The offices shall not be held by the same person.

SECTION 2 - Election of Officers

The Officers of the Committee shall be chosen by the committee to serve for a term of one (1) year. Elections shall take place at the regular meeting of the Committee held in November and the terms of the Officers shall commence as of the date of the first regular meeting in January. Officers may be re-elected for any number of successive terms.

SECTION 3 - Subordinate Officers

The Committee may appoint, and may empower the Chairman to appoint, such other Officers as the business of the Committee may require, each of whom shall hold office for such period, have such authority and perform such duties as are provided in the Bylaws or as the Committee may from time to time determine.
SECTION 4 - Removal and Resignation of Officers

Any officer may be removed, either with or without cause, by the Committee, at any regular or special meeting of the committee, or except in case of an Officer chosen by the Committee, by any Officer upon whom such power of removal may be conferred by the Committee.

Any Officer may resign at any time by giving written notice to the Committee. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice; and, unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective. Any resignation is without prejudice to the rights, if any, of the Committee under any contract to which the Officer is a party.

SECTION 5 - Vacancies in Offices

A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular appointments to that office.

SECTION 6 - Chairman of the Committee

The Chairman of the Committee shall preside at meetings of the Committee and exercise and perform such other powers and duties as may from time to time be assigned to him or her by the committee or prescribed by the Bylaws. The Chairman shall be the Chief Executive Officer of the Committee and shall, subject to the control of the Committee, have general supervision, direction, and control of the Committee’s activities, staff and the Officers of the Committee.

SECTION 7 - Vice-Chairman

In the absence or disability of the Chairman, the Vice-Chairman shall perform all the duties of the Chairman, and when so acting shall have all the powers of, and be subject to all of the restrictions upon the Chairman. The Vice-Chairman shall have such other power and perform such other duties as from time to time prescribed for them respectively by the Committee or by the Bylaws, and the Chairman.
SECTION 8 - Treasurer and Controller

Pursuant to the provisions of Government Code Section 6505.6 the Treasurer of the Committee shall be the Executive Director of the Committee. The Treasurer shall receive and have custody of all monies of the Committee, shall be responsible for the safekeeping and disbursement of all such monies and shall pay all sums due when appropriately presented to the Committee. Pursuant to this section, the Treasurer shall cause an independent audit to be made by a certified public accountant, or public accountant in compliance with Government Code Section 6505.5. All withdrawals from the Committee's bank accounts shall be made by check approved by an officer or an employee approved by the Committee and said check shall be drawn on an account or accounts established in the name of the Committee at a bank or other financial institution designated by the Treasurer of the Committee. The Treasurer shall obtain a public official surety bond. The premium for this bond shall be paid by the Committee.

ARTICLE V

COMMITTEES

SECTION 1 - Committees of Members

The Committee may by resolution adopted by a majority of the authorized number of members, designate one or more Sub-Committees, each consisting of two or more members, to serve at the pleasure of the Committee. Sub-Committees shall meet in accordance with the provisions of these Bylaws and the Brown Act.

ARTICLE VI

RECORDS AND REPORTS

SECTION 1 - Maintenance and Inspection of Committee Records

The accounting books and records and Minutes of proceedings of the Committee and any Sub-Committee shall be kept at the principal office of the Committee. The Minutes shall be kept in written form and the accounting books and records shall be kept either in written form or any other form capable of being converted into written form. The Minutes and accounting books and records shall be open to inspection upon the written demand of any member at any reasonable time during usual business hours. The inspection may be made in person or by an agent of a member, and shall include the right to copy any such records. Copies of all minutes shall be forwarded to the members and to the City of Belvedere and Town of Tiburon.
SECTION - 2 - Financial Statements

Financial Statements shall be prepared monthly prior to the regular meeting of the Committee. The monthly financial statements shall set forth the financial activity for the time period two months preceding the month in which the regular meeting is held and shall include a summary of financial activity for the fiscal year to date plus a balance sheet setting forth to the extent practicable the financial status of the Committee as of the last day two months prior to the regular meeting. Copies of all financial information shall be forwarded to the members prior to the regular meeting and to the City of Belvedere and Town of Tiburon.

SECTION -3- Annual Budget

The Committee shall prepare an annual budget using a March 1 - February 28 fiscal year. The budget shall, to the extent practical, be completed and submitted to the City of Belvedere and Town of Tiburon for approval at least sixty (60) days prior to the beginning of each fiscal year.

ARTICLE VII

AMENDMENTS

SECTION 1 - Amendment by Committee

New Bylaws may be adopted or these Bylaws may be amended or repealed by the vote or written consent of a majority of the members of the Committee.

ARTICLE VIII

EMPLOYEES

SECTION 1- Hiring Staff

The Committee may, within it's discretion, hire employees or contract with independent consultants or individuals to perform administrative or operational functions of the Committee. Prior to entering into any contract with an independent consultant or individual, the Committee shall have the form of contract to be executed approved by the City of Belvedere and Town of Tiburon.
SECTION 2 - Executive Director/Treasurer

The Committee shall hire an Executive Director who shall act as Treasurer and be in charge of the day-to-day operation of the Committee's activities and its programs, committee staff, budgeting and planning. The executive Director shall report to the Chairman of the Committee.

SECTION 3 - Review of Performance

The Chairman of the Committee shall review the performance of Committee employees and shall report regularly to the Committee on said performance. Employees' salaries shall be set by the Committee.

ARTICLE IX

CO-ORDINATION WITH BELVEDERE-TIBURON

SECTION 1 - City/Town Managers

The Executive Director shall periodically review operations with the Belvedere City Manager and Tiburon Town Manager.

SECTION 2 - Reports to City/Town Councils

At least once annually in the third quarter of the fiscal year, the Chairman and Executive Director shall give an oral report to the Belvedere City Council and the Tiburon Town Council on the status of the Committee.

SECTION 3 - City/Town Council Liaisons

Belvedere and Tiburon will designate a member of each Council as a liaison to the Committee. At the discretion of the Chairman, the Committee may contact the respective liaisons should an issue arise which the Chairman believes should be brought to the attention of the City/Town Councils.

(Added 06/08/2009; updated 03/2013)
AMENDMENT TO THE JOINT POWERS AGREEMENT ESTABLISHING THE BELVEDERE-TIBURON JOINT RECREATION COMMITTEE

This Agreement to amend the Joint Powers Agreement that established the Belvedere-Tiburon Joint Recreation Committee ("Agreement") is entered into by the Town of Tiburon (the "Town") and the City of Belvedere (the "City"), together the "Parties", on this 12th day of June, 2012.

Recitals

1. WHEREAS, the Town and the City created the Belvedere-Tiburon Joint Recreation Committee ("BTJR") pursuant to a Joint Powers Agreement ("JPA") executed in June of 1975 and most recently amended on October 8, 2001. The BTJR's governing board is referenced in the JPA as the "Committee."

2. WHEREAS, the JPA provides for the Council of each party to appoint three members to the Committee and the BTJR's bylaws further provide that each Council shall designate one of their respective members to act as a liaison to the Committee.

3. WHEREAS, Town and the City wish to amend the JPA and bylaws to provide that, instead of appointing liaisons pursuant to the bylaws, the Council of each party shall appoint one of its members to the Committee.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the City and the Town agree as herein set forth:

Agreement

1. Section 4 is hereby amended to provide as follows:

4. Membership of Committee. The Committee shall consist of nine (9) members appointed as follows:

   (a) The Town Council of the Town of Tiburon shall appoint three (4) members to the Committee, one of whom shall be a member of the Town Council.

   (b) The City Council of the City of Belvedere shall appoint three (4) members to the Committee, one of whom shall be a member of the City Council.

   (c) A ninth member shall be designated an "at large" member and shall, to the extent possible, be recommended by and a member of the Reed Union School District. The appointment of the at large member shall be approved by the parties to this Agreement.
2. Except as expressly amended by this Amendment, the JPA shall remain in full force and effect.

TOWN OF TIBURON

James Pearson
Mayor

Dated: 6/12/12

CITY OF BELVEDERE

Gerald Butler
Mayor

Dated: ______________________

APPROVED AS TO FORM:

By: Ann R. Danforth, Esq.
Town Attorney, Town of Tiburon

Dated: 6/12/12

By: ______________________________________
Robert Epstein, Esq.
City Attorney, City of Belvedere

Dated: ______________________

ATTEST:

DIANE CRANE IACOPI
TIBURON TOWN CLERK

LESLIE CARPENTIERS
BELVEDERE CITY CLERK
2. Except as expressly amended by this Amendment, the JPA shall remain in full force and effect.

TOWN OF TIBURON

[Signature]
James Faust
Mayor

Dated: 6/12/12

CITY OF BELVEDERE

[Signature]
Gerald Butler
Mayor

Dated: ________________

APPROVED AS TO FORM:

[Signature]  
Ann R. Danforth, Esq.
Town Attorney, Town of Tiburon

Dated: 6/12/12

[Signature]  
Robert Epstein, Esq.
City Attorney, City of Belvedere

[Signature]  
DIANE CRANE IACOPI
TIBURON TOWN CLERK

[Signature]  
LESLEY CARPENTERS
BELVEDERE CITY CLERK
JOINT POWERS AGREEMENT
FOR BELVEDERE-TIBURON LIBRARY

This Joint Powers Agreement (hereinafter "Agreement") is entered into by Belvedere and Tiburon for the purpose of establishing a new entity to construct, own, and operate, and maintain a new public municipal library under the authority of Education Code Section 18900 et seq.

NOW, THEREFORE, the parties hereto do agree as follows:

1. Purpose of Agreement. The Joint Powers Agreement (hereinafter "Agreement") is entered into for the purpose of establishing an agency to construct, own, operate, and maintain a new public library conveniently located for the residents of Belvedere and Tiburon.

2. Administering Agency. Pursuant to California Government Code Section 6500 et seq. there is hereby created a public entity to administer and execute this Agreement. This entity shall be known as the Belvedere-Tiburon Library Agency (hereinafter the "Library Agency").

3. Powers of Library Agency. The Library Agency shall have all necessary powers and authority provided to municipal libraries under Education Code Section 18900 et seq. and all other powers necessary to operate and maintain a library, including but not limited to:

(A) The power to own or lease property and to plan, construct and hold title to a library (located at the corner of Mar West and Tiburon Boulevard and/or other appropriate sites.)

(B) The power to incur debt or borrow money as necessary for the needs of the Agency; to accept donations, gifts or other funds from all sources; and to invest and deposit funds of the Agency in accord with adopted investment policies.

(C) The power to contract with the Marin County Library System and/or with any other entities for professional library services and for other services if appropriate.

(D) The power to appoint or employ officers, employees, and agents and establish the terms of their employment.

(E) The power to contract for professional and other services as may from time to time appear reasonable and appropriate.
(F) The power to establish a volunteer system which permits volunteers to serve in any role deemed appropriate by the Board.

(G) The power to prepare and administer an annual budget using a combination of public, private, and fee-for-service funds.

(H) The power to pursue and receive funds from private sources and through the Peninsula Library Foundation.

(I) The power to sue or be sued in its own name.

(J) The power to purchase personal property, including books and other necessary materials.

4. Membership of the Library Board: The governing board (Library Board of Trustees) shall consist of seven members, residents of Belvedere and Tiburon, appointed as follows:

(a.) The Town Council of the Town of Tiburon shall appoint three (3) members of the Library Board, one of whom shall be chosen from a list submitted by the Peninsula Library Foundation.

(b.) The City Council of the City of Belvedere shall appoint three (3) members of the Library Board, one of whom shall be chosen from a list submitted by the Peninsula Library Foundation.

(c.) A seventh member who is designated an "at large" member and shall be recommended by the Reed Union School District Board of Trustees and approved by the Parties hereto.

(d.) Each member shall be subject to removal and replacement at the pleasure of the appointing government body(ies). It will require action by both councils to remove the at-large member.

(e.) For the initial seven members three members (including the at-large member) shall serve only until the end of the first fiscal year after the creation of the Joint Powers Agency, two shall serve until the end of the second fiscal year and two until the end of the third fiscal year. (Initial appointments will be eligible for two additional full terms.)

(f.) Initial appointments should give due consideration to the selection of individuals who have made significant efforts toward making the new library a reality.
5. **Compensation.** The members of the Library Board shall serve without compensation.

6. **Term.** The term of office for each Library Board member shall be three (3) years. The terms of the members shall be staggered so that no more than three terms expire during any one year. Members may be reappointed for only one successive term at the discretion of the appointing authority.

7. **Library Board Officers.** The Library Board shall select a chairperson and vice chairperson whose terms shall run for one (1) year, commencing on the first meeting of the calendar year. The Library Board shall hold regular meetings at least monthly, and special meetings as may be called pursuant to the Bylaws. Four members shall constitute a quorum.

8. **Bylaws.** The Library Board shall adopt Bylaws which make provision for the calling and conduct of meetings, casting of votes, appointment of officers and other matters normally contained in Bylaws, all to be consistent with the Ralph M. Brown Act (Section 54900, et seq. of the Government Code) and all other applicable state statutes.

9. **Financial Responsibility.** The Library Agency shall be responsible for all debts, liabilities and obligations arising from the exercise of the Agency's powers.

10. **Annual Reports.** The Library Agency shall submit an annual written report on the state of the library to the two appointing parties. In addition, the minutes of all Library Agency meetings will be forwarded to Belvedere and Tiburon.

11. **Treasurer and Controller.** Pursuant to the provisions of Government Code Section 6505.6, the Treasurer of the Library Board shall be an officer or an employee of the Library Board. The treasurer shall receive and have custody of all monies of the Library Board, shall be responsible for the safekeeping and disbursement of all such monies and shall pay all sums due when appropriately presented to the Library Board. All withdrawals from the Agency's bank accounts shall be made by check signed by officers or employees designated by the Library Board by resolution. Pursuant to this section, the Treasurer shall cause an independent annual audit to be made by a certified public accountant, or public accountant in compliance with Government Code Section 6505.5. The Treasurer shall obtain a public official surety bond. The premium for this bond shall be paid by the Library Board.

12. **Independent Contractors.** The Library Board may, within its discretion, contract with independent consultants or individuals to perform administrative and/or operational functions of the Library Board.
The Library Board may in its discretion require independent contractors to provide liability insurance in appropriate amounts.

13. **Budget.** The Library Board shall prepare an annual budget using a July 1 through June 30 fiscal year. This budget will identify proposed revenues and proposed expenditures.

14. **Transfer of funds.** All public funds provided by the county tax collector for library purposes, including any portion of the property tax levied for library purposes shall be transferred by the parties as soon as received and without diminution to the Library Agency.

15. **Liability of Library Board and Board Members, Employees and Independent Contractors.** The Library Agency shall obtain appropriate liability insurance for the Agency, Board Members, employees, volunteers and independent contractors. Notwithstanding the above, the Agency may in its discretion require independent contractors to indemnify, defend and hold harmless the Agency.

16. **Term: Termination.** This agreement shall be for an indefinite term, and may be terminated only with at least one year's written notice by either party to the other party.

17. **Disposition of Assets Upon Termination.** While this Agreement is in effect all property and monies received by the Library Agency shall be held by the Library Agency. If this Agreement is terminated as provided for in paragraph 13, the building, its contents, and all other assets of the Library Agency will be held in trust by the Peninsula Library Foundation or its successor local non-profit organization. If the building ceases to be used as a library, the facility and all other assets should continue to be used to provide cultural, educational, and recreational benefits to the residents of Belvedere and Tiburon at the sole discretion of Belvedere and Tiburon.

18. **Entire Agreement.** This document constitutes the entire agreement between the parties as to the subject matter thereof, and may be altered or amended only be an agreement in writing duly executed by both parties.

19. **Successors.** This Agreement shall be binding upon and shall inure to the benefit of successors to the parties hereto.

20. **Modification or Suspension.** In the event State or Federal laws or regulations enacted after the effective date of this Agreement, prevent or preclude compliance with one or more provisions herein, such provisions shall be modified or suspended as may be necessary to comply with such laws or regulations.
20. Notice Pursuant to Government Code §6503.5. Within thirty (30) days after the adoption of this agreement, the parties shall cause a notice of the Agreement to be prepared and filed with the office of the Secretary of State, as required by California Government Code §6503.5.

21. Effective Date. This Agreement shall become effective on the first day of the month immediately following adoption of this Agreement by the governing bodies of Belvedere and Tiburon.

22. Assumption of Liability by Agency. Pursuant to Government Code Section 895.4, the parties agree that the Agency shall be solely liable for any damages or liabilities arising out of the performance of this agreement and shall indemnify, defend and hold harmless Belvedere and Tiburon.

I do hereby certify that the foregoing Agreement for Joint Exercise of Powers was approved by the Town Council of the Town of Tiburon on April 19, 1995.

Mayor, Town of Tiburon

Town Clerk, Town of Tiburon

I do hereby certify that the foregoing Agreement for Joint Exercise of Powers was approved by the City Council of the City of Belvedere on May 1, 1995.

Mayor, City of Belvedere

City Clerk, City of Belvedere

(Added 06/08/2009)
BYLAWS

OF

THE BOARD OF TRUSTEES

BELVEDERE-TIBURON LIBRARY AGENCY

ARTICLE I

PURPOSE

PURPOSE. The Board of Trustees ("Board") of the Belvedere -Tiburon Library Agency ("Library Agency") shall construct, own, operate and maintain a new public library.

ARTICLE II

OFFICES

PRINCIPAL OFFICE. As the location of the principal office of the Board must be within the city or town limits of Belvedere or Tiburon, the principal office shall be at the library, 1501 Tiburon Boulevard, Tiburon, California, 94920.

ARTICLE III

TRUSTEES

SECTION 1- NUMBER OF TRUSTEES

The Board shall consist of seven (7) Trustees, three of whom shall be appointed by the Town of Tiburon, three of whom shall be appointed by the City of Belvedere, and a seventh Trustee shall be designated an "at large" member and shall be recommended by the Reed Union School District Board of Trustees. The governing bodies of Belvedere and Tiburon shall approve the appointment of the at-large member.

SECTION 2- APPOINTMENT PROCESS

The Board encourages an appointment process, which includes an advertised and open application opportunity for interested Belvedere and Tiburon residents to
commence each year during the first week of April. The governing bodies of Belvedere and Tiburon make the appointments by June 30.

SECTION 3- REMOVAL OF TRUSTEES

Each trustee shall be subject to removal and replacement at the pleasure of the appointing government body(ies). The at-large trustee may be removed and/or replaced by action of the Reed Union School District and both councils.

SECTION 4- TERM

The terms of office for each Trustee shall be three (3) years commencing July 1 of the year of appointment. The terms of the Trustees shall be staggered so that no more than three (3) terms expire during any one fiscal year. Trustees may be reappointed for one successive term of three (3) years at the discretion of the appointing authority. Initial appointees will be eligible for two (2) additional full-term appointments. The at-large member as recommended by the Reed Union School District Board of Trustees shall have a term of two (2) years and may reapply for one (1) additional term of two (2) years.

SECTION 5- COMPENSATION OF TRUSTEES

Trustees of the Board shall not be compensated for their services, but the Board in its discretion may reimburse Trustees for actual expenses incurred in carrying out Board business.

SECTION 6- TRUSTEE VACANCIES

A vacancy among trustees because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular appointments to that office. The Board encourages the appointing body to use an advertised and open application process in appointing a new trustee.

ARTICLE IV

MEETINGS

SECTION 1- PLACE OF MEETINGS

All Board meetings shall be held at the library, 1501 Tiburon Boulevard, Tiburon, California, 94920 unless otherwise specified in accordance with the Brown Act.
SECTION 2- REGULAR MEETINGS

Regular meetings of the Board shall be duly noticed to the community and held monthly, normally on the 3rd Monday of each month, at 7:30 PM unless otherwise determined by the Chair, in consultation with the members of the Board.

SECTION 3- SPECIAL MEETINGS

Special meetings of the Board may be called by the Chair or by a majority of Trustees of the Board. Written notice of the time and place of any such special meeting shall be delivered personally or by mail to each Trustee and to each local newspaper of general circulation, or radio or television station requesting notice in writing. This written notice must be received at least 24 hours before the specified time of the meeting. The notice shall specify the business to be transacted and the Board shall consider no other business.

SECTION 4- QUORUM

A majority of the authorized number of Trustees shall constitute a quorum for the transaction of business, except to adjourn as provided in Section 5 of this Article. Every act or decision done or made by a majority of the members present at a meeting duly held at which a quorum is present, shall be regarded as the act of the Board. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of members, if any action taken is approved by at least a majority of the required quorum for that meeting.

SECTION 5- ADJOURNMENT

A majority of the members present, whether or not constituting a quorum, may adjourn any meeting to another time and place. Telephone notice should be given to all Trustees not present at the meeting in which the motion to adjourn takes place.

SECTION 6- NOTICE OF ADJOURNMENT

Notice of the time and place of holding of an adjourned meeting need not be given, unless the meeting is adjourned for more than 24 hours, in which case notice of the time and place shall be given before the time of the adjourned meeting, in the manner specified in Section 3 of this Article.

SECTION 7- CONDUCT OF MEETINGS

The Library Agency utilizes Robert's Rules of Order in conducting its meetings. Meetings shall be held in compliance with the Brown Act.
SECTION 8- ABSENCE FROM MEETINGS

Trustees, as a matter of courtesy, shall notify the Chair of any anticipated absence from a scheduled meeting.

SECTION 9- PUBLIC COMMENT

Persons desiring to address the Board on any agenda item or on a new item during the Open Forum portion of the agenda should utilize the following procedures: obtain recognition from the Chair, clearly state name and address, address all remarks to the point in question and to and through the Chair.

SECTION 10- MINUTES

Minutes shall be taken at all meetings of the Board. The minutes for each meeting shall be transcribed and approved by the Board with any changes added by Trustees, at its next regular meeting. Copies of all approved minutes shall be available at the library office.

SECTION 11- REGULATIONS

The Library Agency will adopt the “FPPC” (Fair Political Practices Commission) Conflict of Interest Code and all trustees will file disclosure statements.

The Library Agency shall keep at its principal office the original or copies of the Joint Powers Agreement, the Ordinance creating the Library District, and the Bylaws. Additionally, the Library Agency shall keep adequate and correct books and records of account and written minutes of the proceedings of its meetings. Each Trustee shall have the right at any reasonable time to inspect these books, records and documents.

SECTION 12- AGENDA

Trustees who wish to place an item on the next agenda should give the appropriate material to the Chair 5 days prior to the regular meeting, except in an emergency items may be placed on the agenda with the consent of the majority of the Board. The agenda, supporting documents and minutes of the previous meeting shall be given to each trustee at least 3 days prior to the meeting.
ARTICLE V

OFFICERS

SECTION 1 - OFFICERS

The officers of the Board shall be Chair, Vice-Chair/Secretary and Treasurer. At the discretion of the Board, an employee or citizen volunteer may fill the position of Treasurer.

SECTION 2 - ELECTION OF OFFICERS

The officers of the Board shall be chosen by the Board to serve for a term not in excess of one (1) year unless otherwise decided by five members or more of the Board. Elections shall take place at the first regular meeting of the Board held in July and the terms of the officers shall commence as of the date of the first regular meeting in July.

The Chair of the Board shall not succeed him/herself unless otherwise decided by five or more Board members.

SECTION 3 - SUBORDINATE OFFICERS

The Board may appoint, and may empower the Chair to appoint, such other officers as the business of the Board may require, each of whom shall hold office for such period, have such authority and perform such duties as are provided in the Bylaws or as the Board may from time to time determine.

SECTION 4 - RESIGNATION OF OFFICERS

Any Officer may resign at any time by giving written notice to the Board. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice; and, unless otherwise specified in that notice, the acceptance of the resignation shall be not necessary to make it effective.

SECTION 5 - VACANCIES IN OFFICES

A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular appointments to that office.

SECTION 6 - CHAIR OF THE BOARD

The Chair of the Board shall preside at meetings of the Board and exercise and perform such other powers and duties as may from time to time be assigned to him or her by the Board or prescribed by the Bylaws.
SECTION 7- VICE-CHAIR

In the absence or disability of the Chair, the Vice-Chair shall perform all the duties of the Chair, and when so acting shall have all the powers of, and be subject to all of the restrictions upon the Chair. The Vice-Chair shall have such other powers and perform such other duties as from time to time are prescribed by the Board, by the Bylaws, or by the Chair. When the Vice-Chair is absent, the Chair shall appoint a temporary chair to assume the duties of the Vice-Chair.

SECTION 8- TREASURER

The Treasurer of the Library Agency shall be bonded and shall deposit all money and other valuables in the name and to the credit of the Library Agency with such depositories as the Board may designate, shall disburse the Library Agency's funds as the Board may order, shall render to the Chair and Board, when requested, an account of all transactions and the financial condition of the Library Agency, and shall have such other powers and perform such other duties as the Board may prescribe.

ARTICLE VI

COMMITTEES

SECTION 1- COMMITTEES

The Board may designate one or more Committees to serve at the pleasure of the Board.

ARTICLE VII

RECORDS AND REPORTS

SECTION 1- FINANCIAL STATEMENTS

Financial Statements shall be prepared monthly prior to the regular meeting of the Board. The monthly financial statements shall set forth the financial activity of the time period preceding the month in which the regular meeting is held and shall include a summary of financial activity for the fiscal year to date plus a balance sheet setting forth to the extent practicable the financial status of the Library Agency as of the last day of the month prior to the regular meeting. Copies of all financial information and minutes shall be made available to the City of Belvedere, the Town of Tiburon, and the Reed Union School District.
SECTION 2 - ANNUAL BUDGET

The Board with the Treasurer shall prepare an annual budget using a July 1 through June 30 fiscal year. The Board will adopt the budget after publication and public hearings.

ARTICLE VIII

AMENDMENTS

SECTION 1 - AMENDMENT BY BOARD

These Bylaws may be amended by the vote of a majority of the Trustees of the Board.

ARTICLE IX

CO-ORDINATION WITH BELVEDERE-TIBURON

REPORT TO CITY/TOWN COUNCILS. At least once annually an oral report shall be given to the Belvedere City Council, the Tiburon Town Council and the Reed Union School District on the status of the Library Agency by a member or members of the Board of Trustees.
Part 7. City Records Management
CHAPTER 60. RECORDS POLICY & LASERFICHE PROTOCOL

I. IMPORTANT DEFINITIONS
   A. State’s Definition Of “Public Record”:
      I. CGC 6252.(E), (F)
      II. CEC 250.
      III. CGC 6200.
   B. Definition of “duplicate”: CEC 255.
   C. Laserfiche Definitions:
      I. Laserfiche volumes which have been exported to non-rewritable cd’s or to other permanent, immutable electronic format, shall be referred to as “archival volumes.”
      II. The disks themselves shall be referred to as “storage media.”
   D. Definition of “original” or “record” copy:
      I. CEC 255.
      II. CGC 34090.5, 34090.7.
      III. When choosing among identical editions of a document, the one designated the “record copy” shall be, in descending order:
            1. The image on a Laserfiche archival volume.
            2. Signed document with an original signature.
            5. Documents with imprinted signatures.
            7. Sharpest, cleanest photocopy in a paper file.
            8. Print of an electronic document which has been verified as a final draft by the document creator.
   E. Records which are considered drafts and which cannot be certified as an original, the record copy, or a reproduction of a record copy:
      I. Letters with a blank signature block.
      II. Word processing, spreadsheet, and other files stored on a personal computer, server, diskette or cd, unless a copy is produced and the creator of the document verifies that it is identical to the original final draft.
      III. When entering documents into Laserfiche, if a record copy cannot be identified with surety, or if the person scanning has reason to doubt that the
document is a final draft or that it was ever published, the scanner must add a note to that effect in the “notes” or “subject” field of the template card attached to the file. Such a file may be used for reference only and prints made from it cannot be certified by the city clerk as true and exact copies of a record copy.

II. FILING AND RETENTION OF CORRESPONDENCE
   A. Record copies of letters and memos are photocopies of the original, or Laserfiche images of the original, as it was published (i.e. On letterhead and signed).
   B. A record copy should be made of all outgoing correspondence and either placed in the sender’s physical chronological correspondence file, or scanned into the sender’s Laserfiche chronological file. (this is in addition to copies made for a subject file, address file, project file, etc.)
   C. This protocol applies to correspondence generated by any public official, including city staff, city council and planning commission members, and members of volunteer city committees and commissions. The person generating the correspondence has the responsibility for ensuring that it is filed at city hall.

III. FILING AND RETENTION OF OTHER DOCUMENTS CREATED ON A P.C.
   A. This protocol is vital for two reasons: it ensures the accessibility of these records to the public (required by CGC 6253 et seq.); and it avoids future confusion over whether or not a file is a draft or the final record copy.
   B. Finished documents must be retained in one of three ways:
      I. Printed out and placed in a paper file accessible to staff and the public.
      II. Printed out and then scanned into Laserfiche.
      III. Sent directly from the p.c. to Laserfiche via the Laserfiche snapshot function.
   C. Word processing, spreadsheet, and other electronic files may be saved to a computer hard drive or server while they are being created and revised. After the record copy has been published, the electronic file should either:
      I. Deleted, if it is no longer needed.
      II. Retained on the p.c. or server, but solely for the purpose of using it in future as boilerplate or as a starting point for a similar document.
   D. This protocol applies to documents generated by any public official, including city staff, city council and planning commission members, and members of volunteer city committees and commissions. The person generating the document has the responsibility for ensuring that it is filed at city hall.

IV. E-MAIL AND VOICE-MAIL
   A. Criteria for retaining or deleting e-mail and voice-mail.
      I. Both incoming and outgoing e-mail and voice-mail messages are retainable public records if they contain information relating to the conduct of the public’s business.
      II. Messages which meet any of the following criteria must be retained:
         1. If there were no e-mail/voice-mail, would this message likely have come to me in the form of a letter or memo?
         2. Is the message from a member of the public expressing an opinion or suggestion?
         3. Might another person need to know the contents of this?
4. Will you or another person want to read or hear this message in the future?
5. Is it a privileged communication to or from the city attorney’s office?
6. Does it touch on a lawsuit or potential lawsuit?
7. Is it evidence of the fulfillment of some legal requirement?
8. Is there anything material or substantive regarding the business of the city in the message?
9. Does the message ask another staff member to follow-up on a request?
10. Does the message advise or instruct someone on city policy, procedure, or legal issues?
11. Does the message record or document an action of significance?

III. It is the responsibility of each public official to use common sense in judging which e-mails to retain. When in doubt, err on the side of retaining the message.

B. E-mails sent or received which qualify as public records should be immediately printed out and filed in the person’s chronological correspondence file. If the message relates to a subject, address, or project file, a second copy should be filed there.

C. Voice-mails received in-house which qualify as public records should be forwarded to the mail box of the city employee designated to transcribe voice-mail. Voice messages received through other means than the city’s voice-mail system shall be recorded by the official receiving it and the recording given to the employee designated as transcriptionist.

D. Outgoing voice mails should be recorded on tape and delivered to city hall for transcription. Or, if the sender writes out the message beforehand and reads it into the recipients recording machine, the written copy may be filed as the record copy.

E. Voice-mail transcriptions shall be filed in the chronological correspondence file of the person receiving or sending the message. If the message relates to a subject, address, or project file, a second copy should be filed there.

F. These protocols apply to e-mail and voice-mail received or generated by any public official, including city staff, city council and planning commission members, and members of volunteer city committees and commissions. The person generating or receiving the message has the responsibility for ensuring that it is placed in the files of city hall, in the manner prescribed above, with the least possible delay.

G. Due to the labor-intensive nature of transcribing recorded voice messages, it is recommended that public officials discourage phone callers from leaving substantive messages on their voice-mail system.

V. LASERFICHE SYSTEM ADMINISTRATION & SECURITY.

A. Admin

I. The city manager shall appoint one person to be the Laserfiche “Administrator”.

II. The exclusive responsibilities & rights of the Laserfiche administrator, hereinafter called “Admin,” include, but are not limited to:
   1. Assigning user rights and access rights.
   2. Creating new volumes.
   3. Making a volume “read only.”
4. Labeling storage media and placing it in secure storage.
5. When necessary, retrieving storage media for re-attachment.
6. Lifting the “read only” status of an archival volume to perform maintenance on the database.

B. Supervisor
   I. The city’s computer systems administrator shall be designated as a Laserfiche “supervisor” to assist the Laserfiche Administrator.
   II. Responsibilities delegated to the supervisor by the Admin may include, but are not limited to:
       1. Technical maintenance of the Laserfiche software and hardware.
       2. Installing software on pc’s and the server.
       3. Performing routine backups of the server.
       4. Exporting volumes to storage media.
       5. Re-attaching archival volumes to the database.
       6. Troubleshooting problems with the software.

C. The city manager may, in consultation with the admin and department head, designate one person in said department to be assigned the following rights exclusively for the Laserfiched files of that department:
   I. Create new directory folders.
   II. Create/delete/move/rename files.
   III. Create new templates.

D. No one, other than the admin, is permitted to permanently delete Laserfiche files or pages from files. Users shall move test files, mistakes, and re-do’s to the trash bin directory for later clearance and deletion by the admin.

E. No one is permitted to add, delete, or alter files or pages in files that are part of an archival volume.

F. Records which are permitted to be destroyed after LaserFiching shall be retained until an archival volume is produced and the storage media has been safely stored off-site.

G. Any user scanning documents into Laserfiche shall place a green “lf” mark in the lower right-hand corner of the document. When an entire file folder is scanned, a single mark may be placed on the file tab.

CGC means California Government Code
CCR means California Code Of Regulations
CPC means California Penal Code
CEC means California Evidence Code
CCC means California Civil Code

(Rev. 3/14/2011)
The personnel files maintained by the City Manager as the Personnel Manager shall contain three files for each employee:

A. **Personnel Jacket.** This file shall contain the resume, interview notes, and other documents related to the recruiting of the employee; results of reference checks and background investigation; offer of employment, employee contract, and/or Council resolution of employment; acknowledgment of receipt of City manuals and orientatation training; notices of action; employee evaluations; documents related to disciplinary actions; and training records.

B. **Medical File.** This file shall contain results of pre-employment physicals, drug tests, doctor’s slips, and the pre-designation of treating physician.

C. **Workers’ Compensation File.** This file shall contain the records of any claims for workers’ compensation filed by the employee.

Benefit enrollment forms, Form I90, and the W-4 shall be maintained in the office of the Finance Officer.

All personnel files are subject to confidentiality and shall be stored in locked file cabinets.

The City respects an employee's right to privacy. An employee may review his/her personnel file upon reasonable notice to the City Manager. No information regarding any personnel action or status shall be released without the approval of the employee. In the event that an employee has released such information to the public or media, a follow-up response relating to release of such information may be made at the discretion of the City Manager.

Maintenance of Vital Information. The Finance Officer should be informed immediately of any changes in name, address, telephone number, marital status, or family status, beneficiary, or other information on file in order to ensure that federal withholding statements, medical, dental, and life insurance, retirement records, etc. are corrected. The employee may be liable for any costs incurred by the City as a result of failure to notify the Finance Officer of the changes.

*(Rev. 3/14/2011)*
A newly consolidated and cross-referenced records retention schedule for the City of Belvedere was adopted by the City Council on March 14, 2011, by Resolution No. 2011-08. Since that time it has been amended by Resolution No. 2011-31.

The schedule begins on the next page.

(Added 3/14/2011; rev. 11/14/2011)
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THE FOLLOWING TYPES OF PROJECTS, BY THEMSELVES, SHALL GENERALLY NOT BE DEEMED "LARGE ADDITIONS" OR "MAJOR REMODELS":
- REPAIRS
- IN-KIND REPLACEMENTS
- NEW TURF
- ADDING A FEW LIGHTING FIXTURES
- ADDING A DECK
- RE-ROOFING
- LANDSCAPING WALLS OR OUTDOOR LIGHTING
- ADDING A ROOF TO A CAR DECK

ADDITIONS OR MAJOR REMODELS:
- ADDING ONE OR MORE ROOMS
- KITCHEN REMODEL
- MOVING A KITCHEN TO A NEW LOCATION
- ADDING A NEW DECK
- ADDITIONS OF 100 SQ. FT. OR LARGER
- ADDING A BATHROOM
- ADDING SQUARE FOOTAGE TO A SECOND STORY
- PROJECTS OF SIMILAR SCOPE, OR AS MAY BE DETERMINED BY THE BUILDING OFFICIAL.
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**BUILDING ADDRESS FILES - RECORDS WITH MINIMAL OR NO RETENTION PERIODS**

<p>| AH | RECORDS WITHOUT HISTORIC VALUE: APPLICATIONS FOR BUILDING PERMITS WHEN THE APPLICATION IS NOT THE PERMIT ITSELF | ARCHITECTURAL SPECIFICATIONS (NON-STRUCTURAL, FINISHES, HARDWARE, SYSTEMS DESCRIPTIONS, ETC.) | CARBON COPIES OF BUILDING PERMITS | CERTIFICATES OF INSURANCE | CONSTRUCTION PLAN REVIEW LETTERS | CORRECTION NOTICES | CORRESPONDENCE &amp; EMAIL RE. NOISE OR PARKING ISSUES, MEETING ARRANGEMENTS, &amp; OTHER NON-SUBSTANTIVE MATTERS | CUT SHEETS, INSTALLATION INSTRUCTIONS, &amp; MANUALS FOR COMPONENTS INSTALLED AS PART OF A PROJECT - WHICH DO NOT HAVE A PLAN REVIEW ACCEPTANCE STAMP FROM THE PLAN CHECKER OR A BUILDING DEPT. APPROVAL STAMP | INTERNAL REVIEW OF CONSTRUCTION PLANS | ENERGY CALCULATIONS (CERTIF. OF COMPLIANCE PRINTED ON PLANS) | ENGINEERING CALCULATIONS | ENCROACHMENT PERMIT (ROAD CLOSURES) EXCEPT FOR THOSE REGARDING COMPLIANCE OR CONSTRUCTION TIME LIMIT PENALTIES | FINAL APPROVAL NOTICE | INVOICES &amp; SHIPPING LISTS FOR MATERIALS | GANTT CHARTS | INSPECTION REQUEST | MONEY RECEIPTS | OWNER/CONTRACTOR AGREEMENTS | OWNER/SPECIAL INSPECTION CONTRACTS | PERMIT ISSUANCE CHECKLIST | PERMIT FEE RE-VALIDATIONS &amp; ATTACHED DOCUMENTATION | PEST REPORTS | PHOTOS | PLAN CHECK COMMENTS &amp; RESPONSES | PLAN CHECK CORRECTION LISTS | PRE-CONSTRUCTION MEETING AGENDAS &amp; MINUTES | N.S.S.A. | NONE | P.O. - 2 YRS. FROM DATE CREATED OR RECEIVED | DO NOT L.F.: ARCHIVE UNTIL DESTR. DATE |</p>
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<td>NONE</td>
<td>F.O. OR L.P. - 2 YRS. OR SUCH LONGER PERIOD</td>
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<td>CODE ENFORCEMENT ACTION CASE FILES &amp; LOG ENTRIES – FOR CONSTRUCTION TIME LIMIT ACTIONS, SEE BUILDING ADDRESS FILES – RECORDS WITH SPECIFIC RETENTION PERIODS: THE ENTIRE CASE FILE, INCLUDING, BUT NOT LIMITED TO: • COMPLAINANT COMMUNICATIONS; • INVESTIGATIVE NOTES, PHOTOS, &amp; OTHER MATERIALS; • CORRESPONDENCE &amp; EMAILS; • COMPLIANCE ORDERS &amp; NOTICES; • STAFF REPORTS; • LIEN FILING; • THE CORRESPONDING LOG ENTRIES IN THE CODE ENFORCEMENT ACTION LOG.</td>
<td>GC 34060, 34060.5</td>
<td>2 YRS.</td>
<td>2 YRS. FROM FINAL ADJUDICATION OF THE CASE</td>
<td>CASE FILES FOR ALL CODE ENFORCEMENT ACTIONS, REGARDLESS OF THE DEPT. RESPONSIBLE FOR THE INVESTIGATION, ARE MAINTAINED BY THE BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER. DO NOT LF DESTROY IN A TIMELY MANNER.</td>
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<td>COMPUTER PROGRAMS &amp; MANUALS • OBSOLETE VERSIONS OF COMPUTER PROGRAMS WHICH ARE NO LONGER INSTALLED ON THE CITY’S COMPUTERS AND WHICH ARE NOT REQUIRED IN ORDER TO READ ANY OF THE ELECTRONIC DOCUMENTS RETAINED IN THE CITY ARCHIVE. • MANUAL FOR THE ABOVE.</td>
<td>GC 34060</td>
<td>2 YRS.</td>
<td>DESTR. OF LAST ARCHIVAL SOFT RECORD THAT CAN ONLY BE READ BY THE PROGRAM • 2 YRS.</td>
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<td>CONSTRUCTION CODES (PRIMARY &amp; SECONDARY)</td>
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<td>AT LEAST 1 COPY OF EACH PERM.</td>
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<td>CONTRACTS • CONSTRUCTION CONTRACTS • CONSTRUCTION BONDS • CONSTRUCTION INSURANCE</td>
<td>GC 34060, 34060.5</td>
<td>2 YRS.</td>
<td>L.F. - EXPIRATION • 5 YRS.</td>
<td>SCAN ALL TOGETHER IN THE CONTRACT FILE.</td>
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<td>AT</td>
<td>NON-CONSTRUCTION CONTRACTS &amp; AGREEMENTS.</td>
<td>GC 34060-34060.5</td>
<td>2 YRS.</td>
<td>EITHER P.O. OR L.F. - EXPIRATION • 5 YRS.</td>
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<td>CONTRACTS TO WHICH THE CITY IS NOT A PARTY.</td>
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<td>CITY COUNCIL ELECTION NOMINATION DOCUMENTS.</td>
<td>EC 17100</td>
<td>TERM OF OFFICE FOR WHICH THEY WERE FILED + 4 YRS., OR SUCH PERIOD AS SET BY ELECTIONS CODE 17100(b). PROMPT DEST. REQUIRED AT END OF STATED RETENTION PERIOD.</td>
<td>EITHER P.O. OR L.F. - PERM.</td>
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<td>• CERTIFICATE OF CANVAS OF VOTE BY COUNTY CLERK</td>
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<td>L.F. - PERM.</td>
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<td><strong>ELECTION-RELATED RECORDS WHICH ARE NOT LISTED ABOVE, INCLUDING:</strong></td>
<td>GC 34000. 34000.5</td>
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<td>DO NOT L.F., DESTROY AFTER 2 YRS. WHEN NO LONGER NEEDED.</td>
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<td>• CONSENT TO USE CITY BUILDINGS AS POLLING PLACE.</td>
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<td>ENCROACHMENT PERMITS MAY BE NEEDED WHEN CTL APPEALS COME UP AS LONG AS FOUR YEARS AFTER THE START OF A PROJECT. THEREFORE, THE BINDERS OF ENCROACHMENT PERMITS WILL BE RETAINED IN THEIR PAPER FORM FOR 5 YEARS. DO NOT L.F.</td>
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<td>OTHER RECORDS RELATED TO CONFLICT OF INTEREST FILING, INCLUDING:</td>
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<td>FORMS AND INSTRUCTIONS, ONCE USED IN THE CONDUCT OF CITY BUSINESS, WHETHER PUBLISHED BY THE CITY OR BY ANOTHER ENTITY, WHEN SUCH FORMS AND INSTRUCTIONS ARE NO LONGER REQUIRED</td>
<td>GC 34090</td>
<td>2 YRS. OR SUCH LONGER PERIOD AS MAY BE Req. BY STATUTE</td>
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**PERSONNEL SAFETY COMMITTEE**

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**PHONE MESSAGE RECORD BOOKS**

**PLANNING ADDRESS FILES**

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SOCIAL MEDIA – SEE WEBSITE POSTINGS

SEWER LATERAL VIDEOS SUBMITTED WITH APPLICATION FOR AN R.B.R.

STATEMENT OF ECONOMIC INTEREST – SEE FPPC FORMS

SUBDIVISIONS

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<td>THIS CATEGORY PERTAINS ONLY TO RECORDS WHICH ARE NOT RETAINED ELSEWHERE IN THE CITY’S FILES AND ARCHIVES.</td>
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<td>• WRITINGS, IMAGES, AUDIO &amp; VIDEO POSTED BY CITY OFFICIALS/EMPLOYEES TO CITY-CONTROLLED WEB PAGES, WEBSITE, FACE BOOK PAGE, BLOG, TWITTER PAGE, ETC.</td>
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<td>*(1) ALL CLAIM FILES SHALL BE MAINTAINED AT LEAST UNTIL THE LATEST OF THE FOLLOWING DATES: (1) FIVE YRS. FROM THE DATE OF INJURY; (2) ONE YEAR FROM THE DATE COMPENSATION WAS LAST PROVIDED; (3) ALL COMPENSATION DUE OR WHICH MAY BE DUE HAS BEEN PAID; (4) IF AN AUDIT HAS BEEN CONDUCTED WITHIN THE TIME SPECIFIED IN (A)(1), UNTIL THE FINDINGS OF AN AUDIT OF THE FILE HAVE BECOME FINAL. (B) OPEN AND CLOSED CLAIM FILES MAY BE MAINTAINED IN WHOLE OR IN PART IN AN ELECTRONIC OR OTHER NON-PAPER STORAGE MEDIUM.</td>
<td>CCR TITLE 8 §10102 &amp; §10400.2 APPLIES TO THE CLAIMS MGR., WHO IS THE THIRD PARTY ADMINISTRATOR</td>
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<td>L.F. AND DESTROY ORIGINALS AS SOON AS THEY ARE NO LONGER NEEDED FOR BASE OF REFERENCE</td>
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<td>CLAIMS REPORTS (LOSS ANALYSIS REPORTS), SAFETY REPORTS (IN-HOUSE AND CONSULTANTS), ACTURIAL STUDIES.</td>
<td>GC 34660, 34665</td>
<td>2 YRS. CITY</td>
<td>5 YRS. OR SUCH LONGER PERIOD AS MAY BE SET BY STATUTE</td>
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<td>WORKERS’ COMPENSATION CERTIFICATES PERTAINING TO BUILDING PERMITS</td>
<td>N.S.E.A.</td>
<td>NONE</td>
<td>UNTIL SUPERCEDED OR UNTIL THE INSURED IS NO LONGER DOING BUSINESS WITHIN THE CITY</td>
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<td>WORKERS’ COMPENSATION INSURANCE APPLICATIONS, MEMORANDA OF COVERAGE – SEE RISK MANAGEMENT</td>
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CALIFORNIA STATE LAW REGARDING

BUILDING DEPARTMENT RETENTION
OF PLANS, SPECIFICATIONS, AND
COMPUTATIONS FOR BUILDING PERMITS ISSUED

A. PLANS
   1. Single and multiple dwellings:
      a. Keep, for the life of the building, plans for those which are:
         i. over three stories (including the basement, if any);
         ii. one story when the width between bearing walls is more than 25 feet.
         iii. One story steel frame or concrete.
      b. For all other dwellings, keep the plans for at least 180 days after completion.
   2. Garages and other structures appurtenant to dwellings described in 1. above. Keep the plans for the same period as the plans for the main dwelling.
   3. Common interest developments. Keep plans for the life of the building(s) for the following developments, which Civil Code Section 1351 designates as Common Interest Developments:
      a. Community apartment projects.
      b. Condominium projects.
      c. Planned developments.
      d. Stock cooperatives.
   4. Farm or ranch buildings. Keep plans for at least 180 days after completion.
   5. Buildings other than those specifically mentioned above (e.g., commercial and public buildings).
      a. Keep, for the life of the building, plans for the following types of buildings:
         i. One-story with more than 25 feet between bearing walls.
         ii. One-story steel frame or concrete
         iii. Over one-story.
      b. For all others, keep the plans for at least 180 days after completion.

B. ALL APPROVED CONSTRUCTION DOCUMENTS
   For any and every permit, keep at least 180 days after completion.
Sections cited: California Health and Safety Code, Section 19850. California Code of Regulations, Title 24, Part 2, Volume 1, Section 107.5. California Code of Regulations, Title 24, Part 2.5, Section R106.5. (These supersede California Government Code, Section 34090 et seq.)
CHAPTER 88. RECORDS REQUESTS

88.05  COORDINATION OF REQUESTS

Whenever possible, requests for City records shall be submitted on the City’s official form CITY OF BELVEDERE REQUEST FOR PUBLIC RECORDS. All records requests shall be stamped with the date received and submitted to the City Clerk who shall immediately forward them by email to the City Attorney. The City Attorney, shall respond to the Requestor him/herself or delegate that responsibility to the Deputy City Attorney or City Clerk.

In all cases, the City Clerk shall be responsible for calendaring the 10-day deadline for the required first response to the Requestor and shall follow-up with the Office of the City Attorney, as necessary, to confirm that the deadline will be met.

When a search of City records is to be performed, the City Clerk shall coordinate the gathering of records. Department Heads shall be responsive to requests from the City Clerk to lend their staff members in assisting with the gathering of records as may be necessary. Documents may be reproduced in paper or electronic format according to the preference of the Requestor.

88.06  RECORDS REQUESTS PURSUANT TO LEGAL ACTIONS

For any request for records pursuant to a legal action to which the City is a party, the document package shall be reviewed by the City Attorney’s Office for approval before it is released to the Requestor.

88.07  COPIES TO BE KEPT

The City Clerk shall keep a copy of all records requests and document packages in a confidential directory on the City’s Laserfiche system.

(Revised 05/21/2007; updated 7/1/2011)
CHAPTER 92. CONTACT INFORMATION FOR PUBLIC OFFICIALS

The following protocol is enacted to protect the privacy of Belvedere’s residents and to ensure that their wishes are respected regarding the dissemination of their personal contact information. The following guidelines are in compliance with Section 6254.21(a) of the California Government Code.*

1. “Public official,” for the purposes of this policy, means all members of the City Council, Planning Commission, and all volunteer committees and boards composed in whole or in part by residents of Belvedere.
2. The City Clerk is responsible for maintaining the official City record of contact information for public officials and for updating and distributing rosters intended for use by the staff, committee members, and the public.
3. Changes in contact information shall be made through the City Clerk to avoid confusion and assure uniform compliance with this policy.
4. All rosters and contact lists prepared for public officials shall be cleared with the City Clerk prior to distribution.
5. The residence address of persons speaking in an open meeting shall be included in the minutes only if announced by the speaker.
6. Application forms and the contact information they contain are considered public information and may appear on the City’s website and public documents such as staff reports, agenda packets and meeting minutes unless the applicant specifically requests the withholding of that information.
7. Except in the cases described in Nos. 5 and 6 above, personal contact information for public officials and city employees—e.g. home and work addresses, phone numbers, email—shall not be published on the City website or in any document intended for distribution to the general public, unless that individual has requested it in writing for a specific purpose.
8. Personal contact information of public officials may be included in rosters intended for distribution to the staff or to fellow committee members of the individual.

(Added 09/08/2006; revised 11/2006; revised 01/2012)

* No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.
CHAPTER 100. GENERAL PERSONNEL PROVISIONS

100.05 ADOPTION AND AMENDMENT

The following personnel policies, rules and procedures have been adopted by the City Council by resolution pursuant to the authority granted by the Belvedere Municipal Code. These policies, rules and procedures may be amended only by the City Council.

100.06 PURPOSE

The purpose of these policies, rules and procedures is to facilitate effective and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal service. This manual sets forth in detail the policies, rules and procedures that will ensure equal treatment for both applicants and employees, and define the obligations, rights, privileges, benefits and prohibitions placed upon all employees. The policies, rules and procedures are intended to indicate the customary and the most reasonable methods whereby the aims of the personnel program of the City can be carried out in all City operating departments under the direction of the City Manager.

100.07 DEFINITIONS

(A) Administrative Personnel (see also Exempt Service). The following positions are classified as administrative: City Manager, Assistant to the City Manager, City Planner, Finance Officer, Public Works Manager, Building Official/Code Enforcement Officer, and City Clerk/Risk Manager.

(B) Appeal. An application for review of an alleged grievance submitted or instituted by an employee to higher authority.

(C) Applicant. An individual who has completed and submitted an application for employment with the City.

(D) Appointment. The offer to and acceptance by a person of a position either on a regular or temporary basis.

(E) Appointing Authority. The City Manager shall be the appointing authority.

(F) Class. A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications and pay range.
(G) **Classification.** The act of grouping positions in classes with regard to: (1) duties and responsibilities; (2) requirement as to education, knowledge, experience and ability; (3) tests of fitness; and (4) ranges of pay.

(H) **Classification Plan.** The official or approved system of grouping positions into appropriate classes consisting of: (1) an index to the class specifications; (2) the class specifications; (3) rules for administering the classification plan.

(I) **Classified Service.** All offices and positions in the service of the City which fall within the classification plan.

(J) **Compensation Plan.** The official schedule of pay as approved by the City Council, assigning a rate of pay to each class title.

(K) **Compensation.** The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

(L) **Demotion.** Assignment of an employee from one class to another which has a lower maximum rate of pay.

(M) **Department.** The primary organizational unit which is under the immediate charge of a department head who reports directly to the City Manager.

(N) **Discharge.** Separation from City employment for cause.

(O) **Employee.** An individual who is legally employed by the City and is compensated through the City payroll for his/her services. Individual or groups compensated on a fee basis are not included.

(P) **Examination.** The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

(Q) **Exempt Service.** Those positions as defined by the Fair Labor Standards Act (FLSA). See also Administrative Personnel.

(R) **Immediate Family.** Includes spouse, parent, child, brother, sister or a close relative residing in the household of employee.

(S) **Job Description.** A written description of a class consisting of a class title, a general statement of the level of work, and of the distinguishing features of the work, examples of duties and the desirable knowledge, skills, abilities and qualifications for the class.

(T) **Layoff.** The involuntary nondisciplinary separation of an employee from a position.

(U) **Overtime.** Authorized time worked by a non-exempt employee in excess of his/her normal working hours per week.

(V) **Pay Range.** Specific dollar amounts expressed as either annual rates, monthly rates or hourly rates, as shown in the pay plan of the City.

(W) **Personnel Action Form.** A form used to record and changes in salary or employment status.

(X) **Position.** Any office or employment, whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities as assigned to one individual by a competent authority.

(Y) **Probationary Period.** The working test or trial period of employment beginning with the date of an employee's original or promotional appointments in the classified service and ending within the prescribed time period for the class.

(Z) **Promotion.** Assignment of an employee from one class to another which has a higher maximum rate of pay.

(AA) **Public Safety Employees.** Those employees defined as public safety employees.
by the Public Employees Retirement System.

(BB) Regular Employee. An individual receiving a regular full or part-time appointment in either the classified or exempt service.

(CC) Rejection. Separation of an employee on probation for failure to meet legal requirements of employment.

(DD) Suspension. An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

(EE) Transfer. Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class or between positions of different classes.

(FF) Work Day. Scheduled number of hours that an employee is required to work per day.

**100.08 PERSONNEL POLICY**

The following statements are the personnel policies of the City, and the personnel rules and procedures shall be administered and interpreted with reference to these policies.

(A) By law, it is the duty and obligation of the City Manager to supervise all City personnel and administer these policies and procedures. The City Council will not allow employees or individual members of the Council to interfere with this duty.

(B) The sole reason for the existence of the City is to provide services to citizens; therefore, all actions and activities of employees will be viewed in terms of this fact.

(C) Employment, promotion and all employment decisions made by the City shall be based on job-related merit and fitness. Furthermore, these procedures shall be administered in such a manner as to work toward equal employment opportunity for all, without discrimination on the basis of race, color, creed, national origin, ancestry, religion, disabilities, veteran status, medical condition, marital status, sex, age, sexual orientation, or organizational affiliation (except when sex, age, disability, or medical condition is a bona fide occupational qualification).

(D) Tenure of employees covered by these rules and regulations shall be subject to a satisfactory work performance, necessity for the performance of work and the availability of funds.

**100.09 ADMINISTRATION AND INTERPRETATION OF RULES AND PROCEDURES**

The City Manager shall administer and interpret these rules and procedures as the designated Personnel Officer of the City. He/She is further authorized to delegate this responsibility as circumstances require.

**100.10 COLLECTIVE BARGAINING AGREEMENTS**

Wherever these rules and procedures conflict with the provisions of a collective bargaining agreement, the provisions of the agreement shall prevail.
**100.11 EMPLOYMENT CONDITIONS**

In accepting employment with the City of Belvedere, each employee agrees to be governed by and to comply with these personnel policies, rules and procedures, and such administrative rules and procedures established by the City Manager and regulations and directives of the department in which he/she is employed. All employees holding a position in the municipal service on the effective date of these policies, rules and procedures shall thereafter be subject to the provisions herein.

**100.12 SEVERABILITY**

Should any provision contained in this manual be rendered or declared invalid by reason of any state or federal legislation, court action, or emergency situation, such invalidation so declared shall not invalidate the remaining portion of this manual, which shall remain in full force and effect.

*(Job titles updated 05/11/2009 & 01/25/2012)*
It is the intent of the City to recognize all legally constituted employee organizations in compliance with state and federal laws governing such employer-employee organizations. The City will meet and confer with recognized employee organizations regarding matters that directly affect and involve wages, hours and other terms and conditions of employment of employees in appropriate units and that are not pre-empted by state or federal laws. However, nothing in this statement of purpose shall be construed to restrict any legal or inherently exclusive City rights with respect to matters of general legislative or managerial policy, which include among others: the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or funds or for other legitimate reasons; maintain the efficiency of governmental operations; determine the organization and assignment of work; take all necessary actions to carry out its mission in emergencies; and exercise control and discretion over its organization and the technology of performing its work.
CHAPTER 108. AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with necessary reasonable accommodations that do not impose undue hardship. The law covers applicants to and employees of local government agencies.

108.05 A.D.A. NON-DISCRIMINATION POLICY

The City of Belvedere does not discriminate against employees and prospective employees with legally protected disabilities. Legally protected disabilities include: Physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such impairment.

The City of Belvedere maintains non-discrimination in recruitment, employment, job assignment, compensation, benefits, performance assessment, promotion, training, leaves, layoffs, terminations, and in other actions and practices affecting applicants and employees. Also, the City does not discriminate against applicants or employees due to their relationship or association with an individual with a known disability.

108.06 REASONABLE ACCOMMODATION POLICY

If individuals with protected disabilities are the best qualified candidates for the job, but are unable to safely perform one or more of the essential job functions without an accommodation, the City will consider requests for reasonable accommodations which would permit the candidate to perform the assigned duties.

Potential accommodations will be evaluated based on their effectiveness in facilitating safe and successful job performance in a timely manner. The City will not undertake accommodations that would cause undue hardship to the organization.

If an employee or prospective employee has a disability that is protected under the ADA, the
employee or prospective employee may request reasonable accommodation for four purposes:

- To complete the employment application process.
- To take the examination(s).
- To perform essential job functions.
- To have the same benefits and privileges of able-bodied employees.

108.07 A.D.A. COMPLAINT RESOLUTION

The City Manager’s Office shall be utilized for logging and responding to ADA complaints from a resident or prospective employee with a legally protected disability that believes they have been discriminated against due to that disability.

If an employee believes they have a legally protected disability and have been discriminated against due to that disability; or have been discriminated against due to their relationship or association with an individual with a known disability, the employee should follow the City's Grievance Procedure to lodge any ADA complaints.

All complaints will be treated confidentially and investigated carefully. Each resident, employee, or prospective employee will be notified as to the outcome of the investigation and any action that will be taken as a result. An employee or prospective employee will in no way be affected negatively due to informing the City of their concern.

The City Manager shall be responsible for ensuring compliance with the Americans with Disabilities Act, and has been designated by the City Council as such.

108.08 REASSIGNMENT OF EMPLOYEES WHO DEVELOP DISABILITIES

If an employee is no longer able to resume their same job after a disability occurs, the employee will be considered for other job openings for which the employee is qualified and which the employee is able to perform. In the event the employee's disability is covered under the ADA, the City will consider making reasonable accommodations for the employee to be able to perform the essential job functions. The objective is to return the employee to a position of comparable status - in type of work and compensation.

When this is not possible, the employee will be considered for other available positions. In the event the employee is offered a position with a lower or higher compensation range, the employee's compensation may be subject to change depending on the City's compensation policies applicable to such a situation.
CHAPTER 112. FEDERALLY FUNDED PROGRAMS

No person shall, on the grounds of race, color, national origin, age, sex, religion or disability, be excluded from participation in or be subjected to discrimination in any program or activity funded, in whole or in part, by Federal funds.
116.05 General

The City condemns and prohibits harassment of any individual because of sex, race, religion, creed, color, age, national origin, ancestry, sexual orientation, marital status, or disability.

116.06 Sexual Harassment

The City of Belvedere maintains a strict policy prohibiting sexual harassment in accordance with state and federal law. This policy applies to all employees including non-supervisory personnel, supervisors and management, as well as to non-employees who have contact with City employees during work hours.

Every employee should be aware of:
- What sexual harassment is
- What steps to take if harassment occurs
- State law prohibiting retaliation for reporting sexual harassment

116.07 Definition of Sexual Harassment

Although many people think of sexual harassment as involving a male boss and a female employee, not all sexual harassment is done by males. Sexual harassment often involves co-workers, other employees of the City, or other persons doing business with or for the City. It's against the law for females to sexually harass males or other females, and for males to harass other males or females.

A. Federal Law. Under federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.
B. **State Law.** California law defines sexual harassment as:

1. **Verbal harassment - epithets, derogatory comments, or slurs.**
   Examples: Name-calling, belittling, sexually explicit or degrading words to describe an individual, sexually explicit jokes, comments about an employee's anatomy and/or dress, sexually oriented noises or remarks, questions about a person's sexual practices, use of patronizing terms or remarks, verbal abuse, or graphic verbal commentaries about the body.

2. **Physical harassment - assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed by an individual.**
   Examples: Touching, pinching, patting, grabbing, brushing against or poking another employee's body, hazing or initiation that involves a sexual component, or requiring an employee to wear sexually suggestive clothing.

3. **Visual harassment - derogatory posters, cartoons, or drawings.**

4. **Examples:** Displaying sexual pictures, writings or objects, obscene letters or invitations, staring at an employee's anatomy, leering, sexually oriented gestures, mooning, or unwanted love letters or notes.

5. **Sexual favors - unwanted sexual advances that condition an employment benefit upon an exchange of sexual favors.**

6. **Examples:** Continued requests for dates, any threat of demotion, termination etc. if requested sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, or propositioning an individual.

C. It is impossible to define every action or all words that could be interpreted as sexual harassment. The examples listed above with the state definition of sexual harassment are not meant to be a complete list of objectionable behavior.

**116.08 IF SEXUAL HARASSMENT OCCURS**

When possible, confront the harasser and persuade him/her to stop. The harasser may not realize the advances or behaviors are offensive. When it is appropriate and sensible, you may want to tell the harasser the behaviors or advances are unwelcome and must stop. Sometimes a simple confrontation will end the situation.

To report sexual harassment, contact your supervisor or the City Manager. Sexual harassment or retaliation should be reported in writing or verbally. You may report such activities even though you were not the target of harassment.

An investigation will be conducted and appropriate action taken. The City will investigate, in confidence, all reported incidents of sexual harassment and retaliation.
116.09 SEXUAL HARASSMENT CAN BE COSTLY

If you, as an employee, are found guilty of sexual harassment, you may be personally liable for monetary damages. The City will not pay damages assessed against you personally.

The City of Belvedere strongly disapproves of any form of sexual harassment at the workplace. Disciplinary action will be taken promptly against any individual if it becomes known to management that such an individual has engaged in harassment of an employee.

116.10 PROTECTION AGAINST RETALIATION

City policy and California law forbid retaliation against any employee who opposes sexual harassment, files a complaint, testifies, assists, or participates in any manner in an investigation, proceeding, or hearing conducted by the Department of Fair Employment and Housing or the Fair Employment and Housing Commission.

Prohibited retaliation includes but is not limited to: Demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make impartial employment recommendations, adversely affecting working conditions or otherwise denying any employment benefit to an individual.

116.11 ADDITIONAL INFORMATION

The Department of Fair Employment and Housing (DFEH) is the state agency that resolves complaints of unlawful discrimination, including sexual harassment. After a complaint is filed, the DFEH has one year to investigate the complaint. To contact the DFEH, an employee should check the local telephone directory under State Government Offices or ask directory assistance for the number of the Department of Fair Employment and Housing headquarters in Sacramento.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that resolves sexual harassment claims. To contact the commission, an employee should phone directory assistance for Washington D.C.

If they find a complaint is justified, state and federal agencies have the power to order, among other actions, that the wronged party be hired, given back pay, promoted, reinstated, or granted damages for emotional distress. The agencies also may issue a "cease and desist" order to prevent further unlawful activity and order the violator to pay large fines.
CHAPTER 120. POSITION CLASSIFICATION PLAN

120.05 PURPOSE OF CLASSIFICATION PLAN

The purpose of the classification plan is to allocate, describe and organize positions and jobs into classes on the basis of assigned duties, responsibilities, job-related requirements and tests of fitness. Every position in the municipal service shall be allocated to an appropriate classification based on the assigned duties and responsibilities of such position.

120.06 COMPOSITION OF CLASSIFICATION PLAN

The classification plan shall consist of a grouping, by classification, of all City positions where the same title is appropriate, the duties and responsibilities are similar, but not identical, the same requirements and tests of fitness apply and the same salary rate is appropriate. A class may consist of one or more positions. Each classification shall have a job description which includes a concise, descriptive title, an illustrative summary of the duties and responsibilities of positions in the classification; and a listing of the qualifications, knowledge, skills, and other requirements for successful performance in that classification.

120.07 USE OF CLASSES

Class titles are to be used in all personnel, accounting, budget, appropriation and financial records. No person will be appointed to or employed in a position under a title not included in the classification plan. Class descriptions are considered to be illustrative only and shall be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Class descriptions are, furthermore, deemed to be descriptive of the kind of work performed and are not necessarily inclusive of all duties performed.

120.08 ADOPTION AND AMENDMENT OF CLASSIFICATION PLAN

The class descriptions included in this policies and procedures manual constitute the City's
classification plan. The classification plan may be amended at any time by resolution of the City Council upon the recommendation of the City Manager.
CHAPTER 124. RECRUITMENT

124.05 General

It is the policy of the City to select, promote and transfer the best qualified individual for each job opening without regard to race, religion, color, sex, age, national origin, marital status, disability, veteran's status, or any other condition not related to job performance. All qualified applicants are given an equal opportunity to demonstrate their job-related qualifications.

Candidates shall be recruited from appropriate geographic areas necessary to ensure a well-qualified candidate pool for each vacancy. The City Manager or his/her designee shall prepare recruiting notices to publicize vacancies and to recruit candidates for vacant positions. Various media and publicity strategies shall be utilized as required to provide notice of vacancies to as many qualified persons as possible.

124.06 Citizenship

Employment is open to qualified citizens of the United States or to qualified non-citizens who have the right to work in the State of California. Verification of this right shall be required upon appointment.

124.07 Application

All candidates for employment shall submit an application to the City on an official city application form or other form as deemed by the City as appropriate.

124.08 Categories for Appointment

The following categories of appointments may be made to City employment:

A. Regular Employees A regular employee works full or part-time only on a regularly scheduled basis. A regular full-time employee works a scheduled 40 hour work week. To qualify as a regular part-time employee, an individual must work at least 50% of a full time (40 hour) schedule on a monthly basis. Regular employees are subject to all policies
and procedures and receive all benefits (either fully or prorated) as provided in these policies and procedures.

B. Temporary or Provisional Employees

Temporary or provisional employees are appointed by the City Manager for a period not to exceed six (6) months. These employees are subject to the same policies and procedures as regular employees, however, they are not eligible for City benefit programs. Temporary or provisional appointments may include students, emergency appointments or appointments made for the term of a special project or a position vacancy during the recruitment/selection process.

124.09 Probationary Period

All appointments to regular, nonexempt positions in City employment shall be tentative and subject to a probationary period. The probationary period for sworn peace officers is eighteen months; for all other employees, one year. The probationary period applies to all regular employees, including part-time employees, but does not apply to temporary or provisional employees. A probationary employee is an at-will employee and will have no rights of tenure and may be terminated with or without cause. There is no provision for extension of the probationary period.

124.10 Objective of the Probationary Period

The probationary period shall be considered as an extension of the selection procedure and a trial period of employment. It shall be utilized to observe the employees' work performance, the effective adjustment of an employee to the class and to reject any probationary employee whose performance does not meet the acceptable standards for the position.

124.11 Probationary Employee Performance Reports

Performance reports on each probationary employee shall be filed with the City Manager by the department head during and prior to the completion of, the employee's probationary period with the City.

124.12 Rejection of Probationer

During the probationary period an employee may be suspended, demoted or rejected at any time by the City Manager without the right of appeal or grievance.
CHAPTER 128. MEDICAL EVALUATIONS AND BACKGROUND INVESTIGATIONS

128.05 PURPOSE

The purpose of this policy is to ensure that the City hires and retains the best-qualified candidates, and that selected applicants are appropriately screened and tested for proposed positions with the City.

All offers of employment with the City shall be expressly conditioned upon approval by the City of the results of any required pre-employment medical examinations, pursuant to the policy established below, as well as a required background investigation. The selection process may be changed, from time to time, as deemed necessary and/or appropriate by the City Manager.

128.06 POST-OFFER MEDICAL EXAMINATIONS

A. As a prerequisite to employment, all City selected applicants for full time or hourly positions shall satisfactorily pass a medical examination given by a City-designated physician to determine if he or she can perform the essential job duties of the position with or without reasonable accommodation. The results of a successfully completed medical examination will be used to evaluate the applicant’s ability to perform job-related functions, such as operating City vehicles or equipment safely. Therefore, the City will provide the examining physician with a copy of the position description prior to the examination. This examination shall be provided at City expense All results will be kept confidential as required under California law.

B. In addition to a standard physical examination, City selected applicants in the following full time and/or hourly classifications shall be required to undergo a pre-employment lumbar X-ray and audiometric (hearing) evaluation:
   - Maintenance Worker I
   - Maintenance Worker II
   - Senior Maintenance Worker
   - Public Works Manager
   - Police Officer
   - Police Sergeant
C. City selected applicants in the following classifications shall be required to undergo a pre-employment Drug Screen:
   Building Inspector I
   Building Inspector II
   Maintenance Worker I
   Maintenance Worker II
   Senior Maintenance Worker
   Public Works Manager
   Police Officer
   Police Sergeant

128.07  MEDICAL EVALUATIONS APPLICABLE TO CURRENT EMPLOYEES

A. Employees may be required to undergo additional medical evaluation by a City-designated physician or their preferred doctor in circumstances where, in the opinion of the City Manager, based upon evidence presented to and/or observed by him, one or more of the following events have occurred:

   • Job performance constituting a safety hazard to the individual employee and/or others.
   • Return to work by an employee who has lost three (3) or more consecutive days at work because of a serious illness, work-related injury or illness, or an off-the-job injury.
   • Return to work with City following resignation or leave-without-pay status for any duration.
   • Transfer to a position that requires greater physical capability than previous position.
   • Excessive use of sick leave.
   • More than one on-the-job injury or accident in a calendar year, or repeated reoccurrences of a disability resulting from a previous on or off the job injury.
   • Discovery of a physical problem or condition not disclosed or evaluated during the pre-employment physical when the condition may have an effect on the employee’s ability to perform his/her job.

B. Employees returning to work after a medical examination are expected to: 1) possess a written authorization allowing them to return to work from the examining physician; 2) notify the City of any medication(s) prescribed by the examining physician; and 3) comply with the examining physician’s recommendations.

128.08  BASIC BACKGROUND INVESTIGATIONS

A. Upon selection of an applicant for hire, the Department Head and/or City Manager shall be responsible to verify the following:
   • All relevant prior employment;
- All required professional credentials.
- All required academic credentials as shown by certified transcripts (when specified by the City Manager, a review of academic credentials may be included as part of a required criminal background check.)
- For those positions which require the use of an automobile: a current driving license and acceptable driving record (see Additional Hiring Procedures for Authorized Drivers below).

128.09 Criminal Background Investigations

A. As a prerequisite to employment for certain positions, a City-selected applicant may be required to complete a questionnaire regarding criminal history, and to successfully pass a criminal background check in accordance with City policy, which may include a live scan fingerprint examination and other job-related criminal background investigation procedures. The City shall pay the cost of the criminal background check.

B. The City may obtain criminal background information on prospective full time and hourly employees. If a criminal background check of an applicant reveals any conviction for any of the following crimes of moral turpitude, the City shall have the discretion to refuse to hire such applicant on those grounds (all section number references are to the California Penal Code):

- Section 68: Asking for or receiving bribes
- Section 72: Presentation of fraudulent claims
- Section 73, 74: Bribes for appointment to office
- Section 187, 189: Murder
- Section 209: Kidnapping for ransom, extortion or robbery
- Section 211: Robbery: taking personal property in possession of someone by force or fear
- Section 245: Assault with deadly weapon
- Section 261: Rape
- Section 451: Arson of structure, forest land or property
- Section 459: Burglary
- Section 484: Theft
- Section 487: Grand theft
- Section 503: Embezzlement: fraudulent appropriation of property by a person to whom it has been entrusted
- Section 518: Extortion: obtaining property by a wrongful use of force or fear or under color of official right

C. Any information obtained from the Department of Justice shall be used, in part, to determine whether the selected applicant shall be offered a position with the City.

D. State summary criminal history information is confidential and shall not be disclosed,
except to those individuals designated to make employment decisions.

E. Pursuant to California Penal Code Section 11077, the Attorney General is responsible for the security of Criminal Offender Record Information (CORI) and has the authority to establish regulations to assure the security of Criminal Offender Record Information against unauthorized access and disclosures by individuals and/or public and private agencies at all levels of operation in this State. The following are requirements as prescribed by the State of California, Department of Justice, Bureau of Criminal Identification and Information, Field Operations and Record Security for any agency that maintains or receives criminal history information.

1. Record Security: Any inquiries regarding the release, security or privacy of Criminal Offender Record Information (CORI) are to be received and responded to by the City Manager.
2. Record Storage: CORI shall be under lock and key and accessible only to the City Manager who shall be charged with responsibility for and committed to protect CORI from unauthorized access, use or disclosure.
3. Record Dissemination: CORI shall be used only for the purpose for which the City Manager requested it.
4. Record Destruction: After the employment determination has been made, CORI and all copies of the same shall be destroyed in such a way and to the extent necessary to ensure that the employee’s name may no longer be identified thereon.
5. Record Reproduction: CORI may not be reproduced for dissemination.
6. Training: The City Manager, and any employee(s) appointed by the City Manager, with access to CORI are required:
   a. To read and abide by this policy;
   b. To be fingerprinted and have a background check completed;
   c. To have on file a signed copy of the Employee Statement Regarding the Use of Criminal Record Information, which acknowledges an understanding of laws prohibiting misuse of CORI.

F. Penalties: Misuse of CORI is a criminal offense. Violation of this policy regarding CORI may result in suspension, dismissal, and/or criminal or civil prosecution.

128.10 ADDITIONAL HIRING PROCEDURES FOR AUTHORIZED DRIVING POSITIONS

A. For the purposes of this policy, there are established three classes of authorized drivers:

1. Frequent Drivers Of City Vehicles:
   Building Inspector
   Public Works Manager
   Maintenance Workers
   Public Works Supervisor
2. Frequent Drivers Of Personal Passenger Vehicles on City Business:
   - City Manager
   - Building Official/Code Enforcement Officer
   - Finance Officer
   - City Planner
   - Planner
   - Associate Planner
   - Assistant Planner

3. Occasional Drivers of Personal Passenger Vehicles on City Business:
   - City Clerk

B. In addition to a valid California driver license, all applicants for City positions who will operate any vehicle (City or personal) on behalf of the City must provide a copy of their most recent motor vehicle record (MVR) to the City at or before the oral interview. This report can be obtained from any office of the California Department of Motor Vehicles (DMV).

C. Only those persons whose MVR meet the following criteria shall be considered for employment: no major convictions in the last five (5) years and no more than two (2) minor convictions or technical violations in the last three (3) years or one (1) at-fault accident and one (1) minor conviction in the last three (3) years. At the discretion of the City Manager, an applicant who has an at-fault accident in the last three years may be required to provide to the City a copy of the police accident report and the type and severity of the accident may be taken into consideration in determining the applicant’s qualifications for the position. (For the definition of major, minor and technical convictions, refer to the Chapter “Motor Vehicle Safety Program” in the Belvedere Injury and Illness Prevention Program.)

D. Oral Interview. The City shall conduct an oral interview during which the applicant should expect to address the following topics:
   - Previous driving experience
   - Knowledge of basic safe working rules and regulations
   - Knowledge of operating motor vehicles
   - Convictions associated with the operation of motor vehicles

E. Proof of Financial Responsibility for Personal Vehicles Used for City Business. Unless waived in writing by the City Manager, employees who drive personal vehicles on City business are required to maintain a minimum of $100,000 of personal insurance coverage for bodily injury and property damage. Upon hire, and in January of each year thereafter, employees are required to provide proof of financial responsibility. Mileage reimbursement for use of personal vehicles will only be made for those employees whose insurance files are current.

See Appendix 128.A for a sample memo which contains information which it is important to remind employees of on a yearly basis.
F. Liability for Vehicle Claims. Personal vehicles are not insured under the City’s insurance policy as the City’s insurance follows the vehicle(s). In case of an accident, the Employees personal automobile insurance policy shall be the primary carrier and all claims must be submitted to the Employee’s personal agents, even if the accident/damages occurred while using the vehicle on City business. The City’s liability policy will only apply on an excess basis when the limits of the employee’s policy are exhausted.

G. Enrollment in DMV Pull Notice Program. For those who will drive frequently in the course of employment, whether using City vehicles or their personal vehicle, enrollment is mandatory in the City’s Government Employee Pull Notice Program (EPN). Employees who frequently drive as part of their job must maintain an acceptable MVR as a condition of employment. (Requirements for driver training and for maintaining an acceptable MVR are included in the City of Belvedere’s Illness and Injury Prevention Program, Chapter 4, “Motor Vehicle Safety Program.”)

H. The DMV has issued guidelines to assist EPN account holders in complying with security requirements for record information received from the DMV. The City’s implementation of these guidelines takes the following form:

1. DMV information may only be used for the purpose for which it was approved by the DMV. It may not be combined with any other information.
2. DMV information must be destroyed when it is no longer needed for the reason for which it was originally requested. The method of destruction must be in a manner that it cannot be reproduced or identified in any physical or electronic form. DMV information, as part of an employee’s personal record, is kept during the term of the individual’s employment and is destroyed two years after the individual has terminated employment with the City.
3. Security measures must be in place to prevent unauthorized access to any DMV data.
4. DMV requestor codes are confidential and must be protected from unauthorized use or disclosure.
5. An EPN contact person should be appointed and placed in charge of maintaining the security of department record information. The Assistant to the City Manager/Risk Manager is the appointee.
6. Any changes in information contained in the City’s application/contract with the DMV must be made to the DMV within 10 days of occurrence. This regulation, by inclusion in this chapter of the Administrative Policy Manual, is thereby adopted as an official City policy and the Assistant to the City Manager/Risk Manager is responsible for carrying it out.

132.05 Employment of Relatives

It is the policy of the City Council of the City Of Belvedere to restrict the hiring and/or employment of relatives of City employees based on the following criteria:

A “relative” is defined as a spouse, child, step-child, parent, step-parent, parent-in-law, legal guardian, brother, sister, step-brother, step-sister, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grandchild, grandparent, or any other individual related by blood or marriage living within the same household as the City employee.

An “employee” is defined as any person who receives a City payroll check for services, full or hourly rendered to the City of Belvedere.

An applicant may not be denied the right to file an employment application and to compete in the examination process. Following examination, if the applicant is successfully certified as eligible, he/she may not be employed in a department or office in which a relative, as defined above, is employed if they:

- Perform joint duties; or
- Share responsibility or authority; or
- Report to the same Supervisor; or
- Would be supervised by or would supervise a relative; or
- Are related to the cognizant City Council Member, City Manager, Board, or Committee Member with the department or area of responsibility of such City-appointed Board, or Committee Member.

When the eligible applicant is refused employment by virtue of this provision, the name of the eligible applicant shall remain on the eligibility list for openings in the same classification as otherwise provided in these Rules, where no relative is employed, is supervised or supervising the vacant position.

When two employees of the City become married so as to create a situation in which they perform joint duties, share responsibility or authority, report to the same Supervisor, or supervise each other, then every attempt will be made to offer a transfer to another department. In the
event a transfer to another department is not accepted and/or unavailable, the employee shall make the decision as to which one shall resign. In the event that neither employee resigns, the least senior employee shall be terminated.

132.06 NON-FRATERNIZATION

A. PURPOSE.
Consensual romantic or sexual relationships between City employees can lead to misunderstandings, complaints of favoritism, and adverse effects on employee morale, supervision, and security. These relationships can also create potential claims of sexual harassment during or after termination of the relationship. As a result, such relationships may create existing or potential conflicts that adversely affect an organization.

B. POLICY.
The City discourages romantic or sexual relationships between employees and requires employees who have such relationships strictly adhere to this policy. Relationships that present an actual conflict adversely affecting the workplace under this policy are strictly prohibited. This policy shall apply to all City employees who have a romantic or sexual relationship with another City employee. Employees who marry or become domestic partners shall be governed by Section 132.05, “Employment of Relatives,” of this Policy Manual.

C. DEFINITIONS.
1. Conflict: For purposes of this policy, a conflict exists if employee supervision, safety, security, or morale would be impacted by a romantic or sexual relationship between two employees, if the relationship results in complaints of favoritism or perceived favoritism, or if the relationship affects the efficient operation of the City.
2. Supervisor or Manager: For purposes of this policy, a supervisor or manager is an individual having the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, evaluate, or discipline employees. A supervisor also has the responsibility to direct employees, to adjust their grievances as outlined in the City’s grievance procedure, or effectively to recommend that action, if the exercise of that authority requires the use of independent judgment and not routine or clerical nature.

D. RESPONSIBILITIES.
1. Employee Conduct: Employees are prohibited from engaging in intimate, physical, or other conduct in furtherance of a romantic or sexual relationship with another City employee during work hours, on City premises, or at City events. If an employee ends a romantic or sexual relationship with another City employee, the employees are prohibited from engaging in behavior that adversely affects the working conditions of any City employee in accordance with the policy against harassment. Employees are expected to observe appropriate standards of workplace conduct in their interactions with other City employees.
2. Supervisor's Duty to Report: If a romantic or sexual relationship exists between a supervisor and another employee (including an employee not in the supervisor's direct
chain-of-command or another supervisor), the supervisor is required to disclose the relationship to the City Manager and request a determination as to whether the relationship presents a conflict. The disclosure must identify the names and positions of both employees. Non-supervisory employees are encouraged, but not required, to make the disclosure. A supervisor’s failure to comply with this policy shall be grounds for discipline up to and including termination.

3. Determination by City Manager: Within 10 business days, the City Manager shall issue a written determination as to whether the relationship presents a conflict, and is thereby prohibited. The City Manager shall have exclusive discretion in making the determination.

4. Determination by City Attorney: If the City Manager is one of the parties in the relationship in question, the report shall be made to the City Attorney and the City Attorney shall make the subsequent determination.

5. Resolution of Conflicts: Subject to limitations imposed by applicable memoranda of understanding and personnel rules, the City Manager will work in good faith with the supervisor or employees involved to consider options to eliminate the conflict. Options may include removing the supervisory authority that created the conflict, reassignment, or transfer or voluntary demotion of a supervisory employee. If modification of a supervisor’s assignment is not feasible, the City Manager can reassign, transfer or voluntary demote the non-supervisory employee. The City Manager retains discretion to determine that the conflict may be resolved by a voluntary resignation or termination only. Any termination under this policy will be in accordance with relevant disciplinary procedures.

6. Complaints: Employees who believe they have been adversely affected by romantic or sexual relationships between City employees should follow the complaint procedures provided under the City’s policy against harassment. The complaint procedures are available to all employees regardless of their past or present participation in a romantic or sexual relationship with another City employee.

(Added 09/09/2013)
CHAPTER 136. WORK HOURS & ATTENDANCE

136.05 STANDARD WORK WEEK—ALTERNATE WORK SCHEDULE

For employees using the 9-80 work schedule, the standard work week shall begin at noon on Friday and end at 11:59 a.m. on the following Friday. The workday begins at noon on any given day and continues until 11:59 a.m. on the following day. The 9-80 schedule is consistent and repeatable every two weeks.

Employees using the 9-80 work schedule are required to work nine hours for eight work days, and eight hours on a ninth work day. Employees participating in a 9-80 work schedule will have alternate Fridays off.

The workweek thus defined herein continues to provide a normal schedule of 40 hours in a work week although the employee works 44 hours in one calendar week and 36 hours in the second calendar week of the two-week period. Overtime would not be paid unless an employee exceeds 40 hours of work in the work week.

HOLIDAYS – ALTERNATIVE WORK SCHEDULE

For any week in which there is a scheduled holiday, City offices are closed. An employee working a 9-80 work schedule will work their normally scheduled work days (except for the holiday off), and will be paid for 80 hours. In cases where a holiday falls on an employee’s regular Friday off, the employee will receive 8 hours of compensatory time off to be used at a later date which is approved in advance by the employee’s supervisor.

136.06 ATTENDANCE

An employee is expected to be in attendance during regular work hours in accordance with these procedures and with general departmental regulations. Daily attendance records of employees shall be maintained which shall be reported to the City Manager.
136.07 MANDATORY TRAINING

A. This section applies only to compulsory training. Training announcements given to supervisors and employees shall clearly state when a training is mandatory and which employee classifications are required to attend.

B. To facilitate the selection of training days, employees shall endeavor to list their planned time off on the City calendar. As much as possible, employee trainings shall be scheduled to work around listed vacation, administrative leave, and sick leave dates and dates on which attendees have scheduled appointments on the applicable calendar(s): City Hall Shared Calendar, Police Department Leave Calendar, and/or Public Works Department Leave Calendar.

C. Training for staff who work at City Hall shall be scheduled for Fridays when City Hall is closed to the public, with the following exceptions: holidays, the Friday before a City Council meeting; the two Fridays before a Planning Commission meeting; the Friday before a Monday which is a City holiday. Salaried employees on flex schedules who have that day scheduled to be off shall make every attempt to float their day off to an alternate day. Hourly employees whose regular day off was scheduled for that Friday will be required to attend and be paid overtime, when applicable. Such regular days off will not be taken into consideration when scheduling training days.

D. Any employee who misses a training for any reason will be required to make-up that course or course equivalent within a reasonable period of time, as stipulated by the supervisor.

E. If a make-up course is not available during the employee’s normal working hours, the employee must attend the training on his/her own time without pay. This rule shall apply except in cases where the course was missed due to a medical emergency in the immediate family, bereavement leave, leave prescribed by a treating physician for a work-related illness or injury, or unexpected illness or injury of the employee. When an employee is absent from training due to personal illness or injury, at the discretion of the department head, a physician’s certificate of illness or injury shall be required prior to the resumption of normal duties.

F. Trainings are deemed compulsory when they are required by California State Law or deemed so by the City Manager (at his sole discretion). Compulsory trainings as of June 1, 2011 are:

<table>
<thead>
<tr>
<th>Course</th>
<th>Attendees</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethics for Public Officials (2 hours)</td>
<td>See Section 25.09.</td>
<td>Within 1 year of appointment &amp; every 2 years thereafter.</td>
</tr>
<tr>
<td>Preventing Discrimination &amp; Harassment</td>
<td>Employees with supervisory responsibilities.</td>
<td>Every two years.</td>
</tr>
<tr>
<td>SEMS 100</td>
<td>Employees assigned to work in the Emergency Operating Center.</td>
<td>Within 1 year of appointment</td>
</tr>
<tr>
<td>NIMS 100</td>
<td>Employees assigned to</td>
<td>Within 1 year of</td>
</tr>
</tbody>
</table>

154
work in the Emergency Operating Center. | appointment
---|---
CPR for adults and children | All City Hall and Public Works employees. | Every 2 years.
First Aid | All City Hall and Public Works employees. | Every 2 years.
Get Ready 94920! | All City Hall and Public Works employees | Every 3 years.

136.08  **RECOMMENDED TRAINING**

A. This section applies to recommended training, which is often department- or position-based. Training announcements given to supervisors and employees shall clearly state when a training is recommended and which employee classifications are expected to attend.

B. Training shall be scheduled in accordance with the restrictions listed in Subsections 136.07B & C.

C. Employees are encouraged not to request voluntary leave for times when they are scheduled to participate in recommended training.

D. Supervisors shall encourage their employees to be present for recommended trainings. Because make-up classes may be unavailable locally, and because classes may have a minimum number of required participants, supervisors shall consult with the City’s Training Coordinator and City Manager before pre-approving a voluntary absence from recommended training.

E. Any employee who voluntarily misses a course that is offered locally shall make-up that course or an approved course equivalent within a reasonable period of time, as stipulated by the supervisor.

F. Successful completion and implementation of recommended training courses and/or training beyond the minimum required for a department or position shall be listed within the annual personnel evaluation for each employee and may be used to indicate service beyond what is required for satisfactory performance.

G. The designation of recommended training is solely at the discretion of the City Manager. Recommended trainings as of June 1, 2011, are:

<table>
<thead>
<tr>
<th>Course</th>
<th>Attendees</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hands-on Training in Emergency Techniques</td>
<td>Recommended for All City Hall and Public Works employees.</td>
<td>Annually (usually in conjunction with CPR or First Aid)</td>
</tr>
<tr>
<td>Verbal Judo</td>
<td>Recommended for All City Hall and Public Works employees.</td>
<td>Within 1 year of appointment. (If this course is unavailable, Customer Service may be substituted.)</td>
</tr>
<tr>
<td>Office Ergonomics</td>
<td>Recommended for All City Hall and PD</td>
<td>Every three years.</td>
</tr>
<tr>
<td>Field Ergonomics</td>
<td>Recommended for All Public Works employees.</td>
<td>Every three years.</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Back Safety</td>
<td>Recommended for All Public Works employees.</td>
<td>Every three years.</td>
</tr>
<tr>
<td>Hearing Safety</td>
<td>Recommended for All Public Works employees.</td>
<td>Every three years.</td>
</tr>
</tbody>
</table>

### 136.09 Optional Training

A. This section applies only to training that is purely voluntary. Training announcements given to supervisors and employees shall clearly state when a course is voluntary and whether a minimum number of sign-ups will be needed to hold the class.

B. All employees may request training through their supervisors. Supervisors shall consult with the Training Coordinator regarding possible training resources before scheduling voluntary training.

### 136.10 Departmental Training

This chapter does not apply to in-department training courses that are not listed above and which are required by an authority other than the City Manager (e.g. a department head, the State or Federal government, or an accrediting agency).

*(Section 07 added 12/13/2011, amended 11/14/2011; Secs 08-10 added 12/13/2011; Sec. 136.05 amended 6/9/2014.)*
CHAPTER 140. POLITICAL ACTIVITIES

City employees are not prohibited from engaging in political activity as private citizens. However, Section 3201 et. seq. of the State of California, Government Code does limit the political activities of City employees. The purpose of these restrictions is to keep the City employee’s job free from political influences.

Government Code 3201 states the following:
A. No one who holds, or who is seeking election or appointment to any office or employment in a state or local agency shall use, promise, threaten or attempt to use, any office, authority, or influence to confer upon or secure or to aid or obstruct any individual person in securing any position, nomination, confirmation, promotion, or change in compensation or position within the state or local agency.
B. An officer or employee of a local agency shall not, directly, or indirectly, solicit political funds or contribution, knowingly, from other officers or employees of the local agency.
C. No officer or employee of a local agency shall participate in political activities of any kind while in uniform.
D. Officers and employees are prohibited from engaging in political activity during working hours and on the premises of the local agency.
Outside business activities and employment are not encouraged for full-time employees; however, an employee may engage in them provided such employment does not in any way affect on-the-job performance or use the employee's position or contacts at the City for private advantage and the employee obtains prior approval from the City Manager. In addition, an employee must not release any confidential information related to City matters or business to any non-authorized person.
CHAPTER 148. PERIODIC PERFORMANCE EVALUATION

148.05  GENERAL

The City Manager, in cooperation with department heads, shall establish and implement a system of performance evaluation based on standards of performance. The standards shall have reference to the quality and quantity of work to be performed, the manner in which the service is to be rendered and the expectations of the employees in the performance of the work. At a minimum, performance evaluations shall be given yearly. To the extent feasible, annual evaluations shall be scheduled by the City Manager and department heads to be given during the months of August and September. Other periodic evaluations of employees are permitted at the discretion of the City Manager.

Performance evaluations shall be discussed with each employee and shall be confidential between the immediate supervisor, if any, who may be delegated to prepare the evaluation, the department head, the City Manager and the employee. Performance evaluations shall be signed by the employee indicating that it has been seen by and discussed with him/her, and that a copy has been provided to the employee. If an employee refuses to sign a performance evaluation, the supervisor shall so indicate on the evaluation. Within two weeks of receipt of the performance evaluation, the employee may submit a written response to any matter contained in the evaluation, and the evaluation and any response shall be placed in the employee's personnel files. If the employee fails to submit a written response within said two week period, the right to respond shall be deemed waived. Performance evaluations may not be grieved unless the employee believes and can document that he/she has been treated in a discriminatory manner.

148.06  REAPPOINTMENTS

Reappointment after separation from employment for any reason will be considered as new employment.

148.07  CONTINUED EMPLOYMENT

Continued employment of employees with the City shall be subject to continued satisfactory work performance and availability of funds and work.
CHAPTER 152. EMPLOYEE COMPENSATION

152.05 EMPLOYEE COMPENSATION PLAN

An employee compensation plan shall be established to provide salary schedules, salary rates, salary ranges and steps, and time intervals for salary review. Each class in the classification plan shall be assigned to a salary rate or range in the compensation plan. All persons employed by the City shall be compensated in accordance with the compensation plan then in effect.

152.06 RATES OF COMPENSATION

The rates of compensation for salary for all employees are in the salary resolution adopted by City Council on an annual basis.

152.07 ADVANCEMENT

A Appointments are normally made at the first step.
B An employee is eligible to advance to the next step after six months of satisfactory service and approval of the City Manager. This does not however constitute successful completion of the one-year probationary requirement.
C The time frames required for advancement to higher steps within a given pay range are fixed. Advancement of more than one step within a given pay range is possible provided the department Director, Personnel Officer, and City Manager approve of this advancement.
D Advancements are based upon acceptable work performance as evidenced in the employee performance appraisals. Advancements are recommended by the supervisor/director and approved by the City Manager at six-month intervals in the first year of employment and, at yearly intervals thereafter.
E An employee who is appointed at Step A within a given salary range becomes eligible for advancement:
   To Step B after 6 month;
   To Step C after an additional 6 month;
   To Step D after an additional 1 year;
   To Step E after another year.
An employee who is appointed at Step B will be eligible for advancement to Step “C” after 6 months.

An employee who is appointed at Step “C” or “D” will be eligible for advancement to the succeeding step after 1 year.

It will take an employee appointed at Step A three years to advance to Step E of a given pay range.

152.08 EXEMPT EMPLOYEES

Nothing in these rules and regulations shall be construed to prevent the City Manager from making special provisions for exempt personnel by written contract.
CHAPTER 156.  COMPUTATION OF SALARY

The salary rates for all authorized City positions are set forth in the employee compensation plan. In the conversion of monthly salaries, hourly rates are computed as follows:

\[
\frac{12 \times \text{monthly salary}}{2,080}
\]

156.05  PAY PERIODS

The pay periods for all employees shall be semi-monthly and salaries will be paid on the 15th and the last work day of each month. When the regular payday coincides with a Saturday, Sunday or holiday, salaries will be paid on the work day immediately preceding such Saturday, Sunday or holiday.

Except for employees separated from service by the City, salaries will be paid only on regular paydays.
Job classes are designated as exempt and non-exempt in conformance with the guidelines of the Fair Labor Standards Act (FLSA). Exempt employees are not eligible for overtime compensation.

Overtime is paid for all eligible non-exempt employees for time worked in excess of forty (40) hours per week. Overtime is paid at one and one-half times the base pay and is earned in increments of 15 minutes. Overtime will be paid at the end of each pay period in which it is earned.

Overtime must be authorized by the department head. Such authorization must be in advance of when the overtime is to occur, unless emergency situations or service to the public requires unscheduled overtime.
CHAPTER 164. CALL BACK

Non-exempt employees who are called to work on their day off or other off duty hours shall be compensated for a minimum of four hours overtime or for the actual time worked, whichever is greater. Work time shall commence upon arrival at the place where he/she is directed to report, and shall continue until the time he/she is released or the work is completed, whichever is earlier.
Pursuant to Section 3100 of the California Government Code, all public employees automatically assume the role of disaster service workers in the event of disaster situations.

Emergencies may occur in the City of Belvedere which may require response by emergency services personnel. In addition, the City has entered into mutual aid agreements with local jurisdictions to provide emergency assistance in cases where damage is confined to a particular region.

In the event any salaried or "exempt" employee is required to serve as an official disaster service worker pursuant to California Government Code Section 3100, such employee shall be compensated for those hours worked in excess of the total number of hours in the employee's regular work week at the employee's current hourly rate.
See Section 197.14, “Pay for Follow-Up Medical Treatment,” of this Manual.

(Rev. 10/2010)
Certain employee classifications, as determined by the City Manager, shall be required to wear uniforms on the job. For those employees who are not provided uniforms by the City, clothing allowances shall be payable by the City, in amounts specified by City Council policy, for the purchase and maintenance of such uniforms.
CHAPTER 180. PAY DISAGREEMENT

Employees should first talk with their supervisor and the supervisor should call regarding the discrepancy. For a discrepancy on a paycheck, the employee must notify the Finance Officer within ten calendar days from the date on which the check is issued. If a discrepancy is found, corrections will be made on the next check.

180.05 LOSS OF PAYCHECK

Employees must notify the Finance Officer as soon as possible if a paycheck is lost. A “Stop Payment” will be issued on the check immediately, and a new check will be issued only after receiving “Stop Payment” confirmation (approximately three days) from the bank.

180.06 DEDUCTIONS

A. Involuntary Deductions (Federal, State, & Medicare):
   1. Varies with earnings and number of exemptions claimed on W-4 form.
   2. All employees will receive a W-2 indicating taxable Federal, State & Medicare wages and taxes withheld during the previous year by January 31 in order to file Federal & State income tax returns.
B. Voluntary Deductions:
   Voluntary deductions consist of deferred compensation, optional insurance, and union dues.

180.07 DIRECT DEPOSIT

Full time and hourly employees may participate in direct deposit by having their paycheck automatically deposited into a checking or savings account in a bank of their choice.
CHAPTER 184.  HOLIDAYS

184.05  STATEMENT OF POLICY

A.  Regular Holidays.  City employees, other than non-exempt public safety employees, receive the following eleven fixed holidays.  If a holiday falls on a Saturday, the preceding Friday shall be the holiday.  If a holiday falls on a Sunday, the following Monday shall be the holiday.

- 1st (New Years Day);
- The third Monday in January (Martin Luther King, Jr. Day);
- The third Monday in February (President's Day);
- The last Monday in May (Memorial Day);
- July 4th (Independence Day);
- The first Monday in September (Labor Day);
- November 11th (Veteran's Day);
- Last Thursday in November (Thanksgiving Day) and the day following;
- Christmas Day and the day preceding.

B.  Floating Holidays.  In addition to the above fixed holidays, all employees, who have worked for the City for at least six (6) months, shall be entitled to 16 hours paid floating personal leave time each year.  Before taking the floating personal leave time, the employee must obtain written permission from his/her immediate supervisor.  Non-exempt public safety employees must take their floating personal leave day as a day off and may not receive holiday pay therefor.  Any employee who fails to take his/her floating personal leave day(s) during the course of the year shall forfeit them effective January 1 of the following year.

184.06  ELIGIBILITY

All regular full and part-time employees are eligible for holiday compensation if the employee is in a paid status on the day prior to and following the holiday.
184.07  **COMPENSATION FOR WORK ON PAID HOLIDAYS**

Regular full time employees assigned to work on holidays shall receive pay for each hour worked at their regular rate in addition to their regular salary. Regular part-time employees are not eligible for such holiday compensation.

184.08  **HOLIDAY PAY FOR PUBLIC SAFETY EMPLOYEES**

Except for clerical employees and the Police Chief, City-recognized holidays shall not be granted to employees of the Police Department. These employees shall be granted eight hours of additional pay in lieu of each holiday falling within the pay period, whether or not the employee actually worked on the holiday.

*(Amended 06/08/2009)*
188.05 STATEMENT OF POLICY

The purpose of annual vacation leave is to enable employees to enjoy a change from their normal work schedule.

188.06 ELIGIBILITY

Regular full-time and part-time employees are eligible for paid vacation leave. Regular part-time employees shall earn annual vacation leave on a pro-rated basis based upon actual hours worked.

188.07 VACATION ACCRUAL

Eligible employees shall accrue vacation at the following rates for continuous paid service:

A. **Non-exempt full-time public safety employees:**

<table>
<thead>
<tr>
<th>Months of Service</th>
<th>Monthly Accrual Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-12 months</td>
<td>6.67 hours</td>
</tr>
<tr>
<td>13-36 months</td>
<td>8.00 hours</td>
</tr>
<tr>
<td>37-120 months</td>
<td>10.00 hours</td>
</tr>
<tr>
<td>121+ months</td>
<td>12.00 hours</td>
</tr>
</tbody>
</table>

B. **All other non-exempt full-time employees:**

<table>
<thead>
<tr>
<th>Months of Service</th>
<th>Monthly Accrual Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-36 months</td>
<td>6.67 hours</td>
</tr>
<tr>
<td>37-60 months</td>
<td>10.00 hours</td>
</tr>
<tr>
<td>61-72 months</td>
<td>10.67 hours</td>
</tr>
<tr>
<td>73-84 months</td>
<td>11.34 hours</td>
</tr>
<tr>
<td>85-96 months</td>
<td>12.00 hours</td>
</tr>
<tr>
<td>97-108 months</td>
<td>12.67 hours</td>
</tr>
<tr>
<td>109+ months</td>
<td>13.33 hours</td>
</tr>
</tbody>
</table>

C. **Exempt employees:**
Each exempt employee shall accrue vacation at the rate provided for in the current City Council policies governing that employee's compensation and benefits.

Total accumulated vacation for any employee may not exceed twice the employee's annual rate of accrual. Should an employee accumulate vacation hours in excess of the maximum allowed as of the end of a given calendar year, the employee shall be paid for any excess hours, at the rate of compensation for that calendar year. Every employee shall endeavor to utilize the excess hours prior to the end of the calendar year.

188.08  USE OF VACATION

Employees shall complete six months of continuous service before becoming eligible to use accrued vacation leave. The time in which an employee may use his/her accrued vacation leave and the amount to be taken at any one time shall be determined by the supervisor or department head with particular regard for the needs of the City, but also, insofar as possible, considering the wishes of the employee. Employees shall not work for the City during their vacation in order to earn double compensation.

188.09  HOLIDAY DURING VACATION

Except for non-exempt public safety employees who receive holiday pay, in the event a City-recognized holiday falls within an employee's vacation period which would have excused the employee from work and for which no other compensation is made, said holiday shall not be charged as a vacation day.

188.10  VACATION AT SEPARATION

Employees leaving City employment after six months of continuous service who have accumulated vacation leave shall be paid the amounts of accrued vacation to the date of separation. Except for such payment upon separation, employees shall not be entitled to be compensated for vacation leave. Employees leaving City employment prior to serving six months of continuous service shall not be entitled to compensation for accumulated vacation leave.

188.11  EFFECT OF EXTENDED MILITARY LEAVE

An employee who interrupts his/her city employment because of extended military leave may be compensated for accrued vacation at the time the leave becomes effective if such request is made
CHAPTER 192.  SICK LEAVE

192.05 STATEMENT OF POLICY

The purpose of sick leave is to provide an employee time off without loss of pay for illness or injury which is not work-related. (Leave for illness or injury that is determined to be work-related is covered by Workers’ Compensation.) It is provided in recognition of the fact that a sick employee is not fully productive and that time off will allow such an employee to recuperate more rapidly. Sick leave shall be allowed and used only in the case of actual personal sickness or disability, medical or dental treatment, or in the case of any emergency illness in the immediate family. Immediate family shall mean the spouse, parent, child, brother, sister, or a close relative residing in the household of the employee. Sick leave must be approved by the supervisor or department head.

192.06 ELIGIBILITY & RELEASE TO RETURN TO WORK

In order to receive compensation while absent on sick leave, the employee shall notify the supervisor or department head on the first day’s absence and at regular intervals thereafter as determined by the supervisor or department head in order to facilitate effective coverage.

When an employee is absent due to a personal illness or injury for three or more consecutive working days, the City may require a physician's certificate of illness or injury to confirm the employee’s ability to return to normal job responsibilities. Further, if an employee returns to the workplace with an injury, illness, or treatment for the same that affects the employee’s ability to return to normal work duties, the City may require a physician’s certificate to confirm the employee’s ability to return to normal job responsibilities.

In the event the employee is absent due to a work-related illness or injury, a physician’s certificate or “release to return to regular work” will be required prior to the resumption of duties.

(Rev. 11/14/2011)
192.07 **Accrual**

Sick leave shall be accrued monthly for all regular employees beginning with the first month of employment, provided the employee has been in pay status for 50% or more of the first month or any month thereafter. Sick leave shall be accrued at the rate of eight (8) hours per month for all regular full-time employees and on a pro-rated basis based on actual hours worked for regular part-time employees. Such accrual shall be limited to a maximum number of hours to be specified in the then current City Council policies governing employee compensation and benefits. Upon separation, an employee will not be compensated for unused sick leave.

192.08 **Approval of Sick Leave**

Sick leave with pay shall be granted for medical, dental or other similar medical practitioner appointments, which are made during normal working hours.

In the event an employee suffers a non-work related catastrophic injury or illness and has exhausted all of his or her accrued sick leave credits, the City shall permit other individual employees to contribute up to 50% of their accrued sick leave to the seriously injured or gravely ill employee, provided however that any such individual’s contribution shall not exceed 40 hours in any given calendar year.

192.09 **Attendance Recognition Program**

The City recognizes employees who demonstrate an outstanding attendance record over a prior calendar year. Under this program, employees are allowed to convert a portion of their unused sick leave to pay or compensatory time-off. In order to be eligible for this recognition, an employee must have been a regular full-time or part-time paid employee of the City for the full preceding calendar year; and must have used 48 or fewer hours of sick leave during the preceding calendar year.

Participation of part-time employees in this benefit shall be on a pro-rata basis, providing however, that the regular part-time employee works in excess of an average of 20 hours per week.

Employees have the option of buying back specified unused sick leave or converting that same amount to compensatory time on a straight time basis.

**Recognition Levels**

Level 1: Employees who have not used any sick leave hours over the past year have the option to buy-back up to 40 hours of unused sick leave. The option to buy-back all 40 hours is subject to the requirement that the employee have a minimum balance prior to buyback of 80 hours of combined leave (vacation, sick, and floating leave). Those employees maintaining a combined leave account balance of more than 120 hours may buy-back up to 60 hours per year of sick
leave.

Level 2: Employees who have used more than 0 but less than 24 sick leave hours over the past calendar year have the option to buy-back up to 24 hours of unused sick leave.

Level 3: Employees who have used more than 24 but less than 48 sick leave hours over the past calendar year have the option to buy-back up to 15 hours of unused sick leave.

Eligible employees will be provided with a letter in January from the Finance Department regarding the prior year’s conversion options. Employees will be required to respond in writing to the Finance Department by the due date on the eligibility letter.

192.10   WORKERS’ COMPENSATION

Under provisions of the Workers’ Compensation Insurance Law of California, any employee injured on the job in the course of employment is entitled to disability compensation and medical care.

A. This insurance provides a weekly prorated payment based upon salary or regular wages, as well as coverage for medical and hospital expenses. Compensation begins three days after the accident, not including the day of the accident.

B. During this type of disability, the employee will receive compensation allowable under the program, but total compensation from all sources may not be higher than regular wages.

C. The City is self-insured for workers’ compensation through the California Joint Powers Insurance Authority.

D. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers’ compensation benefits or payments is guilty of a felony.

192.11   UTILIZATION OF SICK LEAVE WHILE ON WORKERS’ COMPENSATION

Full time employees on workers’ compensation leave may use their own personal sick leave to cover the period of time off from work. By law, the first three days of leave is not covered under workers’ compensation unless the employee is hospitalized as an in-patient or is unable to work for more than 14 days. Benefits do begin on the fourth day and are generally two-thirds of wages, up to a specified maximum amount per week. Payments are normally mailed within 14 days.

Full time employees may continue utilizing sick time during the period of absence due to a work-

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1 See also Secs. 196.16, “Workers’ Compensation Hearings,” and 197.14, “Pay for Follow-Up Medical Treatment.”
related illness or injury. However, when payment of workers’ compensation benefits is received by the employee:

- He/she must endorse the check over to the city.
- The City will convert the dollar amount of the check to sick leave hours (Total amount of check divided by hourly wage).
- The City will credit the employee’s sick leave account by that number of hours.

Employees who do not wish to cover this period with sick leave, or who lack adequate sick leave hours, may of course keep the check from workers’ compensation.

CHAPTER 196. LEAVES OF ABSENCE

196.05 LEAVE OF ABSENCE WITHOUT PAY

A leave of absence without pay may be granted by the City Manager in cases of emergency or where such absence would not be contrary to the best interests of the City. Such leave is not a right but a privilege. No vacation or sick leave benefits shall be used for illness occurring during such leave. Vacation and sick leave shall not be accrued during an unpaid leave of absence extending more than five (5) working days. Holiday compensation shall not be paid during any period of leave of absence without pay. Unless otherwise specified herein, continuation of employee benefits during an unpaid leave shall be in the discretion of the City Manager.

196.06 CITY-IMPOSED FURLOUGH DUE TO LACK OF FUNDS

The City Manager may at any time, if he deems it necessary due to the City's lack of funds, impose on any City employee a mandatory temporary work furlough. Any such temporary furlough shall constitute a leave without pay, however, all City benefits shall continue to accrue during the furlough period.

196.07 UNAUTHORIZED LEAVE OR ABSENCE

Unauthorized leaves or absences shall be considered to be without pay and reductions in the employee's pay shall be made accordingly. Absence without authorization for more than three consecutive working days shall be deemed abandonment of the job and shall result in termination of employment.

196.08 BEREAVEMENT LEAVE

Leave of absence with pay for a period not to exceed three (3) days may be granted to a regular employee by the City Manager in the event of death to an immediate family member. Immediate family shall mean spouse, parent, child, brother, sister or a close relative residing in the household of the employee. For additional time, with the recommendation of the department head and the approval of the City Manager, an employee may use accumulated sick or vacation
leave.

196.09 LEAVE OF ABSENCE FOR DEATH OUTSIDE THE IMMEDIATE FAMILY

Leave without pay may be granted a regular employee by the City Manager in the event of death to family members other than one of the immediate family. Such leave shall be granted in accordance with Section 8.01.

196.10 MILITARY LEAVE OF ABSENCE

State and other applicable laws shall govern the granting of military leaves of absence and the rights of employees returning from such absence.

196.11 PATERNITY LEAVE

Employees who wish to take time off of work before, during and/or after their spouse gives birth may apply sick leave to cover this period. This applies to any pregnancy with or without a cesarean section or complications. If there is not enough time available to cover this period, the employee may request a leave of absence without pay. The amount of time off requested will be considered on a case-by-case basis, and should be approved in advance through the employee’s supervisor. See also Family and Medical Leave Section.

196.12 VOTING LEAVE

Time off with pay to vote at any general, direct primary or presidential primary election shall be granted as provided in the State of California Elections Code and notice that an employee desires such time off shall be in accordance with provisions of said Code.

196.13 JURY DUTY

Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the Court, provided the employee remits to the City all fees received for such duties, other than mileage and subsistence allowance, within thirty (30) days from the termination of his/her jury service.

196.14 SUBPOENAS

Regular employees who are subpoenaed to appear as witnesses on behalf of the State of California or any of its agencies may be granted leaves of absence with pay for their assigned duties until released. The employee shall remit all fees for such appearances to the City within
thirty (30) days of the termination of his/her services. Compensation for mileage and subsistence allowances shall not be considered as a fee and shall be retained by the employee. Absences due to personal litigation or subpoena are not compensable; however, vacation time may be requested and approved by the department head, or time off without pay may be requested and approved by the City Manager.

196.15 Administrative Leave

Administrative leave with pay may be taken, subject to prior approval by the City Manager, by exempt employees as specifically provided by then current City Council policies governing the particular employee's compensation and benefits.

Administrative leave with pay may be granted in the discretion of the City Manager to an employee during the course of a City-mandated investigation of an occurrence or claim involving such employee.

Administrative leave days shall only accrue for one calendar year, and any employee who fails to take his/her administrative leave days during the course of the calendar year shall forfeit any remaining administrative leave days accrued for that year effective January 1 of the following year.

196.16 Workers' Compensation Hearings

Employees who have been injured in the course and scope of their employment with the City and who are required, as a result of such injury, to be absent from duty to take physical examinations required by the City's Workers' Compensation insurer or the Industrial Accident Commission may be granted leave with pay for such absences by the City Manager when it is determined that such absences are in the best interest of the City and only if the employee is in pay status at the time of the scheduled examination or hearing.

196.17 Family and Medical Leave

The following policy is established to ensure compliance with the California Family Rights Act (CFRA) of 1993 and the Federal Family and Medical Leave Act (FMLA) of 1993.

(Rev. 10/2010)

196.18 Eligible Employees

A full time or hourly employee is eligible for leave under this policy who has been employed by the City for at least 12 months at the time the leave is requested (these twelve months need not have been consecutive) and has worked at least 1,250 hours during the 12 month period
preceding the leave request.

196.19  **Leave Entitlement**

Eligible employees are entitled to a total of 12 (twelve) workweeks of unpaid, job-protected leave during any 12 (twelve) month period for one or more of the following:

A. The birth of the employee’s child and in order to care for the child
B. The placement of a child with the employee for adoption or foster care
C. To care for a child, spouse, or parent who has a serious health condition
D. A serious health condition that renders the employee unable to perform the essential functions of his or her position.

196.20  **Pay Status**

Family or medical leave will be unpaid. Full time employees on family leave will utilize any accumulated leave according to the following situations:

A. In the event of placement of a child for adoption or foster care, the employee will be required to use accrued, unused paid vacation and/or floating holiday hours.
B. In the event of leave to care for a child, spouse, or parent with a serious health condition, the employee will be required to use accrued unused paid vacation, floating holiday hours, and/or sick leave hours.

196.21  **Duration of Leave**

Leaves may be taken for up to twelve (12) work weeks during any twelve (12) month period. The 12 month period will be measured forward from the first date leave is used. An employee’s entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement.

Leave taken under California’s FRA runs concurrently with leave taken under FMLA (except for pregnancy disability leave), and the aggregate amount (except for pregnancy disability leave) shall not exceed 12 work weeks in a 12 month period. That is, the employee is not entitled to more than twelve (12) weeks by claiming leave under State law and later under Federal law.

Where two spouses are both employed by the City, their aggregate leave will be limited to twelve work weeks during any twelve-month period, except in the case of their own serious health condition, or to care for their spouse’s or child’s serious health condition, in which case both spouses will be eligible for the twelve weeks of leave during the twelve-month period.
196.22 Leave Conditions

A. Leave for birth or adoption may not be taken intermittently or on a reduced leave schedule, unless approved by the City Manager.

B. Leave for a serious health condition affecting the employee or a family member may be taken on a consecutive basis, or intermittently, or on a reduced work schedule when medically necessary.

C. The City may require an employee who wants intermittent leave or a reduced leave schedule to care for a spouse, son, daughter, or parent, or because of the employee’s serious health condition, to transfer temporarily to a different job with equivalent pay and benefits in order to better accommodate recurring periods of leave.

D. There is no minimum duration of leave that must be taken for serious health conditions of the employee or family member.

196.23 Maternity Disability Leave

Using Maternity Disability Leave under California Law provides the employee with an additional four (4) months leave with a right of return. That is, a female employee is entitled to maternity disability leave of up to four (4) months based on her disability, followed by up to twelve (12) weeks of Family Leave simply to care for and bond with their newborn, for a total of 7 months in a row. The benefits of the Family Leave begin when the employee elects. For example, the employee may take the Maternity Leave under California law first followed by the Federal Family and Medical Leave next. During the Family and Medical Leave the City pays the health insurance premiums.

196.24 Maintenance of Benefits

The City of Belvedere will continue health care coverage under any employer group health plans for up to 12 weeks of the family leave under the same terms as if the employee had continued to work. Therefore, if the City pays the full premium, that would continue until the expiration of twelve (12) weeks. The City may require the employee to pay the premiums for the remainder of any additional unpaid leave.

A. If there is an employee portion to the premium, the employee would be required to make the necessary payments to maintain the insurance. The Finance Officer will make arrangements for employees to pay their share of health insurance premiums while on leave.

B. If the employee fails to return to work upon conclusion of the leave (i.e., resigns or abandons his/her job), the City may recover the employer’s share of premiums paid for maintaining coverage during the leave.

C. If the reason the employee did not return to work was a continuing serious health condition of the employee, the City may not recover costs.

D. At the conclusion of the twelve (12) weeks, and for the balance of the authorized leave, the employee will be required to pay premiums to maintain coverage.
E. For the purposes of this policy, group health benefits are defined as medical and dental insurance (if applicable).
F. The City will continue to pay premiums under Group disability and life insurance plans (if applicable) for up to 12 weeks of the family leave.
G. Seniority and other benefits (leave accruals, for example) do not accrue during an unpaid leave of absence. However, the employee would return to work with the same seniority and unused leave balances they had when the unpaid leave commenced.

196.25 RETURN FROM LEAVE

The City will provide the employee a guarantee of employment in the same or an equivalent job with equivalent pay, benefits, and other employment terms and conditions upon returning from leave. An employee’s use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

The City shall require the employee to provide a fitness for duty certificate in cases where the leave was requested for the employee’s serious health condition.

A “key” employee (an employee who is among the highest paid 10% of all the employees) may be denied reinstatement provided that:

A. Denial is necessary to prevent substantial and grievous economic injury to the operation of the City;
B. The City notifies the employee of the intent to deny restoration on such basis at the time the City determines that such injury would occur; and
C. In any case where leave has commenced, the employee elects not to return to employment after receiving such notice from the City.

196.26 PROCEDURE

To insure employees receive the best benefit of leave provisions, requests for leave must comply with City procedures and policies. Notwithstanding the provisions of these laws, employees are required to observe all City policies regarding leave requests, absences, notification to supervisors and appointing authorities, payment of insurance premiums, and use of paid leave, whether or not addressed herein.

Application for Leave: In all cases, an employee requesting leave must complete a “Request for Leave/Notice of Leave” form and return it to his/her Department Director for their signature. The Department Director shall forward the application immediately to the Personnel Office.

Notice of Leave: When the need for family or medical leave is foreseeable, such as the expected birth or placement of an adopted or foster child, or because of a planned medical treatment, the employee must submit an application for leave at least thirty (30) days before the leave is to begin.
If the need for leave is based on planned medical treatment of a family member or the employee’s illness, the employee shall attempt to schedule the treatment so as not to disrupt the department’s operations, subject to the health care provider’s approval.

If the need for leave is not foreseeable, notice must be given as soon as possible, but not later than 5 working days after learning of the need. The City shall respond to the leave request as soon as possible and in any event no later than 10 days after receiving the request.

For City purposes, written notice will be required, but may be submitted after an oral request. Oral notice must be provided according to department policies regarding emergency or unplanned absences.

Medical Certification: Employees requesting leave for their own serious health condition or a covered family member’s serious health condition will be required to submit a completed “Certification of Physician or Practitioner” form. Such certification must be provided to the City within fifteen (15) days in advance of the leave request or as far in advance as practicable. Such certification is not required with regard to birth or placement of a child.

If leave is needed for intermittent treatment (the employee’s or the family member’s) or reduced leave schedule, the certification must state the dates of treatment, duration, and that the leave is medically necessary to care for the family member or assist in the recovery of the family member. In addition, if the leave is for the employee’s own serious health condition, the certification must contain a statement that the employee is unable to perform the essential functions of the job.

The City of Belvedere may challenge a certification if there is “reason to doubt the validity of the certification.” A second opinion from an employer-approved health care practitioner may be required at the City’s expense. If the second opinion is different from the first, the City may require the opinion of a third provider, jointly approved by the City and the employee. The opinion of the third provider will be binding. The City may also require that the employee obtain subsequent recertifications on a reasonable basis.

Review and Determination: Upon receipt, the Finance Officer shall review the application, and when applicable, the medical certification and determine (1) if the employee is eligible, (2) if the notification/certification is sufficient, (3) if the employee is eligible for or required to take any paid leave, and (4) if the leave is limited (alternate schedule, duration, etc.) Upon determination, the Finance Officer shall notify the employee in writing.

Failure to Return from Leave: The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is requested and granted. An employee who requests an extension of family or medical leave due to the continuation, recurrence, or onset of his/her own serious health condition, or of the serious health condition of the employee’s spouse, child, or parent, must submit a request for an extension in writing. This written request should be made as soon as the employee realizes that he/she will not be able to return at the expiration of the leave period.
City Designation of Family Medical Leave:

A. The City of Belvedere may require employees to use accrued paid leave concurrently with FMLA leave and to use FMLA leave concurrently with non-FMLA leave which is FMLA-qualifying (e.g. in conjunction with Workers’ Compensation).
B. The City will notify the employee of the designation of leave as FMLA leave.
C. Absent extenuating circumstances, the City will notify the employee of the FMLA leave designation within two (2) days. Notice may be given orally or in writing.
D. The City may retroactively designate leave as FMLA leave unless;
   1. The City learns for the first time that leave is for a FMLA purpose after such leave has begun, such as when an employee gives notice of the need for an extension of paid leave (e.g. vacation) with an unpaid FMLA leave. In such a situation, the entire period of paid leave may be retroactively counted as FMLA leave for the period of the leave that was FMLA qualifying; or,
   2. The City ultimately confirms leave as FMLA-qualifying and knew the reason for the leave, but was unable to determine if the leave qualified under FMLA.

196.27 DEFINITIONS

For purposes of this policy, the following definitions apply:

A. Child: shall include a biological, adopted, foster child, stepchild, legal ward, or a child of an employee standing in loco parentis (i.e., in the place of a parent), who is under 18 or older than 18 if incapable of self-care because of a mental or physical disability.
B. Parent: biological, foster, or adoptive parent, stepparent, a legal guardian, or individual who stood in loco parentis to an employee when the employee was a child. Spouse’s parents (in-laws) are excluded.
C. Serious Health Condition: an illness, injury, impairment, or physical or mental condition that involves:
   1. Any period of incapacity or treatment in connection with or in consequent to a hospital, hospice, or residential medical care facility;
   2. Any period of incapacity requiring absence from work of more than three calendar days, that also involves continuing treatment by a health care provider.
   3. Continuing treatment of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.
   4. Prenatal care by a health provider.
D. Continuing Treatments:
   1. Two or more visits to a health care provider;
   2. Two or more treatments by a health care provider (e.g. physical therapist) on referral from, or under the direction of a health care provider;
   3. A single visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider.
E. Intermittent Leave: leave taken in separate blocks of time due to a single illness or
injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. For example, if an employee is approved for 20 ours per week intermittent leave, this counts as one-half of one week towards the 12 week family leave period.

F. Reduced Leave Schedule: a leave schedule that reduces the employees usual number of hours per workweek or workday.

G. Time Period: the 12 month period shall be measured from the date the first period of the leave commences, if more than one leave of absence is requested. The total period of all absences related to “Family Care and Medical Leave’ shall be considered part of the same “Leave of Absence,” and may not exceed twelve weeks during a twelve month period.

196.28 APPLICABLE LAWS

The provisions of these Rules that address leaves shall be construed so as to comply with the Pregnancy Discrimination Act, the Americans with Disabilities Act, all state and federal family leave laws, and any other applicable laws.

(Sec. 196.28 deleted 6/9/2014.)
197.05 Scope

The purpose of this policy is to establish procedures for handling the City’s modified duty/return to work program. The transitional return to work program is available to all regular employees of the City of Belvedere, including public safety personnel. All employees are eligible to return to work on a "modified duty" status. All modified duty work assignments must be within limitations set by the treating physician.

- The restrictions imposed by the treating physician must be specific (e.g. no lifting over a specified number of pounds);
- The restrictions must be temporary in nature; and
- There must be work-related tasks available within the limitations set by the treating physician and within the skill capacities of the subject employee, with reasonable accommodations made by the employer, employee or both.

197.06 Benefits and Objectives

It is the City’s goal, with cooperation from all departments, to locate and assign modified duty, when feasible. It has been shown that employees who return to meaningful work during the recuperation period experience a more productive recovery.

This Policy allows the City to monitor the employee’s recovery and reduce workers’ compensation costs.

197.07 Definition of Work Assignments

Duty assignments are separated into three distinct categories:

- **Full Duty**: Full duty is the performance of all duties and requirements for which the employee is employed. The release to full duty indicates the employee is capable of performing all essential and non-essential functions of the employee’s hired position.
• **Modified Duty**: Modified duty is the performance of all essential functions of the pre-injury position with modifications to schedule or method of performance. The employee may perform only a portion of the assigned duties that are within the employee’s current capabilities as outlined by the treating physician. Modified duty may include varying the hours of work, using mechanical means to assist performance, or using other employees to assist with job performance.

• **Light Duty**: Light duty is the performance of all essentials of a job or position other than that for which the person was hired. Light duty allows an employee to perform other duties and tasks that are permissible given medical limitations. These duties may or may not be at the permanent employment location. The light duty position offer should be for a specified time period. Light duty is a temporary assignment until the employee can resume full duty in the position for which he was hired.

### 197.08 INITIATING THE RETURN TO WORK PROGRAM

The staff members responsible for implementing the transitional work program are the City Manager, the Risk Manager, and the subject employee’s supervisor, in concert with the claims examiner/adjuster assigned by the City’s third-party, workers’ compensation administrator (WC Administrator).

Close coordination/communication shall be maintained between the Risk Manager, the assigned claim adjuster, and the subject employee’s supervisor. When there is a reasonable presumption that the subject employee will experience a recuperation period that will preclude an immediate return to his full duties, the Risk Manager shall keep in close touch with the claim adjuster who will encourage the attending physician to release the employee to return to work with appropriate restrictions. As soon as the release date and restrictions are made known by the physician in writing, the Risk Manager and City Manager, in coordination with the supervisor, shall review the restrictions and determine if the City can offer the employee a transitional return to work program.

If the restrictions make it impossible for the employee to return to work in a modified or light duty status in his pre-injury department, the Risk Manager and City Manager shall attempt to coordinate a return to work assignment within another department.

### 197.09 TRANSITIONAL DUTIES

Any combination of the following duties may generally be assigned at City Hall at any time of the year:

- Assisting in answering and directing phone calls.
- Opening mail.
- Making photocopies.
• Stuffing envelopes.
• Document scanning.

The following duties are periodically available in Public Works:

• Inspection of sidewalk conditions.
• Visual inspection of street trees.
• Visual inspection of City streets.
• Filing.
• Organizing.
• General cleaning.

197.10 DEPLOYING THE RETURN TO WORK PROGRAM

Once a decision is made regarding the duties and length of transitional assignment, the Risk Manager shall prepare the Offer of Modified or Alternate Work – Transitional Return to Work Memorandum for the City Manager’s signature. The subject employee’s supervisor shall contact the employee to present the offer and obtain the employee’s signature. The Risk Manager will forward the signed form to the claim adjuster.

On the employee’s first day of the transitional assignment, the employee’s regular supervisor shall emphasize the specific requirements with the employee and identify all limitations. If the employee is assigned to a different department, the City Manager shall appoint a supervisor to monitor the employee and assure that he is performing in accordance with the restrictions prescribed by the attending physician.

The Risk Manager, case manager, original supervisor, and any temporary supervisor shall maintain contact to monitor the employee’s progress. The transitional duty assignment shall be adapted as the employee's medical condition improves, and physician-imposed physical restrictions are changed. The subject employee shall be returned to a regular job assignment when released by the treating physician to return to full-duty employment.

197.11 MONETARY COMPENSATION

This section shall not apply to safety officers who are covered by salary continuation rather than by temporary disability payments.

Employees shall be compensated their normal hourly wage during the performance of short-term light or modified duty activities. Light or modified duty activities shall be coordinated with any short or long-term disability programs.
197.12  **Refusal of Transitional Duty Assignment**

As previously noted, the City will make every reasonable effort to provide employees with transitional assignments following an injury or illness for which the treating physician imposes temporary physical restrictions. As long as these assignments do not violate the treating physician's imposed physical restrictions, and as long as these duty assignments are within the employee's physical and skill level capabilities, the employee is expected to return to work.

197.13  **Responsibilities of Employee Regarding Workers’ Compensation**

The following are responsibilities of all employees involved in a work-related injury or illness:

- Report any work-related injury or illness to your supervisor immediately. (Failure to report a work-related injury or illness in a timely manner may result in denial of workers' compensation benefits.)
- If released to return-to-work with temporary, physician-imposed physical restrictions, immediately contact your supervisor and provide the form on which the treating physician prescribed temporary physical restrictions. If seen by a physician during the normal business hours of your department, you must report back to work the day of the injury, unless otherwise instructed by your treating physician or supervisor. If seen by a physician after the normal business hours of your department, you must report back to work the day after the injury (at your normal reporting time), unless otherwise instructed by your treating physician or supervisor.
- Adhere to the physical restrictions imposed by the treating physician for the entire period for which those physical restrictions were imposed.
- Maintain a positive attitude toward working within the temporary, physician-imposed physical restrictions.
- Continue to seek appropriate medical care throughout your recovery period, as directed by the treating physician and/or the City’s workers’ compensation claims adjuster. Report any changes in temporary, physician-imposed physical restrictions (in writing) to your supervisor immediately.

197.14  **Pay for Follow-Up Medical Treatment**

Employees who are released to work in a modified or light duty status, and who are required by the City’s workers’ compensation claims administrators to undergo follow-up medical treatment, will be paid their regular wages for time missed from work due to these medical visits.

Employees will be required to use accrued leave or leave without pay if they miss work for medical visits under any of the following circumstances:
• The transitional duty assignment relates to a non-occupational injury or illness;
• The transitional duty assignment is less than full-time and the required medical appointments are available during hours when the employee is not scheduled to work;
• The employee has been released by the physician to full duty status.

(Chapter added 12/13/2010)
CHAPTER 200.  INSURANCE

Health insurance, Dental Insurance, Life Insurance and Long Term Disability insurance are provided to full time and part time permanent employees. City payment of insurance premiums is as stated in the current salary and benefits resolution.

200.05 CONTINUATION OF GROUP COVERAGE--COBRA

Employees and dependents are allowed to continue health coverage when an event occurs that would normally terminate coverage under the COBRA program. The monthly premium under COBRA is 102% of the current health plan rate.

Employees can continue COBRA coverage for the following events:

18 Month Events
- Separation from Employment (except for “gross misconduct”)
- Resignation resulting in loss of coverage
- Involuntary Termination resulting in loss of coverage
- Reduction in Time Base that causes a loss of coverage
- Ineligible for coverage as an Annuitant-(Separation from employment & retirement date exceeds 120 days.

Dependents may enroll in COBRA for the following events:

36 Month Events
- Divorce
- Legal Separation or Spouse Moves out of Household
- Death of an Employee/Annuitant that causes a covered spouse or dependent child to lose coverage (Widow is pending determination for survivor benefits due to the “Pre-Retirement Death” of Member)
- Employee becomes eligible for Medicare and the Medicare entitlement causes covered dependent(s) (spouse or child) to lose coverage
- Dependent Child Ceases to be a Dependent

Upon termination, or reduction in hours, PERS will notify the employee of the employee’s right
to choose continuation coverage. Under the law, the employee has at least 60 days from the date coverage would be lost because of one of the events described above to inform PERS that continuation coverage is desired.
The City provides retirement benefits under the California Public Employee's Retirement System (PERS) for all regular employees. Part-time employees must work a minimum number of hours as stipulated under the retirement program provisions to be eligible.

To be eligible for service retirement, a Miscellaneous employee defined as “Classic” by CalPERS and all Safety employees must be at least age 50 and have a minimum of five years of CalPERS credited service. A Miscellaneous employee defined as “New” by CalPERS must be at least 52 and have a minimum of five years of CalPERS-credited service to be eligible for service retirement.

In a defined benefit retirement plan, a retiree will receive a benefit determined by a set formula. CalPERS uses the member’s years of service, age at retirement, and highest one-year compensation while employed to determine retirement benefits.

More information regarding retirement benefits can be found at the CalPERS website located at www.calpers.ca.gov.

(Amended 06/09/2014.)
CHAPTER 208. EMPLOYMENT DEVELOPMENT

208.05 STATEMENT OF POLICY

It is the policy of the City to foster and promote in-service training and other job-related educational activities of employees for the purpose of improving the quality of services rendered by the City and to assist employees in preparing for advancement in municipal service. For this reason the City has instituted an educational reimbursement program.

208.06 ELIGIBILITY FOR EDUCATION COST REIMBURSEMENT

To qualify for educational reimbursement, the employee must be a regular employee and the course selected must be considered job-related. Employees seeking college degrees will be eligible for reimbursement only for those courses that are approved as job-related.

An employee must attend the course(s) on his/her own time, and complete the course satisfactorily with a passing grade of "C" or its numerical equivalent.

The education reimbursement policy covers tuition for courses taken at accredited colleges and universities or for correspondence courses approved by the City. The policy also covers the cost of textbooks and other required course materials. Education cost reimbursement is subject to the availability of funds and shall not exceed a maximum reimbursement of $2,500 per calendar year. Current San Francisco State University fees will be used as a guideline for determining the maximum amount.

Staff members using tuition reimbursement funds under a degree program (i.e., associate’s, bachelor’s, master’s, or doctorate) are required to maintain full employment status with the City for a period of one year following use of the funds. If full employment status is not maintained and the employee separates from employment voluntarily, the funds used within the last twelve months of employment are required to be reimbursed upon separation.

(Section Rev. 12/13/2010)
208.07 PROCEDURES FOR OBTAINING REIMBURSEMENT

In order to obtain educational reimbursement, the employee shall, prior to commencement of the course, obtain City Manager approval of the requested course as job-related and shall also approve reimbursement for the course costs.

Upon completion of the course, verification of the grade received must be sent to the City Manager. This verification may be either in the form of a transcript, a letter from the class instructor or other responsible member of the school staff, or a certificate of satisfactory completion in the case of correspondence course. This verification should be accompanied by a memo requesting payment and a paid receipt for the tuition, books and materials.

None of the preceding instructions will be construed as applying to training courses which may be taken by employees at the request of the City or which the City may designate as a required course.
An employee's position may be abolished or his/her hours reduced by the City Manager because of changes of duties or organization, shortage of work or funds, or completion of the work. In cases involving regular employees only, notice of such abolishment will be given to the employee at least two weeks prior to the effective date, unless the employee agrees to a different period. Such abolishment shall be without prejudice and shall not be subject to appeal, but the employee may be given first consideration for any other vacant position in the City service for which he/she is qualified.

A regular employee who has been laid off may revert to the next lower level position if that employee held the lower position in the City within the twenty-four (24) months immediately prior to the layoff.

A regular employee who has been laid off may be reinstated without probation within twenty-four (24) months of the date of his/her layoff, to the position from which he/she was separated, or to any other lower level position to which he/she would have been eligible to transfer. In case of such reinstatement, benefits will be reinstated at the level accruing prior to the layoff and seniority will only be affected by the number of months off the City payroll.
216.05  **NOTICE OF RESIGNATION OR RETIREMENT**

An employee in good standing, wishing to leave the services of the City either by resignation or retirement, should give the department head and/or City Manager at least two weeks notice.

216.06  **EXIT PROCEDURES**

Upon separation from employment, an employee must return all City property prior to receiving final compensation. Compensation will be paid for all hours worked, accumulated vacation, overtime, holiday pay, and other compensation to which the employee is entitled.
CHAPTER 220. DRUG & ALCOHOL ABUSE PREVENTION

The purpose of this policy is to provide consistent and relevant guidelines for all employees regarding alcohol and drug use at the workplace. The City of Belvedere intends to provide a working environment that is safe and free from employee use of drugs and/or alcohol. Employees are expected to be in suitable mental and physical condition, perform their jobs satisfactorily, and behave appropriately. Should the use of alcohol or other drugs interfere with these expectations, employees will be offered rehabilitative assistance. Failure to meet these expectations could result in disciplinary action. This policy complies with the Drug-Free Workplace Act of 1988, requiring the City to implement a comprehensive substance abuse policy.

220.05 POLICY

The possession, transfer, sale, or use of alcohol or other drugs, legal or illegal, while on City premises or during work hours or breaks, will be controlled by the procedures specified in this policy up to and including the pursuit of legal action. This includes all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, and any other substances. The unlawful manufacture of a controlled substance is prohibited in the workplace.

City employees are prohibited from drinking alcoholic beverages or using drugs, other than for medical reasons, during working hours, while on City premises at any time, or while driving a City vehicle. The consumption of alcohol by City employees may be allowed only at designated City facilities, during certain special City functions and with prior authorization by the City Manager.

Employees who may be taking prescribed or over-the-counter drugs that may affect job performance or behavior are encouraged to advise their supervisor that they are taking such drugs for medical reasons; medical evaluation may be necessary.

The City of Belvedere will give the same consideration to persons with chemical dependency problems as it does to employees having other health problems. Seeking assistance for such a problem will not jeopardize an employee's job, whereas continued problems with performance, attendance, or behavior may.
PROCEDURE

When an employee's supervisor and a second employee or supervisor have reasonable suspicion to believe that an employee may be under the influence of intoxicating liquor and/or narcotics, that employee may be asked to report to a City designated medical clinic on City time and at City expense for a medical evaluation. This medical evaluation will be conducted in order to determine if in fact that employee has evidence of alcohol and/or drugs in his/her system.

Reasonable suspicion may be justified by one or a combination of any of the following indicators:

- Bloodshot or watery eyes
- Slurred speech
- Alcohol on breath
- Physical and/or verbal altercation
- Inability to walk a straight line
- An accident involving City property
- Possession of drugs or alcohol
- Frequent absenteeism
- Confusion/difficulty in concentration
- Noticeable change in behavior

If reasonable suspicion pertaining to the use of drugs and/or alcohol by an employee is determined during normal working hours, the following steps shall be followed to facilitate the medical evaluation process:

A. The supervisor shall contact the City Manager at the earliest available opportunity to discuss the event(s) that led to a belief that an employee is intoxicated. At that time, it will be determined whether or not sufficient facts exist to indicate that drug testing may be appropriate. If the evidence indicates that the employee may be under the influence, the City Accountant will arrange for an immediate appointment with a medical facility to conduct the test. The supervisor shall inform his/her department head of this situation. Refusal by an employee to submit immediately to an alcohol and/or drug analysis when requested by management may constitute insubordination and may be grounds for discipline up to and including termination. The actual type of testing including possible urine or blood screens will be determined by the physician.

B. The supervisor, or his/her designee, shall personally drive the employee to the medical facility and wait for the test to be completed.

C. The employee will then be transported home or, in appropriate situations, to the hospital as deemed necessary by the doctor. The employee will continue receiving pay during this time and disciplinary action will not be administered unless the test results are confirmed. Information obtained through this testing will be treated with strict confidentiality.

D. If the employee is found to have alcohol or drugs in his/her system, the supervisor shall meet with the employee to counsel him/her on the matter and explain the proposed disciplinary action on the next day. The supervisor shall encourage the employee to seek professional assistance in dealing with any drug or alcohol problem. The employee's medical group may provide the needed drug/alcohol counseling. Also, the City’s Employee Assistance Program can provide referrals for professional help.
Should an incident arise after normal work hours, the above procedures should be followed with the exception of contacting the City Accountant.

220.07 DOCUMENTATION

Records pertaining to job performance, attendance, and behavior shall be maintained in the employee's personnel file. Behavior associated with alcohol or other drugs, such as those listed in this policy under causes for reasonable suspicion should be documented in the form of a memorandum to the City Manager; however, references made by the supervisor regarding alcohol or drug related appearances as a medical diagnosis should not appear in personnel files.

220.08 DISCIPLINARY ACTION

The City views the use, possession, transfer, or sale of alcohol or drugs in violation of this policy as being very serious and subject to disciplinary action in accordance with the Chapter in this Manual on Disciplinary Action.

220.09 FOLLOW UP

Should the results of an employee drug test be positive, the following steps shall occur:

A. The department director will have a discussion with the City Manager to determine the type of disciplinary action that would be most suitable. The City Manager will evaluate the services of a rehabilitation program and provide a referral for the employee to undergo treatment through this program.

B. Should the results of the drug testing be negative, the employee is free to return to the workplace and assume his/her regular job duties. No further action needs to be taken.
CHAPTER 224. DISCIPLINARY ACTION

224.05 DISCIPLINARY POLICY STATEMENTS

Discipline shall be administered generally according to a progressive disciplinary system. Whenever an employee's performance or on-the-job conduct at any time falls below an acceptable level, supervisors are expected to inform employees promptly and specifically of such instances and to counsel and assist the employee in improving his or her performance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating formal disciplinary action. In certain situations, even a single incident may justify severe disciplinary action; the disciplinary action to be taken depends upon the seriousness of the incident and the pattern of the employee's past performance and conduct. As used in this chapter "disciplinary action" shall include any oral reprimand, written reprimand, suspension, reduction in pay, demotion or discharge.

224.06 CAUSES FOR DISCIPLINARY ACTION

Causes for disciplinary action against any non-probationary employee covered by these Rules may include, but shall not be limited to, the following:

A. Work performance below accepted standards.
B. On-the-job misconduct or misconduct off the job that adversely affects the City or the employee's effectiveness on the job.
C. Insubordination, including refusal to perform assigned work or leaving the work site without permission.
D. Failing to abide by City work rules, policies or procedures.
E. Releasing confidential information to others or accepting a personal gift or payment for any service provided as a result of an individual's employment with the City.
F. Theft, dishonesty or falsification of any records or documents, including the employment application or time records.
G. Unacceptable behavior towards the general public, fellow employees, or officers of the City.
H. Using or removing from a City work site any City or other employee property without receiving proper authorization.
I. Misuse of City property, including vehicles.
J. Excessive tardiness or absenteeism or absence without any acceptable reason.
K. Failing to immediately report an on-the-job accident or injury.
L. Using, selling or possessing alcohol or drugs while on duty or in such a manner that affects an employee's ability to perform city work, unless such drugs are taken under the direction of a licensed physician.
M. Disorderly conduct, participation in fights, horseplay or brawls on the job.
N. Establishment of a pattern of violations of any City policy or rules and regulations over an extended period of time in which a specific incident in and of itself would not warrant disciplinary action, however, the cumulative effect would warrant such action.
O. Conduct unbecoming a City employee
P. Bringing disrespect to the City
Q. Conduct inimical to the public service.

224.07 SPECIFIC DISCIPLINARY ACTIONS

A. Oral Reprimand - An oral reprimand may be imposed by a supervisor. An employee receiving an oral reprimand shall have such reprimand noted in his/her departmental record by the department head or supervisor. An oral reprimand may be used for a period of twelve (12) months from the date of the reprimand in combination with other disciplinary actions to accelerate progressive disciplinary steps.
B. Written Reprimand - A written reprimand may be imposed by a supervisor. An employee receiving a written reprimand from the supervisor shall have a copy of such reprimand filed in his/her permanent record. Each employee's permanent record is in his/her personnel file.
C. Suspension - Suspension without pay may be imposed by the City Manager. An employee suspended from the City's service shall forfeit all rights, privileges and salary while on such suspension with the exception of group health and life insurance benefits. A copy of the Personnel Action form effecting the suspension shall be placed in the employee's file.
D. Reduction-in-Pay - A reduction-in-pay may be imposed by the City Manager. An employee receiving a reduction-in-pay shall have his/her pay reduced for a definite period of time and a copy of the Personnel Action form effecting the reduction-in-pay shall be placed in the employee's file.
E. Demotion - A demotion may be imposed by the City Manager. An employee receiving a demotion shall have his/her pay reduced to the appropriate step within the salary range for the position to which the employee is demoted, and a copy of the Personnel Action form effecting the reduction-in-pay shall be placed in the employee's file.
F. Discharge - Discharge may be imposed by the City Manager. Employees discharged for disciplinary reasons shall be paid salary, overtime and vacation leave accumulated to the effective date of discharge only.
224.08  **ADMINISTRATION OF DISCIPLINARY ACTION BY SUPERVISOR**

The supervisor of an affected employee may issue an oral or written reprimand to an employee for one or more of the causes for discipline specified in this chapter. Any written reprimand shall be served upon the employee either personally or by Certified Mail. Any reprimand shall include a statement of reasons for the reprimand, with sufficient specificity and detail to insure that the employee is aware of the specific misconduct complained of by times, dates, places, etc., and any remedial action that can be taken by the employee to prevent further occurrences. Any written reprimand shall also advise the employee of the right to appeal such disciplinary action to the Department Head and City Manager, the time for filing such appeal, and that the employee may respond to the charges orally or in writing within the time permitted for filing any appeal.

224.09  **RIGHT OF APPEAL FROM DECISION OF SUPERVISOR**

Any regular employee shall have the right of appeal to the Department Head and City Manager any discipline imposed by a supervisor under Section 224.07. Any such appeal must be filed with the City Clerk within ten (10) working days after receipt of the written reprimand by the employee; failure to file an appeal within such time constitutes the waiver of the right of appeal. The appeal must be in writing and must state specifically all the grounds and facts upon which it is based. The Department Head superior to the supervisor, if any, or the City Manager shall review the action of the supervisor and any oral or written response submitted by the employee, and shall affirm, reverse, or modify the decision of the supervisor within ten (10) working days after the filing of the appeal.

224.10  **ADMINISTRATION OF DISCIPLINARY ACTION BY CITY MANAGER**

The City Manager, upon recommendation of the department head, if any, of the affected employee, may take formal disciplinary action (suspension without pay, demotion, reduction-in-pay, or discharge) against an employee for one or more of the causes for discipline specified in this chapter by notifying the employee, in writing, of the City's intent to impose disciplinary action.

The following documentation must appear in the written disciplinary notification to the employee:

A.  Statement of the nature of the proposed disciplinary action.
B.  Statement of reasons for the proposed disciplinary action. The reasons must be prepared with specificity and detail to insure that the employee is aware of the specific misconduct complained of by times, dates, places, etc., so that the employee can respond to the factual allegations.
C.  Statement that all documents or materials upon which the proposed disciplinary action is based are available for the employee's review and that, upon request, the employee will be provided with a copy of said material.
D.  Statement indicating the proposed effective date for the disciplinary action and that the employee may respond orally or in writing prior to that date.
E. Statement advising the employee of the right to appeal such disciplinary action.

The disciplinary notification shall be served upon the employee either personally or by Certified Mail.

224.11 APPEAL OF SUSPENSION, DEMOTION, REDUCTION-IN-PAY, OR DISCHARGE

A regular, non-probationary employee shall have the right to an administrative appeal of a disciplinary action involving a suspension, a demotion, a reduction-in-pay and/or discharge. The procedures described in Sections (A) through (F) below shall be followed for all such appeals.

A. Notice of Administrative Appeal.
   1. Within fifteen (15) calendar days of receiving a written notice of disciplinary action, the employee may submit a written request to the City Manager for a hearing before an administrative law judge from the California Office of Administrative Hearings.
   2. Written notice of the hearing shall be given to the employee and his/her representative, if any, promptly upon the scheduling of the hearing, but in no event shall the hearing be scheduled with less than twenty (20) days notice. For good cause, the administrative law judge may grant a continuance.
   3. This notice shall be mailed by ordinary mail and also by certified mail, return receipt requested, to the employee's last address of record on file in the Personnel Department. The employee bears the burden of keeping a current address on file.

B. Appearance; Representation; Witnesses; Conduct of Administrative Hearing.
   1. At the administrative hearing, the employee and the City shall each be entitled to representation.
   2. An official record shall be made of the hearing by a certified court reporter. The cost of a transcript shall be borne by the party requesting a transcript. Such transcript shall be the official record of the proceedings.
   3. The hearing may be open or closed, at the employee's option.
      a) Either party may request exclusion of witnesses;
      b) Even if designated as a witness, the employee shall be entitled to be present at the hearing;
      c) The City shall be entitled to designate one person to assist the City's representative at the hearing and such person shall be entitled to attend the hearing even if designated as a witness.
   4. The hearing shall proceed generally as follows:
      a) The City and the employee or representative may make opening statements.
      b) The City shall present evidence in support of the City's position. The employee may present evidence in his or her behalf.
      c) Both the City and the employee may subpoena witnesses and present rebuttal evidence.
      d) The administrative law judge shall rule on any objections made to the
admissibility of evidence or shall otherwise be responsible for the conduct of the hearing. Such rulings shall be final. Hearsay evidence shall be admissible, but shall not form the sole basis for a finding. The technical rules of evidence shall not apply.

e) The City and the employee may make closing statements.
f) Written briefs shall be submitted at the request of either party.

C. **Administrative Law Judge's Action.**

1. Upon the conclusion of the hearing, the administrative law judge shall cause proposed findings and recommendations to be prepared in writing and shall certify the same.

2. The administrative law judge shall, at a minimum, find whether the City has shown that the charges in support of the disciplinary action have been substantiated. Such a finding shall be made as to each charge. If the administrative law judge finds that none of the charges are supported by the evidence presented, the recommendation shall be that no disciplinary action be taken. If the administrative law judge finds that any or all of the charges are supported, he/she shall either:
   a) Recommend that the proposed disciplinary action be carried out;
   b) Recommend that no disciplinary action be taken; or
   c) Recommend that the proposed disciplinary action be modified.

3. The administrative law judge's findings and recommendations shall be filed as a permanent record with the Personnel Department. The City Manager shall deliver a certified copy of such findings and recommendations to the employee affected by such findings and recommendations.

4. The cost of the administrative law judge and court reporter shall be borne equally by both sides. All other costs shall be the responsibility of the party incurring them.

D. **City Manager Action.**

1. The City Manager shall have the following options with respect to the administrative law judge's findings and recommendations:
   a) Adopt the findings and recommendations as prepared;
   b) Modify the findings and recommendations; or
   c) Reject the administrative law judge's findings and recommendations and adopt separate findings and recommendations.

2. If the findings and recommendations of the administrative law judge are adopted as proposed, the City Manager need not review the record of the hearing before the administrative law judge. Otherwise, the City Manager shall review such record.

3. **City Manager's Decision Final.** The decision of the City Manager shall be final administrative action by the City.

4. **Notice of Time to Seek Court Review.** The City Manager shall notify the employee of his/her action and, pursuant to California Code of Civil Procedure
section 1094.6, that the employee has ninety (90) calendar days within which to file an appeal in Superior Court of the disciplinary action.
CHAPTER 228.  GRIEVANCE PROCEDURES

228.05  PURPOSE

Grievance procedures for employees are provided herein:

A.  To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by the regulations;

B.  To afford employees individually or through qualified employee organizations a systematic means of obtaining further considerations of problems after every other reasonable effort has failed to resolve them through discussions;

C.  To provide that grievances shall be settled as near as possible to the point of origin; and

D.  To provide that grievances shall be heard and settled as informally as possible.

228.06  INFORMAL GRIEVANCE PROCEDURE

An employee should first attempt to resolve a grievance or complaint through discussion with the immediate supervisor without undue delay.  If after such discussion the employee does not believe the problem has been satisfactorily resolved, he/she shall have the right to discuss it with the supervisor's immediate supervisor, if any.  Every effort should be made to find an acceptable solution by informal means at the most immediate level of supervision.  If the employee is not in agreement with the decision reached through such discussion, he/she shall then have the right to file a formal grievance in writing within ten (10) calendar days after receiving the informal decision of his/her supervisor or superiors.  Any agreement reached during the informal grievance process shall be subject to the approval of the department head.  An informal grievance shall not be taken above the department head.

228.07  FORMAL GRIEVANCE PROCEDURES

Formal grievance procedures, after exhaustion of the informal grievance procedure, shall proceed as follows:
A. **Department Review.** The employee shall present a grievance in writing to the employee's department head, with a copy to the City Manager. The department head shall discuss the grievance with the employee, his/her representative, if any, and with other appropriate persons. The City Manager is prohibited from influencing the decision of the department head on the grievance. The department head shall render his/her decision in writing to the employee, with a copy to the City Manager, within ten (10) working days after receiving the grievance. If the employee does not agree with the decision reached, he/she may present the grievance in writing to the City Manager within ten (10) working days after receipt of the department head's decision. Failure of the employee to take further action within ten (10) working days after receipt of the department head's decision will constitute acceptance of the department head's decision. If no answer has been given by the department head within ten (10) working days after receiving the grievance, the grievance shall be automatically transferred to the City Manager.

B. **City Manager Review.** Upon receiving the grievance, the City Manager shall discuss the grievance with the employee, his/her representatives, if any, and with all appropriate persons. The City Manager may designate a fact finding committee or an officer not in the normal line of supervision to conduct a hearing and/or advise him/her concerning the grievance. The decision of the City Manager shall be final and shall be given, in writing, within thirty (30) working days after receiving the employee's written grievance.

C. **Direct City Manager Review.** If the employee's immediate supervisor is the department head, and/or if the employee has received an informal decision from the department head, he/she may eliminate step (A) of the formal grievance procedure and submit the grievance directly to the City Manager.

**228.08 CONDUCT OF GRIEVANCE PROCEDURE**

All employees shall be free from reprisal for using the grievance procedure.
Part 10. Employee Job Descriptions
CHAPTER 231. GENERAL ADMINISTRATION DEPARTMENT

231.04 ASSISTANT TO THE CITY MANAGER

CLASSIFICATION: Regular full-time position.

DEPARTMENT: City Manager’s Office.

POSITION SUMMARY
This position reports directly to the City Manager and is responsible for a wide variety of highly responsible, complex, and diverse advanced level professional duties involved in providing administrative, analytical, and technical support to the City Manager’s Office; plans, coordinates, and participates in various program and administrative operations and activities including those having a City-wide and inter-departmental impact; manages and oversees assigned service areas; coordinates assigned activities with City departments, outside agencies, and the general public; and provides information and assistance to internal and external customers regarding assigned programs and services.

This position receives no clerical support and generates his/her own paperwork.

DUTIES AND RESPONSIBILITIES
- Conducts complex and sensitive administrative, operational, and management analyses, studies, and research projects including those involving City-wide issues, programs, policies and procedures;
- Selects, adapts, and applies appropriate research and statistical techniques; gathers and analyzes data and information from various sources on a variety of specialized topics;
- Performs a wide variety of administrative and analytical duties in support of the City Council;
- Prepares and reviews a variety of letters, brochures, and other correspondence; coordinates annual development and quarterly status reports;
- Assists in the planning and coordination of a variety of City events and activities;
- Serves as the City staff liaison to various commissions and committees both locally and regionally;
- Write staff reports, resolutions, and ordinances for the City Council and prepare and
deliver presentations before the City Council and other City Commissions or committees;

- Oversees support for the City’s information technology;
- Attends meetings with City Council Members and the City Manager and represents the City on various boards and committees on a wide variety of issues;
- Serves as a media contact for assigned projects and responsibilities; tracks news coverage; answers media inquiries, writes and distributes public information materials, to include newsletters and other public information;
- Coordinates grant writing activities for the City;
- Monitors and tracks state and federal legislation and consults with the City Attorney and League of California Cities on various legislative and legal issues;
- Serve on a variety of City Special Teams as needed, taking a leadership role where necessary; and represents the City at inter-departmental, inter-governmental, and community activities and meetings;
- Participates in special projects, including planning and implementation of special programs and events and complex research of the same;
- Participates in the development and implementation of goals, objectives, and priorities for assigned functions and programs, and recommends same on a City-wide basis;
- Participates in the development and administration of the department budget, submits recommendations, and monitors expenditures;
- Performs other related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES

Knowledge of:
- Principles of City government administration, organization, budget and personnel management.
- Principles and practices of program, policy, and procedure evaluation and development.
- Principles of public administration.
- Advanced methods and techniques of data collection, research, and report preparation.
- Principles and practices of state and local legislative process.
- Basic principles of supervision and training.
- Principles and practices of record keeping.
- Public relations and customer service techniques.
- Public speaking techniques.
- English usage, spelling, grammar, and punctuation.
- Office procedures, methods, and equipment including computers and applicable software applications.
- Pertinent federal, state and local laws, codes and regulations.

Ability to:
- Perform a wide variety of highly responsible, complex, and diverse advanced level professional duties involved in providing administrative, analytical, and technical support to the City Manager’s Office involving the use of independent judgment and personal initiative.
Understand the organization and operation of the City as a whole and outside agencies as necessary to assume assigned responsibilities.

Interpret and apply pertinent federal, state, and local laws, codes, and regulations as well as City and departmental policies and procedures.

Conduct various administrative and organizational studies and analyses on a wide variety of complex issues.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Develop, implement, and interpret City policies, procedures, regulations, and codes.

Research, analyze and evaluate City-wide programs, policies, and procedures.

Collect, evaluate, and interpret complex information and data.

Conduct various administrative and organizational studies and analyses on a wide variety of complex issues.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Develop, implement, and interpret City policies, procedures, regulations, and codes.

Research, analyze and evaluate City-wide programs, policies, and procedures.

Collect, evaluate, and interpret complex information and data.

Coordinate a variety of complex tasks and assignments simultaneously.

Prepare clear and concise technical, administrative, and financial reports.

Assist with budget preparation and administration.

Plan and organize work to meet changing priorities and deadlines.

Operate office equipment including computers and supporting applications.

Independently prepare correspondence and memoranda.

Effectively present information and respond to questions from internal and external customers including council members, committee and commission members, and the general public. Supervise and train assigned staff.

Demonstrate an awareness and appreciation of the cultural diversity of the community.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

**Physical ability to:**

- Frequently sit and work at a computer keyboard with a mouse for most of the day.
- Write, stand, reach, twist, turn, and stoop for prolonged periods in performance of daily office activities.
- Use near and far vision in reading and using the computer monitor.
- Use hearing when working on the phone and taking minutes at meetings.
- Lift, drag, and push files, paper, and documents weighing up to 20 pounds.
- Sustain prolonged periods of concentration to compose documents and perform analytical work.

**MINIMUM QUALIFICATIONS**

Any combination of experience and education that would likely prepare the applicant to assume the essential duties and responsibilities is qualifying. A typical way to acquire the knowledge and abilities would be:

- A bachelors degree from an accredited college or university with major coursework in public administration, business administration, economics, or a related field; a masters degree is preferred.
- Five to seven years of increasingly responsible administrative and analytical experience that demonstrates a strong understanding of citywide operations and the role of local government.
231.05 Belvedere-Tiburon Emergency Services Coordinator

**Classification:** Regular full-time position.

**Department:** Police Department, Town of Tiburon

**Position Summary**
This mid-management position assists in the planning and coordination of emergency services and disaster preparedness activities for the Town of Tiburon and the City of Belvedere (hereafter referred to as “the Tiburon Peninsula”).

**General Description**
The Emergency Services Coordinator provides support to the chiefs of police of both law enforcement jurisdictions on the Tiburon Peninsula, the Belvedere City Manager, the Tiburon Town Manager, the chiefs of the Tiburon Fire Protection District and the Southern Marin Fire Protection District, and the staffs of these six agencies. The position helps maintain and exercise a Peninsula wide emergency preparedness program that includes working with the staffs of the municipalities of Tiburon and Belvedere and members of both communities.

Administrative direction is provided by the Chief of the Tiburon Police Department, the Belvedere Police Department, the Belvedere City Manager, and the Tiburon Town Manager.

This position receives no clerical support.

**Duties and Responsibilities**
- Assist the coordination of all emergency operation services for the Tiburon Peninsula.
- Prepare disaster preparedness information to be distributed to residents.
- Facilitate quarterly Belvedere-Tiburon Joint Disaster Advisory Council meetings, arrange guest speakers, and prepare and distribute meeting agenda and minutes.
- Attend quarterly meetings of the Marin County Office of Emergency Services as the Tiburon Peninsula’s representative.
- Arrange and facilitate training for all Tiburon Peninsula municipal employees in the use of the National Emergency Management System (NEMS), incident Command System (ICS), and emergency operations functions.
- Plan and facilitate Tiburon Peninsula Emergency Operations Center table top and full functional disaster exercises.
- Oversee, prepare and/or revised the Town of Tiburon/City of Belvedere Disaster Preparedness Manual. Ensure that all information, such as staff, personnel and contact numbers for the community, are current and up-to-date.
- Assists the chiefs of police and fire, or their staffs, in the preparation of grant applications to secure outside funding for disaster preparedness and supplies.
- Handles inquiries from the public on a daily basis as directed by the chiefs of police or the
Tiburon police captain.

- In the event of an Emergency Operations Center activation, acts as a resource to the EOC coordinator in the administration of the emergency response.
- As needed, attend and prepare minutes and agenda items for the monthly meeting of the Peninsula police and fire chiefs.
- Provide information to and work with the Town of Tiburon’s IT coordinator to ensure that the website for the four public agencies are updated with current information for the community.
- As needed during declared emergencies, be on call 24 hours a day, seven days a week.
- Complete disaster preparedness projects and perform other related duties as requested by the chiefs of police and fire, the town and city managers, and/or members of the town and city councils.

KNOWLEDGE AND ABILITIES

Knowledge of, or ability to become skilled in:

- Modern principles, practices and techniques of NEMS, ICS, and EOC organization and operation.
- The communities of the Tiburon Peninsula and their needs as they relate to emergency services and disaster preparedness.
- Current regulations and practices affecting proper grant applications process.
- Federal and state emergency reporting and reimbursement procedures.

Ability to:

- Assist in the planning and coordination of the functionality of the Belvedere-Tiburon Joint Disaster Advisory Council.
- Prepare clear and concise reports; communicate clearly and concisely both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work, such as members of the public safety agencies, municipal staffs, and members of the community.
- Develop and present training programs.
- Reason logically and creatively and to utilize a variety of analytical techniques to solve complex emergency preparedness problems.
- Learn and retain the local geography and available resources as they relate to emergency management planning and operations.

Physical ability to:

- Work in a standard office setting and utilize standard office equipment, including a computer.
- Vision to read printed matter, close vision, and ability to adjust focus.
- Hearing and speech to converse in person and over the telephone.
- Frequently walk, sit, talk, and hear.
- Use hands to finger, handle, feel or operate objects, tools, or controls; reach with hands and arms.
- Move or lift up to 25 pounds.
MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:

- Associate degree from an accredited college is required; a bachelor’s degree is desirable.
- The college degree may be substituted for with four years of experience in disaster preparedness for a public safety department.
- Obtain and maintain a valid Class C California Driver’s License at the time of employment and maintain it throughout the tenure of employment.

231.06 CITY CLERK/RISK MANAGER

CLASSIFICATION: A confidential, exempt (salaried), full-time position.

DEPARTMENT: General Administration.

POSITION SUMMARY
This position reports directly to the City Manager and is responsible for all functions of a city clerk’s office, administration of the City’s risk management and insurance program, and assisting the City Manager with personnel administration and special projects as assigned. His/Her administrative and support responsibilities are broad and diverse and he/she must work independently, referring to the City Manager as needed for direction and for clarification on matters of City policy and protocol.

This position receives no clerical support and generates his/her own paperwork.

DUTIES AND RESPONSIBILITIES
- Coordinates monthly City Council meeting agendas, including maintenance of deadlines and copying agenda packets.
- Prepares and publishes hearing notices; takes minutes; processes resolutions, ordinances, and minutes.
- Writes staff reports, resolutions, and ordinances for the City Council on city clerk and risk management issues.
- Coordinates membership and appointment to the City’s citizen volunteer committees.
- As Custodian of Records, oversees the preservation, protection, and accessibility of records and advises other departments on records management. Serves as administrator for the City’s computerized records scanning, indexing, archiving and retrieval program.
- Serves as Filing Officer for conflict of interest statements and assists filers in meeting their legal responsibilities under the City’s conflict of interest code and the Brown Act.
- Codifies new ordinances, updates legislative record, and prints and issues regular supplements to the Belvedere Municipal Code.
- Chairs the Personnel Safety Committee. Updates and maintains the City’s Illness and Injury Prevention Program manual.
- Prepares for City-sponsored functions such as special events, dinners, and workshops.
- Serves as City Elections Official in administering consolidated municipal elections.
Handles workers compensation claims and liability claims filed against the City; acts as liaison between claims adjusters, attorneys, and City staff.

Assists with the employee recruitment and candidate selection process.

Maintains City Personnel records.

Performs related duties and responsibilities as required.

**KNOWLEDGE AND ABILITIES**

**Knowledge of:**

- Principles and practices of municipal insurance (general liability, auto liability, property, faithful performance bonds, worker’s compensation) focusing on self-insurance joint powers authorities.
- Laserfiche software program, including repository setup, template design, and system and security administration.

**Ability to:**

- Calmly and efficiently organize and manage multiple projects, priorities and deadlines.
- Work effectively under a heavy workload.
- Prepare clear, concise and grammatically correct minutes, correspondence, procedures, and written and oral reports.
- Follow through with goals that depend on interdepartmental cooperation at all levels.

**Physical ability to:**

- Frequently sit and work at a computer keyboard with a mouse for most of the day.
- Write, stand, reach, twist, turn, and stoop for prolonged periods in performance of daily office activities.
- Use near and far vision in reading and using the computer monitor.
- Use hearing when working on the phone and taking minutes at meetings.
- Lift, drag, and push files, paper, and documents weighing up to 20 pounds.
- Sustain prolonged periods of concentration to compose documents and perform analytical work.

**MINIMUM QUALIFICATIONS**

Any combination of experience and education that would likely prepare the applicant to assume the essential duties and responsibilities is qualifying. A typical way to acquire the knowledge and abilities would be:

- Graduation from high school or equivalent.
- Five years of increasingly responsible experience in municipal government, including a minimum of four years in a city clerk function with experience in at least two elections.
- Possession of or ability to obtain certification as a municipal clerk.
- A bachelors or associates degree in records management, public administration, information technology or a related field is highly desirable.

*(Updated 12/2010, 7/1/2011; 2/2013)*

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231.07  **Finance Officer**

**Classification:** Confidential, exempt (salaried), full-time.

**Department:** General Administration

**Position Summary**
This position manages all financial accounting, reporting, revenue collection and disbursement, tax filing, investment and money management functions for the City; assists City Manager in development of annual budget; conducts financial analyses.

**General Description**
This position is responsible for the City’s accounting and financial reporting functions, producing the annual budget, and payroll for the City, the Belvedere-Tiburon Library Agency, and the Belvedere-Tiburon Joint Recreation Department.

This position reports to the City Manager/City Treasurer. The Finance Officer is expected to know his/her duties and to work independently, knowing when to refer to the City Manager for direction and for clarification on matters of City policy and protocol.

The Finance Officer has no subordinate staff, receives no clerical support, and is responsible for generating his/her own paperwork.

**Duties and Responsibilities**
- Prepare payroll, accounts payable, and monthly financial reports.
- Perform routine accounting, including bank deposits, cash flow, bank reconciliations, and quarterly interest calculations.
- Plan, organize, prepare, implement and control the City’s annual operating and capital improvements budgets in accordance with generally accepted accounting principles.
- Review and evaluate the City’s internal financial control systems and procedures and recommend improvements to ensure audit compliance.
- Forecast City revenues, expenditures, and year-end balances.
- Direct the design, implementation, and control of the City’s automated financial system.
- Provide financial information and assistance to City departments.
- Manage employee benefits.
- Prepare specialized financial reports and analyses as required by law or as requested by the City Manager.
- Prepare staff reports and resolutions for City Council.
- Prepare annual special fire tax assessment roll.
- Assist outside auditor with annual City audit.
- Performs related duties and responsibilities as required.

**Knowledge and Abilities**
**Knowledge of:**
- Generally accepted accounting principles and generally accepted auditing standards.
- Principals and practices of governmental accounting and budgeting and investment management.
- Fund accounting and reporting.
- Standard financial office procedures, machines, manual and automated data storage, processing and retrieval systems.
- Regulations governing the keeping of municipal financial records and the filing of reports. All laws, codes and standards regulating municipal finances.

**Ability to:**
- Use spreadsheets and other computer applications related to financial operations.
- Make independent decisions and to solve practical operational problems.
- Detect problems and suggest corrective action as well as ability to analyze needs and develop and implements systems or programs to meet them.
- Resolve conflicts, communicate and work effectively with other City employees, Finance Committee, and representatives of other agencies.

**Physical ability to:**
- Sit for prolonged periods in the performance of daily duties.
- Prolonged use of electronic calculator and frequent repetitive keyboarding motion for data entry and the preparation of reports and other documents.
- Write, stand, reach, twist, turn, and stoop in performance of daily office activities.
- Use near and far vision in reading and using the computer monitor.
- Use hearing when working on the phone.
- Lift, drag, and push files, paper, and documents weighing up to 20 pounds.

**MINIMUM QUALIFICATIONS**
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
- A bachelor’s degree in business administration, accounting, governmental accounting, or public administration.
- Five years of public agency accounting experience.
- Possession of a Class C California Driver’s License and an acceptable driving record.
CHAPTER 232. PLANNING/BUILDING DEPARTMENT

232.01 Administrative Clerk

CLASSIFICATION: Regular full-time position.

DEPARTMENT: Planning/Building

POSITION SUMMARY
The Administrative Clerk is responsible, under supervision, for document scanning, preparation and distribution of committee agenda packets, taking minutes at committee meetings, uploading documents to the City website and keeping the website calendar up-to-date. Performs a wide variety of complex office support and secretarial duties for the City Clerk, Planners, and Building Official.

GENERAL DESCRIPTION
The Administrative Clerk reports to the City Clerk. Supervision of other employees is not a duty of this class.

DUTIES AND RESPONSIBILITIES
- Scans a wide variety of documents.
- Uploads documents to the City website; responsible for maintenance of website activities calendar.
- Fills in for Department Secretaries during breaks, vacations, and other occasions when they are away from the front desk for extended periods. In this capacity, screens telephone callers and office visitors, providing them with desired information or referring them to appropriate staff.
- Performs general word processing and produces form letters, notices, agendas, etc.; filing; copying; setting up meetings, etc.
- Composes memos and letters from brief, verbal instructions.
- Compiles mailing lists from electronic sources, edits them, and produces mass mailings.
- Prepares, copies and distributes agenda packets for committees. Take and transcribes minutes at committee meetings.
- Assists with the yearly business license billing.
- Performs large copying jobs and binding jobs.
• Opens and screens mail.
• Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
• Personal computer systems, Windows Professional 7, Adobe Acrobat, and the world wide web.
• Modern office methods, practices and equipment.
• Basic mathematics.
• Correct English usage, spelling, grammar and punctuation.

Ability to:
• Type at a minimum rate of 50 words per minute from clear, legible copy.
• Produce a wide variety of documents using MS Word, Excel, and Office Outlook 2007 or higher.
• Understand and carry out complex, multi-step procedures from verbal and/or written instructions.
• Operate a multi-line phone system.
• Monitor deadlines and legal requirements for compliance with laws and regulations.
• Perform consistently with accuracy and great attention to detail.
• Take responsibility and exercise good judgment in recognizing scope of authority.
• Maintain effective working relationships with fellow employees.
• Present a clean, neat and professional appearance.
• Exercise good judgment, courtesy, and tact with the public and visitors.

Physical ability to:
• Maintain concentration to keep track of and complete multiple tasks in an environment that is often noisy and distracting.
• Sit and work at a computer keyboard with a mouse for an average of 5-6 hours per day.
• Stand, walk, reach, twist, turn, kneel, bend squat, and stoop in performance of daily activities.
• Grasp, perform repetitive hand movements, and fine coordination in writing receipts and using a computer keyboard.
• Near vision in reading mail, completed forms, and using a computer.
• Hear for communicating on the phone and in person.
• Speak clearly for the purpose of giving concise, accurate and complete information.
• Lift, drag, and push files, binders, plans or other materials weighing up to 25 pounds.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
• Graduation from high school or equivalent supplemented by college or business school training in records management, secretarial science, office management, or office technology.
• One year experience using MS Office Suite 2007 or higher in an office setting.

(Added 09/09/2013; amended 6/9/2014)
232.03  ASSISTANT PLANNER

CLASSIFICATION: Confidential, hourly, part-time position (30-35 hours per week)

DEPARTMENT: Planning/Building

POSITION SUMMARY
Under the general supervision of the City Planner, performs professional planning work including review of current planning projects and undertaking assignments in the areas of public information, neighborhood preservation, research and analysis, written and oral presentations, and policy development.

DUTIES AND RESPONSIBILITIES
- Receives planning application materials.
- Compares development parameters to code requirements.
- Prepares reports.
- Conducts research and prepares recommendations on planning issues and ordinances.
- Provides information on planning and zoning issues to applicants, the general public and other departments.
- Assists with research.
- Performs other duties, as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
- Fundamental planning principles.
- Role and function of general plan and zoning ordinances.
- California planning, subdivision and environmental law and their relationship to day-to-day activities of a planning department.
- Scope and function of a planning department and its relationship to other City departments.
- Research methods.
- Review of architectural or building plans, particularly related to residences, is desirable.

Ability to:
- Write accurate and concise technical reports and memoranda.
- Explain planning and zoning requirements clearly to the public, applicants and other departments.
- Research, analyze and summarize planning issues.
- Work effectively with City departments, project applicants and the general public.
- Operate a personal computer using Windows environment software, including Microsoft Word and Excel.

Physical ability to:
- Sit and stand for prolonged periods and to work at a computer keyboard with a mouse for an average of 4 hours per day.
- Write, reach, twist, turn, and stoop in performance of daily office activities.
• Use near and far vision in reading, reviewing plans, using the computer monitor, and looking at property.
• Use hearing and speaking in communicating with individuals and groups and working on the phone.
• Lift, drag, and push files, paper, plans, and documents weighing up to 20 pounds.
• Visit properties and make site reviews in all weather conditions including wet, hot, and cold.
• Work irregular or extended hours to attend various committee meetings.
• Work with constant interruptions, and at times, with clients who may be upset when discussing and enforcing City codes.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying.

(Added 2008; updated 12/2010; rev. 11/14/2011)

232.04 ASSOCIATE PLANNER AND PLANNER

CLASSIFICATION: Confidential, hourly, part-time position (28-35 hours per week)

DEPARTMENT: Planning/Building

POSITION SUMMARY
Under the general supervision of the City Planner, the Associate Planner/Planner performs a variety of general planning duties including project management, research, data collection, field inspections, plan review, responding to inquiries at the public counter, preparation of correspondence, filing documents, and preparation of staff reports.

GENERAL DESCRIPTION
The Planning Department is staffed by a full-time City Planner, one Department Secretary who divides scheduled time between Planning and general reception duties, a part-time Assistant Planner, and a part-time Associate Planner / Planner. The City of Belvedere is 99.9% residential and completely built out. Depending on the size and type of project, Design Review, Subdivision and Zoning approvals are handled at either the administrative level or by the seven-member Planning Commission which holds hearings on a monthly basis.

This is the journey-level class in the professional City Planning series. Positions in this class are flexibly staffed and are normally filled by advancement from the entry class, or when filled from the outside, require prior planning work experience. Work in this class is distinguished from that of the Assistant Planner by the greater complexity of the assignments received, by increasing responsibility for project outcomes, and by the greater independence with which the incumbent is expected to operate.
DUTIES AND RESPONSIBILITIES

- Responds to public inquiries and requests for service, answers questions regarding the zoning and design codes.
- Performs plan checks for zoning, subdivision and design compliance.
- Reviews designated permit applications and assesses fees.
- Prepares staff reports and exhibits for the City Council and Planning Commission meetings, such as project analysis, maps, plot plans, renderings, charts and graphs.
- Receives and evaluates site plan and Design Review permits and related applications.
- Determines compliance with Zoning, Subdivision and Design Review Ordinance regulations and prepares administrative level Design Review approvals or denials.
- Evaluates discretionary project approvals for compliance with California Environmental Quality Act (CEQA).
- Addresses and resolves unauthorized construction or other improvements completed without benefit of Zoning or Design Review approvals. Pursues Nuisance Abatement for unauthorized work or other noncompliance if necessary.
- Assists planning personnel with current and advance planning projects and activities, including research, compilation of information, inspections and preparation of special reports.
- Conducts final inspections for planning projects to determine on-site if the project is compliant with the approved plan set.
- Updates and maintains zoning information, record files, and other planning documents.
- Receives project applications, prepares project files, prepares closeout of project files.
- Participates in staff meetings and in-service training as required.
- Adheres to City and departmental policies and procedures.
- Prepares and distributes Initial Environmental Study and subsequent determinations. Files Notices of Intent, Notices of Determination and other CEQA forms.
- Contributes to advance planning projects and activities, including research, compilation of information, inspections and preparation of special reports, such as updates to the General Plan and Municipal Code.
- Drafts, evaluates and presents Planning policies and amendments to the Municipal Code.
- Assumes some of the City Planner’s responsibilities when necessary such as coordination and staffing of Planning Commission meetings and functional supervision of Planning Department Secretary and Assistant Planner.
- Responds to public inquiries and requests for service, answers questions regarding the Zoning and Design Review Ordinance regulations.
- Regularly attends Planning Commission meetings.
- Liaison to standing City Committees, ad-hoc committees, and community organizations.
- Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Planning and zoning methods, practices and techniques.
- Planning and zoning maps and records.
- Record-keeping.
- Applicable laws, codes, regulations, policies, and procedures.
• Modern office methods, procedures and equipment.
• Various computer programs and applications.
• Correct English usage, spelling, grammar and punctuation.

Ability to:
• Communicate clearly and concisely both orally and in writing.
• Follow applicable oral and written instructions.
• Comprehend and carry out policies, procedures and regulations.
• Use analytical skills in reviewing plans and supporting documentation to determine the level of risk exposure to the City, or other consequences to the community, presented by a proposed building project.
• Maintain effective working relationships with fellow employees and the public and work within a team-based system.
• Exercise good judgment, courtesy, and tact with the public and staff.
• Exercise initiative make sound decisions in accordance with established regulations, and work independently, without immediate supervision.
• Present a clean, neat and professional appearance.
• Evaluate land use information in the field; utilize quality customer service skills and techniques.

Physical ability to:
• Sit and stand for prolonged periods and work at a computer keyboard with a mouse for an average of 6 hours per day.
• Write, reach, twist, turn, and stoop in performance of daily office activities.
• Use near and far vision in reading, reviewing plans, using the computer monitor, and looking at property.
• Use hearing and speaking in communicating with individuals and groups and working on the phone.
• Lift, drag, and push files, paper, plans, and documents weighing up to 20 pounds.
• Visit properties and make site reviews in all weather conditions as necessary, including wet, hot, and cold.
• Work with constant interruptions, and at times, with clients who may be upset when discussing and enforcing City codes.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
• Graduation from an accredited college or university with a degree in Planning, Architecture, Landscape Architecture, or closely-related field.
• Three years of relevant work experience in planning, architecture, or a related field. Additional work experience may be substituted for the required education on a year-for-year basis.
• Valid California Class C driver’s license and satisfactory driving record.
• Satisfactory background check.

BUILDING INSPECTOR I/II

CLASSIFICATION: Regular, full-time position.

DEPARTMENT: Planning/Building

POSITION SUMMARY
Inspects all aspects of construction, predominantly of residential dwellings, for compliance with model codes and approved plans; conducts life/safety inspections; assists with code compliance; answers model code questions from the public.

GENERAL DESCRIPTION
The City of Belvedere is a small, affluent community with approximately 1000 living units and virtually no commercial area. The Department consists of one building official/code enforcement officer, one building inspector, and a department secretary. The Belvedere Building Department issues approximately 250 construction permits a year and conducts 2000 inspections.

This position reports to the Building Official/Code Enforcement Officer and performs under his/her direct supervision. Supervision of other employees is not a duty of this classification. The Building Inspector is not assigned personal clerical support and generates his/her own paperwork.

DUTIES AND RESPONSIBILITIES
- Performs field inspections of residential and commercial construction and verifies conformance to applicable state and local codes as well as approved plans.
- Issues corrections notices and delivers stop work orders when necessary.
- Provides state and local code information to the public.
- Investigates citizen complaints, including assisting with code enforcement.
- Maintains records and prepares written reports and correspondence when necessary.
- Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
- General knowledge of Federal, State, County and City codes relating to building construction.
- Types of building materials and variations in their quality.
- Modern construction methods.
- Principals and techniques of building inspection.

Ability to:
- Read, understand and interpret construction drawings.
- Calculate square footage from building plans and perform other similar basic mathematical calculations relating to the interpretation of construction plans, specifications and other documents.
- Understand and explain provisions of applicable Federal, State, County and City construction related codes and regulations.
• Express professional opinions, based on knowledge and experience.
• Communicate effectively orally and in writing.
• Use a computer, including word processing and email.
• Use analytical and research skills so as to independently pursue solutions to complex code or construction related questions.
• Excellent customer service skills.
• Interacts effectively when confronting potentially volatile situations.
• Maintain a cooperative working relationship with property owners, contractors, design professionals, employees and the public.

Physical ability to:
• Climb into attics and onto scaffolding, stoop kneel and walk on uneven surfaces and crawl under buildings and into close spaces.
• Sit, stand, and walk on level, rough and slippery surfaces.
• Reach, twist, turn, kneel, bend, stoop, squat, and crawl during performance of job duties.
• Grasp and make repetitive hand movements in the performance of job duties. Use fine coordination when measuring designated areas for proper conformance.
• Use ladders to climb to unusual heights, requiring dexterity. Walks on roofs, scaffolding, ceiling and floor joists, requiring excellent balance.
• Crawl under houses and into enclosed spaces.
• Near and far vision to compare onsite construction conformance with the approved plans.
• Lift, push or move barriers weighing greater than 25 pounds when doing field inspections.
• Works in all weather conditions including wet, hot and cold.
• Move in close proximity to unguarded electrical power, noise and vibration producing tools/equipment as well as close proximity to moving vehicles and heavy equipment which may subject the employee to falling mechanical, electrical, traffic and other hazards.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
• High school diploma or equivalent.
• Two years of relevant experience.
• ICBO certification as a building inspector or combination inspector.
• Valid California Class C driver’s license and satisfactory driving record.

(Added 2008)

232.06 BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER

CLASSIFICATION: Position operates as either a confidential, exempt (salaried), full-time position or two separate contract consultants.

DEPARTMENT: Planning/Building.

POSITION SUMMARY
This senior management position reports directly to the City Manager and serves as the Building Official and Code Enforcement Officer for the City. This position participates in the operations of all departments, but is directly responsible for the day-to-day operation of the Building Department. The Building Department has an annual budget of approximately $531,000. The department issues 250 construction permits a year, conducts 2110 inspections, and handles as many as 100 enforcement requests. The position is responsible for directing the daily activities of, and evaluating one building inspector and one department secretary. The position is not assigned personal clerical support and generates his/her own paperwork.

DUTIES AND RESPONSIBILITIES

- Processes permit applications, reviews plans, and approves permits.
- Administers Construction Time Limit Ordinance and re-evaluates permit fees.
- Performs enforcement of construction Codes and a variety of City ordinances and responds to citizen complaints.
- Performs plan checks.
- Administers floodplain ordinance.
- Performs field inspections when necessary.
- Works on a daily basis with the city manager, planning staff, city engineer, police staff and clerical staff to implement various City and departmental goals.
- Communicates daily with permit applicants, their representatives, contractors and the public both orally and in writing.
- Performs related duties and responsibilities as required.
- Assigns situs addresses, including those for newly-created second units.
- Ex-officio member of Planning Commission (Muni Code 2.28.020), attends Planning Commission meetings, provides technical staff support to the Commission.
- Drafts revisions to existing City ordinances, develops new ordinances (when applicable), prepares and presents staff reports to the City Council.
- Determines necessity for emergency tree removal in cooperation with the Planning staff (Muni Code 20.04.020C0).
- Conducts pre-construction meetings with permit applicants.
- Participating member of the Traffic Safety Committee and Personnel Safety Committee.
- Participates in meetings of the Construction Time Limit Extension Committee and Construction Time Limit Appeals Committee.
- Advises contractors in the development of Staging and Parking Plans for large projects, prior to submission to the City.
- Assists in the development and implementation of the Building and Planning Department’s processing software.
- Determines the amount of construction damage deposits and processes the return of deposits at project conclusion.
- Provides comments to the Planning staff for inclusion in Planning Conditions of Approval during internal review process.
- Maintains and updates City Local Hazard Mitigation Plan (LHMP).
• Serves as City’s designated ADA Coordinator (NEW RESPONSIBILITY).
• Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES

Knowledge of:
Thorough knowledge of federal, state, county, and City codes and ordinances relating to:
building construction and structural requirements; types of building materials and variations in
their quality; modern methods of building construction; acceptable health, safety, and fire
standards in building construction; principles and techniques of building inspection; code
enforcement and plan checking.

Ability to:
• Administer City ordinances in a self-confident but courteous manner with a demanding
public.
• Work under oversight of the public and elected city officials.
• Apply Codes to private construction in difficult topographical situations (e.g. steep
hillsides, narrow roads, and limited parking).
• Communicate well both orally and in writing.
• Compose letters and reports using word processing and email software.

Physical ability to:
• Work at a computer keyboard with a mouse for an average of 5-6 hours per day.
• Perform all aspects of building inspection services, which requires: walking on level,
rough, and slippery surfaces; reaching twisting, turning, kneeling, bending, stooping,
squatting, crawling, and grasping; fine coordination when measuring designated areas for
proper conformance; dexterity in climbing up to roofs and on tall ladders, walking on
roofs, and crawling under houses; near and far vision when comparing onsite construction
conformance to approved plans; lifting, pushing, and moving barriers weighing greater
than 25 pounds; making inspections in all weather conditions including wet, hot, and cold;
working near and around power, noise, vibration producing tools, moving vehicles, and
heavy equipment; maintaining alertness to avoid mechanical, electrical, and traffic hazards.
• Write, stand, reach, twist, turn, and stoop in performance of daily office activities.
• Use near and far vision in reading, reviewing plans, and using the computer monitor.
• Use hearing when working on the phone and avoiding hazards on job sites. Using speaking
when communicating with groups and individuals.
• Lift, drag, and push files, paper, and documents weighing up to 20 pounds.
• Sustain prolonged periods of concentration to compose documents and perform analytical
work amidst a visually and audibly distracting open office environment with frequent
interruptions.

MINIMUM QUALIFICATIONS
• Five years experience in building inspection and Code administration; practical knowledge
of the Code enforcement process
• Building Official, Plans Examiner, and Building Inspector certifications (required by State
law).
• Possession of a Class C California Driver’s License and an acceptable driving record.
• Some college background is preferred, particularly in a technical field related to building
inspection and building code administration.

(Amended 12/13/2010.)

232.07 CITY PLANNER

CLASSIFICATION: Exempt (salaried), at-will, full-time position.

DEPARTMENT: Planning/Building

POSITION SUMMARY
This position is responsive to a highly involved and educated community that holds the City organization to a high standard of service and accountability. Design review and permitting of renovation projects large and small (requiring administrative approval or action by the Planning Commission) consume a significant amount of the City Planner’s time.

This senior management position reports directly to the City Manager and is responsible for implementing all aspects of the City General Plan, Zoning, Architectural Review and Subdivision Ordinances, and implementing the state and federal planning and affordable housing laws, rules and regulations.

With limited support staff, the City Planner meets with applicants, makes site visits, reviews plans and specifications, evaluates neighborhood and community impacts, writes comprehensive staff reports, and presents well reasoned recommendations to the Planning Commission. Depending on the size and type of project, design review approvals are handled at either the administrative level or by the seven-member Planning Commission which holds hearings on a monthly basis.

The City of Belvedere is 99.9% residential and completely built out.

DUTIES AND RESPONSIBILITIES
• Manages, supervises, coordinates, researches and analyzes planning, zoning, and affordable housing programs.
• Reviews multiple projects daily. These can range from a simple home improvement project to the demolition of a small, older home and its replacement by a new executive residence designed by a world-class architect.
• Develops, reviews, updates, and implements the General Plan, the zoning ordinance, design review ordinance, subdivision ordinance, historic preservation ordinance, other planning documents, and other City Council policies.
• Assists property owners, architects, builders, and attorneys with processing applications and meeting planning requirements, responding through written correspondence, with phone, or in person at scheduled appointments or on a walk-in basis.
• Reviews building permit plan submittals for conformance with the approved design.
• Prepares and administers the department budget.
• Prepares and presents reports, statistical analyses, proposals and special projects at
meetings of the Planning Commission, City Council, Historic Preservation Committee, and special committees and provides professional assistance on a variety of City matters to these bodies.

- Coordinates with other City departments and works on planning related issues with local, State, and Federal agencies.
- Performs related duties and responsibilities as required.

**KNOWLEDGE AND ABILITIES**

**Knowledge of:**

- Comprehensive knowledge of modern principles, practices, techniques and laws related to urban planning, housing and community development.
- Working knowledge of California planning, zoning and development laws, the California Environmental Quality Act and the State Subdivision Map Act.
- General knowledge of architecture and landscaping, building codes, budgeting procedures, principles and practices of supervision, and principles and techniques of providing effective customer service.
- Strong design sense and an understanding of the unique residential character of Belvedere.
- Experience with General Plan and Zoning Code amendments, CEQA interpretation and application, affordable housing requirements and reporting, land use and regulatory issues effecting waterfront communities and constraints imposed on properties located within FEMA designated Flood Zones.

**Ability to:**

- Organize, direct, and implement a current and advanced planning and zoning program in compliance with Federal, State, and local rules, laws, and regulations.
- Perform zoning, environmental, and architectural design review by comparing project characteristics to defined limits, policies and thresholds.
- Effectively communicate technical, architectural and design, and procedural information and concepts to persons of varying backgrounds, both verbally and in writing.
- Make lucid and concise but complete oral reports at public meetings and to field questions from commission members and the public.
- Apply policies and regulations consistently and fairly.
- Establish procedures for the communications and enforcement of City policies and regulations.
- Formulate decisions on a continual basis, using good judgment, regarding such things as the appropriate level of project review, how to mitigate potential environmental or social impacts, and how to distribute department resources to manage a heavy workflow and meet multiple deadlines.
- Provide excellent customer service while helping to reverse any public misconceptions regarding the planning process or the goal of public officials and staff to serve the best interests of the entire community.
- Use word processing, spreadsheet, and email software to prepare a variety of written materials.

**Physical ability to:**

- Sit and stand for prolonged periods and to work at a computer keyboard with a mouse for an average of 4 hours per day.
Write, reach, twist, turn, and stoop in performance of daily office activities.
Use near and far vision in reading, reviewing plans, using the computer monitor, and looking at property.
Use hearing and speaking in communicating with individuals and groups and working on the phone.
Lift, drag, and push files, paper, plans, and documents weighing up to 20 pounds.
Visit properties and make site reviews in all weather conditions including wet, hot, and cold.
Work irregular or extended hours to attend various committee meetings.
Work with constant interruptions, and at times, with clients who may be upset when discussing and enforcing City codes.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:

- A bachelor’s degree in urban planning, environmental science, architecture, public administration, geography or a related field. A master's degree in planning is desirable.
- Six years of progressively responsible planning experience in a local government setting. Supervisory experience is highly desirable.
- AICP certification preferred.
- Valid California Class C driver’s license and satisfactory driving record.

232.08 DEPARTMENT SECRETARY II

CLASSIFICATION: Regular, full-time position.

DEPARTMENT: Planning/Building

POSITION SUMMARY
Provides first contact customer service to persons visiting the City administration office or calling in on the City’s two general phone lines. Provides information regarding City, department or program activities, policies, procedures, and permits. Performs a wide variety of complex office support and secretarial duties for staff, commissions, and committees.

GENERAL DESCRIPTION
The two department secretaries have their work stations at the City Hall front counter. Each is assigned to provide administrative support to either the Planning or Building Department, specified committees, and may also provide support to specified staff members of other departments (typically staff members are responsible for producing most or all of their own paperwork). The Department Secretaries are also cross-trained in one another’s duties.

The Planning Secretary reports directly to the City Planner; the Building Secretary reports to the Building Official/Code Enforcement Officer. Supervision of other employees is not a duty of this class.
DUTIES AND RESPONSIBILITIES
- Interviews telephone callers and office visitors, providing them with desired information or referring them to appropriate staff.
- Assists public in completing and filing applications and related materials for various types of permits.
- Receives payments, issues permits and business licenses, and write receipts.
- Serves as recording secretary to the Planning Commission and/or other committees: types agendas and background materials, copies and distributes packets, and processes post-meeting documents. Takes synopsis minutes at Planning Commission and project meetings.
- Types, formats, and distributes a wide variety of documents including contracts, correspondence, reports, and spreadsheets.
- Opens and screens mail.
- Maintains logs, databases, files, and other records and documents.
- Gathers and compiles information for a variety of reports and records.
- Inventories office supplies, compares vendor prices, and places orders.
- Schedules meetings and appointments.
- Generates labels for hearing notices and produces mass mailings.
- Serves as key operator for a variety of office machines.
- Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
- MS Word, Excel, and Office Outlook and considerable experience using these or similar computer programs.
- Modern office methods, practices and equipment.
- Terminology used in municipal planning and building departments.
- Basic mathematics.
- Correct English usage, spelling, grammar and punctuation.

Ability to:
- Type at a minimum rate of 50 words per minute from clear, legible copy.
- Compose synopsis minutes from notes or shorthand, supplemented by cassette recordings.
- Quickly acquire and retain a thorough knowledge of the operations, policies and procedures of the department to which assigned.
- Multi-task phones, visitors, staff, computer work and paperwork.
- Monitor deadlines and legal requirements for compliance with laws and regulations.
- Perform consistently with accuracy and great attention to detail.
- Take responsibility and exercise good judgment in recognizing scope of authority.
- Understand and carry out oral and written directions.
- Maintain effective working relationships with fellow employees.
- Present a clean, neat and professional appearance.
- Exercise good judgment, courtesy, and tact with the public and visitors who may be upset.

Physical ability to:
• Maintain concentration to keep track of and complete multiple tasks in an environment that is often noisy and distracting.
• Sit and work at a computer keyboard with a mouse for an average of 5-6 hours per day.
• Sit and take notes in meetings that may last three to five hours.
• Stand, walk, reach, twist, turn, kneel, bend squat, and stoop in performance of daily activities.
• Grasp, perform repetitive hand movements, and fine coordination in writing receipts and using a computer keyboard.
• Near vision in reading mail, completed forms, and using a computer.
• Hear for communicating on the phone and in person.
• Speak clearly for the purpose of giving concise, accurate and complete information.
• Lift, drag, and push files, binders, plans or other materials weighing up to 25 pounds.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
• Graduation from high school or equivalent supplemented by college or business school training in secretarial science, office management, or office technology.
• Two years experience as a secretary, administrative assistant, or office manager, preferably in a position responsible for providing customer service to clients or the public.

232.10 RECORDS TECHNICIAN/ADMINISTRATIVE ASSISTANT

CLASSIFICATION: Regular, hourly position.

DEPARTMENT: Planning/Building

POSITION SUMMARY
The Records Technician/Administrative Assistant is responsible, under supervision, for complex document scanning and processing of records for several departments using the City’s Laserfiche electronic data imaging, indexing, and reproduction system. Performs a wide variety of complex office support and secretarial duties for building and planning staff, citizen committees, and other management staff. Relieves the Department Secretaries in performing reception and customer service duties as needed.

GENERAL DESCRIPTION
The Records Technician/Administrative Assistant reports to the City Planner and also receives training and direction from the Building Official, City Clerk, and Finance Officer. Supervision of other employees is not a duty of this class.

DUTIES AND RESPONSIBILITIES
• Scans a wide variety of documents, categorizing them, and entering metadata. Responsible
for adhering to complex records retention schedules, records policies, and precise written procedures.

- Performs data entry from planning and building applications and updates same.
- Fills in for Department Secretaries during breaks, vacations, and other occasions when they are away from the front desk for extended periods. In this capacity, screens telephone callers and office visitors, providing them with desired information or referring them to appropriate staff.
- Performs general word processing and produces form letters, notices, agendas, etc.; filing; copying; setting up meetings, etc.
- Composes memos and letters from brief, verbal instructions.
- Compiles mailing lists from electronic sources, edits them, and produces mass mailings.
- Prepares, copies and distributes agenda packets for volunteer citizen committees.
- Assists with the yearly business license billing.
- Performs annual scanning of Finance Department documents.
- Assists Finance Officer with a brief monthly internal auditing function and acts as backup person for bank deposits
- Performs large copying jobs and binding jobs for the City Clerk and Finance Officer.
- Opens and screens mail.
- Inventories office supplies, compares vendor prices, and places orders.
- Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
- MS Word, Excel, and Office Outlook and experience using these or similar computer programs.
- Modern office methods, practices and equipment.
- Terminology used in municipal planning and building departments.
- Basic mathematics.
- Correct English usage, spelling, grammar and punctuation.

Ability to:
- Type at a minimum rate of 50 words per minute from clear, legible copy.
- Quickly acquire and retain a thorough knowledge of the operations, policies and procedures of the planning, building, and records departments.
- Operate a multi-line phone system.
- Monitor deadlines and legal requirements for compliance with laws and regulations.
- Perform consistently with accuracy and great attention to detail.
- Take responsibility and exercise good judgment in recognizing scope of authority.
- Understand and carry out oral and written directions.
- Maintain effective working relationships with fellow employees.
- Present a clean, neat and professional appearance.
- Exercise good judgment, courtesy, and tact with the public and visitors.

Physical ability to:
- Maintain concentration to keep track of and complete multiple tasks in an environment that is often noisy and distracting.
• Sit and work at a computer keyboard with a mouse for an average of 5-6 hours per day.
• Stand, walk, reach, twist, turn, kneel, bend squat, and stoop in performance of daily activities.
• Grasp, perform repetitive hand movements, and fine coordination in writing receipts and using a computer keyboard.
• Near vision in reading mail, completed forms, and using a computer.
• Hear for communicating on the phone and in person.
• Speak clearly for the purpose of giving concise, accurate and complete information.
• Lift, drag, and push files, binders, plans or other materials weighing up to 25 pounds.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
• Graduation from high school or equivalent supplemented by college or business school training in records management, secretarial science, office management, or office technology.
• One year experience as an electronic records technician, permit technician, secretary, or administrative assistant.

Added 01/07/2008
CHAPTER 233. POLICE DEPARTMENT

233.05 POLICE OFFICER

CLASSIFICATION: Sworn, full-time.

DEPARTMENT: Police

POSITION SUMMARY
Police Officers perform patrol and investigation work in protecting life and property and enforcing laws and ordinances.

GENERAL DESCRIPTION
Belvedere maintains a full-service, modern police department serving a population of 2,125. The Department consists of the chief, two sergeants, five sworn full-time regular police officers, and one police secretary. Dispatching is provided by contractual agreement by the Marin County Sheriff’s Office.

The Police Officers report directly to the Police Sergeants. Supervision of others is not a duty of this class. This position is not assigned personal clerical support and generates his/her own paperwork.

DUTIES AND RESPONSIBILITIES
- Patrols the City to prevent and discover the commission of crimes and to enforce laws; checks windows and doors in the business district and investigates suspicious conditions.
- Employs community oriented policing philosophy in the delivery of all services and contacts.
- Work closely with other city departments and employees to deliver excellent government services.
- Conducts investigations of violations of City, County, State and Federal laws. Interviews complainants and witnesses; interrogates suspects.
- Investigates automobile accidents, renders first aid if needed, takes information. Interviews witnesses and makes detailed reports.
- Prepares daily activity reports; prepares accurate and complete reports on investigations and crimes; maintains various records and files.
• Makes arrests for violation of laws and ordinances; serves write, warrants and subpoenas; assists in the apprehension of wanted subjects.
• Appears in court as a witness to present facts pertinent to particular cases.
• Attends classes in various training sessions in police procedures and new practices and methods.
• Investigates complaints of bad checks and reports of missing persons; maintains surveillance over suspected criminals; handles family and neighborhood disputes.
• Works on special programs as assigned by the Police Sergeant to develop a level of expertise in a specific area in order to provide supplemental assistance to the Police Sergeant in that area.
• Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
• California Penal Code and Vehicle Code.
• Community oriented policing philosophy.
• Methods and procedures related to public safety activities, including patrol, crime prevention, criminal investigation, and traffic control.
• Current criminal law with particular emphasis on the apprehension, arrest, and custody of persons accused of felonies and misdemeanors.
• Rules of evidence pertaining to search and seizure, and the preservation and presentation of evidence in court.
• Interrogation, fingerprinting, photographing and booking of suspects.
• Laws and practices dealing with juveniles, sexual assault, domestic violence, and victims' rights.
• The use and care of firearms and other police equipment
• Preparation of public safety records and reports.

Ability to:
• Deal courteously, but firmly, with the public and effectively solve problems.
• Communicate with a high degree of skill verbally and in writing in the English language.
• React quickly and appropriately to emergencies and threatening situations
• Make accurate observations and remember details of situations and individuals.
• Correctly interpret and apply policies, laws, rules, ordinances, and regulations to individual circumstances.
• Give and understand oral and written directions.
• Prepare clear, concise, and accurate incident and case reports.
• Question witnesses and interrogate suspects in an effective and appropriate manner.
• Use and care for firearms and other law enforcement equipment.
• Learn to operate effectively and safely the department patrol vehicles and police radio system.
• Learn the street location and physical layout of the City.
• Tactfully and effectively represent the department to individuals, community groups, and other government agencies.
• Work smoothly with other employees, supervisor, and the public.
• Pass a thorough background investigation and Department of Justice fingerprint check.

Physical ability to:
• Use firearms with skill.
• Operate an automobile safely according to traffic laws and rules and under emergency conditions.
• Sit, stand, walk, run, reach, twist, run, kneel, bend, squat, and crouch in the performance of daily activities.
• Grasp, make repetitive hand movements, and use fine coordination in writing reports and using a computer keyboard.
• Use near, far, night, and color vision in viewing crime scenes and evidence and firing a weapon.
• Run in pursuit and subdue suspects while taking them into custody.
• Walk on uneven and slippery surfaces.
• Work outdoors in all weather conditions, around loud siren noise and moving vehicles.
• Work around chemicals, pesticides, blood, and other potential toxic exposures and around electrical hazards.
• Withstand being subjected to physical threats, verbal abuse, and other stressful situations.
• Work a variety of shifts.
• While performing emergency aid, to lift and carry victims and move heavy equipment.
• Pass a standardized physical exam.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
• Possession of a high school diploma or equivalent.
• Be at least twenty one years of age at the time of appointment.
• Completion of the POST Basic Training or any equivalent combination of experience and training.
• Possession of valid California Class C driver’s license and satisfactory driving record.

(Rev. 8/9/2010)

233.06 POLICE SECRETARY

CLASSIFICATION: Confidential, full-time.

DEPARTMENT: Police

POSITION SUMMARY
The Police Secretary is the administrative support person and records clerk for the Belvedere Police Department. He/She greets and assists visitors at the front counter and answers the non-emergency phone line, performs as custodian of police reports and evidence, produces all statistical reports required by the City and Department of Justice (DOJ), and trains personnel in the use of the CLETS/Criminal Offender Records Information (CORI) system.
GENERAL DESCRIPTION
Belvedere maintains a full-service, modern police department serving a population of 2,125. The Department consists of the chief, two sergeants, five sworn, full-time patrol/investigation officers, and one police secretary. Dispatching is provided by contractual agreement by the Marin County Sheriff’s Office.

The Police Secretary reports directly to the Police Chief. There is no clerical support assigned to this position, and supervision of others is not a duty of this class.

DUTIES AND RESPONSIBILITIES
- Police reports and records processing and management using the computerized Tiburon Report Management System.
- Processing property and evidence.
- Assisting citizens and members of other public safety organization in person, over the phone, and by email. Providing information regarding City and department activities, policies and procedures.
- Performs related duties and responsibilities as required.
- Prepare reports and official letters for the Chief and/or the Police Department.

KNOWLEDGE AND ABILITIES
Knowledge of:
- Basic criminal and civil law.
- Considerable knowledge of laws, rules, and regulations governing the maintenance and release of information from police records.
- Methodologies used in maintaining and reporting crime statistics.
- Methods and procedures for performing background checks.
- Modern office procedures and practices.
- Law enforcement and fire terminology.

Ability to:
- Understand and carry out verbal and written instructions.
- Work independently, without supervision, much of the time, in the performance of complex and responsible office assistance and administrative duties.
- Interpret and apply a variety of City rules, laws and policies with good judgment.
- Take responsibility and exercise good judgment in recognizing scope of authority.
- Maintain courteous and tactful, but firm, relationships with the public and representative of other agencies.
- Calmly and appropriately respond to situations with difficult persons and those with mental and/or emotional issues.
- Handle sensitive information with due care.
- Calmly and appropriately respond to emergency calls received on the non-emergency phone line.
- Moderate skill in typing accurately with reasonable speed.
- Moderate office computer skills including word processing, email, and general data
Physical ability to:
- Sit for approximately 7 hours per day, most of it spent working at the computer.
- Write, stand, reach, twist, turn, and stoop in performance of daily office activities. Grasping, repetitive hand movement and fine coordination in preparing correspondence, statistical reports and other written materials and using a computer keyboard and mouse.
- Use near and far vision in reading and using the computer monitor.
- Use hearing when working on the phone and at the front counter.
- Lift, drag, and push files, paper, and documents weighing up to 20 pounds.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
- Graduation from high school or equivalent.
- Experience in an office setting (law enforcement preferred) or appropriate formal education.
- Background free of disqualifying convictions documented by fingerprint submission to state and federal authorities.

(Rev. 8/9/2010)

233.07 POLICE SERGEANT

CLASSIFICATION: Sworn, full-time.

DEPARTMENT: Police

POSITION SUMMARY
The Police Sergeant supervises patrol officers, fills in for absent officers, conducts or supervises major or sensitive criminal cases, and acts as Department liaison with the district attorney’s office and other agencies.

GENERAL DESCRIPTION
Belvedere maintains a full-service, modern police department serving a population of 2,125. The Department consists of the chief, two sergeants, five sworn full-time patrol/investigation officers, and one police secretary. Dispatching is provided by contractual agreement by the Marin County Sheriff’s Office.

The Police Sergeant reports directly to the Police Chief. This position supervises and evaluates the sworn officers. This position is not assigned personal clerical support and generates his/her own paperwork.

DUTIES AND RESPONSIBILITIES
- Carries out the directives of the Chief of Police and maintains department policies, rules,
Mentors and evaluate performance of subordinates on a daily basis.
Reviews and make recommendations on all police reports.
Reviews citations for accuracy and completeness.
Prepares and makes changes as needed to the monthly officer work schedule and training schedule.
Manages all departmental training requirements including POST mandates.
Attends periodic area-wide meetings including those of the Forensic Multi-Disciplinary Team, Crisis Intervention Team, Child Safety Consortium, Sexual Assault Task Force, and Domestic Violence Response Team.
Instructor and troubleshooter for computer software applications: Compudyne, EJUS, TIPS, etc.
Reviews and downloads video images from the vehicles.
Perform all the functions of a patrol when street coverage is needed.
Conduct high profile and complicated criminal investigations.
Perform internal affairs investigations as needed.
Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES

Knowledge of:
- Considerable knowledge of supervision and modern methods and practices of police methods and procedures, criminal investigation and identification, and criminal law (with particular reference to apprehension, arrest and prosecution of persons).
- Community oriented policing and its latest trends.
- Working knowledge of pertinent City, state and federal laws.
- Considerable knowledge of the geography and location of important buildings and all businesses in the City.

Ability to:
- Conduct investigations, to evaluate pertinent facts and draw correct conclusions when all facts have been analyzed.
- Understand and issue oral and written instructions.
- Assign, supervise and review work of subordinates.
- Deal courteously but firmly with the public.
- Skill in use of firearms.
- Obtain information through interview, interrogation and observation.
- Prepare clear and comprehensive reports.
- Operate a personal computer using word processing, spreadsheet, and email program; competency in Compudyne and CLETS.
- Mentor subordinates in these skills and abilities.
- Perform all duties required of the Police Officer position.

Physical ability to:
- Use firearms with skill.
- Operate an automobile safely according to traffic laws and rules and under emergency conditions.
Sit, stand, walk, run, reach, twist, run, kneel, bend, squat, and crouch in the performance of daily activities.

Grasp, make repetitive hand movements, and use fine coordination in writing reports and using a computer keyboard.

Use near, far, night, and color vision in viewing crime scenes and evidence and firing a weapon.

Run in pursuit and subdue suspects while taking them into custody.

Walk on uneven and slippery surfaces.

Work outdoors in all weather conditions, around loud siren noise and moving vehicles.

Work around chemicals, pesticides, blood, and other potential toxic exposures and around electrical hazards.

Withstand being subjected to physical threats, verbal abuse, and other stressful situations.

Work a variety of shifts.

While performing emergency aid, to lift and carry victims and move heavy equipment.

Pass a standardized physical exam.

MINIMUM QUALIFICATIONS

- High school graduation or equivalent.
- Successful completion of the POST Basic Law Enforcement Academy.
- 3 years of experience as a police officer.
- POST Basic Certificate.
- Class C California driver’s license and acceptable driving record.
- Successful completion of POST Supervisory Course upon appointment.

(Rev. 8/9/2010)
234.05  CITY ENGINEER

CLASSIFICATION:  Hourly, part-time position.

DEPARTMENT:  Public Works

POSITION SUMMARY
This position reports to the City Manager/Public Works Director and interfaces with him/her and the Public Works Manager in the maintenance and improvement of the City’s infrastructure and management of the Capital Improvement Program with a combined budget of $2.5 million. The City Engineer manages various capital improvements projects and reviews approximately 100 planning/building applications and 25 revocable licenses per year. This position receives clerical support for the production of correspondence, reports, and specifications.

DUTIES AND RESPONSIBILITIES
- Design, bidding, and construction management of various projects in the City’s Capital Improvement Program, including underground utility districts.
- Review of applications submitted to the Planning and Building Department, including processing of revocable licenses.
- Assisting public and participating in resident committees.
- Represent the City at meetings; present verbal and audiovisual reports at City Council meetings; prepare special reports, projects and studies.
- Interfaces with all other City departments, utility companies, regulatory agencies; general public, and local public works departments by phone, fax, email, and in person.
- Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
- Design and construction processes.
- Comprehensive knowledge of civil engineering design and construction principles and practices as applied to public works projects.
- Methods of preparing designs, plans, specifications, estimates, and acquiring funding for the development of public works facilities.
- Principles of public financing, contracting, and budgeting.

**Ability to:**
- Prioritize a wide range of duties so as to meet budgets and deadlines.
- Serve a demanding public with courtesy and patience.
- Motivate contractors, consultants, and utilities to meet time and performance goals.
- Perform engineering drafting and design work for public works projects.
- Prepare estimates and specifications.
- Plan, organize, direct, coordinate, perform and evaluate the public works functions of the City.
- Formulate, evaluate, and make recommendations on policies and procedures affecting the City’s public works services.
- Prepare annual budget requests and control expenditures.
- Provide clear, concise, and professionally sound consultation to the City Council, city manager, and other interested parties on public works, building, and engineering issues.
- Make effective public presentations.

**Physical ability to:**
- Work at a desk for approximately six hours per day.
- Work at a computer keyboard using a mouse for approximately 1.5 hours at a time.
- When visiting construction sites, walk on uneven and slipper surfaces, be exposed to all weather conditions, dust and pollen, noise, and mechanical hazards such as construction equipment.
- Write, stand, reach, twist, turn, and stoop for prolonged periods in performance of daily office activities.
- Use near and far vision in reading, reviewing plans and blueprints, and using the computer monitor.
- Use hearing when working on the phone and speaking when communicating with individuals and groups.
- Lift, drag, and push files, paper, and documents weighing up to 20 pounds.
- Sustain prolonged periods of concentration to compose documents and perform analytical work amidst frequent interruptions.

**MINIMUM QUALIFICATIONS**
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
- B.S. degree in civil or municipal engineering.
- Ten years of increasingly responsible public works experience including at least two years in a management or supervisory capacity.
- Possession of a valid Certificate of Registration as a Civil or Municipal Engineer issued by the California State Board of Registration for Professional Engineers.
- Possession of a Class C California Driver’s License and an acceptable driving record.
MAINTENANCE WORKER I/II

CLASSIFICATION: Regular, full-time positions.

DEPARTMENT: Public Works

POSITION SUMMARY
Under general supervision by the Public Works Manager or Senior Maintenance Worker, performs a variety of manual and semiskilled tasks involving maintenance and cleaning of streets, storm drains, public rights-of-way, landscaped areas, equipment, buildings and other public facilities. Operates power driven, hand held and “walk behind” equipment.

The Public Works Department is composed of the City Manager/Public Works Director, City Engineer, Public Works Manager, a Senior Maintenance Worker and two Maintenance Workers.

GENERAL DESCRIPTION
Maintenance Worker I is the entry level to the classification series. Under close supervision, the Maintenance Worker I performs semi-skilled and repetitive tasks, while learning to use and apply the methods, materials, tools and equipment involved. The Maintenance Worker I may operate street sweeping equipment.

Maintenance Worker II is the full working level of the series. At this level, the Maintenance Worker II performs highly skilled tasks, works with greater independence, and performs more equipment operation. Employees in this classification may work without direct site supervision. Maintenance Worker II operates street sweeping equipment.

Supervision of other employees is not a duty of this class.

DUTIES AND RESPONSIBILITIES
- Performs maintenance and repair tasks involving carpentry, electrical, plumbing, and/or vehicle maintenance.
- Operates power equipment such as chainsaws, power saws, gas trimmers, electric blowers, pumps and generators, and similar equipment.
- Removes debris and assists in cleaning and clearing of public parks, lanes, storm drain systems and recreation facilities.
- Installs street signs and post and pavement markers.
- Constructs guardrails, sheds, signposts, and similar minor structures.
- Operates City vehicles and equipment such as dump truck, loader, pickup trucks, street sweeper and brush chipper.
- Uses shovels, rakes, other hand tools.
- Paints curbs, handrails, and similar facilities.
- Performs routine and special maintenance on vehicles and other City equipment.
- Has knowledge of basic safety procedures.
- Performs related duties and responsibilities as required.
Additional Duties and Responsibilities of Maintenance Worker II:
- Operates and performs routine maintenance and replacement tasks on street sweeper.
- Completes activity reports and keeps maintenance records.
- Oversees the routine work of Maintenance Worker I.

KNOWLEDGE AND ABILITIES
Knowledge of:
- Some or all of the following: basic carpentry, electrical, landscape maintenance, plumbing and vehicle maintenance.

Ability to:
- Read and comprehend simple instructions, short correspondence, and memos; write simple correspondence; effectively present information to residents and other City employees.
- Add, subtract, multiply and divide, measure using fractions and/or decimals of a foot.
- Apply common sense understanding to carry out detailed but uninvolved written or oral instructions.

Physical ability to:
- Stand; walk; use hands to finger, handle, or feel; reach with hands and arms; and talk or hear.
- Climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.
- Frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 100 pounds.
- Use close vision, distance vision, color vision, peripheral vision, depth perception, and adjust focus.
- Work in all weather conditions including wet, hot, and cold.
- May use cleaning and lubricating chemicals and ingredients which would expose the employee to fumes, dust, and air contaminants which may cause eye and skin irritation.
- Climb up ladders, use power and noise producing tools and equipment, and drive motorized vehicles, which would expose the employee to mechanical, electrical, and traffic hazards.

The physical demands described above are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
- Graduation from high school or equivalent.
- A valid California Class C driver’s license and acceptable driving record.

Prior experience in the operation of power driven equipment or previous maintenance experience is desirable but not required.

Additional Qualifications for Maintenance Worker II:
- Three years of increasingly responsible experience in the maintenance and construction of
public works facilities, equivalent to the Maintenance Worker I Classification with the City of Belvedere.

234.07  **PUBLIC WORKS MANAGER**

**CLASSIFICATION:** Exempt (salaried), full-time position.

**DEPARTMENT:** Public Works.

**POSITION SUMMARY**
This management position reports directly to the City Manager/Public Works Director and works under his general direction to plan and execute the City’s Public Works Departmental plan. This position is responsible for supervising the maintenance crew and contracted firms in the maintenance and repair of streets, storm drains, public rights-of-way, landscaped areas, equipment, buildings and other public facilities. The Public Works Manager administers a public works operations and maintenance budget of approximately $750,000 annually, which includes the operations of the City Engineer.

The Public Works Department is composed of the City Manager/Public Works Director, City Engineer, Public Works Superintendent, a Senior Maintenance worker and two Maintenance Workers. He/She is responsible for hiring, training, directing, and evaluating the maintenance workers. He/She is not assigned personal clerical support and therefore generates most of his/her own paperwork.

**DUTIES AND RESPONSIBILITIES**
- Prioritizes and assigns daily workloads to maintenance crew; organizes and checks work performed by parks maintenance, building maintenance, and other outside contractors.
- Provides oversight to the City’s Engineering Office.
- Receives and responds to citizen inquiries and complaints regarding the City infrastructure on a daily basis.
- Issues and monitors encroachment and road closure permits.
- Audits and approves department invoices.
- Coordinates City stormwater program, attends bi-monthly MCSTOPPP meetings, enforces municipal storm water regulations, and conducts inspections.
- Serves as staff liaison to the citizen volunteer Parks & Open Space Committee.
- Administers City safety policies and implements standard operating procedures.
- Purchases tools and equipment and manages preventative maintenance.
- Maintains appropriate files and work records; performs various administrative duties as necessary.
- Performs annual tree hazard inspection and makes recommendations for removal.
- Conducts annual sidewalk hazard inspection and property owner notifications.
- Attends seminars, workshops, and professional meetings to keep abreast of changing trends in the public works field.
- Oversees pavement markings and signage on public rights-of-way.
- Performs related duties and responsibilities as required

**KNOWLEDGE AND ABILITIES**

**Knowledge of:**
- Basic computer programs.
- Basic understanding of carpentry, plumbing, and electrical.
- Working knowledge of landscape maintenance and irrigation systems.
- Basic understanding of the maintenance, repair and safe operation of vehicles, equipment, power tools and hand tools.

**Ability to:**
- Use a computer for word processing, spreadsheets, email, and GIS applications.
- Good reading comprehension and writing skills and the ability to keep accurate records.
- Supervise and coordinate the activities of semi-skilled and skilled workers
- Use common sense.
- Focus and meet deadlines despite constant interruptions.
- Demonstrate courtesy and good communication skills in educating the public regarding the established policies and procedures of the public works department.

**Physical ability to:**
- Work at a computer keyboard with a mouse for an average of 2 hours per day.
- Stand, walk on level and slippery surfaces, reach, twist, turn, kneel, bend, stoop, squat, crouch, grasp and make repetitive hand movements in the performance of daily duties.
- Use near and far vision in reading, using the computer monitor, performing inspections, and supervising and participating in work activities.
- Use hearing when working on the phone and avoiding hazards in the field. Using speaking when communicating with groups and individuals.
- Repetitively take handwritten notes, use hand tools, shovel, operate a motor vehicle.
- Lift, carry, and push tools, equipment, tree branches, and supplies up to 50 pounds.
- Work in all weather conditions including wet, hot, and cold.
- May use cleaning and lubricating chemicals and ingredients which would expose the employee to fumes, dust, and air contaminants which may cause eye and skin irritation.
- Climb up ladders, use power and noise producing tools and equipment, and drive motorized vehicles including a tractor and street sweeper, which would expose the employee to mechanical, electrical, and traffic hazards.
- Operate maintenance vehicles and equipment.

**MINIMUM QUALIFICATIONS**

Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
- High school graduation or equivalent.
- Seven years of increasingly responsible experience in street maintenance, storm drain maintenance, parks and landscape maintenance, building and facility management, public works construction projects, or related field.
- Five years of recent supervisory experience.
• Possession of a valid California Class C driver’s license and satisfactory driving record.
• Certification by the International Society of Arborists as an arborist within 12-months of employment.
• Successful completion of training in hazardous materials first response, work zone traffic control, first aid, confined space awareness, and CPR.
• A bachelor’s or associate’s degree in construction technology, engineering, horticulture, public administration, business administration or a related field is highly desirable.

(Revised 2009)

234.08   SENIOR MAINTENANCE WORKER

CLASSIFICATION: Regular, full-time position.

DEPARTMENT: Public Works

POSITION SUMMARY
Under general supervision by the Public Works Superintendent, performs a variety of manual and semiskilled, and skilled tasks involving maintenance and cleaning of streets, storm drains, public rights-of-way, landscaped areas, equipment, buildings and other public facilities. Operates power driven, hand held and “walk behind” equipment, street sweeper and tractor.

The Public Works Department is composed of the City Manager/Public Works Director, City Engineer, Public Works Superintendent, a Senior Maintenance worker and two Maintenance Workers.

GENERAL DESCRIPTION
Senior Maintenance Worker is the highest level to the classification series. At this level, employees are expected to be proficient in performing all skilled tasks, work independently, operate all equipment, and understand safe working practices.

Employees in this classification may assist the Public Works Superintendent in training and on-site supervision of other maintenance workers.

DUTIES AND RESPONSIBILITIES
• Supervising crew in the cutting and trimming the City right-of-way (approx. 13 road miles) with an eye toward both safety and aesthetics.
• Removes debris and assists in cleaning and clearing of public parks, lanes, storm drain systems and recreation facilities.
• Operating street sweeping equipment.
• Operates power equipment such as chainsaws, power saws, gas trimmers, electric blowers, pumps and generators, and similar equipment.
• Performing maintenance and repair tasks involving carpentry, electrical, plumbing, and/or vehicle maintenance.
• Operates City vehicles and equipment such as dump truck, loader, pickup trucks, street sweeper and brush chipper.
• Ordering necessary parts and materials associated with repairs.
• Keeping records to document public works activities.
• Training and overseeing the routine work of Maintenance Workers I and II.
• Installs street signs and post and pavement markers.
• Performs routine and special maintenance on vehicles and other City equipment.
• Instructs Maintenance Worker I and II on safe use and operation of tools and equipment.
• Performs related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
• Carpentry, general electrical, plumbing, welding, and vehicle maintenance.
• Safety procedures related to the safe operation of tools and equipment.
• Proper etiquette for interacting with residents, City Hall workers, and vendors and contractors.

Ability to:
• Use hand tools such as shovels and rakes.
• Journeyman level skills in mechanics and carpentry.
• Operate heavy equipment on narrow road.
• Read and comprehend instructions, correspondence, and memos; write simple correspondence; effectively present information to residents and other City employees.
• Understand and carry out detailed written and oral instructions.
• Add, subtract, multiply and divide, measure using fractions and/or decimals of a foot.
• Apply common sense understanding to carry out detailed but uninvolved written or oral instructions.
• Apply department and City policies and procedures to making decisions in the field.
• Identify specific hazards and defects while performing annual inspections of City infrastructure.
• Maintain constant awareness of safety, both for self and co-workers.

Physical ability to:
• Stand; walk; use hands to finger, handle, or feel; reach with hands and arms; and talk or hear.
• Climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.
• Frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 100 pounds.
• Repetitively use clippers, hedge trimmers, weed eaters, chain saw, chipper, shovel, street sweeper, tractor, dump truck, trash pumps, concrete mixer, pickup truck, and a variety of power tools.
• Use close vision, distance vision, color vision, peripheral vision, depth perception, and adjust focus.
• Work in all weather conditions including wet, hot, and cold.
• May use cleaning and lubricating chemicals and ingredients which would expose the employee to fumes, dust, and air contaminants which may cause eye and skin irritation.
• Climb up ladders, use power and noise producing tools and equipment, and drive motorized vehicles, which would expose the employee to mechanical, electrical, and traffic hazards.

MINIMUM QUALIFICATIONS
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
• High school graduation or equivalent.
• Five years of increasingly responsible experience in the maintenance and construction of public works facilities, equivalent to the Maintenance Worker II Classification with the City of Belvedere.
• A valid California Class C driver’s license and acceptable driving record.
• An associate’s degree in construction technology, engineering, horticulture or a related field is highly desirable.

234.09 MAINTENANCE SUPERVISOR

CLASSIFICATION: Regular, full-time position.

DEPARTMENT: Public Works

POSITION SUMMARY
Under general supervision by the Public Works Manager, supervises and participates with Maintenance Workers in performing a variety of manual, semiskilled, and skilled tasks involving maintenance and cleaning of streets, storm drains, public rights-of-way, landscaped areas, equipment, buildings and other public facilities. Operates power driven, hand held and “walk behind” equipment, street sweeper and tractor.

The Public Works Department is composed of the Public Works Manager, City Engineer, Maintenance Supervisor and two Maintenance Workers.

GENERAL DESCRIPTION
Maintenance Supervisor is the highest level to the classification series. At this level, employees are expected to supervise and be proficient in communicating effectively with the public both orally, electronic and in handwriting, perform all skilled tasks related to Public Works, work independently, operate all equipment, and understand safe working practices.

Employees in this classification may assist the Public Works Manager in training and on-site supervision of maintenance workers of public facilities.

DUTIES AND RESPONSIBILITIES
• Works with Public Works Manager to prioritize and assign daily workloads to maintenance crew; organizes and checks work performed by parks maintenance, building maintenance, and other outside contractors.
• Review and approve Encroachment Permit and Road Closure applications
• Operate and instruct subordinates in the safe operation of City vehicles and equipment such as dump truck, loader, pickup trucks, street sweeper and brush chipper.
• Identifies hazardous conditions and make recommendations to correct such hazards.
• Review Sewer lateral video inspections for Residential Building Reports.
• Supervising crew in the cutting and trimming of the City right-of-way (approx. 13 road miles) with an eye toward both safety and aesthetics.
• Coordinates specialty work with contractors.
• Purchases tools and equipment as directed by Public Works Manager.
• Maintains appropriate maintenance files and work records; performs various administrative duties as directed.
• Removes debris and assists in cleaning and clearing of public parks, lanes, storm drain systems and recreation facilities.
• Conducts Tri-annual sidewalk hazard inspection and marking.
• Operates and instructs others on the safe operation of power equipment such as chainsaws, power saws, gas trimmers, electric blowers, pumps and generators, and similar equipment.
• Performs routine and special maintenance on vehicles and other City equipment.
• Performing maintenance and repair tasks involving carpentry, electrical, plumbing, and/or vehicle maintenance.
• Ordering necessary parts and materials associated with repairs.
• Operate street sweeping equipment as necessary.
• Training and overseeing the routine work of Maintenance Workers I and II.
• Installs street signs and post and pavement markers.
• Instructs Maintenance Worker I and II on safe use and operation of tools and equipment.
• Performs other related duties and responsibilities as required.

KNOWLEDGE AND ABILITIES
Knowledge of:
• Basic computer skills including use of email and word processing programs
• Proper etiquette for interacting with residents, City Hall workers, and vendors and contractors.
• Carpentry, general electrical, plumbing, welding, and vehicle maintenance.
• Working knowledge of landscape maintenance and irrigation systems.
• Safety procedures related to the safe operation of tools and equipment.

Ability to:
• Apply common sense understanding to carry out detailed written or oral instructions.
• Use a computer for word processing, spreadsheets and email.
• Operation of mobile technology devices including Smart phone.
• Understand and carry out detailed written and oral instructions.
• Good reading comprehension and writing skills and the ability to keep accurate records.
• Take handwritten notes, use hand tools and operate a motor vehicle.
• Read and comprehend instructions, correspondence, and memos; write simple correspondence; effectively present information to residents and other City employees.
• Apply department and City policies and procedures to making decisions in the field.
• Use hand tools such as shovels and rakes.
• Journeyman level skills in mechanics and carpentry.
• Operate heavy equipment on narrow roads.
• Add, subtract, multiply and divide, measure using fractions and/or decimals of a foot.
• Identify specific hazards and defects while performing annual inspections of City infrastructure.
• Maintain constant awareness of safety, both for self and co-workers.

**Physical ability to:**
• Stand; walk; use hands to finger, handle, or feel; reach with hands and arms; and talk or hear.
• Climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.
• Frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 100 pounds.
• Repetitively use clippers, hedge trimmers, weed eaters, chain saw, chipper, shovel, street sweeper, tractor, dump truck, trash pumps, concrete mixer, pickup truck, and a variety of power tools.
• Use close vision, distance vision, color vision, peripheral vision, depth perception, and adjust focus.
• Work in all weather conditions including wet, hot, and cold.
• May use cleaning and lubricating chemicals and ingredients which would expose the employee to fumes, dust, and air contaminants which may cause eye and skin irritation.
• Climb up ladders, use power and noise producing tools and equipment, and drive motorized vehicles, which would expose the employee to mechanical, electrical, and traffic hazards.

**MINIMUM QUALIFICATIONS**
Any combination of experience and education that would likely provide the required knowledge and abilities to perform the essential duties and responsibilities is qualifying, such as:
• High school graduation or equivalent.
• Five years of increasingly responsible experience in the maintenance and construction of public works facilities, equivalent to the Maintenance Worker II Classification with the City of Belvedere.
• A valid California Class C driver’s license and acceptable driving record.
An associate’s degree in construction technology, engineering, horticulture or a related field is highly desirable.

(Added 6/9/2014.)
Part 11. Public Works Policies & Procedures
CHAPTER 236. SIDEWALK MAINTENANCE POLICY

236.05 INTRODUCTION

The purpose of inspecting the City’s sidewalks is to report and schedule repairs for all hazardous conditions in order to minimize the possibility of injury to residents and visitors of the City. This program provides standard instructions for conducting sidewalk inspections and management of the records.

The City recognizes that it is not possible to maintain all sidewalks in perfect condition. The City also recognizes that certain user groups, primarily seniors and disabled individuals, are more sensitive to sidewalk problems than other users.


236.06 DEFINITION OF “SIDEWALK”

As contained in this policy, the term “sidewalk” shall apply to driveway approach and adjacent curb, or adjacent curb and gutter.

236.07 INSPECTION AND INVENTORY

An inventory of all sidewalks will be maintained by the City Public Works Department, which will include a history of inspections, construction, and maintenance information.

All sidewalks shall be inspected approximately once every 12 months. A Sidewalk Inspection Record, substantially in the format of Exhibit A attached, shall be used to record the inspector’s findings and subsequent actions taken to eliminate hazards. The Public Works Manager, or another designee of his, shall conduct the survey.
236.08 SPOT INSPECTIONS AND PUBLIC CONCERNS

Any City employee who observes a sidewalk defect shall enter it in the City’s Hazard Log and report it to the Public Works Manager, who shall document it on a Sidewalk Inspection Record form. Citizen concerns related to sidewalks or curbs shall be referred to Public Works and documented in the same manner.

Safety related concerns will be investigated within one week. All concerns will be investigated in a timely manner considering manpower and workload. All Sidewalk Inspection Records shall be submitted to the City Manager for his review and action.

236.09 HAZARD IDENTIFICATION

All inspections shall document the following situations on the Sidewalk Inspection Record:
A. Vertical displacement of ½ inch or greater.
B. Cracks that have a gap of ½ inch or greater.
C. Check for any damage around utility poles, ground utility boxes, street lights and regulatory sign posts.
D. Any sidewalk damage around a construction site with heavy equipment (the construction company will be held responsible).
E. Parking strips should be level to the sidewalk.
F. Description of the damage should be noted with a possible suggestion of how to repair the damage.
G. Inspect all street sidewalks, whether in the public right-of-way or on private property.
H. Every street with a sidewalk shall be documented in the inspection. The condition of every stretch of sidewalk, whether it be in new condition or in a stage of deterioration or needing replacement, shall be noted on the Sidewalk Inspection Record.
I. Any sidewalk damage that may not meet requirements for repair but which should be re-examined as part of the next annual inspection shall be noted.

236.10 ASSESSING SIDEWALK CONDITION

Any sidewalk section exhibiting one or more of the following defects shall be deemed a hazard which poses a danger to the community: vertical displacement of individual trip edges of 5/8 inches or greater; spalling over 50% or more of the surface; cracking of 80% or more of the panels between joints.

236.11 RESPONSIBILITY FOR REPAIRS

A. It is the responsibility of the owner or owners of the property abutting any sidewalk area to repair and maintain the sidewalk, curb and gutter (§13.24.015 B.M.C.).

B. If tree roots are the probable cause of sidewalk cracking or uplift, the owner of the
property that fronts the sidewalk is responsible for maintenance regardless of ownership of the tree whose roots may be causing the problem. The owner of the property fronting the sidewalk must effect the repair, then determine the cause of the sidewalk damage and seek remedy from the owner of the offending tree.

C. If a City facility or City tree is the probable cause of sidewalk cracking or uplift, the City shall be responsible for the cost of repair.

D. The driveway approach portion of any curb and gutter section is always the responsibility of the property owner whose driveway the approach serves.

236.12 **Effecting Repairs**

A. **City-Directed Sidewalk Repair Program.** As a service to homeowners who are responsible for repairing the sidewalks abutting their properties, the City has established a sidewalk repair program. The Public Works Manager shall review all Sidewalk Inspection Records prepared during the Annual Sidewalk Inspection. If possible, he shall secure competitive bids for all of the work necessary to correct sidewalk conditions which are unsafe, as defined by Section 6 of this Policy, and shall follow the procedures established in Sections 13.24.030 et. seq. B.M.C. in interviewing the owners, preparing an estimate and report for the City Manager, and issuing Notices to Repair.

Property owners may complete the repairs themselves, hire a licensed contractor to perform the repairs, or join in the City-Directed Sidewalk Repair Program. Those property owners who make their own repair arrangements must first obtain a construction permit and encroachment permit and meet the deadlines set forth in §13.24.050 B.M.C.

B. **Repairs Required Due to Inspection.** Unsafe sidewalk conditions, whether they are reported during an Annual Sidewalk Inspection or as a result of a spot inspection, shall be investigated by the Public Works Manager and followed up on with the property owner. The Public Works Manager may require that immediate repairs be conducted pursuant to Section 13.24.030 et. seq. B.M.C.

C. All hazards shall be marked by the Public Works Manager, at the time of his inspection, with orange paint. Hazards may be posted with temporary barricades or closure of the sidewalk at the discretion of the Director. File photos shall be taken of hazards and any barricades erected; the location, date and time the photo was taken shall be recorded on the photograph.

D. The Public Works Manager may order the temporary patching of defects until the permanent repairs are made, the cost of such patching to be included in the cost of repairs charged to the responsible property owner.
236.13  **REPAIR OPTIONS**

A. Sidewalk replacement is the City’s accepted standard. Repair options other than replacement may be used subject to prior approval by the City Manager.

B. Crack Filling. Crack filling, when approved, is done primarily to prevent moisture intrusion and eliminate trip hazards.

C. Concrete Planing. Concrete planing, when approved, may be used to plane up to 1 inch of concrete to flatten out trip edges.

236.14  **RECORDS RETENTION**

All documents, photographs, and other records relating to sidewalk maintenance and repair shall be retained in the City files for a minimum of five years, or such retention period as may be set by City Council resolution.

*(Amended 05/11/2009)*
EXHIBIT A
DEPARTMENT OF PUBLIC WORKS
SIDEWALK INSPECTION RECORD

☐ Annual Inspection
☐ Spot Inspection: Condition reported by __________________________ Date: __________
Address: __________________________________________ Phone: ______________

<table>
<thead>
<tr>
<th>STREET NAME</th>
<th>SIDE/LOCATION</th>
<th>DATE</th>
<th>CONDITION</th>
<th>REPAIRS NEEDED</th>
<th>ABUTTING PROPERTY OWNER NAME/ADDRESS/PHONE</th>
<th>DATE NOTICE MAILED</th>
<th>WHO WILL MAKE REPAIRS</th>
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NOTES:
CHAPTER 242. SIGHT LINES

In an effort to provide safer roadways for both pedestrians and vehicles, the City of Belvedere is committed to retaining and creating adequate lines of sight at curves and intersections.

For purposes of this policy, a “sight line” or “line of sight” means the safe sight distance needed by a driver on a roadway, or a driver exiting a driveway or street, to verify that the road is clear and avoid conflicts with other vehicles or pedestrians, as determined by the Director of Public Works.

New or modified construction efforts that involve the placement of structures or landscape features in areas that may impact a sightline or line of sight shall be strictly reviewed by the Planning, Building, and Public Works Departments.

- The City will not approve fences, structures, planting or other landscape features which compromise a driver’s line of sight and ability to clearly see pedestrians or other vehicles on any public right-of-way.
- The City will not approve a design or layout that compromises a driver’s line of sight when approaching a private walkway or driveway from which pedestrians or vehicles may emerge.
- Property owners are responsible for maintaining all vegetation fronting a public right-of-way so that the vegetation does not interfere with line of sight or sight line for pedestrians and drivers.
CHAPTER 248. INTEGRATED PEST MANAGEMENT POLICY

The following is taken from Belvedere City Council Resolution No. 2014-19.

Purpose

- The Belvedere City Council desires to eliminate the use of herbicides, pesticides and landscape maintenance products that can adversely affect human and environmental health; and

- All reasonable steps should be taken to maintain the health of our community in a sustainable manner, to the benefit of all residents and future generations; and

- The City of Belvedere is committed to creating an example, not only for our own residents and visitors, but to neighboring cities and public agencies in Marin County and the State of California; and

- The City of Belvedere understands that the landscape infrastructure of the City can be maintained in a thriving and sustainable manner without causing environmental and human harm; and

- The City of Belvedere is covered by and must comply with the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Phase II Permit), which requires the adoption of an Integrated Pest Management (IPM) Policy applicable to all City operations and property (owned, leased or maintained) consistent with the Urban Creek Diazinon and Pesticide Toxicity Total Maximum Daily Load requirements be formally approved by the City Council.

Policy

1. City Council Resolutions Nos. 2002-20 and 2005-08 are hereby repealed.
2. In approaching a pest management issue, the following steps should be taken to ensure that pesticide use is reduced to the maximum extent practicable.
   a. Prohibit the use of pesticides by City staff and its landscape contractors on property owned or maintained by the City;
   b. Ensure all City employees and hired contractors who apply or use pesticides within the scope of their duties on property owned or maintained by the City are trained in IPM practices and the City’s IPM Policy. The IPM Policy and Practices must be rigorously adhered to by such employees and City contractors;
   c. Identify pest problem(s) on property owned or maintained by the City, evaluate and minimize or eliminate conditions that encourage the problem(s), and conduct careful and efficient inspection, monitoring, and assessment of the problem(s) by designated personnel or contractor knowledgeable of IPM methods;
   d. Consider taking a “no-action” approach to the pest problem(s), then review and consider available non-chemical options before using a chemical pesticide;
   e. If a pesticide use is deemed necessary, identify least toxic method to control pests.
   f. Maintain records of the City’s and hired contractor’s use of pesticides of concern\(^1\) on property owned and maintained by the City;
   g. Report on pesticide use when requested by the Regional Water Board and keep the County Agricultural Commissioners informed of water quality issues related to pesticides and of violations of pesticides regulation (e.g., illegal handling) associated with storm water management.

2. In order to facilitate and enhance protection of the health, safety, and welfare of its citizens and visitors, the City bans the use of pesticides that fall under the following categories:
   a. Pesticides on the California’s Proposition 65 list;
   b. Pesticides classified as Toxicity Category I and Category II by the United States Environmental Protection Agency (USEPA);
   c. Pesticides on California’s Department of Pesticide Regulation groundwater protection list;
   d. A known, probable or possible carcinogen, as per the “List of Chemicals Evaluated for Carcinogenic Potential” by the USEPA;
   e. Any known endocrine disruptors listed by the USEPA; and
   f. Foggers, bombers, fumigants or sprays that contain pesticides identified by the State of California as potentially hazardous to human health (CFR 6198.5).

3. With the knowledge that a sustainable and healthful community depends upon a commitment of support by all members of that community, the City Council appeals to all Belvedere residents to consider the City’s IPM policy in making choices for pesticide use on their own properties and refers residents to the Marin County Stormwater Pollution Prevention Program and the University of California Cooperative Extension for

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\(^1\) Pesticides of concern include: organophosphorous pesticides (chlorpyrifos, diazinon, and malathion); pyrethroids (bifenthrin, cyfluthrin, beta-cyfluthrin, cypermethrin, deltamethrin, esfenvalerate, lambda-cyhalothrin, permethrin, and tralomethrin); carbamates (e.g. carbaryl); and fipronil.
more information on less toxic methods of pest control.

4. An exception to this pesticide policy will be made in order to control the proliferation of biting or stinging insects such as yellow jackets, wasps, mosquitoes, and other similar pests. As control of these pests on City property is normally performed by the Marin-Sonoma Mosquito and Vector Control District, the City authorizes pesticide use, but will advocate for the use of the least toxic product on a case by case basis. In addition, the City will exempt any governmental entity from the provisions of this Resolution whose authority pre-empts that of the City.

(Added 06/2006; replaced 6/9/2014)
CHAPTER 254. HAZARDOUS TREE MANAGEMENT

The Department of Public Works understands the aesthetic and physical benefit to the community afforded by its trees. This great asset can, however, become a serious liability in the absence of a professional and systematic hazard tree management program. In Belvedere, the proximity of trees to homes and the public right-of-way creates clear liability exposure.

Although the safety of all trees—private trees and City trees—is the concern of the City, the Department of Public Works focuses on the safety of City trees through a quarterly inspection of all trees that could potentially affect the safety of the public right-of-way and other public areas and buildings. Traditionally, hazardous conditions of trees on private property are brought to the attention of the City by adjacent property owners, or incidentally through right-of-way inspection, and dealt with through the provisions of the Belvedere Municipal Code.

Four times per year, the City’s Certified Arborist performs an inspection of all trees that can affect public areas. The most thorough inspection is made during the months of September-October, in an effort to identify tree hazards that must be corrected before the winter storm season. Tree hazards are mitigated as soon as practicable.

Hazards that come to the attention of the City’s Certified Arborist outside of these quarterly inspections or that are observed by other City employees, or reported by members of the public shall be entered into the City’s Hazard Log and are mitigated as soon as practicable.

In addition, the City is committed to an on-going program of removing large, senescent trees on City property. Typically, these trees include Monterey pine, Eucalyptus globulus, Monterey cypress, & etc. Before removing such trees, adjacent property owners are contacted and given adequate time to comment about the impact of such removals on their property, usually a privacy issue.

Written documentation is made of inspections, conditions requiring action, and corrective actions taken. This documentation is retained in the office of the Public Works Manager for a period of not less than five years.

(Amended 05/11/2009)
CHAPTER 255. DRAINAGE MAINTENANCE

255.05 STORM DRAIN SYSTEM VIDEO INSPECTION

Each spring (April-May) a portion of the storm drain system is televised. The results of this inspection are utilized to formulate the next year’s annual budget for storm drain repairs. Usually, a budget figure of $10,000 is more than sufficient and should cover several days of inspection work, performed by Roto Rooter or Roy’s.

DPW Activities prior to storm season (October-November)

255.06 CONTRACT DREDGING OF SILT BASINS

The basin behind the Reed School is dredged by Fahy Crane, usually on a Saturday to avoid parking problems with Reed School. The basin at 50 Lagoon Road is best done during the work week so the City can set up and monitor the pedestrian traffic control necessary to dredge this basin. The City establishes the pedestrian/Lagoon Road traffic control and monitors its effectiveness. Prior to the dredging of either basin, the City notifies Tiburon DPW.

255.07 IN-HOUSE CLEANING OF STORM DRAIN INLETS AND STRUCTURES

Usually in October, the DPW crew uses the street sweeper to clean out all the storm drain inlets and turning structures that are not affected by standing Lagoon water. During the course of this cleaning, all inlets and structures are inspected for defects. All inlet and outlet lines are inspected for accumulations of debris and scheduled for cleaning by contract in November.

255.08 CONTRACT CLEANING OF CITY STORM DRAINS

Roy’s Sewer Service hydro-vacs the drain lines around the Lagoon (on the flats) when the lagoon is lowered for the season. This usually happens at the beginning of November. The entire process usually takes three to four days. In addition, any drains identified during the in-house storm drain inlet cleaning in October may be flushed at this time.
255.09  **PRE-STORM PROCEDURES**

When a significant storm is predicted, at least an entire day is involved in preparing for the event. This preparation includes inspection of all drainage inlets, the Reed Drainage diversion structure, and miscellaneous waterways. As much debris as possible is removed prior to the storm to ensure initial drainage function. In some circumstances, the street sweeper is employed on key streets to aid in preparation.

255.10  **STORM PATROL**

During a storm, all personnel are involved in monitoring the function of drainage facilities. Debris that accumulates on drainage inlets is removed, regardless of whether it is currently causing a problem. When the storm is over, all effort is made to return all inlets and gutters to normal function. In some cases, the street sweeper is used to aid in this.

255.11  **EMERGENCY RESPONSE TO DRAINAGE/FLOODING EVENTS**

In the event of a drainage failure resulting in local flooding, the DPW crew may employ the use of sandbags to contain water. Sandbags are stockpiled at the Corporation Yard, and in boxes of 100 at several locations throughout the city (Lagoon Road, San Rafael Avenue, Community Road, West Shore Road). In more acute flooding situations, the DPW crew may employ two 3-inch “trash pumps” stored at the Corp Yard. Suction and discharge hose is stored with the pumps.

Roy’s Sewer Service and Roto Rooter Sewer Service are available in emergencies (pump truck, vactor, hydroflusher).
Because the playground in Community Park presents a clear potential for liability exposure, monthly inspections are performed by Department of Public Works (DPW) employees and recorded on the Playground Safety Inspection Report form (attached).

DPW employees conducting inspections are directed to note all safety deficiencies and immediately correct hazards that can be handled at the time. Hazards that cannot be corrected immediately are removed from access by the public (barricades, safety cones, etc), until a repair can be made.

All hazards are immediately brought to the attention of the DPW Manager for action. Inspection reports are kept on file at the Corporation Yard office for a period of not less than three years.

Community Park and Tom Price Park are inspected monthly by the DPW Manager. This inspection is conducted to identify safety deficiencies as well as to monitor the performance of the City’s landscape contractor.

Deficiencies noted by non-Public Works staff or the reported by the public shall be entered in the City’s Hazard Log and referred to the DPW Manager immediately.

(Amended 05/11/2009)
## PLAYGROUND SAFETY INSPECTION REPORT

Date ____________  Time ____________

<table>
<thead>
<tr>
<th>Feature</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Trash and recycling receptacles functioning properly</td>
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<tr>
<td>All litter and debris removed</td>
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<td>Perimeter fence in good condition and hazard-free (no missing pickets, splintered surfaces or sharp edges, etc.)</td>
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<td>All gates operating as designed and without hazard.</td>
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<tr>
<td>Benches stable, splinter and hazard free</td>
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<tr>
<td>All play structure components in good condition, without sharp points, damaged features or hazardous conditions</td>
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<td>All S hooks and pivot connections in safe condition</td>
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<td>Engineered wood fiber level sufficient in all impact areas (swings, slides, play structures, etc). Rubber impact surfaces in good condition</td>
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<tr>
<td>All equipment anchored and footings covered with Sufficient engineered wood fiber or sand.</td>
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<tr>
<td>All walking surfaces hazard free</td>
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Recommended repairs, modifications or replacements____________________________________
________________________________________________________________________________

Playground inspected by______________________________________________________________
CHAPTER 272. REVOCABLE LICENSES

272.05 POLICY REGARDING PRIVATE USE OF EXCESS CITY RIGHTS-OF-WAY AND PUBLIC LANDS

The following policy was adopted by City Council Resolution No. 2001-20, August 13, 2001.

Purpose

1. The City of Belvedere owns, or has public access easements over, several lanes that are not actively being used for public purposes; and

2. Due to location or width, portions of the City’s public street rights-of-way are not being actively used for public pedestrian or vehicular access; and

3. Historically such vacant City lands and/or public street rights-of-way have been used by abutting private property owners for uses including ingress to and egress from private property, landscape improvements, and the placement of private structures or portions thereof, where harmonious and appropriate to the site; and

4. For many years past, the City of Belvedere has been issuing revocable licenses to validate existing, or to permit new, encroachments onto City lands and/or excess public street rights-of-way; and

5. The City Council wishes to establish formal guidelines for the issuance of such revocable licenses in the future, so as to maximize the benefits accruing to the City and its residents by virtue of allowing private uses of public property; and

6. The City Council also wishes to establish formal guidelines for the consideration of requests by City residents for the vacation of excess public street rights-of-way and/or sale of, vacant public lands.

In consideration of the foregoing reasons, the following policy is intended to provide some guidelines to assist in the determination whether a license for the private use of excess street right-of-way may be granted, or whether excess public rights-of-way and vacant public lands shall be vacated and/or sold.
Policy

1. A revocable license for private use of excess street right-of-way may be granted in the discretion of the City Council, provided any proposed encroachment into the right-of-way complies with the design review requirements of Title 20 of the Belvedere Municipal Code. Circumstances in which it may be appropriate for the City to grant a revocable license for private use of excess street right-of-way include, but are not limited to, the following:

   a. Where necessary to provide pedestrian or vehicular access from private property to the adjacent public street;

   b. Where use of the public right-of-way will permit landscaping to be installed that the City determines will enhance the aesthetic qualities of the streetscape;

   c. Where use of the public right-of-way will permit the creation of an off-street parking area, and will thereby relieve parking or traffic congestion on the adjacent City street;

   d. Where the public right-of-way will be used to construct retaining walls, drainage structures or other facilities that the City considers necessary to protect or maintain the public infrastructure; and/or

   e. Where appropriate to validate already existing private improvements in the public right-of-way for the purpose of shifting the City’s potential liability for injuries and damages to the private property owners using the right-of-way for private purposes.

2. Where a property has multiple frontages on City rights-of-way, the City may require multiple revocable licenses when private improvements encroach and/or are proposed to encroach, into more than one right-of-way.

3. As a condition of a building permit and/or Design Review approval, the City may require a revocable license to cover existing private improvements in the City’s right-of-way, regardless of whether or not the application contains a proposal to add or modify private improvements in said right-of-way.

4. As part of any application for a revocable license for private use of the street right-of-way, the applicant shall provide, at his or her sole expense, a site-plan based upon a property line survey of the applicant’s property. The survey may be limited in scope by the City to those portions of the property boundaries affected by the subject application. The site-plan shall meet criteria, established by the City, required for filing with the Marin County Recorder. It shall show the property line(s) and all proposed and/or existing improvements within and adjacent to the public land in question.

5. The City Council shall not consider proposals to vacate or sell street rights-of-way or vacant public lands, except under unusual circumstances as recommended by City staff.
272.06  PROCESSING OF REVOCABLE LICENSES

This policy is adopted to ensure that revocable licenses are executed in a timely fashion when they are granted by the City Council.

- The City Clerk sends the original of the license with a letter of instruction to the property owner on the day the agenda is posted.
- The letter explains to the owners how to execute the license, get it notarized, calculate the recording fee, and return it to city hall. The letter prominently notifies the owners that failure to submit the paperwork, completed in a satisfactory manner, before the City Council meeting will result in the license being pulled from the agenda.
- If the license has not been submitted by the Wednesday before the meeting, the City Clerk phones the property owner with a friendly reminder of the deadline.
- If the license is not submitted by the meeting, but the City Clerk has spoken to the owner and has good reason to believe they will be submit it within the 30-day limit stated in the license, she may at her discretion leave the license on the agenda for approval.
- The City Clerk keeps a detailed, up-to-the-minute log on the server of revocable licenses being processed. Licenses that have not been submitted are highlighted in yellow at the end of this list.
- The following letter shall be sent to those owners who have not responded to the City’s requests that they execute and return the license document.

The Building and Planning Secretaries are to refer to the log and are not to issue any construction permit for a property which has a revocable license that has not been executed. If they receive any questions regarding the status of a revocable license or the approval process, they are to immediately refer the person to the City Clerk.
Sample Letter to Unresponsive Property Owners

Date

Property Owner Name
Mailing Address

Dear :  

As you will recall, on date, the Belvedere City Council approved your application for a Revocable License to permit description of encroachments at location of encroachments. The original of the license document was mailed to you approximately a week before the Council meeting with instructions for executing it and returning it to the City before the meeting.

A check of our records shows that the executed Revocable License document was never received in our office. In accordance with Section 4 of the License, the City is authorized to immediately terminate the License if it has not been executed within thirty days of the date of issuance. Revocation of this Revocable License could result in the improvements within the City right-of-way being declared a public nuisance and subject to nuisance abatement proceedings.

A copy of the Revocable License is attached. Please sign it, have it acknowledged by a notary public, and return it to the City with a check for amount of recording fee made out to the Marin County Recorder. If you wish, you may call me to make an appointment to perform the acknowledgement.

You are urged to take care of this matter at your earliest opportunity. If the executed license is not received in our office by 30 days from date of mailing, the City will issue a notice of termination and revocation.

Sincerely,

City Clerk

(Rev. 06/2006)
CHAPTER 273. DOCK LEASES

273.05 OVERVIEW

There are three locations in Belvedere where private residences back up onto City-owned tidelands and docks or floats extend onto those tidelands: a portion of the easterly shore of Belvedere Cove along upper Bellevue Avenue; the westerly shore of Belvedere Cove from the first house on Beach Road (Number 172) to the tip of Belvedere Point; and West Shore Road. (See the diagram in Appendix Section 273.A.)

The tidelands below middle and upper Belvedere Avenue and Cliff Road, stretching to Belvedere Point, are within the City limits but are owned by the County of Marin and the State of California; docks located there, while subject to design review, are not subject to Belvedere dock leases.

The tide lots surrounding Corinthian Island are primarily privately owned and only a few docks stretch far enough to cross into City waters.

273.06 THE LAND COMPANY CONVEYANCE ALONG BEACH ROAD

On September 14, 1896, the directors of the Belvedere Land Company (BLC) voted to convey to the Town of Belvedere, when incorporated, a strip of shoreline along the westerly side of Belvedere Cove.

The non-parallel lines of The Strip zig-zag up present-day Beach Road from the intersection at San Rafael Avenue to the property line of 172 Beach Road, then veer off below the residential parcels up to and including 340 Beach. The width of The Strip varies from 55’ to 135’. Note, The Strip has in modern times been divided into five parcels bearing the following Assessor’s Parcel Numbers: 060-173-36, 060-19-24, 060-213-11, 060-225-06, and 060-233-06.

The deeds of September 14, 1896, June 27, 1986, and July 7, 1986, together have placed restrictions on the use of the five tide lot parcels:

- No private structures other than private wharves, boat houses or bathing houses shall ever be permitted and none shall be added to those pre-existing. If any of the residences
standing on the beach is destroyed by fire or other mishap, it shall not be rebuilt. (The restriction does not extend to replacing docks.)

- The Strip shall be improved, preserved and maintained perpetually by the town as a public park and waterfront for all the people of the town and no structure thereon shall impede the free passage of pedestrians from one end of The Strip to the other.
- The rents charged by the City for boat houses and boat docks shall be used for public purposes.

The City has held to this agreement: since 1986, no new docks have been built on The Strip.

### 273.07 Development of the Dock Lease Policy

Between 1957 and 1979, 13 revocable licenses were issued for docks to property owners on Beach, West Shore, and Bellevue for docks.

In July of 1980, the legal department of the Bay Conservation and Development Commission (BCDC) decided that Belvedere’s revocable licenses were not adequate to grant title for the Commission’s purposes and, on those grounds, it refused a permit to repair one of the existing docks along Beach Road. BCDC wanted the City to issue a lease.

In September, 1980, the City Council held the first public hearing to establish a policy regarding leases for dock structures on City tidelands. It took the Council 24 public hearings, over a period of five years, to resolve all the issues and concerns that were raised by the dock owners, City Attorney, and other members of the City staff.

On October 21, 1989, the City Council met for its 24th and final public hearing on dock leases and approved Resolution 89-44. Owners are to be offered the choice of a lease or a revocable license written especially for docks, which carries the same yearly fee as a lease. If dock owners opt for the revocable license and BCDC later requires them to get a lease, they can exchange the revocable license for a lease. Official formats for the revocable license and dock lease were attached. (See Appendix 273B and C.)

By the end of 1990, new dock lease forms had been executed for the 31 existing docks.

#### Dock Lease Terms

- Lease term: The leases granted in 1990 run for 50 years and expire on June 30, 2039. The City’s policy is that any leases issued thereafter run to the same date so that all leases will be renegotiated at the same time.
- The two properties which have beach houses as well as a dock (222 and 210 Beach Road) paid in 2007-08 $1493 and $2377 respectively.
- Rent is adjusted every 5 years based on the change in the Consumer Price Index.
- Dock use is strictly limited.
- Lessor assumes maintenance and liability responsibility and holds City harmless.
- Owner pays Possessory Interest Tax as calculated by the County of Marin.
• Lease runs with the property.

Special Cases
The last dock on Beach Road at Number 344, owned by Smith Ketchum, stretches into City-owned waters but is outside of The Strip. The docks at 5 and 8 Blanding Lane have deeded easements for their docks.

Numbers 3, 5, 7, and 9 West Shore Road had deeded easements for docks, which were part of the grant of the land to the City from Reedport Properties, Inc., on June 21, 1954. Numbers 5 and 7 West Shore quitclaimed their original deeded easements and were deeded dock easements in a different location by the City. Number 5 West Shore Road later gave up its easement entirely in favor of a dock lease for a different location in a Quitclaim deed executed on April 20, 2009.

The properties at 222 and 210 Beach Road have beach houses as well as a dock, for which they pay extra rent.

No new leases are to be issued for docks along Beach Road where no dock heretofore existed.

273.08 Approval and Preparation of New Dock Leases

Brand New Dock
A property owner wishing to build a dock on City tidelands must receive design review approval and a recommendation from the Planning Commission that a dock lease be issued by the City. Dock leases are issued administratively and do not receive City Council review.

Note: A dock lease is not needed where there is a deeded dock easement.

Replacing an Existing Dock
Dock replacements that require design review also require a recommendation from the Planning Commission that the new configuration or location of the dock be approved by the City. Design review application fees are charged but there is no additional fee for applying to amend the lease. The existing lease remains in effect, with a new plot plan appended to it.

Note: If a deeded easement exists and the replacement dock is to be located off that easement, the owner must pay for applying for a dock lease. The owner must quitclaim the existing easement to the City and may opt to receive a new deeded easement from the City or a lease. The quitclaim deed is processed separately (see Chapter 274, Acceptance of Grant Deeds, of this Manual for instructions on processing) and a copy of the executed deed is made the fourth attachment to the lease.

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1 Planning Staff notices the public hearing for new docks to include review of a revocable license application because the Belvedere Municipal Code requires a “revocable license or equivalent.” However, no revocable license application is required, and the property owner is apprised that they will receive a dock lease, not a revocable license.

Buoys receive a use permit but no document is signed ascribing maintenance and liability to the buoy owner.
Inserting the Rental Formula

New leases start out with a base level of the current lease amount.

7/1/1989 – 6/30/1994   $200.00
7/1/1994 – 6/30/1999   $232.00
7/1/1999 – 6/30/2004   $269.00
7/1/2004 – 6/30/2009   $315.00
7/1/2009 – 6/30/2014

The original dock lease formula was as follows:

\[
\text{Rental} = \frac{\text{June Index in the Year of Increase}}{\text{June 1989 Index}} \times 200.00
\]

To make it easier to figure the cost when drafting a lease, use the CPI from the year of the most recent increase instead of the CPI from 1989:

\[
\text{Rental} = \frac{\text{June Index for Year of Next 5-Year Increase}}{\text{June Index for Year of Most Recent Increase}} \times \text{Current lease amount}
\]

Example from a lease entered into in 2008:

\[
\text{Rental} = \frac{\text{June 2009 Index}}{\text{June 2004 Index}} \times 315.00
\]

The two properties which have beach houses as well as a dock (222 and 210 Beach Road) paid in 2009-10 $1,687 and $2,686 respectively.

Preparing the Attachments

Three documents are required as attachments to the lease:

- A legal description of the boundaries of the City tide lot, in its entirety (not just the portion over which the dock will sit).
- A vicinity map showing the property, dock, a few neighboring parcels on each side, and the street.
- A site plan of the dock, boat lift, and gangway as they will be built, according to the Planning Commission approval, and showing the private property line and the City tide lot line.

(Added 06/08/2009; updated 03/2013)
CHAPTER 274.  ACCEPTANCE OF GRANT DEEDS

The following resolution was passed on July 7, 2003.

CITY OF BELVEDERE

RESOLUTION NO. 2003-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE AUTHORIZING THE CITY MANAGER/CITY CLERK AND THE CITY ENGINEER/ASSISTANT CITY MANAGER TO ACCEPT AND CONSENT TO DEEDS OR GRANTS CONVEYING ANY INTEREST IN OR EASEMENT UPON REAL ESTATE FOR PUBLIC PURPOSES

WHEREAS, from time to time the City receives deeds or grants conveying interest in or an easement upon real estate for public purposes; and

WHEREAS, Section 27281 of the California Government Code requires that deeds or grants conveying any interest in or easement upon real estate to a governmental agency for public purposes shall not be accepted for recordation without the consent of the City Council evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant; and

WHEREAS, Section 27281 allows the City Council, by general resolution, to authorize one or more officers of the City to accept and consent to such deeds or grants on behalf of the City Council; and

WHEREAS, adopting this procedure will reduce the amount of paperwork and streamline the process of accepting such grants and deeds, thereby saving the tax payer’s money.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere as follows:

1. Authorization. In consultation with the City Attorney, the City Manager/City Clerk or the City Engineer/Assistant City Manager is hereby authorized to accept and consent to deeds or
grants conveying any interest in or easement upon real estate to the City of Belvedere for public purposes.

2. **Certificate of Acceptance.** The officer shall prepare a certificate of acceptance, to be attached to the deed or grant, in substantially the following form, or in such revised form as shall hereafter be adopted by Statute:

   This is to certify that the interest in real property conveyed by the deed (or grant) dated __________ from (name of grantor) to the City of Belvedere, a governmental agency, is hereby accepted by the undersigned officer on behalf of the Belvedere City Council pursuant to authority conferred by resolution of the Belvedere City Council adopted on (date of adoption of this resolution), and the grantee consents to recordation thereof by its duly authorized officer.

   Dated __________ By (Name, City Manager or City Engineer)

*(Added 05/11/2009)*
Obtaining an easement requires the assistance of a licensed Land Surveyor. In the case of a drainage easement, the City will also require a drainage plan which must be designed by a Civil Engineer. Some firms are licensed for both civil and survey work, or have a relationship with another firm allowing them to provide both services. It may be advisable to work with one of these firms. Preparation and related costs are the applicant’s responsibility.

In addition to the standard plan submittal process, the following is an outline of the necessary steps for obtaining an easement:

1. The applicant needs to hire a surveyor and have them prepare a topographic map. This map should show the parcels where the proposed improvements will be located and where the easement(s) will be needed. (If the easement is not for drainage purposes, skip to Item 3.)

2. The applicant needs to hire a Civil Engineer and have them prepare a drainage plan. The plan should show all current surface and underground drainage, and should also show all proposed drainage improvements, along with hydrologic and hydraulic calculations. Depending on the drainage being improved, this will likely also incorporate the topographic survey as part of the information needed to complete the plan. This plan should also show the parcels where the proposed improvements will be located and where the easement(s) will be needed.

3. The applicant should then submit the plan to the City for preliminary review.

4. After the City’s preliminary review is complete, the applicant should take the plan and meet with the owners of any adjacent parcels where the easement is needed and get their preliminary approval for the proposed improvements and easement. The surveyor should be able to provide ownership information for the related parcels.

5. After all of the interested parties agree on the preliminary improvement design and alignment for the easement, the applicant should again employ the services of a surveyor to create/provide the required easement documents. These documents should include the following:
   a. A Title Report for each parcel involved, which will identify any conflicts with
other easements or ownership.
b. A legal description for the easement (a separate one for each parcel that the
easement crosses).
c. A plat (map) illustrating the legal description.
d. An easement deed with recital that indicates that the easement will be
extinguished if the improvements are no longer in use. [See Appendix 275.A,
“Specimen Easement Agreement.”]
e. Depending on the quality and number of survey monuments the surveyor finds in
the area, a Record of Survey may be needed for the surveyor to accurately tie the
easement to the property lines and define the easement location.

6. Submit all of these documents to the City for review and approval. The City will need to
sign off on the improvements and easement.

7. Once all the documents are correct and approved, the following will be done:
a. For easements being granted by the City over City property, the City will prepare
a resolution for the City Council to grant the easement. Once approved by the
Council, the documents will be recorded. After being recorded, the easement will
be official and the applicant can begin construction of the improvements through
the easement.
b. For easements being granted by a private property owner to the City, the City will
prepare an agreement and certificate of acceptance. The City Manager or City
Engineer will accept the easement. [See Chapter 274, “Acceptance of Grant
Deeds.”]
The pages which must be included in the document presented for recording are as follows:
• Cover sheet for recording
• Agreement (City seal beside City Manager signature)
• Exhibits to agreement (if any)
• Certificate of Acceptance (by City Manager – no seal)
• Acknowledgement of Certificate of Acceptance
• Acknowledgement of agreement signatures of Grantors
After being recorded, the easement will be official.
c. If a Grant Deed of Easement is also prepared, it is recorded separately, with the
following pages:
• Grant Deed of Easement and 2-3 attachments.
• Legal description (photocopy okay).
• Plat.
• Easement Agreement (optional; photocopy okay).

(Adopted 03/11/2013; amended 6/9/2014)
CHAPTER 278. ENCROACHMENT PERMITS

The following policy was adopted by City Council Resolution No. 2001-31 on August 13, 2001.¹

1. Pursuant to §13.04.020 et seq. of the Belvedere Municipal Code, encroachment permits shall be obtained in advance by any individual seeking to do any type of work in the rights-of-way of the City.

2. Encroachment permits issued for road closures shall be limited to occur between 9:00AM and 4:30 PM, Monday through Friday, City holidays excepted.

3. Daily fees for road closure encroachment permits for 4 hours or less, and for closures exceeding 4 hours in duration, up to a maximum of 8 hours, shall be as hereafter set by City Council resolution.

4. A fee, as shall hereafter be set by City Council resolution, shall be charged for each city-provided road-closure sign. Approval for non-city-provided road-closure signs must be obtained from the City at the time the permit application is filed. All required road closure signs shall be posted at least two working days (minimum 48-hours) prior to the scheduled closure; provided however, that the signs shall not be erected earlier than 96 hours prior to the closure.

5. A refundable deposit per road closure sign, in an amount as shall hereafter be set by City Council resolution, shall be collected by the City, which amount shall be refunded when the applicant verifies removal of the posted sign(s) within a specified period of time after the closure is completed. If the sign(s) are not removed and verified by City Hall by the time stipulated on each permit, the applicant shall forfeit the deposit.

6. Encroachment permit applications for road closures shall be applied for at least three working days prior to the date for which a road closure is being sought. Faxed applications will not be accepted.

7. A re-noticing fee, in an amount as shall hereafter be set by City Council resolution, will be charged when an applicant changes the road closure date prior to the original date for which any encroachment permit was issued.

8. An encroachment permit for a road closure may be issued for a maximum of two (2) consecutive working days at any one location.

¹ See also §19.48.100 BMC.
9. Encroachment permits for road closures may be granted and shall be scheduled in order to maintain reasonable traffic circulation throughout the City. For example, two main arterial streets shall not both be closed on the same day (e.g. upper Beach Road and Belvedere Avenue) and two contiguous or adjacent streets shall not be closed at the same time (e.g. Bella Vista Avenue and Bayview Avenue).

10. For public safety reasons, encroachment permits for road closures of dead-end streets (e.g. Eucalyptus Road, the 400 block of Golden Gate Avenue, Peninsula Road, etc.) shall not permitted unless extreme conditions warrant it and prior approval of the City Manager is obtained. In the event a road closure is permitted on a dead-end street, the City may require the permit holder to provide reasonable accommodation to residents who may otherwise not be able to access or egress their property and to take whatever measures the City determines to be necessary to protect the public’s health and safety. Such reasonable accommodation and public health and safety measures shall be dictated by the City as a condition of permit approval.

(Added 06/2006; amended 05/11/2009)
CHAPTER 279. HAZARD LOG

279.05 PURPOSE

A log for City staff use has been established to document the frequency of service requests made to the City for correction of potentially hazardous conditions and the investigation and correction of potentially hazardous conditions reported by City workers.

279.06 RESPONSIBILITY OF ALL CITY EMPLOYEES

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 are responsible for identifying and reporting hazards to the head of the department responsible for correcting them. In addition, all employees are responsible for receiving from the public and relaying reports of hazardous and potentially hazardous conditions.

When an employee relays a request for inspection or correction to the department head, he/she shall simultaneously complete the first half of an entry in the electronic hazard log. Entries are made for problems both in the field and within City owned facilities. The service request shall be relayed to the department head in the most efficient method available, whether verbally, in person or on the phone, by email, or by a written note.

The department head who ultimately resolves the problem shall complete the log entry.

279.07 LOGGING GUIDELINES

Public Works
- Public Works Manager and maintenance crew to log problem reports received by phone or from persons encountered in the field, as well as problem conditions personally observed in the course of work.
- For conditions observed and corrected on-the-spot, a notation in the crew’s daily activity log is sufficient.
General Administration
- Log all hazard reports received by phone, over the counter, etc., and all conditions personally observed.

Police Department
- For hazardous conditions reported by residents and which the Police Department takes care of on its own, the required entry in the duty officer log and/or police report are sufficient.
- For hazardous conditions which require follow-up by another City department, make an entry in the Hazard Log and notify the department head who needs to follow through.

Examples of conditions which should be entered in the Hazard Log
- Tree limb broken or tree ready to fall.
- Vegetation impeding a site line or blocking a lane.
- Sign down or needing maintenance.
- Clogged storm drain.
- Sidewalk needing repair.
- Pothole in street.
- Playground maintenance needed.
- Break in park irrigation system.
- City facility or building needs repair, plumbing backup, hazardous condition found in City Hall, etc.
- Street light out.

Examples of conditions which are not to be entered in the Hazard Log
- Complaints when the caller is advised to call another agency directly for a response.
- Animal complaints which are referred to our Police Department or for which there is no agency response (e.g., complaint of vegetation destruction by deer).
- Reports of violations of the City Code or laws which are referred to the Police Department for investigation (e.g., gas-powered leaf blowers, noisy party, parking violation, vandalism).
- Complaints about building activity (noise, parking, working without a permit), whether or not the complaint is referred to the building inspector or the Police Department for investigation.
- Complaints regarding City policies or procedures or about conduct of City employees.

279.08 Retention Period

Entries in the Hazard Log shall be retained for a period of at least three years.

(Added 05/11/2009)
Part 14. Building Department Policies
CHAPTER 290.  STAGING & PARKING PLAN REVIEW CRITERIA

290.05  BACKGROUND

Construction projects that are subject to design review are required by the Planning Conditions of Approval to have a Staging and Parking Plan submitted and approved prior to permit issuance. Since City policy requires that no more than three vehicles which are related to the project are to be parked on City streets, the submitted Plan is to note where those vehicles will be parked as well as where materials storage will occur and how equipment, such as concrete trucks, will be utilized at the site. The Staging and Parking Plan, considered a ministerial duty, is reviewed by City staff and approved by the Chief of Police.

Because unusual site conditions often occur on Belvedere & Corinthian Islands, such as steep topography, narrow roadways and non-existent parking, staging and parking logistics becomes a crucial factor in the mitigation of the impact on a neighborhood from construction activity. When staff reviews Staging and Parking Plans the principal focus is on promoting a plan which decreases the overall impact of construction, specifically enhancing the preservation of life/safety considerations, including consistent emergency vehicle access, of entire neighborhoods. This approach is meant to provide for the well being of as many Belvedere citizens as possible rather than emphasizing a benefit for an individual property owner.

A recent approval for a Staging & Parking Plan that promoted community wide enhancement of life/safety considerations during a construction project, but created a temporary view blockage of an adjacent property owner, created concerns regarding how staff reviewed Staging and Parking Plans, including what manner of process is available to those citizens who may disagree with the ministerial approval.

(Section amended 03/2013)

290.06  COMMENTS

At the June 2007 Planning Commission meeting the Planning Commission directed staff to present to the Commission recommendations to improve communications and notification of adjacent neighbors concerning construction impacts, such as noise, road closures, view obstructions and crews, were identified as problems for the Community. Subsequent to the
meeting the City Manager, Building Official and City Planner met and developed an administrative policy which addresses the processing and approval of *Staging and Parking Plans*.

The processing and approval of *Staging and Parking Plans* does not provide for an appeal process. Rather, the following noticing process of *Staging & Parking Plans* is meant to encourage neighbors who are adjacent to a project to review the Plan and to communicate to the project property owner, contractor, and the City any concerns with how the plan has been developed. It is the City’s expectation that the parties would then cooperatively revise the Plan to meet the objections of the permittee and the concerns of the adjacent property owners.

### 290.07 Policy/Procedure

**Staging & Parking Review Criteria**

1. New building permit applications shall be posted on the City website and in the City e-newsletter.

2. Building permits which are scheduled for issuance will again be posted when arrangement for a pre-construction meeting have been finalized.

3. A courtesy notice shall be sent to all neighbors within 100 feet of “major projects” upon receipt of the building permit application.

4. Major projects will include:
   a. new additions over 1000 square feet
   b. Renovations involving more than 50% of the existing floor area
   c. Demolitions (total of more than 50% of exterior)
   d. New residences
   e. Where the topography, shape of lot or site access may require unusual construction staging, parking arrangements or use of equipment

*(Added 06/2006; completely revised 06/08/2009)*

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CHAPTER 296. DREDGING PERMITS

296.05 BACKGROUND

Over the years the Belvedere Building Department has issued periodic permits for dredging work, principally for work in the Belvedere Cove. The main reason, at that time, for the City’s interest in regulating dredging by use of a permit from the Building Department was to regulate the dredging operation work hours. Until 2006, however, no criteria had been established, in terms of specific fees, deposits, outside agency regulatory oversight or inspection responsibilities.

In January 20, 2006 Building Official Lee Braun wrote a memorandum to City Manager George Rodericks, in which a fee structure and extensive enforcement criteria were proposed for dredging projects, including a refundable deposit requirement. The document was reviewed and approved by the City Council, becoming the basis for Chapter 296, Dredging Permits, within the City’s Administrative Policy Manual (APM). The memorandum, however, did not address such issues as dredging on City property or at locations other than the Cove.

296.06 COMMENTS

In late 2008, the City Manager, Planning Manager and Building Official undertook a review of Policy No.296. It became apparent during the review that the Dredging Policy needed further development. Besides the questions raised earlier relating to dredging operation locations, the questions of when is a CEQA review or a Use Permit required were amongst issues discussed during the review.

The revised Policy is also an attempt to address the problem of a private dredging operation which results in creating a navigational impediment to a separate and adjacent navigational channel.

The March 2009 revised Dredging Policy is meant to be a comprehensive approach to regulating dredging within Belvedere’s city limits, while providing clarity in the administration of related federal, state and local requirements. Included in the revisions are changes to the fee structure, meant to be more applicable to the specific activity covered by the permit and the extent of oversight committed to the project by the City. The revised Policy was reviewed by the City
administrative staff and the City Attorney’s Office prior to submission to the City Council for consideration.

296.07 DREDGING IN SAN FRANCISCO BAY WATERS

DREDGING PERMIT APPLICATION REQUIREMENTS
1. A Dredging Permit shall be required for any and all dredging taking place within the City limits of the City of Belvedere. In some cases, as discussed below, a Conditional Use Permit may also be required.
2. The Building Department Permit Form shall be used as the Dredging Permit and inspection form, with the dredging operation described in the “Activity” section of the form.
3. A $10,000 refundable damage deposit is required prior to issuance of the dredging permit. The $10,000 deposit requirement shall be met by one of two methods:
   a) A deposit in the amount of the difference of the remaining balance of the CEQA deposit, should a CEQA review be required, and the required $10,000 damage deposit, or
   b) A separate $10,000 damage deposit prior to permit issuance if it has been determined that a CEQA review is not required.
4. Two (2) copies of the project site plan.
   • The area/s of proposed dredging shall be shown on the site plan,
   • The location and labeling of all property lines immediately adjacent to the location/s of the proposed dredging work shall be shown on the site plan.
   • The site plan shall include the location of the City jurisdictional boundary, if adjacent to the proposed dredging activity.
5. Two (2) copies of applicable federal, state, regional, county agency, or private property owner, project approvals are required at the time of permit application, including:
   • Army Corps of Engineers
   • California Department of Fish & Game
   • California Department of Water Quality
   • Bay Conservation & Development Commission (BCDC)
   • State Lands Commission, or other regulating agency responsible for dredging projects on state owned lands, when one of the other state agencies referenced above is not responsible for approving work on state owned lands
   • County of Marin, for dredging projects on county owned lands
   • Affected private property owner’s approval, when a proposed dredging project extends onto an adjacent private property
6. Two (2) copies of pre-dredging soundings at the time of permit application.
7. Unless otherwise authorized in writing by the City Manager, dredging activity is limited to the work days and work hour requirements of Municipal Code Section 16.04.015.
8. Dredging contractors shall maintain a current City of Belvedere business license.

PERMIT FEES
1. A permit application fee - $1,000
2. A permit issuance fee – based on Belvedere Building Permit Fee Schedule at one-half (1/2) project valuation.
   • Project valuation shall be verified by the submission of the executed contract with the dredging contractor.
3. Satisfaction of the aforementioned deposit requirement.

CEQA REVIEW, USE PERMIT, & DESIGN REVIEW
All dredging permit applications will be reviewed to determine whether CEQA review and/or a Conditional Use Permit are also necessary for the proposed project.
   • A Use Permit may be required if dredging activity has not occurred in the past at the specific location and it is determined that the proposed dredging is not “maintenance dredging” in a previously dredged area.
   • The Use Permit may not be required if an earlier Use Permit approval established the Use in the specific zone under consideration, and dredging activity occurred within 15 years of the current application date.
   • A $10,000 deposit will be required if it is determined that a CEQA review is necessary. CEQA review is necessary when a discretionary permit, such as a Conditional Use Permit or Design Review is required.

Also, all dredging permit applications will be reviewed to determine the applicability of the City’s design review requirements, if any, as identified in Municipal Code Chapter 20.04, Design Review and/or Chapter 20.06, Standards for Installation of Buoys, Piers, Gangways, Floats, Hoists and Related Structures on West Shore Road. Design Review may be required if the dredging is part of a larger project, such as a dock, pier, buoy, etc.

INSPECTIONS, FINAL APPROVAL AND RETURN OF DEPOSIT
1. Upon completion of the dredging operation, one (1) copy of post-dredging soundings is to be submitted to the Building Department.
2. Upon completion of the dredging operation, one (1) copy of dredging spoils disposal log, including verification of disposal at an approved site is to be submitted to the Building Department.
3. Upon receipt of the post-dredging soundings and disposal log the City will notify the property owners adjacent to the dredging work of the impending final approval of the dredging operation and will initiate a 30-day waiting period for damage reports.
4. Final approval of the dredging project will be granted, should the City not receive proof of damage to navigation areas on adjacent properties within 30-days of the noticing letter.
5. The final approval Notice of Dredging Project Approval shall substantially read:
   A 30-day waiting period is required prior to final approval. During this period, should the City receive proof of damage to navigational areas on adjacent properties, approval will not be granted until the damage is remedied.
6. The City reserves the right to require additional depth soundings, at the cost of the permit holder, should concerns be raised regarding damage to an adjacent navigational area.
7. The remaining deposit funds will be returned to the permit holder after the expiration of the 30-day wait period:
   a) If no concerns or complaints are received by the City, or
b) Upon correction of complaints regarding navigational impediments.

8. Final City approval of dredging projects is signified by staff signature recordation on the City inspection record.

296.08 DREDGING WITHIN THE BELVEDERE LAGOON

Policy to be determined at a later date.

(Added 06/2006; completely revised 06/08/2009)
CHAPTER 298. F.E.M.A. REGULATIONS FOR SETBACKS IN THE V.E. FLOOD ZONE

298.01 BACKGROUND

The following is taken from Belvedere City Council Resolution No. 2013-28 adopted August 12, 2013.

298.05 FINDINGS

The City of Belvedere participates in the National Flood Insurance Program (NFIP) and is therefore required to follow FEMA flood plain management regulations for development in flood prone areas, and;

Within Belvedere city limits there are both AE and VE flood zone designations, VE being the most restrictive; and

New Construction (NC) in the VE Zone must have the entire footprint of the building located landward of the mean high tide [Code of Federal Regulations (CFR) 60.3(e)(3)] while Substantial Improvement (SI) of an existing building in the VE Zone does not; and

Substantial Improvements (SI) of existing buildings in the VE Zone are defined as projects that cost 50% or more of the pre-improvement market value of the building (CFR Title 44 Section 59.1); and

An SI that increases the footprint and/or number of stories in the VE Zone is allowable pursuant to FEMA Coastal Construction Manual 5-13, Figures 2 and 3; and

FEMA does not define how much or what portions of an existing building must remain in order for an SI to not “cross-the-line” and be classified as NC. That classification rests with the local jurisdiction, under the direction of the Flood Plain Administrator; and

The only specific mention of the subject in FEMA literature is found in Unit 8 of the Flood Plain Administrator’s Training Manual, Page 8-20. It states:
“Reconstructions are cases where an entire structure is destroyed, damaged, purposefully demolished or razed, and a new structure is built on the old foundation or slab. The term also applies when an existing structure is moved to a new site. Reconstructions are, quite simply, “new construction.” They must be treated as new buildings.”

;and

From the text and illustrations in Unit 8 of the Flood Plain Administrator’s Training Manual, one can conclude that an entirely new pier and foundation system would be allowable provided a significant portion of the existing structure above the piers was reutilized.

298.10  POLICY

1.  Local Regulation.  Increases to the footprint or height of the SI structure are not regulated by FEMA, but rather by local zoning and design review code requirements. Belvedere need not restrict SI projects in the VE Zone to the original footprint to meet FEMA regulations, but shall regulate these matters through the normal zoning and design review functions of the City.

2.  Retention of Original Structure.  SI projects shall retain 20-25% of the original structure in their original form/shape. Reuse of existing piers and foundations will count towards this percentage.

3.  Responsibility of Design Teams.  It shall be incumbent on a project’s design team, utilizing their creativity, to propose a reconstruction solution that can clearly be classified as an SI and not as NC by the Floodplain Administrator and potentially a FEMA auditor.

4.  Building Official/Floodplain Administrator Discretion. A case-by-case evaluation shall be made by the Building Official/Floodplain Administrator in order to provide the greatest flexibility to Belvedere property owners and their design teams, while still ensuring that the intent of the FEMA regulations are satisfied.

5.  Determination of Classification.  The Flood Plain Administrator shall be responsible to interpret and apply floodplain regulations and the policies contained in this Resolution. He/she shall evaluate proposals for reconstruction/addition and make a determination as to their final classification as either an SI or NC for FEMA and Flood Plain Management purposes.

6.  Classification Relative to Mean High Tide.  Notwithstanding Policy No. 5, those projects classified as NC must be entirely located landward of mean high tide. Projects classified as SI may remain and expand in their current location, provided they meet all construction standards for development in a floodplain.

7.  Recourse When Reuse Not Practicable.  In the case of a reconstruction project in the VE Zone where suitable reuse is not practical and therefore must be classified as NC, the
property owner may apply to the City Council for a variance to the FEMA requirements. If the findings required by the FEMA statutes can be made (CFR Title 44, Section 60.6), a variance may be granted to allow NC waterward of mean high tide.

8. **Variance Findings Incorporated.** The findings required by CFR Title 44, Section 60.6(a)(1-7) are as follows:

   “1. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
   “2. Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section;
   “3. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
   “4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
   “5. A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section;
   “6. A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator;
   “7. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.”

9. **Hardship Defined.** A finding of “hardship” may be made if a property has sustained significant damage or is destroyed as a result of circumstances beyond the control of the property owner (such as flood, fire, etc.), such that 20-25% of the original structure cannot be retained.

*(Added 8/12/2013)*
### 302.05 TIMELINE

The following timeline is drawn from the ordinances contained in the Belvedere Municipal Code. This timeline is to be strictly followed by City Staff as they pursue the administrative remedy of a construction time limit violation.

**EXAMPLE OF AN OWNER WHO APPEALS, LOSES & FAILS TO PAY**

<table>
<thead>
<tr>
<th>EVENT</th>
<th># DAYS</th>
<th>OWNER</th>
<th>COUNCIL</th>
<th>STAFF</th>
<th>EVENT DESCRIPTION</th>
<th>MAIL DELIVERY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td></td>
<td>B.O.</td>
<td></td>
<td>PENALTY AMOUNT LETTER MAILED TO OWNER. PAYMENT DEADLINE IS &quot;A&quot; + 60 (BMC 20.04.035E3).</td>
<td>X (BMC 20.04.035E3; 1.14.040)</td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TIMELY APPEAL RECEIVED (ON OR BEFORE &quot;C&quot;).</td>
<td></td>
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<tr>
<td>B OR B + 1</td>
<td></td>
<td></td>
<td>D.C.C.</td>
<td></td>
<td>SET UP REVIEW COMMITTEE MEETING OF BUILDING OFFICIAL, PLANNING DIRECTOR, CITY ENGINEER AND CITY MANAGER TO MEET WITH PROJECT CONTRACTOR, ARCHITECT, &amp; (AT APPLICANT'S DISCRETION) THE APPLICANT &amp;/OR HIS DESIGNATED REP(S). (BMC 20.04.035E4).</td>
<td></td>
</tr>
<tr>
<td>EVENT</td>
<td># DAYS</td>
<td>OWNER</td>
<td>COUNCIL</td>
<td>STAFF</td>
<td>EVENT DESCRIPTION</td>
<td>MAIL DELIVERY</td>
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</tr>
<tr>
<td>B OR B + 1</td>
<td>D.C.C.</td>
<td>MAIL NOTICE TO OWNER RE: APPEAL ACCEPTANCE; DATE OF REVIEW COMMITTEE MTG; DATE OF PUBLIC HEARING.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>A + 10 CALENDAR DAYS (BMC 20.04.035E4; 1.04.010C-1).</td>
<td>D.C.C.</td>
<td>APPEAL DEADLINE.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E - 3/10</td>
<td>D.C.C.</td>
<td>MAIL AGENDA &amp; STAFF REPORT TO OWNER.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>A + 60 (BMC 20.04.035E3).</td>
<td>D.C.C.</td>
<td>PAYMENT DEADLINE GIVEN IN PENALTY AMOUNT LETTER.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>DATE DETERMINE D BY &quot;B+1&quot;</td>
<td>X</td>
<td>PUBLIC HEARING ON CTL APPEAL.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E + 1</td>
<td>D.C.C.</td>
<td>AGENDIZE ADOPTION OF RESOLUTION GIVING CC. DENIAL OF APPEAL FOR NEXT COUNCILL MTG. CONSENT CALENDAR.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F - 3/10</td>
<td>D.C.C.</td>
<td>MAIL AGENDA &amp; STAFF REPORT TO OWNER.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G</td>
<td>F + 1</td>
<td>D.C.C.</td>
<td>MAIL NOTICE OF COUNCIL ACTION, COPY OF ADOPTED RESOLUTION, &amp; COPY OF NOTICE OF ASSESSMENT OF ADMIN. PENALTIES TO OWNER. THIS ACTION SETS THE 90-DAY CLOCK TICKING FOR OWNER TO FILE A WRIT OF MANDATE.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G1</td>
<td>F + 60</td>
<td>D.C.C.</td>
<td>DATE THE PENALTY DUE IN FULL INTEREST BEGINS ACCRUING ON ANY UNPAID AMOUNT. (BMC 20.04.035E3, 1.14.160B)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EVENT</td>
<td># DAYS</td>
<td>OWNER</td>
<td>COUNCIL</td>
<td>STAFF</td>
<td>EVENT DESCRIPTION</td>
<td>MAIL DELIVERY</td>
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</tr>
<tr>
<td>H</td>
<td>G + 90</td>
<td>X</td>
<td></td>
<td></td>
<td>DEADLINE TO FILE TIMELY WRIT OF MANDATE.</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>- 3/10</td>
<td>D.C.C.</td>
<td></td>
<td></td>
<td>MAIL AGENDA &amp; STAFF REPORT TO OWNER. OFFER TO WAIVE INTEREST &amp; ADMINISTRATIVE COSTS IF THEY PAY PENALTY IN FULL BEFORE THE LIEN HEARING.</td>
<td>X</td>
</tr>
<tr>
<td>J</td>
<td>I + 30 (BMC 1.14.180A)</td>
<td>D.C.C.</td>
<td></td>
<td></td>
<td>LIEN RESOLUTION TO COUNTY RECORDER WITH COPY TO TAX COLLECTOR FOR PLACEMENT ON PROPERTY TAX ROLLS.</td>
<td>X</td>
</tr>
<tr>
<td>K</td>
<td>UNKNOWN</td>
<td>X</td>
<td>C.M.</td>
<td></td>
<td>SOME TIME AFTER LIEN RESOLUTION FILED, OWNER PAYS FINE. CITY MANAGER MAILS TO OWNER NOTICE OF RELEASE OF LIEN. RESPONSIBILITY OF OWNER TO RECORD THE NOTICE.</td>
<td>X</td>
</tr>
</tbody>
</table>

Timeline examples continued on next page.
## EXAMPLE OF AN OWNER WHO DOES NOT APPEAL & WHO FAILS TO PAY

<table>
<thead>
<tr>
<th>EVENT</th>
<th># DAYS</th>
<th>ACTION TAKEN</th>
<th>MAIL DELIVERY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td>B.O.</td>
<td>X</td>
</tr>
<tr>
<td>B</td>
<td>A + 10</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>A + 60</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>C+1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C+1</td>
<td></td>
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<tr>
<td>C-1</td>
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<tr>
<td>C+1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D-3/10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Date based on &quot;C+1&quot;</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>D+1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F</td>
<td>D + 30</td>
<td>D.C.C.</td>
<td></td>
</tr>
<tr>
<td>G</td>
<td>UNKNOWN</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

### ACTION TAKEN BY:
- B.O.: OWNER
- COUNCIL
- STAFF

### EVENT DESCRIPTION
- **A**: PENALTY AMOUNT LETTER MAILED TO OWNER. (NOTE: THIS IS THE DATE THE PENALTY IS FINALLY IMPOSED, FOR THOSE WHO DO NOT FILE AN APPEAL, FOR PURPOSES OF BMC 1.14.160C & 20.04.035E6.)
- **B**: APPEAL DEADLINE.
- **C**: PAYMENT DEADLINE THAT WAS GIVEN IN PENALTY AMOUNT LETTER. (PAYMENT PUT IN ABEBYANCE UNTIL AFTER THE CITY COUNCIL APPEAL HEARING.)
- **C+1**: FILE NOTICE OF ASSESSMENT OF ADMINISTRATIVE PENALTIES AND OF INTENTION TO RECORD LIEN AGAINST REAL PROPERTY WITH COUNTY RECORDER.
- **D-3/10**: MAIL AGENDA & STAFF REPORT TO OWNER. OFFER TO WAIVE INTEREST & ADMINISTRATIVE COSTS IF THEY PAY PENALTY IN FULL BEFORE THE LIEN HEARING.
- **D**: LIEN HEARING. COUNCIL ADOPTS LIEN RESOLUTION SETTING FINAL AMOUNT TO BE LIENED AGAINST PROPERTY. INCLUDES INTEREST & ADMIN COSTS FOR PERIOD FROM "C" THROUGH "E."
- **E**: NOTICE OF COUNCIL ACTION MAILED TO OWNER WITH COPY OF LIEN RESOLUTION.
- **F**: LIEN RESOLUTION TO COUNTY RECORDER WITH COPY TO TAX COLLECTOR FOR PLACEMENT ON PROPERTY TAX ROLLS.
- **G**: AT SOME POINT AFTER LIEN FILED, OWNER PAYS FINE. CITY MANAGER MAILS TO OWNER NOTICE OF SATISFACTION OF LIEN. RESPONSIBILITY OF OWNER TO RECORD THE NOTICE.

### MAIL DELIVERY
- REGULAR
- PROOF OF SERVICE
- HAND DELIVERY

(Rev. 06/2006, 05/11/2009, 06/14/2010, 03/2013, 06/09/2014)
302.06  PROJECT FINAL APPROVALS RELATIVE TO THE C.T.L. ORDINANCE

Background
Belvedere Municipal Code (BMC) Section 20.04.035, Time Limits for Construction, provides for a maximum amount of time for completion of a construction project without incurring a penalty. The time varies, based on valuation, and can be either, 6-months, 12-months or 18-months. There are provisions within the Code to provide for time extensions, under certain circumstances, of up to 6-months.

Belvedere experiences a continuous stream of large numbers of construction projects on private property. The Time Limits for Construction Ordinance was developed as a result of the adverse impacts on neighborhoods, as well as the community, that construction projects often create. Besides the visual impact of the construction site, other deleterious effects of construction projects include, creating long-term noise disturbances to neighbors and the loss of on-street parking in the area of the project.

Section 20.04.035, sometimes referred to as the CTL Ordinance, (Construction Time Limit) only applies to projects that have received design review. Even a minor project that has received design review, such as new windows, is subject to the provisions of Section 20.04.035. Penalties for violating the CTL Ordinance can be significant, up to $200,000.

For reference, Building Department Policy Number 1, Ancillary & Repair Permits, Regarding CTL Ordinance & Final Approval, discusses and defines what kind of projects are not subject to the CTL Ordinance. Building Department Policy Number 4, Minor Serial Permits Subject to the CTL Ordinance, presents the criteria by which all permits issued for a single project are considered to be subject to the CTL Ordinance.

Comments
Building Department Policy Number 7 describes when CTL start time is triggered. A significant problem for staff in enforcing the CTL Ordinance, however, has been, under what circumstances is a project considered completed and the assigned CTL time for a project should no longer apply.

The Building & Planning staffs held a series of meetings for the specific purpose of developing the criteria by which a project was considered complete to the degree that it should no longer be subject to Construction Time Limits. The central focus while developing the criteria was the determination of what elements of a project, once completed, would largely eliminate the negative effects of the project on a neighborhood, and the community. One example of eliminating a negative effect of a construction project is when major concrete elements have been completed, no longer requiring cement trucks and pumpers at the site. Excessive noise, parking and traffic impacts no longer occurs when this activity ceases. Taking this approach in developing the CTL completion criteria harmonizes the Policy with the intention of the Ordinance, thereby achieving a major reduction, or the elimination, of the adverse effects of construction projects.
This Building Department Policy has been reviewed & approved by the City Council. It is also recorded in the City’s Administrative Policy manual in Part 14, Building Department Procedures, as City Policy No. 302.06.

Policy

BUILDING INTERIOR ELEMENTS SUBJECT TO CTL FINAL APPROVAL

- All residential dwelling units, including second units & second kitchens, must comply with the latest edition of the International Property Maintenance Code in terms of habitation requirements. (These buildings must have a completed kitchen, including permanent food preparation and preservation equipment, at least one completed bathroom, conforming bedroom & additional habitable room of at least 120 sq. ft.);
- All life/safety features must be installed and functional throughout the building, including smoke detectors, permanent guardrails, permanent handrails, required tempered glazing and exit system components;
- Electrical systems are to be fully completed, including all permanent light fixtures, receptacles and switches being in place. (In lieu of a permanent light fixture an approved cover plate may be installed at the location of the fixture mounting box, except in the case where the light fixture in question provides the code required room lighting.);
- Permanent plumbing fixtures in other than the required bathroom are required to be in place at the time of the landscape final approval; and
- In rooms other than the required kitchen, bathroom, conforming bedroom & 120 sq. ft. habitable room, finish materials including paint, architectural trim, tile, marble, finish wooden floor and carpeting must be completed at the time of landscape final approval.

PROJECT CONSTRUCTION ELEMENTS SUBJECT TO CTL FINAL APPROVAL

- Project main structure, including decks and accessory buildings greater than 50 sq. ft. (These buildings must have all exterior finishes completed, including lighting fixtures, final painting and/or power washing. Accessory buildings include, but are not limited to, detached garages, carports, guesthouses, pool houses, potting, sheds and tool sheds. Exterior finishes of one accessory building less than 50 sq. ft. qualifies as a decorative elements to be completed as part of landscape approval.);
- Accessory structures, including site-built features such as detached decks, patio covers, outdoor fireplaces, hillside elevators, docks, outdoor kitchens, including operable plumbing, electrical and mechanical fixtures;
- Poured in place, thus considered permanent, spas, pools and fountains (Tile and finish surface materials above the water line are considered part of the landscape element.);
- Permanent equipment, including mechanical and auxiliary power systems such as solar photovoltaic and generators, mechanical boat lifts or boat storage equipment;
- Mechanical and plumbing enclosures related to permanent spas, pools and fountains (This relates to typical conditions of approval regarding sound attenuation requirements.);
- All concrete flat work, including patios, driveways and walkways;
- Exterior finish materials on doorway landings, verifying compliance with the latest edition of the California Residential Code, as adopted by the City, relative to floor elevations at the required exit doors and other exterior doors.
• All concrete, masonry or stonewalls greater than 18” in height;
• Entry columns, trellises, arbors and walkway covering;
• Permanent guardrails and all other permanent life safety features;
• All perimeter fencing; and
• Chimney spark arrestors.

PROJECT ELEMENTS CONSIDERED LANDSCAPING AND NOT SUBJECT TO CTL FINAL APPROVAL
• Tile and finish surface materials for spas, pools and fountains at surface areas above the water line;
• Portable, cord connected, spas and fountains;
• Surface finish materials on all cement patios, driveways and walkways;
• Surface finish materials on concrete or masonry walls greater than 18” in height;
• All concrete, masonry or stone walls less than 18” in height;
• Irrigation systems and lighting associated with landscaping;
• External security features, including cabling and cameras; and
• All softscape improvements, including approved plant materials and trees.

CITY REQUIREMENTS AT COMPLETION OF LANDSCAPING ELEMENT
• Removal of porta potties;
• Removal of temporary barriers or fencing; and,
• Removal of all construction & landscaping equipment from the site.
• Reevaluation of building permit

Required signatures for final approval for CTL purposes shall be sequential; a Fire District’s representative shall be first, the Building Inspector’s approval, second and a Planning Department representative’s final approval shall be last. The Planning Department representative’s signature shall determine the completion of the project for CTL purposes.
(Added 06/2006; amended 11/1/2006; reviewed w/o change by Building Official 02/25/2009; updated 09/09/2013)

302.07 ESTABLISHING PROJECT START DATE FOR CONSTRUCTION TIME LIMIT

Background
How the date of completion regarding the CTL is determined for a project is a crucial element in the administration of the Ordinance. The current practice for establishing the date of required completion is based on the assumption that construction begins on the date of the permit issuance.

However, a number of issues may occur which could, and often do, interfere with a contractor commencing work on a project at the time of permit issuance. Some examples are unanticipated rains, a delay in a property owner’s ability to vacate an existing residence or contractor mobilization difficulties. Therefore, it is inequitable to expect that construction begin immediately after permit issuance on all occasions.
Comments
A practice of allowing a contractor to request a new start date, for CTL purposes, has been successfully established in that the contractor is required to submit a letter to the Building Official stating that he was unable to start construction at the time of permit issuance and indicate the proposed starting date. The letter must be received prior to any construction activity and allow enough time for the Building Official, or his representative, to visit the construction site for the purposes of verifying that no construction activity has occurred.

Policy
A contractor may petition in writing for a CTL completion date other than what is stated on the Building Permit due to inactivity immediately after the permit issuance. A new CTL start date will be assigned on the following basis:

1. The request must be made in writing.
2. The request must be received well enough in advance of actual construction so as to allow the Building Official the opportunity to verify that no construction activity has occurred.
3. The Building Official will respond in writing within 15-days of receipt of the request, noting the verification of construction inactivity and assign a new start date. This assumes that no construction activity has occurred.
4. If any evidence of construction activity, such as partial demolition, has occurred the request for a new start date must be denied.
5. Should a new CTL start date be assigned:
   a. The notification letter is to be attached to the permit;
   b. The new CTL completion date, based on the new CTL start date, is to be written on the permit, referencing the attached notification letter.
   c. The completion date is to be revised in the Building Official’s Outlook calendar, deleting the old date and recording the new date, for purposes of sending out the CTL Compliance letter.

302.08 Mid-Project Construction Time Limit Assignment

Background
Belvedere Municipal Code (BMC) Section 20.04.035, Time Limits for Construction, provides for a maximum amount of time for completion of a construction project without the imposition of a penalty. The time varies, based on valuation, and can be six months, 12 months, or 18 months. There are provisions within the Code to provide for time extensions, under certain circumstances, of up to six months.

Belvedere experiences a continuous stream of construction projects on private property. The Construction Time Limit Ordinance (Section 20.02.035 BMC) was developed as a result of the adverse impacts on neighborhoods, as well as the community, that construction projects often create. Besides the visual impact of the construction site, other deleterious effects of construction projects include the creation of long-term noise disturbances to neighbors and the loss of on-street parking in the area of the project.
The Construction Time Limit (CTL) Ordinance applies only to projects that have received design review. Even a minor project that has received design review—such as installation of new windows—is subject to the provisions of Section 20.04.035. Penalties for violating the CTL Ordinance can be substantial: up to $200,000.

For reference, Building Department Procedure No. 008.1, “Ancillary & Repair Permits, Regarding CTL Ordinance & Final Approval” discusses and defines what kind of projects are not subject to the CTL Ordinance. Building Department Procedure No. 008, “Minor Serial Permits Subject to the CTL Ordinance,” presents the criteria by which all permits issued for a single project are considered to be subject to the CTL Ordinance.

**Comments**

The imposition of a construction time limit is predicated on the project being subject to design review. It follows that if a construction project is not subject to design review, no construction time limit is assigned at the time of building permit issuance. This is not an unusual occurrence, typical examples being kitchen and bathroom remodels.

Often, however, projects which begin as interior work expand to exterior elements of the building. When this occurs, design review of the proposed expanded work is usually required. Sometimes the expanded work is the result of construction defects discovered during the interior work, or the desire of the property owner for a more extensive project. On most occasions, an application for design review is received prior to the expanded work.

At other times, the progression of the construction work to unapproved exterior elements of a building, whether deliberate or accidental, is concealed or a permit application is delayed in order to avoid design review, or the property owner intends to apply for design review at a later date, or believes that the work does not require design review. Unfortunately, staff has also encountered construction projects where a small interior project is proposed and permitted and the applicant later, near the end of the project, deliberately expands the project to the exterior of the building in an effort to "game" the system and escape construction time limit issues. Regardless of the motive or lack thereof, when applicants deliberately or accidentally circumvent design review and the requisite construction time limit, there can be long-term negative neighborhood impacts. In essence, a property owner may conduct work on an extensive construction project without the imposition of a construction time limit until the project is nearly complete.

Based on these scenarios, staff has developed policy criteria for assigning construction time limits to on-going projects which previously were not subject to design review and consequently were not assigned a construction time limit.

**Policy/Procedure**

**UNAPPROVED EXTERIOR WORK SUBJECT TO DESIGN REVIEW--STOP WORK ORDER**

When non-approved exterior work, subject to design review, is discovered by staff, a Stop Work Order shall be issued. The Stop Work Order shall apply to the unapproved work exterior work.
PERMIT ISSUANCE
A new building permit shall be issued only after the on-going project, originally not subject to a construction time limit, has received a design review approval.
1. The purpose of the new building permit is to memorialize the inception of a project construction time limit and the scope of the expanded work.
2. The assigned construction time limit applies to the entire project, including project elements that previously were not subjected to a construction time limit.
3. For purposes of the permit, the valuation shall be for the entire project, including the new exterior element/s which are the subject of the design review approval, and the previously permitted interior work. Permit fees previously paid for the interior work shall be deducted from the new permit fee liability. For accounting purposes, this fee transaction shall be referenced on the new permit.
4. The valuation shown on the new building permit shall establish the length of the assigned construction time limit for the entire project.
5. For the purpose of establishing a Construction Time Limit deadline for the project, the project start date shall be recorded as the date that the initial construction permit was issued.

CONSTRUCTION TIME LIMIT EXTENSIONS
Applicants who have received a construction time limit based on the criteria contained in this policy, and who object to the construction time limit assigned to the project because of insufficient time to complete their project without incurring penalties, are encouraged to make application for an extended construction time limit period through the City’s Construction Time Limit Review Committee, as referenced in Municipal Code Section 20.04.035D3.

(Approved by City Council 06/14/2010)

302.09 POLICY REGARDING SUCCESSIVE MINOR CONSTRUCTION ACTIVITY

Building permits which are subject to design review, yet are minor in scope may be issued with independent CTL dates of completion based on the following criteria:

- Building permits that are to be considered under this policy must be minor in scope.
  - For purposes of this policy minor in scope means a maximum valuation of $25,000 for each permit.
  - No more than three trades may be required in the scope of work of each permit.
- No more than three building permits, which are subject to the CTL Ordinance time for completion requirements, may be issued in a one-year period, based on the date of issuance of the first permit.
- Building permits issued under this Policy may be subject to only administrative design reviews and not Planning Commission approvals in whole or in part.
- In the opinion of the Building Official the issuance of successive building permits under this policy will not create conditions which violate the Purpose Section of Ordinance 20.04.035:
  - Long-term adverse noise disturbances to neighbors.
- Loss of inadequate parking in the immediate vicinity of the project.
- Frequent road closures.

- Each of the permits under consideration must meet all of the criteria contained in this policy.

(Separated out from Section 302.06 on 09/09/2013)
CHAPTER 308. CONDITIONAL TEMPORARY CERTIFICATES OF OCCUPANCY

308.05 BACKGROUND

The issuance of a conditional temporary certificate of occupancy allows a property owner to move into their newly completed home prior to the completion of the entire construction project once the home has met required health and safety standards as verified by inspection.

The issuance of certificates of occupancy, including a temporary certificate of occupancy, is a ministerial duty.

308.06 COMMENTS

Prior to the City Council’s approval for the issuance of temporary certificates of occupancy, the City denied occupancy to newly constructed residences if they were in violation of the City’s Construction Time Limit (CTL) Ordinance (BMC 20.04.035).

This practice created difficulties in the administration of the CTL Ordinance. Since existing dwellings technically retain their certificate of occupancy when a remodel and/or an addition occurs, a homeowner whose project was subject to the CTL Ordinance, but did not involve the construction of a new building, could move into his completed structure—even though it might be in violation of the CTL Ordinance—as soon as it met building code and habitability requirements.

A property owner whose project involved the construction of a new structure, and was in violation of the CTL Ordinance, was officially not allowed to move into his new home until the project met all City requirements, excluding landscaping. Since there was no exact description of what those requirements were, the approval for occupancy had the potential to be arbitrary and vary from project to project.

This situation was remedied by revising the language within Subsection 20.04.035E2 of the Municipal Code, which now reads, “New construction shall be deemed completed….upon the issuance by the City of a certificate of occupancy, per City policy. A remodel shall be deemed completed for purposes of this Section upon final building inspection approval.” A Building Department policy was then developed to provide the criteria by which a construction project is...
deemed complete for purposes of the CTL (see Subsection 302.06 of this Manual). This Subsection applies to all projects subject to the CTL Ordinance and provides guidance in itself as to the conditions required in order to issue a Conditional Temporary Certificate of Occupancy.

The criteria contained in the model Conditional Temporary Certificate of Occupancy was reviewed and approved by the City Attorney as well as the City Council (see Section 308.08). The City Council also reviewed the policy criteria for CTL project final approval.

**308.07 POLICY**

Temporary conditional occupancy can be granted for a new structure when it meets the conditions described in Administrative Policy Manual Subsection 302.06, Project Final Approvals Relative to the CTL Ordinance”--including all the items listed under Building Interior Elements Subject to CTL Final Approval and Project Construction Elements Subject to CTL Final Approval--and when the property owner has signed the Temporary Certificate of Occupancy document.

The model Conditional Temporary Certificate of Occupancy in the following section includes the basic conditions to be agreed to for all such certificates. However, other conditions can be included that are relative to specific projects, including cash deposits or time related performance requirements regarding remaining components of the project.

*(Completely revised 05/11/2009)*
Pursuant to the Belvedere City Policy for the granting of Conditional Temporary Certificates of Occupancy, as approved by the Belvedere City Council and as described in the Belvedere City Administrative Manual, Chapter 93, temporary occupancy is being granted to the property owner of (address), subject to the following conditions. By signature to this document the property owner acknowledges said Conditions and is thereby granted Conditional Temporary Occupancy approval.

The fully executed document constitutes the Certificate.

1. The property owner agrees to fully indemnify and hold the City harmless regarding all matters relative to the subject construction project.

2. Prior to the issuance of a Conditional Temporary Certificate of Occupancy, the Building Department must grant approval of the interior of the residence as described in the Building Interior Elements Subject to Construction Time Limit (CTL) Final Approval Section of the Belvedere City Administrative Manual.

3. The property owner shall certify that they will pay any CTL penalties which they may have incurred within 60-days of the Notice of Penalty.

4. The property owner shall agree to submit a final and accurate accounting of all construction costs, including relevant aspects of the landscaping, at the conclusion of the project for the purpose of permit fee re-evaluation and pay any fees due as a result of a valuation that has increased over what was stated on the building permit(s).

5. Issuance of a Conditional Temporary Certificate of Occupancy does not represent a final approval by the Building or Planning Departments of the specific requirements for the project’s completion pursuant to any discretionary or ministerial permits. A project is not deemed complete until both the Building & Planning Departments have determined in writing that all conditions of approval have been met. Failure to complete the remainder of the project requirements pursuant to any Building Permit and/or Planning Approval in a timely manner may constitute a public nuisance under Belvedere Municipal Code Section 8.12.010 (B). Maintenance of a public nuisance may result in the revocation of any discretionary approvals, including but not limited to and Design Review, Variance, Exception to Floor Area, and/or Conditional Use Permit approvals. Revocation of a discretionary approval will result in a violation of the Belvedere Municipal Code constituting a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment for each and every day the violation continues.

______________________________
Property Owner Date
CHAPTER 310. PERMIT FEE REVALUATION

310.01 BACKGROUND

Section 108.3 of the California Building Code (CBC) provides as follows:

The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

The City of Belvedere requires that, prior to permit issuance, the property owner and architect, or contractor, sign an Acknowledgment of Construction Responsibility Form. (Attachment No. 1) The Form provides a number of basic understandings regarding construction requirements in Belvedere. By signing the Form, the owner and project representatives acknowledge that they have read, understand, and will comply with each of the points listed on the Form. Each item of information describes one of the more relevant aspects of construction regulation in Belvedere, such as the Construction Time Limit Ordinance, conformance to design review approvals, and the potential impact on a project when a Stop Work Order is issued. Item five describes Belvedere’s permit fee revaluation process, which occurs at the conclusion of a construction project.

Because the valuation of virtually all projects in Belvedere increases during the actual construction process, the City requires that the property owner provide the final project costs on a Statement of Total Project Costs for Revaluation Form. (Attachment No. 2) Permit fees are then assessed for the difference between the original permit fees, based on the stated valuation on the permit application, and the final valuation figure. The Revaluation Form notes which aspects of the project costs should be included and which excluded in the determination of the final valuation. If the City holds a damage deposit, any additional fees are deducted from the damage deposit and the difference is refunded to the property owner, unless the fees exceed the deposit amount, in which case the property owner is invoiced for the additional fees. Once the project revaluation process has been completed, including the payment of any fees due to the City, the Building Department Secretary memorializes the final valuation figure by noting the additional valuation figure and final permit fees on a building permit form, which is labeled, “Revaluation
Permit.”

310.05 COMMENTS

Belvedere instituted the permit fee revaluation process in the early 1990’s. Over the years the Belvedere process has been refined in consultation with the City Manager and advice from the City Attorney’s Office, resulting in a more uniform and effective process.

Recent changes to the procedures address a construction process that is largely facilitated from the water, and the impact of such a process on a project’s valuation. Specifically, the costs for staging and facilitating the construction process from waterside barges can be quite exorbitant. When considering that specialized types of marine vessels are involved, such as tugs and landing craft, as well as the construction delays which will be incurred due to tidal conditions, the resulting costs incurred by a property owner for a marine-facilitated construction project are well beyond typical construction norms.

A property owner who undertakes a construction project and opts to use a marine-based construction process to mitigate the impacts of the project on adjacent neighbors and the community at large should not be penalized through the revaluation process for the costs of those mitigation measures. The property owner, in a sense, is providing a service to neighbors and the community while incurring exceptional personal costs. These costs are beyond what would normally be required to complete the construction project. For this reason, the additional construction costs incurred because of a marine-facilitated construction process should not be included in the over-all construction valuation for the purposes of determining final permit fees.

310.10 BASIC POLICY/PROCEDURE

- All building permits, at the time of final approval, and prior to the return of any construction damage deposit, will be subject to the City’s project revaluation and additional permit fee process.
- Additional fees assessed due to increased project valuation include:
  - Plan Review
  - Building Permit
  - Road Impact Fee
  - SMIP (State Seismic Motion Instrumentation Program)
  - State Building Standards Fee
  - Additional ancillary fees, such as plumbing, mechanical and electrical shall only be assessed when the Building Official has determined that ancillary work had been conducted without payment of the appropriate fee or if there has been a clearly discernable increase in the scope of the permitted ancillary work.
In the case of projects that incur marine-related costs specifically to mitigate neighborhood and community impacts, the additional construction valuation related to the costs incurred from the use of marine equipment shall not be considered when determining additional permit fees based on increased project valuation.

- Before a reduction in project revaluation can be considered, a written request for a reduction in project revaluation, based on marine-related costs, shall be made by the property owner or property owner’s representative.
- The request for reduction in project revaluation shall include documentation of the marine-related project costs.
- The City shall make the final determination as to the exact amount of marine-related costs that shall be authorized as a deduction from the final valuation costs.
- Once the final determination for revaluation deduction is made, the additional fees noted above shall be calculated on the new revaluation for the project.
- Projects that incur marine-related costs because using waterborne craft or equipment provides the most cost effective method of construction shall not be entitled to a revaluation reduction of those marine-related costs. An example would be using a barged crane to facilitate an element of construction because a land-based crane could not access the site or would be more expensive. The final determination as to what is or is not authorized as a marine-related reduction for revaluation purposes shall be made by the City.

(Approved by City Council 06/14/2010)
Part 15. Planning Department Policies


CHAPTER 315. ENFORCEMENT OF WATER EFFICIENT LANDSCAPE ORDINANCE

315.05 BACKGROUND

In 1992, the California State Legislature passed the Water Conservation in Landscaping Act, requiring all local agencies to adopt a Water Efficient Landscape Ordinance. In 2006, the legislature adopted the Water Conservation Landscaping Act (AB 1881) in response to a stakeholder work group’s findings for further improving State water efficiency requirements. AB 1881 ordered the Department of Water Resources to draft an updated Model Water Efficient Landscape Ordinance (Model WELO) All local agencies were required to adopt the Model Ordinance or an equivalent by January 1, 2010.

Discussions between the City of Belvedere’s City Attorney and Marin Municipal Water District’s (MMWD) Attorney have led to the mutual decision that the State’s Model Ordinance does not have precedence over regulations adopted by a local public water system or water purveyor that are as strict or stricter than the conservation measures in the State’s Model Ordinance. In December 2009, the Marin Municipal Water District adopted its own water efficient landscape ordinance (Ordinance No. 414, part) requiring that landscaping for certain projects be designed, installed and maintained based on a specific water allowance calculated for the individual site. In January 2011, the MMWD Board of Directors amended its WELO in its Ordinance No. 421. MMWD’s WELO is codified in the MMWD Code under Subsection (5), “Water Efficient Landscaping,” of Section 13.02.021, “Water Conservation: Normal Year Water Conservation,” of Chapter 13, “Water Conservation and Dry Year Water Use Reduction Program,” of Title 13, “Water Service Conditions and Water Conservation Measures.”

315.10 COMMENTS

The following sections are intended to provide Staff with a clear understanding of their role in educating the public and ensuring compliance with AB 1881 and MMWD Code Subsection 13.02.021(5).

315.15 APPLICABILITY AND DEFINITIONS

MMWD’s WELO allows for three different thresholds of landscape review depending upon who is providing the plans and installing the project. The following three paragraphs provide clarification of the different thresholds.

Developer or contractor installed: Developer installed projects refer to a type of private development project where the developer will install the landscaping at single-family or multi-family homes. This is often seen in tract subdivisions and master planned communities, condominium complexes, and speculative real estate. Developer installed, single-family and
multi-family projects with a landscape area equal to or greater than 1,000 square feet that requires a building or landscaping permit, plan check or design review are subject to WELO review. Contractor installed refers to any landscaping project which a property owner does not physically manage or supervise. “Contractor” refers to the common meaning of the term used in construction and landscaping.

**Homeowner-provided:** Homeowner-provided development projects occur when the homeowner develops and guides the project themselves. The homeowner may be receiving the help of a gardener or a licensed contractor hired to perform the work, but this designation does not relate to projects exclusively directed by a professional. With homeowner-provided projects, the homeowner would be taking responsibility for the project, not a licensed contractor.

**Private development and public agency projects:** This threshold refers to non-residential development and public agency/public works projects. Projects in this category that are equal to or greater than 1,000 square feet of landscape area are subject to WELO review.

It will be at the discretion of the contact person in MMWD’s Water Conservation Department to determine which projects are “developer or contractor installed” and “homeowner-installed.” City Staff has been advised by MMWD that any homeowner hiring a contractor or landscape/design professional to facilitate the project will fall under the category of “developer or contractor installed”. Only homeowners working on, installing and taking responsibility for their own projects would classify as “homeowner-provided.”

### 315.20 IMPLEMENTATION

Staff shall require that all Design Review applications involving landscaping provide a calculation of “landscape area” proposed for new work. Landscape area shall be defined as:

**A. Landscaped Area (LA):** all planting areas, turf areas, and water features in a landscape design plan. The landscape area does not include footprints of buildings or structures, roofs, sidewalks, driveways, parking lots, green roofs, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (i.e. open spaces and existing native vegetation).

**B. Public Water System:** In Belvedere the public water system with jurisdiction within the City boundaries is the Marin Municipal Water District (MMWD).

### 315.25 M.M.W.D. CODE SUBSECTION 13.02.021(5) AND LANDSCAPE PLAN REVIEW PACKET

Planning Staff shall be tasked with providing citizens an early education regarding the expectations of MMWD and legal requirements to comply with the Water District regulations.

All plans submitted to MMWD for review shall be accompanied by a completed Landscape Plan Review Packet. The packet is provided by MMWD to all applicants in order to help facilitate and
organize submittals and includes a Water Conservation checklist (attached).

The Landscape Plan Review Packet outlines crucial information such as the Maximum Applied Water Allowance (MAWA), which is the upper limit of annual applied water for the established landscape area as specified above. It also explains the Estimated Total Water Use (ETWU) that is the total water used for a new landscaping area.

Planning Staff will have copies of this information on hand and will distribute the information early on in the Design Review process to applicants whose projects are large enough to meet the thresholds for WELO regulations. This will allow residents and applicants to be educated about MMWD requirements before compliance is required and will expedite the application process.

City Staff will have copies of MMWD Code Subsection 13.02.021(5) available to the public, should applicants be interested. Subsection 13.02.021(5) includes the requirements for interior fixtures as well as exterior landscaping requirements.

### 315.30 CONDITIONS OF APPROVAL

For projects that appear to meet the size thresholds requiring MMWD review, City Staff will require MMWD approval of landscape and irrigation prior to the issuance of a building permit or prior to completion of work if no permit is necessary. If a project has been determined by MMWD as exempt from review, then Staff will obtain a letter of exemption from the contact person in the Water Conservation Department at MMWD.

*(Added 12/12/2011)*
Belvedere’s oaks, buckeyes, redwoods, and madrones are important features of the City’s landscape. The purpose of this memorandum is to establish guidelines for the exemption of the removal of trees from Title 20, Architectural and Environmental Design Review, pursuant to Section 20.04.015 of the Belvedere Municipal Code, as follows.

- Section 20.04.015 of the Belvedere Municipal Code (Ordinance 2004-05) provides Staff with the authority to exempt the removal of dying trees, “undesirable” trees, trees without privacy or screening characteristics, and immature trees from Design Review.

- Pursuant to Section 20.04.015, Design Review is required for landscaping changes when a visually significant portion of the property is affected. This includes the removal of visually significant trees. Significance can be determined by the size of the tree, the number of trees to be removed, and the relationship of the tree to the lot and surrounding development. City Staff will give special consideration to the preservation of redwood trees in the context of Design Review applications.

- Removing one or more trees native to Belvedere (such as oak trees) greater than 16 inches in diameter will be considered a significant landscaping change that will require approval of a Design Review application. A tree of this size is likely to be more than 50 years old, it may be visible from a great distance, and it may provide significant privacy protection. A tree of this size is also likely to have some social significance to Belvedere residents as a landmark and a reminder of Belvedere’s natural setting.

- Tree removal that is a part of a larger project subject to Design Review approval by Staff or the Planning Commission or removal of a tree or trees required by a prior Design Review approval will also be subject to Design Review. With regard to whether or not the removal is part of a larger project, Staff will review prior approvals and discuss with the property owner the potential of a future project within a coming 12-month period.

- If there are other trees in the area that will minimize the loss of the tree, if the tree is not native to Belvedere, and if the adjacent residents approve of the tree removal, most tree removals can be exempted from Design Review pursuant to Section 20.04.015(B)(2) by means of a Statement of Exterior Changes application and a Staff field inspection.

- If a tree is a danger to life or property, the Building Official can determine that an emergency exception is necessary under Section 20.04.020(C) and authorize the work.

- Under this Section, the property owner is required to come back with a plan to correct the problem created by the loss of the visually significant landscaping.

(Approved by City Council 11/06/2006)
CHAPTER 321. HEIGHT & EXISTING GRADE
INTERPRETATION

321.05 BACKGROUND

Belvedere’s unusual topography and dramatic grade changes have lead to various challenges to measuring height pursuant to Section 19.08.224 and 19.08.240 of the Belvedere Municipal Code. The intent of this policy is to describe the method used by City Staff when reviewing measurements of height of buildings, fences, walls, and other structures.

At the April 20, 2004 Planning Commission meeting, the Planning Commission recommended a Zoning Ordinance amendment to modify the definition of “grade.” The new definition would establish grade as existing grade or grade at the time “new work was proposed.” The earlier definition had established grade as original grade or grade existing prior to any work ever having taken place. The City Council later adopted the Planning Commission’s recommended definition on January 3, 2005 as part of Ordinance 2005-1.

At this time, grade and height are defined as follows:

19.08.224 Grade, existing. "Existing grade" means the ground level existing prior to the commencement of any new work on the site. (Ord. 2005-1 §2, 2005; Ord. 89-1 §1 (part), 1989.)

19.08.240 Height. "Height," when applied to a structure, means the vertical distance from the existing grade to the highest point of the structure directly above it, excluding chimneys. "Grade" is as defined in Section 19.08.224. (Ord. 89-1 §1 (part), 1989.)

Pursuant to Sections 19.08.224 and 19.08.240, City of Belvedere staff measures height as the distance between highest point of the structure (excluding chimneys) to the lowest point of existing grade below. For example, Staff does not measure the height of buildings or other structures from a point located within an interior basement area. Staff does not average the slope of a hillside nor average any building features such as gable roofs, etc.

This policy was reviewed by the Planning Commission on September 18, 2007 and June 17, 2008.

321.10 POLICY

Interpretation of Sections 19.08.224, “Grade, existing,” and 19.08.240, “Height”:
1. Building height is the distance between the highest point of the structure (excluding chimneys) to the lowest point of existing grade below.
2. Existing grade is the lowest natural or artificial level of the soil or paved ground surface
within a 1-foot-wide perimeter of the exterior of a structure. Height is not measured from a point located within an interior basement area. Where no building exists, the perimeter shall either be the outline of the prior building, or, if never previously developed, the natural contours of the land.

3. Fences built upon a retaining wall must be set back 1 foot from the edge of the retaining wall for the fence height to be measured from the top of the retaining wall, not the lower ground level below. See the diagram below.

4. In determining conformance to Zoning Ordinance height limits, neither the slope of a hillside nor any building features such as gable roofs, etc. are averaged.

5. To determine grade, the City shall rely upon a topographic survey prepared by a licensed surveyor.

6. In the case of required handrails and/or guardrails on decks, piers, parking structures, balconies or similar structures, height is measured to the deck surface, not to the top of the handrail or guardrail.

7. Existing grade in the case of structures built over the water shall be measured to the point specified for the particular Zoning District. If the Zoning District does not provide a reference for grade in inundated areas, then existing grade shall be the point established as “Summer Level” in Belvedere Lagoon and “Mean High Tide” in all other areas.

(Approved by Planning Commission 06/17/2008 and by City Council 05/11/2009)
CHAPTER 322.  FENCE REPAIR & REPLACEMENT

322.01  BACKGROUND

Belvedere's zoning ordinance requires design review approval for fences and trellises (Belvedere Municipal Code Section 19.48.190). Fences typically indicate property boundaries, although not all fences are built on a boundary line. The Design Review process allows the City to evaluate new structures and to reevaluate the replacement of existing structures and their relationship to real property boundaries.

322.05  COMMENTS

Repair and replacement of existing fences are not specifically mentioned in the Belvedere Municipal Code. Therefore, the Planning Department has developed this policy to establish a benchmark by which a replacement or a repair of a fence is distinguished from a new fence requiring Design Review approval.

For the purpose of distinguishing repair and replacement fences from a new fence requiring Design Review, Planning Staff refers to the definition in Section 19.08.355 which states, in part:

"New structure" for purposes of this Title and Title 20 means an entirely new building from grade up, or new construction following the removal of more than fifty percent of the total exterior wall and roof area from the grade up, including all exterior openings."

Planning Department Staff further relies on the definition of structure as "anything constructed or erected, including any building, fence or wall, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground" (BMC Section 19.08.520).

In order to provide expedient service to the Belvedere community, Planning Department Staff has developed a procedure for Exemptions from Design Review (see Chapter 324 of this Manual). Repair or replacement of less than 50 percent of an existing fence may be reviewed for Exemption from Design Review.
322.10  

**POLICY**

In order for a replacement fence to be considered exempt from Design Review, the applicant must show that not more than 50 percent of the existing fence is to be removed and reconstructed. Also, the replacement fence must be of the same design and location as the previously existing fence. A site plan showing the location of the fence in relation to property lines will be required. Adjacent neighbor signatures may be recommended. Photographs of the previously existing fence are usually helpful.

If it is shown that more than 50 percent of the linear measurement of a fence is to be repaired or replaced, Design Review for the fence is required.

*(Approved by City Council 06/14/2010)*
CHAPTER 323. EAVES ALLOWED IN REQUIRED SETBACKS

323.09 BACKGROUND

Belvedere Municipal Code Title 19 Zoning provides development guidelines for all projects in the City's various zoning districts. Chapter 19.48 of the Zoning Code specifically addresses the minimum required yards and setbacks for a parcel. This policy will discuss Section 19.48.190 (H) of the Zoning Code, one of the exceptions to the required minimums.

Planning Department Staff, applicants and the Belvedere Planning Commission have relied upon this section of the Zoning Code in the past. Examples include 17 Eucalyptus Road, 125 Belvedere Avenue and 8 Eucalyptus Road. In each of these cases, a portion of the roof eave was allowed to project into a required side yard without a Variance. For consistency with future applications, this policy is based on the precedent set by these projects.

323.10 COMMENTS

The first section of Chapter 19.48 Yards and Setbacks establishes the general guidelines of the section. The first section, 19.48.010, states "Required yards shall be measured from and parallel to the front, side or rear property line, as appropriate to the measurement, to the nearest point of a structure on the parcel. No building, accessory building, or other structure, or portion thereof (including roof overhangs), shall be constructed in any yard or between the street line and the setback line within such lot, except as is expressly provided in this Chapter."

Later in the Chapter, Section 19.48.190 lists ten (10) exceptions from required yards and these are enumerated as "A" through "J." Subsection "H" has been applied only rarely since the adoption of the Zoning Code in 1989. This subsection states:

"Where a building wall is not parallel to a parcel line, or where a building wall does not follow a continuous unbroken alignment, a portion of the roof overhang may project into a required yard provided that:

1. The average depth of the setback is at least equal to the required setback otherwise required for the parcel, and
2. The setback is never less than seventy percent of the required setback otherwise required for the parcel."

323.11 POLICY

Measurement of Yards and Setbacks, Chapter 19.48

Common architectural and engineering practice dictates that the distance from any line and any point is measured at a 90 degree angle from the line. Chapter 19.48 follows this convention by
describing the required yards for a parcel as "measured from and parallel to" each property line.

**Certain Exceptions From Requirements**
The applicability of subsection "H" for any project is predicated on a certain building wall configuration in relation to the parcel line. The defining first sentence states, "Where a building wall is not parallel to a parcel line, or where a building wall does not follow a continuous unbroken alignment, a portion of the roof overhang may project into a required yard…"

Staff's interpretation of Section 19.48.190 (H) relies first and foremost upon the unique situation where the building wall closest to the adjacent parcel line is not parallel, or, as the Code continues, the building wall does not follow a continuous unbroken alignment. A "building wall" is not defined by the Municipal Code. However, the following sources provide Staff with a common understanding:

- **American Architecture: An Illustrated Encyclopedia** defines wall as "An upright structure that serves to enclose, support, or subdivide a building, usually presenting a more or less continuous surface except where it is penetrated by openings such as doors and windows."
- **Dictionary.com** defines wall as "Any of various permanent upright constructions having a length much greater than the thickness and presenting a continuous surface except where pierced by doors, windows, etc.: used for shelter, protection, or privacy, or to subdivide interior space, to support floors, roofs, or the like, to retain earth, to fence in an area, etc."

For the purposes of this policy, a building wall means any one continuous surface except where penetrated by doors or windows, not to be confused with the entire side of a building. As allowed by the Code, eaves for small breaks in the wall plane such as for bay windows, vestibules and similar architectural features would account for a "broken" alignment along a straight property line. Conversely, a property line might have a "broken" or staggered alignment (not parallel or even straight) in relation to a continuous building wall.

**Policy Summary**
1. For the purposes of this policy, building wall means any one continuous surface except where penetrated by doors or windows, not to be confused with the entire side of a building. When a building wall is not parallel to the property line, the exception described in subsection "H" for a required yard is allowed with specific limitations. These limitations are listed as:
   a) The average depth of the setback is at least equal to the required setback otherwise required for the parcel, and
   b) The setback is never less than seventy percent of the required setback otherwise required for the parcel.
2. In the case of the first limitation, the average depth of the setback is determined by measuring the greatest setback and the shortest setback of a wall to the property line where the proposed encroachment into the setback would occur. The average is taken by adding the two measurements and dividing by two. As the Code states, the average setback must be equal or greater than the required setback. In the case of the second
limitation, the setback must in no case be less than 70 percent of the required setback otherwise required for the parcel.

3. In sum, the policy allows a less than significant "portion" (a part or section) of a roof overhang of one "wall" (one continuous, unbroken surface) to encroach into a required yard or setback, only when that wall and the property line are not substantially parallel. The average distance of the one wall to the parcel line must be equal to or greater than the required setback for the parcel. The encroachment must not create a setback that is less than 70 percent of what is otherwise required for the parcel. The determinations of whether a building wall is substantially parallel and how much of an eave is a "portion" are determined on a case-by-case basis by Belvedere Staff and/or the Planning Commission.

Diagram.

Illustration of Interpretation of BMC Section 19.48.190 (H), Residential zones – Certain facilities and structures permitted in yards.

Building wall minimum = 8'
8' > 70% of 10' (required setback)

Building wall maximum = 16'
Average = 12' (8'-16' divided by 2 = 12)
12' > 10' (required setback)

(Approved by Belvedere Planning Commission 02/17/2009 and City Council 05/11/2009)
CHAPTER 324. APPROPRIATE COLORS & MATERIALS

324.05 BACKGROUND
On December 16, 2008, and January 20, 2009, the Planning Commission reviewed a written interpretation of Belvedere Municipal Code Section 20.04.140, “Materials and Colors Used,” which was developed to clarify appropriate direction to applicants regarding administrative or staff-level Design Review determinations. The policy maintains applicants’ and residents’ ability to request Planning Commission approval for any project color or material on a case-by-case basis. The policy also addressed long-standing procedures used by the City in the construction of street repairs, park improvements, and utility projects. One resident addressed the Commission and raised concerns about the possibility that the policy could guide Planning Commission decisions. The Commission adopted a motion recommending the policy with changes, including wording to clarify that the policy is for administrative decisions only.

324.06 COMMENTS
Staff approvals of new colors and materials are necessarily conservative. The Planning Commission has greater leeway under the Belvedere Municipal Code to review project colors and materials. A succinct policy that defines staff’s interpretation of the Code that is reviewed and approved by the Planning Commission and City Council, such as the attached, will encourage a consistent application of the criteria and will provide further guidance to applicants seeking City approvals.

324.07 INTERPRETATION OF SECTION 20.04.140 FOR STAFF LEVEL APPROVALS ONLY
These guidelines for interpretation of shall apply to Staff Level approvals only, and not to consideration by the Planning Commission, who shall consider all factors described by the Architectural and Environmental Design Review Code.

1. “Earthtone” colors appropriate for use on Belvedere structures fall within the sandy beige, brown and grey ranges. “Woodtones” include colors in the brown and muted green ranges. Only the Planning Commission can approve the use of colors outside of the “earthtone” or “woodtone” range if they determine “that [the colors/materials] are compatible with the building setting and are compatible with those of other buildings in the vicinity.”

2. The predominant color of a structure should not cause a structure to stand out.

3. As the Design Review criteria require, trim colors and window colors should be compatible with the other building colors. White and off-white are considered complementary trim colors and may be used on house trim, including windows and doors, as well as on garage doors, fences, and other architectural elements.

4. Metals which develop an attractive, naturally-oxidized finish may be left unpainted, but
may not be clear-coated to enhance shine. Brush metal finishes without an oxidized patina may be deemed appropriate for use in certain circumstances. Other exposed metal should be: painted flat black, painted to resemble a naturally oxidized finish, or painted a color which minimizes their visibility. This includes fences, railings, metal roof vents, flashing, conduit and other appurtenances.

5. Stone pavers and veneers should be primarily darker colors in the grey, brown, or serpentine range. Manufactured stone is discouraged.

6. Applicants may view the selection of samples and identify the sample that most closely matches their proposed color. Concrete pavement on public property, such as in the right-of-way or public easement, shall meet Public Works Department standards and specifications.

7. Decorative features, such as streetlights, flagpoles, and permanent park installations, such as stone benches, that are located on public property are subject to Design Review and other Planning approvals. Major Public Works projects, such as the San Rafael Avenue Seawall and Beach Road median improvements, are subject to Design Review and other Planning approvals. Other Public Works projects located in the public right of way are exempt from Design Review under the following conditions:
   a) Incorporate landscape screening whenever possible.
   b) Retaining walls are constructed of wood, stone or concrete and generally complement adjacent building and paving materials
   c) Existing retaining walls are replaced or repaired in kind.
   d) Utilities are placed below grade whenever possible.
   e) Minor landscape projects, street furniture and park furniture are reviewed by the Parks and Open Space Committee.

CHAPTER 325.  EXEMPTIONS FROM DESIGN REVIEW

325.01  BACKGROUND

Design Review is required for any exterior change in all zoning districts in the City of Belvedere, whether or not a building permit is required (Belvedere Municipal Code Section 20.04.015). Design Review approval is also required prior to the granting of an Exception to Total Floor Area (BMC 19.52.120). At any time that a building permit is required, the building department requires proof of Design Review approval prior to the issuance of a building permit, or a determination that the project is exempt from Design Review.

The Belvedere Municipal Code allows for very few exemptions from Design Review. These exemptions are enumerated in Belvedere Municipal Code Section 20.04.015B as follows:

“1. Changes in color(s) and/or roof or siding material(s) of an existing structure, when such changes are consistent with the provisions of Section 20.04.140;

“2. Landscape changes and/or additions to existing landscaping, when such changes/additions are not part of a larger project subject to approval by the Planning Commission, including but not limited to the addition of trees which typically will not exceed a height of 12 feet at maturity, removal of trees, and changes to landscaping not visible to the public under normal circumstances;

“3. Minor changes to previously approved plans, which the City Planner determines do not alter the intent of the approved design;

“4. Any other work determined by the Planning Director to be minor or incidental in nature and consistent with the intent and objectives of this Chapter.”

Please note that the removal of trees is the subject of a separate policy document (see Chapter 320 of this Manual).

Replacements of materials in kind, such as roof or siding materials, paving, and other exterior improvements that do not effect a change of existing conditions would be considered exempt and not require additional review. These projects may require a Building Permit only.

325.05  COMMENTS

The Design Review process is in place to assure consistency with the goals and intents of the Belvedere Municipal Code and the Belvedere General Plan for the greater benefit of the community. Staff recognizes that the formal Design Review process and application requirements are not appropriate for all types of projects and that some property improvements can be exempt from Design Review as described above. However, these exemptions require the
judgment of Planning Department staff, and require a review process. The review process documents exempted applications and staff offers expedited review for the benefit of property owners and applicants.

A written record for each exemption provides documentation for internal review as well as for public review. The challenge faced by City staff was how to make the current Design Review application requirements fit the need for documented exemptions in an efficient manner. In order to provide an expedited service to residents seeking exemption approval, the eight-page Design Review application form has been supplanted with a one page form. Supplemental application requirements have similarly been reduced in scope.

325.10  POLICY

STATEMENT OF PROPERTY IMPROVEMENTS (DESIGN REVIEW EXEMPTION FORM)

A Design Review Exemption form has been created as a template for the written record. The one page form asks for basic information about the property, the property owner, the applicant and the proposed project. Photographs demonstrating existing conditions are accepted. A simple site plan may be necessary if improvements trigger additional development standards, such as required setbacks. Planning staff will make final determinations for required supplemental information on a case-by-case basis upon review of an application.

Applicants are required to attest that the proposed improvements conform to the Design Review Exemption criteria as stated on the reverse of the form. For example, a new roof must be consistent with the color and materials provision of BMC 20.04.140D that states "roof materials. . . should have nonglossy, earthtone or woodtone finishes that minimize glare and are compatible with their environment and surroundings."

Applicants must also attest that the project does not conflict with any prior conditions of approval for the property. For example, that a window of transparent glass does not replace a translucent window as required by a condition of approval intended to protect neighbor privacy.

Applications may be reviewed and either denied or recommended for approval by the Associate/Assistant Planner. All applications recommended for approval must be reviewed and given final determination by the City Planner. Staff processes requests for exemptions within 24 hours of receiving a complete application. Recorded exemptions are kept in the Planning Department address files for two years from the date of approval.

(Approved by City Council 06/14/2010)
CHAPTER 326. INCREASES TO SCOPE OF DEMOLITION

Section 20.04.020B3 of the Belvedere Municipal Code is interpreted to include the following activities and procedures:

1. Minor increases to the approved scope of demolition work under a Demolition Permit granted by the Planning Commission for a partial demolition project may be processed and approved administratively by City staff with the concurrence of the Planning Commission Chairman, City Planner and City Manager. A public notice of the approval of the increase to the scope of demolition will be sent to all residents and property owners within 100 feet of the subject site not less than 10 days prior to the date the approval takes effect. The approval may be appealed to the Planning Commission within 10 days of such notice. The appeal will be scheduled before the Planning Commission at the next available meeting.

2. Minor increases shall consist of the removal of building elements that have no adverse impacts to adjacent residents or City property, that do not constitute 10% or more of the approved scope of demolition, and that do not increase the scope of any Exception or Variance applicable to the property.

3. Increases to the scope of demolition may be allowed in the following unforeseen and reasonably unforeseeable situations: substandard conditions of existing walls and roofs, as well as their supporting floors, and foundations. The burden of establishing unforeseeability is on the applicant.

4. Pursuant to Section 20.04.020(B)(3) of the Belvedere Municipal Code, applicants or property owners are limited to three (3) such administrative approvals for changes to either the scope of demolition or other exterior changes subject to the Design Review Ordinance of Title 20 of the Belvedere Municipal Code for the lifetime of the underlying Design Review approval. For all purposes relevant to this section, the cumulative impact of all such requests for approval shall be considered in evaluating whether the increase is “minor.”

5. Under no circumstances will an applicant be given administrative approval to raze a residence if the Planning Commission has approved the Demolition Permit “as applied for,” meaning a partial demolition.

6. Staff will evaluate the requested increase to the scope of demolition to determine whether or not there would be adverse impacts related to construction noise or activity, length of construction, or privacy created by the increase, or whether or not the building feature to be removed is within a required setback, or otherwise increases the scope of any Variance or Exception.

7. Notwithstanding the foregoing, if City staff determines that the proposed minor changes
to the scope of the previously approved Demolition Permit may be inconsistent with the goals, regulations and purposes of the Zoning Ordinance or Design Review Ordinance, or inconsistent with the terms of the operative Design Review approvals, the City Planner will refer the application to the Planning Commission for consideration and action.

Part 20. Additional Policies
CHAPTER 350. CODE ENFORCEMENT POLICY

350.10 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.

350.15 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.

350.20 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.

<table>
<thead>
<tr>
<th>Type of Complaint</th>
<th>Responsible Department</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Public Works Manager/City Engineer</td>
</tr>
<tr>
<td>Construction requiring building permit on private property</td>
<td>X</td>
</tr>
<tr>
<td>Installation of other improvements [not requiring a building permit; e.g. landscaping, house painting] on private property</td>
<td>X</td>
</tr>
<tr>
<td>Construction requiring building permit in the public ROW or public lands</td>
<td>X</td>
</tr>
<tr>
<td>Construction work on weekends</td>
<td>X</td>
</tr>
<tr>
<td>Existing trees or hedges that block views in the public ROW or public lands</td>
<td>X</td>
</tr>
<tr>
<td>Existing trees or hedges that blocks views on private property</td>
<td>X</td>
</tr>
<tr>
<td>Installation of new trees or hedges in the public ROW or public lands</td>
<td>X</td>
</tr>
<tr>
<td>Installation of other new improvements in the public ROW or public lands</td>
<td>X</td>
</tr>
<tr>
<td>Illegal construction parking</td>
<td>X</td>
</tr>
<tr>
<td>Illegal parking on private street (fire lanes)</td>
<td></td>
</tr>
<tr>
<td>Illegal parking on public streets</td>
<td></td>
</tr>
<tr>
<td>Nuisance Abatement</td>
<td></td>
</tr>
</tbody>
</table>

X - with
<table>
<thead>
<tr>
<th>Type of Complaint</th>
<th>Responsible Department</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Public Works Manager/City</td>
</tr>
<tr>
<td></td>
<td>Engineer</td>
</tr>
<tr>
<td></td>
<td>City Planner</td>
</tr>
<tr>
<td></td>
<td>Building Official/</td>
</tr>
<tr>
<td></td>
<td>Code Enforcement Officer</td>
</tr>
<tr>
<td></td>
<td>Fire Marshal (TFPD)</td>
</tr>
<tr>
<td></td>
<td>Police</td>
</tr>
<tr>
<td>Public Hearing at City Council</td>
<td>input and report from staff</td>
</tr>
<tr>
<td>Noise complaints</td>
<td>X</td>
</tr>
<tr>
<td>Tree removal in the public ROW</td>
<td>X</td>
</tr>
<tr>
<td>Tree removal on private property</td>
<td>X</td>
</tr>
</tbody>
</table>

**350.25 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.

**350.30 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 Chapter 88, “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.

### 350.35 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.

### 350.40 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.


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.”

350.45 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.

(Approved by City Council 11/14/201; amended administratively 1/2/2012)
CHAPTER 400. RISK MANAGEMENT POLICY

400.05 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.

400.06 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.

400.07 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.
- 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.

400.08 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.

400.09 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.

400.10 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, Chapter 278, “Service Request & 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.

400.11 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.

400.12 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.
400.13 **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.

CHAPTER 405. GUIDELINES FOR PUBLIC MEMORIALS

405.01 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.

405.06 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.

405.12 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.

405.18 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.
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.

405.24 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.

(Approved by Belvedere Parks & Open Space Committee; approved by City Council 06/08/2009; amended 03/11/2013)
CHAPTER 406. USE OF CITY FACILITIES

406.05  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 Section 46.05 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.

406.06  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.

406.07  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.
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.

### 406.08 **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.

### 406.09 **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.

(Updated 05/11/2009)
CHAPTER 412.  TELEPHONE & VOICE-MAIL POLICY

412.05  PURPOSE

To establish guidelines for the use of telephones and voicemail within the telephone network of the City of Belvedere (hereinafter “City”). Telephones and voicemail are business tools to be used in accordance with generally accepted business practices to provide an efficient and effective means of City Communications.

412.06  APPLICATION

This policy shall apply to all City elected officials, appointed officials, employees, and consultants or other non-employees utilizing telephonic communications with the City (hereinafter “telephone users”).

412.07  POLICY

Telephones and voicemail are intended for business-related purposes only. All telephonic equipment is the property of the City. The City respects the individual privacy of its employees. However, the City reserves the right to retrieve and make proper and lawful use of any and all communications transmitted through the voicemail system.

A.  PROPER USE OF TELEPHONES AND VOICEMAIL

1. Communications transmitted over the voicemail system shall involve City business activities or contain information related to the accomplishment of City business, administration or practices.
2. Voicemail shall not be used as a substitute to answering a City telephone during work hours.
3. Personal non-toll calls may be made during breaks or after hours using restraint.
B. PROHIBITED USE OF VOICEMAIL

1. Voicemail messages that disrupt or threaten to disrupt the efficient operation of City business or administration are prohibited. Voicemail messages prohibited in this section include, but are not limited to:
   i. Messages that publicize a personal dispute other than according to an approved grievance or complaint procedure.
   ii. Messages that constitute or counsel insubordination.
   iii. Messages that may harm close working relationships.
   iv. Messages that contain abusive or profane language.
   v. Messages that may take employees away from their assigned tasks.
   vi. Messages that may undermine the City's ability to provide public services through its employees.
   vii. Messages that include confidential City materials or information.
   viii. Messages sent anonymously or under a fictitious name.

2. Voicemail messages that violate law, violate individual rights, create potential liability for the City or that violate public policy of the State of California are prohibited. These prohibited messages include, but are not limited to:
   i. Messages that are pornographic or obscene.
   ii. Messages in conflict with the City’s Sexual Harassment Policy or any other policy prohibiting discrimination, including harassment, on the basis of race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, veteran status, marital status, sexual orientation or any other status protected by local, state or federal law. (See section 0-11 of the City of Belvedere Administrative Policy)
   iii. Messages that involve the use of racial, religious or ethnic slurs.
   iv. Messages intended to harass or annoy.
   v. Messages containing any threat that implicates personal safety.

3. Voicemail shall not be used to solicit or proselytize others for non-job related commercial ventures, religious or political causes, outside organizations or other non-job related activities.

C. PENALTIES FOR MISUSE OF VOICEMAIL

1. Failure on the part of any employee to comply with the provisions of this policy shall subject the employee to disciplinary action up to and including termination. Further, failure to comply with any provision of this policy may result in suspension or revocation of the privilege of using or accessing voicemail.

2. Failure on the part of any appointed official to comply with the provisions of this policy will constitute grounds for the City Council to deny the official access to the voicemail system and/or for removal.

3. Failure on the part of any contractor or consultant to comply with the provisions of this policy will constitute grounds for termination of their contract with the City.
D. TELEPHONE AND VOICEMAIL ETIQUETTE

1. All telephone calls should be answered before the third ring.
2. Greet the caller with your name and department.
3. Be courteous, respectful and attentive.
4. Take notes on the call to avoid requesting the same information a second time.
5. Treat irate callers with special care. Identify their chief complaint quickly.
6. Calls should be ended prematurely only if the caller refuses to refrain from using abusive or profane language.
7. When transferring a call, explain to the caller why it must be transferred and stay on the line until the call is completed. Prior to connecting the call, provide the staff member receiving the transfer call with the individual’s name and their reason for calling.
8. Voicemail greetings shall contain the following information:
   i. Staff member name
   ii. City of Belvedere
   iii. Department name
9. If an extended absence is expected, an extended absence greeting should be prepared. Include the length of absence in addition to the information contained in the standard greeting.
10. Voicemail messages should be checked often and returned in a timely manner.

E. RETENTION OF VOICEMAIL MESSAGES

See Section 6.40(IV) of this Manual for the City’s policy on retention of voicemail messages.
CHAPTER 418. E-MAIL

418.05 PURPOSE

To establish guidelines for the use of electronic mail (hereinafter “E-mail”) on the computer network of the City of Belvedere (hereinafter “City”). E-mail is a business tool which will be used in accordance with generally accepted business practices and current law reflected in the California Public Records Act to provide an efficient and effective means of intra-City Communications.

418.06 APPLICATION

This policy shall apply to all City elected officials, appointed officials, employees, and consultants or other non-employees utilizing electronic communications with the City (hereinafter “E-mail users”).

418.07 POLICY

E-mail is for business-related purposes only. All E-mail communications are the property of the City. The City reserves the right to retrieve and make proper and lawful use of any and all communications transmitted through the E-mail system. The City respects the individual privacy of its employees. However, an employee cannot expect privacy rights to extend to work-related conduct or the use of City-owned equipment or supplies. Consequently, E-mail users shall have no reasonable expectation of privacy in communications sent over the E-mail network as E-mail communications are not confidential, even for those E-mail communications that may require a separate password. For purposes of this policy, E-mail shall also include all messages transmitted on the Internet.

A. PROPER USE OF E-MAIL

1. Communications transmitted over the E-mail system shall involve City business activities or contain information related to the accomplishment of City business, administration or practices.
2. Users of E-mail are responsible for the management of their mailbox and its
associated folders. E-mail documents will remain in a folder until deleted. The City does not maintain backup of E-mail communications unless otherwise designated by the City’s retention schedule.

3. E-mail requires extensive network capacity. Users shall exercise restraint when sending very large files or messages to a large number of recipients.

B. **PROHIBITED USE OF E-MAIL**

1. Messages that disrupt or threaten to disrupt the efficient operation of City business or administration are prohibited. Messages prohibited in this section include, but are not limited to:
   i. Messages that publicize a personal dispute other than according to an approved grievance or complaint procedure.
   ii. Messages that constitute or counsel insubordination.
   iii. Messages that may harm close working relationships.
   iv. Messages that contain abusive or profane language.
   v. Messages that may take employees away from their assigned tasks.
   vi. Messages that may undermine the City’s ability to provide public services through its employees.
   vii. Messages that harm the integrity of the system or network.
   viii. Messages that include confidential City materials or information.
   ix. Messages sent anonymously or under a fictitious name.

2. Messages that violate law, violate individual rights, create potential liability for the City or that violate public policy of the State of California are prohibited. These prohibited messages include, but are not limited to:
   i. Messages which are pornographic or obscene.
   ii. Messages in conflict with the City’s Sexual Harassment Policy or any other policy prohibiting discrimination, including harassment, on the basis of race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, veteran status, marital status, sexual orientation or any other status protected by local, state or federal law.
   iii. Messages involving the use of racial, religious or ethnic slurs.
   iv. Messages intended to harass or annoy.
   v. Messages involving a threat that implicates personal safety.

3. E-mail shall not be used to solicit or proselytize others for non-job related commercial ventures, religious or political causes, outside organizations or other non-job related activities.

4. E-mail shall not be used for communication that is unrelated to official City business; personal messages and non-work communications are prohibited.
C. STATUS OF E-MAIL COMMUNICATIONS

1. E-mail communications are not confidential and are subject to review by City management and disclosure to the public.
2. E-mail communications may be subpoenaed or requested under the Public Records Act and/or may be used as evidence in court or as part of an investigation. The content of E-mail may be disclosed within or outside of the City without employee permission or knowledge.
3. City management has the authority to access communications in the E-mail system at any time for any lawful City business-related reason.
4. The City has unlimited access to protect system security or the City’s property rights. However, the City may not routinely monitor E-mail communications and expects that employees will voluntarily abide by this policy.

D. PENALTIES FOR MISUSE OF E-MAIL

1. All E-mail users will be provided a copy of this regulation, upon the granting of access to the computer network.
2. Failure on the part of any employee to comply with the provisions of this policy shall subject the employee to disciplinary action up to and including termination. Further, failure to comply with any provision of this policy may result in suspension or revocation of the privilege of using or accessing E-mail.
3. Failure on the part of any appointed official to comply with the provisions of this policy will constitute grounds for the City Council to deny the official access to the email system and/or for removal.
4. Failure on the part of any contractor or consultant to comply with the provisions of this policy will constitute grounds for termination of their contract with the City.

E. RECORDS MANAGEMENT

Please see Section IV of Chapter “Records Policy and Laserfiche Protocols” of this Administrative Policy Manual for the City policy regarding retention of e-mail.

F. UNAUTHORIZED MONITORING OF E-MAIL

It is a violation of City policy for any employee, including system administrators, supervisors, or programmers to use the electronic mail and computer systems for purposes of satisfying idle curiosity about the affairs of others, or for obtaining access to the files or communications of others with no substantial business purpose or legal authority. Abuse of authority by accessing E-mail for such purposes is prohibited.

G. E-MAIL ETIQUETTE AND USE

1. Remember you are representing the City through your communications both internally and externally, and it is critical that you maintain a positive image for both yourself and the City.
2. Be certain that your message is addressed to the proper person. Be sure you check the list of persons being E-mailed when you choose a REPLY ALL function. E-mail should not be used for broadcast purposes unless the message is of interest to all users.

3. Capitalize words only to emphasize an important point or to distinguish a title or heading. Capitalizing whole words that are not titles is generally interpreted as shouting.

4. Be professional and careful of what you say about others. E-mail is easily forwarded and blind copied.

5. Be cautious when using sarcasm and humor. Without face-to-face communication, humor may be viewed as criticism. By the same token, also carefully read what others write. The perceived tone may easily be misinterpreted.

6. Some E-mail messages, especially those written in “the heat of the moment,” are best unsent. Think twice before sending angry or sarcastic messages or using E-mail to let off steam.

7. Maintain secure passwords. Do not send a message utilizing another staff member’s account without expressed permission.

8. Be aware that deleting or erasing information, documents, or messages maintained on the City’s network is, in many cases, ineffective. Information kept on the City’s system may be electronically recalled or recreated regardless of whether it may have been erased or deleted by an employee. Further, since the City may periodically back-up files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that a user erroneously assumes has been permanently deleted or erased. Finally, information or messages may still exist in the storage areas of other users. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

(Rev. 06/2006)
CHAPTER 424.  INTERNET ACCESS

424.05  PURPOSE

To establish guidelines for the use of Internet access through the City of Belvedere (hereinafter “City”) network. The Internet is a business tool to be used in accordance with generally accepted business practices and current law to provide a means to access information.

424.06  APPLICATION

This policy shall apply to all City elected officials, appointed officials, employees, and consultants or other non-employees provided Internet access using City resources (hereinafter “Internet users”).

424.07  POLICY

Internet access is intended for business-related purposes only. Internet e-mail and information accessed via the Internet is property of the City. The City reserves the right to retrieve and make proper and lawful use of any and all communications transmitted via the Internet. The City respects the individual privacy of its employees. However, an employee cannot expect privacy rights to extend to work-related conduct or the use of City-owned equipment or supplies. Consequently, Internet users shall have no reasonable expectation of privacy when accessing the Internet even if access requires a separate password.

424.08  PROPER USE OF THE INTERNET

a. Internet users sending E-mail via the Internet shall abide by the same regulations required for E-mail use under the City of Belvedere E-mail Policy.
b. Communications transmitted over the Internet or information accessed via the Internet shall involve City business activities or contain information related to the accomplishment of City business, administration or practices.
c. Accessing the Internet requires extensive network capacity. Users shall exercise restraint when sending very large files via the Internet or downloading information.
424.09  **Prohibited Use Of The Internet**

Types of Internet access which are prohibited include but are not limited to the following:

a. Knowingly entering Internet sites containing information not relevant to City business such as adult forums, pornography, games or chat-rooms.
b. Unauthorized downloading or installation of software or applications.
c. Unauthorized participation in web surveys representing the City of Belvedere.
d. Unauthorized use of subscription based materials.

424.10  **Penalties For Misuse Of The Internet**

a. All Internet users will be provided a copy of this regulation, upon the granting of access to the computer network.
b. Failure on the part of any employee to comply with the provisions of this policy shall subject the employee to disciplinary action. Further, failure to comply with any provision of this policy may result in suspension or revocation of the privilege of using or accessing the Internet.
c. Failure on the part of any appointed official to comply with the provisions of this policy will constitute grounds for the City Council to deny the official access to the Internet system and/or for removal.
d. Failure on the part of any contractor or consultant to comply with the provisions of this policy will constitute grounds for termination of their contract with the City.
425.05  PURPOSE

The purpose of this policy is to safeguard public funds. The establishment of strong internal controls for cash collections is necessary to prevent mishandling of funds and to safeguard against loss. Strong internal controls are also designed to protect employees from inappropriate charges of mishandling funds by defining his/her responsibilities in the cash handling process. Included in the definition of cash are the following: coin, currency, checks, money orders and credit cards.

425.06  CASH COLLECTIONS

All persons who handle cash on behalf of the City will be trained by the Finance Officer at the time the duty is assigned to them.

All employees who collect cash on behalf of the City shall provide a sequential, pre-numbered receipt to the customer or citizen.

Once a receipt has been issued, a copy of the receipt along with the cash shall be placed in a secure location designated by the Finance Officer. The Finance Officer or other designated staff will collect all cash and receipts at the end of each work day.

Cash collected on department premises will be held to an absolute minimum to ensure safety. No checks shall be cashed from cash receipts or change funds.

Shortages or overages shall be reported to the Finance Officer immediately.

(Added 12/13/2010; amended 03/2013)
Appendix
Motions in General

Motions are the vehicle for decision-making…. Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move...." A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."

2. Suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."

3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. **The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But then are quire
different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the Floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute anew and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair’s designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. So, for example, assume the first motion is a basic motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser:" And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows.

First, the chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion arises, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the Hoot. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question
on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an
item on the agenda. It also requires a two-thirds vote.

**Majority and Super-Majority Votes.**

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

**Motion to limit debate.** Whether a member says; "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

**The Motion to Reconsider**

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made
Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. "The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. "The matter may be discussed and debated as if it were on the floor for the first time. . . .

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.


(Approved by Planning Commission and by City Council on 06/08/2009)
Memorandum

January 2, ____

TO: 

FROM: Risk Manager

SUBJECT: Proof of Vehicle Insurance Required by January 31

In accordance with Section 128.10E of the City’s Administrative Policy Manual, any employee who uses his/her personal vehicle in the conduct of City business must submit proof of insurance for that vehicle in January of each year. The document can be a copy of your automobile policy declarations, certificate of insurance, or evidence of insurance, however it must include your name and address, name and address of the insurer, policy number, policy period, list of vehicle(s) covered, and the dollar amounts of coverage (the proof of auto insurance card you carry in your vehicle probably does not include sufficient information). Please place the copy in my in basket; it will be filed in your personnel file jacket.

Please be reminded of the following:

- Employees who regularly use their own privately owned vehicles on City business must notify their insurance company of such use.
- The vehicle allowance or mileage reimbursement you receive from the City is intended to cover your cost of operating the vehicle on City business, including the cost of insurance.
- It is your responsibility to maintain the vehicle in safe operable condition and to maintain accurate records of the maintenance.
- The City is not liable for any damage to your privately owned vehicle, unless caused by the City's negligence.
- It is your responsibility as the operator of the vehicle to notify your immediate supervisor, the Department of Motor Vehicles, and your insurance company in the case of an accident.

If you have any questions regarding this email or any of the City's vehicle policies, please don't hesitate to ask me.

Thank you.
273.A  DIAGRAM OF CITY-OWNED TIDE LOTS SUBJECT TO DOCK LEASES
The following lease is approved for docks on West Shore Road and Corinthian Island. The green highlighted areas are used only in the rare case in which a deeded dock easement on West Shore Road is being quitclaimed in exchange for a lease—these sections normally do not appear in the lease.
DOCK LEASE

(X West Shore Road)

THIS LEASE, made and entered into on April 1, 2009, by and between the City of Belvedere, hereinafter referred to as “Lessor,” and the Smith Family Living Trust, as amended and complete restated on December 24, 2008, hereinafter referred to as “Lessee.”

Lessor hereby leases to Lessee, and Lessee leases from Lessor, upon the terms, covenants, and conditions herein set forth, that certain property located at X West Shore Road in the City of Belvedere, County of Marin, State of California, more particularly described in Exhibits “A,” “B,” and “C” (hereinafter “Premises”) which are attached hereto and made a part hereof.

1. Quitclaim of Easement. This lease is predicated upon the receipt by the City of a quitclaim deed, executed by the Lessee in favor of the Lessor, for the dock easement granted by the Lessor in 1997. A copy of the quitclaim deed is attached hereto as Exhibit “D.”

2. Term. The term of the Lease shall be a period of twenty-nine (29) years and nine (10) months, beginning on April 1, 2009, and terminating on December 31, 2039.

3. Rent.
   (a) Base Rental. The base rental during said term shall be $315.00, which said sum shall be paid annually in advance, and shall be due and payable on the first day of July each year.
   
   (b) Cost of Living Increase. Commencing July 1, 2009, the base rental shall be adjusted and thereafter every five (5) years during the term of the Lease, by an amount, determined in advance at the beginning of such five-year-term, which bears the same relationship to the sum of $315.00 as the Consumer Price Index of the U.S. Bureau of Labor Statistics for All
Urban Consumers (1967=100) for the San Francisco-Oakland area for all items for the month next preceding the commencement of such five-year period bears to the aforesaid Consumer Price Index for the corresponding month in 2004, but in no event shall the annual rent during such five-year period be less than the annual rent during the preceding five-year period. For example only, the annual rental for a dock larger than Fifty (50) square feet for the year commencing July 1, 2009, and for each subsequent year of the period July 1, 2009, through June 30, 2014, will be an amount equal to that shown in the following formula, but not less than $315.00:

\[
\text{Rental} = \frac{\text{June 2009 Index}}{\text{June 2004 Index}} \times 315.00
\]

In the event the aforesaid Consumer Price Index shall be discontinued, then the most nearly comparable successor index shall be used.

4. **Use.** Lessee shall use any dock on the Premises solely for private recreational purposes. The dock may contain only facilities constructed for the docking and mooring of boats. Lessee may not use the dock for any commercial or residential purpose and may not rent storage space or mooring rights to others. The occupancy of any vessel anchored, moored, or berthed in connection with the recreational use of the dock for a period of more than forty-eight (48) hours shall be subject to such ordinances, rules, and regulations as may from time to time be adopted by the City of Belvedere and/or the Richardson Bay Regional Agency. Lessee shall not use or maintain the Premises in any way so as to impede the use of surrounding City property by the public for public park and recreation purposes.

5. **Boundaries.** This Lease is not intended to constitute the establishment of any boundary between the Premises and the adjacent property owned by Lessee, and is entered into without prejudice to any boundary claims which might be asserted in the future.

6. **Repairs, Restoration, and Maintenance.**
   (a) **No Responsibility of Lessor.** Lessor shall not be required or obligated to make any changes, alterations, additions, improvements, or repairs of any type or nature in, on, or about the Premises, or any part thereof, during the term of this Lease.
   (b) **Lessee’s Duty to Maintain Premises.** At all times during the term and renewal of this Lease, Lessee shall, at its cost and expense, keep and maintain the Premises and all improvements thereon and all facilities appurtenant thereto in good order and repair and safe
condition, and the whole of the Premises and improvements in a clean, sanitary, and orderly condition. Lessee shall comply with all public laws, ordinances, and regulations from time to time applicable to the Premises; and Lessee shall indemnify and save harmless Lessor against all actions, claims, and damages by reason of Lessee’s failure to comply with and perform the provisions of this Section.

(c) **Restoration and Repair of Improvements.** Lessee may make repairs to or restore the improvements existing on the Premises, and any and all recreational pier facilities and other improvements shall be repaired or installed by Lessee in conformance with all applicable local, regional, state, and federal laws, ordinances, rules, and regulations. If at any time the improvements to the Premises should fall into a state of disrepair or otherwise become an environmental or aesthetic degradation, as reasonably determined by the Lessor, then upon written notice by Lessor, Lessee shall have ninety (90) days to repair and correct the conditions cited by Lessor.

In the case of a repair which cannot, with due diligence, be completed within a period of ninety (90) days, Lessee shall proceed promptly after the service of such notice and with all due diligence to repair the same and thereafter to proceed with said completion of such repair with all due diligence. In such case, and upon compliance by Lessee with the above conditions, the time of Lessee within which to cure the same shall be extended for such periods as may be necessary to complete the same with all due diligence. If, after the expiration of any such extension, Lessor in its sole discretion determines that Lessee is not proceeding with due diligence to complete such repairs or to correct the conditions cited by Lessor, Lessor may at its option cause such repairs to be made or may correct the aforementioned conditions itself, and all such costs shall be borne by Lessee. Lessee agrees that all cost incurred by Lessor shall be recoverable by Lessor within thirty days following presentation to Lessee of an invoice for the costs incurred, which costs shall include, but shall not be limited to, salaries and administrative overhead allocated to time spent by Lessor’s employees. Failure by Lessee to reimburse Lessor for all such costs within thirty (30) days following receipt of the Lessor’s invoice may result in Lessor placing a lien against Lessee’s property for the amount of all such costs, which property is referred to in the legal description recorded with this Lease.

7. **Lessor’s Access.** Lessor, through its authorized agents, shall have the right, upon reasonable notice, to enter upon the Premises and the lands of Lessee appurtenant thereto, for the
purpose of inspecting the Premises and the improvements thereon to insure that Lessee is complying with the terms of this Lease. Written notice deposited in the U.S. Mail at Belvedere, California, in a sealed envelope, postage prepaid and addressed to Lessee at the address provided below shall, for purposes of the notice required by this paragraph, be conclusively presumed to give notice to Lessee, whether or not such notice is actually received by Lessee.

8. **Taxes.** In addition to the rent specified hereunder, Lessee agrees to pay all taxes and assessments levied upon the Premises and the improvements thereon. Lessee recognizes, understands, and acknowledges that Lessee’s interest in this Lease and/or in the Premises may be subject to a possible Possessory Interest Tax or other similar tax that may be imposed by a local, state, or federal taxing authority, and that such tax payment shall be the sole obligation and liability of and be paid by Lessee. In the event Lessee shall fail to pay before the delinquent date any assessment or tax payable by Lessee hereunder, Lessor may pay the same or any part thereof, and such amount, together with the amount of any taxes on the Premises for which Lessee has not reimbursed Lessor, shall be treated as additional rent due with interest at the then prevailing prime rate of interest charged by Wells Fargo Bank in San Francisco from the date of payment by Lessor until payment by Lessee. Upon request of Lessor, Lessee shall furnish satisfactory evidence of payment of taxes or assessments for which Lessee is liable hereunder. If Lessee fails promptly to pay any and all taxes or assessments, liens, or charges levied against the Premises or the improvements thereon, Lessor may give Lessee written notice to pay the same, and upon Lessee’s failure to make such payment in full within ten (10) days of such notice, Lessor shall have the right to terminate this Lease.

9. **Indemnity.** Lessee covenants to indemnify and hold Lessor, its officers, agents, representatives and/or employees harmless against any and all claims, demand, damages, or injuries arising from the conduct or management of, or from any work or thing whatsoever done in or about the Premises or any building or structure appurtenant thereto or equipment thereof during the term of this Lease, or any extension thereof, or arising from any act or negligence of Lessee, his agents, contractors, or employees, or arising from any accident, injury or damage whatsoever, however caused, to any person or persons, or to the property of any person, persons, corporation or corporations, occurring during such term on, in or about the Premises or any structure appurtenant thereto and from and against all costs, attorneys’ fees, expenses, and liabilities incurred in connection with any such claim, or any action or proceeding brought
thereon.

This provision shall not apply to any claim, demand, damages, or injuries occasioned solely by the negligent acts of Lessor, its officers, agents, representatives and/or employees. Lessee shall, at Lessee’s expense, maintain a policy of public liability and property insurance with minimum coverage of One Million Dollars, combined single limit of bodily injury and property damage. Lessee shall provide Lessor with a certificate of insurance or other proof acceptable to Lessor (for example, photocopy of face page of policy) that such insurance has been obtained. To the maximum extent permitted by insurance policies which may be owned by the Lessee, Lessee, for the benefit of the City only, waives any and all rights of subrogation which might otherwise exist.

Nothing in this paragraph is intended to or shall be construed to create in any third party, not a party to this Lease, any right of action or remedy against Lessee, Lessor, or Lessor’s officers, agents, representatives, and employees, other than those, if any, which would, under applicable laws, be available to said third party in the absence of this paragraph.

10. **Default.** If Lessee shall fail to perform or comply with any of the terms of this Lease, then Lessor may, at its option, terminate this Lease and all rights of the Lessee hereunder if such default is not remedied by Lessee within sixty (60) days after written notice to Lessee. Lessor may, at its option, record such written notice. In the event of a termination of this Lease, Lessee shall quietly and peaceably surrender possession of the Premises and shall at the request of Lessor, execute such instruments, in writing, as may be prepared by Lessor, evidencing the termination of Lessee’s right hereunder. Upon termination, Lessee shall, at the option of and demand by the Lessor, remove all facilities and restore the Premises to their natural condition. The foregoing remedy of Lessor to terminate this Lease shall not be exclusive, but shall be cumulative and in addition to all legal and equitable remedies now or hereafter allowed by law.

11. **Public Trust.** No representations or warranties of any kind whatsoever, express or implied, have been made by Lessor warranting Lessee’s interest in the Premises pursuant to this Lease, as against any public trust rights which may in the future be asserted by the State of California and/or agencies thereof.

12. **Attorney’s Fees.** If either party hereto brings any action or proceeding to enforce, protect, or establish any right or remedy hereunder, the prevailing party shall be entitled to recover reasonable attorney’s fees.
13. **Assignment.** Lessee may, without the prior written consent of Lessor, assign its interest under this Lease, but only to the successor(s) in interest of fee title to Lessee’s real property adjacent to the Premises. Lessee shall have no right to otherwise assign this Lease or to sublet all or any portion of the Premises, without the prior written consent of the Lessor, and any assignment or sublease made in violation of this section is void and without force and effect.

14. **Captions.** The captions or headings of paragraphs in this Lease are inserted for convenience only and shall not be considered in construing the provision thereof, if any questions of intent should arise.

15. **Severability.** The various paragraphs and provisions of this Lease are expressly declared to be severable from all others. Should a certain paragraph or provision be declared to be void or unenforceable, it shall not affect the enforceability of any remaining paragraph or provision and the remaining portions of this Lease shall continue in full force and effect as if the void or unenforceable portions were not a part of this Lease.

16. **Choice of Law.** This Lease and any amendments thereto shall be governed by the laws of the State of California.

17. **Counterpart Originals.** This Lease has been executed in two (2) counterparts, each of which is a counterpart original.

18. **Integration.** This Lease and any amendments thereto represents the entire agreement of the parties and cannot be modified, extended, canceled or amended without a writing signed by all parties.

19. **Binding Effect.** This Lease shall be binding on the parties hereto and their respective heirs, executors, administrators, successors and assigns.

19. **Notices.** All notices to be given under the terms and provisions of this Lease must be in writing.

Notice is considered given either (a) when delivered in person to the recipient named as below; or (b) when deposited in the U.S. Mail in a sealed envelope or container, either registered or certified mail, return receipt requested, postage prepaid, addressed by name and address to the party or person intended as follows:

**NOTICE TO LESSOR:**
City of Belvedere  
450 San Rafael Avenue  
Belvedere, CA 94920
NOTICE TO LESSEE:  John Smith, Trustee
Smith Family Living Trust
X West Shore Road
Belvedere CA 94920

IN WITNESS WHEREOF, the parties hereto have caused the within instrument to be executed by their duly authorized representatives the day and year first above written.

"LESSOR"
CITY OF BELVEDERE
A Municipal Corporation

By:  ___________________________________________
     George J. Rodericks, City Manager

"LESSEE"
SMITH FAMILY TRUST, AS AMENDED AND COMPLETELY RESTATING ON DECEMBER 24, 2008

By:  ___________________________________________
     John Smith, Trustee
EXHIBIT “A”

LEGAL DESCRIPTION

A portion of Marin County Assessor’s Parcel No. 060-25-251 lying directly beneath the dock, boat lift, and gangway appurtenant to Parcel No. 060-271-03, commonly known as 5 West Shore Road, as said dock, boat lift and gangway appear on Exhibit “C” attached hereto. The dock, boat lift, and gangway lie within Lot 385, which is shown upon tide Land Commissioner’s Map No. One of the Salt Marsh, State of California, copies of which are on file in the office of the Surveyor General of said State of California, and in the office of the Recorder of the City and County of San Francisco.
EXHIBIT “B”
VICINITY MAP
EXHIBIT “D”
QUITCLAIM DEED
Recording requested by and when recorded mail to:

City Clerk
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920-2336

Mail tax statements to return address above.

DOCUMENTARY TRANSFER TAX = $0.00
Computed on the consideration conveyed.

By: _______________________________________
Trustee of Smith Family Living Trust
Signature of Declarant determining tax

______________

QUITCLAIM DEED

I, John Smith, Trustee of the Smith Family Living Trust, as amended and completely restated on December 24, 2008, quitclaim to City of Belvedere, a municipal corporation, all my right, title, and interest in the real property situated in the City of Belvedere, County of Marin, State of California, described as follows:

Beginning at a point on the northwesterly line of Lot 7, as shown on the Official Plat of “Map of Westshore Subdivision No. 1, Belvedere, Marin County, California,” filed for record August 16, 1961, in Volume 10 of Maps, at Page 118, Marin County Records, said point being distant thereon South 31° 00’00” West 5.04 feet from the most northerly corner thereof; thence leaving said northwesterly line North 55° 09’00” West 31.30 feet; thence South 34° 51’00” West 8.08 feet; thence North 55° 09’00” West 3.99 feet; thence South 34° 51’00” West 23.95 feet; thence South 55° 09’00” East 11.05 feet; thence North 34° 51’00” East 19.86 feet; thence South 55° 09’00” East 25.06 feet to said northwesterly line; thence along said northwesterly line North 31° 00’00” East 12.20 feet to the Point of Beginning.

This description contains 622 square feet more or less.
Executed on April 20, 2009, at Belvedere, California.

By: _______________________________

John Smith
AKA John Michael Smith

Trustee of Smith Family Living Trust

Acknowledgment

State of California }
County of Marin } ss.
City of Belvedere }

On April 20, 2009, before me, Leslie Carpentiers, City Clerk of the City of Belvedere, personally appeared John Michael Smith, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that, by her signature on the instrument, the entity upon behalf of which the person 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 the city seal of the City of Belvedere.

________________________________
Leslie Carpentiers
ACKNOWLEDGMENT

State of California }
County of Marin    } ss.
City of Belvedere }

On ______________, before me, Leslie Carpentiers, City Clerk of the City of Belvedere, personally appeared Mary Neilan, who proved to me on the basis of satisfactory evidence to be the person who executed this instrument as City Manager of the City of Belvedere, and acknowledged to me that the City of Belvedere executed it.

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 the city seal of the City of Belvedere.

________________________________
Leslie Carpentiers
ACKNOWLEDGMENT

State of California

County of ________________________________

On ______________, before me, __________________________________________________,
Name and Title of Officer (e.g. "Jane Smith, Notary Public")

personally appeared ____________________________________________________________,
who proved to me on the basis of satisfactory evidence to be the person(s) whose names 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 on behalf of
which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

____________________________________
Signature of Notary Public  Place Notary Seal Above

________________________________________________________________

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent
fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

________________________________________
Titles(s)

☐ PARTNER(S)  ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:___________________________

SIGNER IS REPRESENTING:
Name of persons(s) or entity(ies)

________________________________________________________________

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

_______________________________

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

379
SPECIMEN REVOCABLE LICENSE FOR DOCKS

CITY OF BELVEDERE

REVOCABLE LICENSE NO. 90-

ASSessor's PARCEL NO.: 
ADDRESS: 
OWNER'S NAME: 
DATE ISSUED: 

The City of Belvedere, California, a municipal corporation (hereinafter referred to as "City"), hereby authorizes and licenses the owner of the land described above and in Exhibit "A" (hereinafter referred to as "Licensee"), at his own cost and expense, to encroach upon the adjoining land owned by the City of Belvedere (hereinafter referred to as "Premises") for the following purposes:

Licensee shall use the Premises, and any dock thereon, solely for private recreational purposes and said dock may contain only facilities constructed for docking, berthing, and mooring of boats owned by Licensee. Licensee may not use the dock for any commercial or residential purpose and may not rent storage space or mooring right to others. The occupancy of any vessel anchored, moored, or berthed in connection with the recreational use of said dock for a period of more than forty-eight hours shall be subject to such ordinances, rules, and regulations as may from time to time be adopted by the City of Belvedere and/or the Richardson Bay Regional Agency. Licensee shall not use or maintain the Premises in any way so as to impede the use of surrounding City property by the public for public park and recreation purposes.

This revocable license is granted subject to the following terms and conditions:

2. Rent.
   (a) Base Rental. The base rental during said term shall be __________, which said sum shall be paid annually in advance, and shall be due and payable on the first day of July of each year. Said base rental is determined on the basis of the following schedule:

   (b) Cost of Living Increase. The base rental shall be adjusted every five years during the term of the Lease, commencing July 1, 1994, by an amount determined in advance at the beginning of such five-year-term, which bears the same relationship to the sum of ________ as the Consumer Price Index of the U.S. Bureau of Labor Statistics for All Urban Consumers (1967=100) for the San Francisco-Oakland area for all items for the month next preceding the commencement of such five-year period bears to the aforesaid Consumer Price Index for the corresponding month in 1989, but in no event shall the annual rent during such five-year period be less than the annual rent during the preceding five-year period. For example only, the annual rental for a dock larger than Fifty (50) square feet for the year commencing July 1, 1994, and for each subsequent year of the five-year period July 1, 1994 through June 30, 1999, will be an amount equal to that shown in the following formula, but not less than $200:

   Rental = June 1994 Index × $200
              June 1989 Index

   In the event the aforesaid Consumer Price Index shall be discontinued, then the most nearly comparable successor index shall be used.

3. Indemnity. Licensee covenants to indemnify and hold City, its officers, agents, representatives and/or employees harmless against any and all claims, demand, damages, or injuries arising from the conduct or management of, or from any work or thing whatsoever done in or about the Licensed Premises or any building or structure appurtenant thereto or equipment thereof during the term of this License, or arising from any act or negligence of Licensee, his agents, contractors, or employees, or arising from any accident, injury, or damage whatsoever, however caused, to any person or persons, or to the property of any person, persons, corporation or corporations, occurring during such term on, in or about the Licensed Premises or any structure appurtenant thereto and from and against all costs, attorneys' fees, expenses, and liabilities incurred in connection with any such claim, or any action or proceeding brought thereon.
This provision shall not apply to any claim, demand, damages, or injuries occasioned by the negligent acts of City, its officers, agents, representatives and/or employees. Licensee shall, at Licensee's expense, maintain a policy of public liability and property insurance with minimum coverage of One Million Dollars, combined single limit of bodily injury and property damage. Licensee shall provide City with a certificate of insurance evidencing such. To the maximum extent permitted by insurance policies which may be owned by the Licensee, Licensee, for the benefit of the City only, waives any and all rights of subrogation which might otherwise exist.

Nothing in this paragraph is intended to or shall be construed to create in any third party, not a party to this License, any right of action or remedy against Licensee, City or City's officers, agents, representatives, and employees, other than those, if any, which would, under applicable laws, be available to said third party in the absence of this paragraph. Revocable License 90-

Page Two

4. Repairs, Restoration, and Maintenance.

(a) No Responsibility of City. City shall not be required or obligated to make any changes, alterations, additions, improvements, or repairs of any type or nature in, on, or about the Premises, or any part thereof, during the term of this License.

(b) Licensee's Duty to Maintain Premises. At all times during the term and renewal of this License, Licensee shall, at its cost and expense, keep and maintain the Premises and all improvements thereon and all fixtures appurtenant thereto in good order and repair and safe condition, and the whole of the Premises and improvements in a clean, sanitary, and orderly condition. Licensee shall comply with all public laws, ordinances, and regulations from time to time applicable to the Premises; and Licensee shall indemnify and save harmless City against all actions, claims, and damages by reason of Licensee's failure to comply with and perform the provisions of this Section.

5. Restoration and Repair of Improvements. Licensee may make repairs to or restore the improvements existing on the Premises, and any and all recreational pier facilities and other improvements shall be repaired or installed by Licensee in conformance with all applicable local, regional, state, and federal laws, ordinances, rules, and regulations. Notwithstanding the foregoing, Licensee shall have the right to replace or repair existing improvements without the City's prior written consent when such work replaces or repairs in kind and is valued at less than $500. If at any time the improvements to the Premises should fall into a state of disrepair or otherwise become an environmental or aesthetic degradation, as reasonably determined by the City, then upon written notice by City, Licensee shall have ninety (90) days to repair and correct the conditions cited by City.

In the case of a repair which cannot, with due diligence, be completed within a period of ninety (90) days, Licensee shall proceed promptly after the service of such notice and with all due diligence to repair the same and thereafter to proceed with said completion of such repair with all due diligence. In such case, and upon compliance by Licensee with the above conditions, the time of Licensee within which to cure the same shall be extended for such periods as may be necessary to complete the same with all due diligence.

6. Taxes. In addition to the License fee specified hereunder, Licensee agrees to pay all taxes and assessments levied upon the Premises and the improvements thereon. Licensee recognizes, understands, and acknowledges that Licensee's interest in this License and/or in the Premises may be subject to a possible Possessory Interest Tax or other similar tax that may be imposed by a local, state, or Federal taxing authority, that such tax payment shall not reduce any fees due to City hereunder and that any such tax shall be the sole obligation and liability of and be paid by Licensee. In the event Licensee shall fail to pay before the delinquent date any assessment or tax payable by Licensee hereunder, City may pay the same or any part thereof, and such amount, together with the amount of any taxes on the Premises for which Licensee has not reimbursed City shall be treated as additional License fees due with
interest at the then prevailing prime rate of interest charged by Wells Fargo Bank in San Francisco from the date of payment by City until payment by Licensee. Upon request of City, Licensee shall furnish satisfactory evidence of payment of taxes or assessments for which Licensee is liable hereunder.

7. Revocation. Anything herein to the contrary notwithstanding, this License shall be revocable at the pleasure of the City Council of the City of Belvedere. The election to revoke this License may be exercised at any time by mailing or delivering to Licensee at the address hereinabove stated a notice of revocation and termination. City shall, prior to revocation, provide Licensee any opportunity to be heard and to register any objection to revocation of this License. Within the time specified in said notice, Licensee shall, at his own cost and expense, remove from the Premises the encroachment and all structures and facilities placed thereon and therein by Licensee.

Upon the failure of Licensee to comply with any of the agreements contained herein, City may declare said improvements to be a public nuisance, and may take such action as may be authorized by law to abate said nuisance. The City shall be entitled to recover from Licensee costs of suit and reasonable attorney’s fees, to be determined by the court. The remedy of City as contained in this paragraph shall not be exclusive.

8. This License may be assigned by Licensee to a successor in interest to fee title to Licensee’s property described in Exhibit “A”; provided, however, that the agreements contained herein shall be binding upon any such assignee.
License shall deliver this License to any successor in interest to the property described in Exhibit “A”.

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EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made this day of _____________________, by and between the City of Belvedere, (hereinafter called "Grantor"), and ______________________________, (hereinafter called "Grantee").

WITNESSETH:

WHEREAS, Grantee desires the use of the property of Grantor for use as an Easement including the right to construct, operate and maintain ______________________; and

WHEREAS, in consideration of one dollar ($1.00), and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor is willing to enter into an easement agreement for the use of the property subject to the terms and conditions set forth herein.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Grantor hereby grants Grantee a __________________ Easement to use the following described property(ies):

   (See attached Exhibit for each parcel)

   The legal description may change to conform to a survey or surveys.

1. This Easement Agreement grants the right to construct, operate, and maintain __________________ and ancillary materials (hereinafter "Improvements") within the above-described property. Grantee agrees to assume sole responsibility for the construction, operation, and maintenance of said Improvements within the property. Grantee agrees to repair any damage to Grantor’s property or improvements occurring from Grantee’s construction, operation, or maintenance of said Improvements.

2. Only such rights are granted hereby as are necessary for construction, operation, and maintenance of the Improvements. Grantor reserves the right to use the property in any manner and for any purpose not inconsistent with the aforesaid purpose and to relocate the Improvements at its sole cost and expense, in its sole discretion.

3. Grantee agrees to defend, indemnify and hold harmless Grantor, its officers, agents, and employees, from and against any and all claims, demands, judgments, costs, and expenses (including reasonable attorneys’ fees) that may arise by reason of injury to any person or damage to any property attributable to the negligence of Grantee, Grantee’s officers, agents, and employees, in connection with Grantee’s construction, operation, and maintenance of said Improvements and its use of, or presence on, the property.
4. This Easement Agreement shall automatically cease upon abandonment, herein defined as nonuse for any six (6) consecutive months, and all interests granted herein shall revert to Grantor, or its successor, upon such abandonment.

5. This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Grantor and Grantee.

6. This Easement Agreement may be amended from time to time, as may be necessary, by mutual consent of both parties; provided, however, that no amendment to the Easement Agreement shall be effective unless in writing and signed by both parties.

7. Both parties agree that time is of the essence and that any time specifications contained herein shall be strictly construed. Granting of this Easement is contingent upon issuance of a City Building Permit to Grantee for purposes of construction of the subject _________________ improvements.

8. Both parties represent and warrant that they have the authority to execute this Easement Agreement.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement to be effective on the day and year first above written.

GRANTEE(S)                                                    GRANTOR

_______________________________    City of Belvedere

_______________________________ City Official (Title)

Attest: __________________________
City Clerk

NOTARIAL ACKNOWLEDGMENTS ATTACHED HERETO

Attachments: Exhibit (s)
315.A  M.M.W.D. WATER CONSERVATION CHECKLIST

(Added 11/14/2011)

Water Conservation

☐ Fill out the project datasheet.

☐ Complete the Maximum Applied Water Allowance (MAWA) & Estimated Total Water Use (ETWU) spreadsheet.

☐ Submit a grading plan. The grading design will minimize soil erosion, runoff, and water waste. The grading plan must clearly and accurately identify:

☐ Height of finished graded slopes
☐ Drainage patterns
☐ Pad elevations
☐ Finish grade
☐ Stormwater retention improvements, if applicable.

☐ The grading design plan shall contain the following statement, “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan.” It shall bear the signature of a licensed professional as authorized by law.

It is highly recommended that, when site conditions allow, project applicants consider grading so that all irrigation and normal rainfall remains within the property lines and does not drain onto non-permeable hardscape.

☐ Submit a landscape planting plan that accurately and clearly identifies and depicts:

☐ New and existing trees
☐ Shrubs, groundcovers, turf, and any other planting areas
☐ Plants by botanical name and common name
☐ Plant sizes and quantities
☐ Property lines, new and existing building footprints, streets, driveways, sidewalks and other hardscape features
☐ Pools, fountains, and water features
☐ A minimum of 8" of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.
☐ Incorporate compost or natural fertilizer into the soil to a minimum depth of 8" at a minimum rate of 6 cubic yards per 1000 square feet or per specific amendment recommendations from a soils laboratory report.
☐ A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, and direct seeding applications.
Selected plants shall not cause the Estimated Total Water Use to exceed the Maximum Applied Water Allowance (see calculation in Appendix A).

Plants with similar water use needs shall be grouped together in distinct hydrozones and, where irrigation is required, the distinct hydrozones shall be irrigated with separate valves.

Low and moderate water use plants can be mixed, but the entire hydrozone will be classified as moderate water use for MAWA calculations (see WUCOLS).

High water use plants shall not be mixed with low or moderate water use plants (see WUCOLS).

All non-turf plants shall be selected, spaced, and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.

Turf shall not be allowed in the following conditions: Slopes exceeding 10%, planting areas 8 feet wide or less, street medians, traffic islands, planter strips, and bulbouts of any size.

Invasive plants as listed by the MMWD Invasive Plant list are prohibited.

Fire Safe Landscape Practices. The requirements in this chapter are intended to support and be in compliance with all local and state requirements related to Fire Safe Landscaping practices, including, but not limited to, requirements for Wildlife Urban Interface zones as specified by local authority (see map).

Identify any applicable rain harvesting, graywater, or catchment technologies (e.g. rain gardens, cisterns, etc.). Applicants are encouraged to employ alternative irrigation techniques as appropriate, and where permitted by law.

Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Appropriate stormwater best management practices are encouraged in the landscape design.

Submit an irrigation design plan that clearly identifies and depicts:

- The irrigation system point of connection (if existing, please mark all points of connection with the meter number).
- Controller
- Pipes
- Remote-control valves
- Sprinklers
- Rain-shut off device
- Check valves
- Pressure regulating devices
- Backflow prevention devices
- Hydrozone table and summary table
☐ Irrigation systems with meters 1 1/2" or greater require a high-flow sensor that can detect high-flow conditions and has the capability to shut off the irrigation system.

☐ Isolation valves shall be installed at the point-of-connection and before each valve or valve manifold.

☐ High-efficiency controllers, weather-based or other sensor-based self-adjusting irrigation controllers shall be required.

☐ Rain sensors shall be installed for each irrigation controller.

☐ Pressure regulation and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer's recommended optimal pressure.

☐ Irrigation system shall be designed to prevent runoff or overspray onto non-targeted areas, and wherever overhead irrigation is located directly adjacent to hardscape areas, where runoff water flows into the curb and gutter; all spray heads shall be setback a minimum of 24" from hardscape edges.

☐ Point source irrigation is required where plant height at maturity will affect the uniformity of an overhead system.

☐ Minimum 24" setback of overhead spray irrigation is required where turf is directly adjacent to a continuous hardscape area where runoff water flows into the curb and gutter.

☐ Slopes greater than 15% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour (or lower if appropriate for site conditions as determined by the District).

☐ A single valve shall not irrigate hydrozones that mix high water use plants with moderate or low water use plants.

☐ Trees shall be placed on separate irrigation valves except when planted in turf areas.

☐ Sprinkler heads, rotors and other emission devices on a valve shall have matched precipitation rates.

☐ Head-to-head coverage is required unless otherwise directed by the manufacturer's specifications.

☐ Swing joints or other pipe protection components are required on above-ground irrigation piping.

☐ Check valves shall be installed to prevent low-head drainage.

☐ Hydrozone table and summary containing new and existing landscape area

☐ Point of connection labeled either as "New" or with the existing meter #

☐ Water use table (provided by the district)

☐ For homeowner provided projects (meaning the homeowner will design the landscape and perform the installation themselves rather than hire someone), a completed homeowner's irrigation design statement may be submitted in lieu of the irrigation design plan to meet the irrigation specifications (see example on page

387
17). A signed, written statement shall be submitted to the District as part of the design review process, and shall include the following elements:

- Accurately and clearly describes the types and locations of all irrigation system point(s) of connection;
- Accurately and clearly describes the types and location of all irrigation system components by valve zone, including high-efficiency irrigation controller, pipe, valves, high and low volume irrigation devices, rain shut-off device, check valves, pressure regulating devices, backflow prevention devices, and all other irrigation devices required by the district;
- A completed hydrozone table;
- A description of plant species irrigated in each valve zone by scientific name, water use of each plant as high, moderate, or low water use according to WUCOLS (Water Use Classification of Landscape Species), and plant height at maturity for each plant. Plant height is not necessary where drip or bubbler will be used;
- A statement signed by the homeowner that includes the following certifying language: “The irrigation system will be installed as described in this statement, and in compliance with the requirements of the District”.

The following projects shall have either a district landscape water service meter or a private submeter. Check only one that applies, if applicable:

- A district landscape water service meter is required for all new landscapes, other than single-family and two-unit residential landscapes, for which the irrigated area is equal to or greater than 1,000 square feet.
- A private submeter shall be required for all rehabilitated landscapes, other than single-family and two-unit residential landscapes, for which the irrigated landscape area is equal to or greater than 1,000 square feet.
- A private submeter shall be required for all points of connection on single-family and two-unit residential sites for which the irrigated landscape area is equal to or greater than 2,500 square feet.

**Water Features**

- Recirculating water systems shall be used for water features.

- Recycled water shall be used when available and approved for use onsite.

**Comments**
**UPDATE LOG**

The following table lists updates which were formally approved by the Belvedere City Council.

<table>
<thead>
<tr>
<th>Date</th>
<th>Item(s)</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/10/2006</td>
<td>Item 16</td>
<td>Initial adoption of the APM.</td>
</tr>
<tr>
<td>03/06/2006</td>
<td>Item 19</td>
<td>Replace Chapter “Mileage Reimbursement and Travel” with expanded policy “Expenditure Reimbursements”</td>
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<tr>
<td>04/03/2006</td>
<td>Items 16 &amp; 17</td>
<td>- Replace Section “Recruitment: Selection Process” with new Chapter “Background Investigations and Medical Evaluations”</td>
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<tr>
<td></td>
<td></td>
<td>- Amend Chapter “City Council Operations”</td>
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<tr>
<td>10/02/2006</td>
<td>Item 19</td>
<td>Amend Chapter 308, “Conditional Temporary Certificates of Occupancy”</td>
</tr>
<tr>
<td>05/11/2009</td>
<td>Item 16</td>
<td>- Amend Section 128.10E ”Proof of Financial Responsibility for Personal Vehicles Used for City Business”</td>
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<td></td>
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<td>- Add Chapt. 279 “Hazard Log”</td>
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<td></td>
<td>- Add Section 302.7 “Establishing Project Start Date for Construction Time Limit.”</td>
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<tr>
<td></td>
<td></td>
<td>- Complete revision of Chapt. 308 “Conditional Temporary Certificates of Occupancy.”</td>
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<td></td>
<td>- Add Chapt. 321 “Height &amp; Existing Grade Interpretation.”</td>
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<td>- Add Chapt. 323 “Eaves Allowed in Required Setbacks.”</td>
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<td>- Add Chapt. 324 “Appropriate Colors and Materials.”</td>
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<td>- Complete revision of Chapt. 290 re. staging and parking for construction projects.</td>
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<td>- Amend Chapt. 296, “Dredging Permits.”</td>
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<tr>
<td>06/14/2010</td>
<td></td>
<td>- Amend Section 302.05, “Timeline,” of Chapter 302, “Violation of the Construction Time Limit Ordinance”</td>
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<td>- Add Section 302.08,”Mid-Project Construction Time Limit” Assignment” of Chapter 302, “Violation of the Construction Time Limit Ordinance”</td>
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<td>- Add Chapter 310, “Permit Fee Revaluation”</td>
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<td>- Add Chapter 322, “Fence Repair &amp; Replacement”</td>
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<td>- Add Chapter 325, “Exemptions from Design Review”</td>
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<tr>
<td>12/13/2010</td>
<td></td>
<td>- Amend Section 232.07 – Update the Building Official Job Description to reflect current departmental configuration given recent changes of employment status.</td>
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<td>- Amend Section 53.05 – Update the number of members of the Traffic Division.</td>
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<td>Date</td>
<td>Changes</td>
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<tr>
<td>3/14/2011</td>
<td>Add Chapter 197 – Add a Return to Work Policy to bring the City in line with current practice.</td>
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<tr>
<td>3/14/2011</td>
<td>Add Chapter 425 – Add a Cash Handling Policy. As part of proper auditing controls, a Cash Handling Policy has been added.</td>
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<tr>
<td>3/14/2011</td>
<td>Amend Section 208.06 – Amend the Employment Development Section to more accurately reflect current and past practice, establish a limit based on that practice, and establish a requirement for reimbursement upon separation from employment.</td>
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<tr>
<td>3/14/2011</td>
<td>Add Section 136.07 – Adds a policy to provide for “mandatory” training requirements.</td>
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<tr>
<td>3/14/2011</td>
<td>Amend Chapter 60, “Records Policy &amp; Laserfiche Protocol” per appointment of Deputy City Clerk as Custodian of City Records.</td>
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<tr>
<td>3/14/2011</td>
<td>Delete separate records retention schedules for Personnel (Chapt. 64), City Clerk’s Dept. (Chapt. 68), Building Dept. (Chapt 72), Finance Dept. (Chapt 76), Planning Dept. (Chapt 80), and Public Works &amp; Engineering Dept. (Chapt 84).</td>
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<tr>
<td>3/14/2011</td>
<td>Add newly consolidated records retention schedule as Chapt. 74.</td>
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<tr>
<td>11/14/2011</td>
<td>Add Chapter 54, “Parks &amp; Open Space Committee Operations.”</td>
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<tr>
<td>11/14/2011</td>
<td>Amend Section 136.07, “Mandatory Training.” Add Sections 136.08-10 re. recommended, optional, and departmental training.</td>
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<tr>
<td>11/14/2011</td>
<td>Add Section 231.04, “Assistant to the City Manager” job description.</td>
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<tr>
<td>11/14/2011</td>
<td>Add Section 232.03, “Assistant Planner” job description.</td>
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<tr>
<td>11/14/2011</td>
<td>Add Section 232.04, “Associate Planner and Planner” job description.</td>
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<tr>
<td>11/14/2011</td>
<td>Delete Section. 232.05, “Assistant and Associate Planner” job description.</td>
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<tr>
<td>3/11/2013</td>
<td>Add Section 234.09, “Maintenance Supervisor.”</td>
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<tr>
<td>8/12/2013</td>
<td>Add Chapter 298, “F.E.M.A Regulations for Setbacks in the V.E. Flood Zone.”</td>
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<tr>
<td>9/9/2013</td>
<td>Change references to “Deputy City Clerk” to “City Clerk” and from “Planning Manager” to “City Planner” throughout the Manual.</td>
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<tr>
<td>9/9/2013</td>
<td>Amend Section 28.18, “Persons Required to Receive Ethics Training.”</td>
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| 9/9/2013   | Append 6/12/2012 JPA amendment to Section 59.05, “Belvedere-
<table>
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<tr>
<th>Date</th>
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<td>Tiburon Joint Recreation Committee.”</td>
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<td></td>
<td>• Add Section 132.06, “Non-Fraternizations.”</td>
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<td>• Add Section 232.01, “Administrative Clerk.”</td>
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<td>• Repeal Section 232.09, “Planning Manager.”</td>
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<tr>
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<td>• Add Section 232.07, “City Planner.”</td>
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<td>• Move last section of Section 302.06, “Project Final Approvals Relative</td>
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<td>to the CTL Ordinance” to its own separate Section 302.09, “Policy</td>
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<td>Regarding Successive Minor Construction Activity.”</td>
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<td>• Add paragraph at end of Section 302.06, “Project Final Approvals</td>
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<td>Relative to the CTL Ordinance.”</td>
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<td>• Revise 324.07, “Interpretation of Sec. 20.04.140 for Staff Level</td>
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<td>Approvals Only.”</td>
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<td>6/9/2014</td>
<td>• Amend second paragraph of Chapter 204, “Retirement Benefits.”</td>
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<td>• Amend Section 136.05 and change title to “Standard Work Week—Alternate</td>
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<tr>
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<td>Work Schedule.”</td>
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<td>• Delete section 196.28, “Disability Leave.”</td>
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<tr>
<td></td>
<td>• Add Section 234.09, “Maintenance Supervisor.”</td>
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<tr>
<td></td>
<td>• Replace Chapter 248 and change title to “Integrated Pest Management</td>
</tr>
<tr>
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