

TOWN OF WOODSIDE

TOWN COUNCIL MEETING AGENDA

December 11, 2007

Independence Hall, 2955 Woodside Road, Woodside

7:30 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

Persons wishing to address the Council on any matter not on the posted agenda are invited to do so. Please note, however, that the Council is not able to undertake extended discussion or to act on non-agendized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. This communication period is limited to five persons, three minutes each. Any additional persons wishing to be heard will be scheduled at the end of Regular Business.

REORGANIZATION OF TOWN COUNCIL

Election of Mayor and Mayor Pro Tem

ACKNOWLEDGEMENTS

Commendation for Sue Boynton in Recognition of Her Service as Mayor of the Town of Woodside

INTERVIEW OF CANDIDATE(S) FOR AND APPOINTMENT TO ARCHITECTURAL AND SITE REVIEW BOARD

The deadline for submission of applications for appointment to the Architectural and Site Review Board is Friday, December 7th. Scheduling of applicants will be provided on a revised agenda.

CONSENT CALENDAR

All items on the Consent Calendar are considered to be routine and will be approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.

1. Approval of Waiver of Full Reading of Ordinances, per Government Code Section 36934 (**Allows Ordinances to be introduced or adopted by the Town Council without the full ordinance language being read into the record.**)
2. Monthly Financial Report for November of 2007. (**Provides a status report on the Town's finances as of November 30, 2007.**)
3. Annual Road Program Report. (**Provides a status report on the current year's Road Program projects, as required by the Municipal Code.**)
4. Resolutions: (a) Modifying the Procedure for Payment of Approved Claims by Substituting the Director of Community Design and Development/Assistant Town Manager for the Town Engineer as an Authorized Check Signatory and (b) Authorizing Investment of Monies in the Local Agency Investment Fund and Designating Authorized Signatories. Resolutions No. 2007 - ____ and No. 2007 - ____ (**Substitutes the Director of Community Design and Development for the Town Engineer as an authorized staff member for financial transactions.**)
5. Resolution Authorizing the Town Manager to Execute Agreements and Submit a Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008/09 Transportation Development Act (TDA) Article 3 Funds to Support three Projects Totaling \$95,000. Resolution No. 2007 - ____ (**A resolution approving the three projects proposed by the Bicycle Committee is necessary for submission of the applications to the Metropolitan Transportation Commission.**)

PUBLIC HEARING

The Mayor will declare the public hearing open. Town staff will present a staff report on the aspects of the application or issue, which will be followed by staff recommendations. The applicant or his/her representative may make a presentation. Thereafter, those in support of or in opposition to the proposal may speak. When all interested parties have had an opportunity to be heard, the hearing will be closed. After that time, no further discussion from the floor will be held. The Town Council will consider the evidence and either approve, disapprove, or continue the item to a subsequent meeting date.

6. Request to Amend Conditions of a Conservation Easement Associated with Land Division 251 to Permit Construction of Horse Shelters and Panel Fencing within the Easement (Kip and Becky Witter - 1 Montelena Court). **(This easement fronts properties located at 1 Montelena Court and 2 Montelena Court to a Depth of 80 feet along Woodside Road and is required to be kept free and clear of buildings and structures of any kind.)**

7. Adoption of an Ordinance Amending Chapter 150 of the Woodside Municipal Code, and Adopting by Reference the California Code of Regulations Title 24, 2007 Edition of the California Building Standards Code including the Following Parts: Part 1 California Administrative Code, Part 2 California Building Code including Selected Appendices, including Modifications Regarding Fire Retardant Roofing Materials and Automatic Fire Sprinklers, Part 3 California Electrical Code including Selected Appendices, Part 4 California Mechanical Code including Selected Appendices, Part 5 California Plumbing Code including Selected Appendices, Part 6 California Energy Code, Part 7 California Elevator Safety Construction Code; Part 8 California Historical Building Code, Part 10 2007 California Existing Building Code Appendix Chapter A1, Part 12 California Referenced Standards, Uniform Code for the Abatement of Dangerous Buildings (1997 Edition), Portions of the Uniform Housing Code (1997 Edition), and Portions of the 2001 California Building Code. **(In the second of two meetings to discuss the proposed ordinance and referenced code adoption, the Council will accept public input and discuss the impact of the California Codes.)**

REPORTS

8. Mayor and Councilmember Communications.

COMMUNICATIONS

ADJOURNMENT

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITY ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE TOWN CLERK AT (650) 851-6790. NOTIFICATION IN ADVANCE OF THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.

PLEASE NOTE THAT PURSUANT TO THE STATE OF CALIFORNIA'S OPEN MEETING RULES, THIS MEETING IS BEING AUDIO TAPED.

TOWN OF WOODSIDE

Report to Town Council
From: Susan George, Town Manager

Agenda Item 2
December 11, 2007

SUBJECT: MONTHLY FINANCIAL REPORT FOR NOVEMBER OF 2007

RECOMMENDATION

It is recommended that the Town Council review and accept the Monthly Financial Report for November of 2007.

BACKGROUND

The Monthly Financial Report for November, 2007, has been prepared pursuant to the Town Council's Financial Management Policies. It has been prepared by utilizing the fund balance reports and the detailed fund reports, as of November 30, 2007.

DISCUSSION

The Town's financial performance is within expected ranges as of the end of the first four months of the fiscal year. The key highlights include:

- The Town's cash position for all funds as of November 30, 2007, was \$7,296,979. The cash balances for the year have been:

AS OF	CASH BALANCE
07/31/07	\$9,247,733
08/31/07	\$8,655,479
09/30/07	\$8,129,141
10/31/07	\$7,752,211
11/30/07	\$7,296,979

Cash balances at October 31, 2006, were \$6,849,085. The Town's cash balances are very healthy, negating the need for any cash flow borrowing.

- Total expenditure activity for all of the Town's funds, including interfund transfers, was \$4,255,121, or 45.0% of the total annual budget. By month, and compared to fiscal year 2006-07, the following expenditures have occurred:

MONTH	2007-08	2006-07
July	\$ 354,527	\$ 2,262,738
August	955,974	570,918
September	1,014,416	1,247,188
October	806,794	638,342
November	1,123,410	1,334,046
Total to Date	\$ 4,255,121	\$ 6,053,232
Total Budget	\$ 9,452,596	\$ 12,985,768
% of Budget	45.0%	46.6%

The current year's expenditure level is well within expected and acceptable ranges.

- Total revenues, including interfund transfers, for the first five months were \$1,853,476 or 31.5% of annual anticipated revenues. This rate is within the range of normal revenue receipt patterns. By month, and compared to fiscal year 2006-07 patterns, the following revenues have been received:

MONTH	2007-08	2006-07
July	\$ 103,971	\$ 119,507
August	185,765	289,883
September	492,290	871,598
October	410,043	336,148
November	661,407	1,492,204
Total	\$ 1,853,476	\$ 3,109,340
Total Budget	\$ 7,409,898	\$ 9,886,024
% of Budget	25.0%	31.5%

Attachment A to this report presents summaries by fund of revenues and expenditures through November 30, 2007, compared to budget.

The General Fund as of November 30, 2007

- The 2006-07 General Fund expenditure and revenue pattern thus far has been:

MONTH	REVENUES	EXPENDITURES	NET POSITION
July	\$ 83,939	\$ 259,659	\$ (175,720)
August	230,012	241,121	(11,109)
September	212,669	543,436	(330,767)
October	166,315	299,720	(133,405)
November	266,323	372,541	(106,218)
Total to Date	\$ 959,258	\$ 1,716,477	\$ (757,219)
Total Budget	\$ 5,037,367	\$ 5,117,154	\$ (79,787)
% of Budget	19.0%	33.5%	

As of the end of the first five months, there are no unusual General Fund revenue or expenditure patterns to report. The General Fund is in its usual dry period as far as cash flow is concerned, with expenditures running ahead of revenues until the first property taxes are received. Despite the current operating cash flow imbalance, the General Fund had cash on hand at November 30, 2007 of just under \$2.9 million, well above the level required by the Town Council's Financial Management Policies.

The current year's performance reflects normal patterns for this period in the fiscal year and is tracking within anticipated budgeted ranges. For comparison purposes, as of November 30, 2006, the General Fund had experienced revenues of \$2,074,678 and expenditures of \$3,638,785, which was 44.8% and 50.9% of budget, respectively. Activity for both revenues and expenditures was higher than in the current year because of extraordinary occurrences last year. By November 30, 2006, the Town had received over \$1.2 million in prior years' property taxes from the County of San Mateo, in settlement of all claims regarding the County's mishandling of Tax Equity Allocation funds. Expenditures were higher than in the current year because of the repayment of over \$1.9 million in

outstanding General Fund debt in August of 2006. The 2007-08 patterns are more in line with what the Town has experienced at this point in the fiscal year.

- By category of revenue and expenditure, the General Fund has experienced the following financial activity through the first five months of the fiscal year:

Category	2007-08		% of Total
	Adopted Budget (\$000)	11/30/2007 Actual (\$000)	
<u>Revenues</u>			
Property Taxes	2,339.2	173.3	
Sales Taxes	368.7	149.8	
Transfer Taxes	130.0	50.7	
Franchise Fees	305.1	40.6	
Business Licenses	136.0	41.6	
Fees & Permits	720.0	308.2	
Interest Income	150.0	64.0	
Other Agencies	547.5	2.8	
Charges for Service	115.0	70.3	
Interfund Transfers	202.9	50.7	
Other Revenue	23.0	7.3	
Total	5,037.4	959.3	19.0%
<u>Expenses</u>			
Salaries & Benefits	2,281.5	866.3	
Services & Supplies	2,003.2	840.2	
Equipment/Capital	180.0	0.6	
Road Fund Contribution	500.0	-	
Other Contributions	152.5	9.4	
Total	5,117.2	1,716.5	33.5%
Net Position	(79.8)	(757.2)	

Attachment B to this report includes summaries of General Fund expenditure performance by department as of November 30, 2007. It highlights significant trends or variances, for the Town Council's review.

Appropriation Adjustments

No appropriation adjustments are proposed at this time. **Attachment C** provides a summary of approved 2007-08 adjustments to date.

CONCLUSION

No new trends have surfaced since the Town Council's First Quarterly Budget Review in October. The next comprehensive budget review will be undertaken in January with the 2007-08 Mid-year Budget Review.

Attachments

TOWN OF WOODSIDE
 2007-08 AS OF 11/30/2007
 ALL FUNDS

ATTACHMENT A

FUND	REVENUES BUDGET	REVENUES ACTUAL	% OF TOTAL	EXPENSES BUDGET	EXPENSES ACTUAL	% OF TOTAL
101 - GENERAL	5,037,367	959,258	19.0%	5,117,154	1,716,477	33.5%
105 - TRAILS	75,500	35,474	47.0%	75,500	15,850	21.0%
120 - OPEN SPACE	0	(4)	--	0	0	--
135 - RECREATION	91,900	47,546	51.7%	95,248	45,168	47.4%
150 - BARKLEY O&M	80,000	402	0.5%	80,000	31,160	39.0%
151 - BARKLEY CONSTRUCTION RESERVE	35,000	463	1.3%	0	0	--
204 - TRAFFIC SAFETY	32,200	8,324	25.9%	27,700	25,124	90.7%
206 - GAS TAX CONSTRUCTION	29,100	9,547	32.8%	28,970	13,196	45.6%
207 - GAS TAX MAINTENANCE	82,600	30,234	36.6%	95,706	37,108	38.8%
210 - MEASURE A	747,300	91,204	12.2%	987,824	418,702	42.4%
242 - ROAD IMPACT FEE	382,500	204,430	53.4%	557,554	366,227	65.7%
243 - PUBLIC SAFETY GRANT	100,500	(183)	-0.2%	100,500	43,334	43.1%
244 -CLEEP	0	0	--	43,000	37,600	--
250 - LIBRARY OPERATIONS	60,000	13,574	22.6%	129,567	33,492	25.8%
365 - BARKLEY PARK CONSTRUCTION	0	360,232	--	1,350,000	1,052,289	--
428 - TC PUMP RESERVE	750	239	31.9%	0	0	--
429 - TC PUMP DEBT	148,547	1,258	0.8%	148,547	143,013	96.3%
441 - WR/WHR PAD DEBT RSRV.99	2,000	782	0.0%	0	0	--
450 - WR/WHR PAD DEBT	132,576	(422)	-0.3%	132,576	97,392	73.5%
525 - CANADA SEWER	9,618	307	3.2%	26,664	2,583	9.7%
528 - SEWER UTILITY	162,000	8,223	5.1%	165,302	56,820	34.4%
529 - TC PUMP SEWER	5,000	6,221	124.4%	86,933	3,015	3.5%
537 - SEWER CAPITAL	21,440	7,834	36.5%	29,851	11,583	38.8%
TOTAL OPERATING	7,235,898	1,784,943	24.7%	9,278,596	4,150,133	44.7%
900 - DEPOSITS	174,000	68,533	39.4%	174,000	104,988	60.3%
TOTAL	7,409,898	1,853,476	25.0%	9,452,596	4,255,121	45.0%

GENERAL FUND BY DEPARTMENT AS OF 11/30/2007

ATTACHMENT B-1

	BUDGET	ACTUAL	% OF TOTAL
TOWN COUNCIL			
SERVICES/SUPPLIES	30,350.00	16,026.04	52.8%
TOTAL	30,350.00	16,026.04	52.8%
ADMINISTRATION			
SALARIES/BENEFITS	724,476.00	273,878.33	37.8%
SERVICES/SUPPLIES	306,036.00	158,961.61	51.9%
TOTAL	1,030,512.00	432,839.94	42.0%
PLANNING AND BUILDING			
SALARIES/BENEFITS	1,319,400.00	502,747.56	38.1%
SERVICES/SUPPLIES	213,400.00	113,307.51	53.1%
TOTAL	1,532,800.00	616,055.07	40.2%
BUILDINGS & GROUNDS			
SALARIES/BENEFITS	17,428.00	7,904.82	45.4%
SERVICES/SUPPLIES	121,000.00	37,639.67	31.1%
EQUIP/CAPITAL	150,000.00	0.00	0.0%
TOTAL	288,428.00	45,544.49	15.8%
TOWN-WIDE OVERHEAD			
SALARIES/BENEFITS	54,000.00	10,697.90	19.8%
SERVICES/SUPPLIES	275,310.00	218,084.93	79.2%
EQUIPMENT	30,000.00	584.06	1.9%
TOTAL	359,310.00	229,366.89	63.8%
SAFETY SERVICES			
SERVICES/SUPPLIES	1,034,621.00	291,870.00	28.2%
TOTAL	1,034,621.00	291,870.00	28.2%
TRAILS			
TRANSFERS OUT	37,500.00	9,375.00	25.0%
TOTAL	37,500.00	9,375.00	25.0%
PUBLIC WORKS			
SALARIES/BENEFITS	166,183.00	71,109.23	42.8%
SERVICES/SUPPLIES	22,450.00	4,290.29	19.1%
TRANSFERS OUT	500,000.00	0.00	0.0%
TOTAL	688,633.00	75,399.52	10.9%
BARKLEY O&M			
TRANSFERS OUT	115,000.00	0.00	0.0%
TOTAL	115,000.00	0.00	0.0%
TOTAL FUND			
SALARIES/BENEFITS	2,281,487.00	866,337.84	38.0%
SERVICES/SUPPLIES	2,003,167.00	840,180.05	41.9%
EQUIP/CAPITAL	180,000.00	584.06	0.3%
TRANSFERS OUT	652,500.00	9,375.00	1.4%
TOTAL	5,117,154.00	1,716,476.95	33.5%

**GENERAL FUND BY DEPARTMENT
AS OF 11/30/07**

GENERAL COMMENTS:

1. As of November 30, 2007, 41.7% of the fiscal year had elapsed.
2. For Salaries and Benefits, expenditures should be at about 41.5% of budget. As of November 30, 2007, 10.8 of 26 pay periods had been completed.
3. Equipment purchases are not made on any set schedule, so the expenditure performance varies.
4. Transfers between funds are generally done on a quarterly basis or as cash flow needs arise and are completed by the end of June of each year.

DEPARTMENTAL COMMENTS:

Administration: This departmental budget is within expected expenditure levels.

Planning and Building: This departmental budget is generally within expected expenditure levels.

Buildings and Grounds: This departmental budget is within expected expenditure levels.

Town-Wide Overhead: This budget includes expenditures such as the insurance premium with ABAG PLAN, which was paid in July. This budget is within expected levels.

Safety Services: Most of this budget goes to support the contract for police services with the Sheriff's Office. As of November 30, 2007, one quarter's billing had been submitted by the County.

Trails: See Note 4.

Public Works: This departmental budget is within expected expenditure levels.

Barkley Fields and Park: See Note 4.

TOWN OF WOODSIDE

Report to Town Council
From: Susan George, Town Manager

Agenda Item 3
December 11, 2007

SUBJECT: ANNUAL ROAD PROGRAM REPORT

RECOMMENDATION

It is recommended that the Town Council review this Annual Road Program Report, receive public input on its contents, and accept it for the public record.

BACKGROUND

The Town's Municipal Code specifies the requirements for the administration of the Town's Road Program. The Town Manager is required to submit a report to the Town Council in December of each year that details the status of the current year Road Program. The December report is also to include a recommended preliminary priority list of priorities for the Road Program for the coming fiscal year.

The December report is followed by a more comprehensive Road Program report, due to the Town Council by February 1st of each year. The February report is a detailed financial review of the prior eighteen months and is to include an updated five-year forecast and specific recommended projects for the next two-year period. It is to be the subject of a public hearing to be held in March.

This report is the first, or preliminary, Road Program Report for 2007-08, based upon the requirements of the Municipal Code. This report includes all required information and provides an overview of the financial basis of the Road Program.

DISCUSSION

Road Program Funding Overview

The Town's Road Program is supported by revenue from nine separate sources, allocated to five separate Special Revenue Funds. For 2007-08, these sources and the funds to which they are allocated, include:

2007-08 Road Program			
Source	Available Funds	Fund(s)	
Road Impact Fees	\$ 375,000	242	
Gas Taxes	111,700	206,207	
Measure A Funds	240,000	210	
Traffic Safety Fines	30,000	204	
General Fund	500,000	210	
Interest	15,000	All	
Grants/Other Agencies	2,000	204	
Carryover Balances	424,054	All	
Total Road Program	\$ 1,697,754		

With the exception of the General Fund contribution, each source is subject to its own restrictions as to use and each is driven by different availability influences. The receipt of

grant funds fluctuates from year-to-year, depending upon State and federal funding availability. These funds are categorical in nature, meaning they can be spent only as the authorizing agency approves. These available funds are allocated to the various uses outlined in the next table:

2007-08 Preliminary Proposed Projects

Area	Rehabilitation	Dig-outs	Drainage & Bridges	Total
Kings Mountain Rd.	\$ 50,000	\$ 10,000	\$ 50,000	\$ 110,000
Woodside Rd.	60,000	10,000	-	70,000
Cañada Rd.	30,000	30,000	-	60,000
Woodside Drive	20,000	5,000	-	25,000
The Glens	30,000	10,000	-	40,000
Manzanita Rd.	20,000	5,000	-	25,000
Jefferson Ave.	50,000	20,000	-	70,000
Mountain Home Rd.	50,000	20,000	-	70,000
Portola Rd.	-	-	-	-
Skyline Area	-	15,000	-	15,000
Woodside Heights	-	-	55,000	55,000
Old La Honda Rd.	40,000	20,000	10,000	70,000
Whiskey Hill Rd.	-	5,000	-	5,000
To Be Allocated	250,000	-	-	250,000
Subtotal	\$ 600,000	\$ 150,000	\$ 115,000	\$ 865,000
Other Projects:				
Bridge Rehabilitation				50,000
Town-wide Crack Seal				65,000
Town-wide Striping				20,000
Equipment				35,000
In-House Maintenance				662,754
Total Program				\$ 1,697,754

About 59.0% of the total Road Program budget for 2007-08 is allocated to major road rehabilitation projects and for repair or replacement of related infrastructure. In addition to these projects, Road Program expenditures are made for other important purposes. The Town's maintenance crew and the engineering staff provide day-to-day maintenance, oversight, and basic road engineering services. The materials and supplies used by the staff are charged to the program, including asphalt, rock, signs, paint, and equipment maintenance. Additionally, the Road Program supports street sweeping, drainage maintenance, and tree clearance costs. An emergency reserve of at least 10% of the program revenues is maintained, pursuant to the Town's Municipal Code.

Status of the 2007-08 Road Projects

The 2007-08 road projects are in varying stages of completion and are progressing on the schedule originally projected by the Town Engineer. The table that follows provides a brief summary, by project or project category, of the current status of each 2007-08 project.

2007-08 Project Status

Project	Status
Crack Sealing	Completed

Striping	Spring of 2008
Pavement Dig-outs	To be completed by late December, 2007
General Rehabilitation	To be completed by late December, 2007
Bridge Rehabilitation & Analysis	Spring of 2008

As the chart demonstrates, most of the work slated for 2007-08 will be completed by the end of 2007.

The 2008-09 Preliminary Road Program

The Town Engineer has historically identified three categories of needed road repair work, as follows:

Crack Seal: This is a general maintenance category, calling for the sealing of cracks in asphalt pavement to stop further deterioration.

Rehabilitation: This is a broad category of more intense repair and maintenance work. It can include reconstruction of failed pavement with the installation of new pavement varying from five to eight inches in depth. It can also include fabric overlays, where failed pavement is replaced by installing geotextile fabric and an inch and a half overlay to provide for a new structural surface. Chip sealing is also included in this category, calling for replacement of failed pavement by installing a coat of hot asphalt covered by a layer of chips approximately 1/4 inch in size. Slurry sealing also falls into this category, with the installation of a layer of asphalt mixed with sand to provide a surface that protects the pavement and base. All of these treatments include necessary drainage improvements and traffic control. These treatments vary in cost. The full report binder provides more detail as to the extent of inclusion of each treatment.

Dig-outs: This category includes the isolation of segments of roadways which may be subject to the other treatments described in the foregoing sections, but which may require more immediate or separate repair. Sections of the road are removed and replaced independently of the final treatment of the balance of the road.

Based upon the Town Engineer’s working knowledge of the condition of the Town’s roadways, a continuing computerized survey of the roads, and the availability of grant funds, a comprehensive program is proposed to the Town Council annually, which includes the categories of road project previously described. The Road Program Five-year Forecast is taken into account as each year’s proposals are developed. A preliminary list of road projects for the year 2007-08 was included in the 2006-07 Road Program Report, delivered to the Town Council in March of 2006. The following table summarizes the recommendations that were made at that time and which remain as the recommended projects for the next fiscal year.

2008-09 Preliminary Proposed Projects

Area	Rehabilitation	Dig-outs	Drainage & Bridges	Total
Kings Mountain Rd.	\$ 36,000	\$ 10,000	\$ -	\$ 46,000
Woodside Rd.	30,000	10,000	-	40,000
Cañada Rd.	30,000	25,000	-	55,000
Woodside Drive	25,000	5,000	-	30,000
The Glens	35,000	15,000	-	50,000
Manzanita Rd.	10,000	5,000	-	15,000
Jefferson Ave.	30,000	25,000	-	55,000
Mountain Home Rd.	60,000	15,000	-	75,000
Portola Rd.	-	-	-	-
Skyline Area	-	5,000	-	5,000
Woodside Heights	-	10,000	-	10,000
Old La Honda Rd.	40,000	20,000	10,000	70,000
Whiskey Hill Rd.	-	4,000	-	4,000
Subtotal	\$ 296,000	\$ 149,000	\$ 10,000	\$ 455,000
Other Projects:				
Portola Rd. Bike Lane				175,000
Bridge Rehabilitation				50,000
Town-wide Crack Seal				70,000
Town-wide Striping				25,000
In-House Maintenance				678,726
Total Program				\$ 1,453,726

The Town Engineer will update and revise this recommendation, as needed, prior to the Town Council's consideration of the second Road Program Report, which is due to the Council in February of 2008, for review during the first meeting in March. That report will more closely analyze the underlying program funding rationale and the projected financial status of the Road Program, including available funding for 2008-09.

CONCLUSION

The Town continues to invest in its road system, with the General Fund supporting thirty percent or more of the total budget. The next report due to the Town Council on the Road Program will be ready in early February of 2008, for discussion at a March Town Council meeting. It will provide an updated five-year financial forecast and project recommendations for 2008-10.

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 4

From: Susan George, Town Manager

December 11, 2007

SUBJECT: RESOLUTIONS (A) MODIFYING THE PROCEDURE FOR PAYMENT OF APPROVED CLAIMS BY SUBSTITUTING THE DIRECTOR OF COMMUNITY DESIGN AND DEVELOPMENT/ASSISTANT TOWN MANAGER FOR THE TOWN ENGINEER AS AN AUTHORIZED CHECK SIGNATORY AND (B) AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND DESIGNATING AUTHORIZED SIGNATORIES

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolutions, which: (a) modifies the procedure for the payment of approved claims by substituting the Director of Community Design and Development/Assistant Town Manager for the Town Engineer as an authorized check signatory and (b) authorizes the Town's investment in the Local Agency Investment Fund (LAIF) and designates authorized LAIF account signatories.

DISCUSSION

The Town Council has from time to time approved a procedure for paying approved claims against the Town. The most recent procedure was adopted in August of 1993, and was modified as to approved signatories in 1995, June of 1997, and then again in September of 1997, when the current Town Clerk was appointed. There are three authorized signatories: the Town Manager, Town Engineer, and Town Clerk. Checks or wire transfers for approved claims for \$5,000 or more require two of the three signatures.

A new Town Engineer has been appointed. The former Town Engineer also functioned as Assistant Town Manager for much of his tenure and, given that designation, it was appropriate for him to be a check signatory. The new Town Engineer does not have this additional title. The Director of Community Design and Development does, however, now also carry the Assistant Town Manager title. It would be appropriate for this position to be added as the third authorized signatory in place of the Town Engineer. The adoption of the first of two attached resolutions would accomplish this substitution. The Town must also formally indicate which members of the staff are authorized to order the deposit or withdrawal of funds from the Local Agency Investment Fund (LAIF). It is appropriate for the same three individuals who have check signatory authorization to be designated as authorized LAIF agents, as well. The second of the two attached resolutions accomplishes this.

CONCLUSION

Given the change in the organization and the transfer of the title of Assistant Town Manager from the Town Engineer to the Director of Community Design and Development, substitution of the former for the latter position for purposes of overseeing the Town's cash management functions is appropriate.

Attachments

RESOLUTION NO. 2007 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
MODIFYING THE PROCEDURE FOR PAYMENT OF APPROVED CLAIMS BY SUBSTITUTING
THE DIRECTOR OF COMMUNITY DESIGN AND DEVELOPMENT/ASSISTANT TOWN MANAGER
FOR THE TOWN ENGINEER AS AN AUTHORIZED CHECK SIGNATORY

RESOLVED, by the Council of the Town of Woodside, that:

WHEREAS, on August 10, 1993, the Town Council approved Resolution 1993-4890 which established a procedure for the payment of approved claims; and

WHEREAS, that procedure requires update from time to time to reflect changes in staffing and organization; and

WHEREAS, the latest update was approved by the Town Council through Resolution 1997-6051 on September 23, 1997, designating the authorized check signatories as the Town Manager, Town Engineer, and Town Clerk; and

WHEREAS, the designation of Assistant Town Manager has been shifted from the Town Engineer to the Director of Community Development and Design; and

WHEREAS, it would be appropriate for the incumbent of the position so designated as Assistant Town Manager to be authorized to undertake key financial activities.

NOW, THEREFORE, IT IS ORDERED:

That the Director of Community Design and Development/Assistant Town Manager be substituted for the Town Engineer as the third authorized signatory for checks drawn for approved claims.

* * * * *

Passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 11th day of December, 2007, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:
NOES, Councilmembers:
ABSENT, Councilmembers:
ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside
cksign1207

RESOLUTION NO. 2007 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Town Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein are in the best interests of the Town of Woodside.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Woodside does hereby authorize the deposit and withdrawal of Town of Woodside monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the following Town of Woodside officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Susan E. George
Town Manager

Hope V. Sullivan
Director of Community
Design and Development -
Assistant Town Manager

Janet G. Koelsch
Town Clerk

(Signature)

(Signature)

(Signature)

* * * * *

PASSED AND ADOPTED by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 11th day of December 2007, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ATTEST:

Mayor of the Town of Woodside

Clerk of the Town of Woodside

LAIFAuthorization2007

Town of Woodside
P.O. Box 620005
Woodside, CA 94062
650 851-6790

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 5

From: Kent Dewell, Town Engineer

December 11, 2007

Approved: Susan George, Town Manager

SUBJECT: RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AGREEMENTS AND SUBMIT A REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2008/2009 TDA ARTICLE 3 FUNDS TO SUPPORT THREE PROJECTS TOTALING \$95,000

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution, which authorizes the Town Manager to execute agreements and submit a request to the Metropolitan Transportation Commission for the allocation of three projects totaling \$95,000 from the 2008/2009 Transportation Development Act Article 3 Funds.

BACKGROUND

The Transportation Development Act (TDA) makes funds available in the nine-county Metropolitan Transportation Commission (MTC) Region for pedestrian/bicycle purposes. The MTC makes annual allocations of TDA Article 3 funds to eligible claimants after review of applications.

DISCUSSION

The Woodside Bicycle Committee is proposing that the Town apply for allocations to fund three improvement projects. The Woodside Road Bike Lane Drainage Inlet Modification project modifies an existing drainage inlet located in the preferred path of cyclist. The estimated cost is \$15,000 (\$12,000 from TDA Article 3 and \$3,000 from Town funds). The Woodside Road Bike Lane Striping Modification project modifies a 500 foot section of striping just east of Canada Road. The estimated cost is \$31,000 (\$25,000 from TDA Article 3 and \$6,000 from Town funds). The Farm Hill Boulevard Sidewalk to Barkley Park project constructs a sidewalk from the intersection of Farm Hill Boulevard, and Woodhill Drive to the park entrance. The estimated cost is \$66,000 (\$58,000 from TDA Article 3 and \$8,000 from Town funds). Additional project details are indicated on Attachment B of the resolution. The Town's contribution for these projects is expected to cover the staff time needed for design preparation, encroachment permit process, and construction oversight.

It should be noted that the applications are awarded a higher point level if the local agency provides a larger share of local funds. Staff has not recommended funding above that which will be expended in staff time in support of the projects and is taking a neutral position as to the approval of the projects.

The Town Engineer recommends that the Town apply for the TDA allocations under three projects and commit to completing the approved projects prior to the expiration of funds (within 3 years).

CONCLUSION

If the Town Council desires to compete for the funds for these three projects, it should adopt the attached resolution, agreeing to apply for Transportation Development Act Article 3 funds for the Woodside Road Bike Lane Drainage Inlet Modification project, the Woodside Road Bike Lane Striping Modification project and the Farm Hill Boulevard. Sidewalk to Barkley Park project.

ATTACHMENTS:

A. Resolution No. 2007-

RESOLUTION NO. 2007 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE APPROVING A
REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE
ALLOCATION OF FISCAL YEAR 2008/2009 TRANSPORTATION DEVELOPMENT ACT
ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the Town of Woodside desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists. ; now, therefore, be it

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Town Council of the Town of Woodside that:

1. The Town of Woodside declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code;
2. There is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the Town of Woodside to carry out the project;
3. The Town of Woodside attests to the accuracy of and approves the statements in Attachment A to this resolution; and
4. A certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of San Mateo County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

* * * * *

Passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 11th day of December, 2007, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside

TDA Application 2007

RESOLUTION NO. 2007 -

ATTACHMENT A

Findings

Page 1 of 1

1. That the Town of Woodside is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the Town of Woodside legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the Town of Woodside has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the Town of Woodside within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in Attachment B that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B are ready to commence implementation during the fiscal year of the requested allocation.
11. That the Town of Woodside agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

RESOLUTION NO. 2007-

ATTACHMENT B

page 1 of 3

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2008/2009 Applicant: Town of Woodside

Contact person: Paul Nagengast

Mailing Address: P.O. Box 620005, Woodside, CA 94062

E-Mail Address: Telephone: (650) 851-6790

Secondary Contact (in event primary not available)

E-Mail Address: Telephone:

Short Title Description of Project: Woodside Road Bike Lane Drainage Inlet Modification

Amount of claim: \$12,000

Functional Description of Project:

Existing drainage inlet is located in the preferred path of cyclist. Existing drainage inlet will be raised and a solid cover installed. New drainage inlet will be installed out of the preferred path of cyclist.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements: Engineering, Construction and inspection

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$12,000			\$12,000
list all other sources:					
1. Local Agency Funds		\$3,000			\$3,000
2.					
3.					
4.					
Totals		\$15,000			\$15,000

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) October 2010_____	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes, facility will be maintained by CalTrans

RESOLUTION NO. 2007-

ATTACHMENT B

page 2 of 3

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2008/2009 Applicant: Town of Woodside

Contact person: Paul Nagengast

Mailing Address: P.O. Box 620005, Woodside, CA 94062

E-Mail Address: Telephone: (650) 851-6790

Secondary Contact (in event primary not available)

E-Mail Address: Telephone:

Short Title Description of Project: Woodside Road Bike Lane Striping modifications

Amount of claim: \$25,000

Functional Description of Project:

Modify existing striping within a 500 feet area on Woodside Road east of the Canada Road in Woodside. Existing striping consist of a bike lane on the right side of a vehicle right turn only lane. Modifications will delete a section of bike lane, relocate traffic striping and widen a bike lane on the opposite side.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements: Engineering, Construction and inspection

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$25,000			\$25,000
list all other sources:					
1. Local Agency Funds		\$6,000			\$6,000
2.					
3.					
4.					
Totals		\$31,000			\$31,000

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) October 2010_____	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes, facility will be maintained by CalTrans

RESOLUTION NO. 2007-

ATTACHMENT B

page 3 of 3

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2008/2009 Applicant: Town of Woodside

Contact person: Paul Nagengast

Mailing Address: P.O. Box 620005, Woodside, CA 94062

E-Mail Address: Telephone: (650) 851-6790

Secondary Contact (in event primary not available)

E-Mail Address: Telephone:

Short Title Description of Project: Farm Hill Blvd. Sidewalk to Barkley Park

Amount of claim: \$58,000

Functional Description of Project:

Install approximately 400 feet of 5 feet wide sidewalk from the intersection of Farm Hill Blvd. and Woodhill Drive to the entrance of Barkley Fields and Park.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements: Engineering, Construction and inspection

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$58,000			\$58,000
list all other sources:					
1. Local Agency Funds		\$8,000			\$8,000
2.					
3.					
4.					
Totals		\$66,000			\$66,000

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) October 2010_____	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

TOWN OF WOODSIDE
REPORT TO THE TOWN COUNCIL

Meeting Date: December 11, 2007 Agenda Item: 6
Prepared by: Hope V. Sullivan, Assistant Town Manager/Community Design and
Development
Approved by: Susan George, Town Manager

SUBJECT: REQUEST TO AMEND THE RESTRICTIONS ON A CONSERVATION EASEMENT CREATED IN 1984 THROUGH LAND DIVISIONS 251 SO AS TO ALLOW "NECESSARY FENCING AND REQUIRED MINIMAL SHELTERS FOR THE SAFE KEEPING OF LIVESTOCK." THE CONSERVATION EASEMENT IS LOCATED ON PROPERTIES ADDRESSED AS 1 MONTELENA COURT AND 2 MONTELENA COURT. THE REQUEST FOR AMENDMENT IS FROM KIP AND BECKY WITTER, OWNERS OF 1 MONTELENA COURT.

RECOMMENDATION

It is recommended that the Town Council conduct a hearing and, at the conclusion of the public hearing, vote to deny the requested amendment to the subject conservation easement, based upon a finding that the amendment has no public benefit.

REQUEST

The applicant is requesting to amend the restrictions of a conservation easement located along the Woodside Road frontage of properties addressed as 1 Montelena Court and 2 Montelena Court so that the restriction will state the following (underlined wording is proposed additional wording).

All above easements shall be kept free and clear of buildings and structures of any kind, except for necessary fencing and required minimal shelters for the safe keeping of livestock.

Note the requested wording reflects the wording provided by the applicant during the Open Space Committee meeting on November 29, 2007. The applicant's written request is included as Attachment 1.

THE CONSERVATION EASEMENT

On June 9, 1986, Land Division Map 251 was recorded with the County Recorder. This map created four parcels accessed from Montelena Court. As part of the recording of this Map, seven different easements were created. These easements are

- ✓ A conservation easement
- ✓ An equestrian easement
- ✓ A multipurpose safety trail easement
- ✓ A public utilities easement
- ✓ A water line easement
- ✓ An emergency vehicle access easement
- ✓ A storm drainage easement

In creating these easements, the owner required that "all above easements shall be kept free and clear of buildings and structures of any kind."

The conservation easement is dedicated to "the residents of Woodside and their guests." The easement runs along the Woodside Road frontage of 1 Montelena Court and 2 Montelena Court, to a depth of 80 feet.

Staff has researched the Town's records to determine the purpose of the easement. The land division was categorically exempt from the California Environmental Quality Act. Therefore, the Conservation Easement is not a mitigation measure.

In a December 2, 1979 memo from R.I. Whaley to the Town's Planning Director regarding the revised preliminary map, Mr. Whaley writes "Conservation Easements are not offered." However, in his report to the Planning Commission dated July 22, 1980, the Planning Director writes "The Tentative Map indicates that the applicant will place the densely tree covered southwest portion of the site fronting on Woodside Road in a Conservation Easement." It is not clear what conversations occurred between December 2, 1979 and July 22, 1980 to cause the conservation easement to be proposed. However, it is clear that it is a voluntary easement that is located in an area with trees.

PROPERTY BACKGROUND

The property at 1 Montelena Court is comprised of 3.75 acres. Therefore, in accordance with the provisions of Section 115 of the Woodside Municipal Code, the applicant is allowed to have two horses per acre, or seven horses.

In September, 2005, the owner obtained permits to construct a 2,736 square foot barn, a 1,200 square foot hay storage barn, paddocks, and a riding ring. The barn has a total of ten stalls; however two of the stalls are utilized for tack.

In August, 2007, the owner applied for an exception to the private stable regulations so as to be allowed to have 12 horses on the property. The Livestock Committee considered the request and voted to recommend approval to the Planning Director. The Planning Director has not yet acted on the request, in part, because the request relies on placing fencing in the conservation easement where structures are prohibited.

OPEN SPACE COMMITTEE REVIEW

The Open Space Committee reviewed the request during its meeting of November 29, 2007. The Committee voted four to three to recommend that the Town Council amend the restrictions as requested, but that a report articulating the discussion of the Committee be forwarded to the Town Council. The report from the Open Space Committee is included as **Attachment 2**.

STAFF ANALYSIS

The conservation easement benefits the residents of the Town. The only restriction on this easement is that there can not be buildings or structures of any kind. Clearly, the area where the easement is located was intended to be retained in its natural state, and free of man made improvements. Although the public does not have physical access to the easement, the public does have visual access to the easement.

The Town holds at least 48 different conservation easements. Note that these are only conservation easements, and the number 48 does not include scenic easements held by the Town. When the Town is the holder of an easement, it is so that the public may have the benefit of the easement. Therefore, any amendment to a publicly held easement should further

the public benefit.

The Open Space Committee's report concludes that the visibility of horses along the Town's scenic corridors is a public benefit. Staff would note that horses are allowed in the conservation easement. It is only buildings and other structures that are prohibited. Therefore, the restrictions of the easement do not need to be amended to allow horses in this area.

Staff finds that the subject request will not benefit the public. The property is currently improved with a home, a barn, a swimming pool, paddocks, and a riding ring. An attempt to intensify the use of this land by increasing the number of horses allowed from seven to twelve is creating pressure to develop in the conservation easement. Staff finds that amending the restrictions on the conservation easement to accommodate this development will enhance the private property owners' enjoyment of their property, but it will not enhance the public benefit.

The Town's approval of development of land is often, in part, due to the easements that are dedicated to the public. Easements have specific functions and there are restrictions intended to ensure the intended function. When the Town accepts an easement, it agrees to enforce the restrictions of the easement. When the Town accepts an easement, the public has an expectation that the easement will remain and the terms of the easement will be enforced. Clearly, there may be circumstances when it is appropriate to amend the restrictions associated with an easement. Staff believes these amendments should only occur when there is a public benefit.

The staff is not aware of any case in Town where the restrictions associated with a conservation easement have been amended. The amendment of the restrictions associated with an easement does set a precedent. The criteria and logic utilized must be applied to future requests. Therefore, staff has recommended a criterion of increased public benefit. As the subject request does not increase public benefit, staff recommends that the request be denied by the Town Council.

OPTIONS:

- A. Do not amend the restrictions on the easement as such in an amendment does not further the public benefit.
- B. Find that the proposed amendment will further the public benefit, and amend the restrictions.
- C. Continue the matter to obtain additional information.

ATTACHMENT

- 1. Request from Kip and Becky Witter dated October 25, 2007 to amend the restrictions of the easement.
- 2. Report from the Open Space Committee dated December 3, 2007
- 3. Photograph of the requested shelters and fencing.
- 4. Land Division 251

TOWN OF WOODSIDE
REPORT TO THE TOWN COUNCIL

Meeting Date: December 11, 2007 Agenda Item: 7
Prepared by: Hope V. Sullivan, Assistant Town Manager/Community Design and
Development
Approved by: Susan George, Town Manager

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING CHAPTER 150: BUILDING
REGULATIONS OF THE WOODSIDE MUNICIPAL CODE.

RECOMMENDATION

It is recommended that the Town Council conduct a hearing and adopt the attached ordinance amending Chapter 150: Building Regulations of the Woodside Municipal Code.

BACKGROUND

At its meeting of November 27, 2007, the Town Council conducted a public hearing and introduced the attached Ordinance. During the meeting of November 27, 2007, the Town Council requested two revisions to the draft Ordinance. These revisions were:

- ✓ Section Four: 150.01.B: Revise the wording regarding the "Right to Disconnect Utility Service" so as to clarify that the services will be restored when the threats are corrected. Also, it has been clarified that utilities will be disconnected in cases of emergency or where necessary for safety, as opposed to and.
- ✓ Section Four: 150.01.E.2. Include barns in the building that are exempt from fire sprinklers.

The Ordinance prepared for adoption incorporates the language requested by the Town Council.

OPTIONS:

- A. Adopt the attached Ordinance Amending Chapter 150 of the Woodside Municipal Code.
- B. Adopt an Ordinance Amending Chapter 150 of the Woodside Municipal Code with local amendments different than those specified in the attached Ordinance.
- C. Continue the matter to obtain additional information.

ATTACHMENT

- 1. Draft Ordinance

ORDINANCE NO. 2007 -

ORDINANCE OF THE TOWN OF WOODSIDE AMENDING CHAPTER 150 OF THE WOODSIDE MUNICIPAL CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2007 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE FOLLOWING PARTS: PART 1 CALIFORNIA ADMINISTRATIVE CODE, PART 2 CALIFORNIA BUILDING CODE INCLUDING SELECTED APPENDICES, INCLUDING MODIFICATIONS REGARDING FIRE RETARDANT ROOFING MATERIALS AND AUTOMATIC FIRE SPRINKLERS, PART 3 CALIFORNIA ELECTRICAL CODE INCLUDING SELECTED APPENDICES, PART 4 CALIFORNIA MECHANICAL CODE INCLUDING SELECTED APPENDICES, PART 5 CALIFORNIA PLUMBING CODE INCLUDING SELECTED APPENDICES, PART 6 CALIFORNIA ENERGY CODE, PART 7 CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE; PART 8 CALIFORNIA HISTORICAL BUILDING CODE, PART 10 2007 CALIFORNIA EXISTING BUILDING CODE APPENDIX CHAPTER A1, PART 12 CALIFORNIA REFERENCED STANDARDS, UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDING (1997 EDITION), PORTIONS OF THE UNIFORM HOUSING CODE (1997 EDITION), AND PORTIONS OF THE 2001 CALIFORNIA BUILDING CODE.

IT IS HEREBY ORDAINED by the Town Council of the Town of Woodside to amend the Woodside Municipal Code as follows:

SECTION ONE: The current Chapter 150, Sections 150.01 through 150.06 of the Municipal Code are hereby deleted in their entirety.

SECTION TWO: The Town Council finds that the requirements of Government Code Sections 50022.4, 50022.5 and 50022.6, relating to adopting codes by reference have been met. The Town Council directs that one copy of each code adopted by reference shall be placed on file with the Town Clerk and maintained there for public inspection while the said Codes are in effect.

SECTION THREE: FINDINGS

Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and Safety Code, the Town Council of the Town of Woodside has determined and finds that modifications are required for the respective Codes being adopted herein, and are reasonably necessary because of the local climatic, geographic, and topographic conditions.

Local conditions have an adverse effect on the prevention of (1) major fire loss, (2) major earthquake damage, and (3) the potential for life and property loss, making necessary changes or modifications in the 2007 California Building Code, in order to provide a reasonable degree of property security and fire and life safety in the community.

Following are listed adverse local climatic, geographic, and topographic conditions:

1. Climatic Conditions

- a. Precipitation. Precipitation in Woodside ranges from less than 10 inches in drought years to over 40 inches in hillside areas in wet years, with an average of 23 inches of 24 inches per year. Over 90% of the rainfall typically

falls from November through April.

- b. Relative Humidity. Humidity generally ranges from fifty percent (50%) during daytime to seventy percent (70%) at night, but occasionally drops to below 50% during the summer months.
- c. Temperature. Average summer high temperatures are in the mid-seventies (70's) to nineties (90's), and occasionally may reach 100° or more.
- d. Winds. Prevailing winds are from the West to Northwest. However, winds originate from virtually every direction at one time or another. Velocities are generally in the five (5) to fifteen (15) miles per hour range, gusting to thirty (30) miles per hour, particularly during the summer months. Extreme winds, up to sixty (60) mph have occurred in the past.
- e. Summary. These local climatic conditions affect the acceleration, intensity and size of fire in the community. Times of little or no rainfall, or low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in the area can have a tremendous impact upon structure fires of buildings in close proximity to one another or to flammable vegetation commonly found in the area. During wood shake and shingle roof fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can force fires back into the structure and can create a blow torch effect, in addition to preventing "natural" ventilation and cross-ventilation effects.

2. Geographic and Topographic Conditions

- a. Geographic Location. Woodside is located in the southern portion of San Mateo County.
- b. Seismic Location. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the Town of Woodside is bisected by active traces of the San Andreas Fault.
- c. Fire Service. The Town of Woodside's planning area is served by the Woodside Fire Protection District (from fire stations in Woodside and Portola Valley), the California State Division of Forestry (fire stations on Skyline Blvd. and the Emerald Lake Area), and by Stanford University, with a fire station at the Stanford Linear Accelerator Center. The eastern portion of the Town's planning area is served by the Menlo Park Fire Protection District and the Redwood City Fire Department. The Kings Mountain Fire Brigade, a volunteer fire company with a station on Skyline Boulevard, also provides fire protection in the Skyline

area.

- d. Roads and Streets. Many streets in the Town are narrow and/or steep. The impact of additional development and traffic flow will continue to have an adverse effect on the delivery of emergency services to many areas of the Town.
- e. Geology and Topography. The Town of Woodside contains significant areas of steep slopes, particularly in the western hills of the Santa Cruz Mountains. Landslide potential is also significant in many areas of the Town, especially as may be induced by seismic activities. The steep topography and geologic constraints further limit access for emergency vehicles and may enhance the potential for conflagration.
- f. Buildings and Vegetation. Many houses with wood roofs and siding are located close together or are located close to highly flammable dense vegetation, so that fire will readily spread from one to another.
- g. Other Variables. Other variables that may tend to intensify fire spreading or inhibit emergency response include:
 - 1. The extent of damage to water systems;
 - 2. The extent of debris blocking roadways or driveways;
 - 3. Time of day relative to traffic levels; and
 - 4. The large portion of dwellings with wood roof coverings.

3. Conclusion

Local climatic, geographic, and topographic conditions are likely to adversely affect fire prevention efforts and the frequency, spread, acceleration, intensity, and size of fire involving buildings in the Woodside area. Further, they may contribute to potential damage to structures from earthquake and fire. Therefore, it is found to be reasonably necessary that the 2007 Building Codes contained in this Ordinance be changed or modified to mitigate the effects of the above conditions, and that the findings stated previously apply to all such modifications.

SECTION FOUR: Chapter 150 of the Woodside Municipal Code is amended by the addition of the following:

"ADOPTION OF STANDARD CODES"

Section 150.01. BUILDING CODE; AMENDMENTS.

A. Adoption of 2007 California Building Code: The Code of rules, regulations and standards, published by the International Code Conference under the title, "2007 edition of the California Building Standards Code, incorporating the 2006 International Building Code, Volumes 1 and 2," and including the following appendices Appendix Chapter 1 Administration (excluding Section 101.4.6, Section 103,

Section 105.1.1, Section 105.1.2, Section 110.2), Appendix C Agricultural Buildings (Group -U), Appendix I Patio Covers; and Appendix J Grading, , hereinafter collectively called "California Building Code," regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures in the Town of Woodside, is hereby adopted, and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provided, as the Building Code of the Town of Woodside. The mandatory requirements of the appendix to the Building Code shall be enforceable to the same extent as if contained in the body of the Building Code. Any amendments and supplements of this Code shall be enforceable to the same extent as if contained in the body of the California Building Code.

B. Powers and Duties of the Building Official: Section 103 Appendix Chapter 1 Administration of the 2007 California Building Code is hereby amended with the addition of the following language:

Right to Disconnect Utility Service. The Building Official or his authorized representative shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures, or equipment therein regulated by this Code and the construction codes in cases of emergency or where necessary for safety to life or property. Such utility service shall be discontinued until the emergency is abated or it is determined that the threat to life or property has been corrected.

C. Fees: Fees shall be assessed according to the current Town of Woodside fee schedule adopted by Town Council resolution.

D. Roofing Requirements: Section 1505 of the California Building Code is hereby amended with the addition of the following language:

The roof covering or roof assembly for all structures shall be Class A or Class B fire retardant. The roof covering on any structure regulated by this Code shall be as specified in Table No. 1505.1 and as classified in Section 1505. The roof-covering assembly includes the roof deck, underlayment, insulation and covering which is assigned a roof-covering classification. Detached patio covers, spa covers, gazebos, sheds with 120 square feet or less of roof area and awning covers are exempt. Roof covering repairs of less than three hundred (300) square feet in a 12-month period are exempt from the provisions of this paragraph. These standards shall apply when there is conflict with less stringent standards of the California Building Code.

E. Automatic Fire-Extinguisher Systems: Section 903.2 of the California Building Code is hereby amended with the addition of the following language:

- (1) The following requirements shall apply to all new buildings or structures which require a building permit from the Town of Woodside for which a complete building permit application is submitted after May 1, 2000:

- (a) Except as otherwise provided by this section, or as provided under section 903.2 of the California Building Code, automatic fire sprinkler systems shall be installed and maintained in every new building or structure of any type, use, occupancy or size which requires a building permit issued by the Town of Woodside.
- (b) The term "automatic sprinkler system" as used in this section means an integrated system of underground and overhead piping, including a water supply such as a gravity tank, fire pump, reservoir, pressure tank, or connection by underground piping to a fire main, which system complies in all respects with the requirements for such systems contained in standards issued by the National Fire Protection Association based upon occupancy classification.
- (c) As referenced in National Fire Protection Association (NFPA) standards, Section 13D, Chapter 2, Section 2-1 - General Provisions: Every automatic sprinkler system shall have at least one (1) automatic water supply. Where stored water is used as the sole source of supply, the minimum quantity of water shall equal the water demand rate (as specified in Chapter 4 of Section 13D of the NFPA standards) times ten (10) minutes. Exception: Dwelling units that are one (1) story in height and less than 2,000 square feet in floor area shall have a water supply of at least seven (7) minutes for the two (2) sprinkler demand that is typically required as specified in Chapter 4 of Section 13D of the NFPA standards).
- (d) As referenced in National Fire Protection Association (NFPA) standards, Section 13D, Chapter 2, Section 2-2 - Water Supply Sources: The following water supply sources shall be considered to be acceptable by this standard:

- 1. A connection to a reliable waterworks system with or without an automatically operated pump.
- 2. An elevated tank.
- 3. A pressure tank designed to ASME standards for a pressure vessel with a reliable pressure source.
- 4. A stored water source with an automatically operated pump (which could also be used to supply the residence's domestic water supply).

(2) The following structures are exempt from the requirements of this Section:

- (a) Agricultural buildings, as defined in Section 202 of the 2007 California Building Code (including but not limited to greenhouses) and barns, which are located at least 60 feet from any residential structure unless otherwise specified in this code.
- (b) Not used.
- (c) "Manufactured housing," as defined by California Health

and Safety Code Section 18007.

- (d) Structures not exceeding 1,000 square feet in area.
- (e) Mausoleums of Type I construction, as defined by the 1997 Uniform Building Code, which do not contain offices, chapels or other places where the public assembles on a regular basis.
- (f) Open-air parking garages of Type I construction as defined by the 1997 Uniform Building Code, which do not contain offices, stores or other places of public occupancy for purposes other than parking of vehicles.
- (g) Roofed structures with no walls or doors.

(3) The requirements of this Section are intended to present minimum standards for new construction. Nothing in this Section shall prevent any fire authority having jurisdiction from adopting and enforcing any regulations which impose more stringent requirements. Further, any requirement of the 2007 California Building Code, the Uniform Fire Code or the State Building Standards Code, which is more restrictive, specifies higher standards or mandates specific locations within a structure for automatic sprinkler systems, shall be applicable.

(4) Notwithstanding the other provisions of this section, no existing residential building or structure shall be required to conform to the requirements of this section, unless the addition, alterations or repairs to the existing building or structure within any 12-month period exceed 75% of the estimated value of such building or structure, as calculated by the Town Building Official or unless the provisions of Section 150.01(E)(2)(g) applied and the applicant is now seeking a permit to install any doors or walls.

(5) Residential structures with attached garages for which a complete building permit application is submitted after May 1, 2000 shall have automatic fire sprinkler heads installed in the garage in addition to those required in the 13D standards of the National Fire Protection Association. The number and location of such fire sprinkler heads shall be such that full coverage of the garage will be obtained.

(6) When a stored water source with an automatically operated pump system is installed, the Woodside Fire Protection District will conduct an annual inspection of the system to insure reliability. Any deficiencies found to exist by the District as a result of such inspections shall be corrected by the property owner within thirty (30) days of receipt of written notice from the District requiring such deficiencies to be corrected.

Section 150.02 ELECTRICAL CODE.

A. The Code of rules and regulations known and designated as the "2007 California Electrical Code, based on the 2005 National Electrical Code," including the Appendix chapters, printed therein,

and all supplements subsequently issued thereto, as published by the National Fire Protection Association, regulating all electrical work in or on any building or property, or similar installation in the Town of Woodside, is hereby adopted, and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provided, as the Electrical Code of the Town of Woodside. Any amendments and supplements to this Code shall be enforceable to the same extent as if fully contained in the body of the National Electrical Code.

B. Exemption from Permit Requirements. Permits are not required for the following:

1. Any electrical work done by an employee of a public utility in connection with rendering of electric service to any building or structure by said public utility.
2. The ordinary care and maintenance of an established installation of electric equipment by the owner, operator, or user thereof, except that ordinary care and maintenance shall not be construed as including additions to such installation or other work such as the repair or replacement of any electric wiring, appliances, or apparatus which is a fixed part of such installation. The replacement of lamps and fuses, plugging-in apparatus, repair of plugging-in apparatus and similar work shall be construed as ordinary care and maintenance.
3. The repair of appliances, apparatus, and materials which are not a fixed part of an established installation of electric equipment or which have been detached from such an installation for the purpose of repair.

Section 150.03. PLUMBING CODE.

A. The Code of rules and regulations known and designated as the "2007 California Plumbing Code, based on the 2006 Uniform Plumbing Code," and the appendix chapters, prepared and published by the International Association of Plumbing and Mechanical Officials, providing for the protection of the public health and safety, requiring a permit and inspection for the installation or alteration of plumbing drainage systems; creating an Administrative Authority and describing its duties; defining certain terms; establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof; providing penalties for its violation and repealing conflicting ordinances, is hereby adopted for the Town of Woodside, and by this reference incorporated herein as if fully set forth, except as hereinafter otherwise provided, as the Plumbing Code of the Town of Woodside.

B. Section 103.4.1 and Table 1-1 entitled "Permit Fees" is deleted.

Section 150.04. MECHANICAL CODE.

A. The Code of rules and regulations known and designated as the "2007 California Mechanical Code based on the 2006 Uniform

Mechanical Code" including Appendix Chapters, prepared and published by the International Association of Plumbing and Mechanical Officials, including the standards printed therein, hereinafter called "California Mechanical Code," regulating the installation, maintenance, alteration, or repair of heating, ventilating, comfort, cooling and refrigeration systems; and providing for the issuance of permits and the collections of fees therefore, defining terms, providing penalties for its violation, is hereby adopted and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provided, as the Mechanical Code of the Town of Woodside. Any amendments and supplements to this Code shall be enforceable to the same extent as if contained in the body of the California Mechanical Code.

B. Section 115.2 and Table 1-1 entitled "Permit Fees" is deleted.

Section 150.05. HOUSING CODE

The Code of rules and regulations known and designated as the "Uniform Housing Code, 1997 Edition," for the following Chapter 4 Definitions, Chapter 5 Occupancy, Section 701.2 Electrical and Section 701.3 Ventilation requiring a permit and inspection for construction, alteration or repair of buildings used for human occupancy, construction, alteration or repair of such buildings and the inspection thereof; repealing conflicting ordinances, is hereby adopted for the Town of Woodside, and by this reference incorporated herein as if fully set forth, except as hereinafter otherwise provided, as the Housing Code of the Town of Woodside. Any amendments and supplements to this Code shall be enforceable to the same extent as if contained in the body of the Uniform Housing Code.

Section 150.06. ABATEMENT OF DANGEROUS BUILDINGS CODE

The Code of rules and regulations known and designated as the "Uniform Code for Abatement of Dangerous Buildings, 1997 Edition," published by the International Conference of Building Officials, to provide a just, equitable and practical method, to be cumulative to, with and in addition to any other remedy provided by the Building Code, Housing Code, or otherwise available at law, whereby owners or occupants of buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or the buildings' occupant, may be required to repair, vacate, or abate said causes, and which applies to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in the Town of Woodside, is hereby adopted and by reference incorporated herein as if fully set forth, as the Abatement of Dangerous Buildings Code of the Town of Woodside. Any amendments and supplements to this Code shall be enforceable to the same extent as if contained in the body of the Uniform Code for Abatement of Dangerous Buildings. All references to the Director of Public Works are deleted and the Building Official inserted in all such places.

Section 150.07 ENERGY CODE

The Code of rules and regulations known and designated as the

"2007 California Energy Code, a republication of the 2005 Energy Code" with all previously approved errata and supplements is hereby adopted, and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provide, as the Energy Code of the Town of Woodside.

150.08 ELEVATOR CODE

The Code of rules and regulations known as and designated as the "2007 California Elevator Safety Construction Code" as published in the referenced California Code of Regulations, Title 8, is hereby adopted, and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provide, as the Elevator Code of the Town of Woodside.

150.09 HISTORICAL BUILDING CODE

The Code of rules and regulations known as and designated as the "2007 California Historical Building Code" published by the International Code Council, is hereby adopted, and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provide, as the Historical Building Code of the Town of Woodside.

150.10 SEISMIC STRENGTHENING FOR UNREINFORCED MASONRY BUILDING

The Code of rules and regulations known as and designated as "2007 California Existing Building Code, Appendix Chapter A1 Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings" based on the 2006 International Existing Building Code International Code Council, is hereby adopted, and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provide, as the Existing Building Code of the Town of Woodside.

150.11 REFERENCED STANDARDS CODE

The Code of rules and regulations known as and designated as "2007 California Referenced Standards Code Building Standards" adopted by the Commission for the 2007 California Referenced Standards Code, is hereby adopted, and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provide, as the Referenced Standards Code of the Town of Woodside.

150.12 REPAIRS TO BUILDINGS DAMAGED BY NATURAL DISASTER

The Code of rules and regulations known as and designated as "2001 California Building Code Repairs to Buildings and Structures Damaged by the Occurrence of a Natural Disaster," as published in Appendix Chapter 34, Division III, is hereby adopted, and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provide, as the Repairs to Buildings and Structures Damaged by the Occurrence of Natural Disaster Code of the Town of Woodside.

SECTION FIVE: Section 150.99 of the Woodside Municipal Code is amended to read:

Any person violating any provision of this chapter shall be subject to the general penalty provisions as set forth in Section 10.99 of the Woodside Municipal Code.

SECTION SIX: In the event that any provision of this ordinance is in conflict with any other ordinances of the Town of Woodside or the Woodside Municipal Code, the provisions of this ordinance shall prevail.

SECTION SEVEN: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION EIGHT: Pursuant to Section 36937 of the Government Code of the State of California, the Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION NINE: The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2007 - ____ of the Town of Woodside entitled as above; that it was introduced on the ____ of November, 2007, and was passed and adopted by the Town Council on the ____ of December, 2007 by the following vote:

AYES, COUNCILMEMBERS:
NOES, COUNCILMEMBERS:
ABSENT, COUNCILMEMBERS:
ABSTAIN, COUNCILMEMBERS:

Clerk of the Town of Woodside

APPROVED:

Mayor of the Town of Woodside
UniformCode2007