

**WRITTEN CORRESPONDENCE RECEIVED BY CITY COUNCIL**  
**(3/17/23-4/6/23)**

Prem Lall (4/5/23) False Citation of Proposition 218 by the City of Brisbane (correspondence for 4/6/2023 City Council Meeting)

Beth Grossman and Storrs Hoen (4/5/23) Water Bill Increases on the Agenda this Week

Prem Lall (3/29/23) Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023

Michele Salmon (3/29/23) Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023

Prem Lall (3/29/23) Response to Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023

Jeffrey Tong (3/29/23) HYPOCRISY of San Mateo County - Sustainable San Mateo County / Earth Year 2023

Clara Johnson (3/29/23) Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023

Michael Barnes (3/20/23) On-line agendas

Jeffrey Tong (3/18/23) Spring 2023 is here

Clara Johnson (3/17/23) Correction to "Inaccurate description of posting of Baylands Specific Plan," draft

**From:** clara johnson <[clara-a-johnson@sbcglobal.net](mailto:clara-a-johnson@sbcglobal.net)>

**Sent:** Friday, March 17, 2023 2:55 PM

**To:** Council Members <[CouncilMembers@ci.brisbane.ca.us](mailto:CouncilMembers@ci.brisbane.ca.us)>; Holstine, Clay <[clayholstine@ci.brisbane.ca.us](mailto:clayholstine@ci.brisbane.ca.us)>; Brisbane Communications <[communications@brisbaneca.org](mailto:communications@brisbaneca.org)>; Swiecki, John <[johnswiecki@ci.brisbane.ca.us](mailto:johnswiecki@ci.brisbane.ca.us)>; Howard Pearce <[hpearce@thebaylands.com](mailto:hpearce@thebaylands.com)>; Miller, Anja <[anjakmiller@cs.com](mailto:anjakmiller@cs.com)>; Miller Ray AT Yahoo <[rc.miller@yahoo.com](mailto:rc.miller@yahoo.com)>; Gutekanst, Mary <[mcgute@hotmail.com](mailto:mcgute@hotmail.com)>; Salmon, Michele (personal) <[mmsalmon@aol.com](mailto:mmsalmon@aol.com)>; Martin. Fran <[FMa6764860@aol.com](mailto:FMa6764860@aol.com)>; iris gallagher <[irisgallag@aol.com](mailto:irisgallag@aol.com)>; Carolyn Parker <[carolynparker@sonic.net](mailto:carolynparker@sonic.net)>; Carolyn Parker <[cparker1@ix.netcom.com](mailto:cparker1@ix.netcom.com)>; Dettmer, Bill <[billdettmer@gmail.com](mailto:billdettmer@gmail.com)>; Dillworth, Dana <[earthhelp@earthlink.net](mailto:earthhelp@earthlink.net)>; Johnson, Clara <[clara-a-johnson@sbcglobal.net](mailto:clara-a-johnson@sbcglobal.net)>; Attard, Tony <[tonyattard@yahoo.com](mailto:tonyattard@yahoo.com)>; Anderson, Greg <[greg.anderson@greenknowe.org](mailto:greg.anderson@greenknowe.org)>; Danny Ames <[cleanair@sbcglobal.net](mailto:cleanair@sbcglobal.net)>; Horen, Debra <[debra.horen@gmail.com](mailto:debra.horen@gmail.com)>; Gomez, Dolores <[brischic@sonic.net](mailto:brischic@sonic.net)>; Ebel, Barbara (personal) <[ecology@greenknowe.org](mailto:ecology@greenknowe.org)>; Grossman, Beth (personal) <[beth@bethgrossman.com](mailto:beth@bethgrossman.com)>; Paul Bouscal <[bouscalp@yahoo.com](mailto:bouscalp@yahoo.com)>; Glenn Fieldman <[glennfieldman@gmail.com](mailto:glennfieldman@gmail.com)>; steve goodwin <[sgood73730@aol.com](mailto:sgood73730@aol.com)>; Munir, Jameel <[hmj930@gmail.com](mailto:hmj930@gmail.com)>; Lall, Prem <[premlall@yahoo.com](mailto:premlall@yahoo.com)>; Leiter Robin at Yahoo <[rougerobin@yahoo.com](mailto:rougerobin@yahoo.com)>; Kevin Mullin <[kevin@kevinmullin.com](mailto:kevin@kevinmullin.com)>; [brsnet@smrn.com](mailto:brsnet@smrn.com)

**Subject:** Correction to "Inaccurate description of posting of Baylands Specific Plan," draft

Dear Mayor Davis and City Council, CM Holstine, PD Swiecki and CD Cheung

In my last message, I invited you to tell me what I missed and you have done so graciously. I missed that the Chapter headings needed to be clicked on to reveal the rest of the Chapter. It is a format that seems more suited to a webpage more than to a Specific Plan. The City has posted the entire document and I regret my error and any discomfort it may have caused. I should have taken greater care. May we all review this new proposal in a thorough, meticulous way. Thank-You for your patience.

Sincerely

Clara Johnson

**From:** Jeffrey Tong <[tong.examiner@gmail.com](mailto:tong.examiner@gmail.com)>

**Sent:** Saturday, March 18, 2023 10:58 AM

**To:** Ann Keighran <[akeighran@smcgov.org](mailto:akeighran@smcgov.org)>; Ann Schneider <[AnnSchneider2020@outlook.com](mailto:AnnSchneider2020@outlook.com)>;  
[Assemblymember.Ting@assembly.ca.gov](mailto:Assemblymember.Ting@assembly.ca.gov); COUNCIL-Emily Beach <[ebeach@burlingame.org](mailto:ebeach@burlingame.org)>; Council  
Members <[CouncilMembers@ci.brisbane.ca.us](mailto:CouncilMembers@ci.brisbane.ca.us)>; CouncilSB <[councilsb@sanbruno.ca.gov](mailto:councilsb@sanbruno.ca.gov)>; Dave Pine  
<[dpine@smcgov.org](mailto:dpine@smcgov.org)>; David Canepa <[dcanepa@smcgov.org](mailto:dcanepa@smcgov.org)>; Everything South City  
<[news@everythingsouthcity.com](mailto:news@everythingsouthcity.com)>; [Flor.Nicolas@ssf.net](mailto:Flor.Nicolas@ssf.net); Glenn Sylvester <[dalycitymayor@gmail.com](mailto:dalycitymayor@gmail.com)>;  
Glenn Sylvester <[hightechcop@gmail.com](mailto:hightechcop@gmail.com)>; [James.Coleman@ssf.net](mailto:James.Coleman@ssf.net); Jeff Gee <[jeff@jeffgee.org](mailto:jeff@jeffgee.org)>;  
Nagales, Mark <[mark.nagales@ssf.net](mailto:mark.nagales@ssf.net)>; Noelia Corzo <[ncorzo@smcgov.org](mailto:ncorzo@smcgov.org)>; Warren Slocum  
<[wslocum@smcgov.org](mailto:wslocum@smcgov.org)>; [dcolson@burlingame.org](mailto:dcolson@burlingame.org); [eddie.flores@ssf.net](mailto:eddie.flores@ssf.net); [jusyncmanalo@gmail.com](mailto:jusyncmanalo@gmail.com);  
[mark.addiego@ssf.net](mailto:mark.addiego@ssf.net); [mbrownrigg@burlingame.org](mailto:mbrownrigg@burlingame.org); [pstevenson@burlingame.org](mailto:pstevenson@burlingame.org);  
[raybesq@gmail.com](mailto:raybesq@gmail.com); [rmueller@smcgov.org](mailto:rmueller@smcgov.org); [rortiz@burlingame.org](mailto:rortiz@burlingame.org)

**Cc:** 'Gladwyn D'Souza' via SCLP Sustainable Land Use Committee <[sclp-slu@googlegroups.com](mailto:sclp-slu@googlegroups.com)>; Auros  
Harman <[rmharman@auros.org](mailto:rmharman@auros.org)>; Durazo Marco <[mdurazo619@gmail.com](mailto:mdurazo619@gmail.com)>; Isabella Chu  
<[isabella.t.chu@gmail.com](mailto:isabella.t.chu@gmail.com)>; Joel Shaffer <[jshaffer@bayareametro.gov](mailto:jshaffer@bayareametro.gov)>; Jules Brouillet  
<[jules.c.brouillet@gmail.com](mailto:jules.c.brouillet@gmail.com)>; Malcolm Robinson <[matisse200@sanbrunocable.com](mailto:matisse200@sanbrunocable.com)>; Millbrae Nathan  
Chan <[chan.nathan.th@gmail.com](mailto:chan.nathan.th@gmail.com)>; Ruiz, Sergio@DOT <[sergio.ruiz@dot.ca.gov](mailto:sergio.ruiz@dot.ca.gov)>; Sandhya Laddha  
<[sandhya@bikesiliconvalley.org](mailto:sandhya@bikesiliconvalley.org)>; Stephen Seymour <[steve.seymour4961@gmail.com](mailto:steve.seymour4961@gmail.com)>; Tom Williams  
<[TWilliams@ci.millbrae.ca.us](mailto:TWilliams@ci.millbrae.ca.us)>; [anthony@bikesiliconvalley.org](mailto:anthony@bikesiliconvalley.org)

**Subject:** Spring 2023 is here 🦋🌻🐝

The post WWII sub-urban (automobile-centered) experiment has failed miserably, and Nature always win, so let's embrace Nature - not fight it! Shall we?

If you are just a motorist, you miss 99% of Nature's beauty that exists between the cracks.

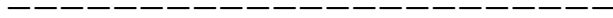




So, what valuable **LESSONS** did Covid-19 teach you? <https://www.caryinstitute.org/news-insights/media-coverage/how-biodiversity-can-prevent-pandemics>

It's not about substituting one fuel type for another (ie: electric for gas) - it is about **CHANGING** the way we live!

It's not about "Recycling" (ie: substituting the blue bin for the grey bin) - it is about Reducing and Reusing - CHANGING the way we live!



This is why **El Camino Real** (ECR) must be transformed from an auto-only corridor...



to a multi-modal transportation corridor - **NOW!**



Life is not about getting to a destination - it's about the journey itself!

There is only one (final) destination in life ☠️

--

Jeffrey Tong  
650.302.2190

From: Michael Barnes <[mgb5@mindspring.com](mailto:mgb5@mindspring.com)>  
Sent: Monday, March 20, 2023 10:05 AM  
To: Padilla, Ingrid <[ipadilla@ci.brisbane.ca.us](mailto:ipadilla@ci.brisbane.ca.us)>  
Cc: Holstine, Clay <[clayholstine@ci.brisbane.ca.us](mailto:clayholstine@ci.brisbane.ca.us)>; Cheung, Caroline <[ccheung@brisbaneca.org](mailto:ccheung@brisbaneca.org)>  
Subject: On-line agendas

Dear City Clerk Padilla,

Would you please forward this message to the city attorney, city council and the arts subcommittee?  
Thank you.

For the second time, the city has posted agendas for a city meeting with slightly different agenda items. In this case, today's (March 20, 2023) arts subcommittee meeting does not include "Public Comment" as an agenda item in the HTML versions, while this item is included in the pdf versions of the agenda.

Additionally, the HTML versions of the agenda include an item titled "Future Projects" that is absent from the pdf version of the agendas.

Since I cannot be assured that public comment is part of today's arts subcommittee meeting, here are my comments:

Item E. Review RFP Samples and Begin Framing Key Components of a Public Arts Master Plan RFP for Brisbane

There is another approach to the administration of public art in Brisbane. Hiring an experienced arts curator to vet a list of artists, from which a city panel of experienced visual artists could choose for a project, should be considered. A professional arts curator would widen the possibilities from the existing list of public artists, to those artists who have strong studio practices and may not think of themselves as public artists. This idea comes from Shelly Willis, former Executive Director of the Sacramento Metropolitan Arts Commission.

Item G. Consider Ideas for Small Interim Projects

The public arts subcommittee has not followed the existing public arts guidelines, and to proceed with public arts projects, no matter their size, without buy-in to the public art master plan is putting the cart before the horse. Please channel your enthusiasm for public art into creating a viable master plan. As the saying goes, "fail to plan is a plan to fail."

Thank you,

Michael Barnes  
Brisbane Resident

**From:** Jeffrey Tong <[tong.examiner@gmail.com](mailto:tong.examiner@gmail.com)>

**Sent:** Wednesday, March 29, 2023 3:12 PM

**To:** Ann Schneider <[AnnSchneider2020@outlook.com](mailto:AnnSchneider2020@outlook.com)>; [Assemblymember.Ting@assembly.ca.gov](mailto:Assemblymember.Ting@assembly.ca.gov); Auros Harman <[rmharman@auros.org](mailto:rmharman@auros.org)>; Bier, Mary <[bierm@ci.pacifica.ca.us](mailto:bierm@ci.pacifica.ca.us)>; C Marcopulos <[cmarcopulos@gmail.com](mailto:cmarcopulos@gmail.com)>; COUNCIL-Emily Beach <[ebeach@burlingame.org](mailto:ebeach@burlingame.org)>; Council Members <[CouncilMembers@ci.brisbane.ca.us](mailto:CouncilMembers@ci.brisbane.ca.us)>; CouncilsB <[councilsb@sanbruno.ca.gov](mailto:councilsb@sanbruno.ca.gov)>; Dave Pine <[dpine@smcgov.org](mailto:dpine@smcgov.org)>; David Canepa <[dcanepa@smcgov.org](mailto:dcanepa@smcgov.org)>; Crabbe, David <[dcarch@comcast.net](mailto:dcarch@comcast.net)>; Durazo Marco <[mdurazo619@gmail.com](mailto:mdurazo619@gmail.com)>; Everything South City <[news@everythingsouthcity.com](mailto:news@everythingsouthcity.com)>; [Flor.Nicolas@ssf.net](mailto:Flor.Nicolas@ssf.net); Gita Dev <[devarchitects@gmail.com](mailto:devarchitects@gmail.com)>; Gladwyn dSouza <[godsouza@yahoo.com](mailto:godsouza@yahoo.com)>; Glenn Sylvester <[dalycitymayor@gmail.com](mailto:dalycitymayor@gmail.com)>; Isabella Chu <[isabella.t.chu@gmail.com](mailto:isabella.t.chu@gmail.com)>; [James.Coleman@ssf.net](mailto:James.Coleman@ssf.net); Jeremy Sarnecky <[jeremys4change@gmail.com](mailto:jeremys4change@gmail.com)>; Joel Shaffer <[jshaffer@bayareametro.gov](mailto:jshaffer@bayareametro.gov)>; Jules Brouillet <[jules.c.brouillet@gmail.com](mailto:jules.c.brouillet@gmail.com)>; Karen Ervin <[kervinpacifica@gmail.com](mailto:kervinpacifica@gmail.com)>; Linda Mason <[lindamason4sanbruno@gmail.com](mailto:lindamason4sanbruno@gmail.com)>; MICHAEL HARRIS <[usmmmh@yahoo.com](mailto:usmmmh@yahoo.com)>; Malcolm Robinson <[matisse200@sanbrunocable.com](mailto:matisse200@sanbrunocable.com)>; Mila Zelkha <[mila.zelkha@gmail.com](mailto:mila.zelkha@gmail.com)>; Millbrae Nathan Chan <[chan.nathan.th@gmail.com](mailto:chan.nathan.th@gmail.com)>; Mina Richardson <[minarichardson@gmail.com](mailto:minarichardson@gmail.com)>; Nagales, Mark <[mark.nagales@ssf.net](mailto:mark.nagales@ssf.net)>; Noelia Corzo <[ncorzo@smcgov.org](mailto:ncorzo@smcgov.org)>; Ruiz, Sergio@DOT <[sergio.ruiz@dot.ca.gov](mailto:sergio.ruiz@dot.ca.gov)>; Sandhya Laddha <[sandhya@bikesiliconvalley.org](mailto:sandhya@bikesiliconvalley.org)>; Silicon Valley Bicycle Coalition <[svbc@bikesiliconvalley.org](mailto:svbc@bikesiliconvalley.org)>; Sue Chow, PhD <[sue2042@gmail.com](mailto:sue2042@gmail.com)>; Tom Carney <[tcarney411@gmail.com](mailto:tcarney411@gmail.com)>; Tom Williams <[TWilliams@ci.millbrae.ca.us](mailto:TWilliams@ci.millbrae.ca.us)>; Warren Slocum <[wslocum@smcgov.org](mailto:wslocum@smcgov.org)>; Wayne Lee <[friends@wayneleemillbrae.com](mailto:friends@wayneleemillbrae.com)>; [anthony@bikesiliconvalley.org](mailto:anthony@bikesiliconvalley.org); [dcolson@burlingame.org](mailto:dcolson@burlingame.org); [eddie.flores@ssf.net](mailto:eddie.flores@ssf.net); [jasmine.Stitt@dot.ca.gov](mailto:jasmine.Stitt@dot.ca.gov); [mark.addiego@ssf.net](mailto:mark.addiego@ssf.net); [mbrownrigg@burlingame.org](mailto:mbrownrigg@burlingame.org); [price@padailypost.com](mailto:price@padailypost.com); [raybesq@gmail.com](mailto:raybesq@gmail.com); [rmueller@smcgov.org](mailto:rmueller@smcgov.org); [rortiz@burlingame.org](mailto:rortiz@burlingame.org)

**Subject:** Re: HYPOCRISY of San Mateo County - Sustainable San Mateo County / Earth Year 2023

How can San Mateo County claim it is championing [SustainableSanMateo](#) when all county government buildings ban bicyclists from entering with a bike? To complicate matters - Samtran buses can only accommodate 2-3 bikes regardless of passenger capacity.

How much does it cost to buy a bike designed for commuting that can be carried onboard public transit? Example: [HuckleberryBikes.com](http://HuckleberryBikes.com) in SF specialize in commuter bikes.

Does SMC expect someone with a \$3000 foldable commuter bike to chain it outside RWC's County Center? BART has a secured bike storage locker at SF Civic Center Station. Why doesn't San Mateo County have one at all government buildings - especially at RWC County Center?



Does SM County expect poor people to buy a car and volunteer for jury duty? Why does SMC subsidize parking for motorists, but not public transit for walkers and bikers? You can't even apply for MediCal or food stamps without driving a car to a county building!

ENVIRONMENTAL SUSTAINABILITY is not about putting a solar panel on our roof or buying an electric Tesla® vehicle! Substituting electric for gasoline is just corporate MARKETING and SELLING a new product, which perpetuates the debt cycle! But does electric alleviate traffic congestion? An electric car takes just as much road space as a gasoline car. Does California cities even have the electrical infrastructure to support this massive conversion? San Bruno, for example, has been having blackouts for months.

Why are Tesla® recharging stations all over shopping centers... BUT they can only recharge Tesla® vehicles? This reeks corruption just like GM's Street Car Scandal!!!

[https://en.m.wikipedia.org/wiki/General\\_Motors\\_streetcar\\_conspiracy](https://en.m.wikipedia.org/wiki/General_Motors_streetcar_conspiracy)

**BUILDING INFRASTRUCTURE THAT EXCLUDES COMPETITION IS CALLED A MONOPOLY!** [https://en.m.wikipedia.org/wiki/Sherman\\_Antitrust\\_Act](https://en.m.wikipedia.org/wiki/Sherman_Antitrust_Act)

In my humble opinion, although bicycling to work should be a fun, enjoyable, and safe experience, the main reason to hold Bike To Work (or wherever) Day is to form a critical mass to PERMANENTLY transform El Camino Real into an EQUITABLE transportation corridor!

PS: Critical mass was only necessary to demonstrate to motorists who insisted there was no need to fund bicycle infrastructure because there is no demand for bikes! Then when that was disproved, motorists demonized bicyclists as eco-terrorists who don't obey the "Rules of the Road" (rules designed exclusively for motorists).

Sound similar to the "Rules Based Order" <https://www.currentaffairs.org/2023/01/us-hypocrisy-on-foreign-policy-undermines-the-rules-based-order-it-claims-to-defend>

The greatest potential to make San Mateo County sustainable is to transform El Camino Real between Millbrae Ave and San Bruno Ave (just 2.7 miles). How can this [Stroad](#) be redesigned to be EQUITABLE

for everyone? Simply match Burlingame's template (4 traffic lanes - 2 in each direction), and SHARE the excess space with micro-mobility users!

We are already living in 2023 - the 21st Century, not 1950, and Covid is four years old. Traffic is going back to pre-pandemic levels. Should we go back to Business As Usual, or choose the upper road - seize the opportunity to change for the better?

Jeffrey Tong

San Bruno, Ca

On Wed, Mar 29, 2023 at 08:15 Silicon Valley Bicycle Coalition <[svbc@bikesiliconvalley.org](mailto:svbc@bikesiliconvalley.org)> wrote:

[View this email in your browser](#)

---





**Get  
Involved.**

**Volunteer with Silicon Valley Bicycle Coalition**

SVBC works across two counties of Silicon Valley to build communities that value, include and encourage bicycling for all purposes for all people.  
**Become a part of SVBC!**  
See our current opportunities below.

---

**Pledge to Ride on Bike to Wherever Days -  
May 18, 19, and 20**



May is Bike Month, and we want to see you, your friends, and your family bringing your love of biking to the streets on May 18, 19 and 20 for Bike to Wherever Days. When you **pledge to ride**, you'll receive a free tote bag on the day of the event as we celebrate the joy of biking together!

[Pledge to Ride](#)

We're also seeking volunteers to help with [preparing](#) and [handing out](#) Bike to Wherever Days prizes in Santa Clara County, [preparing](#) and [handing out](#) prizes in San Mateo County, being a [bike ambassador](#) within your local community, or help out at the [Santa Clara County Bike Bash](#) in Palo Alto or the [San Mateo County Bike Bash](#) in the City of San Mateo.

While you're at it, don't forget to nominate your [Bike Champion of the Year!](#) The deadline is March 31st, so act fast!

---

## Local Organizations: Host an Energizer Station during Bike to Wherever Days



Energizer Stations are destinations and way stations during Bike to Work Day and Bike to Wherever Days that encourage (energize!) people to ride their bicycles by giving them food, drink, handouts, BTWD bags, and encouragement. We need to get more butts on bikes! While we primarily need organizations to set up Energizer Stations, we also need some individual volunteers on those days. Learn more and sign up to host [here!](#) The deadline to sign up is **April 21st.**

---

## **Become a Biketivist: Join a Local Team - Next Forum April 19**

# April 2023 Biketivist Forum

Bay Trail Equitable Access:  
A listening session for a more equitable Bay Trail



SVBC relies on you, in local teams and as members, for your on-the-ground expertise and experiences to advocate for making your communities safer for walking and biking. [Join a local team!](#)

Join us on Wednesday, April 19 at 5PM, for SVBC's Biketivist Forum! This conversation will focus on Bay Trail Equitable Access. To extend its reach, the Metropolitan Transportation Commission (MTC) is partnering with SVBC to learn how the Bay Trail can be a place for everyone, of all ages and abilities. We invite you to learn more about this project and offer your feedback during our Biketivist Forum.

SVBC is powered by you, our local teams and members, as we advocate for making our communities safer for walking and biking. To attend click [here](#).

---

## Farm Box by Bike: Eastside Connect on April 1 and April 15



**We need your HELP!!** Sign up to deliver Farm Boxes this Saturday, April 1st, and help SVBC reach our goal of delivering 50 veggie boxes to San Jose families!

Do you want to help your neighbors access healthy food in a sustainable fashion? By volunteering for the Eastside Connect you'll be doing exactly that. Come out and help build an alternative and more just food and transportation system, by delivering farm boxes by bike. Click one of the dates below to learn more!

[April 1](#)

[April 15](#)

---

## **The 13th Annual Silicon Valley Bike Summit: Call for Proposals**



Connect with insights and expertise at Silicon Valley’s largest gathering of active transportation leaders and organizers from government, the private sector, non-profits, and the general public. This is THE most information rich event of the year for bicycle professionals, elected and appointed officials, and citizen advocates in and around Silicon Valley. It’s well worth attending by professionals and advocates from elsewhere in the US as well.

SVBC is currently seeking proposals for workshops and panels related to biking and transportation. The conference consists of multiple sessions, each lasting about 1 hour and 15 minutes, including Q&A. Sessions may feature multiple speakers and/or related topics. If you have a topic or idea that you would like to present or coordinate a session around, please let us know by filling out the proposal form on our site! Deadline for submission is **Friday, April 14**.

[Learn more](#)



## Sunnyvale: Volunteer to Support Free Bike Repair and Safety Checks



The Sunnyvale Local Team is partnering with the Sunnyvale Public Library to host a bike repair clinic on April 8th, and we need volunteers! We're currently seeking bike mechanics, ABC Quick Check training leaders, and an info table advocates to help connect folks to useful bicycling resources.

[Learn More](#)

---

## Empower Your Community: Learn to Lead Group Rides



Group rides are an opportunity for cyclists of all level to take to the streets for a community-building ride! Ride Leaders are necessary to help plan the event, route the ride, and generate excitement within our local community. We hope you will join us for a virtual Ride Leader training on **Wednesday, April 12th!**

Hosted by Silicon Valley Bicycle Coalition and taught by staff who are League of American Bicyclists Certified Instructors (LCIs), the goal of this training is to get YOU prepped, ready, and confident to take friends, family, and neighbors out for a great experience on two wheels.

[Sign Up](#)

---

## Ride Support Volunteers Needed!



Ride Support Volunteers are needed for our upcoming group rides at [Coyote Creek Habitat Day](#) on April 1st and the [408 Day Meet & Cruise](#) on April 8th. Our Ride Leaders depend on Ride Support Volunteers to help these group biking experiences run smoothly! You can learn more about these awesome upcoming community events and sign up to help through Eventbrite. Make sure to choose a 'volunteer ride support' ticket option when signing up!

---

## **Biketivism Advocacy Training: April 14**



SVBC is conducting an advocacy training for people who want to get involved in the bike movement and support better biking infrastructure in their communities. This will be a general advocacy overview - how bike projects get done, where to go for information and whom to contact when issues arise. It will also include SVBC initiatives and other advocacy basics.

[Sign Up](#)

---

## **Bike Parking Volunteer Opportunities**



Our team is seeking volunteers to help us park and guard bikes at the upcoming [Earth and Arbor Day Festival](#) on April 22 in Cupertino and the [Nikkei Matsuri Festival](#) on April 23 in San Jose. This is your chance to join in the fun of helping SVBC in our ongoing work to build and empower more bike friendly communities for all.

---

## Now Hiring: Executive Director and Community Organizer



We have a range of open spots on the roster that we're hoping to fill with the right folks. Bring your talents to the Silicon Valley Bicycle Coalition, we can't wait to meet you! Click [here](#) to read more about the open roles at SVBC and instructions on how to apply.

[Learn More](#)

---

## General Volunteer Inquiry



Volunteers are the secret behind SVBC's impact and reach. Interested? [Learn more](#)

[Learn More](#)

---

We see the bicycle as so much more than a method of transportation, but a vehicle for large scale transformation. If you feel strongly about physical and mental health, climate change, and accessibility, you should be on our team! We're stronger together, please [support the work](#).

[Support SVBC](#)



*Copyright (C) 2023 Silicon Valley Bicycle Coalition. All rights reserved.*  
You are receiving this email because you signed up either online, through a membership application, or at an event.

Our mailing address is:

Silicon Valley Bicycle Coalition

PO Box 1927

San Jose, CA 95109

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe](#)

--

Jeffrey Tong  
650.302.2190



**From:** clara johnson <[clara-a-johnson@sbcglobal.net](mailto:clara-a-johnson@sbcglobal.net)>

**Date:** March 29, 2023 at 6:29:29 PM PDT

**To:** city council <[citycouncil@ci.brisbane.ca.us](mailto:citycouncil@ci.brisbane.ca.us)>

**Cc:** Clay Holstine <[citymanager@ci.brisbane.ca.us](mailto:citymanager@ci.brisbane.ca.us)>, City of Brisbane <[communications@ci.brisbane.ca.us](mailto:communications@ci.brisbane.ca.us)>, Ray Miller <[rc.miller@yahoo.com](mailto:rc.miller@yahoo.com)>, anja miller <[anjakmiller@cs.com](mailto:anjakmiller@cs.com)>, tony attard <[tonyattard@yahoo.com](mailto:tonyattard@yahoo.com)>, Lee Panza <[lpanza@sbcglobal.net](mailto:lpanza@sbcglobal.net)>, Michele Salmon <[mmsalmon@aol.com](mailto:mmsalmon@aol.com)>, Dana Dillworth <[earthhelp@earthlink.net](mailto:earthhelp@earthlink.net)>, Debra Horen <[debra.horen@gmail.com](mailto:debra.horen@gmail.com)>, Barbara Ebel <[barbara@greenknowe.org](mailto:barbara@greenknowe.org)>, Mary Goodart gutekanst <[mcgute@hotmail.com](mailto:mcgute@hotmail.com)>, Beth Grossman <[beth@bethgrossman.com](mailto:beth@bethgrossman.com)>, Dolores Gomez <[brischic@sonic.net](mailto:brischic@sonic.net)>, Paul Bouscal <[bouscalp@yahoo.com](mailto:bouscalp@yahoo.com)>, [brsnet@smrn.com](mailto:brsnet@smrn.com), Prem Lall <[premlall@yahoo.com](mailto:premlall@yahoo.com)>, steve goodwin <[sgood73730@aol.com](mailto:sgood73730@aol.com)>, joan-tom alley <[alleyzzz@sbcglobal.net](mailto:alleyzzz@sbcglobal.net)>

**Subject:** **Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023**

Mayor and City Council

I am objecting to your decision to hold a Public Hearing on setting water rates on this date, April 6. In the Star, you state that these rates will be raised during the next five years. April 6, 2023 falls during Easter week on the Thursday night before Good Friday. It is also the first day of Passover. People often travel during what is called Easter Week or Spring Break. Spring Break at the Brisbane School District falls in this week. It makes it appear as though you are unaware of the traditions of these Holidays or that you would rather not have this meeting well attended. Whenever a public meeting is scheduled at an inconvenient time for the citizens, it makes people question whether you are sincerely seeking their advice and comment on the issue at hand. You may have published this date before. This time when I saw it, I realized that is during Spring Break.

I suggest you delay the meeting. If people want to understand what costs are reflected in the rates, they should also take a look at the Budget for Water and Sewer. The Covid Pandemic has interfered with public oversight and participation. Inflation is causing stress and discomfort. We all need a better understanding of why and by how much, water and sewer rates are changing. Please delay the Public Hearing and please provide more notice of the Hearing.

I appreciate your attention.

Sincerely

Clara Johnson

**From:** Prem Lall <[premlall@yahoo.com](mailto:premlall@yahoo.com)>

**Sent:** Wednesday, March 29, 2023 10:15 PM

**To:** Council Members <[CouncilMembers@ci.brisbane.ca.us](mailto:CouncilMembers@ci.brisbane.ca.us)>; Johnson, Clara <[clara-a-johnson@sbcglobal.net](mailto:clara-a-johnson@sbcglobal.net)>; Salmon, Michele (personal) <[mmsalmon@aol.com](mailto:mmsalmon@aol.com)>

**Cc:** Holstine, Clay <[clayholstine@ci.brisbane.ca.us](mailto:clayholstine@ci.brisbane.ca.us)>; Brisbane Communications <[communications@brisbaneca.org](mailto:communications@brisbaneca.org)>; Miller Ray AT Yahoo <[rc.miller@yahoo.com](mailto:rc.miller@yahoo.com)>; Miller, Anja <[anjakmiller@cs.com](mailto:anjakmiller@cs.com)>; Attard, Tony <[tonyattard@yahoo.com](mailto:tonyattard@yahoo.com)>; Panza Lee (Forward) <[panza@smrn.com](mailto:panza@smrn.com)>; Dillworth, Dana <[earthhelp@earthlink.net](mailto:earthhelp@earthlink.net)>; Horen, Debra <[debra.horen@gmail.com](mailto:debra.horen@gmail.com)>; [barbara@greenknowe.org](mailto:barbara@greenknowe.org) <[barbara@greenknowe.org](mailto:barbara@greenknowe.org)>; Gutekanst, Mary <[mcgute@hotmail.com](mailto:mcgute@hotmail.com)>; Grossman, Beth (personal) <[beth@bethgrossman.com](mailto:beth@bethgrossman.com)>; Gomez, Dolores <[brischic@sonic.net](mailto:brischic@sonic.net)>; [bouscalp@yahoo.com](mailto:bouscalp@yahoo.com) <[bouscalp@yahoo.com](mailto:bouscalp@yahoo.com)>; [brsnet@smrn.com](mailto:brsnet@smrn.com) <[brsnet@smrn.com](mailto:brsnet@smrn.com)>; [sgood73730@aol.com](mailto:sgood73730@aol.com) <[sgood73730@aol.com](mailto:sgood73730@aol.com)>; [alleyzzz@sbcglobal.net](mailto:alleyzzz@sbcglobal.net) <[alleyzzz@sbcglobal.net](mailto:alleyzzz@sbcglobal.net)>

**Subject:** Re: Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023

Actually, the letter FAQ letter states the following:

-----  
2. What is Proposition 218 and what are the procedures under Proposition 218??

Adopted by the voters in November 1996, Proposition 218 added Article XIID to the State Constitution and governs the process for property-related fee increases. Proposition 218 gives taxpayers the right to vote on all local taxes and requires taxpayer approval of property-related assessments and fees, including water, sewer, and solid waste rates. Under Section 6 of Article XIID, a notice must be sent to all property owners and customers at least 45 days before a public hearing is held to consider proposed rate increases. **Under Proposition 218, persons objecting to the rate increase must file a protest with the City. Protests concerning the rate increase must be in writing, and may be delivered in person, or sent by mail, to the City of Brisbane City Clerk, 50 Park Place, Brisbane, CA 94005. In person protests may also be delivered at the public hearing on April 6, 2023 but all written protests, whether delivered in person or sent by mail, must be received by the City before the close of the public hearing on April 6. At the public hearing, an oral protest, without an accompanying written protest, will not count as a valid protest. No protests will be accepted if sent via email, text, fax, or other electronic means. If there is no majority protest, the proposed rates may be adopted. There may be only one written protest for each parcel affected by the rate increase.**

However, Proposition 218 Article XIID (see [https://ballotpedia.org/Article XIII D, California Constitution](https://ballotpedia.org/Article_XIII_D,_California_Constitution)) states the following:

#### Section 4

Text of Section 4:

#### Procedures and Requirements for All Assessments.

(a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

**(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification**

**of the parcel, and his or her support or opposition to the proposed assessment.**

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

## Section 5

Text of Section 5:

Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. **Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:**

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, **sewers, water**, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

-----  
Apparently, the City of Brisbane was required to include a ballot with its mailing which recipients could fill out and return.

**The mailing dated February 17, 2023 included no ballot.**

**So if Brisbane's city government wishes to be in alignment with Proposition 218, Article XIID, it must cancel its April 6, 2023 Public Hearing and send a new letter re the proposed water/sewer rate increases...and the new letter must contain a ballot which the recipient can fill out and return.**

**Nowhere in Proposition 218, Article XIID is there any verbiage which prevents the City of Brisbane from receiving ballots by means of fax or or from receiving ballots by means of email which have been scanned into PDF format.**

Thank you.

Prem Lall

**From:** mmsalmon@aol.com <mmsalmon@aol.com>

**Sent:** Wednesday, March 29, 2023 9:23 PM

**To:** Lall, Prem <premlall@yahoo.com>; Council Members <CouncilMembers@ci.brisbane.ca.us>; Johnson, Clara <clara-a-johnson@sbcglobal.net>

**Cc:** Holstine, Clay <clayholstine@ci.brisbane.ca.us>; Brisbane Communications <communications@brisbaneca.org>; Miller Ray AT Yahoo <rc.miller@yahoo.com>; Miller, Anja <anjakmiller@cs.com>; Attard, Tony <tonyattard@yahoo.com>; Panza Lee (Forward) <panza@smrn.com>; Dillworth, Dana <earthhelp@earthlink.net>; Horen, Debra <debra.horen@gmail.com>; barbara@greenknowe.org; Gutekanst, Mary <mcgute@hotmail.com>; Grossman, Beth (personal) <beth@bethgrossman.com>; Gomez, Dolores <brischic@sonic.net>; bouscalp@yahoo.com; brsnet@smrn.com; sgood73730@aol.com; alleyzzz@sbcglobal.net

**Subject:** Reply to Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023

Dear Concerned Citizens -

It is not "unscrupulous" for the City to refuse to accept electronic protests regarding Water and Sewer Rates. **It is the California State Law.** In the attached FAQ document, please read 2. *What is Proposition 218 and what are the procedures under Proposition 218?* This law was enacted in 1996 when email was not as relevant as today. It is not our City's fault that it has not been updated in 27 years.

While you are reading that, you might as well read the rest of the FAQ's. It will soon become clear that this has been in the works for a long time and we began paying for this in 2014 - hence the current Capital Project Charge. Deferred maintenance is never pretty when it comes time to pay up.

We really have very few options unless you want to cut a lot of other services to the bone - like subsidizing childcare for Brisbane parents through our recreation department, and hosting concerts and Day in the Park, having parks, and even having adequate police and fire service. Eventually, it may come to that anyway.

Clean water is our most precious resource (next to clean air) and managing sewage and waste is our most pressing concern -- and both of these resources are reaching critical mass with over-population and global climate change.

While I appreciate the passion, the reality is that your ire and energy could be better spent working together on solutions for how we will face an uncertain future instead of beating up on the very folks who are doing their best to provide the most important services we need.

Respectfully, Michele Salmon

**From:** Prem Lall <premlall@yahoo.com>  
**Sent:** Wednesday, March 29, 2023 10:15 PM  
**To:** Council Members <CouncilMembers@ci.brisbane.ca.us>; Johnson, Clara <clara-a-johnson@sbcglobal.net>; Salmon, Michele (personal) <mmsalmon@aol.com>  
**Cc:** Holstine, Clay <clayholstine@ci.brisbane.ca.us>; Brisbane Communications <communications@brisbaneca.org>; Miller Ray AT Yahoo <rc.miller@yahoo.com>; Miller, Anja <anjakmiller@cs.com>; Attard, Tony <tonyattard@yahoo.com>; Panza Lee (Forward) <panza@smrn.com>; Dillworth, Dana <earthhelp@earthlink.net>; Horen, Debra <debra.horen@gmail.com>; barbara@greenknowe.org; Gutekanst, Mary <mcgute@hotmail.com>; Grossman, Beth (personal) <beth@bethgrossman.com>; Gomez, Dolores <brischic@sonic.net>; bouscalp@yahoo.com; brsnet@smrn.com; sgood73730@aol.com; alleyzzz@sbcglobal.net  
**Subject:** Re: Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023

Actually, the letter FAQ letter states the following:

-----  
2. What is Proposition 218 and what are the procedures under Proposition 218??

Adopted by the voters in November 1996, Proposition 218 added Article XIID to the State Constitution and governs the process for property-related fee increases. Proposition 218 gives taxpayers the right to vote on all local taxes and requires taxpayer approval of property-related assessments and fees, including water, sewer, and solid waste rates. Under Section 6 of Article XIID, a notice must be sent to all property owners and customers at least 45 days before a public hearing is held to consider proposed rate increases. **Under Proposition 218, persons objecting to the rate increase must file a protest with the City. Protests concerning the rate increase must be in writing, and may be delivered in person, or sent by mail, to the City of Brisbane City Clerk, 50 Park Place, Brisbane, CA 94005. In person protests may also be delivered at the public hearing on April 6, 2023 but all written protests, whether delivered in person or sent by mail, must be received by the City before the close of the public hearing on April 6. At the public hearing, an oral protest, without an accompanying written protest, will not count as a valid protest. No protests will be accepted if sent via email, text, fax, or other electronic means. If there is no majority protest, the proposed rates may be adopted. There may be only one written protest for each parcel affected by the rate increase.**

However, Proposition 218 Article XIID (see [https://ballotpedia.org/Article XIII D, California Constitution](https://ballotpedia.org/Article_XIII_D,_California_Constitution)) states the following:

#### Section 4

Text of Section 4:

#### Procedures and Requirements for All Assessments.

(a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

**(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification**



**of the parcel, and his or her support or opposition to the proposed assessment.**

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

## Section 5

Text of Section 5:

Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. **Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:**

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, **sewers, water**, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

-----  
Apparently, the City of Brisbane was required to include a ballot with its mailing which recipients could fill out and return.

The mailing dated February 17, 2023 **included no ballot.**

So if Brisbane's city government wishes to be in alignment with Proposition 218, Article XIID, it must cancel its April 6, 2023 Public Hearing and send a new letter re the proposed water/sewer rate increases...and **the new letter must contain a ballot** which the recipient can fill out and return.

**Nowhere in Proposition 218, Article XIID is there any verbiage which prevents the City of Brisbane from receiving ballots by means of fax or or from receiving ballots by means of email which have been scanned into PDF format.**

Thank you.

Prem Lall

On Wednesday, March 29, 2023 at 09:22:55 PM PDT, <[mmsalmon@aol.com](mailto:mmsalmon@aol.com)> wrote:

Dear Concerned Citizens -

It is not "unscrupulous" for the City to refuse to accept electronic protests regarding Water and Sewer Rates. **It is the California State Law.** In the attached FAQ document, please read 2. *What is Proposition 218 and what are the procedures under Proposition 218?* This law was enacted in 1996 when email was not as relevant as today. It is not our City's fault that it has not been updated in 27 years.

While you are reading that, you might as well read the rest of the FAQ's. It will soon become clear that this has been in the works for a long time and we began paying for this in 2014 - hence the current Capital Project Charge. Deferred maintenance is never pretty when it comes time to pay up.

We really have very few options unless you want to cut a lot of other services to the bone - like subsidizing childcare for Brisbane parents through our recreation department, and hosting concerts and Day in the Park, having parks, and even having adequate police and fire service. Eventually, it may come to that anyway.

Clean water is our most precious resource (next to clean air) and managing sewage and waste is our most pressing concern -- and both of these resources are reaching critical mass with over-population and global climate change.

While I appreciate the passion, the reality is that your ire and energy could be better spent working together on solutions for how we will face an uncertain future instead of beating up on the very folks who are doing their best to provide the most important services we need.

Respectfully, Michele Salmon

-----Original Message-----

From: Prem Lall <[premlall@yahoo.com](mailto:premlall@yahoo.com)>

To: city council <[citycouncil@ci.brisbane.ca.us](mailto:citycouncil@ci.brisbane.ca.us)>; clara johnson <[clara-a-johnson@sbcglobal.net](mailto:clara-a-johnson@sbcglobal.net)>

Cc: Clay Holstine <[citymanager@ci.brisbane.ca.us](mailto:citymanager@ci.brisbane.ca.us)>; City of Brisbane

<[communications@ci.brisbane.ca.us](mailto:communications@ci.brisbane.ca.us)>; Ray Miller <[rc.miller@yahoo.com](mailto:rc.miller@yahoo.com)>; anja miller

<[anjakmiller@cs.com](mailto:anjakmiller@cs.com)>; tony attard <[tonyattard@yahoo.com](mailto:tonyattard@yahoo.com)>; Lee Panza <[lpanza@sbcglobal.net](mailto:lpanza@sbcglobal.net)>;

Michele Salmon <[mmsalmon@aol.com](mailto:mmsalmon@aol.com)>; Dana Dillworth <[earthhelp@earthlink.net](mailto:earthhelp@earthlink.net)>; Debra Horen

<[debra.horen@gmail.com](mailto:debra.horen@gmail.com)>; Barbara Ebel <[barbara@greenknowe.org](mailto:barbara@greenknowe.org)>; Mary Goodart gutekanst

<[mcgute@hotmail.com](mailto:mcgute@hotmail.com)>; Beth Grossman <[beth@bethgrossman.com](mailto:beth@bethgrossman.com)>; Dolores Gomez

<[brischic@sonic.net](mailto:brischic@sonic.net)>; Paul Bouscal <[bouscalp@yahoo.com](mailto:bouscalp@yahoo.com)>; [brsnet@smrn.com](mailto:brsnet@smrn.com) <[brsnet@smrn.com](mailto:brsnet@smrn.com)>;

steve goodwin <[sgood73730@aol.com](mailto:sgood73730@aol.com)>; joan-tom alley <[alleyzzz@sbcglobal.net](mailto:alleyzzz@sbcglobal.net)>

Sent: Wed, Mar 29, 2023 8:24 pm

Subject: Re: Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023

**I agree with Clara Johnson's assertion** re the choice of April 6, 2023 for the Public Hearing re water/sewer rate increases.

I would also like to add that **I find it unscrupulous on the part of Brisbane city government officials to refuse to accept water/sewer rate increase protest letters in electronic form** via email, fax, etc. and to demand protest letter submission only via the US Postal Service or live in person at the proposed Public Hearing **while**

**repeatedly accepting public input in electronic form via online surveys, etc. re proposed developments** (the most recent being the proposed development at the Brisbane Marina).

I object to this type of behavior.

**How difficult would it be for Brisbane city government officials to set up an email address and a fax number to which to submit protest letters re the proposed water/sewer rate increases?**

Clearly, **Brisbane city government does not want to provide a simpler and more convenient means to submit protest letters because it does not want protest letters submitted.**

Finally, these proposed water/sewer rate increases duplicate much of what Brisbane residents and customers must already pay on their water bills because of the **Capital Projects Charge** already included on their water bills.

Per the verbiage of the **Notice of a Public Hearing on Proposed Water and Sewer Rate Adjustments** dated February 17, 2023 and signed by Finance Director Carolina Yuen:

"The proposed rates are based on a comprehensive cost of service study to ensure that water and sewer rates pay for **increasing** operating and **maintenance expenses**, debt service payments, **capital projects**, and emergency reserves."

"The **proposed water rate increases are needed to pay for the cost of ongoing maintenance** and water purchases **and to replace aging water mains and other infrastructure.**"

Per the verbiage of the **Capital Projects Charge** described at <https://www.brisbaneca.org/utility-billing/page/capital-projects-charge>:

"The City Council voted to implement the second of four **Capital Fee Charges** for the Utility Fund on October 6, 2022, which are being phased in over a 17-year period **to pay for improvements to: The City's aging water and wastewater systems** such as

an Advanced Metering Infrastructure (AMI) system that will provide improved operational efficiency and allow customers to view near real-time consumption data; The Glen Park Pump Station upgrade; **Ongoing water and sewer pipeline replacements"**

**If you believe that the proposed water/sewer rate increases should cover the cost of capital projects and of maintaining water/sewer infrastructure, then remove the Capital Project Charge from everyone's water bill and refund to them all of the money you have collected from them over the last several years by means of the Capital Projects Charge first effective as of the March 2015 water bill...as this money apparently was never used for its stated purpose.**

**If you believe that the Capital Projects Charge should cover the cost of capital projects and of maintaining water/sewer infrastructure, then recalculate all proposed water/sewer rate increases and remove all proposed charges related to the costs of capital projects and of maintaining water/sewer infrastructure.**

**By charging Brisbane's residents and customers twice for the cost of capital projects and of maintaining water/sewer infrastructure, you create a slush fund - whether deliberately or not - to misdirect funds to other recipients and/or pet projects without the approval of voters...and you set a precedent that whenever Brisbane city government officials need additional funds, instead of proposing increases in property taxes via ballot measures they will arbitrarily raise fees instead, whether for water/sewer services or otherwise.**

Thank you.

Prem Lall

Brisbane resident

**From:** [hp.9009@yahoo.com](mailto:hp.9009@yahoo.com) <[hp.9009@yahoo.com](mailto:hp.9009@yahoo.com)>  
**Sent:** Wednesday, April 5, 2023 1:04 PM  
**To:** Padilla, Ingrid <[ipadilla@ci.brisbane.ca.us](mailto:ipadilla@ci.brisbane.ca.us)>  
**Cc:** Horen, Debra <[debra.horen@gmail.com](mailto:debra.horen@gmail.com)>  
**Subject:** False Citation of Proposition 218 by the City of Brisbane (correspondence for 4/6/2023 City Council Meeting)

City Council Members and City Staff:

**I find it unacceptable for Brisbane city government officials to refuse to accept water/sewer rate increase protest letters in electronic form** via PDF email attachments, faxes, uploads at a City-designated website, etc. and to demand protest letter submission only via the US Postal Service or live in person at the proposed Public Hearing, and then **falsely citing California Proposition 218, Article XIII D, Section 6** as justification.

**I write to object to this type of behavior** from Brisbane city government officials. Note that this correspondence concerns objection to that behavior as opposed to the proposed rate increases themselves and that I have already submitted a letter protesting the rate increases.

**How difficult would it be for Brisbane city government officials to set up an email address, a fax number, and an upload link to which to submit protest letters re the proposed water/sewer rate increases?**

Clearly, **Brisbane city government does not want to provide a simpler and more convenient means to submit protest letters because it does not want protest letters submitted.**

The City of Brisbane produced and disseminated a "Frequently Asked Question" (FAQ) letter about the proposed rate increases which states the following (**\*emphasis added\***):

---

2. What is Proposition 218 and what are the procedures under Proposition 218?

Adopted by the voters in November 1996, Proposition 218 added Article XIID to the State Constitution and governs the process for property-related fee increases. Proposition 218 gives taxpayers the right to vote on all local taxes and requires taxpayer approval of property-related assessments and fees, including water, sewer, and solid waste rates. Under Section 6 of Article XIID, a notice must be sent to all property owners and customers at least 45 days before a public hearing is held to consider proposed rate increases. **\*Under Proposition 218, persons objecting to the rate increase must file a protest with the City. Protests concerning the rate increase must be in writing, and may be delivered in person, or sent by mail, to the City of Brisbane City Clerk, 50 Park Place, Brisbane, CA 94005. In person protests may also be delivered at the public hearing on April 6, 2023 but all written protests, whether delivered in person or sent by mail, must be received by the City before the close of the public hearing on April 6. At the public hearing, an oral protest, without an accompanying written protest, will not count as a valid protest. No protests will be accepted if sent via email, text, fax, or other electronic means. If there is no majority protest, the proposed rates may be adopted. There may be only one written protest for each parcel affected by the rate increase.\***

---

**However, the reference to Proposition 218 is false.**

Below is the text of **Proposition 218, Article XIII D, Section 6 (\*emphasis added\*)** which one or more Brisbane city government officials has **falsely cited as justification to prevent electronic response** from the recipients of the **Notice of a Public Hearing on Proposed Water and Sewer Rate Adjustments** dated February 17, 2023.

---

SEC. 6.

Property Related Fees and Charges. (a) Procedures for New or Increased Fees and Charges. An agency shall follow the procedures pursuant to this section in imposing or increasing any fee or charge as defined pursuant to this article, including, but not limited to, the following:

(1) The parcels upon which a fee or charge is proposed for imposition shall be identified. The amount of the fee or charge proposed to be imposed upon each parcel shall be calculated. **\*The agency shall provide written notice by mail\*** of the proposed fee or charge to the record owner of each identified parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be

imposed upon each, the basis upon which the amount of the proposed fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of a public hearing on the proposed fee or charge.

(2) The agency shall conduct a public hearing upon the proposed fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed for imposition. **\*At the public hearing, the agency shall consider all protests against the proposed fee or charge.** \* If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

(b) Requirements for Existing, New or Increased Fees and Charges. A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.

(4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.

(5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners. Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An



agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

(d) Beginning July 1, 1997, all fees or charges shall comply with this section.

-----

Note that the only party which Section 6 requires to use paper correspondence (mail) is the agency, in this case the City of Brisbane (**\*The agency shall provide written notice by mail\*** of the proposed fee or charge to the record owner of each identified parcel...)

Section 6 **\*does not\*** require the recipients of the agency's correspondence - in this case, Brisbane property owners, etc. who wish to protest the proposed water/sewer rate increases - to respond using paper correspondence via the US Postal Service or any other mail carrier. **Nor does any other part of Proposition 218.**

**Section 6 does not require the City of Brisbane to refuse to receive protest letters submitted electronically** whether as scanned PDF email attachments, as faxes, or as uploads at a designated City website. **Nor does any other part of Proposition 218.**

**One or more Brisbane city government officials made the decision to refuse to accept protest letters submitted electronically** - which is how most people submit documents in 2023 - and **that decision had absolutely nothing to do with California state law whether Proposition 218 or otherwise.** In fact, by refusing to accept protest letters submitted electronically, Brisbane city government undermines the intent of **Proposition 218, Article XIII D, Section 6.**

The **intent of Proposition 218, Article XIII D, Section 6** is to **prevent city government officials from posting proposed rate increases online (on a city website or elsewhere) without directly contacting those who would be affected** by those increases and **then falsely claiming that because they had posted the proposed rate increases online, they had fulfilled their duty** and therefore did not need to directly contact each affected party.

The intent of Proposition 218, Article XIII D, Section 6 is to **encourage** each affected party to express an opinion regarding the proposed rate increase, not to **stifle** them from doing so.

An example of the **State of California encouraging the submission of protest letters electronically** can be found at the website of the **Franchise Tax Board** of the State of California. When submitting a protest letter to the Franchise Tax Board, **one is allowed to submit it in person, on paper, by fax, or online:**

<https://www.ftb.ca.gov/file/after-you-file/audit/disagree-with-an-npa.html>

**Voter suppression comes in many forms.**

In some cases it involves **gerrymandering**, in some cases it involves **outlawing the provision of water to voters waiting in long lines for hours because lawmakers have drastically reduced the number of voting stations in their districts**, in some cases it involves the **harassment of voters when they attempt to vote...**

...and in some cases it involves **preventing voters from voting electronically and attempting to make the submission of their votes in the form of protest letters as inconvenient as possible.**

Make no mistake, submitting a protest letter to proposed water/sewer rate increases is a form of voting.

And while I would expect voter suppression tactics in Florida, I do not expect them in the City of Brisbane.

Rewrite the **Notice of a Public Hearing on Proposed Water and Sewer Rate Adjustments** in a manner which provides for electronic response and resend it.

**Do not engage in voter suppression and do not subvert the intent of Proposition 218.**

Thank you.

Prem Lall

Brisbane resident

**From:** Beth Grossman <[beth@bethgrossman.com](mailto:beth@bethgrossman.com)>  
**Sent:** Wednesday, April 5, 2023 10:18 AM  
**To:** Padilla, Ingrid <[ipadilla@ci.brisbane.ca.us](mailto:ipadilla@ci.brisbane.ca.us)>  
**Subject:** Water Bill Increases on the agenda this week

City Clerk  
50 Park Place  
Brisbane, CA 94005

Beth Grossman and Storrs Hoen  
715 Sierra Point Road  
Brisbane, CA 94005

April 4, 2023

Re: protest to water/sewer service charge increases

Dear City Clerk:

We, Beth Grossman and Storrs Hoen, are concerned about the exorbitant increases in the water and sewer service charges specified in the February 17, 2023 "Notice of a Public Hearing on Proposed Water and Sewer Rate Adjustments." We have a number of questions regarding transparency that we would like to have addressed, given the recently approved increases in the Capital Project Charge.

We calculated that our water bill will double in 5 years. That is going to be a hardship for many Brisbane residents, especially fixed and low income residents.

Here are our questions:

1. What are the actual water costs and revenues in the City of Brisbane for the previous five years? Please list these figures for Residential and Commercial separately.
2. What are the projected water costs and revenues to the City of Brisbane for the next five years? Please list these figures for Residential and Commercial separately.

3. How do our residential and commercial rates compare with other Bay Area municipalities, in particular San Bruno, Daly City and South San Francisco?
4. At what point will the Capital Improvements be completed and the charges be eliminated from our bills?
5. Low income discounts were cut in half across all service categories (water services, water usage, sewer and fire). We fear that will be a hardship on low income residents. What is the percentage of low incomes discounts and what is the revenue loss if it were to remain the same?

Finally this public hearing is scheduled during Easter week and at the end of a very full agenda. We feel that this topic deserves to be given a fair public hearing at the beginning of the agenda when working and family people can attend. Please consider postponing this to the next meeting when our voices can be heard.

Thank you, Beth Grossman and Storrs Hoen