



CITY COUNCIL
Lori Wilson, Mayor
Wanda Williams, Mayor Pro-Tem
Jane Day
Alma Hernandez
Michael J. Hudson

CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

TUESDAY, APRIL 6, 2021

5:30 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), and Executive Order released on March 12, 2020, the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by: Council/Board Members Jane Day, Alma Hernandez, Michael Hudson, Mayor Pro Tem Wanda Williams, and Mayor Lori Wilson. Teleconference locations are on file at City Hall, 701 Civic Center Blvd., Suisun City, CA 94585.

PER CITY POLICY, MEMBERS OF THE PUBLIC ARE REQUIRED TO WEAR FACE MASKS WHILE IN CITY FACILITIES. IF YOU DO NOT HAVE A FACE MASK, ONE WILL BE PROVIDED FOR YOU.

THE CITY COUNCIL HAS RESUMED IN-PERSON MEETINGS IN ADDITION TO ZOOM. A LIMITED NUMBER OF SEATS ARE AVAILABLE, TO RESERVE A SEAT PLEASE CONTACT THE CITY CLERK AT clerk@suisun.com OR 707 421-7302.

ZOOM MEETING INFORMATION:

WEBSITE: <https://zoom.us/join>

MEETING ID: 829 8170 5711

CALL IN PHONE NUMBER: (707) 438-1720

TO VIEW TONIGHT'S MEETING ON SUISUN WEBSITE, LIVESTREAM

(URL: <https://www.suisun.com/government/meeting-video/>)

REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING

BY EMAILING CLERK@SUISUN.COM (PRIOR TO 6pm) OR

VIA WEBSITE OR PHONE APPLICATION, ZOOM

*(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)*

ROLL CALL

Council / Board Members

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
SUCCESSOR AGENCY 421-7309 FAX 421-7366

PUBLIC COMMENT

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

CLOSED SESSION

Pursuant to California Government Code Section 54950 the Suisun City Council will hold a Closed Session for the purpose of:

City Council

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Kessner v. City of Santa Clara, et al. (Including Suisun City); Santa Clara County Superior Court Case No. 20CV364054.
2. Conference with Legal Counsel - Significant Exposure to Litigation (1 potential case)
Pursuant to Government Code Section 54956.9(d)(2) through (d)(4).

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

ADJOURNMENT

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The City may charge photocopying charges for requested copies of such documents. Assistive listening devices may be obtained at the meeting

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 - Suisun City Senior Center, 318 Merganser Drive, Suisun City, CA;
 - Joe Nelson Center, 611 Village Drive, Suisun City, CA;
 - Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of April 6, 2021 was posted and available for review, in compliance with the Brown Act.

CITY COUNCIL
Lori Wilson, Mayor
Wanda Williams, Mayor Pro-Tem
Jane Day
Alma Hernandez
Michael J. Hudson



CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

REGULAR MEETING OF THE SUISUN CITY COUNCIL

**SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,**

AND HOUSING AUTHORITY

TUESDAY, APRIL 6, 2021

6:30 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

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(Next Ord. No. – 782)

(Next City Council Res. No. 2021 – 22)

Next Suisun City Council Acting as Successor Agency Res. No. SA2021 - 01)

(Next Housing Authority Res. No. HA2021 – 01)

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SUCCESSOR AGENCY 421-7309 FAX 421-7366

ROLL CALL

Council / Board Members

Pledge of Allegiance

Invocation

CONFLICT OF INTEREST NOTIFICATION

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REPORTS: (Informational items only.)

1. City Manager/Executive Director/Staff

PRESENTATION/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

City Council

2. City Council Appointments to the Community Advisory Committees – (Wilson: lwilson@suisun.com).

CONSENT CALENDAR

Consent calendar items requiring little or no discussion may be acted upon with one motion.

City Council

3. Council Adoption of Resolution 2021-____: Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein - (Kearns: jkearns@suisun.com).
4. Council Adoption of Ordinance No. 781: Adding Chapter 12.32 (Special Events Permit) to Title 12 (Streets, Sidewalks, and Public Places) of the Suisun City Municipal Code to provide for Special Event Permitting on Public Property (Introduced and Reading Waived on March 16, 2021) – (Lofthus: klofthus@suisun.com).
5. Council Adoption of Resolution No. 2021-____: Authorizing Application For Federal Excess Personal Property (FEPP) Program In Accordance United States Forest Service Cooperative Forestry Assistance Act (CFAA) of 1978 – (Vincent: jvincent@suisun.com).
6. Council Adoption of Resolution No. 2021-____: Authorization to Participation in The Department of Defense Firefighter Property (FFP) Program Under Title 10 United States Code §2576b – (Vincent: jvincent@suisun.com).

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PUBLIC HEARING NONE

GENERAL BUSINESS**City Council**

7. Council Adoption of Resolution 2021-____: Adopting Amendments to the Planning Commission Bylaws - (Kearns: jkearns@suisun.com).

REPORTS: (Informational items only.)

8. a. Council/Boardmembers
b. Mayor

CLOSED SESSION

Pursuant to California Government Code Section 54950 the Suisun City Council will hold a Closed Session for the purpose of:

City Council

9. PERSONNEL MATTERS

Pursuant to California Government Code Section 54957(b)(1) et seq. the Suisun City Council will hold a Closed Session for the purpose of Public Employee Performance Evaluation: City Manager

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

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AGENDA TRANSMITTAL

MEETING DATE: April 6, 2021

CITY AGENDA ITEM: Adoption of Council Resolution 2021-___: A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein.

FISCAL IMPACT: There would be no impact to the General Fund from this item. The cost of the annexation process is covered by Developer supplied funds. The Annexation of the project at the northeast corner of Highway 12 and Walters Road into Community Facilities District No. 2 meets the fiscal criteria as established by Resolution No. 2005-69 Cost Recovery Policy for New Development, dated October 4, 2005. The revenue generated from this will be recorded under the Community Facilities District fund.

STRATEGIC PLAN IMPACT: Provide Good Governance and Ensure Public Safety.

BACKGROUND: As part of the project at the northeast corner of Highway 12 and Walters Road conditions of approval, the developer is required to mitigate the impact on City Services due to the new development. In accordance with the development conditions imposed on development project, the landowner is annexing to Community Facility District No. 2 to offset municipal service costs for police, fire, paramedics.

STAFF REPORT: The first step in the legislative process for annexation of the project into Community Facility District No. 2 is for Council to pass a Resolution of Intention. The Resolution sets the Public Hearing date for May 18, 2021 at 6:30 p.m.

STAFF RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 2021-___: A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein.

ATTACHMENTS:

1. Resolution No. 2021-___: A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein.
2. Boundary Map.
3. Petition.

PREPARED BY:
REVIEWED/APPROVED BY:

John Kearns, Senior Planner
Greg Folsom, City Manager

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RESOLUTION NO. 2021-

**A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO
COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE
LEVY OF SPECIAL TAXES THEREIN**

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 12 (7-Eleven)

RESOLVED by the City Council (the “Council”) of the City of Suisun City (the
“City”), County of Solano, State of California, that:

WHEREAS, this Council has conducted proceedings to establish Community
Facilities District No. 2 (Municipal Services) (the “CFD”) pursuant to the Mello-Roos
Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division
2 of Title 5, commencing at Section 53311, of the California Government Code; and

WHEREAS, under the Act, this Council, as the legislative body for the CFD, is
empowered with the authority to annex territory to the CFD, and now desires to undertake
proceedings to annex territory to the CFD.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Findings. This Council hereby finds and determines that public convenience
and necessity require that territory be added to the CFD.

2. Territory Described. The name of the existing CFD is “City of Suisun City
Community Facilities District No. 2 (Municipal Services).” The territory originally included
in the existing CFD is set forth in the map of the CFD heretofore recorded in the Solano
County Recorder’s Office on October 27, 2005, in Book 23 at Page 60 of Maps of
Assessment and Community Facilities Districts, to which map reference is hereby made, as
such map has been supplemented in connection with subsequent annexations.

1 The territory now proposed to be annexed to the CFD is as shown on the Annexation Map for
2 the captioned Annexation No. 12 (7 Eleven) to the CFD, on file with the Clerk, the boundaries
3 of which territory are hereby preliminarily approved and to which map reference is hereby
4 made for further particulars. The City Clerk is hereby directed to cause to be recorded such
5 Annexation Map, showing the territory to be annexed, in the office of the County Recorder of
6 the County of Solano within 15 days of the date of adoption of this resolution.

7 **3. The Services.** The types of public services financed by the CFD and pursuant
8 to the Act consist of those municipal services (the “Services”) as described in Exhibit A to the
9 Resolution of Formation with respect to the CFD adopted by the Council as Resolution No.
10 2005-89 on November 15, 2005 (the “Resolution of Formation”). It is presently intended that
11 the Services will be provided, without preference or priority, to the existing territory in the
12 CFD and the territory proposed to be annexed to the CFD.

13 **4. Special Tax.** Except to the extent that funds are otherwise available to the
14 CFD to pay for the Services, a special tax sufficient to pay the costs thereof is intended to be
15 levied annually within the CFD, and collected in the same manner as ordinary *ad valorem*
16 property taxes.

17 The special tax proposed to pay for Services to be supplied within the territory
18 proposed to be annexed will be equal to the special taxes levied to pay for the same Services
19 in the CFD, except that a higher or lower tax may be levied within the territory proposed to be
20 annexed or to be annexed in the future to the extent that the actual cost of providing the
21 Services in that territory is higher or lower than the cost of providing those Services in the
22 CFD.

23 The proposed rate and method of apportionment of the special tax among the parcels
24 of real property within the CFD, as now in existence and following the annexation proposed
25 herein, in sufficient detail to allow each landowner within the territory proposed to be
26 annexed to the CFD to estimate the maximum amount such owner will have to pay, are
27 described in the Rate and Method.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun
City duly held on Tuesday, the 6th day of April 2021, by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of the City of Suisun City this 6th day of April
2021.

Linda Hobson, CMC
City Clerk

EXHIBIT A

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 12 (7-Eleven)

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2 (Municipal Services) (the "CFD") shall be levied and collected according to the tax liability determined by the City Council, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map or other parcel map recorded at the Solano County Recorder's Office.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5 commencing at Section 53311 of the California Government Code.

"Administrator" means the individual(s) designated by the City to administer the CFD in accordance with the authority and powers granted by the City Council.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Solano designating parcels by Assessor's Parcel number.

“Average Increase” means the annual average increase in the Indices that shall be applied to escalate the Maximum Special Tax each Fiscal Year. The Average Increase shall be calculated in January of each year by (1) referencing the Bureau of Labor Statistics Data to identify the annual percentage increase in each Index as of the end of the prior year, and (2) taking the average of these two percentages. If either Index decreases from one year to the next, the percentage change from the prior year shall be assumed to be zero for purposes of calculating the Average Increase.

“Building Square Footage” means the total gross square footage of the floor area of the buildings on any Parcel of Non-Residential Property determined by calculating the combined floor area contained within a building's exterior walls including the area of an addition where floor area is increased. Parking areas and exterior walkways shall not be included in the calculation of Building Square Footage. The determination of Building Square Footage shall be made by reference to appropriate records kept by the City's Building Department.

“CFD-Wide Special Tax” means the Maximum Special Tax identified in Section C.1 below that shall be levied on all Developed Property within the CFD.

“CFD-Wide Special Tax Requirement” means the amount necessary in any Fiscal Year to (i) pay the cost of authorized police, fire, paramedical, storm drain and City-wide landscaping services, (ii) pay administrative expenses of the CFD, and (iii) cure delinquencies in the payment of Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

“City” means the City of Suisun City.

“City Council” means the City Council of the City of Suisun City, acting as the legislative body of the CFD.

“Developed Property” means, in any Fiscal Year, all Taxable Property for which a building permit for new construction has been issued prior to July 1 of the preceding Fiscal Year.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Indices” means the Consumer Price Indexes for the San Francisco-Oakland-San Jose Urban Wage Earners and Clerical Workers Category and the U.S. City Average Urban Wage Earners and Clerical Workers Category.

“Live/Work Property” means a Parcel on which all or a portion of a Unit is deed-restricted for commercial use, as determined in the sole discretion of the City.

“Maximum CFD-Wide Special Tax” means the maximum CFD-Wide Special Tax, determined in accordance with Section C.1 below, that can be levied on Taxable Property in any Fiscal Year.

“Maximum Tax Zone Special Tax” means the maximum Tax Zone Special Tax, determined in accordance with Section C.2 below, that can be levied on Taxable Property in any Fiscal Year.

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure with Units that are offered for rent to the general public.

“Non-Residential Property” means any Taxable Property within the boundaries of the CFD that is not Live/Work Property, Single Family Detached Property, Single Family Attached Property or Multi-Family Property, as defined herein.

“Public Agency” means the federal government, State of California or other local governments or public agencies.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale units, including such residential structures that meet that statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property which meet both of the following criteria: (i) a building permit was issued for construction of a Unit that does not share a common wall with another Unit, and (ii) the Parcel has not been designated as Live/Work Property.

“Special Tax” means a special tax levied in any Fiscal Year to pay the CFD-Wide Special Tax Requirement or the Tax Zone Special Tax Requirement.

“Taxable Property” means all Assessor’s Parcels within the boundaries of the CFD which are not exempt from the Special Tax pursuant to law or Section E below.

“Tax Zone” means a mutually exclusive geographic area within which a particular Tax Zone Special Tax may be levied pursuant to this RMA. All of the property within the CFD at the time of the CFD formation is within Tax Zone #1; additional Tax Zones may be created when property is annexed into the CFD, and a separate Tax Zone Special Tax shall be identified for property within a new Tax Zone at the time of such annexation.

“Tax Zone Special Tax” means a Special Tax that shall be levied within a particular Tax Zone or Tax Zones but not necessarily levied at a consistent rate throughout the entire CFD.

“Tax Zone Special Tax Requirement” means the amount necessary in any Fiscal Year to pay the cost of authorized landscaping services within a particular Tax Zone. A separate Tax

Zone Special Tax Requirement shall be determined each Fiscal Year for each Tax Zone within which a Tax Zone Special Tax is authorized to be levied.

“Unit” means a residential dwelling unit, including individual single-family detached, duplex, triplex, fourplex, townhome, condominium, or apartment units.

B. DATA FOR ANNUAL ADMINISTRATION OF SPECIAL TAX

After July 1 of each Fiscal Year, the Administrator shall categorize all Parcels of Taxable Property in the CFD as Single Family Detached Property, Single Family Attached Property, Multi-Family Property, Live/Work Property or Non-Residential Property. For each Parcel of Single Family Attached Property, Live/Work Property and Multi-Family Property, the Administrator shall determine the number of Units on the Parcel by referencing the building permit, site plan, condominium plan, apartment plan or other development plan for the Parcel. The Administrator shall determine the Building Square Footage for all Parcels of Non-Residential Property. The Administrator shall also determine the Tax Zone within which each Parcel of Taxable Property is located.

C. MAXIMUM SPECIAL TAX

1. *CFD-Wide Special Tax*

Table 1 below identifies the Maximum CFD-Wide Special Taxes.

**Table 1
City of Suisun City
Community Facilities District No. 2
(Municipal Services)
Maximum CFD-Wide Special Taxes**

Land Use Category	Maximum CFD-Wide Special Tax Fiscal Year 2005-06 *
Single Family Detached Property	\$629.90 per Unit
Single Family Attached Property	\$472.43 per Unit
Multi-Family Property	\$236.21 per Unit
Live/Work Property	\$629.90 per Unit plus \$629.90 per 1,000 square feet (or portion thereof) of non-residential building and ancillary improvements
Non-Residential Property	The greater of \$629.90 per parcel or \$629.90 per 1,000 Square Feet (or portion thereof) of Building Square Footage

* Beginning in January 2006 and each January thereafter, this Maximum Special Tax shall be adjusted by applying the Average Increase, if any, in the Indices. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

2. Tax Zone #1 Special Tax

Table 2 below identifies the Maximum Tax Zone Special Tax for Tax Zone #1. A different Maximum Tax Zone Special Tax shall be identified for Tax Zones added to the CFD as a result of future annexations.

Table 2
City of Suisun City
Community Facilities District No. 2
(Municipal Services)
Maximum Tax Zone Special Taxes for Tax Zone #1

Land Use Category	Maximum CFD-Wide Special Tax Tax Zone #1 Fiscal Year 2005-06 *
Single Family Detached Property	\$386.04 per Unit
Single Family Attached Property	\$289.53 per Unit
Multi-Family Property	\$144.77 per Unit
Live/Work Property	\$386.04 per Unit plus \$386.04 per 1,000 square feet (or portion thereof) of non-residential space
Non-Residential Property	The greater of \$386.04 per Parcel or \$386.04 per 1,000 Square Feet (or portion thereof) of Building Square Footage

* Beginning in January 2006 and each January thereafter, this Maximum Special Tax shall be adjusted by applying the Average Increase, if any, in the Indices. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. CFD-Wide Special Tax

Each Fiscal Year, the CFD-Wide Special Tax shall be levied on all Parcels of Developed Property within the CFD as follows:

- Step 1:** Determine the CFD-Wide Special Tax Requirement for the Fiscal Year in which the CFD-Wide Special Tax will be collected;
- Step 2:** Calculate the total CFD-Wide Special Tax revenues that could be collected from Developed Property within the CFD based on application of the Maximum CFD-Wide Special Tax rates determined pursuant to Section C.1 above;

Step 3: If the amount determined in Step 1 is **greater than or equal to** the amount calculated in Step 2, levy the Maximum CFD-Wide Special Tax on all Parcels of Developed Property in the CFD.

Step 4: If the amount determined in Step 1 is **less than** the amount calculated in Step 2, levy the CFD-Wide Special Tax against all Parcels of Developed Property in equal percentages up to 100% of the Maximum CFD-Wide Special Tax for each Parcel until the amount of the CFD-Wide Special Tax levy equals the CFD-Wide Special Tax Requirement for that Fiscal Year.

2. Tax Zone Special Tax

Each Fiscal Year, the Tax Zone Special Tax shall be levied on all Parcels of Developed Property within each Tax Zone as follows:

Step 1: Separately for each Tax Zone, determine the Tax Zone Special Tax Requirement for the Fiscal Year in which the Tax Zone Special Tax will be collected;

Step 2: Calculate separately for each Tax Zone the total Tax Zone Special Tax revenues that could be collected from Developed Property within the Tax Zone based on application of the Maximum Tax Zone Special Tax rates for that Tax Zone;

Step 3: If the amount determined in Step 1 is **greater than or equal to** the amount calculated in Step 2, levy the Maximum Tax Zone Special Tax on all Parcels of Developed Property in the Tax Zone.

Step 4: If the amount determined in Step 1 is **less than** the amount calculated in Step 2, levy the Tax Zone Special Tax against all Parcels of Developed Property within the Tax Zone in equal percentages up to 100% of the Maximum Tax Zone Special Tax for each Parcel until the amount of the Tax Zone Special Tax levy equals the Tax Zone Special Tax Requirement for that Fiscal Year.

The CFD-Wide Special Tax and the Tax Zone Special Tax within the CFD shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the CFD may (under the authority provided in the Act), in any particular case, bill the taxes directly to the property owner off the County tax roll, and the Special Taxes will be equally subject to penalties and foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act.

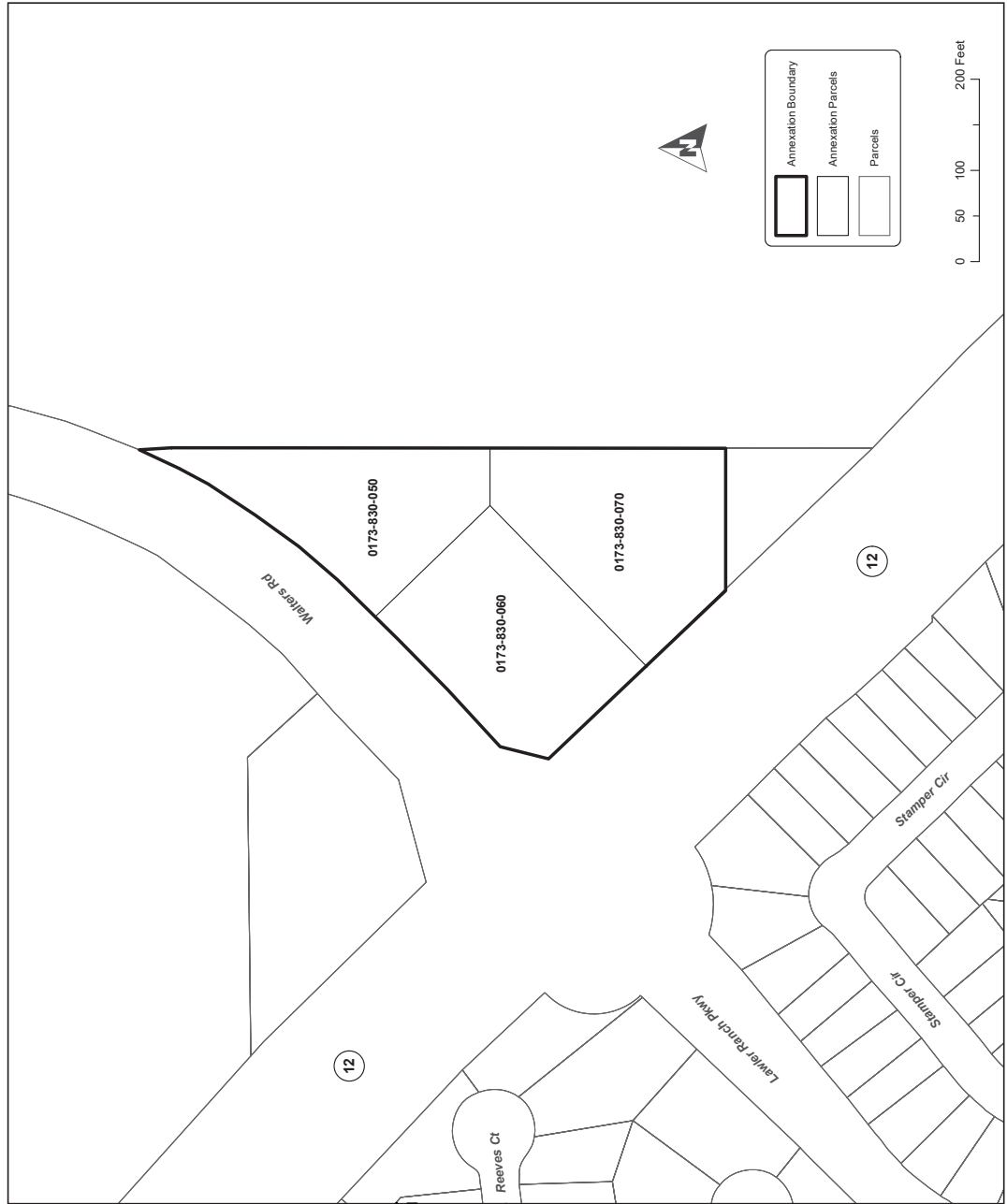
F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment.

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Annexation Map No. 12 of City of Suisun City Community Facilities District No. 2 (Municipal Services)

COUNTY OF SOLANO
STATE OF CALIFORNIA



REFERENCE IS HEREBY MADE TO THAT CERTAIN MAP ENTITLED "PROPOSED BOUNDARIES OF CITY OF SUI SUN CITY COMMUNITY FACILITIES DISTRICT NO. 2 (MUNICIPAL SERVICES)" COUNTY OF SOLANO, CALIFORNIA, FILED THE 27th DAY OF MARCH, 2009, IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, WHICH THIS ANNEXATION MAP AFFECTS.

1. FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SUI SUN CITY THIS ____ DAY OF ____, 20__.

CITY CLERK

2. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 12 TO CITY OF SUI SUN CITY COMMUNITY FACILITIES DISTRICT NO. 2 (MUNICIPAL SERVICES), COUNTY OF SOLANO, CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF SUI SUN CITY, AT MEETING THEREOF HELD ON THE ____ DAY OF ____, 20__, BY ITS RESOLUTION NO. ____.

CITY CLERK

3. FILED THIS ____ DAY OF ____, 20__, AT THE HOUR OF ____ O'CLOCK ____ M., IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE ____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SOLANO, STATE OF CALIFORNIA.

COUNTY RECORDER,
COUNTY OF SOLANO



Source: Solano County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California II FIPS 1402 Feet

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**PETITION
(With Waivers)**

**For Annexation to a Community Facilities District
and Related Matters**

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 12 (7 Eleven)

April 6, 2021

To the Honorable City Council,
City of Suisun City
701 Civic Center Boulevard
Suisun City, CA 94585

Members of the Council:

This is a petition to annex the land identified below (the "Property") to the City's Community Facilities District No. 2 (Municipal Services) (the "CFD") and related matters under the Mello-Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"), and it states as follows:

1. Petitioner. This Petition is submitted by the person (the "Petitioner") (whether one or more) identified below as or for the record owner(s) of the Property. The undersigned warrants to the City that the Petitioner is such owner or is legally authorized to execute this Petition for and on behalf of such owner(s). The Petitioner has supplied to the City current title evidence.

2. Proceedings Requested. This Petition asks that the City Council undertake proceedings under the Act to annex the Property to the CFD.

3. Boundaries. This Petition asks that the territory to be annexed to the CFD consist of that shown on a map of the proposed boundaries of Annexation No. 12 (7 Eleven) to CFD-Wide Special Taxes of the CFD, which map is filed with the City Clerk of the City and which map is hereby made a part hereof and which map includes the Property.

4. Purpose. This Petition asks that the Property be annexed to the CFD and that special taxes (the "Special Taxes") be levied on the Property to finance all or a part of the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

5. Special Taxes. The Petitioner agrees that it has reviewed and preliminarily approves the Rate and Method of Apportionment of Special Taxes for the CFD (the "Existing Rate and Method"). Petitioner acknowledges and preliminarily agrees that the Rate and Method will be used by the City for

the levy of Special Taxes on the Property to pay for the Services, subject to the completion of annexation proceedings for the Property by the City under the Act.

6. Election. The Petitioner asks that the special election be conducted under the Act by the City and its officials on the questions of (i) annexation of the Property to the CFD and (ii) levy of the Special Taxes, using a mailed or hand-delivered ballot and that such ballot be canvassed and the results certified at the same meeting of the City Council as the public hearing on such matters under the Act or as soon thereafter as possible.

7. Waivers. To expedite the annexation of the Property to the CFD, the Petitioner waives all notices of hearing and all published notices regarding the annexation of the Property to the CFD, notices of landowner election, applicable waiting periods under the Act for the holding of any public hearing and for election, and all ballot arguments and analysis for the election, it being acknowledged by the Petitioner that all such notices are for the benefit of the Petitioner and may be waived.

8. Authority Warranted. The Petitioner warrants to the City that the presentation of this Petition, any waivers contained herein, casting of ballots at the property owner election and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Petitioner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

9. Due Diligence and Disclosures. The Petitioner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

10. Agreements. The Petitioner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions under this Petition, including any amount of cash deposit required to pay for the City's costs in annexing the Property to the CFD. By executing this Petition, the Petitioner agrees to all of the above.

The Property is in Solano County
Assessor Parcel No(s):

0173-083-050, 0173-083-060,
0173-083-070

and the Property contains a total of
2.74 acres

The Petitioner (record owner) is:

Trestle Suisun LLC

By: 

Name: John E. McNellis

Its: Manager

Date: March 22, 2021

The address of the above for
receiving any notice and ballot is:

419 Waverley St
Palo Alto, CA 94301

email: beth@mcnellis.com

EXHIBIT A

CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)

Annexation No. 12 (7 Eleven)

DESCRIPTION OF SERVICES

The captioned CFD will finance, in whole or in part, the following public services (the "Services") on the Property, including all related administrative costs, related reserves for replacement of vehicles and equipment, and expenses:

- *Police services*
- *Fire services*
- *Paramedical services*
- *Services for the maintenance of parks, parkways and open space (landscaping).*
- *Services for the maintenance of storm drains.*

EXHIBIT B

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 12 (7 Eleven)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2 (Municipal Services) (the "CFD") shall be levied and collected according to the tax liability determined by the City Council, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map or other parcel map recorded at the Solano County Recorder's Office.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5 commencing at Section 53311 of the California Government Code.

"Administrator" means the individual(s) designated by the City to administer the CFD in accordance with the authority and powers granted by the City Council.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Solano designating parcels by Assessor's Parcel number.

"Average Increase" means the annual average increase in the Indices that shall be applied to escalate the Maximum Special Tax each Fiscal Year. The Average Increase shall be calculated in January of each year by (1) referencing the Bureau of Labor Statistics Data to identify the annual percentage increase in each Index as of the end of the prior year, and (2) taking the average of these two percentages. If either Index decreases from one year to the next, the percentage change from the prior year shall be assumed to be zero for purposes of calculating the Average Increase.

"Building Square Footage" means the total gross square footage of the floor area of the buildings on any Parcel of Non-Residential Property determined by calculating the combined floor area contained within a building's exterior walls including the area of an addition where floor area is increased. Parking areas and exterior walkways shall not be included in the calculation of Building Square Footage. The determination of Building Square Footage shall be made by reference to appropriate records kept by the City's Building Department.

"CFD-Wide Special Tax" means the Maximum Special Tax identified in Section C.1 below that shall be levied on all Developed Property within the CFD.

"CFD-Wide Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay the cost of authorized police, fire, paramedical, storm drain and City-wide landscaping services, (ii) pay administrative expenses of the CFD, and (iii) cure delinquencies in the payment of Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"City" means the City of Suisun City.

"City Council" means the City Council of the City of Suisun City, acting as the legislative body of the CFD.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction has been issued prior to July 1 of the preceding Fiscal Year.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Indices" means the Consumer Price Indexes for the San Francisco-Oakland-San Jose Urban Wage Earners and Clerical Workers Category and the U.S. City Average Urban Wage Earners and Clerical Workers Category.

"Live/Work Property" means a Parcel on which all or a portion of a Unit is deed-restricted for commercial use, as determined in the sole discretion of the City.

"Maximum CFD-Wide Special Tax" means the maximum CFD-Wide Special Tax, determined in accordance with Section C.1 below, that can be levied on Taxable Property in any Fiscal Year.

"Maximum Tax Zone Special Tax" means the maximum Tax Zone Special Tax, determined in accordance with Section C.2 below, that can be levied on Taxable Property in any Fiscal Year.

"Multi-Family Property" means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure with Units that are offered for rent to the general public.

"Non-Residential Property" means any Taxable Property within the boundaries of the CFD that is not Live/Work Property, Single Family Detached Property, Single Family Attached Property or Multi-Family Property, as defined herein.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single Family Attached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale units, including such residential structures that meet that statutory definition of a condominium contained in Civil Code Section 1351.

"Single Family Detached Property" means, in any Fiscal Year, all Parcels of Developed Property which meet both of the following criteria: (i) a building permit was issued for construction of a Unit that does not share a common wall with another Unit, and (ii) the Parcel has not been designated as Live/Work Property.

"Special Tax" means a special tax levied in any Fiscal Year to pay the CFD-Wide Special Tax Requirement or the Tax Zone Special Tax Requirement.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD which are not exempt from the Special Tax pursuant to law or Section E below.

"Tax Zone" means a mutually exclusive geographic area within which a particular Tax Zone Special Tax may be levied pursuant to this RMA. All of the property within the CFD at the time of the CFD formation is within Tax Zone #1; additional Tax Zones may be created when property is annexed into the CFD, and a separate Tax Zone Special Tax shall be identified for property within a new Tax Zone at the time of such annexation.

"Tax Zone Special Tax" means a Special Tax that shall be levied within a particular Tax Zone or Tax Zones but not necessarily levied at a consistent rate throughout the entire CFD.

"Tax Zone Special Tax Requirement" means the amount necessary in any Fiscal Year to pay the cost of authorized landscaping services within a particular Tax Zone. A separate Tax Zone Special Tax Requirement shall be determined each Fiscal Year for each Tax Zone within which a Tax Zone Special Tax is authorized to be levied.

"Unit" means a residential dwelling unit, including individual single-family detached, duplex, triplex, fourplex, townhome, condominium, or apartment units.

B. DATA FOR ANNUAL ADMINISTRATION OF SPECIAL TAX

After July 1 of each Fiscal Year, the Administrator shall categorize all Parcels of Taxable Property in the CFD as Single Family Detached Property, Single Family Attached Property, Multi-Family Property, Live/Work Property or Non-Residential Property. For each Parcel of Single Family Attached Property, Live/Work Property and Multi-Family Property, the Administrator shall determine the number of Units on the Parcel by referencing the building permit, site plan, condominium plan, apartment plan or other development plan for the Parcel. The Administrator shall determine the Building Square Footage for all Parcels of Non-Residential Property. The Administrator shall also determine the Tax Zone within which each Parcel of Taxable Property is located.

C. MAXIMUM SPECIAL TAX

1. *CFD-Wide Special Tax*

Table 1 below identifies the Maximum CFD-Wide Special Taxes.

**Table 1
City of Suisun City
Community Facilities District No. 2
(Municipal Services)
Maximum CFD-Wide Special Taxes**

Land Use Category	Maximum CFD-Wide Special Tax Fiscal Year 2005-06 *
Single Family Detached Property	\$629.90 per Unit
Single Family Attached Property	\$472.43 per Unit
Multi-Family Property	\$236.21 per Unit
Live/Work Property	\$629.90 per Unit plus \$629.90 per 1,000 square feet (or portion thereof) of non-residential building and ancillary improvements
Non-Residential Property	The greater of \$629.90 per parcel or \$629.90 per 1,000 Square Feet (or portion thereof) of Building Square Footage

* Beginning in January 2006 and each January thereafter, this Maximum Special Tax shall be adjusted by applying the Average Increase, if any, in the Indices. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

2. *Tax Zone #1 Special Tax*

Table 2 below identifies the Maximum Tax Zone Special Tax for Tax Zone #1. A different Maximum Tax Zone Special Tax shall be identified for Tax Zones added to the CFD as a result of future annexations.

Table 2
City of Suisun City
Community Facilities District No. 2
(Municipal Services)
Maximum Tax Zone Special Taxes for Tax Zone #1

Land Use Category	Maximum CFD-Wide Special Tax Tax Zone #1 Fiscal Year 2005-06 *
Single Family Detached Property	\$386.04 per Unit
Single Family Attached Property	\$289.53 per Unit
Multi-Family Property	\$144.77 per Unit
Live/Work Property	\$386.04 per Unit plus \$386.04 per 1,000 square feet (or portion thereof) of non-residential space
Non-Residential Property	The greater of \$386.04 per Parcel or \$386.04 per 1,000 Square Feet (or portion thereof) of Building Square Footage

* Beginning in January 2006 and each January thereafter, this Maximum Special Tax shall be adjusted by applying the Average Increase, if any, in the Indices. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. *CFD-Wide Special Tax*

Each Fiscal Year, the CFD-Wide Special Tax shall be levied on all Parcels of Developed Property within the CFD as follows:

- Step 1:** Determine the CFD-Wide Special Tax Requirement for the Fiscal Year in which the CFD-Wide Special Tax will be collected;
- Step 2:** Calculate the total CFD-Wide Special Tax revenues that could be collected from Developed Property within the CFD based on application of the Maximum CFD-Wide Special Tax rates determined pursuant to Section C.1 above;
- Step 3:** If the amount determined in Step 1 is **greater than or equal to** the amount calculated in Step 2, levy the Maximum CFD-Wide Special Tax on all Parcels of Developed Property in the CFD.
- Step 4:** If the amount determined in Step 1 is **less than** the amount calculated in Step 2, levy the CFD-Wide Special Tax against all Parcels of Developed Property in equal percentages up to 100% of the Maximum CFD-Wide Special Tax for each Parcel until the amount of the CFD-Wide Special Tax levy equals the CFD-Wide Special Tax Requirement for that Fiscal Year.

2. Tax Zone Special Tax

Each Fiscal Year, the Tax Zone Special Tax shall be levied on all Parcels of Developed Property within each Tax Zone as follows:

- Step 1:** Separately for each Tax Zone, determine the Tax Zone Special Tax Requirement for the Fiscal Year in which the Tax Zone Special Tax will be collected;
- Step 2:** Calculate separately for each Tax Zone the total Tax Zone Special Tax revenues that could be collected from Developed Property within the Tax Zone based on application of the Maximum Tax Zone Special Tax rates for that Tax Zone;
- Step 3:** If the amount determined in Step 1 is greater than or equal to the amount calculated in Step 2, levy the Maximum Tax Zone Special Tax on all Parcels of Developed Property in the Tax Zone.
- Step 4:** If the amount determined in Step 1 is less than the amount calculated in Step 2, levy the Tax Zone Special Tax against all Parcels of Developed Property within the Tax Zone in equal percentages up to 100% of the Maximum Tax Zone Special Tax for each Parcel until the amount of the Tax Zone Special Tax levy equals the Tax Zone Special Tax Requirement for that Fiscal Year.

The CFD-Wide Special Tax and the Tax Zone Special Tax within the CFD shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the CFD may (under the authority provided in the Act), in any particular case, bill the taxes directly to the property owner off the County tax roll, and the Special Taxes will be equally subject to penalties and foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment.

3/16/2021

CITY OF SUISUN CITY
COMMUNITY FACILITIES DISTRICT NO. 2
(MUNICIPAL SERVICES)

ANNEXATION NO. 12 (7 ELEVEN)

City Council meets on the 1st and 3rd Tuesdays of each month

Schedule Dates	Scheduled Tasks
March 17, 2021	NBS provides Petition, Resolution of Intention, and Annexation Map materials to City for review and comment.
March 19, 2021	City provides feedback on Petition, Resolution of Intention, and Annexation Map.
March 22, 2021	NBS incorporates any changes. Petition sent to Landowner for execution.
March 26, 2021	NBS delivers the final Resolution of Intention, Rate and Method of Apportionment and Annexation Map for Intent Meeting. Landowner delivers executed Petition.
April 6, 2021	Intent Meeting – Consider Resolution of Intention to Annex Territory to the CFD, including Annexation Map/Rate and Method of Apportionment and setting the date of the Public Hearing.
April 7, 2021	Deliver Annexation Map to County Recorder. Annexation Map must be recorded by April 21, 2021. City Clerk arranges for publication of the Notice of Public Hearing Notice must be published once at least 7 days prior to the Public Hearing.
April 9, 2021	NBS provides the Resolutions of Annexation and Election and Ordinance Levying Special Taxes.
April 16, 2021	City provides feedback on the Resolutions of Annexation and Election and Ordinance Levying Special Taxes.
April 19, 2021	Landowner election materials mailed to property owner for the Public Hearing.
May 7, 2021	NBS prepares and delivers the Resolutions of Annexation and Election and Ordinance Levying Special Taxes for the Public Hearing.
May 18, 2021	Public Hearing – City Council allows any public comments either oral or written. City Council determines whether there has been a majority protest or not, then considers Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors calling a Special Election. Election – City Clerk canvasses the Ballots, informs the City Council that the question of annexing the territory and levying the tax is approved, City Council considers the Resolution Declaring the Results of the Election and the first reading of the Ordinance Levying the Special Tax.
May 19, 2021	Notice of Special Tax Lien recorded with Solano County.
June 1, 2021	Ordinance Adoption – City Council considers the Ordinance for adoption.
June 2, 2021	City Clerk arranges for publication of the Ordinance within 15 days after its passage at least once in a newspaper of general circulation in the area of the CFD.

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AGENDA TRANSMITTAL

MEETING DATE: April 6, 2021

CITY AGENDA ITEM: Council Adoption of Ordinance No. ____: Adding Chapter 12.32 (Special Event Permits) to Title 12 (Streets, Sidewalks, and Public Places) of the Suisun City Municipal Code to Provide for Special Event Permitting on Public Property.

FISCAL IMPACT: None

STRATEGIC PLAN IMPACT: Provide Good Governance.

BACKGROUND: On December 15, 2020, the City Council approved an updated Special Event Policy and Application (Policy). The updated policy and application are designed to provide outside user groups the opportunity to host special events on city owned property and to ensure that all local and state laws are being adhered to. The timeline and process is delineated in the Policy as well as consequences for not abiding by the Policy. A notice of public hearing, including a summary of proposed ordinance, was published as a legal notice in the Daily Republic newspaper. This item was first presented to the City Council on January 13, 2021 and was continued to the March 16, 2021 meeting.

STAFF REPORT: With the adoption of the Policy at the December 15, 2020 City Council meeting there was a need to amend chapter 12, Streets, Sidewalks, and Public Places of the Suisun City Code and include Section 12.32 titled Special Event Permitting. This Section delineates the process and possible punitive outcomes for those that do not follow the special event policy.

As required by law, the City Council held a public hearing on March 16, 2021 and no protests were received prior to or during the meeting.

STAFF RECOMMENDATION: It is recommended that the City Council Adoption of Ordinance No. ____: Adding Chapter 12.32 (Special Event Permits) to Title 12 (Streets, Sidewalks, and Public Places) of the Suisun City Municipal Code to Provide for Special Event Permitting on Public Property.

ATTCHMENTS:

1. Ordinance No. ____: Amending Chapter 12 Streets, Sidewalks, and Public Places of the Suisun City Code to add section 12.32 Special Events Permitting.

PREPARED BY:
APPROVED BY:

Kris Lofthus, Recreation, Parks, & Marina Director
Greg Folsom, City Manager

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ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SUISUN CITY, CALIFORNIA, ADDING CHAPTER 12.32 (SPECIAL
EVENT PERMITS) TO TITLE 12 (STREETS, SIDEWALKS AND
PUBLIC PLACES OF THE SUISUN CITY MUNICIPAL CODE TO
PROVIDE FOR SPECIAL EVENT PERMITTING ON PUBLIC
PROPERTY**

WHEREAS, the City of Suisun City (City) has the authority to legislate to protect the health, safety, and welfare of its residents and visitors pursuant to its police power; and

WHEREAS, on December 15, 2020 the City Council of the City of Suisun City adopted a Special Events Permitting Policy and Application; and

WHEREAS, the City Council finds that in order to avoid scheduling conflicts and to ensure the appropriate use of public property by large events that are likely to have an impact on public resources; and

WHEREAS, the City Council finds that adding Chapter 12.42 to the Suisun City Municipal Code will adequately balance the ability of citizens to use public property for events, including those protected by the free speech laws, and for other appropriate uses; and

WHEREAS, a notice of public hearing, including a summary of proposed ordinance was published as a legal notice in the Daily Republic newspaper; and

WHEREAS, as required by law, the City Council held a public hearing on March 16, 2021 and no protests were received prior to or during the meeting; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY
DOES ORDAIN AS FOLLOWS:**

Section 1. The City Council finds that the above recitals are true and correct, and are incorporated as though fully set forth herein.

Section 2. Chapter 12.32 (Special Event Permits) of Title 12 (Streets, Sidewalks and Public Places) of the Suisun City Municipal Code is added to read:

Chapter 12.32 – Special Events Permits

12.32.010 – Purpose.

A permitting process to meet the City’s current and future needs for regulating the use of public spaces to conduct special events.

12.32.020 – Definitions

“Amplified sound” means music or speech projected or transmitted by electronic equipment, including, but not limited to, an amplifier, loudspeakers, or similar devices.

“Annual event” means an event recurring each year at approximately the same date.

1 “Applicant” means the event sponsor or the sponsor's authorized agent who completes
the permit application and acts as primary contact for a special event.

2 “City-partnered event” means an event organized and run by a non-profit organization
3 in conjunction with the city, where the city provides sponsorship or partnership and retains
control over how the event(s) is run and/or publicized. Examples include events in conjunction
4 with the Business Improvement District, Rotary, Friends of SC Recreation, etc.

5 “Director” means the Director of Suisun City Recreation, Parks, and Marina, and shall
include their designee.

6 “Event participants” means persons in attendance at an event, including spectators,
7 vendors, event staff, city staff, and all others present for the purpose of the event. Any persons
in attendance at an event for the purpose of protesting the event shall not be considered event
8 participants.

9 “Fair/carnival” means a traveling enterprise offering amusements, or a gathering of
buyers and sellers, held at a temporary location for one or more days.

10 “Free speech” means speech and expressive conduct protected by the First Amendment
11 of the United States Constitution or by Article 1, Section 2 of the California Constitution.

12 “Free speech special event” means an event at which the expression of free speech rights
is the principal purpose of the event, and that satisfies one or more of the following: (1) the
13 event requires the use of amplified sound; (2) the event may interfere with traffic or obstruct
ingress or egress to a property or structure; or (iii) the event will use a structure or equipment
14 that requires a health and safety inspection. Examples of free speech special events include, but
are not limited to: a protest, speech, or rally that requires traffic control; street performers;
15 parades.

16 “Mixed free speech special event” means an event that has both a free speech component
17 and a commercial component, or that is open to the public for entertainment or cultural
purposes; mixed free speech special events are not dependent on current events and require time
18 and logistical support to organize and include, but are not limited to: (i) a circus; (ii) outdoor
theater; (iii) an art fair.

19 “Parade” means a public procession, typically celebrating a special day or event and
20 including marching bands and floats, in the public right-of-way.

21 “Race/run” means an organized competitive event upon a public street, sidewalk,
22 walkway, or other publicly owned property including city parks, in which persons participate
by walking, running, riding a bicycle, or operating a wheelchair.

23 “Recurring event” means an event that will occur repeatedly within a one-year period.

24 “Special event” means any one-time, recurring, or annual event that: (a) is likely to have
an attendance of 50 or more people; (b) will use amplified sound; (c) may interfere with traffic,
25 ingress, or egress to any building or property; or (d) will entail structures or equipment that
require health and safety inspections. Special events include, but are not limited to: (i)
26 commercial events (e.g., a fair, carnival, farmers market); (ii) organized athletic events (e.g.,
races, runs, soccer games, baseball games); (iii) community events (e.g., beach/park clean up,
27 sandcastle building contest, a hike or nature walk); (v) free speech or mixed free speech special
events.
28

1 “Sponsor” means the person or group responsible for or organizing the special event.

2 “Spontaneous event” means a free speech event occasioned by news or events coming
3 into public knowledge four (4) or fewer business days prior to such event.

4 “Transportation management/parking plan” means a plan developed by the special
5 event sponsor to identify and mitigate traffic/parking impacts associated with a special event.

6 **12.32.030 – Special event permit required; additional permits.**

7 A. Special events on public property, including mixed free speech events, require a
8 special event permit, pursuant to Sections 12.32.040 (Special Event Permit Application) and
9 12.32.050 (Processing of Special Event Permit Applications). Special event permits and free
10 speech special event permits shall be issued and enforced by Recreation, Parks, and Marina.

11 B. Free speech special events on public property require a Free Speech Special
12 Event Permit and shall be subject to the alternative permitting provisions of Section 12.32.060
13 (Free Speech Special Event Permit Application).

14 C. The following shall not be required to obtain special event or free speech special
15 event permits:

16 1. City-partnered events, which are subject to the application procedures
17 found in the City Partnership Policy and Application, which will be used to create a
18 Memorandum of Understanding (MOU) that outlines all special events that the official partner
19 will be promoting. Any special events not outlined within the MOU will cause the partner to
20 update the current MOU with the City to include the new event(s).

21 2. Spontaneous events.

22 D. Any additional permits that may be required by technical codes (the California
23 Building, Electrical, etc. Codes) or the California Fire Code must be applied for separately with
24 the appropriate City department.

25 **12.32.040 -- Special Event Permit or Free Speech Special Event Permit application.**

26 A. An application must be submitted to the City by the special event’s sponsor
27 along with an application fee.

28 B. Application Form and Contents. An application for a special event permit or free
speech special event permit shall be on a City form and signed by an applicant who is at least
18 years of age, and contain all of the following information:

1. The name, address, email address, and daytime telephone number of each of the
following:

a. The applicant and the sponsor, if different from the applicant (also
include evening telephone number),

b. An alternate person to contact 24/7 if an emergency arises and the
applicant or sponsor is unavailable,

c. If applicable: the president, chair or other head of the sponsor
organization; nonprofit documentation (also include written
documentation of the authority under which the applicant is applying on
behalf of the organization), and

- 1 d. The person who will be present and in charge of the event on the day of
2 the event and their contact information during the event.
- 3 2. The requested event date, including the dates and times for set-up and clean-up,
4 and the starting and finishing time of the event. Also include two alternative
5 dates.
- 6 3. The estimated number of participants.
- 7 4. A site plan identifying the proposed event and staging locations, including
8 specific street closures or street routes, if any, or park area requested and parking
9 areas.
- 10 5. A site map showing emergency exit routes.
- 11 6. Any city equipment or personnel requested.
- 12 7. A description of the planned event.
- 13 8. A description of how the event will be promoted and any prior history of
14 promotions for similar events, including references.
- 15 9. The proposed distribution or sale of any food or beverage, including alcoholic
16 beverages. If alcoholic beverages are included, provide all applicable licenses
17 and registrations allowing the sale of alcoholic beverages at the event.
- 18 10. The type and estimated number of vehicles, animals, or structures that will be
19 used.
- 20 11. A description and location of any sound amplification equipment proposed to be
21 used.
- 22 12. The location of electrical generators, stages, tents, canopies, cooking apparatus
23 and lights.
- 24 13. The location of mechanical rides, jump houses, or other amusement attractions.
- 25 14. The location of any water, first aid, or comfort station(s) to be provided.
- 26 15. A preliminary security plan and any monitors to be employed during the event.
- 27 16. Any other information which the Director reasonably requires to evaluate the
28 particular special event permit application. In addition, the Director can waive
application requirements that the Director determines are inapplicable.
17. A parking and transportation plan as deemed necessary by the Director, based
on the anticipated number of participants and the availability of parking at the
proposed location.
18. Recurring events. For recurring events, also include the following information:
 - a. The frequency of the proposed recurring event, including if available a
schedule with proposed dates and times. Proposed schedules may be
submitted as soon as available, but no later than 60 days prior to the start
of the events.
 - b. The minimum and maximum number of participants for each event.

15. Parades. For each application for a parade, provide: (a) the time when the units of the parade will begin to assemble, (b) the proposed assembly point for the parade, (c) the proposed parade route, (d) the interval space to be maintained between units of the parade, and (e) the number, type and size of floats or other vehicles.
16. Commercial or mixed free speech events. For each application for a commercial or mixed free speech event, submit a layout showing the locations of booths, stages, audience, tables and chairs, food court, portable bathrooms, emergency exits.

12.32.050 - Processing of special event permit applications.

Special event permits will be processed based on the following:

A. Submission Timelines.

1. Special Events. An application for a special event permit shall be filed at least 60 days prior to the date of the proposed special event
2. Recurring Special Event Permits. Notwithstanding anything to the contrary in subsection A.1, above, a special event permit application for recurring events must be submitted no later than 60 days prior to the start of the recurring special events. These permits shall only authorize the same type of recurring event during the year, and is not intended to be a blanket event permit for the applicant or sponsor.
4. Requested dates and times at specific locations shall be reserved on a first come first served basis. If the date or time requested is not available, the Director shall inform the applicant within 21 business days and shall suggest alternative dates and times. Applications for events occurring more than 12 months from the date of the application shall not be accepted.

B. If appropriate, the Director shall meet with the applicant or sponsor to review the application to determine whether additional information is required and discuss applicable conditions and potential security fees.

C. The Director shall make a decision on the application, set any conditions and fees, and issue the permit. The Director shall make a decision on the permit shall be made within 21 days following the submission of a completed application.

D. In deciding whether to approve, or approve with conditions, the Director shall make each of the following findings:

1. The special event, as proposed, does not pose a threat to health and safety.
2. The use of police and/or fire resources to support the event will not deny reasonable sheriff and fire protection to the city.
3. The special event will not adversely interfere with previously city-approved and/or scheduled construction, maintenance or other activities.

- 1 4. The special event will not adversely impact the health or safety of
2 surrounding properties; or the impacts can be significantly mitigated by
3 way of reasonable permit conditions. Adverse impacts include, but are
4 not limited to, noise, traffic, parking, trash, and damage to public
5 property, infrastructure, or facilities.
- 6 5. There will be negligible adverse impact on the condition of parks and
7 open space areas; proposed mitigation by the event sponsor will be
8 considered.
- 9 6. The special event shall not adversely impede the public's reasonable use
10 of City streets, sidewalks, walkways, pathways, and City parks.
- 11 E. Conditions.
- 12 1. The Director may include in a special event permit reasonable terms or
13 conditions as to the time, place, and manner of the event, notice
14 requirements, compliance with health and sanitary regulations,
15 emergency services, security payment of the special event permit fee,
16 reimbursement of direct expenses incurred by the City, and a clean-
17 up/damage deposit.
- 18 2. Additional permits or security fees may be required by other state or
19 federal agencies or federal, state, or local laws.
- 20 3. In order to accommodate other concurrent events, the rights of abutting
21 owners and the needs of the public to use streets or parks, the conditions
22 may include, but not be limited to, reasonable adjustments in the date,
23 time, route, or location of the proposed event; accommodations of
24 pedestrian or vehicular traffic using the street; accommodations of public
25 access to city parks, and the City's pathways; and limitations on the
26 duration of the event.
- 27 4. A notice issued by the City for a special event permit shall be mailed to
28 property owners located within a 200 foot radius of a fixed event site, a
parade route, or a run/race route describing the event and inviting the
public to comment. The applicant shall cover the cost, including postage,
for the notice. The notice shall be mailed by first class mail at least 10
days before the date of a small event (fewer than 100 people), and at least
20 calendar days the date of a large event (more than 100 people).
5. Conditions relating to the use of amplified sound to minimize the
interference with the quiet enjoyment of neighboring properties.
6. Conditions relating to maintaining the public property in the same or
better condition after the special event. Conditions may address
collection of trash, access to rest facilities, etc.
7. The Director may require a special event permit sponsor to reimburse the
City for the cost of repairs or habitat remediation needed because of the
special event.

- 1 F. Recurring Events. The Director may require a trial period before approving all
2 planned events. In no case shall recurring events be authorized for more than
3 one year at the time of application.
- 4 G. An application for a special event permit can be denied on any of the following
5 grounds:
6 1. Applicant's provision of false or misleading information;
7 2. Conflict with other planned events in the area;
8 3. Previous special event permit violations by the applicant or sponsor;
9 4. Inability to make all the findings for approval set forth above;
10 5. Exceeding special event attendance limits for a particular location; or
11 6. The location or park site requested is not eligible for special events.
- 12 H. CEQA Review. The Director will perform an environmental review of the
13 proposed special event.

14 **12.52.060 - Free speech special event permit application.**

- 15 A. The following application procedures apply to a free speech special event only.
16 Parades and mixed free speech events shall be subject to the special event permit
17 provisions of Section 12.20.040 (Special Event Permit Required) and 12.20.050
18 (Processing of Special Event Permit Applications) due to their size and the
19 logistical requirements of such events.
- 20 B. A free speech special event requires a free speech special event permit when the
21 proposed event may impede, obstruct, impair or interfere with the free use of
22 any public street, highway, alley, sidewalk, or other public right-of-way, or with
23 ingress or egress to the same; or if the event will have a likely attendance of 150
24 people or more.
- 25 C. A free speech special event permit is not required for spontaneous events. The
26 sponsor of a spontaneous event shall provide the Director with advance
27 notification to the extent practicable, as well as the following information: the
28 type of event; the date, time, and duration of the proposed event; the location of
the event and/or route, including which public spaces or public rights-of-way
may be obstructed or closed; and anticipated participation.
- D. A free speech special event application shall include the following information:
1. A description of the proposed event;
 2. The street or other public property and the specific area or areas thereof
to be utilized in connection with the proposed event;
 3. The manner in which the public property will be utilized;
 4. The date or dates and the specific times of the proposed event, including
set-up and tear-down;
 5. The name, address and telephone number of the sponsor of the proposed
event;

- 1 6. The name, address and telephone number of the person or persons to be
- 2 contacted regarding the application or the permit;
- 3 7. Anticipated participation, including any animals that may be in
- 4 attendance.
- 5 E. Application Timeline. The applicant shall file a complete application for a free
- 6 speech special event permit with the Director as soon as possible, but no later
- 7 than 5 business days before the proposed event.
- 8 F. Director's Decision. The Director shall render a decision in accordance with the
- 9 findings set forth herein within 2 business days following the filing of the
- 10 completed application.
- 11 1. The event, as proposed, will not pose a threat to health and safety;
- 12 2. The use of police and/or fire department resources to support the event
- 13 will not deny reasonable police and fire protection to the City;
- 14 3. The event will not interfere with previously City-approved and/or
- 15 scheduled construction or maintenance, or with a previously permitted
- 16 special event;
- 17 4. No consideration was given to the message of the event, the content of
- 18 speech, the identity or associational relationships of the applicant, or to
- 19 any assumptions or predictions as to the amount of hostility which may
- 20 be aroused in the public by the content of the speech or message
- 21 conveyed by the event;
- 22 5. There will be minimal or no adverse impact on the condition of parks
- 23 and open space areas; proposed measures to mitigate any adverse
- 24 impacts shall be taken into consideration.
- 25 G. Notification of Decision. The Director shall notify the applicant in writing (and
- 26 orally, if possible) of the decision, including a statement of the reasons for any
- 27 conditions or the grounds for a denial. If a change in the time or location of the
- 28 proposed event would allow approval of the application, the Director shall
- propose an alternative to the applicant. Any conditions shall be directed to
- address health and safety concerns only.
- H. Applicant's Acceptance. The applicant shall notify the Director in writing of
- their acceptance forthwith after written notice of the decision. Once the applicant
- submits a written acceptance of the Director's decision, the free speech special
- event permit shall be approved and the Director shall notify the city council and
- the city manager that the permit has been issued.
- I. Free speech special events will not be required to comply with any of the
- following as a condition of receiving a permit:
1. Any fee or charge required by the city.
2. Any insurance or proof of insurance covering the free speech event, its
- organizers, or participants, including the requirements of Section
- 12.20.110 (Insurance Requirements for Special Events).

- 1 3. Any requirement of indemnification or agreement to hold harmless,
2 including the requirements of Section 12.32.100 (Hold Harmless).
3
4 J. Appeal. Any decision relating to the issuance of a free speech special event
5 permit may be appealed to the city manager. The appeal must be in writing and
6 must be submitted to the city manager's office within 2 business days of the
7 Director's decision. The city manager shall decide the appeal within one
8 business day. The city manager's decision shall be final, and shall refer to
9 Section 1094.8 of the Code of Civil Procedure.
10 K. Judicial Review. Decisions regarding a free speech special event permit are
11 eligible for expedited judicial review pursuant to Section 1094.8 of the Code of
12 Civil Procedure.

13 **12.32.070 - Revocation.**

14 A Special event permit can be revoked by the Director for any of the following reasons:

- 15 A. Failure to comply with any permitting requirements or conditions of approval;
16 B. Knowingly providing false, misleading, or fraudulent information;
17 C. Failing to pay required fees, charges, or deposits;
18 D. Failing to agree to the indemnification provisions or failing to provide proof of
19 insurance to the extent required; or
20 E. The event materially changes after a permit has been approved.

21 **12.32.080 – Permit Fees and Charges.**

22 A. Special event permit fees and charges, including late fees, are established by
23 resolution of the City Council. The application fee must be submitted with the application.
24 Other costs for City services (e.g., police, fire, building, clean-up charges) shall be invoiced to
25 the applicant no later than 10 days after the expiration date of the permit. The applicant shall
26 pay all fees and charges within 30 days of invoice otherwise late fees shall apply.

27 B. Waivers. Any and all requests for fee reductions or waivers must submit a fee
28 waiver request to the Director.

 1. Permits for nonprofit and educational events, may be subject to reduced
 or waived fees, as determined by City Council resolution.

 2. A hardship waiver may be applied by any individual or entity who is
 unable to pay the application fee. A hardship waiver application shall be made at the
 time of submission of the permit application and shall be accompanied by such relevant
 information and documentation as may be reasonably necessary to verify such status.
 Hardship for an individual shall include, but not be limited to, (1) a person who is
 receiving benefits pursuant to the Supplemental Security Income (SSI) and State
 Supplemental Payments (SSP) programs (Sections 12200 to 12205, inclusive, of the
 California Welfare and Institutions Code), the California Work Opportunity and
 Responsibility to Kids Act (CalWORKs) program (Chapter 2, commencing with
 Section 11200 of Part 3 of Division 9 of the California Welfare and Institutions Code),
 the Food Stamp program (7 U.S.C. Section 2011 et seq.) or Section 17000 of the

Welfare and Institutions Code; (2) a person whose monthly income is 125% or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended.

12.32.090 – Special event permit - appeal.

A. A decision regarding a special event permit application may be appealed in writing to the city manager within 10 days of the Director's decision.

B. The city manager shall make a decision on the appeal within 10 days of receipt of the appeal.

C. The decision of the city manager shall be final, and is subject to judicial review pursuant to Section 1094.5 and 1094.6 of the Code of Civil Procedure.

12.32.100 - Hold harmless.

As a condition to the issuance of a special event permit under this chapter, the applicant/sponsor shall agree to defend, indemnify, and hold harmless the city, its elected and appointed officials, employees and agents, against losses and liabilities incurred from the conduct of the permittee, or its officers, employees, and agents, or claims or liabilities caused by, or arising out of any activities authorized by any such permit.

12.32.110 - Insurance requirements for special events.

The applicant shall provide general liability insurance naming the city, its elected and appointed officials, employees, and agents, as an additional insured. Limits of coverage will be determined by the city attorney's office at the time of application. Certificates of insurance are to be submitted to the city for approval 14 calendar days prior to the day of the event. Acceptability of insurance is subject to approval by the city's risk manager. This requirement does not apply to free speech events.

12.32.120 - Violations.

A. Violations of this chapter shall be charged to the applicant and/or sponsor of the event pursuant to Chapters 1.08 (General Penalty) as infractions, and 1.20 (Administrative Citations) of this code, as well as any other remedies available to the city at law or equity. Unauthorized use of City Water is punishable by a civil fine not exceeding \$250 per day of water use

B. In addition to the penalties provided for in Chapters 1.08 (General Penalty) and 1.20 (Administrative Citations) of this code, sponsors, applicants, or participants of an event may be cited and/or ejected from the public property for violations of this chapter, or other unlawful conduct, after notice and an opportunity to cure the violation.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 4. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Government Code section 36937. The City Clerk shall cause a summary of this ordinance to be published in accordance with Government Code section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

Section 5. Effective Date. This Ordinance shall go into effect on the 31st day after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, California, on _____, 2021.

Lori D. Wilson, Mayor

ATTEST:

Anita Skinner
City Clerk

CERTIFICATION

I, Anita Skinner, City Clerk of the City of Suisun City and ex-officio Clerk of the City Council of said City, do hereby certify that the above and foregoing ordinance was introduced at a regular meeting of the said City Council held on Tuesday, March 2, 2021 and passed and adopted at a regular meeting of said City Council held on Tuesday, _____, 2021, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

WITNESS my hand and the seal of said City this _____, 2021.

Anita Skinner
City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: April 6th, 2021

CITY AGENDA ITEM: Council Adoption of Resolution No. 2021-___: A Resolution of The City Council of Suisun City Authorizing Application For Federal Excess Personal Property (FEPP) Program In Accordance United States Forest Service Cooperative Forestry Assistance Act (CFAA) of 1978

FISCAL IMPACT: There is not fiscal impact associated with this report

STRATEGIC PLAN: Ensure Public Safety

BACKGROUND: The Federal Excess Personal Property (FEPP) Program was enacted by Congress under the Federal Property and Administrative Services Act of 1949 and the Cooperative Forestry Assistance Act of 1978. The Act directs the Secretary of Agriculture to encourage the use of FEPP to assist in reducing state fire budgets by loaning federally-owned property to state foresters and their cooperators. To qualify for this program, a fire department must meet a number of requirements, one being responsibility for providing fire protection on wildlands within the department's jurisdiction. The U.S. Forest Service monitors the use of loaned property to ensure that all FEPP acquired is used 90 percent for fire protection support and only 10 percent for other support.

The FEPP Program enables the California Department of Forestry and Fire Protection (CAL FIRE) to acquire, "on loan" from the federal government, property that assists the Department in fulfilling its emergency response mission. That property includes such items as trucks, fire tools, hoses, vehicle parts, nozzles, generators, air compressors, and fire protection clothing.

STAFF REPORT: The Suisun City Fire Department strives to be fiscally responsible while operationally capable, in order to fulfill our mission. To achieve the goal of fiscal solvency, the fire department seeks out grant and donation opportunities to offset the costs of fire equipment. The State of California, through CAL FIRE, operates the FEPP program enabling the excess firefighting, rescue, and emergency service equipment to be loaned to fire departments, such as the Suisun City Fire Department.

The Suisun City Fire Department seeks Council approval to be included in the program. In order to acquire, as a temporary loan, excess federal and state equipment for the fire department at little to no cost to the City of Suisun City, this Council must endorse the fire department in seeking this cost saving program.

RECOMMENDATION: The fire department recommends that the City Council authorizes participation in the FEPP Program.

ATTACHMENTS:

PREPARED BY:

REVIEWED AND APPROVED BY:

Justin Vincent, Fire Chief
Greg Folsom, City Manager

1. Resolution No. 2021 - Authorizing Application for Federal Excess Personal Property (FEPP) Program in Accordance United States Forest Service Cooperative Forestry Assistance Act (CFAA) Of 1978
2. Agreement # 991449 Cooperative Agreement for the USDA Forest Service Federal Excess Personal Property (FEPP) Program

RESOLUTION NO. 2021-

**A RESOLUTION OF THE CITY COUNCIL OF SUISUN CITY AUTHORIZING
APPLICATION FOR FEDERAL EXCESS PERSONAL PROPERTY (FEPP)
PROGRAM IN ACCORDANCE UNITED STATES FOREST SERVICE
COOPERATIVE FORESTRY ASSISTANCE ACT (CFAA) OF 1978**

WHEREAS, the Federal Excess Personal Property (FEPP) program refers to Forest Service-owned property that is on loan to State Foresters for the purpose of wildland and rural firefighting. Most of the property originally belonged to the Department of Defense (DoD); and

WHEREAS, acquired property by the Forest Service, it is loaned to state cooperators for firefighting purposes. The property is then loaned to the state forester, who may then place it with local departments to improve local fire programs; and

WHEREAS, there is no cost to join the FEPP program. The property is free on a loan basis for as long as the fire agency needs the equipment as described in Department of Forestry and Fire Protection (CALFIRE), Materials Management Handbook, section 2700 & 2782, in accordance with the US Forest Service Cooperative Assistance Act (CFAA) of 1978; and

WHEREAS, CAL FIRE has been approved as an agent of the United States Department of Agriculture (USDA) Forest Service for administering FEPP as part of the Cooperative Fire Protection Program, which allows Suisun City Fire Department to take custody, and use FEPP property for wildland and rural community fire protection services; and

WHEREAS, the Suisun City Fire Department has several current equipment needs to better serve the residents and community of Suisun City and fiscal restraints prevent purchase of needed equipment. This program will allow the fire department to purchase government surplus property at no cost; and

NOW, THEREFORE, be it here resolved by the City Council of Suisun City that accepts the agreement between the State of California, Department of Forestry and Fire Protection (CAL FIRE) and the Suisun City Fire Department, for the loan of Federal Excess Personal Property, and authorizing Fire Chief Justin Vincent to sign the agreement of the City Council.

PASSED AND ADOPTED by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 6th of April 2021, by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 6th day of April 2021.

Donna Pock, CMC
Deputy City Clerk

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STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

COOPERATIVE AGREEMENT FOR THE
USDA FOREST SERVICE
FEDERAL EXCESS PERSONAL PROPERTY (FEPP) PROGRAM
Under the United States Forest Service Cooperative Forestry Assistance Act (CFAA) of 1978

This agreement is entered into by and between

THE STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

AND

SUISUN CITY FIRE DEPARTMENT

This agreement made and entered into this day of , 20 , by and between the State of California acting by and through the Director of the Department of Forestry and Fire Protection (CAL FIRE), hereinafter referred to as the STATE and the Suisun City Fire Department, hereinafter referred to as the COOPERATOR, covenants as follows:

I. PURPOSE

The STATE has been approved as an agent of the United States Department of Agriculture (USDA) Forest Service for administering Federal Excess Personal Property (FEPP) as part of the Cooperative Fire Protection Program, which allows the COOPERATOR to take custody and use FEPP property for wildland and rural community fire protection services.

II. MUTUAL INTEREST OF PARTIES

Both the STATE and the COOPERATOR have a mutual interest in the prevention, protection and suppression of all wildland and rural community fires near and adjacent to the property and the people of California.

III. AUTHORITIES

The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 483) and the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. § 2106(c)) authorizes the FEPP Program as an element of the Cooperative Fire Protection Program (16 U.S.C. § 2106(b)). Under these authorities, the USDA Forest Service may lend FEPP property needed for wildland and rural community fire protection to the STATE and to local paid or unpaid fire departments for their use.

IV. RESPONSIBILITIES

THE COOPERATOR AGREES:

1. Primary use of FEPP property must be 90 percent for activities directly related to wildland and rural community fire protection; however, situations may occur that make this exclusive use impractical. Non-fire emergency use of FEPP property is authorized and limited to no more than 10 percent total usage. Abuse of the 10 percent non-fire use standard could result in recall of the property on loan, suspension from the program, or other sanctions.

2. FEPP property acquired by the COOPERATOR is not permitted to be rented, leased, loaned, or traded to another party; no exceptions. FEPP property is not permitted to be transferred or sold without prior approval from the STATE or the USDA Forest Service. FEPP property is for official use only; personal use of FEPP property is prohibited, violates the law, and this Cooperative agreement. Any personal use violations found, subjects the COOPERATOR to penalties and FEPP property recall as determined by the STATE and the USDA Forest Service.
3. To immediately notify the STATE of receipt of FEPP property during the acquisition process.
4. To bear the entire cost of transportation, retrofit, modification, maintenance, repairs, and operation of acquired FEPP property while in the COOPERATOR's possession.
5. The COOPERATOR must paint any FEPP rolling stock acquired directly from the USDA Forest Service that has the distinct Forest Service green color. If the FEPP property is acquired from the Department of Defense (DoD) and has military colors or markings, it must be painted. This is mandatory per the STATE and the USDA Forest Service. The painting of the FEPP vehicle must be accomplished within one (1) calendar year of the acquisition.
6. To register all FEPP rolling stock with the California Department of Motor Vehicles (DMV) within 60 days of receipt of property. Lien Holder will remain as the USDA Forest Service. This is mandatory as ownership remains with the USDA Forest Service. Registered Owner will be the COOPERATOR.
7. To obtain prior to operation of any FEPP property the minimum liability insurance in the amount required by State law to cover the operation of FEPP rolling stock. The COOPERATOR must maintain adequate insurance to cover damages or injuries to cover persons or property relating to the use of the property. Proof of insurance coverage must be provided to the STATE in the form of an insurance policy or a self-insured statement on an official letterhead.
8. Drivers of FEPP property must take the necessary equipment training and have a valid California operator license to operate the loaned vehicle(s).
9. To make FEPP property operable and ready to be placed into service for wildland and rural community fire protection, including fire suppression and prevention. Operational condition of the property will be achieved within one (1) year to the date of property pick up/receipt.
10. FEPP property cannot be modified or cannibalized without prior authorization from the STATE and the USDA Forest Service. The COOPERATOR shall contact the STATE with a request and justification to modify or cannibalize any FEPP property. The request must be submitted for approval before any modification or cannibalization to FEPP property takes place.
11. The COOPERATOR is responsible for the proper care, maintenance, security and storage of all acquired FEPP property.
12. All FEPP property must be identified as property belonging to the USDA Forest Service and for fire use only. The STATE will provide USDA Forest Service property tags along with a property number assigned to accountable FEPP property.
13. To promptly report any FEPP property when it is no longer needed by the COOPERATOR to the STATE and the USDA Forest Service for disposal authority. The COOPERATOR is not to release FEPP property to anyone unless the STATE and the USDA Forest Service have provided the proper authorization and documentation needed. The COOPERATOR is to provide reasonable access to authorized personnel for inspection and removal of FEPP property.

14. Ownership of all accessories, tools, light bars, sirens and equipment which is added to the loaned FEPP property remains with the COOPERATOR and must be removed prior to the disposal process.
15. Accidents involving FEPP property must be reported directly to the STATE within 10 days of the situation. This includes accidents that result in death, injury, illness, or property damage (more than \$350). Depending on the type of accident, the STATE will provide direction to the COOPERATOR on the information required to be submitted to the USDA Forest Service.
16. Lost, stolen, damaged or destroyed FEPP property shall be reported to the STATE for proper documentation and handling.
17. When FEPP property is lost, damaged, destroyed or stolen, a determination is required whether there was negligence on the part of the COOPERATOR. The STATE shall make a recommendation to the USDA Forest Service Property Management Officer (PMO) whether there was negligence or gross negligence.
 - a. Negligence: The failure to abide by Federal rules and regulations.
 - i. Repeated instances of negligent damage to FEPP property by staff of the COOPERATOR may be cause for the STATE to suspend further acquisitions by the COOPERATOR until the reasons for the negligence are identified and steps taken to prevent further instances.
 - b. Gross negligence: The intentional, willful, or wanton failure to exercise a reasonable degree of care to protect FEPP property in one's custody in reckless disregard of the consequences of the actions.
 - i. If the STATE determines that there is apparent gross negligence on the part of the COOPERATOR staff, the findings plus all supporting documentation shall be forwarded by the STATE to the USDA Forest Service PMO for a final determination.
 - ii. Should the USDA Forest Service submit the final determination is one of gross negligence and sends the STATE a Bill of Collection for FEPP property under the COOPERATOR's care, the COOPERATOR will reimburse the STATE for all the costs listed on the Bill of Collection.
 - iii. The COOPERATOR shall be suspended from acquiring any additional FEPP property for a set time as determined by the STATE.
 - iv. A second case of gross negligence will cause the COOPERATOR to lose all privileges of participation in the FEPP program as determined by the STATE.
18. To perform/participate in the physical inventory process on FEPP property in the COOPERATOR's possession every two (2) years.
19. The STATE and the USDA Forest Service will periodically conduct joint reviews of the FEPP program to ensure compliance with the USDA Forest Service and other applicable statutes, regulations and policies are being followed. The COOPERATOR must participate and provide access to all physical FEPP property along with access to all FEPP documentation during the review. The STATE is authorized to perform audits and reviews by STATE personnel, in between joint reviews, to provide the USDA Forest Service information for FEPP program improvements.
20. To retain all documentation on all inventoried FEPP property for six (6) years and three (3) months after the year designated for the disposal of the property. The STATE will send all mandatory documentation required for acquisition, management and disposal of FEPP property to the COOPERATOR as these processes occur.
21. The COOPERATOR must provide access to and the right to examine all records, books, papers or documents relating to the FEPP program to the USDA Forest Service, the USDA Office of the Inspector General (OIG), the Comptroller General of the United States, the STATE and their authorized representatives.

22. To comply with Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or natural origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. To comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) prohibiting discrimination where discriminatory practices will result in unequal treatment of persons who are or should be benefiting from the activity.

V. OTHER AGREEMENT TERMS
IT IS MUTUALLY AGREED THAT:

1. Title to all FEPP property shall remain vested in the United States federal government.
2. The COOPERATOR shall complete a resolution, or a statement from their governing board/council, approving participation in the FEPP program. The resolution must be received with this Cooperative agreement as a requirement of the Terms and Conditions before the STATE will prepare or continue (in the case of a renewal agreement) the COOPERATOR's access to screen and manage FEPP property.
3. All FEPP property loaned to the COOPERATOR shall be for an indefinite period of time, unless the COOPERATOR is negligent of program requirements as detailed in the Terms and Conditions of this Cooperative agreement as well as any Federal regulations that govern the FEPP program. The agreement may be terminated by either party after giving notice 60 days in advance of such termination to the other party.
4. The STATE will not be responsible for furnishing spare parts for FEPP property and the COOPERATOR accepts all FEPP property "as is" without any warranties of any kind, either expressed or implied.
5. Amendments to this Cooperative agreement covering acquisitions and disposals of FEPP property will be submitted by the STATE to the COOPERATOR for review and signature. These Amendments will be sent upon completion of the action taken and must be returned signed and dated by the COOPERATOR to the STATE to maintain accurate record keeping as required by the USDA Forest Service.
6. COOPERATORS with any FEPP property will cooperate with regulatory agencies to ensure compliance with Federal and State regulations, program and property management requirements.
7. In the event of any dispute over FEPP loaned equipment or any terms or conditions contained herein, the dispute shall be decided by the STATE and its decision shall be binding and final.
8. The parties hereto agree that the COOPERATOR, their officers, employees, agents, servants, contractors, volunteers, paid firefighters, and all others acting on behalf of the COOPERATOR, performing under the terms of this Cooperative agreement, are not acting as officers, employees or agents of the State or the Federal government.
9. The COOPERATOR agrees to defend, indemnify, save and hold harmless the STATE as defined herein, and the Department of Forestry and Fire Protection (CAL FIRE), their officers, agents and employees against all claims, demands, causes of action or liability of any kind whatsoever arising out of the acts of the COOPERATOR, its agents or employees in the performance of any function provided for under the terms of this agreement or the use of property transferred.
10. The period of this agreement is for five (5) years from the date of last signature on page six (6) and entered on page one (1), if no violations or signatory changes occur. Thereafter, the agreement shall be reviewed

every other year for compliance by the STATE during the agreement review process and extended if no violations or changes have occurred, not to exceed a five (5) year term renewal. This Cooperative agreement supersedes all prior agreements related to the FEPP program.

11. Either party may terminate this agreement by providing written notice to the other party 60 days prior to the termination date. If the agreement is terminated, the COOPERATOR shall be ineligible to continue participation in the FEPP program. Upon termination of this Cooperative agreement, all FEPP property assigned to the COOPERATOR shall be returned to the STATE. Prior to terminating a COOPERATOR's eligibility for cause, the STATE shall attempt alternative resolutions.
12. Any information provided to the STATE under this Cooperative agreement is subject to the Freedom of Information Act (5 U.S.C. §§ 551 *et seq.*).
13. The primary contact information of the parties hereto, for all notices, payments, repayments, or any other activity required or contemplated under the terms of this Cooperative agreement are:

Cooperator Name:	Department of Forestry and Fire Protection (CAL FIRE) Federal Property Programs
Suisun City Fire Department	
Contact Name: Dave Bellerive	
Title: Division Chief/Investigator	
Street Address:	Street Address:
621 Pintail Drive	710 Riverpoint Court
Mailing Address:	West Sacramento, CA 95605
	Mailing Address:
	P.O. Box 944246
City:	City:
Suisun City	Sacramento
Zip:	Zip:
94585	94244-2460
Phone Number:	Phone Number:
(707) 421-7205 Ext.	(916) 894-9804
Cell Phone Number:	Fax Phone Number:
(707) 803-7809	(916) 894-9880
Email:	Email:
dbellerive@suisun.com	FederalProperty@fire.ca.gov

14. Local CAL FIRE Unit contact information:

CAL FIRE Unit:	Point of Contact:
Sonoma-Lake-Napa Unit (LNU)	LNU Forestry Logistics Officer
Physical Address:	
1199 Big Tree Road	
City:	Zip Code:
St. Helena	94574
Phone Number:	
(707) 967-1400 Ext. :	

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year of the last signature below.

COOPERATOR	
NAME OF COOPERATOR: Suisun City Fire Department	
BY (Authorized Signature): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: Justin Vincent, Fire Chief	
STATE OF CALIFORNIA Department of Forestry and Fire Protection (CAL FIRE)	
BY (CAL FIRE Unit Chief): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: Shana Jones, Unit Chief, Sonoma-Lake-Napa Unit (LNU)	
BY (CAL FIRE Property and Local Services Manager): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: Nicole Harner, Property and Local Services Manager	

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

COOPERATIVE AGREEMENT FOR THE
USDA FOREST SERVICE
FEDERAL EXCESS PERSONAL PROPERTY (FEPP) PROGRAM
Under the United States Forest Service Cooperative Forestry Assistance Act (CFAA) of 1978

ATTACHMENT A

SUISUN CITY FIRE DEPARTMENT

	ITEM:	SERIAL #:	PROPERTY #
1.	No Property At This Time		
2.			
3.			
4.			
5.			
6.			
7.			

Rev. June 2020



**STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

**AAMS/GSAXCESS SCREENER REQUEST FORM
PROPERTY SEARCH ONLY
FOR LOCAL COOPERATORS IN FEPP PROGRAM**

PLEASE READ AND COMPLETE ONLY APPLICABLE FIELDS	
NEW <input checked="" type="checkbox"/>	SCREENER ID (Update Only) <input type="checkbox"/>
DATE OF REQUEST: 3/16/21	LFC FEPP AGREEMENT DATE: <i>(To be completed by State)</i>
SCREENER INFORMATION - STEP 1	
NAME (First, Last): David Bellerive	
TITLE: Division Chief	
FIRE COOPERATOR NAME: Suisun City Fire Department	
STREET ADDRESS (NO P.O. BOX): 621 Pintail Dr.	
MAILING ADDRESS (If different from above): 	
CITY AND STATE: Suisun City, CA	ZIP CODE: 94585-2100
TELEPHONE NUMBER (ex. (555)-555-5555): 707-421-7205	CELL PHONE NUMBER (ex. (555)-555-5555): 707-803-7809
EMAIL ADDRESS: dbellerive@suisun.com	
ACCESS LEVEL REQUESTED: AAMS/GSAXCESS - PROPERTY SEARCH ONLY <input checked="" type="checkbox"/>	
AUTHORIZING SIGNATURES - STEP 2	
BY (Fire Chief or Authorizing Signature): 	DATE SIGNED:
BY (State FEPP Coordinator): 	DATE SIGNED:
THE SECTION BELOW IS FOR USE BY SACRAMENTO FEPP PROGRAM OFFICE AND THE USFS	
GSAXCESS LOGIN INFORMATION:	
LOGON ID: 	TEMPORARY PASSWORD:
USDA FOREST SERVICE	
BY (Forest Service Property Management Officer): 	DATE SIGNED:

REV 12-2018



STATE OF CALIFORNIA, THE RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)
USDA FOREST SERVICE



PROPERTY WANT / WISH LIST
FEDERAL EXCESS PERSONAL PROPERTY (FEPP) PROGRAM

NEW ☒



UPDATE ☐


Date of Request: _____


Agreement #: 991449


FIRE COOPERATOR INFORMATION			
Fire Cooperator Name:		Suisun City Fire Department	
Fire Chief:		Justin Vincent	
Point of Contact (if different):		David Bellerive	
Phone Number:		(707) 421-7025 ext.	
Cell Phone Number:		(707) 803-7809	
Email:		dbellerive@suisun.com	
VEHICLE REQUEST			
Body Style/Type (Fire Engine, Pickup Truck, Tender, SUV, HUMVEE, etc.):			
Model:			
Year(s):		Cab Type (2 or 4 Doors):	
Transmission Type:		Drive Type (4x2, 4x4):	
Tonnage:		Fuel Type (Gas, Diesel):	
Additional Information:			
CAL FIRE Use Only	Comments: _____		Unit FLO Initial: _____
VEHICLE REQUEST			
Body Style/Type (Fire Engine, Pickup Truck, Tender, SUV, HUMVEE, etc.):			
Model:			
Year(s):		Cab Type (2 or 4 Doors):	
Transmission Type:		Drive Type (4x2, 4x4):	
Tonnage:		Fuel Type (Gas, Diesel):	
Additional Information:			
CAL FIRE Use Only	Comments: _____		Unit FLO Initial: _____

ALL OTHER PROPERTY REQUESTS	
Other equipment examples include but are not limited to: Slip-on pumps, generators, gym equipment, fire tools, winches, medical supplies, vehicle parts, construction material, office supplies and household furniture.	
Item (Specific Details):	
Item (Specific Details):	
Item (Specific Details):	
Item (Specific Details):	
Item (Specific Details):	

Cooperator: Review Terms	
 	<p>I certify that appropriate local funding will be made available to transport, repair, maintain, secure and store all FEPP property. This includes painting all acquired FEPP rolling stock to match the Fire district's/department's current vehicle fleet and to apply the logo and letter identifiers as outlined in the FEPP Cooperative Agreement Terms and Conditions.</p>

COOPERATOR	
NAME OF FIRE DEPARTMENT:	
Suisun City Fire Department	
BY (Authorized Signature):	DATE SIGNED:
	
PRINTED NAME AND TITLE OF PERSON SIGNING:	
Justin Vincent, Fire Chief	

STATE OF CALIFORNIA Department of Forestry and Fire Protection	
BY (CAL FIRE FORESTRY LOGISTICS OFFICER):	DATE SIGNED:
	
PRINTED NAME AND TITLE OF PERSON SIGNING:	

STATE OF CALIFORNIA Department of Forestry and Fire Protection	
BY (CAL FIRE BUSINESS SERVICES OFFICE):	DATE SIGNED:
	
PRINTED NAME AND TITLE OF PERSON SIGNING:	
Alicia Hastings, Federal Property Coordinator	

AGENDA TRANSMITTAL

MEETING DATE: April 6th, 2021

CITY AGENDA ITEM: Council Adoption of Resolution No. 2021-____: Authorization to Participation in The Department of Defense Firefighter Property (FFP) Program Under Title 10 United States Code §2576b

FISCAL IMPACT: There is not fiscal impact related to authorizing the contract.

STRATEGIC PLAN: Ensure Public Safety

BACKGROUND: CAL FIRE's Firefighter Property (FFP) Program was created to aid and strengthen local, rural, and volunteer fire departments' ability to meet their fire missions and emergencies services efforts through the acquisition of excess federal property.

The FFP program awards excess Department of Defense (DoD) property to CAL FIRE and its local cooperators for use in firefighting and emergency services. Through the FFP program CALFIRE assists state and local fire and emergency service organizations to acquire the property. CAL FIRE works with the United States Department of Agriculture (USDA) Forest Service to implement the program. FFP is a competitive but simplified program to acquire excess DoD equipment before it is available to other government agencies through the Federal Excess Property Program (FEPP). In the FFP program, certain property passes ownership after it has been in use for a specified period, in contrast to FEPP where property is only on loan.

STAFF REPORT: The Suisun City Fire Department strives to be fiscally responsible while operationally capable, in order to fulfill our mission. To achieve the goal of fiscal solvency, the fire department seeks out grant and donation opportunities to offset the costs of fire equipment. The State of California, through CAL FIRE, operates an excess federal asset program that is available to the Suisun City Fire Department enabling the acquisition of excess firefighting, rescue, and emergency service equipment.

The Suisun City Fire Department seeks Council approval to be included in the program. In order to acquire excess federal and state equipment for the fire department at little to no cost to the City of Suisun City, this Council must endorse the fire department in seeking this cost saving program.

RECOMMENDATION: The fire department recommends the City Council authorizes participation in the DoD Firefighter Property (FFP) Program.

ATTACHMENTS:

1. Resolution No. 2021 – Authorization to Participation in The Department Of Defense Firefighter Property (FFP) Program Under Title 10 United States Code §2576b
2. Agreement #: 881203 Cooperative Agreement for the Department of Defense Firefighter Property (FFP) Program.

PREPARED BY:

REVIEWED AND APPROVED BY:

Justin Vincent, Fire Chief
Greg Folsom, City Manager

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RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY COUNCIL OF SUISUN CITY AUTHORIZING PARTICIPATION IN THE DEPARTMENT OF DEFENSE FIREFIGHTER PROPERTY (FFP) PROGRAM UNDER TITLE 10 UNITED STATES CODE §2576B

WHEREAS, the Firefighter Property (FFP) Program is the Department of Defense's (DoD) special program where firefighters can obtain to excess DoD property to be used for firefighting and emergency services; and

WHEREAS, this is the first time the Suisun City Fire Department will enter into a Cooperative Agreement with CAL FIRE for the purpose of obtaining excess DoD property.

WHEREAS, the FFP awards excess Department of Defense property to CAL FIRE and its local cooperators for use in firefighting and emergency services. Through the FFP CAL FIRE Business Services Office (BSO) assists state and local firefighting and emergency service organizations to acquire the property at no cost; and

WHEREAS, CAL FIRE works with the United States Department of Agriculture (USDA) Forest Service to implement the program. In the FFP, certain property passes ownership after it has been used for a specific period, usually 1 year from the in-service date; and

WHEREAS, the FFP program is authorized through a cooperative agreement between CAL FIRE and USDA, Forest Service. When CAL FIRE assists a fire department or agency. A separate cooperative agreement is required. The agreement holds the cooperator responsible for following federal and state guidelines. Agreements are renewed every three (3) years or whenever there is a change in signatory; and

NOW, THEREFORE, be it here resolved by the City Council of Suisun City that accepts the agreement between the State of California, Department of Forestry and Fire Protection (CAL FIRE) and the Suisun City Fire Department for the acquisition of Firefighter Property, and authorizes the Fire Chief Justin Vincent to sign the agreement on behalf of the City Council.

PASSED AND ADOPTED by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 6th of April 2021, by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 6th day of April 2021.

Donna Pock, CMC
Deputy City Clerk

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**DEPARTMENT OF FORESTRY & FIRE PROTECTION
BUSINESS SERVICES OFFICE**

Federal Property Unit
P. O. Box 944246
Sacramento, CA 94244-2460
(916) 894-9809
Website: www.fire.ca.gov



March 4, 2021

David Bellerive, Division Chief
Suisun City Fire Department
621 Pintail Drive
Suisun City, CA 94585

Subject: Firefighter Property (FFP) Program Application Packet - Number 881203

Dear Chief Bellerive:

Enclosed is an application packet with CAL FIRE to participate in Firefighter Property (FFP) program.

Please complete the following steps:

1. Review and complete the Application for Participation form
2. Review the FFP Cooperative Agreement and have the Fire Chief sign Page Five, under the Cooperator
3. Have the Board of Directors/Council review and complete a *resolution. * Sample included
4. Review and complete the Screener Request Form
5. Mail the original agreement and additional paperwork listed above to:

NOTE: The forms may be scanned and emailed to me to begin the process. Please mail the FFP Cooperative Agreement with original signatures.

CAL FIRE Federal Property Unit
P.O. Box 944246
Sacramento, CA 94244-2460
Attn: Alicia Hastings

NOTE: Per the USDA Forest Service, without the resolution, the agreement is incomplete and will result in the inability of CAL FIRE to further process the application packet for participation in the FFP program.

A copy of all the completed forms and agreements will be mailed to you when the additional signatures have been attained.

Thank you for your assistance in completing this application packet in a timely manner and please contact me if you have any questions.

Sincerely,

ALICIA HASTINGS
Federal Property Coordinator
Alicia.Hastings@fire.ca.gov
(916) 894-9809

Enclosure

cc: File



STATE OF CALIFORNIA, THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

APPLICATION FOR PARTICIPATION
FIREFIGHTER PROPERTY (FFP) PROGRAM

NEW ☒

UPDATE ☐

SCREENER ID (Update Only): ☐

Date of Application: March 16, 2021


COOPERATOR INFORMATION	
Cooperator Name:	Suisun City Fire Department
Physical Address (No P.O. Box):	621 Pintail Drive
Mailing Address (If different from above):	
City:	Suisun City
County:	Solano
Zip Code:	94585
Phone Number:	707-421-7205
Fax Number:	707-421-7398
Fire Cooperator Email:	N/A
COOPERATOR'S FIRE CHIEF'S INFORMATION	
Title:	Fire Chief
Name:	Justin Vincent
Email:	jvincent@suisun.com
Phone Number:	707-421-7205
Cell Phone Number:	707-366-5046
COOPERATOR'S FFP POINT OF CONTACT (POC) / SCREENER	
<i>Designated Point of Contact/Screeners does not have to be Fire Chief. The POC must be an individual who may be easily reached to coordinate with CAL FIRE.</i>	
Title:	Division Chief
Name:	David Bellerive
Email:	dbellerive@suisun.com
Phone Number:	707-421-7205
Cell Phone Number:	707-803-7809

<input checked="" type="checkbox"/>	I certify that I have read and understood the FFP Program Guide for Cooperators to participate in the Firefighter Property Program (Title 10 U.S. Code § 2576b).
-------------------------------------	--


<input checked="" type="checkbox"/>	I certify that appropriate local funding will be made available to transport, repair, maintain, retrofit and refurbish FFP equipment to comply with the placed in service deadline of one (1) year from the date acquired property is picked-up from Department of Defense (DoD) Disposition site and returned to Local Fire Cooperator's site.
-------------------------------------	---

*** This application must be updated and resubmitted within 30 calendar days whenever there is a change in either of the following:**

1. Local Fire Cooperator's name, mailing and physical address, contact numbers (direct phone and fax) and email;
2. Fire Chief's information: name, contact numbers (direct phone and cell phone) and email;
3. Main Point of Contact for FFP Screeners and FFP general information: name, contact numbers (direct phone and cell phone) and email.

COOPERATOR	
NAME OF FIRE DEPARTMENT: Suisun City Fire Department	
BY (Authorized Signature): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: Justin Vincent	

Note: This section filled out by Sacramento FFP Program Office & USFS

STATE OF CALIFORNIA Department of Forestry and Fire Protection (CAL FIRE)	
APPROVED <input type="checkbox"/>	DENIED <input type="checkbox"/>
BY (CAL FIRE BUSINESS SERVICES OFFICE): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING:	

Agreement #: 881203

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

COOPERATIVE AGREEMENT FOR THE
DEPARTMENT OF DEFENSE FIREFIGHTER PROPERTY (FFP) PROGRAM
Under Title 10 United States Code § 2576b

This agreement is entered into by and between

THE STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

AND

SUISUN CITY FIRE DEPARTMENT

This agreement made and entered into this ____ day of ____, 20__, by and between the State of California acting by and through the Director of the Department of Forestry and Fire Protection (CAL FIRE), hereinafter referred to as STATE, and the Suisun City Fire Department hereinafter referred to as COOPERATOR, covenants as follows:

- A. WHEREAS, the STATE has been approved as an agent of the USDA Forest Service for the purpose of administering the Department of Defense (DoD) Firefighter Property (FFP) Program, and
- B. WHEREAS, the STATE, by law (California Code, Public Resources Code § 713), is responsible for fire protection and prevention, maintenance and enhancement of the state's forest, range and brush land resources, contract fire protection, and associated emergency services, and
- C. WHEREAS, the COOPERATOR is actively engaged in the prevention, protection and suppression of all fires in, and adjacent to suburban areas, and emergency services and
- D. WHEREAS, the COOPERATOR can more adequately carry out these functions if additional property is available, and
- E. WHEREAS, it has been determined to be advantageous to the STATE in the proper discharge of its responsibilities, to make certain FFP property available to the COOPERATOR.

NOW, THEREFORE, for and in consideration of the mutual benefits to each party hereinafter appearing below, it is mutually agreed that, effective as of the date shown above:

The STATE Agrees:

- 1. To provide an opportunity to screen for FFP property for the exclusive purpose of fire suppression, fire prevention, and related emergency services of the COOPERATOR as described herein per the terms set forth in this agreement.
- 2. To establish and provide the tools and materials for the COOPERATOR necessary to participate, train, and engage in the FFP property program.
- 3. To provide training of the USDA Forest Service's Federal Excess Property Management Information System (FEPMIS). This tracking system enables the COOPERATOR full accountability and management of FFP property.
- 4. To ensure a copy of the USDA Forest Service FFP Standard Operating Procedures (SOP) is available for additional program information details, guidelines, and regulations.

Agreement #: 881203

5. Perform physical inventory of demilitarization-required FFP property and reconcile federal property accounting records at least once every two years or as requested by the USDA Forest Service Property Management Officer (PMO).

The COOPERATOR Agrees:

1. To only screen and acquire FFP property that are designed for or can be modified for direct use in fire pre-suppression or suppression activities or emergency services associated with the COOPERATOR's fire service responsibilities.
 - a. FFP property cannot be requested or issued for: cannibalization, parts, for speculative/possible future use, warehousing/stockpiling, or to sell, lease, rent, exchange, barter, secure a loan, or to otherwise supplement normal budget.
2. To send the STATE a copy of the signed receipt (1348-1A) for each FFP property item removed from the Defense Logistics Agency (DLA) upon return from property pick up. This is a mandatory requirement.
3. To bear the entire cost of transportation, retrofit, modification, maintenance, repair, (including painting, as necessary) and operation of acquired FFP property while in the COOPERATOR'S possession, and relieve the STATE of all responsibility and liability in matters related to FFP property.
4. Make FFP property operable and ready to be placed into service for fire suppression, prevention or emergency services.
 - a. Operational condition of the property will be achieved within ONE (1) YEAR to the date of property pick up. This is defined as the "In Service" date.
 - b. Upon achieving the "In Service" date, COOPERATOR must immediately log into the FEPMIS tracking system and update the FFP property item.
5. To ensure add on tanks, pumps, hose reels, modification of property (e.g.: converting fuel tanker to a water tanker) etc. will not cause an acquired FFP vehicle to exceed the manufacturer's Gross Vehicle Weight (GVW) rating. This could compromise the safe use of the FFP vehicle.
6. To obtain prior to operation of any FFP property, and continue in effect, for the duration of this agreement, the minimum liability insurance in the amount required by State law to cover the operation of FFP rolling stock. COOPERATOR must maintain adequate insurance to cover damages or injuries to cover persons or property relating to the use of the property.
7. To paint all FFP rolling stock to match COOPERATOR's existing department equipment, if necessary, to ensure there are no military colors or markings on the property; the COOPERATOR must apply its department logo.
8. The COOPERATOR shall be responsible for the proper care, maintenance, security, and storage of the FFP property.
9. The COOPERATOR is required to keep the FFP property operational for a minimum of ONE (1) YEAR after "In Service" date, or an approved extension thereof, before normal disposal can take place.
10. FFP property that has not been used for firefighting or emergency services for a minimum of one year must be reported to the STATE and USDA Forest Service for disposal authority. Supporting documentation must be provided on why the property needs to be disposed prior to the one year of use. Possible documentation includes:
 - a. A police report for items lost or stolen.
 - b. An accident report for items that have been damaged, destroyed or rendered uneconomical to repair due to an accident.

Agreement #: 881203

- c. A mechanics report for items that have suffered mechanical damage and are now considered uneconomical to repair.
 - d. A statement (email is acceptable if it includes the person's name, title and contact information) from a Fire Chief explaining why the item cannot be placed into service.
11. When FFP property is lost, damaged, or stolen, a determination is required whether there was negligence on the part of the COOPERATOR. The STATE shall make a recommendation to the USDA Forest Service PMO whether there was negligence or gross negligence.
- a. Negligence: The failure to abide by Federal rules and regulations.
 - 1) Repeated instances of negligent damage to FFP property by employees of the COOPERATOR of FFP property may be cause for the STATE to suspend further acquisitions by the COOPERATOR until the reasons for the negligence are identified and steps taken to prevent further instances.
 - b. Gross negligence: The intentional, willful, or wanton failure to exercise a reasonable degree of care to protect FFP property in one's custody in reckless disregard of the consequences of the actions.
 - 1) If the STATE determines that there is apparent gross negligence on the part of a COOPERATOR employee, Recipient or a User of FFP property, the findings plus all supporting documentation shall be forwarded by the STATE to the USDA Forest Service PMO for a final determination.
 - 2) If the final determination is one of gross negligence, the COOPERATOR shall be suspended from acquiring any additional FFP property for SIX (6) months.
 - 3) A second case of Gross Negligence will cause the COOPERATOR to lose all privileges of participating in the FFP program, indefinitely.
12. To perform physical inventory on FFP property, still in COOPERATOR's possession and not in working/operating condition TWO (2) YEARS past the date of property pick up. This includes all acquired FFP property with a DEMIL code of B, C, D, F and Q (other than Q6).
13. To retain all documentation on all FFP property for SIX (6) years and THREE (3) months after acquisition; starting with the date of pick up through the property's disposal. Copies of final disposition paperwork shall be sent to the STATE.
14. The COOPERATOR must provide access to and the right to examine all records, books, or documents relating to FFP property transferred to the COOPERATOR under Title 10 U.S.C. 2576b to the USDA Forest Service, the Department of Defense, the Office of the Inspector General, and the Comptroller General of the United States, the STATE or their authorized representatives.
15. The COOPERATOR agrees that the proceeds from the sale of any vehicle and/or other property MUST BE EARMARKED FOR "FIRE/EMERGENCY SERVICES."
16. To comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or natural origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. To comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting discrimination where discriminatory practices will result in unequal treatment of persons who are or should be benefiting from the activity.

It is Mutually Agreed That:

- 1. The COOPERATOR shall complete a resolution, or a statement from their governing board/council approving participation in the FFP Program. The resolution must be received with this Cooperative Agreement as a requirement of the terms and conditions before the STATE will prepare the COOPERATOR's access to screen and manage FFP property.

Agreement #: 881203

2. The STATE will transfer ownership of said property. In the case of vehicles and other titled property, the Certificate of Title will transfer to the COOPERATOR under the terms of this agreement, once the property has become operational and is ready to be placed into service by the COOPERATOR, upon final verification received by the STATE.
 - a. The COOPERATOR which puts FFP property into use will accept ownership of equipment.
 - b. Title must be in the entity's name and cannot have an individual's name on the title.
 - c. COOPERATOR is responsible for any cost of obtaining title.
3. The STATE will not be responsible for furnishing spare parts for FFP property and the COOPERATOR accepts all FFP property "as is" without any warranties of any kind, either expressed or implied.
4. Owners of FFP property will cooperate with Federal and State parties to ensure compliance with Federal and State regulations, program and property management requirements. Additional FFP Program requirements can be found by accessing the USDA Forest Service FFP SOP at: <http://www.fs.fed.us/fire/partners/fepp/>
5. The parties hereto agree that the COOPERATOR, their officers, employees, agents, servants, contractors, volunteers, paid firefighters, and all others acting on behalf of the COOPERATOR, performing under the terms of this agreement, are not acting as officers, employees or agents of the State or the Federal Government.
6. The COOPERATOR agrees to defend, indemnify, save, and hold harmless the STATE as defined herein, and the Department of Forestry and Fire Protection (CAL FIRE), their officers, agents and employees against all claims, demands, causes of action or liability of any kind whatsoever arising out of the acts of the COOPERATOR, its agents or employees in the performance of any function provided for under the terms of this agreement or the use of property transferred.
7. The period of this agreement is for THREE (3) years from the date of last signature on page five (5) and entered on page one (1), if no violations or signatory changes occur. Thereafter, the agreement shall be reviewed annually for compliance by the STATE during the agreement review process and extended if no violations or changes have occurred, not to exceed a THREE (3) year term renewal.
8. During the THREE (3) year term of this agreement, at the option of the STATE, this agreement may be terminated for any material breach by the COOPERATOR for any terms herein.
9. The mailing address of the parties hereto, for all notices, payments, repayments, or any other activity required or contemplated under the terms of this agreement, except for eventual disposition of property in Attachment A, Item No. 1 are:

COOPERATOR: Suisun City Fire Department

Contact: David Bellerive, Division Chief

Physical Address: 621 Pintail Drive

Mailing Address:

City: Suisun City, CA Zip: 94585

Telephone: (707) 421-7205 ext.

Cell: (707) 803-7809

Fax: () -

Email Address: dbellerive@suisun.com

Department of Forestry and Fire Protection (CAL FIRE)

PO BOX 944246

SACRAMENTO, CA 94244-2460

Attn: Business Services Office – Federal Property

(916) 894-9804

Agreement #: 881203

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year of the last signature below.

COOPERATOR	
NAME OF COOPERATOR: Suisun City Fire Department	
BY (Authorized Signature): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: Justin Vincent, Fire Chief	
STATE OF CALIFORNIA Department of Forestry and Fire Protection (CAL FIRE)	
BY (CAL FIRE Property and Local Services Manager): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: Nicole Harner, Property and Local Services Manager	

Agreement #: 881203

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

COOPERATIVE AGREEMENT FOR THE
DEPARTMENT OF DEFENSE FIREFIGHTER PROPERTY (FFP) PROGRAM
Under Title 10 United States Code § 2576b

ATTACHMENT A

SUISUN CITY FIRE DEPARTMENT

	ITEM:	SERIAL #:	IDENTIFICATION #
1.	No Property At This Time		
2.			
3.			
4.			
5.			
6.			
7.			

Revised March 2019



STATE OF CALIFORNIA, THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

SCREENER REQUEST FORM
FIREFIGHTER PROPERTY (FFP) PROGRAM

New Screener – Complete Steps 1 & 2

Step 1 – Complete “Screener Information” Section.

Step 2 – Have Authorizing Section signed by Fire Chief or other Official & CAL FIRE State FFP Coordinator.

Step 3 – CAL FIRE State FFP Coordinator will email Screener Ids and Passwords to Screener upon process completion.

SCREENER INFORMATION – STEP 1	
Name (First and Last): David Bellerive	
Title: Division Chief	
Fire Cooperator Name: Suisun City Fire Department	
Street Address (No P.O. Box): 621 Pintail Drive	
Mailing Address (If different from above): 	
City and State: Suisun City	Zip Code: 94585-2100
Phone Number w/ Area Code: (707) 421-7205 Ext.	Cell Phone Number w/ Area Code: (707) 803-7809
E-mail Address: dbellerive@suisun.com	

ACCESS LEVEL REQUESTED (check off below):

DoD SEARCH/SELECT PROPERTY ☒
FEPMIS USER ☒

Authorizing Signatures – STEP 2	
BY (Fire Chief or Authorizing Signature): [Signature]	DATE SIGNED:
BY (FFP Coordinator): [Signature]	DATE SIGNED:

Note: This section filled out by Sacramento FFP Program Office & USFS:

FEPMIS Information

SCREENER ID:	TEMPORARY PASSWORD:
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AMPS/RTD Login Information

LOGON ID:	TEMPORARY PASSWORD:
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DoDAAC Information

DoDAAC #:

USDA Forest Service

BY <i>(Forest Service Property Management Officer):</i> 	DATE SIGNED:
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AGENDA TRANSMITTAL

MEETING DATE: April 6, 2021

CITY AGENDA ITEM: Council Adoption of Resolution No. 2021 - ____: A Resolution of the City Council of the City of Suisun City Adopting Amendments to the Planning Commission Bylaws.

FISCAL IMPACT: There would be no fiscal impact associated with adoption of the proposed Resolution.

STRATEGIC PLAN IMPACT: Provide Good Governance.

BACKGROUND / STAFF REPORT: The Planning Commission formally adopted their bylaws in July 2019. With the seating of a new Planning Commissioner in February of this year, staff brought forward the bylaws for discussion. On February 23, the Commission held a discussion and direction item in which staff was to come back with various amendments at the following meeting. These amendments were brought back, and additional minor edits were made by the Commission. The amendments are shown as ~~striketrough~~ for language removed and **bold underline** for language added. Overall, the amendments were made for clarification and better structure and flow of meetings. Through Ordinance No. 735, which amended Chapter 2.20, the Planning Commission's bylaws are to be reviewed by the City Council. Staff is requesting the City Council review the amendments the Planning Commission adopted through Resolution No. PC20-02.

STAFF RECOMMENDATION: Staff recommends that the Council adopt Resolution No. 2021-____; A Resolution of the City Council of the City of Suisun City Adopting Amendments to the Planning Commission Bylaws.

ATTACHMENTS:

1. Council Adoption of Resolution No. 2021 - ____: A Resolution of the City Council of the City of Suisun City Adopting Amendments to the Planning Commission Bylaws.
2. Resolution No. PC 2021-02.
3. Planning Commission Bylaws

PREPARED BY:

REVIEWED/APPROVED BY:

John Kearns, Senior Planner

Greg Folsom, City Manager

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RESOLUTION NO. 2021-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING AMENDMENTS TO THE PLANNING COMMISSION BYLAWS**

WHEREAS, the City Council at a regular meeting of May 7, 2019 did review and discuss the Planning Commission Bylaws (Exhibit A) and the potential of rescinding the 1997 Planning Commission Rules of Procedure; and

WHEREAS, the Planning Commission at a regular meeting on March 9, 2021 approved several amendments to the Planning Commission Bylaws; and

WHEREAS, the City Council at a regular meeting of April 6, 2021 did review and discuss the Planning Commission Bylaws and amended the Planning Commission Bylaws to make several changes.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Suisun City does adopt amendments to the Planning Commission Bylaws.

PASSED AND ADOPTED by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 6th of April 2021, by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 6th day of April 2021.

Donna Pock, CMC
Deputy City Clerk

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RESOLUTION NO. PC21-02

**A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION
AMENDING THE PLANNING COMMISSION BYLAWS**

WHEREAS, the Planning Commission directed staff at their April 14, 2015 regular meeting to complete revisions to the draft Planning Commission Bylaws and prepare the document for Commission adoption; and

WHEREAS, the Planning Commission at a regular meeting on May 26, 2015 did complete its review and recommend approval of Planning Commission Bylaws; however, the bylaws were never forwarded to the City Council for adoption; and

WHEREAS, the Planning Commission at a regular meeting on April 23, 2019 completed its review of the Planning Commission Bylaws; and

WHEREAS, the City Council amended the Planning Commission Bylaws and the Planning Commission concurred with the changes on July 9, 2019; and

WHEREAS, the Planning Commission did amend their bylaws to modify the starting time of regular meetings from 7PM to 6PM on March 10, 2020 and the City Council upheld the amendment at their March 17, 2020 meeting; and

WHEREAS, the Planning Commission did discuss several amendments to the bylaws at their February 23, 2021 meeting and again at their March 9, 2021 meeting and voted for adoption.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC21-__; A Resolution of the City of Suisun City Planning Commission Amending the Planning Commission Bylaws.

The forgoing motion was made by Commissioner Zeiss and seconded by Commissioner Theriault and carried by the following vote:

AYES:	Commissioners: Adams, Borja, Pooni, Tewari, Theriault, Zeiss, Chair Rowe
NOES:	Commissioners: None
ABSENT:	Commissioners: None
ABSTAIN:	Commissioners: None

WITNESS my hand and the seal of said City this 9th day of March 2021.



Donna Pock
Commission Secretary

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Table of Contents

1. Preface
2. Adoption and Amendment of Bylaws
3. Adoption of Parliamentary Procedure
4. Duties and Powers of Commissioners
 - 4.1 Responsibilities of Each Planning Commissioner
 - 4.2 Commissioner Preparation
 - 4.3 Addressing Commissioners and Members of the Public
 - 4.4 Communications with the Press
 - 4.5 Anticipated Absence
 - 4.6 Officers
 - 4.7 Duties and Responsibilities of the Chair
 - 4.8 Duties and Responsibilities of the Vice-Chair
 - 4.9 Subcommittees
5. Meetings
 - 5.1 Public Meetings
 - 5.2 Regular Meetings
 - 5.3 Adjourned Meetings
 - 5.4 Special Meetings
 - 5.5 Study Sessions/Workshops
 - 5.6 Establishing a Quorum
 - 5.7 Agendas
 - 5.8 Minutes and Record of the Meeting
 - 5.9 Motions, Debates, and Voting
 - 5.10 Conflicts of Interest
 - 5.11 Voting
 - 5.12 Dissents and Protests
6. Conducting a Meeting
 - 6.1 Order of Business within a Meeting
 - 6.2 Order for Presentation or Hearing of Proposals
 - 6.3 Order of Testimony
 - 6.4 Rules of Testimony

CITY OF SUISUN CITY PLANNING COMMISSION BYLAWS

1. Preface

Title 2, Administration and Personnel, of the Suisun City Municipal Code establishes the Planning Commission of Suisun City. The duties and authorities of the Planning Commission are those conferred upon it by the provisions of Title 7 of the Government Code of California, and any other laws of the state applicable thereto, and those identified in Title 18, Zoning, of the Suisun City Municipal Code. These Planning Commission Bylaws provide guidance to the Planning Commission, project applicants and members of the public on how the Planning Commission will execute its duties. If a conflict arises between these Bylaws and the Suisun City Municipal Code, the Code shall control.

2. Adoption and Amendment of Bylaws

These bylaws shall be adopted by and may be amended by resolution of a majority of the Commissioners present at any Suisun City Planning Commission meeting attended by no less than five members of the Commission.

Upon adoption or amendment by the Planning Commission, such bylaws shall be submitted to the City Council for review. The City Council may, at its sole discretion, overturn approval of these Bylaws and direct the Commission to incorporate amendments as determined appropriate.

3. Adoption of Parliamentary Procedure

The Suisun City Planning Commission shall conduct meetings consistent with the spirit of the guidelines established under Rosenberg's Rules of Order, Revised 2011, and as amended. Where these Rules of Order are found to be inconsistent with State law or regulations adopted by the City Council of Suisun City, such State or local regulations shall prevail.

City of Suisun City Planning Commission Bylaws
Amended March 9, 2021

4. Duties and Powers of Commissioners

4.1 Responsibilities of Each Planning Commissioner

Commission members serve the City as a whole and represent no special group or interest.

The Planning Commission shall have the power to recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of the General Plan or any Specific Plan, or any part thereof, for the physical development of the City.

The Planning Commission shall exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by the Suisun City Code.

The Commission shall advise the City Council on those matters falling within its charged responsibilities in a manner reflecting concern for the overall development and environment of the City as a setting for human activities. **This shall include consideration of the City's impacts on adjacent municipalities and unincorporated areas.** All reports and recommendations of the Commission to the City Council shall be in writing and presented to the City Council by the Development Services Department on behalf of the Commission.

4.2 Commissioner Preparation

Each of the Commission members shall have the responsibility to keep himself or herself up to date on planning matters. In addition, each member should attempt to take advantage of the various educational and training opportunities offered by such organizations as the League of California Cities, University and/or College classes, programs or seminars.

4.3 Addressing Commissioners and Members of the Public

The appropriate title should be used when acknowledging a meeting participant, such as "Mr.", "Ms.", "Commissioner", "Chair", "Vice-Chair", etc. This shows respect, professionalism and avoids the appearance of favoritism.

4.4 Communications with the Press

When speaking to the press, Commissioners should be very specific in stating that they are speaking for themselves only and not for the Commission as a whole. Communication with the press should be reported to staff.

4.5 Anticipated Absence

Any Commissioner who has knowledge of the fact that he will not be able to attend a scheduled meeting of the Planning Commission shall notify the Development Services

City of Suisun City Planning Commission Bylaws
Amended March 9, 2021

Director at the earliest possible opportunity and, in any event, prior to 5 p.m. on the date of the meeting. The Development Services Director shall notify the Chair of the Commission in the event that the projected absences will produce a lack of quorum.

If any commissioner is absent for three consecutive regular meetings of the Planning Commission without permission of the Commission expressed in its official minutes, he/she shall relinquish his/her seat on the Commission.

4.6 Officers

Selection

The officers of the Planning Commission shall consist of Chairperson and Vice Chairperson, elected by the general membership of the Planning Commission.

The election of officers shall generally occur at the Planning Commission's second meeting in January or as otherwise determined necessary by the Planning Commission. A minimum of 5 of the current membership must be present for the election to take place.

Nominations of members for an office shall be from the floor by a current member of the Planning Commission during the meeting when elections are held. Nominations must be seconded by another member of the Commission. Nominations and elections for Chairperson and Vice-Chairperson shall be completed separately, beginning with Chairperson.

Once nominations are complete, a roll call vote of the Commission for all nominated candidates will be called. A nominee must receive a majority of the votes from Commissioners present to be elected. If no candidate receives a majority vote, the nomination and voting process will be repeated until a candidate receives a majority vote of those Commissioners present.

All terms of office shall be for one year or until the time of the next election of officers.

A member of the Planning Commission may serve in the same office of the Planning Commission for no more than two consecutive terms.

The Vice-Chair shall succeed the Chair if he/she vacates the office before the term is completed, the Vice-Chair to serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting.

In the absence of the Chair and Vice-Chair, any other member shall call the Commission to order, whereupon a chair shall be elected from the members present to preside.

4.7 Duties and Responsibilities of the Chair

Preside at all meetings of the Commission.

City of Suisun City Planning Commission Bylaws
Amended March 9, 2021

Call special meetings of the Commission in accordance with legal requirements and the Rules of Procedure.

Sign documents of the Commission

When so directed by the Commission, represent the Planning Commission at City Council, County Planning Commission and other meetings as the Planning Commission's representative.

4.8 Duties and Responsibilities of the Vice-Chair

During the absence, disability, or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

4.9 Subcommittees

When desirable or necessary, the Chair, with the approval of the Planning Commission, shall appoint standing committees and special committees.

~~Residents and staff of Suisun City may, at the discretion of the Chair, may be appointed to~~ **The Chair, with the approval of the Planning Commission, may appoint residents and staff of Suisun City to** serve on Planning Commission Subcommittees.

Each subcommittee of the Planning Commission shall include no more than three members of the Planning Commission.

Special committees shall be discharged at the end of their assignment.

5. Meetings

5.1 Public Meetings

All meetings shall be held in full compliance with the provision of state law, ordinances of the City, and these Rules of Procedure.

5.2 Regular Meetings

Regular meetings shall be held on the second and fourth Tuesday of the month, at 6:00 p.m. in the Council Chambers of the City Hall unless otherwise determined by the Planning Commission or the Development Services Director in consultation with the Commission Chair.

Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion adopted by the Planning Commission or the Development Services Director in consultation with the Commission Chair.

5.3 Adjourned Meetings

City of Suisun City Planning Commission Bylaws
Amended March 9, 2021

In the event it is the wish of the Planning Commission to adjourn its meeting to a certain hour on another day, a specific date, time, and place must be set by the Commission prior to the regular motion to adjourn.

5.4 Special Meetings

Special meetings of the Planning Commission may be held at any time upon the call of the Chair, the Development Services Director, or by a majority of the voting members of the Commission or upon request of the City Council following at least 24 hours' notice to each member of the Commission and to the press. The time and place of the special meeting shall be determined by the convening authority.

5.5 Study Sessions/Workshops

The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.

5.6 Establishing a Quorum

A quorum of at least four (4) members of the Planning Commission must be present for the Commission to conduct normal business. If the body has less than a quorum of members present, it cannot legally transact business. If the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The only action which may be taken at a meeting attended by less than a quorum is to open the meeting and adjourn the meeting to a time certain. In such event all items on the agenda, including action items and public hearings, shall be continued to the next scheduled meeting and agendas shall be posted as required subject to Gov't Code Section 54955.

5.7 Agendas

Agendas shall be prepared by the staff of the Suisun City Planning Department and shall be posted consistent with City policies and state law.

The agenda shall be approved at the beginning of each meeting. The Planning Commission may choose to change the order of items to be heard in order to better serve the Community and the Commission.

The Planning Commission may add items to the agenda if, by an affirmative vote of at least five (5) members, the Commission determines that an emergency exists or that

City of Suisun City Planning Commission Bylaws
Amended March 9, 2021

there is need to take action and that such need came to the attention of the City after the meeting agenda was posted.

Before the close of each meeting the Commission shall discuss future agenda items and may, by an affirmative vote of three members of the Commission, direct staff to include items on future meeting agendas of the Commission.

5.8 Minutes and Record of the Meeting

At each meeting of the Commission, the minutes of the prior meeting shall be presented for approval. Commissioners shall identify any corrections or clarifications prior to approval of the minutes.

5.9 Motions, Debates, and Voting

As noted above, the Commission has adopted Rosenberg's Rules of Order that establishes the processes for conducting meetings, including but not limited to how motions are made and amended, how debate of items shall be conducted and how voting on items is accomplished.

5.10 Conflicts of Interest/Disclosures

In situations where a Commissioner may have conflict of interest under the Political Reform Act, the Open Government Ordinance or other conflict laws, members of the Planning Commission are required to abstain from voting on the item and participating in the decision-making process. The following procedures should be followed:

- Declare the conflict of interest
- State the basis of the conflict of interest
- Do not discuss or vote on the matter
- Step down from the podium and leave the room until the item is completed or unless the Political Reform Act allows the member to remain in the room

If a Planning Commissioner has had a meeting with an applicant at a project site, for example, the Commissioner is to publicly disclose the meeting. A disclosure is different from a conflict of interest and would not require recusal from an item so as long as the Commissioner complies with the Brown Act and does not express an opinion.

5.11 Voting

To be passed, all motions and resolutions must receive the affirmative votes of no less than the majority of the voting members constituting a quorum. The abstention of voting by any member shall not break the quorum.

City of Suisun City Planning Commission Bylaws
Amended March 9, 2021

Newly appointed members may vote on items immediately after appointment provided they have reviewed the record, including tapes, minutes, reports and files on the item upon which they are voting.

5.12 Dissents and Protests

Any Commissioner shall have the right to dissent from any action of the Commission or ruling of the Presiding Officer and have the reason therefore entered in the minutes. Such dissent shall be in writing, couched in respectful terms and presented to the Commission not later than the next regular meeting following the date of said action.

6. Conducting a Meeting

Meetings shall be conducted in such manner as the Chair directs, within the rules herein set forth, and any regularly adopted agenda therefore.

6.1 Order of Business within a Meeting

- Call to Order
- Pledge of Allegiance, Invocation & Roll Call
- Approval of Agenda
- Approval of Minutes
- Public Comment (Items not on the Agenda). **Those who wish to speak on items not on the agenda shall be limited to three (3) minutes or as otherwise permitted by the Chair.**
- **Conflicts of Interest/Disclosures**
- Consent Calendar
- Continued Items
- Public Hearings
- Regular Agenda Items
- Reports By Staff And Planning Commission
- **Agenda Forecast**
- **Future Agenda Items**
- Adjournment

6.2 Order for Presentation or Hearing of Proposals

- The Chair shall announce the subject of the public hearing, as advertised.

City of Suisun City Planning Commission Bylaws
Amended March 9, 2021

- If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a specific time and date. If no specific date and time is set, the continued public hearing shall be re-noticed.
- The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions of the Commission.

6.3 Order of Testimony

- Presentation of Applicant's statement – The applicant's presentation shall be limited to fifteen (15) minutes.
- Public Comments – Those who wish to speak on the matter, either for or against, shall be limited **to** five (5) minutes or as otherwise permitted by the Chair.
- If necessary, a rebuttal from the applicant
- Public hearing closed
- The Commission shall then deliberate and either determines the matter or continues the matter to another date and time certain.
- **The Commission may re-open the public hearing during its deliberations to ask clarifying questions of an applicant or prior speaker. If re-opened, the speaker would be limited to responding to the clarifying question and the public hearing portion of the item would then be closed again to ensure clarity of the process for meeting agendas.**

6.4 Rules of Testimony

- Persons presenting testimony to the Commission are requested to give their name and address for the record; although not required.
- If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, ~~a spokesperson should be selected~~ **the Chair may request them to select a spokesperson** to speak for the entire group. ~~The spokesperson will thus have the opportunity of speaking for a reasonable length of time and of presenting a complete case.~~
- No person shall address the Commission without first securing the permission of the Chair to do so.
- All remarks shall be addressed to the Commission as a body and not to any member thereof.
- No questions shall be asked of the Commission or member of the staff except through the Presiding Officer.

City of Suisun City Planning Commission Bylaws
Amended March 9, 2021

- No person, other than the Commissioners and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer.
- No person shall be allowed to speak twice until others desiring to do so have had the opportunity to speak.