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



CITY COUNCIL MEETING

First and Third Tuesday Every Month

# AGENDA

# SPECIAL MEETING OF THE SUISUN CITY COUNCIL

### TUESDAY, MAY 3, 2022

#### 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 in accordance with the provisions of SB 361 (2021), the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by: Council/Board Members Jane Day, Michael Hudson, Wanda Williams, Mayor Pro Tem Alma Hernandez. Teleconference locations are on file at City Hall, 701 Civic Center Blvd., Suisun City, CA 94585.

FACE MASKS ARE RECOMMENDED FOR MEMBERS OF THE PUBLIC WHILE IN CITY FACILITIES IF NOT FULLY VACCINATED. 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 <u>clerk@suisun.com</u> OR 707 421-7302.

#### ZOOM MEETING INFORMATION: WEBSITE: https://zoom.us/join MEETING ID: ID: 845 2759 8295

#### CALL IN PHONE NUMBER: (707) 438-1720

#### REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING CLERK@SUISUN.COM (PRIOR TO 4pm) 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 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 LABOR NEGOTIATOR
  - Pursuant to Government Code Section 54957.6 Agency negotiator: City Manager

Employee organizations:

SCPFA IAFF (Suisun City Professional Firefighters' Association, International Association of Fire Fighters)

2. 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 Attorney

#### 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 *PLEASE NOTE:* 

- 1. The City Council/Agency/Authority hopes to conclude its public business by 10:00 P.M. Ordinarily, no new items will be taken up after the 10:00 P.M. cutoff and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
- 2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
- 3. Agendas are posted at least 72 hours in advance of regular meetings at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:
  - Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
  - 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 May 3, 2022 was posted and available for review, in compliance with the Brown Act.

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



CITY COUNCIL MEETING

First and Third Tuesday Every Month

# AGENDA

## **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, MAY 3, 2022

#### 6:30 P.M.

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

#### NOTICE

Pursuant to Government Code Section 54953, subdivision (b), and in accordance with the provisions of SB 361 (2021), the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by: Council/Board Members Jane Day, Michael Hudson, Wanda Williams, Mayor Pro Tem Alma Hernandez. Teleconference locations are on file at City Hall, 701 Civic Center Blvd., Suisun City, CA 94585.

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

(Next Ord. No. – 794) (Next City Council Res. No. 2022 – 63) Next Suisun City Council Acting as Successor Agency Res. No. SA2022 - 01) (Next Housing Authority Res. No. HA2022 – 01)

#### ROLL CALL

Council / Board Members Pledge of Allegiance Invocation

#### 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.)

#### **REPORTS: (Informational items only)**

1. City Manager/Executive Director/Staff

#### **PRESENTATION/APPOINTMENTS**

(Presentations, Awards, Proclamations, Appointments).

- 2. Proclamations Presented (Hernandez: ahernandez@suisun.com).
  - a. Presentation of Proclamation Proclaiming May 21-27, 2022 as National Safe Boating Week.
  - b. Presentation of Proclamation Proclaiming May 15-21, 2022, as National Police Week and May 15, 2022 as Peace Officers Memorial Day.

#### CONSENT CALENDAR

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

#### City Council

- Council Consideration and possible action to adopt Resolution No. 2022-\_\_: A Resolution of the City Council of the City of Suisun City proclaiming a local emergency persists and authorizing the use of remote teleconference meeting procedures by the City's legislative bodies, as authorized by government code section 54953(e) *et seq.*, through June 1, 2022 – (Folsom: <u>gfolsom@suisun.com</u>).
- Council Adoption of Resolution No. 2022-\_\_\_: Authorizing the Chief of Police, or his designee, to Execute a Contract to Receive and Administer funding through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways (Roth: aroth@suisun.com).
- 5. Council Adoption of Ordinance No. \_\_\_: Adopting Policy 706 Relating to the Police Department's use of Military Equipment, in Accordance with Assembly Bill 481 (Roth: <u>aroth@suisun.com</u>).
- 6. Council Adoption of Resolution No. 2022-\_\_\_: Approving a Cooperative Implementation Agreement with Caltrans for the Implementation of Suisun City's Green Stormwater Infrastructure Project along the Eastern Perimeter of the Park and Ride Lot (Vue: <u>nvue@suisun.com</u>).
- Council Adoption of Resolution No. 2022-\_\_\_: Authorizing the City Manager to Enter into the Seventh Amendment to the 1965 Agreement with the Fairfield-Suisun Sewer District (FSSD) – (Vue: <u>nvue@suisun.com</u>).

#### Suisun City Council Acting as Successor Agency

8. Successor Agency Adoption of Resolution No. SA 2022-\_\_: Approving a Modification of the First Time Homebuyer Program to Remove the Provisions of the Loans' Affordability Restrictions – (Lawton: klawton@suisun.com).

Joint City Council / Suisun City Council Acting as Successor Agency / Housing Authority

9. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on March 29, 2022 - (Skinner: <u>askinner@suisun.com</u>).

#### PUBLIC COMMENTS

(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.)

### **<u>PUBLIC HEARING</u>** None

### **GENERAL BUSINESS**

#### City Council

10. Council Discussion and Direction: MCE – (Folsom: <u>gfolsom@suisun.com</u>).

Joint City Council / Suisun City Council Acting as Successor Agency/Housing Authority

11. Discussion and Direction: Fiscal Year 2022-23 Annual Presentation of Conceptual Budget Strategy - (Deol: <u>ldeol@suisun.com</u>).

### City Council

- 12. The City Attorney recommends that the City Council take one of the following actions (City Attorney).
  - a. Council Adoption of Resolution No. 2022-\_\_\_: Appointing Councilmember \_\_\_\_\_\_ to the Vacant Mayor Seat For the Remainder of the Current Term; or,
  - b. Direct staff to return to Council with the appropriate resolution(s) to hold an election on November 8, 2022 to satisfy the requirements of the general election and a special election in accordance with the Elections Code and the Government Code; or
  - c. Take further action at Council's discretion

### **REPORTS: (Informational items only)**

- 13. Council/Boardmembers Updates
- 14. Non-Discussion Items

### **ADJOURNMENT**

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  - 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 May 3, 2022 was posted and available for review, in compliance with the Brown Act.

# Office of the Mayor Suisun City, California



WHEREAS, residents and visitors alike take to the Suisun Slough waterway to enjoy boating, fishing, and sailing; and

WHEREAS, National Safe Boating Week is observed to bring attention to important lifesaving tips for recreational boaters so that they can have a safer, more fun experience out on the water throughout the year.

WHEREAS, on average, 650 people die each year in boating-related accidents in the U.S.; 75 percent of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets.

**NOW THEREFORE**, I, Alma Hernandez, Mayor Pro Tem of the City of Suisun City do hereby support the goals of the Safe Boating Campaign and proclaim May 21-27, 2022 as:

# "NATIONAL SAFE BOATING WEEK"

in the City of Suisun City and the start of the year-round effort to promote safe boating and urge all those who boat to practice safe boating habits and wear a life jacket at all times while boating.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Alma Hernandez, Mayor Pro Tem

ATTEST:

DATE:

May 3, 2022

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# Office of the Mayor Suisun City, California



WHEREAS, National Peace Officers Memorial Day (May 15<sup>th</sup> of each year) and National Police Week were established in 1962 by John F. Kennedy and a joint resolution of Congress to pay tribute to the local, State, and Federal law enforcement officers who serve and protect us with courage and dedication; and

WHEREAS, the members of the Suisun City Police Department play an integral role in safeguarding the rights and freedoms of the residents and visitors to Suisun City; and

WHEREAS, police officers throughout our community work tirelessly to protect and serve residents, enforce city laws, and continue to keep neighborhoods, schools, and families safe; and

WHEREAS, it is important that all community members know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of the Suisun City Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, members of the Suisun City Police Department unceasingly provide a vital public service and responded to 29,447 calls for service during the year 2021;

**NOW, THEREFORE,** I, Alma Hernandez, Mayor Pro Tem of the City of Suisun City, call upon all residents of Suisun City to observe the week of May 15-21, 2022, as:

### "NATIONAL POLICE WEEK"

with appropriate observances and urge our citizens to join in commemorating the service of law enforcement officers, past and present, in our community and in communities across the nation.

I further call upon all residents of Suisun City to observe Sunday, May 15, 2022, as:

### **"PEACE OFFICERS MEMORIAL DAY"**

in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness whereaf 9	have hereunto set my
hand and caused this	

Alma Hernandez, Mayor Pro Tem

ATTEST:

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DATE: May 3, 2022

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# AGENDA TRANSMITTAL

### MEETING DATE: May 3, 2022

**CITY AGENDA ITEM:** Consideration and possible action to adopt Resolution No. 2022-\_\_: A Resolution of the City Council of the City of Suisun City proclaiming a local emergency persists and authorizing the use of remote teleconference meeting procedures by the City's legislative bodies, as authorized by government code section 54953(e) *et seq.*, through June 1, 2022.

# FISCAL IMPACT: None.

### **STRATEGIC PLAN:** Provide Good Governance

**BACKGROUND:** A number of laws have changed since the beginning of the COVID pandemic related to the Brown Act as it relates to teleconferenced public meetings, both from Governor Newsom's Executive Orders and recently from the enactment of Assembly Bill 361, which took effect October 1, 2021, allowing continued remote teleconference meetings without traditional Brown Act compliance, provided certain findings can be made related to the ongoing state of emergency and subject to adherence to certain new noticing and public participation requirements.

The City, as all public agencies in California, must now invoke and adhere to AB 361 and its modifications on certain elements of remote public meetings, or else revert to traditional Brown Act compliance. The major change associated with continuing remote meetings under AB 361 is that the public must now be allowed to make comments in real-time during the public comment period, either telephonically or electronically (such as by Zoom). No physical location for public comment need be provided.

The other major change is that all public agencies, if they want to continue to conduct public meetings remotely, must adopt a resolution every 30 days making the findings of necessity to do so and affirming the measures in place to allow remote public comments by the public.

On October 19, 2021 the City of Suisun City passed a resolution proclaiming that a local emergency persists and authorizing the transition to use of remote teleconference meeting procedures by City's the legislative bodies, as authorized by government code section 54953(e) et seq., for the initial period of October 19, 2021 through November 18, 2021.

**STAFF REPORT:** This is a recurring resolution, after 30 days following the initial invocation of AB 361, continued reliance on AB 361 for subsequent meetings requires the following:

- 1. Either the "state of emergency" must remain active, or state or local officials have imposed or recommended measures to promote social distancing; and
- 2. No later than 30 days after teleconferencing for the first time under AB 361 rules, and every 30 days thereafter, the legislative body, by majority vote, finds that it has reconsidered the circumstances of the state of emergency and at least one of the following circumstances exist:

- The state of emergency continues to impact the ability of the members to meet safely in person; or
- State or local officials continue to impose recommended measures to promote social distancing

Continued reliance on AB 361 will require adoption of a new resolution making the required findings every 30 days.

**STAFF RECOMMENDATION:** It is recommended that the City Council adopt Resolution No. 2022- \_\_\_\_\_: A Resolution of the City Council of the City of Suisun City proclaiming a local emergency persists and authorizing the transition to use of remote teleconference meeting procedures by City's the legislative bodies, as authorized by government code section 54953(e) et seq., through June 1, 2022.

#### **ATTACHMENTS:**

1. Resolution 2022-\_\_\_\_ A Resolution of the City Council of the City of Suisun City proclaiming a local emergency persists and authorizing the transition to use of remote teleconference meeting procedures by City's the legislative bodies, as authorized by government code section 54953(e) et seq., through June 1, 2022.

	Item 3 Attachment 1					
1	<b>RESOLUTION NO. 2022-</b>					
2	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN					
3	CITY PROCLAIMING A LOCAL EMERGENCY PERSISTS AND AUTHORIZING THE TRANSITION TO USE OF REMOTE					
4	TELECONFERENCE MEETING PROCEDURES BY CITY'S THE					
5	LEGISLATIVE BODIES, AS AUTHORIZED BY GOVERNMENT CODE SECTION 54953(E) <i>ET SEQ.</i> , THROUGH JUNE 1, 2022					
6	WHEREAS, the City Council of the City of Suisun City is committed to preserving					
7	and nurturing public access, transparency, observation and participation in its meetings and the meetings of each of its legislative bodies; and					
8	WHEREAS, all meetings of the City's legislative bodies are open and public, as					
9 10	required by the Ralph M. Brown Act, codified as Government Code sections 54950 <i>et seq.</i> , so that any member of the public may attend, participate, and observe the City's legislative bodies conduct their business; and					
11						
12	<b>WHEREAS</b> , the Brown Act, as amended by Assembly Bill 361 (2021), amending Government Code section 54953(e) <i>et seq.</i> , allows for remote teleconferencing observation					
13 14	and participation in meetings by members of a legislative body and members of the public, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and					
15						
16	<b>WHEREAS</b> , the initial required condition is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act, Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of					
17 18	persons and property within the state and within the boundaries of the City, as provided in Government Code section 8558; and					
19	WHEREAS, on March 4, 2020, pursuant to Government Code Section 8625,					
20	Governor Newsom declared the existence of a state of emergency for the State of California, in response to the outbreak of respiratory illness due to a novel coronavirus (a disease now					
21	known as COVID-19); and					
22	WHEREAS, on March 16, 2020, the City's Director of Emergency Services declared					
23	a local emergency for the City pursuant to Chapter 2.32 of the Suisun City Municipal Code, finding that conditions of extreme peril to the safety of persons and property have arisen					
24	within the City as a result of the COVID-19 virus and that these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and					
25						
26	<b>WHEREAS</b> , on March 17, 2020, the City Council adopted Resolution No. 2020-40, ratifying the Director of Emergency Services' declaration of local emergency; and					
27	WHEREAS, Government Code section 54953(e) further requires that state or local					
28	officials have imposed or recommended measures to promote social distancing; or, the legislative body of the City finds that meeting in person would present imminent risk to the health and safety of attendees; and					

WHEREAS, the Council hereby finds that such emergency conditions now exist in the City, such that meeting in person for the meetings of the legislative bodies of the City would present imminent risk to the health and safety of attendees as a result of the increased risk of the spread of the COVID-19 virus among those in attendance; and

**WHEREAS**, the Council hereby finds that the state of emergency due to the COVID-19 virus and the conditions related thereto has caused, and will continue to cause, conditions of extreme peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and thereby affirms, authorizes, and proclaims that the existence of a local emergency persists throughout the City, and ratifies the proclamation of state of emergency by the Governor of the State of California; and

9 WHEREAS, the Council hereby finds that, as a consequence of the existing local emergency, the legislative bodies of the City shall conduct their meetings without compliance with Government Code section 54953(b)(3), and shall instead comply with the remote teleconference meeting requirements as authorized by Government Code section 54953(e) *et seq.*; and

WHEREAS, the Council affirms that it will allow for observation and participation by
 Councilmembers and the public by allowing limited in-person attendance, as well as allowing
 public participation and comment in real time via Zoom or by telephone, in an effort to
 protect the constitutional and statutory rights of all attendees.

15 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY
16 FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

- 17 <u>Section 1.</u> The Recitals set forth above are true and correct and are incorporated herein
   18 Resolution by reference.
- 19 Section 2. The Council hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Governor, the existence of emergency conditions in the City, and affirms, authorizes, and proclaims that the existence of a local emergency persists throughout the City.
- <u>Section 3.</u> The Council hereby ratifies the Governor of the State of California's
   Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Further, the Council finds that holding the meetings of the City's legislative bodies in person with no limitations to attendance would present imminent risk to the health and safety of attendees as a result of the increased risk of the spread of the COVID-19 virus among those in attendance, as required by Government Code section 54953(e) *et seq.*

27 Section 5. The City Manager and legislative bodies of the City are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Resolution No. 2022-Adopted Page 2 of 3

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1 2 3 4	<u>Section 6.</u> This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) June 1, 2022, or (ii) such time the Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City may continue to teleconference without compliance with Government Code section 54953(b)(3).					
5	PASSED AND ADOPTED at the Regular Meeting of the City Council of the City of					
6	Suisun City duly held on May 3, 2022, by the following vote:					
7	AYES: Council Members:					
8	NOES:       Council Members:         8       ABSENT:       Council Members:					
9	ABSTAIN:	Council Members:				
10	WIT	<b>NESS</b> my hand and the seal of said City this 3 <sup>rd</sup> day of May 2022.				
11						
12		Anita Skinner				
13		City Clerk				
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	Resolution No. 20 Adopted Page 3 of 3	22-				

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## AGENDA TRANSMITTAL

### **MEETING DATE:** May 3, 2022

**CITY AGENDA ITEM:** Resolution No. 2022-\_\_\_: A Resolution of the City Council of the City of Suisun City Authorizing the Chief of Police, or his designee, to Execute a Contract to Receive and Administer funding through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways.

**FISCAL IMPACT:** Contingent upon final approval of the budget, Suisun City could be awarded grant funds. Suisun City's match is through the contribution of boat tax revenue.

**STRATEGIC PLAN:** Provide Good Governance; Ensure Public Safety

**BACKGROUND:** Each year the Police Department applies for and has received grant funding from the CA Department of Boating and Waterways to cover the majority of the operation of our boating enforcement program. The Police Department has operated a boat patrol program for approximately 25 years.

**STAFF REPORT:** Three police sergeants and up to six police officers are assigned to the patrol boat operation on an ancillary duty basis. Throughout the year, the boat patrol is utilized in several events, such as boat/jet ski races, Fourth of July, Christmas at the Waterfront, launch ramp inspections, harbor patrol, sinking vessels, vessel accidents, search and rescue, stranded boaters and special assistance call outs by the United States Coast Guard and the Solano County Sheriff's Department. The team also participates in regional enforcement efforts sponsored by the United States Coast Guard in conjunction with surrounding counties. The team also conducts enforcement operations for the Fleet Week event in San Francisco.

During the prior completed federal fiscal year (2020/2021), the team worked approximately 583 hours towards boating safety education and enforcement. There were 216 warnings issued and 1 citation issued. There were 285 compliance inspection/checks completed. There were 2 search and rescue responses, 50 persons assisted, and 13 vessels assisted.

**RECOMMENDATION:** Council Adoption of Resolution No. 2022-\_\_\_: A Resolution of the City Council of the City of Suisun City Authorizing the Chief of Police, or his designee, to Execute a Contract to Receive and Administer funding through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways.

#### **ATTACHMENTS:**

1. Resolution No. 2022-\_\_\_: A Resolution of the City Council of the City of Suisun City Authorizing the Chief of Police, or his designee, to Execute a Contract to Receive and

PREPARED BY: REVIEWED BY: APPROVED BY: Lisa Carlock, Police Sergeant Aaron Roth, Police Chief Greg Folsom, City Manager Administer funding through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways.

2. Boating Safety and Enforcement Financial Aid Program Agreement

	Item 4 Attachment 1				
1	<b>RESOLUTION NO. 2022-</b>				
2	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY				
3	AUTHORIZING THE CHIEF OF POLICE, OR HIS DESIGNEE, TO EXECUTE A CONTRACT TO RECEIVE AND ADMINISTER FUNDING THROUGH THE				
4	BOATING SAFETY AND ENFORCEMENT FINANCIAL AID PROGRAM FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS				
5					
6 7	<b>WHEREAS</b> , the City of Suisun City Police Department is eligible to participate in the Boating Safety and Enforcement Financial Aid Program through the California Department of Boating and Waterways; and				
8	WHEREAS, the Boating Safety and Enforcement Financial Aid Program will provide				
9	funding in the amount of \$43,753.00 for the purpose of performing boating safety and enforcement activities as described in Title 14, California Code of Regulations Section 6593.3; and				
10	WHEREAS, pursuant to Title 14, California Code of Regulations Section 6593.6, the				
11	City of Suisun City Police Department is required to enter into an annual contract with the California Department of Boating and Waterways in order to participate in the financial aid program.				
12					
13	In addition, pursuant to Pursuant to Harbors and Navigation Code, Section 663.7 (e),				
14	The department shall not allocate funds to any city/county or a public agency within unless the department receives a resolution adopted annually by the City Council/board of				
15	supervisors authorizing the city/county to participate in the program and certifying that the city/county will expend for boating safety programs during that year not less than an amount				
16	equal to 100 percent of the amount received by the county from personal property taxes on				
17	vessels. The money allocated to a city/county pursuant to subdivision (a) shall be used only for boating safety and enforcement programs, as specified in subdivision (a), that are				
18	conducted in that city/county.				
19	<b>NOW, THEREFORE, BE IT RESOLVED</b> that the Suisun City Council hereby authorizes the Police Chief, or his designee, to execute those documents (application, contract				
20	and reimbursement claim forms) necessary to receive funding through the California				
21	Department of Boating and Waterways Boating Safety and Enforcement Financial Aid Program and further authorizes the Police Chief, or his designee, to administer said program.				
22	PASSED AND ADOPTED at the Regular Meeting of the City Council of the City of				
23	Suisun City duly held on May 3, 2022, by the following vote:				
24	AYES:Council Members:NOES:Council Members:				
25	ABSENT:Council Members:ABSTAIN:Council Members:				
26	<b>WITNESS</b> my hand and the seal of said City this 3 <sup>rd</sup> day of May 2022.				
27					
28	Anita Skinner City Clerk				

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# **Boating Safety and Enforcement Financial Aid Program Agreement**

This agreement entered into this *1<sup>ST</sup> day of July, 2022*, by and between the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, hereinafter called "Department," and the *CITY OF SUISUN*, hereinafter called "Agency";

# WITNESSETH

WHEREAS, Contingent on approval of Governor's Fiscal Year 2022-23 Budget Act, the Department intends to agree with Agency for the purpose of performing boating safety and enforcement activities as described in Title 14, California Code of Regulations Section 6593.3; and

**WHEREAS**, Agency is equipped, staffed and prepared to provide such services on the terms and conditions set forth in this agreement and in accordance with Title 14, California Code of Regulations Section 6593 et seq.; and

**WHEREAS**, pursuant to Title 14, California Code of Regulations Section 6593.6, Department shall enter into an annual agreement with each participating agency;

**NOW, THEREFORE**, it is mutually agreed as follows:

## I. Applicable Law

Agency shall observe and comply with all applicable federal, state, and county statutes, ordinances, regulations, directives, and laws, including, but not limited to, Harbors and Navigation Code Section 663.7 and Section 6593 et seq. of Title 14, California Code of Regulations. Agreement shall be deemed to be executed within the State of California and construed and governed by the laws of the State of California.

### II. Description of Services

Agency shall conduct boating safety and enforcement activities in the jurisdiction of the Agency in consideration of the payments hereinafter set forth.

# III. Payments

- A. <u>Maximum Amount</u>. The amount the Department shall be obligated to pay for services rendered under this agreement shall not exceed <u>\$43,753.00</u> for the agreement term in full consideration of Agency's performance of the services described in this agreement.
- B. <u>Rate of Payment</u>. The Department shall reimburse Agency in accordance with the reimbursement procedures set forth in Title 14, California Code of Regulations Section 6593.9.

Item 4

- C. <u>Submission of Claims</u>. Agency shall submit claims for reimbursement to the Department contact person identified in paragraph V of this contract on a \_\_\_\_\_monthly **OR** \_X\_quarterly basis. (**Please check one**)
- D. <u>Failure to Submit Claims</u>. Claims for reimbursement shall be submitted within 60 days following the last day of the reporting period. Pursuant to Title 14, California Code of Regulations 6593.9 (i), the Department may reduce an Agency's allocation by five percent if the Agency exceeds the sixty-day billing period and an additional five percent for every thirty-day period thereafter that the Agency is late in filing a claim.

## IV. Records

Agency shall maintain records pursuant to Section 6593.10 of Title 14, California Code of Regulations.

### V. Notice

Notice shall be in writing and shall be deemed to have been served when it is deposited in the United States mail, first class postage prepaid, and addressed as follows:

TO DEPARTMENT	TO AGENCY
Ms. Joanna Andrade	City of Suisun
Department of Parks and Recreation	701 Civic Center Blvd.
Division of Boating and Waterways	Suisun City, CA 94585
One Capitol Mall, Suite 500	
Sacramento, CA 95814	

Either party may change the address to which subsequent notice and/or other communication can be sent by giving written notice designating a change of address to the other party.

# VI. Term

This agreement shall be for the term beginning July 1, 2022, and ending June 30, 2023.

### VII. Prior Agreements

All prior agreements regarding this subject matter between Department and Agency are hereby terminated effective June 30, 2022 prior to the term beginning date of this agreement.

### VIII. Amendment

No amendment or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties hereto.

### IX. Termination

Agency may terminate this agreement without cause in writing at any time. Department may terminate this agreement without cause upon a sixty (60) days written notice served upon the Agency.

#### X. Special Provisions

A. Agency hereby certifies that the obligations created by this agreement do not violate the provisions of Sections 1090 to 1096 of the Government Code.

B. This agreement shall have no force or effect until signed by the Department, Agency, and approved by the Department of General Services Legal Department, if required.

C. Agency shall continue with the responsibilities of this agreement during any dispute.

D. In the event of an allocation reduction for this program, an equal allotment will be decrease from every participant.

F. An applicant agency provides a certified copy of the resolution or minute order from the county board of supervisors/City Council with the application for financial aid under the provisions of Section 663.7 of the Harbors and Navigation Code. In the case of a local government agency within a county, a certified copy of the resolution or minute order shall accompany the application for financial aid from that local government entity, as well as a certified copy of the resolution or minute order from its county board of supervisors, authorizing the agency to participate in the program.

• The resolution or minute order shall:

(A) Authorize the chairperson, or designated representative, to sign the application and contract.

(B) Authorize the chairperson, or designated agency representative, to sign the department's form for each reimbursement claim.

(C) Authorize the county auditor to certify the amount of prior year vessel taxes received by the county.

G. The department may deny the application if the applicant agency fails to provide the above-referenced information or data.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS

By:\_\_\_\_\_

California Department of Parks and Recreation, Division of Boating and Waterways

Date:

"Department"

CITY OF SUISUN

By:\_\_\_\_\_

Title: \_\_\_\_\_

Date:

"Agency" Page 3 of 3 THIS PAGE INTENTIONALLY LEFT BLANK

# AGENDA TRANSMITTAL

# MEETING DATE: May 3, 2022

**CITY AGENDA ITEM:** Council Adoption of Ordinance No. 793: An Ordinance of the City Council of the City of Suisun City, California Adopting Policy 706 Relating to the Police Department's use of Military Equipment, in Accordance with Assembly Bill 481 (Introduced and Reading Waived on April 19, 2022).

**FISCAL IMPACT:** There is no fiscal impact.

### **STRATEGIC PLAN:**

- Ensure Public Safety, Section 3.6 Develop and implement emergency preparation, response and recovery plans across the organization in collaboration with other community efforts.
- Provide Good Governance, Section 4.7 Improve productivity, efficiency, effectiveness, customer service and citizen satisfaction in all areas of municipal organization.

### **BACKGROUND:**

On September 30, 2021, Governor Newsom signed Assembly Bill 481 to address the funding, acquisition, and use of military equipment by law enforcement agencies in California. Assembly Bill 481 has designated certain equipment as "military equipment," regardless of whether it was procured from the military or not. Assembly Bill 481 is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement.

Effective January 1, 2022, Assembly Bill (AB) 481 requires law enforcement agencies to obtain approval of the applicable governing body (City Council), by adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. This approval process needs to begin prior to May 1, 2022.

### **STAFF REPORT:**

Assembly Bill Number 481 (AB 481), codified as Government Code sections 7070 through 7075, requires that Suisun City Police Department (SCPD) begin the process of obtaining approval from City Council of its military equipment use policy by ordinance prior to May 1, 2022.

The term "military equipment," as used in AB 481, does not necessarily indicate equipment used by the military. Items deemed to be "military equipment" include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and light and sound diversionary devices. The list of items considered "military equipment" in AB 481 are employed by many law enforcement agencies across the country as best practices to enhance citizen and officer safety.

Aaron Roth, Police Chief Greg Folsom, City Manager Provided as an attachment is a draft policy for consideration of adoption, as well as a list of equipment SCPD currently possesses that fall under the category of "military equipment" as defined by AB 481. This draft policy was created in collaboration with Lexipol, who currently provides policy suggestions drafted by a team of attorneys to law enforcement organizations around the state and nation. This draft was also reviewed by the Suisun City, City Attorney.

This draft policy was also presented to and reviewed by the Suisun City Public Safety and Emergency Management Committee during one of its regular meetings on March 31, 2022, with full committee support of adopting this policy.

On April 19, 2022 the City Council voted to introduce and waive reading of the proposed ordinance and policy.

Lastly, a copy of the draft policy was also placed on the SCPD website for review prior to the committee meeting and is still accessible on the SCPD website with a specific notation this policy would be discussed at the April 19<sup>th</sup>, 2022, City Council meeting.

#### **STAFF RECOMMENDATION:**

1. Council Adoption of Ordinance No. 793: An Ordinance of the City Council of the City of Suisun City, California Adopting Policy 706 Relating to the Police Department's use of Military Equipment, in Accordance with Assembly Bill 481.

#### **ATTACHMENTS:**

1. An Ordinance of the City Council of the City of Suisun City, California Adopting Policy 706 Relating to the Police Department's use of Military Equipment, in Accordance with Assembly Bill 481.

	Item 5 Attachment 1
1	ORDINANCE NO. 793
2	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN
3	CITY, CALIFORNIA, ADOPTING POLICY 706 RELATING TO THE
4	POLICE DEPARTMENT'S USE OF MILITARY EQUIPMENT, IN ACCORDANCE WITH ASSEMBLY BILL 481
5	
6 7	<b>WHEREAS</b> , On September 30, 2021, Governor Newsom signed Assembly Bill 481 (AB 481) to address the funding, acquisition, and use of military equipment by law enforcement agencies in California.
8 9	WHEREAS, AB 481), codified as Government Code Sections 7070 through 7075, requires that Suisun City Police Department (SCPD) begin the process of obtaining approval from City Council of its military equipment use policy by ordinance prior to May 1, 2022.
10 11	<b>WHEREAS</b> , SCPD has drafted Policy 706, City of Suisun City Police Department Military Equipment Use Procedure Policy to comply with AB 481, listing all of its current "military equipment," as that phrase is defined in Government Code Section 7070.
12 13	<b>WHEREAS</b> , Policy 706 was written in collaboration with Lexipol, and presented to and reviewed by the Suisun City Public Safety and Emergency Management Committee at its March 31, 2022 regular meeting.
14 15	<b>WHEREAS</b> , Policy 706 was also placed on the SCPD website for public review prior to the March 31, 2022 Public Safety and Emergency Management Committee meeting.
16	WHEREAS, Policy 706 was reviewed by the City of Suisun City legal counsel.
	WHEREAS, the City Council finds that Policy 706 meets the requirements of AB 481.
17 18	NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY DOES ORDAIN AS FOLLOWS:
19	<b>SECTION 1.</b> The above recitals are true and correct and are incorporated herein by reference.
20	<b>SECTION 2.</b> Policy 706, City of Suisun City Police Department Military Equipment
21	Use Procedure Policy, attached hereto as Attachment 1 and incorporated by reference, is hereby adopted.
22	SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance,
23 24	including the provisions of Policy 706, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity
24	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, or phrase not
26	declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.
27 28	<b>SECTION 4.</b> The City Clerk is hereby authorized and directed to certify as the passage of this Ordinance and to give notice thereof by causing copies of this Ordinance to be posted in three public places throughout the City, or published in a county newspaper that is circulated in the City, within 15 days after its passage, there being no newspaper of general circulation printed and published within the City.

				Item 5 Attachment 1
1		<b>ION 5</b> . This Ordinance g and adoption.	shall be in full force and effect	t on the 30th day after its
2	PASSI	ED, APPROVED, AND	ADOPTED at a regular meeti	ing of the City Council
3	of the City of	Suisun City, California,	on this day of	, 2022.
4				
5			Alma Hernandez	, Mayor Pro Tem
6	ATTEST:			
7				
8				
9	Anita Skinner, City Clerk			
10				
11	APPROVED A			
12		CONTENT.		
13			_	
14	Aleshire & W	ynder, LLP		
15				
16	CERTIFICA'		the City of Suisun City and av	officia Clark of the City
17	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			
18			ouncil held on April 19, 2022 a held on, 202	
19	AYES:	Councilmembers:		
20	NOES:	Councilmembers:		
21	ABSENT: ABSTAIN:	Councilmembers: Councilmembers:		
22				
23	WITNESS m	y hand and the seal of sa	hid City this 3 <sup>rd</sup> day of May 202	2.
24				
25			Anita Skinner,	
26			City Clerk	
27				
28				
	Ordinance No. 793			
	Adopted	_,2022		
	Page 2 of 2		22	

# **Military Equipment**

# 706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). This policy will supersede previous SCPD Policy 210.

# 706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

## 706.2 POLICY

It is the policy of the Suisun City Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### 706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Suisun City Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### 706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

#### Description, quantity, capabilities, and purchase cost.

#### Defense Technology 40mm LMT Tactical Single Shot Launcher With Expandable Stock

- Description: Tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMT will fire standard 40mm less lethal projectiles propelled by smokeless powder, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems. Double action S&W trigger group, barrel length of 14 inches rifled bore.
- Cost: \$985.70 (Curtis Blue Line Uniforms)

• Quantity of four (4)

### DEFENSE TECHNOLOGY, Model 6325 eXact iMpact 40mm sponge round.

- Description: 40 mm sponge Round delivers a point-of-aim, point-of-impact directfire round in the form of a plastic body and sponge nose. It is a lightweight, highspeed projectile that is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. Due to the smokeless powder as the propellant, it has velocities that are extremely consistent. This round has been effectively used for crowd control, patrol, and tactical applications.
- Cost: \$28.65 per round
- Quantity of one hundred ten (110)

### **REMINGTON 870 LESS LETHAL SHOTGUN,**

- Description: The Remington 870 Less Lethal Shotgun is used to deploy the lesslethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat, which is a principle of Deescalation.
- Cost: \$800 per rifle
- Quantity: five (5)

# 12-GAUGE DRAG STABILIZED BEAN BAG ROUND

The Drag Stabilized<sup>™</sup> 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the Law Enforcement Communities' number one choice for limiting the escalation of conflict where the deployment of lethal force is prohibited.

Cost: \$7 per round

Quantity: Fifty (50)

### 706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

# 706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

#### 706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

#### 706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

### 706.9 USE IN EXIGENT CIRCUMSTANCES

The Suisun City Police Department participates with the Solano County Sheriff's Special Response Unit and works closely with local, county, state, and federal partners. In exigent circumstances and with the approval of the Chief of Police or designee, military equipment may be deployed from outside entities to promote the safety and security of community members. If the Police Department acquires, borrows, or uses military equipment in exigent circumstances, it will

Military Equipment

provide written notification of the acquisition or use to the City Council within 30 days following the commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.

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# AGENDA TRANSMITTAL

#### **MEETING DATE:** May 3, 2022

**CITY AGENDA ITEM:** Council Adoption of Resolution No. 2022 - Approving a Cooperative Implementation Agreement with Caltrans for the Implementation of Suisun City's Green Stormwater Infrastructure Project along the Eastern Perimeter of the Park and Ride Lot.

**FISCAL IMPACT:** No General Funds will be used. Caltrans will fully fund the design and construction of the City's Green Stormwater Infrastructure Project (Project) located along the eastern perimeter of the Park and Ride Lot. Caltrans funding allocation will be in the amount of up to \$893,270, and requires that the City enter into a Cooperative Implementation Agreement (CIA) with Caltrans.

**STRATEGIC PLAN IMPACT:** Provide Good Governance and Enhance Environment.

**BACKGROUND:** On November 19, 2015, Municipal Regional Stormwater Permit (MRP) was issued to the City of Suisun City along with 75 other cities, towns, counties, and districts within the San Francisco Bay. This Permit outlines the State's requirement for municipal agencies to address the water quality and flow-related impacts of stormwater runoff through public education program, implementing targeted pollutant reduction strategies and projects, and a monitoring program.

**STAFF REPORT:** The concept for the City's Project was developed as part the City's Green Stormwater Infrastructure Plan, required as part of the City's MRP. See attached Location Map, Attachment No. 2.

The goals of the Project are to reduce the amount of trash and to improve the quality of stormwater entering the Suisun Marsh and San Francisco Bay ecosystems, as well as to beautify this gateway to the City's Historic Waterfront District. These goals will be achieved by constructing a green stormwater infrastructure feature and a full trash capture device within the project area.

The existing Park and Ride Lot and the surrounding drainage area is approximately 3.65 acres with narrow landscaped islands between the parking bays and conventional drainage infrastructure including curbs, gutters, and curb inlets that allow the runoff to flow into the storm drain system. The parking lot slopes towards a drainage ditch on the eastern perimeter of the parking lot, covered with primarily non-native grasses, bare earth, and rock. The ditch is well suited for conversion into a bioretention swale to slow and treat runoff from the parking lot and the off ramp.

The Park and Ride Lot is located within Caltrans' right-of-way and the Project will be implemented in partnership with Caltrans District 4. City staff and the Solano Stormwater Alliance (SSA) Program Manager (Emily Corwin of the Fairfield-Suisun Sewer District) have coordinated this project with District 4, and Caltrans has agreed to fully fund the design and construction of the

Project in the amount up to \$893,270. While the City Public Works Department currently maintains the project area through a maintenance agreement with Caltrans, receiving Caltrans funding will trigger a requirement for the City to enter into a CIA with Caltrans. See Attachment No. 3 for a copy of Caltrans' standard CIA, which has been reviewed and approved by the City's Attorney. City staff and the SSA Program Manager are currently in discussions with Caltrans on the possibility of Caltrans contributing additional funds towards the City's maintenance of the improvements upon Project completion.

City staff recommends approving the attached CIA for the benefit of the City of Suisun City and of Caltrans to make progress on achieving requirements of the MRP.

**RECOMMENDATION:** Council Adoption of Resolution No. 2022-\_\_\_: A Resolution of the City Council of the City of Suisun City Approving a Cooperative Implementation Agreement with Caltrans for the Implementation of Suisun City's Green Stormwater Infrastructure Project along the Eastern Perimeter of the Park and Ride Lot.

# **ATTACHMENTS:**

- 1. Resolution No. 2022-\_\_\_: A Resolution of the City Council of the City of Suisun City Approving a Cooperative Implementation Agreement with Caltrans for the Implementation of Suisun City's Green Stormwater Infrastructure Project along the Eastern Perimeter of the Park and Ride Lot.
- 2. Location Map.
- 3. Cooperative Implementation Agreement (11 pages total).

	Item 6 Attachment 1		
1	<b>RESOLUTION NO. 2022-</b>		
2	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY		
3	APPROVING A COOPERATIVE IMPLEMENTATION AGREEMENT WITH CALTRANS FOR THE IMPLEMENTATION OF SUISUN CITY'S STORMWATER INFRASTRUCTURE PROJECT ALONG THE EASTERN PERIMETER OF THE PARK AND RIDE LOT		
4			
5			
6	<b>WHEREAS,</b> the City of Suisun City (City) is a permittee under the Municipal Regional Stormwater NPDES Permit (Permit) for the San Francisco Bay Region, Order No. R2-2015-		
7	0049, NPDES Permit No. CAS612008 (the "MS4 Permit"), issued by the San Francisco Regional Water Quality Control Board on November 19, 2015; and		
8 9	<b>WHEREAS,</b> the Permit requires the City to prepare a Green Stormwater Infrastructure (GSI) Plan, which was completed in 2019; and		
10	WHEREAS, the City's GSI Plan identified a project along the eastern perimeter of the		
11	Park and Ride Lot to clean stormwater and decrease the amount of trash entering the Suisun Marsh and the San Francisco Bay ecosystems; and		
12	<b>WHEREAS,</b> at said location, the City's Green Stormwater Infrastructure Project (Project) will convert an existing ditch into a bioretention swale and install a trash capture		
13	device; and		
14 15	<b>WHEREAS,</b> the City currently maintains the Park and Ride Lot through a maintenance agreement with Caltrans; and		
16 17	<b>WHEREAS,</b> the Project will beautify this gateway to the City's Historic Waterfront District, and will be implemented in partnership with Caltrans, which will fully fund the design and construction of the Project in the amount up to \$893,270; and		
18	<b>WHEREAS,</b> receiving Caltrans funding will trigger a requirement for the City to enter into the attached Cooperative Implementation Agreement (CIA) with Caltrans; and		
19	WHEREAS, it is to the benefit of the City to enter into the CIA; and		
20	NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun		
21	City supports a resolution approving a Cooperative Implementation Agreement between the City and Caltrans for the implementation of Suisun City's Green Stormwater Infrastructure		
22	Project and to secure Caltrans funding for the design and construction of this project.		
23	<b>PASSED AND ADOPTED</b> at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 3 <sup>rd</sup> day of May 2022, by the following vote:		
24	AYES: Council Members:		
25	NOES:       Council Members:         ABSENT:       Council Members:		
26	ABSTAIN: Council Members:		
27	<b>WITNESS</b> my hand and the seal of said City this 3 <sup>rd</sup> day of May 2022.		
28	Anita Skinner		
	City Clerk		
	31		

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# LOCATION MAP

Stormwater Green Infrastructure Project along the Eastern Perimeter of the Park and Ride Lot



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City of Suisun City CIA No. D43CIASOL0001 Page 1 of 11

#### **COOPERATIVE IMPLEMENTATION AGREEMENT**

THIS AGREEMENT, ENTERED INTO EFFECTIVE ON May 15, 2022, (the EFFECTIVE DATE) is between the State of California acting by and through its Department of Transportation, referred to herein as CALTRANS and the City of Suisun City, a body politic and a municipal corporation (chartered City) of the State of California, referred to herein as AGENCY. CALTRANS and AGENCY are together referred to as PARTIES.

#### **RECITALS**

- 1. CALTRANS and AGENCY, pursuant to California Streets and Highways Code (SHC) Sections 114 and 130, are authorized to enter into a Cooperative Agreement for improvements to the State Highway System (SHS) as a watershed stakeholder within AGENCY's jurisdiction.
- 2. As per Attachment IV of the Caltrans National Pollutant Discharge Elimination Permit Order 2012-0011-DWQ (NPDES Permit), Section I.A, CALTRANS and AGENCY may collaboratively implement the NPDES Permit requirements as they have been identified as stakeholders in the Total Maximum Daily Load (TMDL) or contain Significant Trash Generating Areas (STGA) for The Area along the western Perimeter of the park and Ride Lot owned by Caltrans in Suisun City (hereinafter referred to as "PROJECT"). CALTRANS has agreed to contribute an amount not to exceed Eight Hundred Ninety-Three Thousand Two Hundred and Seventy Dollars \$893,270 to AGENCY for AGENCY to construct the PROJECT, within the regional area under the jurisdiction of AGENCY to comply with the TMDL or to treat STGAs. The NPDES Permit (including Attachment IV) is located at: www.waterboards.ca.gov/water\_issues/programs/stormwater/caltrans.html
- 3. AGENCY has agreed to implement the PROJECT subject to the terms and conditions of this Agreement including all documents attached hereto that are incorporated herein and hereby made a part of this Agreement (collectively referred to as the AGREEMENT).
- 4. AGENCY will be responsible for all management, maintenance and operations, including costs of the constructed PROJECT.
- 5. The SWRCB will credit CALTRANS with one (1) Compliance Unit (CU) for each Eighty-Eight Thousand Dollars (\$88,000) paid to AGENCY. A compliance unit is defined as one (1) acre of CALTRANS' Right-of-Way (ROW) from which the runoff is retained, treated, and/or otherwise controlled prior to discharge to the relevant reach. The financial equivalent as submitted by CALTRANS is One Hundred Seventy-Six Thousand Dollars (\$176,000) per CU. The SWRCB is encouraging collaborative efforts and Cooperative Implementation Agreements to reduce pollutants in TMDL and STGA watersheds and uses a 50% discount for CU in dollars contributed to the Cooperative Implementation. This sets the CU equivalent at Eighty-Eight Thousand Dollars (\$88,000).
- 6. For NPDES Permit compliance, CALTRANS will claim a percentage of PROJECT pollutant waste load reductions granted by the San Francisco Regional Water Quality Control Board for the PROJECT equal to the percentage of total PROJECT cost contributed by CALTRANS or the waste load allocation assigned to CALTRANS for the PROJECT watershed, whichever is less. CALTRANS intends to use the PROJECT waste

load reductions to demonstrate equivalent load reductions required to meet its TMDL waste load allocations.

- 7. Cooperative implementation has the following advantages: cooperative implementation (i) allows for water quality improvement projects off the ROW, at locations that may otherwise have space, access, or safety limitations within the ROW; (ii) provides for the involvement of local watershed partners who have an interest and expertise in the best way to protect, manage, and enhance water quality in the watershed; (iii) allows for implementation of Best Management Practices (BMPs) and other creative solutions not typically available to CALTRANS; (iv) allows for larger watershed-scale projects; and (v) leverages resources from other entities.
- 8. All services performed by AGENCY pursuant to this AGREEMENT are intended to be performed in accordance with all applicable Federal, State and AGENCY laws, ordinances, and regulations, and with CALTRANS published manuals, policies, and procedures. In case of a conflict between Federal, State and AGENCY laws, ordinances, or regulations, the order of precedence applicability of these laws shall be Federal, State and then AGENCY laws and regulations, respectively.
- 9. CALTRANS share of PROJECT funding is as follows:

FUND TITLE	FUND SOURCE	<b>DOLLAR AMOUNT</b>
SHA	State of California	\$893,270

City of Suisun City CIA No. D43CIASOL0001 Page 3 of 11

#### **SECTION I**

All sections of this AGREEMENT including the recitals are enforceable.

- 1. AGENCY has agreed to implement the PROJECT in accordance with Attachment II-SCOPE SUMMARY. The SCOPE SUMMARY that is attached to and made a part of this AGREEMENT defines in detail the PROJECT's scope of work, description, schedule, location and budget.
- 2. AGENCY will be responsible for all management, maintenance and operations, including costs of the constructed PROJECT.
- 3. AGENCY will develop and construct the PROJECT in accordance with the applicable laws, policies, practices, procedures and standards. This applies to all procurements, including land acquisitions, licenses and permits.
- 4. AGENCY shall prepare initial engineering and geotechnical assessments, and detailed design as well as acquire environmental reviews and right of way (ROW) needed for the PROJECT. This work is equivalent to CALTRANS process of Project Initiation Document (PID), Project Approval & Environmental Document (PA&ED) and Plans, Specification and Estimate (PS&E). AGENCY will pay for, coordinate, prepare, obtain, implement, renew, and amend all permits needed to complete the PROJECT. AGENCY will prepare CEQA environmental documentation to meet California Environmental Quality Act (CEQA) requirements.
- 5. AGENCY will advertise, open bids, award, and approve the construction contract in accordance with the California Public Contract Code and the California Labor Code and will be responsible for the administration, acceptance, and final documentation of the construction contract.
- 6. CALTRANS shall reimburse AGENCY for actual costs of the PROJECT not exceeding the amount set forth in Section 8 below.
- 7. CALTRANS shall have the right to inspect the PROJECT work to be performed hereunder at any time during its progress and to make final inspection upon completion thereof. Failure of CALTRANS to object within 30 days after final inspection shall indicate satisfactory performance of this AGREEMENT by AGENCY.
- 8. The total amount CALTRANS will reimburse to AGENCY pursuant to this AGREEMENT shall not exceed \$893,270 ("Contract Sum"). Costs incurred by AGENCY for PROJECT work under this AGREEMENT in excess of the Contract Sum will be borne by AGENCY. It is understood and agreed that this AGREEMENT fund limit is an estimate and that CALTRANS will only reimburse the cost of services actually rendered as authorized by the CALTRANS Contract Manager or designee at or below the fund limitation amount set forth in this AGREEMENT and in accordance with the Budget included in Attachment II.
- 9. All administrative draft and administrative final reports, studies, materials, and documentation relied upon, produced, created or utilized for the PROJECT will be held in confidence to the extent permitted by law, and where applicable, the provisions of California Government Code section 6254.5(e) shall govern the disclosure of such documents in the event said documents are shared between the PARTIES. Parties will not distribute, release, or share said documents with anyone without prior written consent of the

#### City of Suisun City CIA No. D43CIASOL0001 Page 4 of 11

party authorized to release said documents except: (i) to employees, agents, and consultants who require access to complete the work described within this AGREEMENT; or (ii) where release is required or authorized by law.

- 10. HM-1 is defined as hazardous material (including but not limited to hazardous waste) that requires removal and disposal pursuant to Federal or State law, whether it is disturbed by the PROJECT or not. HM-2 is defined as hazardous material (including but not limited to hazardous waste) that may require removal and disposal pursuant to Federal or State law, only if disturbed by the PROJECT.
- 11. CALTRANS, independent of the PROJECT costs, is responsible for any HM-1 found within existing CALTRANS ROW. CALTRANS will undertake HM-1 management activities with minimum impact to the PROJECT schedule and will pay all costs associated with HM-1 management activities.
- 12. CALTRANS has no responsibility for management activities or costs associated with HM-1 found outside the CALTRANS existing ROW. AGENCY, independent of PROJECT costs, is responsible for any HM-1 found within PROJECT limits outside existing CALTRANS ROW, and will pay, or cause to be paid, all costs associated with HM-1 management activities. AGENCY will undertake, or cause to be undertaken, HM-1 management activities with minimum impact to the PROJECT schedule.
- 13. If HM-2 is found within the limits of the PROJECT, the AGENCY responsible for advertisement, award, and administration (AAA) of the PROJECT construction contract will be responsible for HM-2 management activities. Any management activity cost associated with HM-2 is a PROJECT construction cost.
- 14. This AGREEMENT may only be amended or modified by mutual written agreement of the PARTIES.

#### City of Suisun City CIA No. D43CIASOL0001 Page 5 of 11

#### SECTION II- GENERAL PROVISIONS

#### 1. TERMINATION

- A. This AGREEMENT may be terminated by the PARTIES upon mutual written agreement. In the event of a termination CALTRANS will reimburse AGENCY all allowable, authorized, and non-cancelable obligations and costs incurred by AGENCY prior to the termination.
- B. CALTRANS reserves the right to terminate this AGREEMENT before the AGENCY awards the PROJECT construction contract or begins to do project work. CALTRANS will reimburse AGENCY reasonable, allowable, authorized and non-cancelled costs up to the date of termination that are attributable to the PROJECT.
- C. This AGREEMENT will terminate upon completion of PROJECT when all PARTIES have met all scope, cost, and schedule commitments included in this AGREEMENT and have signed a closure statement, which is a document signed by the PARTIES that verifies the completion of PROJECT, except that all indemnification, document retention, audit, claims, environmental commitment, pending legal challenge, hazardous material, operation, maintenance and ownership provisions of this AGREEMENT will remain in effect until terminated or modified by mutual written agreement.
- D. AGENCY has sixty (60) days after the date this AGREEMENT is terminated or expires, or such other time agreed upon in writing by the PARTIES, to submit invoices to CALTRANS to make final allowable payments for PROJECT costs in accordance with the terms of this AGREEMENT. Failure to submit invoices within this period may result in a waiver by AGENCY of its right to reimbursement of expended costs.

#### 2. BUDGET CONTINGENCY CLAUSE

All obligations of CALTRANS under the terms of this AGREEMENT are subject to the appropriation of resources by the Legislature, and the State Budget Act authority. It is mutually agreed that if the State Legislature does not appropriate sufficient funds for the program, this AGREEMENT shall be amended if possible to reflect any reduction in funds, but nothing herein obligates the PARTIES to provide additional funding or proceed if sufficient funding is unavailable.

#### 3. ALLOWABLE COST, PAYMENTS AND INVOICING

- A. The method of payment for this AGREEMENT will be based on actual allowable costs. CALTRANS will reimburse AGENCY for expended actual allowable direct costs and indirect costs, including, but not limited to labor costs, employee benefits, travel (overhead is reimbursable only if the AGENCY has an approved indirect costs allocation plan) and contracted consultant services costs incurred by AGENCY in performance of the PROJECT work, not to exceed the Contract Sum of the PROJECT.
- B. Reimbursement of AGENCY expenditures will be authorized only for those allowable costs actually incurred by AGENCY in the performance of the PROJECT work. AGENCY must not only have incurred the expenditures on or after the EFFECTIVE DATE of this

#### City of Suisun City CIA No. D43CIASOL0001 Page 6 of 11

AGREEMENT and before the date it is terminated or expires, but must have also paid for those costs to claim any reimbursement.

- C. PARTIES will agree upon CALTRANS' annual reimbursement of the PROJECT costs, throughout its duration. Total reimbursement will not exceed the Contract Sum (as defined in Section I above). The encumbered funds are to be expended and invoiced to CALTRANS by AGENCY by May 1 of the third fiscal year from the fiscal year CALTRANS encumbered them. Any funds encumbered, but not expended by the end of the third fiscal year, will not be reimbursed to AGENCY by CALTRANS.
- D. Travel, per diem, and third-party contract reimbursements are PROJECT costs only after those hired by AGENCY to participate in the PROJECT incur and pay those costs. Payments for travel and per diem will not exceed the rates paid rank and file state employees under current California Department of Human Resources rules current at the EFFECTIVE DATE of this AGREEMENT.
- E. CALTRANS will reimburse AGENCY for all allowable PROJECT costs no more frequently and no later than monthly in arrears and as promptly as CALTRANS fiscal procedures permit upon receipt of itemized signed invoices. Invoices shall reference this AGREEMENT Number and shall be signed and submitted electronically to the Contract Manager at the following address:

anand.magnati@dot.ca.gov cc: kriti.uppal@dot.ca.gov

If electronic submittal is not possible, mail invoice to:

California Department of Transportation

Division of Environmental Analysis – Fiscal Analysis Unit, MS 27 1120 N Street, Sacramento, CA 95814-5680

- F. Invoices shall include the following information:
  - 1) <u>Invoice Cover Sheet</u> The invoice cover sheet summarizes the previous, current and total amounts billed for the AGREEMENT. Details included on the cover sheet are:
    - a. "INVOICE" near top of page
    - b. Invoice Date
    - c. Contract Number (D43CIAxx000x)
    - d. Invoice Number [minimum format: City Initials-3-digit Invoice Number (XXX-001)]
    - e. Billing period (performance period), specified with beginning and ending dates (towards top of page). All work performed <u>must</u> be during the billing period. Invoice billing periods must not overlap.
    - f. Brief description of the work performed
    - g. Summary of total dollar amount billed to date
      - i. Previous month invoice balance
      - ii. Amount billed this month
      - iii. Total amount billed including current invoice amount
    - h. Total amount due
    - i. Summary of charges

#### City of Suisun City CIA No. D43CIASOL0001 Page 7 of 11

- i. AGENCY (municipality) labor costs
- ii. Sub-Vendor labor costs (consultant)
- iii. Sub-vendor direct costs (materials, equipment, miscellaneous itemized costs)
- iv. Other direct costs
- j. Discounts (if applicable)
- k. Remittance information including name and address [MUST match *Payee Data Record Declaration of Business Location* (Form FA-204) submitted at contract execution or on file]
- 1. AGENCY Contract Manager's name, address and phone number
- m. AGENCY Contract Manager's signature and signature block
- n. CALTRANS Contract Manager's name and address
- o. CALTRANS Contract Manager's signature block.

#### 2) Invoice and Supports

All invoice charges must match the rates on the contract cost proposal and personnel request. (Changes in billing rates must be approved <u>before</u> billing.) The CALTRANS' Contract Manager must be provided invoices or other documentation with sufficient detail to verify the charges are allowable under this AGREEMENT with sufficient support to allow them to verify charges. Supporting documentation, such as receipts, is required for all costs included on the invoice that are not for hourly or sub-contract labor.

AGENCY labor charges need to show person's name, hours worked, billing rate and brief description of work performed. Supporting documents (timesheet or payroll report) need to be provided. These documents need to include:

- a. Name (first and last)
- b. Hours charged
- c. Brief description -- identify the work is for the project funded by the Cooperative Implementation Agreement
- d. Month, day and year of the charges (must be within the billing period)
- e. Worker and supervisor's signatures (Exceptions can be made for electronic timesheets.) All overtime must be approved in advance by the CALTRANS Contract Manager.

Direct costs (such as material costs, vehicle rental) are reimbursable. These costs need to be verified, therefore, a copy of the receipt, paid purchase order or other documentation that shows the items and cost needs to be attached to the invoice.

AGENCY personnel travel costs may be reimbursed according to the Consultant and Contractor travel guidelines located on the CALTRANS' website at: <u>www.dot.ca.gov/hq/asc/travel/ch12/1consultant.htm</u>. The Travel Expense Claim (TEC) form is available at: <u>www.dot.ca.gov/hq/asc/travel/ch5/1tec.htm</u>.

Subcontractor costs are reimbursed after providing a copy of the paid invoice. This invoice needs to show that the AGENCY contract manager reviewed and approved the

#### City of Suisun City CIA No. D43CIASOL0001 Page 8 of 11

payment. CALTRANS requires its vendors to submit proof of costs incurred, such as timesheet or payroll records, travel reimbursement form (that includes the reason and dates for travel) with receipts, receipts for materials, lab services or other items) and CALTRANS assumes the AGENCY has similar requirements that are documented.

3) Progress Reports

Each invoice needs to be accompanied by a progress report for the billing period. This report includes:

- a. Work performed during the billing period (can be in a bullet format)
- b. Contract progress estimate -- percentage of work completed (not dollar based)
- c. Work anticipated during the next billing cycle (can be in a bullet format)
- d. Total amount spent during the billing period (AGENCY personnel, AGENCY direct costs, subcontractor costs and total)
- e. Total amount spent to date (AGENCY, subcontractor, total)
- f. CIA not to exceed amount
- g. Percentage of Cooperative Implementation Agreement (CIA) funds used to date. [Total (AGENCY and subcontractor)/CIA not to exceed amount)]

## 4. COST PRINCIPLES

- A. If PARTIES fund any part of PROJECT with state or federal funds, each PARTY will comply, and will ensure that any sub-recipient, contractor or subcontract hired to participate in PROJECT will comply with the federal cost principles and administrative requirements of 2 CFR, Part 200. These principles and requirements apply to all funding types included in this AGREEMENT.
- B. Any PROJECT costs for which AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, and/or Title 48, Chapter 1, Part 31, are subject to repayment by AGENCY to CALTRANS. Should AGENCY fail to reimburse moneys due CALTRANS within thirty (30) days of discovery or demand, or within such other period as may be agreed in writing between the PARTIES hereto, CALTRANS is authorized to intercept and withhold future payments due AGENCY from CALTRANS.
- C. The PARTIES will maintain and make available to each other all PROJECT related documents, including financial data, during the term of this AGREEMENT. PARTIES will retain all PROJECT-related records for three (3) years after the final payment voucher.

# 5. **INDEMNIFICATION**

Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by AGENCY, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon AGENCY under this AGREEMENT. It is understood and agreed that AGENCY, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual,

City of Suisun City CIA No. D43CIASOL0001 Page 9 of 11

inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by AGENCY, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

#### 6. <u>RETENTION OF RECORDS/AUDITS</u>

- A. AGENCY, its contractors, subcontractors and sub-recipients shall establish and maintain an accounting system and records that properly accumulate and segregate incurred PROJECT costs. The accounting system of AGENCY, its contractors, all subcontractors, and subrecipients shall conform to Generally Accepted Accounting Principles (GAAP), shall enable the determination of incurred costs at interim points of completion, and shall provide support for reimbursement payment vouchers or invoices. All books, documents, papers, accounting records and other supporting papers and evidence of performance under this AGREEMENT of AGENCY, its contractors, subcontractors and sub-recipients connected with PROJECT performance under this AGREEMENT shall be maintained for a minimum of three (3) years from the date of final payment to AGENCY and shall be held open to inspection, copying, and audit by representatives of CALTRANS, the California State Auditor, and auditors representing the federal government during business hours with appropriate notice. Copies thereof will be furnished by AGENCY, its contractors, its subcontractors and sub-recipients upon receipt of any request made by CALTRANS or its agents. In conducting an audit of the costs under this AGREEMENT, CALTRANS will rely to the maximum extent possible on any prior audit of AGENCY pursuant to the provisions of State and AGENCY law. In the absence of such an audit, any acceptable audit work performed by AGENCY's external and internal auditors may be relied upon and used by CALTRANS when planning and conducting additional audits.
- B. AGENCY, its sub-recipients, contractors, and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other AGENCY of the State of California designated by CALTRANS, for the purpose of any investigation to ascertain compliance with this AGREEMENT.
- C. This AGREEMENT shall be subject to a pre-award audit prior to execution of the AGREEMENT to ensure AGENCY has an adequate financial management system in place to accumulate and segregate reasonable, allowable and allocable costs.
- D. CALTRANS, the state auditor, and the Federal Government, (if the PROJECT utilizes federal funds), will have access to all PROJECT-related records held by AGENCY or by any party hired by AGENCY to participate in PROJECT.
- E. The examination of any records will take place in the offices and locations where said records are generated and/or stored and will be accomplished during reasonable hours of operation.
- F. Upon completion of the final audit, AGENCY has thirty (30) calendar days to refund or invoice as necessary in order to satisfy the obligation of the audit.

City of Suisun City CIA No. D43CIASOL0001 Page 10 of 11

#### 7. **DISPUTES**

- A. PARTIES will first attempt to resolve AGREEMENT disputes at the PROJECT team level. If they cannot resolve the dispute themselves, the CALTRANS Chief Environmental Engineer and the executive officer of AGENCY will attempt to negotiate a resolution.
- B. If PARTIES do not reach a resolution, AGENCY's legal counsel will initiate mediation. PARTIES agree to participate in mediation in good faith and will share equally in its costs.
- C. Neither the dispute nor the mediation process relieves PARTIES from full and timely performance of the PROJECT in accordance with the terms of this AGREEMENT. However, if either PARTY stops fulfilling PROJECT obligations, the other PARTY may seek equitable relief to ensure that the PROJECT continues.
- D. Except for equitable relief, no PARTY may file a civil complaint until after mediation, or 45 calendar days after filing the written mediation request, whichever occurs first.
- E. PARTIES will file any civil complaints in the Superior Court of the county in which the CALTRANS district office signatory to this AGREEMENT resides or in the Superior Court of the county in which the PROJECT is physically located. The prevailing PARTY will be entitled to an award of all costs, fees, and expenses, including reasonable attorney fees as a result of litigating a dispute under this AGREEMENT or to enforce the provisions of this article including equitable relief.
- F. Additional Dispute Remedies. PARTIES maintain the ability to unanimously pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.

#### 8. <u>RELATIONSHIP OF PARTIES</u>

It is expressly understood that this AGREEMENT is an agreement executed by and between two independent governmental entities and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of an independent party.

#### 9. NOTIFICATION OF PARTIES

- A. AGENCY: Nouae Vue, Public Works Director, nvue@suisun.com and (707)421-7340.
- B. CALTRANS: Anand Maganti, Stormwater Coordinator, anand.maganti@dot.ca.gov and (916)210-9849.
- C. All notices herein provided to be given, or which may be given, by either party to the other, shall be deemed to have been fully given when made in writing and received by the PARTIES at their respective addresses:

City of Suisun City Attn: Nouae Vue, P.E. 701 Civic Center Blvd., Suisun City, CA 94585

California Department of Transportation Division of Environmental Analysis - MS 27, Attention: Anand Maganti, 1120 N Street, Sacramento, CA 95814-5680

City of Suisun City CIA No. D43CIASOL0001 Page 11 of 11

#### SECTION III ATTACHMENTS

The following attachments are incorporated into and are made a part of this AGREEMENT by this reference and attachment.

- I. AGENCY Resolution, Certification of Approval, order, motion, ordinance or other similar document from the local governing body authorizing execution of the AGREEMENT.
- II. Scope of Work, Description, Schedule, Location and Budget.

#### **SECTION IV- SIGNATURES**

Signatories may execute this AGREEMENT through individual signature pages provided that each signature is an original. This AGREEMENT is not fully executed until all original signatures are attached. PARTIES are empowered by California Streets and Highways Code (SHC) sections 114 and 130 to enter into this AGREEMENT and have delegated to the undersigned the authority to execute this AGREEMENT on behalf of the respective agencies and covenant to have followed all the necessary legal requirements to validly execute this AGREEMENT.

STATE OF CALIFORNIACity Of Suisun CityDEPARTMENT OF TRANSPORTATIONCity Of Suisun City			
Signature:		Signature:	
Print Name:	ANAND MAGANTI	Print Name:	GREG FOLSOM
Title:	Stormwater Coordinator	Title:	City Manager
Date:		Date:	
Signature:		Signature:	
Print Name:	SHAILA CHOWDHURY	Print Name:	ELENA GERLI
Title:	Assistant Chief, Division of Environmental Analysis	Title:	City Attorney
Date:		Date:	
Signature:		:	
Print Name:	PHIL STOLARSKI		
Title:	Chief, Division of Environmental Analysis		
Date:			

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# AGENDA TRANSMITTAL

#### **MEETING DATE:** May 3, 2022

**CITY AGENDA ITEM:** Adoption of Council Resolution No. 2022-\_\_: Authorizing the City Manager to Enter into the Seventh Amendment to the 1965 Agreement with the Fairfield-Suisun Sewer District (FSSD).

**FISCAL IMPACT:** There would be no fiscal impact on the General Fund. Suisun City will now be allocated \$1,770,000 each Fiscal Year by the Fairfield-Suisun Sewer District (FSSD). This allocation is to assist the City with the much needed sewer system rehabilitation and replacement projects within the City maintained portion of the existing sewer infrastructure. These funds will be transferred to the City by August 1<sup>st</sup> of each new Fiscal Year.

#### **STRATEGIC PLAN IMPACT:** Provide Good Governance.

**BACKGROUND:** In October 2020, the FSSD Board of Directors awarded a professional services agreement to Carollo Engineers for development of a Collection System Asset Management Plan (CSAMP). The scope of work included evaluating all collection system assets owned by the District, City of Fairfield, and City of Suisun City. Specifically, the evaluation entailed calculating the remaining useful life for every asset, determining the long-term funding needed to support both routine operation and maintenance (O&M) and end-of-life rehabilitation and/or replacement (R&R) of those assets, and developing a short-term Capital Improvement Program for each agency to address known deficiencies. In October 2021, District staff presented the results of the study to the FSSD Board of Directors and received feedback on the study approach, the results, and next steps. The study identified a significant need for additional funding for rehabilitation and/or replacement of collection system assets at the end of their life. This funding need was included in the District's Cost of Service and Rate Study that was approved by the Board of Directors in March 2022.

There is an existing agreement between the District, the City of Fairfield, and the City of Suisun City, originally executed on February 12, 1965, and subsequently amended six times (1965 Agreement). The 1965 Agreement governs ownership, maintenance, and funding responsibilities for collection system assets in the District's service area. On April 20, 2022, the FSSD Board of Directors approved amending the existing agreement to include collection system rehabilitation and replacement (R&R) funding.

**STAFF REPORT:** The District's Cost of Service and Rate Study included collection system R&R funding of \$1,770,000 per year for the City of Suisun City, based on the current age, condition, and aging profile of the assets owned by the City. The allocated amount, key deadlines for fund transfers, and other logistics are detailed in the Seventh Amendment to the 1965 Agreement (Attachment 2).

PREPARED BY: REVIEWED BY: APPROVED BY: The Seventh Amendment to the 1965 Agreement includes the following key elements:

- Each July 1, the District will transfer \$1,830,000 to a City of Fairfield Collection System R&R Reserve Fund, and \$1,770,000 to a City of Suisun City Collection System R&R Reserve Fund. Each reserve fund will be held by the District.
- Prior to every fiscal year, each City will budget their anticipated expenditures for Collection System R&R for the upcoming fiscal year. This amount will be included in the District's budget and presented to the District's Board of Directors for approval.
- The budgeted amount will be transferred from each City's Collection System R&R Reserve Fund to each City's collection system enterprise fund by August 1 of each year. Overspent or underspend funds from one year will be "trued up" in the next fiscal year.
- At least every five years, each City will provide the District with all new collection system inspection data. The District will update the CSAMP, re-assess collection system R&R funding needs, and include these needs in the District's Cost of Service and Rate Study to establish appropriate funding.
- The District will transfer ownership of a collection system vehicle and inspection equipment to the City of Fairfield so Fairfield can assume responsibility for its own collection system inspection. Additional funding (10% of maintenance funding) will be provided to support this.

The addition of this new funding source for R&R repairs on the City existing sewer infrastructure will provide some assistance to the City in addresses areas in need of R&R type repairs.

**RECOMMENDATION:** It is recommended that the City Council adopt Resolution No. 2022-\_\_\_\_: Authorizing the City Manager to Enter into the Seventh Amendment to the 1965 Agreement with the Fairfield-Suisun Sewer District (FSSD).

#### **ATTACHMENTS:**

- 1. Resolution No. 2022-\_\_: Authorizing the City Manager to Enter into the Seventh Amendment to the 1965 Agreement with the Fairfield-Suisun Sewer District (FSSD).
- 2. Seventh Amendment to the 1965 Agreement with the Fairfield-Suisun Sewer District (FSSD)

			Item 7 Attachment 1		
1	RESOLUTION 2022				
2				NX 7	
3			UN CITY COUNCIL AUTHORIZING THE CITY THE SEVENTH AMENDMENT TO THE 1965		
4	AGREEM	<b>1ENT WITH THE FA</b>	AIRFIELD-SUISUN SEWER DISTRICT (FSSD)	•	
5	WHER	<b>REAS,</b> on February 12	, 1965, the City of Suisun City and the Fairfield-Su	65, the City of Suisun City and the Fairfield-Suisun	
6					
7		98, and 11/16/04; and		1700,	
8 9	<b>WHEREAS,</b> the City Council recognizes the need to update the terms of the 1965 Agreement related to maintenance of local sewer lines; and			1965	
10			il finds the Seventh Amendment to the 1965 Agree	mont	
11		beneficial to the City.	in finds the Seventin Amendment to the 1905 Agree	ment	
12 13	<b>NOW, THEREFORE, BE IT RESOLVED,</b> that the City Council of the City of Suisun City does hereby: Authorize the City Manager to enter into the Seventh Amendment to the 1965 Agreement and to take all steps necessary and appropriate to implement this Resolution.				
14			at a regular meeting of the City Council of the Cit	ty of	
15	Suisun City, du	uly held on the 3 <sup>rd</sup> day	of May 2022 by the following vote:		
16	AYES:	Councilmembers:			
17	NOES: ABSENT:	Councilmembers: Councilmembers:		<u> </u>	
18	ABSTAIN:	Councilmembers:			
19	WITN	ESS my hand and the	seal of said City this 3 <sup>rd</sup> day of May 2022.		
20					
21			Anita Skinner City Clerk		
22			City Clerk		
23					
24					
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#### SEVENTH AMENDMENT TO 1965 AGREEMENT

This SEVENTH AMENDMENT TO 1965 AGREEMENT ("7<sup>th</sup> Amendment") is made and entered into this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2022, by and between the FAIRFIELD-SUISUN SEWER DISTRICT, a special district organized and existing under the laws of the State of California ("DISTRICT"), the CITY OF FAIRFIELD, a municipal corporation, and the CITY OF SUISUN CITY, a municipal corporation; herein individually called "CITY" or collectively called "CITIES."

WHEREAS, on February 12, 1965, the DISTRICT and CITIES, entered into an agreement for collection of sanitary sewer charges, which was amended previously on April 20, 1976, July 25, 1977, November 1, 1988, March 23, 1992, March 23, 1998 and November 22, 2004 (collectively, as amended, the "1965 AGREEMENT"); and

WHEREAS, the DISTRICT has completed a comprehensive study of sanitary sewer assets owned by the DISTRICT and the CITIES, using current video inspection data and industry-standard asset management practices, to project rehabilitation and replacement funding requirements for each party over the next one hundred years, and established a framework to frequently update the asset management plan with new data as it becomes available; and

WHEREAS, the Board of Directors of the DISTRICT has adopted a sewer service charge that will generate revenue to support the rehabilitation and replacement of sanitary sewers for the DISTRICT and CITIES; and

WHEREAS, the CITY OF FAIRFIELD desires to assume responsibility for inspecting its collection system, which has previously been inspected by the DISTRICT, and the CITY OF SUISUN CITY desires to have the DISTRICT continue inspecting its collection system; and

WHEREAS, the DISTRICT and CITIES have jointly recognized the need to update the terms of the 1965 AGREEMENT related to funding of sewer rehabilitation and replacement.

NOW, THEREFORE, it is agreed as follows:

- 1. The 1965 AGREEMENT is amended to add Paragraph 7 to read as follows:
  - "7. As of July 1, 2022, the DISTRICT will establish two reserve funds within its Operations and Maintenance Fund: City of Fairfield Collection System Rehabilitation/Replacement (R/R) Reserve Fund; and a City of Suisun City Collection System R/R Reserve Fund. The amount of R/R funding has been calculated from the Collection System Asset Management Plan conducted by the DISTRICT with participation from the CITIES.

7.1. Beginning July 1, 2022, and repeating every July 1 until July 1, 2026, the DISTRICT will deposit funds into the Collection System R/R Reserve Fund for the following fiscal year, allocated between the parties as follows:

- 7.1.1. \$1,830,000 to the City of Fairfield Collection System R/R Reserve Fund, and
- 7.1.2. \$1,770,000 to the City of Suisun City Collection System R/R Reserve Fund.

7.2. The use of reserve funds in each Collection System R/R Reserve Fund will be determined by the party named on the reserve fund, provided that they are used for rehabilitation and/or replacement of collection system assets owned by the named party. Any interest income received on funds in each Collection System R/R Reserve Fund will be attributable to that individual Collection System R/R Reserve Fund.

7.3. By August 1 of each year, the DISTRICT will provide to each CITY a report detailing the credits, debits, and current balance of its Collection System R/R Reserve Fund during the prior fiscal year.

7.4. DISTRICT and CITIES may loan funds between Collection System R/R Reserve Funds, but only if a separate, written agreement is in place between the DISTRICT and the CITY or CITIES participating in the loan, detailing repayment terms and interest charges.

- 7.5. By March 30 of each year, each CITY shall provide to DISTRICT:
  - 7.5.1. The projected amount that will be spent by the end of the current fiscal year on Collection System R/R Reserve funded projects; and
  - 7.5.2. A forecast of expenditures from the Collection System R/R Reserve Fund for the next five (5) fiscal years. These projected expenditures will be listed in the DISTRICT's budget. By approving the budget, the DISTRICT's Board of Directors will authorize the drawdown of the reserve fund balance. Approval of individual projects shall be the responsibility of the governing body of each party.
  - 7.5.3. The budget for Collection System R/R projects shall include a construction cost estimate, plus a 37.5% markup (10% for engineering design, 10% for construction management, 7.5% for environmental/legal, and 10% contingency).

7.6. Beginning on August 1, 2022, and repeating every August 1 until August 1, 2026, DISTRICT will transfer the total budgeted value of all Collection System R/R projects for the next fiscal year to each CITY from its respective Collection System R/R Reserve Fund, provided a positive balance remains in that CITY's reserve fund. CITIES shall deposit the transferred funds into each CITY's collection system enterprise fund (as established in Paragraph 5.2) and use them exclusively to fund Collection System R/R projects budgeted for that fiscal year. At the end of each fiscal year, the amount transferred to each CITY shall be trued-up as follows:

- 7.6.1. If, for each CITY, the actual spend in a fiscal year is less than what was budgeted and paid to the CITY, the additional funds paid by the DISTRICT shall be deducted from the following year's transfer.
- 7.6.2. If, for each CITY, the actual spend in a fiscal year is greater than what was budgeted and paid to the CITY, the additional funds required by the CITY will be added to the following year's transfer, provided a positive balance remains in the CITY's Collection System R/R Reserve Fund.
- 7.6.3. Additional transfers to the CITIES may be made outside of the fiscal year end to accommodate emergency work or budget deviations with the approval of the DISTRICT's Board of Directors."

7.7. In expending Collection System R/R Reserve Fund money, CITIES shall comply with all applicable laws and regulations.

- 2. The 1965 AGREEMENT is amended to add Paragraph 8 to read as follows:
  - "8. Prior to September 30, 2026, and every five years thereafter, DISTRICT will update the Collection System Asset Management Plan funding model in coordination with the CITIES. The updated funding model will be used to recalculate Collection System R/R funding needs over the next five-year window, and to adjust sewer rates as needed to support proper maintenance, rehabilitation, replacement, and reserve fund balance.

8.1. Prior to September 30, 2025, and at least once every five years thereafter, each CITY shall provide to DISTRICT all collection system inspection data that has been collected since the prior Collection System Asset Management Plan update. This data will be used to adjust modelled assumptions about remaining useful life for each collection system asset owned by each agency."

3. The 1965 AGREEMENT is amended to add Paragraph 9 to read as follows:

"9. Each party shall be responsible for conducting closed-circuit television (CCTV) inspections of its collection system assets such that every pipe is inspected at least once every five years. Requirements of the CCTV inspection program are as follows:

- 9.1. As of July 1, 2022, responsibility for CCTV inspections shall be as follows:
  - 9.1.1. For DISTRICT sewer lines, DISTRICT shall clean the pipes and conduct inspections.
  - 9.1.2. For CITY OF SUISUN CITY sewer lines, CITY OF SUISUN CITY shall clean the pipes and DISTRICT will conduct inspections.
  - 9.1.3. For CITY OF FAIRFIELD sewer lines, the CITY OF FAIRFIELD will clean the pipes and conduct inspections.

9.2. All CCTV data shall be collected, and defects coded, in a manner that complies with the National Association of Sewer Service Companies (NASSCO) Pipeline Assessment Certification Program (PACP), using a software system that is compatible with DISTRICT's Collection System Asset Management model.

9.3. As of July 1, 2022, the DISTRICT shall transfer ownership of one CCTV inspection van (2008 Freightliner Sprinter 3500) to the CITY OF FAIRFIELD for CCTV inspection of CITY OF FAIRFIELD collection system assets. The van will include all equipment necessary for the completion of CCTV inspections. DISTRICT will provide maintenance records of the van to the CITY OF FAIRFIELD, and DISTRICT will provide training to CITY OF FAIRFIELD staff on operation of the van and CCTV inspection equipment.

9.3.1. To fund the CCTV inspection of CITY OF FAIRFIELD collection system assets, the DISTRICT will transfer an additional 10% added to the monthly operation and maintenance payments identified in Paragraph 5.1.

9.3.2. CITY OF FAIRFIELD agrees to assume ownership of the CCTV inspection van on an as-is basis with all faults, latent and patent. DISTRICT makes no warranties, express or implied, as to the nature, quality or condition of the CCTV inspection van, including, but not limited to, any implied warranties of merchantability and fitness for a particular purpose or non-infringement, or otherwise.

DISTRICT and CITIES acknowledge that in all other respects the 1965 AGREEMENT, as amended on April 20, 1976; July 25, 1977; November 1, 1988; March 23, 1992; March 23, 1998; and November 22, 2004 is and remains in effect.

IN WITNESS the parties hereto have executed this Seventh Amendment to the 1965 AGREEMENT on the day first above written.

#### FAIRFIELD-SUISUN SEWER DISTRICT

President, Board of Directors

ATTEST:

**District Clerk** 

APPROVED AS TO FORM:

**District Counsel** 

#### **CITY OF FAIRFIELD**

Mayor

ATTEST:

City Clerk

**APPROVED AS TO FORM:** 

City Attorney

**CITY OF SUISUN CITY** 

Mayor

ATTEST:

City Clerk

**APPROVED AS TO FORM:** 

City Attorney

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# AGENDA TRANSMITTAL

#### **MEETING DATE:** May 3, 2022

**CITY AGENDA ITEM:** Successor Agency Adoption of Resolution No. SA 2022-\_\_: A Resolution of the Suisun City Council Acting as the Successor Agency to the Redevelopment Agency of the City of Suisun City Approving a Modification of the First Time Homebuyer Program to Remove the Provisions of the Loans' Affordability Restrictions.

**FISCAL IMPACT:** There would be a positive impact if the property owner decided to sell the property and payoff the loan. Impact explained in detail in the staff report section of this agenda transmittal.

**STRATEGIC PLAN IMPACT:** Provide Good Governance.

**BACKGROUND:** In 2009 the City initiated its Foreclosure First-Time Homebuyer Program. The City created the program to eliminate blight, enhance property values, and provide affordable home ownership opportunities to low- and moderate-income households within the existing neighborhoods of Suisun City. Under the terms of the loan, participants were eligible to receive 25-35% of the total purchase price (sales price plus closing costs) and make no monthly payments on the loan if the home remained owner occupied.

From January 2009 through July 2011, a total of 39 loans were issued to first-time homebuyer households. Currently, there are a remaining 23 participant households. The loan program ended as of July 2011 due to the dissolution of the Redevelopment Agency.

A provision of the program was an Affordability Restriction. Under the affordability restriction, the homeowner is limited to a restricted resale price instead of being allowed to sell at market value. The restriction exists to ensure that these homes remain affordable to other/future first-time homebuyers for a period of 45 years. Each participant household signed the following recorded documents which either explained or referenced the affordability restriction:

- i. Loan Agreement, Resale Restriction and Option to Purchase
- ii. Notice of Affordability Restrictions
- iii. Deed of Trust

Another provision of the loan program is a sharing of the equity appreciation in the property based upon the City's financial investment into the purchase of the home. When the loans are repaid, the homeowner is responsible for repaying the initial amount loaned as well as the equity share.

**STAFF REPORT:** The City has reviewed the impact of the program's affordability restriction as it relates to current market value of homes in Suisun City. Of the remaining 23 participant loans, the following has been determined:

i. Average Purchase Price of homes - \$197,890

PREPARED BY: REVIEWED/APPROVED BY:

- ii. Average City Loan toward home purchases \$47,042
- iii. Average City Percentage Investment 24% of the total purchase price
- iv. Average Restricted Resale Price of homes \$267,200
- v. Average Current Market Value of homes \$567,800

Using the above average figures, the following has been determined:

Sale of Property at Restricte	d Price	Sale of Property at Market Value		
Payoff of City's Loan	\$ 62,330	Payoff of City's Loan	\$133,788	
Seller Net before 1 <sup>st</sup> Mortgage Payoff	\$204,870	Seller Net before 1 <sup>st</sup> Mortgage Payoff	\$434,012	

Holding the First Time Homebuyers to the restricted resale price substantially diminishes the equity investment of the homeowner. While removal of the affordability restriction from the loan will require the homeowner to pay a higher equity share to the City, the overall impact is positive to homeowner and to the City as well.

**RECOMMENDATION:** It is recommended that the Successor Agency Adopt Resolution No. SA 2022-\_\_: A Resolution of the Suisun City Council Acting as the Successor Agency to the Redevelopment Agency of the City of Suisun City Approving a Modification of the First Time Homebuyer Program to Remove the Provisions of the Loans' Affordability Restrictions.

#### **ATTACHMENTS:**

1. Resolution No. SA 2022-\_\_: A Resolution of the Suisun City Council Acting as the Successor Agency to the Redevelopment Agency of the City of Suisun City Approving a Modification of the First Time Homebuyer Program to Remove the Provisions of the Loans' Affordability Restrictions.

		Item 8 Attachment 1	
1		<b>RESOLUTION NO. SA 2022-</b>	
2		UTION OF THE SUISUN CITY COUNCIL ACTING AS THE	
3		<b>DR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY</b> <b>N CITY APPROVING A MODIFICATION OF THE FIRST TIME</b>	
4	HOMEBUY	TER PROGRAM TO REMOVE THE PROVISIONS OF THE LOANS' BILITY RESTRICTIONS.	
5	WIIFDI	AC is 2000 the Dedeedle second According of the City of Second City have	
6	providing Forec	EAS, in 2009 the Redevelopment Agency of the City of Suisun City began closure First Time Homebuyer loans to eliminate blight, enhance property	
7 8	values, and provide affordable home ownership opportunities to low- and moderate-inc households within the existing neighborhoods of the Suisun City; and		
	WHERI	EAS, a provision of the loan program was an Affordability Restriction. Under	
9 10	the affordability restriction, the homeowner is limited to a restricted resale price instead of being allowed to sell at market value. The restriction exists to ensure that these homes remain		
11	affordable to oth	her/future first-time homebuyers for a period of 45 years.	
12	WHERI substantial incre	EAS, current market value of homes in Suisun City have experienced ases value; and	
13			
14	WHEREAS, after careful consideration of the impact of the Affordability Restriction on participant households, it has been determined that holding the program participants to the restricted resale price substantially diminishes the equity investment of each homeowner.		
15			
16 17	NOW, THEREFORE, THE SUISUN CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY DOES HEREBY APPROVE the removal of the Affordability Restriction		
18	from each prope	rty deed; and	
19		<b>CURTHER RESOLVED,</b> that the Executive Director is authorized to execute eccessary to Release the Affordability Restrictions on all impacted properties.	
20			
21 22	<b>PASSED AND ADOPTED</b> at a regular meeting of the City Council serving as the Successor Agency to the Redevelopment Agency of the City of Suisun City duly held on Tuesday, the 3 <sup>rd</sup> of May 2022, by the following vote:		
23	AYES:	Boardmembers:	
24	NOES: ABSENT:	Boardmembers:Boardmembers:	
25	ABSEAT: ABSTAIN:	Boardmembers:	
26	WITNE	<b>SS</b> my hand and seal of the City of Suisun City this $3^{rd}$ of May 2022.	
27			
28		Anita Skinner City Clerk	

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Item 9

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



CITY COUNCIL MEETING

First and Third Tuesday Every Month

#### MINUTES

#### **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, MARCH 29, 2022

#### 6:30 P.M.

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

#### NOTICE

Pursuant to Government Code Section 54953, subdivision (b), and in accordance with the provisions of SB 361 (2021), the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by: Council/Board Members Jane Day, Michael Hudson, Wanda Williams, Mayor Pro Tem Alma Hernandez, and Mayor/Chair 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 NOT FULLY VACCINATED. 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 <u>clerk@suisun.com</u> OR 707 421-7302.

> ZOOM MEETING INFORMATION: WEBSITE: https://zoom.us/join MEETING ID: 891 0359 7103 CALL IN PHONE NUMBER: (707) 438-1720

REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING CLERK@SUISUN.COM (PRIOR TO 6 PM) 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.)

(Next Ord. No. – 791) (Next City Council Res. No. 2022 – 42) Next Suisun City Council Acting as Successor Agency Res. No. SA2022 - 01) (Next Housing Authority Res. No. HA2022 – 01)

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

## ROLL CALL

Mayor Wilson announced the Closed Session ended at 6:55pm. Item #3 on the Closed Session Agenda was not completed and would be discussed via a Zoom meeting on Thursday, March 31<sup>st</sup> at 5pm for that item only.

Mayor Wilson called the meeting to order at 7:03pm with the following Council Members present:

PRESENT: Day, Hernandez, Hudson, Williams, Wilson ABSENT: None Pledge of Allegiance was led by Council Member Williams. Invocation was led by City Manager Greg Folsom.

#### **CONFLICT OF INTEREST NOTIFICATION None**

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

#### **REPORTS: (Informational items only)**

- 1. City Manager/Executive Director/Staff
  - Public Works Maintenance Schedule moving forward will be as follows:
    - First week of each month Victorian Harbor & Blossom area
    - o Second week of each month Heritage area plus Heritage CFD's
    - o Third week of each month Petersen & Montebello
    - $\circ$  Fourth week of each month Lawler Ranch
  - Railroad Avenue work completed and fully striped.
  - New Hire starting Monday, April 4th for the Admin Assistant Position funded through ARPA
  - Attended ribbon cutting ceremony at Solano County College along with Mayor Wilson for their Library and Learning Resource Center
  - Agenda Item #7 is on the Consent Calendar because the mission of the committee would be over. Staff will be coming back with a discussion and direction item in regards of creating a different committee for overall city landscaping issues with a scope and membership not necessarily tied to LLD's.
  - Reminder your Forms 700 are due April 1<sup>st</sup>.

#### PRESENTATION/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

#### Proclamations Not Presented

2. Proclamation Proclaiming the Month of March 2022 as Women's History Month and Recognizing Suisun City Women Leaders - (Wilson: <u>lwilson@suisun.com</u>) <sup>1</sup>∠ ←

Mayor Wilson read the proclamation and presented copies to Council Member Williams, Vice Mayor Hernandez, City Attorney Elena Gerli and City Clerk Anita Skinner who were in attendance.

#### PUBLIC COMMENT

George Guynn commented on the male representation on Council is not equal to the representation of the male population of Suisun City. Should make sure everyone geta chance for appointment and elected offices.

Back to #1 City Managers report

Donna LeBlanc asked Mr. Folsom to repeat the maintenance schedule and asked what is a Form 700. She congratulated all the women who serve in their capacity to the City of Suisun City.

#### Mayoral Appointments of Council Boards, Commissions and Committees

3. Appointment to Ad hoc Committees – (Wilson: <u>lwilson@suisun.com</u>).

Deferred to next meeting.

#### PUBLIC COMMENT

Steve Olry commented that all appointments should be deferred and let the next acting mayor make them.

George Guynn commented he has been trying to get on the Environmental Committee since March of last year and was told he couldn't be on more than one committee but has not seen anything to that in writing. He hopes that situation changes with a better regime.

#### CONSENT CALENDAR

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

#### City Council

- Council Consideration and possible action to adopt Resolution No. 2022-42: A Resolution of the City Council of the City of Suisun City proclaiming a local emergency persists and authorizing the use of remote teleconference meeting procedures by the City's legislative bodies, as authorized by government code section 54953(e) *et seq.*, through April 27, 2022 – (Folsom: <u>gfolsom@suisun.com</u>).
- 5. Council Adoption of Resolution No. 2022-43: Authorizing the City Manager to Enter into a Contract on the City's Behalf with Melton Design Group for the Design Plan and Project Coordination of Prosperity Garden Park in the amount of \$121,750 and Authorizing the City Manager to Approve Change Orders up to 10% of the Original Contract Amount– (Lofthus: klofthus@suisun.com).
- 6. Council Adoption of Resolution No. 2022-44: Authorizing the Director of Recreation, Parks, and Marina Department (RPM) To Accept Funds from Kaiser Permanente's Community Relations Sponsorship Program in the amount of \$5,000– (Lofthus: <u>klofthus@suisun.com</u>).
- 7. Council Adoption of Resolution No. 2022-45: Dissolving and Disbanding the Lighting & Landscaping District Community Advisory Committee (Vue: <u>nvue@suisun.com</u>).
- Council Adoption of Resolution No. 2022-46: Authorizing the City Manager to Execute a Contract with HCI Systems, Inc. to Replace the Fire Sprinkler Main Lines for City Hall and Police Department in the Amount of \$96,307.40 which includes up to 10% for Contingencies – (Vue: <u>nvue@suisun.com</u>).

Joint City Council / Suisun City Council Acting as Successor Agency / Housing Authority

9. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on February 15, 2022, March 1, 2022 and March 15, 2022 - (Skinner: <u>askinner@suisun.com</u>).

Council Member Williams pulled Item #7.

Clerk Skinner commented on Item #9 minutes for March 15 had a typo. It read Agenda instead of Minutes and has been corrected for the official minute book.

# Council Member Hudson moved to approved Consent Calendar Items #4, 5, 6, 8, 9 with the correction to Item #9 minutes and seconded by Council Member Day.

#### PUBLIC COMMENTS

George Guynn commented on Item #4 that it affects the Brown Act. The quicker we can get through COVID and get back to normal the better we will be.

Donna LeBlanc commented on Item #5 that the staff report indicates there will be meetings regarding the design process and wanted to know how the public would be notified of those meetings.

#### Motion passed by the following vote:

#### AYES: Day, Hernandez, Hudson, Williams, Wilson NOES: None ABSENT: None ITEM #7 Council Member Williams does not support dismantling

Council Member Williams does not support dismantling the committee. Not in the best interest for the community. There to give comments and suggestions to staff, then Council. Expand their scope.

#### PUBLIC COMMENT

Patricia Matteson commented that the committee should not be dismantled but expand a new scope of work for the committee.

Mike Zeiss urged the Council to vote no and to revise scope of work for the committee.

Donna LeBlanc commented she is disappointed that this is even on the agenda.

# Motion by Council Member Day to approve Item #7 and seconded by Council Member Hudson.

Continued discussion by Council. Council took a 5-minute recess.

Council Member Williams made an alternate motion to not disband but to expand their scope and incorporate a component to also look at the beautification aspect. Seconded by Council Member Hernandez. Motion failed by the following vote:

AYES: Williams, Hernandez NOES: Day, Hudson, Wilson ABSENT: None

#### Original motion by Council Member Day and seconded by Council Member Hudson

AYES: Day, Hernandez, Hudson, Wilson NOES: Williams ABSENT: None

#### PUBLIC COMMENTS

(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.)

#### George (last name not given)

Thanked the Mayor for efforts to develop vacant properties in Old Town Suisun City but it seems development has taken priority over quality-of-life for residents in Old Town. Mayor's refusal to see that streets are in dire need of repair which Measure S was supposed to take care of. Old Town has become surrounded by homeless camps which have caused a multitude off fires. Environmental issues are that are being created by these camps are of little concern. Maybe it's time for a new mayor who respects the citizens of Suisun City and not pre-occupied with their political future. Hope those on the Council who aspire to run for future office differentiate themselves from Mayor Wilson's priorities and take us in a different direction.

#### Steve Olry

Twin mattress under the bridge on Pintail and witnessed a pick-up truck run a red light on Highway 12 at 70mph. It is obvious it is election time. Want to talk about outgoing regime; talk about those that want to run for Council; time for a new direction; feel those who want to be mayor need to be qualified critical thinkers; look forward to budget coming up; like to see a new auditor come in and really state the condition of the City with all the Measure S money gone; see roads get fixed. Public Works need to be more funded; legal fees need to be reduced. Need new direction and hopes it starts at the next meeting.

#### George Guynn

Have had a bunch of closed session meetings and Mayor, you were pushing things the city attorney didn't agree with; to many cases where city paid out claims; city doesn't have money to fix the roads which Measure S was to do; big mistake not getting a new auditor. Hope we get better results next time around.

#### Donna LeBlanc

Missed last meeting only read cancellation notice and not the special meeting time of 7pm. Went on line to watch meeting but it was completely blurred; PC meeting had no audio; few meetings ago signed off on new roofing fire dept and asked then if it had been tested and told "yes". Went to Fire Department last week when it was raining and roof was leaking; need to make sure in the future that warranties are good, test products that are put in and make sure they do what they are supposed to do. Katrina Garcia

Thank you for honoring women of the city. There was a great pool of community that came together to clean up Railroad Avenue and recommended a 1.5' drainage ditch be put in so that people can't drive up onto property to dump.

#### PUBLIC HEARING

#### City Council

- 10. PUBLIC HEARING: Element 7 Commercial Cannabis Business Permit, Cannabis Business Zone, and Development Agreement (Bermudez: <u>jbermudez@suisun.com</u>).
  - a. Council adoption of Resolution No. 2022-47: Approving a Commercial Cannabis Business Permit for Element 7, Located at 300 Railroad Avenue.
  - b. Council Introduce and Waive Reading of Ordinance No. 791: An Ordinance of the City Council of the City of Suisun City, California Amending the Suisun City Zoning Map to Establish a Cannabis Business Zone for Assessor's Parcel Number: 0037-160-100.
  - c. Council Introduce and Waive Reading of Ordinance No. 792: An Ordinance of the City Council of the City of Suisun City, California Approving a Development Agreement with Element 7, Located at 300 Railroad Avenue.

Greg Folsom introduced Senior Planner John Kearns who presented staff report and power point presentation.

Mayor Wilson opened Public Hearing.

George Guynn businesses have a right to operate. A bit of a gamble; already have one dispensary in operation. Do you want Suisun to be known as a place that encourages marijuana?

Steve Olry asked does the traffic study include a bus stop to serve our youth? Something to consider.

Donna LeBlanc stated she is in favor of this project. Would it be fair to ask for a traffic reassessment perhaps 6-12 months after the apartments are built to determine if turn lanes are working; when landscaping designs come through will they come forward to Council or Planning Commission only. She highlighted several items that were discussed at the community ZOOM meeting on this development that the public may not have been able to attend.

Michelle Chavez supports the idea of "keep clear" area at the business location; will there be parking for emergency vehicles; consideration of private property across the street from the business site which has been in litigation for some time; there is continued on going clean-up and illegal dumping on that property and how will the city handle that so as to not reflect poorly on surrounding businesses.

Robert Randall commented this business is a good thing; thinks city is heading in a good direction; and feels this dispensary will help those of us in chronic pain.

There being no further comments Mayor Wilson closed the Public Hearing.

#### Jane Day left meeting at an unknown time.

Council adoption of Resolution No. 2022-47: Approving a Commercial Cannabis Business Permit for Element 7, Located at 300 Railroad Avenue.

Motion by Vice Mayor Hernandez to adopt Resolution and seconded by Council Member Williams. Motion passed by the following vote:

AYES: Hernandez, Hudson, Williams, Hudson NOES: None ABSENT: Day

Council Introduce and Waive Reading of Ordinance No. 791: An Ordinance of the City Council of the City of Suisun City, California Amending the Suisun City Zoning Map to Establish a Cannabis Business Zone for Assessor's Parcel Number: 0037-160-100.

Motion by Council Member Williams to introduce Ordinance No. 791 and seconded by Vice Mayor Hernandez. Motion passed by the following vote:

AYES: Hernandez, Hudson, Williams, Wilson NOES: None ABSENT: Day

Council Introduce and Waive Reading of Ordinance No. 792: An Ordinance of the City Council of the City of Suisun City, California Approving a Development Agreement with Element 7, Located at 300 Railroad Avenue with the addition of "keep clear" to the entrance.

Motion by Vice Mayor Hernandez to introduce Ordinance No. 792 and seconded by Council Member Williams. Motion passed by the following vote:

AYES: Hernandez, Hudson, Williams, Wilson NOES: None ABSENT: Day

### **GENERAL BUSINESS**

City Council

11. Council Adoption of Resolution No. 2022-48: Accept the Community Based Transportation Plan survey findings, choose a microtransit option, and notify Rio Vista if City decides to partner on microtransit and participate in their RFP – (Folsom: <u>gfolsom@suisun.com</u>).

Staff report and presentation was given by the following principals:

Richard Weiner, Principal- Nelson Nygaard Debbie McQuilkin, Transit Mobility Coordinator Jewel DeGuzman, Nelson Nygaard Ian Barnes, Fehr & Peers Ron Grassi, Director of Programs-STA Brandon Thomson, Transit Mobility Coordinator, STA Daryl Halls, STA

### **Public Comments**

Donna LeBlanc asked how will the passengers pay; cash or pre-paid cards?

Katrina Garcia asked for clarification on the cell phone data; does Uber have age restrictions.

### Motion by Vice Mayor Hernandez to adopt Resolution and seconded by Council Member Hudson. Motion passed by the following vote:

AYES: Hernandez, Hudson, Williams, Wilson NOES: None ABSENT: Day

### Mayor Wilson stated that being after hours no further business could be heard.

### **REPORTS: (Informational items only)**

- 12. Council Updates
  - a. Council/Boardmembers
  - b. Mayor
- 13. Non-Discussion Items

### **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:35pm.

Anita Skinner, City Clerk

### AGENDA TRANSMITTAL

### **MEETING DATE:** May 3, 2022

### CITY AGENDA ITEM: Council Discussion and Direction: MCE

### FISCAL IMPACT: None at this time

### STRATEGIC PLAN IMPACT: Provide Good Governance

**BACKGROUND:** Community Choice Aggregation (CCA) is an alternative to the Investor Owned Utility (IOU) energy supply system (e.g. PG&E) in which local entities in the United States aggregate the buying power of individual customers within a defined jurisdiction in order to secure alternative energy supply contracts. CCAs are local, not-for-profit, public agencies that take on the decision-making role about sources of energy for electricity generation. The CCA chooses the power generation source on behalf of the consumers. By aggregating purchasing power, they are able to create large contracts with generators, something individual buyers may be unable to do. The main goals of CCAs have been to either lower costs for consumers or to allow consumers greater control of their energy mix, mainly by offering "greener" generation portfolios than local utilities.

**STAFF REPORT:** MCE, formerly Marin Clean Energy, is a public, not-for-profit, alternative energy provider under the CCA program that provides the choice of having 60% or 100% of their electricity supplied from clean, renewable sources at stable and competitive rates. MCE provides electricity service and innovative programs to more than 540,000 customer accounts and more than one million residents and businesses in 37 member communities across four Bay Area counties: Contra Costa, Marin, Napa, and Solano. MCE is governed by a local board of elected officials that represent the member communities they serve. Solano County, Vallejo, Benicia, and Fairfield have already joined MCE and are represented on the board. Fairfield residents are expected to save 5% on their total electricity bill with MCE compared to PG&E. A joint rate comparison by PG&E is attached (Attachment 1).

With the CCA program, MCE would be the default provider of energy and the power would still be transmitted by PG&E and the bill would come from PG&E. The customer would have to "opt out" of using MCE if they preferred to have power sourced from PG&E. Using MCE would have no impact on either rolling black outs, which are controlled by the California Independent System Operators (ISO), or Public Safety Power Shutoffs (PSPS) events, which are controlled by PG&E. Representatives from MCE will be providing the presentation (Attachment 2) and will be available to answer questions.

**STAFF RECOMMENDATION:** It is recommended Council provide direction on whether to come back for a decision on joining a CCA program with MCE.

### **ATTACHMENTS:**

- 1. Joint Rate Comparison by PG&E
- 2. Power Point Presentation

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### PG&E – MCE Joint Rate Comparisons

As a part of our mutual commitment to support your energy choice, Marin Clean Energy (MCE) and PG&E have partnered to create a comparison of our typical electric rates, average monthly charges and generation portfolio contents. Below you will find a representative comparison of our rates, average monthly bills and power generation portfolio content based on customer class. To find your specific electric rate, please scroll down to your rate plan to view the rate and bill comparisons.

Residential	<ul> <li>Tiered Rate Plan E-1</li> <li>Tiered Rate Plan E-1L (CARE)</li> <li>E-6</li> <li>E-6L</li> <li>Time-of-Use (Peak Pricing 4-9 p.m. Weekdays) <ul> <li>E-TOUB</li> <li>E-TOUBL</li> </ul> </li> <li>Time-of-Use (Peak Pricing 4-9 p.m. Everyday) <ul> <li>E-TOUC</li> <li>E-TOUCL</li> </ul> </li> <li>Time-of-Use (Peak Pricing 4-9 p.m. Everyday) <ul> <li>E-TOUCL</li> <li>Time-of-Use (Peak Pricing 4-9 p.m. Everyday)</li> <li>E-TOUCL</li> </ul> </li> <li>EIectric Vehicle Rate Plan EV2-A</li> <li>Electric Vehicle Rate Plan EV2-AL</li> </ul>
Small and Medium Business	<ul> <li>A-1</li> <li>A-10S</li> <li>A-1X</li> <li>B-1</li> <li>B-6</li> <li>B-10S</li> </ul>
Large Commercial and Industrial	• B-19SV

	ltem 10
Agriculture	<ul> <li>AG-1A Attachment 1</li> <li>AG-1B</li> <li>AG-4A</li> <li>AG-4B</li> <li>AG-5A</li> <li>AG-5B</li> <li>AG-A1</li> <li>AG-A2</li> <li>AG-B</li> <li>AG-C</li> </ul>
Streetlight and Outdoor Lighting	<ul><li>LS-3</li><li>TC-1</li></ul>

### **Definitions**

**Generation Rate** is the cost of creating electricity to power your home or business. The generation rate varies based on your energy provider and the resources included in your energy provider's generation supply.

**PG&E Delivery Rate** is a charge assessed by PG&E to deliver electricity to your home or business. The PG&E delivery rate depends on your electricity usage, but is charged equally to both PCE and PG&E customers.

**PG&E PCIA/FF** represents the Power Charge Indifference Adjustment (PCIA) and the Franchise Fee surcharge (FF). The PCIA is a charge to ensure that both PG&E's customers and those who have left PG&E service to purchase electricity from other providers pay the above market costs for generation resources that were procured by PG&E on their behalf. "Above market" refers to expenditures for electric generation resources that cannot be fully recovered through sales of these resources at the current market price. PG&E acts as a collection agent for the FF surcharged, which is levied by the California Public Utilities Commission on behalf of cities and counties in PG&E's service territory for all customers. The costs for resources included in the PCIA and FF surcharges are included in the generation rate for PG&E bundled service customers.

### Where Do I Find My Electric Rate Schedule?

comparison below.

Need some help finding your electric rate? Go to the "Electric Delivery Charges" section of your energy statement - you'll find your electric rate in the upper left.

Details of PG&E EI 04/24/2014 - 05/22/2 Service For 123 Main St						Service Information Meter # Current Meter Reading Prior Meter Reading	1234567
Rate Schedule E1 X Residenti	Well-Aug					Total Usage Baseline Territory	303.000000
Rate acheutile ET A Residenti	ai service					Heat Source Serial	Not E
04/24/2014 - 04/30/2014	Your Tier Usage	1	2	3	4	Rotating Outage Block	
Tier 1 Usage Generation Credit Power Charge Indifference Adju Franchise Fee Surcharge		@ 50	,13627		\$9,97 -0.33 0,63 0.04		
05/01/2014 - 05/22/2014	Your Tier Usage	1	2	3	4		
Tier 1 Allowance Tier 1 Usage Generation Credit Power Charge Indifférence Adju Franchise Fee Surcharge	242.00 kWh 229.862070 kWh istment		days x 1 13627	1 0 kVVn/	day) \$31.32 -21.15 2.60 0.14		
Total PG&E Electric 2012 Vintaged Power Charge In	Contraction of the strength of						

### E-1\*

Residential: E 1	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12433	\$0.10700	\$0.11700
PG&E Delivery Rate (\$/kWh)	\$0.19990	\$0.19990	\$0.19990
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.35076	\$0.32754	\$0.33754
Average Monthly Bill (\$)	\$171.59	\$160.24	\$165.13

### Monthly usage: 489 kWh

Rates are current as of March 1, 2022

### E-1 CARE\*

Residential: E 1L	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12433	\$0.10700	\$0.11700
PG&E Delivery Rate (\$/kWh)	\$0.07140	\$0.07140	\$0.07140
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.22226	\$0.19904	\$0.20904
Average Monthly Bill (\$)	\$96.75	\$86.64	\$91.00

### Monthly usage: 435 kWh

Rates are current as of March 1, 2022

### **E-6**\*

Residential: E 6	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12018	\$0.10070	\$0.11070
PG&E Delivery Rate (\$/kWh)	\$0.19572	\$0.19572	\$0.19572
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.34243	\$0.31706	\$0.32706
Average Monthly Bill (\$)	\$195.56	\$181.07	\$186.78

Monthly usage:571 kWh

Rates are current as of March 1, 2022

### E-6 CARE\*

Residential: E 6L	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11957	\$0.10017	\$0.11017
PG&E Delivery Rate (\$/kWh)	\$0.07056	\$0.07056	\$0.07056
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.21666	\$0.19137	\$0.20137
Average Monthly Bill (\$)	\$115.10	\$101.66	\$106.98

Monthly usage:531 kWh

### E-TOU B\*

Residential: E TOU B	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11840	\$0.10191	\$0.11191
PG&E Delivery Rate (\$/kWh)	\$0.19943	\$0.19943	\$0.19943
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.34436	\$0.32198	\$0.33198
Average Monthly Bill (\$)	\$514.45	\$481.02	\$495.96

Monthly usage: 1,494 kWh

Rates are current as of March 1, 2022

### **E-TOU B CARE\***

Residential: E TOU BL	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11926	\$0.10267	\$0.11267
PG&E Delivery Rate (\$/kWh)	\$0.07877	\$0.07877	\$0.07877
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.22456	\$0.20208	\$0.21208
Average Monthly Bill (\$)	\$172.00	\$154.78	\$162.44

Monthly usage: 766 kWh

Rates are current as of March 1, 2022

### EV-2A\*

Residential: EV 2A	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11788	\$0.10089	\$0.11089
PG&E Delivery Rate (\$/kWh)	\$0.17917	\$0.17917	\$0.17917
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.32358	\$0.30070	\$0.31070
Average Monthly Bill (\$)	\$285.98	\$265.76	\$274.60

Monthly usage: 884 kWh

Rates are current as of March 1, 2022

### **EV-2A CARE\***

Residential: EV 2AL	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11790	\$0.10092	\$0.11092
PG&E Delivery Rate (\$/kWh)	\$0.06729	\$0.06729	\$0.06729
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.21172	\$0.18885	\$0.19885
Average Monthly Bill (\$)	\$141.37	\$126.10	\$132.77

Monthly usage: 668 kWh

### E-TOU C\*

Residential: E TOU C	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12154	\$0.10378	\$0.11378
PG&E Delivery Rate (\$/kWh)	\$0.20089	\$0.20089	\$0.20089
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.34896	\$0.32531	\$0.33531
Average Monthly Bill (\$)	\$167.79	\$156.42	\$161.23

Monthly usage: 481 kWh

Rates are current as of March 1, 2022

### **E-TOU C CARE\***

Residential: E TOU CL	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12150	\$0.10374	\$0.11374
PG&E Delivery Rate (\$/kWh)	\$0.07223	\$0.07223	\$0.07223
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.22026	\$0.19661	\$0.20661
Average Monthly Bill (\$)	\$91.40	\$81.59	\$85.74

Monthly usage: 415 kWh

Rates are current as of March 1, 2022

### E-TOU D\*

Residential: E TOU D	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12281	\$0.10552	\$0.11552
PG&E Delivery Rate (\$/kWh)	\$0.19923	\$0.19923	\$0.19923
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.34857	\$0.32539	\$0.33539
Average Monthly Bill (\$)	\$415.52	\$387.89	\$399.81

Monthly usage: 1,192 kWh

Rates are current as of March 1, 2022

### **E-TOU D CARE\***

Residential: E TOU DL	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12332	\$0.10597	\$0.11597
PG&E Delivery Rate (\$/kWh)	\$0.07753	\$0.07753	\$0.07753
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02064	\$0.02064
Total Electricity Cost (\$/kWh)	\$0.22738	\$0.20414	\$0.21414
Average Monthly Bill (\$)	\$181.87	\$163.28	\$171.28

Monthly usage: 800 kWh

Rates are current as of March 1, 2022

\* Please note this rate comparison excludes the California Climate Credit from the State of California which is issued twice a year to residential customers. For more information visit <u>www.energyupgradeCA.org/credit</u>.

### A-1\*\*

Commercial/Industrial: A 1	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11866	\$0.10358	\$0.11358
PG&E Delivery Rate (\$/kWh)	\$0.19110	\$0.19110	\$0.19110
PG&E PCIA/FF (\$/kWh)	\$0.02554	\$0.01987	\$0.01987
Total Electricity Cost (\$/kWh)	\$0.33530	\$0.31455	\$0.32455
Average Monthly Bill (\$)	\$134.27	\$125.96	\$129.97

Monthly usage: 400 kWh

Rates are current as of March 1, 2022

### A-10S Non Time-of-Use\*\*

Commercial/Industrial: A 10S	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12888	\$0.11007	\$0.12007
PG&E Delivery Rate (\$/kWh)	\$0.15559	\$0.15559	\$0.15559
PG&E PCIA/FF (\$/kWh)	\$0.02746	\$0.02137	\$0.02137
Total Electricity Cost (\$/kWh)	\$0.31193	\$0.28703	\$0.29703
Average Monthly Bill (\$)	\$2,212.22	\$2,035.63	\$2,106.55

Monthly usage: 7,092 kWh, monthly demand 27 kW

Rates are current as of March 1, 2022

### A-1X TOU\*\*

Commercial/Industrial: A 1 TOU (A 1X)	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11972	\$0.10456	\$0.11456
PG&E Delivery Rate (\$/kWh)	\$0.17268	\$0.17268	\$0.17268
PG&E PCIA/FF (\$/kWh)	\$0.02554	\$0.01987	\$0.01987
Total Electricity Cost (\$/kWh)	\$0.31794	\$0.29711	\$0.30711
Average Monthly Bill (\$)	\$582.58	\$544.42	\$562.74

Monthly usage: 1,832 kWh

Rates are current as of March 1, 2022

### B-1 Time of Use\*\*

Commercial/Industrial: B 1	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12077	\$0.10488	\$0.11488
PG&E Delivery Rate (\$/kWh)	\$0.17954	\$0.17954	\$0.17954
PG&E PCIA/FF (\$/kWh)	\$0.02554	\$0.01987	\$0.01987
Total Electricity Cost (\$/kWh)	\$0.32585	\$0.30429	\$0.31429
Average Monthly Bill (\$)	\$399.54	\$373.10	\$385.36

Monthly usage: 1,226 kWh

### Item 10 Attachment 1

### B-6 Time of Use\*\*

Commercial/Industrial: B 6	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11415	\$0.10161	\$0.11161
PG&E Delivery Rate (\$/kWh)	\$0.17322	\$0.17322	\$0.17322
PG&E PCIA/FF (\$/kWh)	\$0.02554	\$0.01987	\$0.01987
Total Electricity Cost (\$/kWh)	\$0.31291	\$0.29470	\$0.30470
Average Monthly Bill (\$)	\$417.18	\$392.90	\$406.23
Monthly usage: 1,333 kWh	•		

Rates are current as of March 1, 2022

### B-10S Time of Use\*\*

Commercial/Industrial: B 10S	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12723	\$0.10724	\$0.11724
PG&E Delivery Rate (\$/kWh)	\$0.14170	\$0.14170	\$0.14170
PG&E PCIA/FF (\$/kWh)	\$0.02746	\$0.02137	\$0.02137
Total Electricity Cost (\$/kWh)	\$0.29639	\$0.27031	\$0.28031
Average Monthly Bill (\$)	\$5,768.62	\$5,261.03	\$5,455.66

Monthly usage: 19,463 kWh, monthly demand: 77 kW Rates are current as of March 1, 2022

\*\* Please note this rate comparison excludes volumetric California Climate Credits issued to eligible business customers that impact PG&E Delivery Rates only. For more information visit <u>www.energyupgradeCA.org/credit</u>.

### **B-19 SV**

Commercial/Industrial: B 19 SV	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11484	\$0.10164	\$0.11164
PG&E Delivery Rate (\$/kWh)	\$0.10358	\$0.10358	\$0.10358
PG&E PCIA/FF (\$/kWh)	\$0.02567	\$0.01998	\$0.01998
Total Electricity Cost (\$/kWh)	\$0.24409	\$0.22520	\$0.23520
Average Monthly Bill (\$)	\$5,457.56	\$5,035.20	\$5,258.79

Monthly usage: 22,359 kWh, monthly demand: 53 kW

### AG-1A

Agricultural: AG 1A	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10558	\$0.09648	\$0.10648
PG&E Delivery Rate (\$/kWh)	\$0.26344	\$0.26344	\$0.26344
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.39273	\$0.37837	\$0.38837
Average Monthly Bill (\$)	\$293.10	\$282.38	\$289.85

Monthly usage: 746 kWh, monthly demand: 9 kW

Rates are current as of March 1, 2022

### AG-1B

Agricultural: AG 1B	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10385	\$0.09450	\$0.10450
PG&E Delivery Rate (\$/kWh)	\$0.19678	\$0.19678	\$0.19678
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.32434	\$0.30973	\$0.31973
Average Monthly Bill (\$)	\$368.21	\$351.62	\$362.98

Monthly usage: 1,135 kWh, monthly demand: 11 kW

Rates are current as of March 1, 2022

### AG-4A

Agricultural: AG 4A	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10519	\$0.09876	\$0.10876
PG&E Delivery Rate (\$/kWh)	\$0.29749	\$0.29749	\$0.29749
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.42639	\$0.41470	\$0.42470
Average Monthly Bill (\$)	\$268.98	\$261.61	\$267.92

Monthly usage: 631 kWh, monthly demand: 8 kW

Rates are current as of March 1, 2022

### AG-4B

Agricultural: AG 4B	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.11122	\$0.10061	\$0.11061
PG&E Delivery Rate (\$/kWh)	\$0.17975	\$0.17975	\$0.17975
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.31468	\$0.29881	\$0.30881
Average Monthly Bill (\$)	\$1,298.87	\$1,233.37	\$1,274.64

Monthly usage: 4,128 kWh, monthly demand: 23 kW Rates are current as of March 1, 2022

### AG-5A

Agricultural: AG 5A	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10316	\$0.09499	\$0.10499
PG&E Delivery Rate (\$/kWh)	\$0.14552	\$0.14552	\$0.14552
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.27239	\$0.25896	\$0.26896
Average Monthly Bill (\$)	\$1,057.35	\$1,005.22	\$1,044.03

Monthly usage: 3,882 kWh, monthly demand: 12 kW

Rates are current as of March 1, 2022

### AG-5B

Agricultural: AG 5B	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10420	\$0.08468	\$0.09468
PG&E Delivery Rate (\$/kWh)	\$0.12440	\$0.12440	\$0.12440
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.25231	\$0.22753	\$0.23753
Average Monthly Bill (\$)	\$2,461.57	\$2,219.82	\$2,317.38

Monthly usage: 9,756 kWh, monthly demand: 34 kW Rates are current as of March 1, 2022

### AG-A1

Agricultural: AG A1	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10719	\$0.09893	\$0.10893
PG&E Delivery Rate (\$/kWh)	\$0.24117	\$0.24117	\$0.24117
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.37207	\$0.35855	\$0.36855
Average Monthly Bill (\$)	\$274.11	\$264.15	\$271.52

Monthly usage: 737 kWh, monthly demand: 6 kW

Rates are current as of March 1, 2022

### AG-A2

Agricultural: AG A2	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10720	\$0.09897	\$0.10897
PG&E Delivery Rate (\$/kWh)	\$0.18648	\$0.18648	\$0.18648
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.31739	\$0.30390	\$0.31390
Average Monthly Bill (\$)	\$321.53	\$307.86	\$317.99

Monthly usage:1,013 kWh, monthly demand: 6 kW

### AG-B

Agricultural: AG B	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.12226	\$0.11991	\$0.12991
PG&E Delivery Rate (\$/kWh)	\$0.19144	\$0.19144	\$0.19144
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.33741	\$0.32980	\$0.33980
Average Monthly Bill (\$)	\$1,288.31	\$1,259.26	\$1,297.44

Monthly usage: 3,818 kWh, monthly demand: 32 kW

Rates are current as of March 1, 2022

### AG-C

Agricultural: AG C	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10153	\$0.10124	\$0.11124
PG&E Delivery Rate (\$/kWh)	\$0.11932	\$0.11932	\$0.11932
PG&E PCIA/FF (\$/kWh)	\$0.02371	\$0.01845	\$0.01845
Total Electricity Cost (\$/kWh)	\$0.24456	\$0.23901	\$0.24901
Average Monthly Bill (\$)	\$2,862.90	\$2,797.93	\$2,914.99

Monthly usage: 11,706 kWh, monthly demand:44kW

### LS-3

Streetlights: LS3	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.09893	\$0.08900	\$0.09900
PG&E Delivery Rate (\$/kWh)	\$0.14582	\$0.14582	\$0.14582
PG&E PCIA/FF (\$/kWh)	\$0.02112	\$0.01644	\$0.01644
Total Electricity Cost (\$/kWh)	\$0.26587	\$0.25126	\$0.26126
Average Monthly Bill (\$)	\$49.23	\$46.53	\$48.38

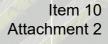
Monthly usage: 185 kWh Rates are current as of March 1, 2022

### **TC-1**

Streetlights: TC1	PG&E	MCE Light Green (61% Renewable)	MCE Deep Green (100% Renewable)
Generation Rate (\$/kWh)	\$0.10847	\$0.09400	\$0.10400
PG&E Delivery Rate (\$/kWh)	\$0.17209	\$0.17209	\$0.17209
PG&E PCIA/FF (\$/kWh)	\$0.02554	\$0.01987	\$0.01987
Total Electricity Cost (\$/kWh)	\$0.30610	\$0.28596	\$0.29596
Average Monthly Bill (\$)	\$85.87	\$80.22	\$83.03

Monthly usage: 281 kWh

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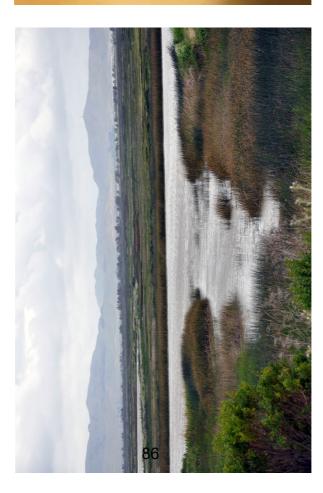


## MCE & Suisun City May 3, 2022

85



## Local Climate Impacts





Suisun Marsh source: USFWS photo/Steve Martarano

I-80 Vacaville – LNU fire complex

source: SF Chronicle

# Climate Action - Suisun City

already been identified in Suisun City General Multiple policies and recommendations have Plan to reduce Greenhouse Gas Emissions

- Improve energy efficiency outcomes
  - Adoption of electric vehicle charging infrastructure
- Public outreach on available incentives
  - Installation of solar



OUR MISSION

Confront the climate crisis by eliminating creating equitable community benefits. fossil fuel greenhouse gas emissions, producing renewable energy, and

88

## 37 Member Communities

### **4 Bay Area** Counties

**~580,000** Accounts **million +** Customers



S

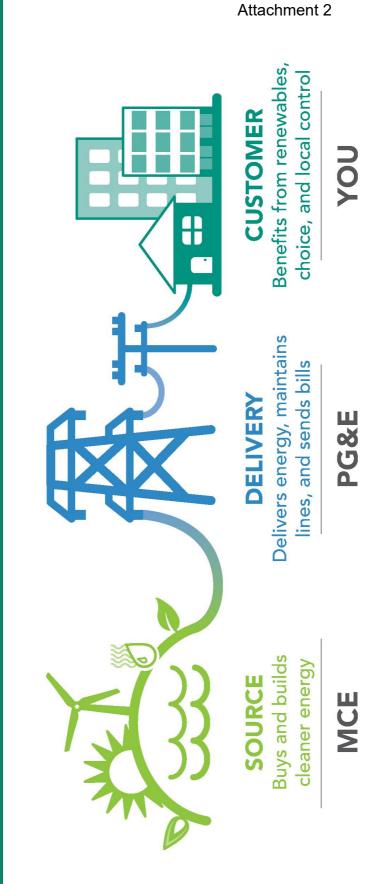
# Community Choice Aggregation



Enabling Legislation AB 117, 2002

- Local not-for-profit government agency
- Default service provider in opt out model
- CCA takes over generation services, offering customer choice

MCE



MCE

Item 10

Top MCE	<b>\CE</b> Customer Questions
Automatic Enrollment	
<ul> <li>Historically, investor-owned utilities ( 2002, when state legislators passed owned utility to the local communit</li> </ul>	<ul> <li>Historically, investor-owned utilities (IOUs) have been the default service provider to customers. In 2002, when state legislators passed AB 117, this default status was transferred from the investor-owned utility to the local community choice aggregator (CCA) when available.</li> </ul>
<b>Cost</b>	
<ul> <li>MCE's electricity service is cost co customers. Typical Fairfield resi bill with MCE compared to PG&amp;E.</li> </ul>	<b>mpetitive</b> with, and often lower than, PG&E's service for typica <b>dents and businesses will save 5%</b> on their total electricity
Solar Impacts	Item 1 chment
<ul> <li>If you are already enrolle NEM program – no actior on your next true-up date</li> </ul>	
	MCE

Top MCE Customer Questions
<b>What changes</b> • Electricity procured for Fairfield will come from over 60% to 100% renewable sources.
What stays the same
<ul> <li>Your monthly billing will continue to come from PG&amp;E. Residents enrolled in bill savings programs (CARE/FERA/Medical Baseline) will remain on these programs. Customers will remain eligible for PG&amp;E employee discounts.</li> </ul>
Item 1 chment
$ullet$ MCE is governed by a board of local elected officials that represent the member communities $ve^{\mathbf{O}}$ serve. Our structure as a local government agency ensures transparency in decision making.

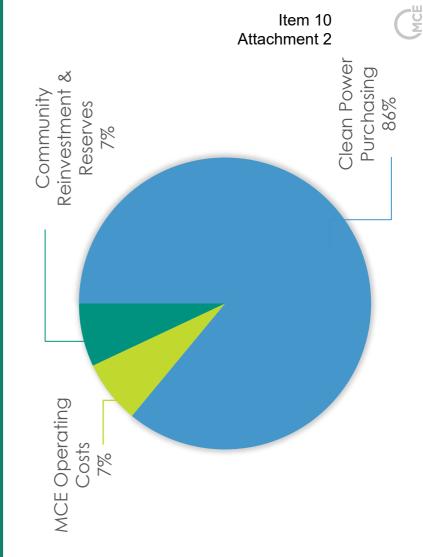
## Long-term Finical Strength

### **Belp MCE secure power** Investment-grade credit ratings

at better rates

**"A**" S&P

### "BBB+" Fitch



Bill
$\overline{\mathbf{O}}$
Ξ
Ő

ENERGY www.pge.co	ENERGY STATEMENT www.pge.com/MyEnergy	Account No:       0123456789-0         Statement Date:       01/22/2021         Due Date:       02/12/2021	
Service For: DEEd. GREENE 123 WAIN ST. SAN PABLO, CA 94806	ENERGY STATEMENT www.pge.com/MyEnergy	Stat	Account No: 0123456789-0 ement Date: 01/22/2021 <b>Due Date: 02/12/2021</b>
	Service For:	Your Account Summary	А
		Amount Due on Previous Statement Payment(s) Received Since Last Statement	\$118 -11982 11982
		Previous Unpaid Balance	
	Service	MCE Electric Generation Charges	42.78
	Saturday 8 a.m6 p.m. Phone: 1-800-743-5000 www.pge.com/MyEnergy	Current Gas Charges Total Amount Due by 02/12/2021	\$161.70

			Item 10	
PG&E	\$80.71 PG&E Electric Generation	\$105.61 PG&E Electric Delivery	- Additional PG&E Fees***	\$186.32 Average Total Cost
MCE Local Sol <b>700%</b> <b>RENEWABLE**</b> Local Solar	\$75.97 MCE Electric Generation	\$105.61 PG&E Electric Delivery	\$10.79 Additional PG&E Fees***	\$192.37 Average Total Cost
MCE Deep Green 7000% RENEWABLE** California Solar and Wind	\$62.60 MCE Electric Generation	\$105.61 PG&E Electric Delivery	\$10.79 Additional PG&E Fees***	\$179.00 Average Total Cost
MCE Light Green	6 \$57.25 MCE Electric Generation	\$105.61 PG&E Electric Delivery	\$10.79 Additional PG&E Fees***	\$173.65 Average Total Cost

**Residential Rates** 

## Bill Relief Resources for the Community

customers: support to Additonal

- PHERA 97 CARE
- LIHEAP
- Medical Baseline
- AMP
- MCE Cares Credit

## ares

### NOW IS THE TIME FOR BILL RELIEF!

non-payment has ended, utility disconnections for but you have options if The moratorium on you act now

### INCOME-QUALIFIED RESIDENTS LATE PAYMENT ASSISTANCE & ENERGY BILL DISCOUNTS

Income-qualifying homeowners and renters can lower their energy bill by enrolling in the programs below. See if you qualify and enroll today! Learn about additional programs at mceCleanEnergy.org/lowerbill

### LOWER YOUR ENERGY **BILL BY 18% OR MORE**

an 18% discount on your monthly electric bill. If you have (CARE) or Family Electric Rate Assistance (FERA) discount of 20% or more on your gas and electric bill. FERA offers program is quick and easy. CARE is a monthly discount Applying for the California Alternate Rates for Energy

### CARE & FERA INCOME ELIGIBILITY\*

1				
FERA	not eligible	\$43,921-\$54,900	\$53,001-\$66,250	\$62,081-\$77,600
CARE**	≤\$34,840	≤\$43,920	≤\$53,000	≤\$62,080
Household Size	1–2 people	3 people	4 people	5 people

### Item 10 Attachment 2

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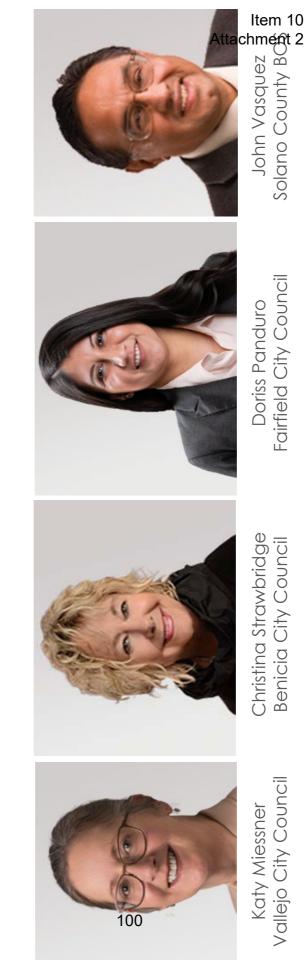
MCE customers are greening our electricity supply while benefitting from investments in local energy programs.

<sup>66</sup> Renewable, locally-controlled, cost-competitive electricity options

90% greenhouse gas-free

Almost twice the amount of renewable energy than traditional service MCE

### **MCE Board of Directors** Local Control



# 31 Board Members. Elected officials. No tax dollars.

-MCE-

Choice Is Power

Opt Up Choice

**100%** Renewable MCE Deep Green

> MCE Default Service

**60%** Renewable MCE Light Green

> **31%** Renewable PG&E

> > 7

Old Default Service

Item 10 Attachment 2 MCE



## Your Dollars at Work

Item 10 Attachment 2

# Transportation Electrification

Multi-Family and Workplace Charging Stations Incentives (up to \$3,500/port)



Income Qualified Electric Vehicle Incentives (\$3,500)



Steps to Join MCE	1. City Council passes resolution, ordinance, and memorandum of understanding to join MCE;	<ol><li>Mayor signs signature page of MCE's joint powers authority (JPA) agreement;</li></ol>	3. City staff completes two required PG&E forms (forms 79–1030 and 79–1031);	4. MCE conducts technical analysis;	5. MCE board of directors holds vote to include prospective new communities by end of 2022;	6. Enrollment of new communities begins in 2024, pending certification by the California Public Utilities Commission (CPUC).	
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### Thank You!

Sebastian Conn Community Development Manager sconn@mcecleanenergy.org



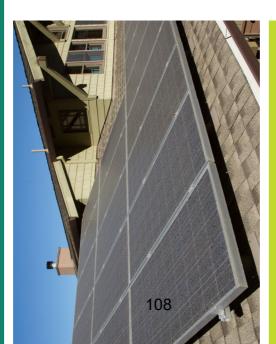
## Addendum

2020 Electricity Content

		PG&E	MCE Light Green	MCE Deep Green	
	Renewable (%)	31%	61%	100%	
10	Bioenergy	က	2	0	
)7	Geothermal	က	9	0	
	Small Hydro	_	က	0	
	Solar	15	23	50	Att
	Wind	ω	27	50	lte achn
. 1	Large Hydro	10	36	0	em 1 nent
-	Natural Gas	16	0	0	
-	Nuclear	43		0	1
-	Unspecified/Other	0	_	0	MCE

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### Net Energy Metering (NEM)

MCE	PG&E
Monthly surplus generation	Monthly surplus generation
credited at retail rate	credited at retail rate
Surplus annual generation	Surplus annual generation
is credited at <b>twice the</b>	is credited at <b>the</b>
<b>wholesale rate</b>	<b>wholesale rate</b>
Billing: Monthly charges and credits for generation	Billing: Annual true-up
<b>60% or 100% renewable</b>	<b>31% renewable energy</b>
<b>energy service</b> when you	<b>service</b> when you use
use energy from the grid	energy from the grid

Item 10 Attachment 2 MCE

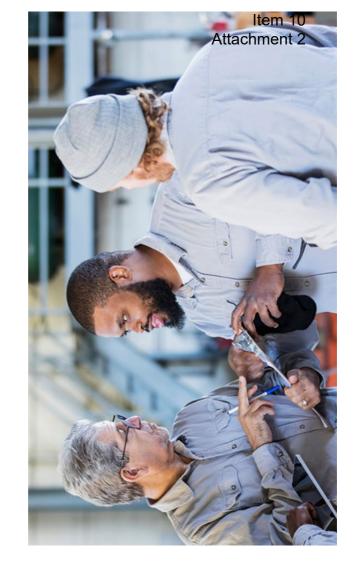
Citv ot	<ul> <li>\$15,000 in rebates</li> </ul>
	<ul> <li>MCEv charging rebates covered 89% of cost</li> </ul>
RICHINONG	Benefits
	<ul> <li>Upgraded discontinued chargers with</li> </ul>
	networked stations
	<ul> <li>Doubled charging capacity from single-port</li> </ul>
	to dual-port stations
	<ul> <li>City offers up to 4 hours of free charging to</li> </ul>
	staff as employee benefit
	EV chargers with Deep Green 100%
POWERED BY MCE	renewable electricity
DEEPGREEN	"I have and would encourage others to utilize the set
	MCE programs as they were very instrumental to
	increase our service deliverables to the public."
25 RENEWABLE	Denée Evans, Office of the City Manager, Richmond, CA

**MCEv Case Study** 

Project Scope6 ports installed

## MCE Strategic Energy Management (SEM)

- Reduce annual energy usage by up to 15%
- "SEM provides the tools, coaching, structure, and resources to **achieve energy savings through operations and naintenance changes** and by engaging employees.



# Solar + Battery Storage Solutions

MCE Energy Storage Program

- Maximize the value of your solar system by installing
  - tenergy storage.
- Keep the electricity on during grid outages.
- By using your facility's solar to ensure clean electricity is charge your battery, you





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### AGENDA TRANSMITTAL

### **MEETING DATE:** May 03, 2022

**CITY AGENDA ITEM:** Fiscal Year 2022-23 Annual Presentation of Conceptual Budget Strategy.

FISCAL IMPACT: There would be no fiscal impact at this time.

**STRATEGIC PLAN IMPACT:** Provide Good Governance, Section 4.1 – Review and update required planning and financial documents as needed. Ensure Fiscal Solvency, Section 5.9 – Commit to a balanced budget and prepare for recession.

**BACKGROUND:** The FY 2022-23 Annual Budget will be presented to the City Council at the Budget Hearing on June 21, 2022. As a prelude to finalizing the full budget document, this item provides a summary and overview of the Recommended FY 2022-23 Annual Budget with an emphasis on the General Fund and Measure S. Other funds are not reviewed in depth as most of the other funds have little discretion to the use of the money except for within the allowed uses of the funding source. This agenda item provides the Council with an opportunity to provide feedback about the proposed budget prior to preparing the document itself in advance of the public hearing.

**STAFF REPORT:** Staff presented the FY 2022-23 Proposed Budget to Council at the April 19, 2022 Budget Workshop. Council discussed the proposed budget and directed staff to bring back cost reduction options to discuss if the City can allocate up to \$2 million to additional street improvements.

### General Fund and Measure S Fund Fiscal Analysis

The General Fund is the primary fund that is used by the City. Main sources of revenues in the General Fund are property taxes, sales taxes, transient occupancy taxes, cannabis taxes, and charges for services. The Proposed Budget has \$23,618,273 in total resources (including transfer ins and beginning balance) and \$21,930,672 in total expenditures (including transfer outs) resulting in a General Fund surplus or ending balance of \$1,687,600. To comply with the Council adopted policy of having a 20% operating budget emergency reserve, \$1,239,434 of the ending balance will be transferred to the Reserve Fund (Fund 015) leaving the General Fund with an ending balance of \$448,166.

Measure S is a 1% general transactions and use tax levied on gross receipts within the city of Suisun City, online, and on vehicles purchased anywhere in the state. Measure S was approved by the voters of Suisun City in 2016 and has a 10-year term. The Measure S Oversight Committee has the responsibility to review financial reports to ensure compliance with the legal use of the revenues, which as a general transactions tax, can be any lawful public purpose.

### FUNDING ADDITIONAL STREET IMPROVEMENTS

The original proposed budget included \$340,000 in street improvement funding from Measure S, in addition to anticipated funding from SB 1 of approximately \$500,000, and any subsequent road improvement grant funding that staff is able to get. Grant funding for roads is usually only available for arterials or major collector streets, safe routes to school improvements, or for streets supporting affordable housing developments.

On April 19, 2022, the Council directed staff to bring back some cost reduction options for Council to consider allocating additional funding for street improvements. The following chart from 16 vacant personnel positions (new existing) provides options and and reallocation/elimination of American Rescue Plan Act (ARPA) potential projects to free up additional funding for street improvements. Measure S is funding 10 vacant positions and ARPA is funding 6 vacant positions. Council can mix and match line-item reductions from this chart to get to whatever level of additional funding beyond SB 1 (approximately \$500,000) is desired for road improvements. Note that it costs approximately \$600,000 to do an Asphalt Concrete overlay for one lane mile of roadway or approximately \$300,000 to do an Asphalt Rubber Cape Seal and that the city has 153.6 lane miles of roadway within the city limits.

However, if the Fire Department cannot staff two engines, then the response requirements to access Public Private Partnership (PPP) funding from the Medic Ambulance contract for providing Advanced Life Support services will not be achievable and the previously budgeted revenues must be removed.

<b>Position</b>	<u>Amount</u>	<u>Source</u>
Captain positions (3) - new	\$ 495,480	Measure S
Public Safety Dispatcher (2) - new	\$ 194,638	Measure S
Computer Technician - new	\$ 125,573	Measure S
Battalion Chief (3) positions – vacant	\$ 559,131	Measure S
Code Enforcement - vacant	\$ 116,249	Measure S
Community Services Officer – recruiting	\$ 116,249	ARPA
Police Officers - (2) vacant	\$ 279,924	ARPA
Fire Engineers - (3) – in background	\$ 433,400	ARPA
Fire Rescue Vehicle – new	\$ 350,000	ARPA
Homeless Project	\$ 150,000	ARPA
Outdoor dining matching grant program	\$ 50,000	ARPA
Wayfinding/Signage project	\$ 75,000	ARPA
Economic Development Marketing	\$ 45,000	ARPA
Public Space Broadband	\$ 50,000	ARPA

Tablets for Councilmembers	\$ 10,000	ARPA
Total	\$ 3,050,644.00	

While Council can choose to mix and match any of the above line items, staff has prepared two potential scenarios for Council to consider:

### SCENARIO 1 – Up to \$2.3M

Under Scenario 1, Council can consider not funding new Fire Captain (3) positions, Police Officers (2) positions, Fire Engineers (3) positions, and a Community Services Officer position. The Battalion Chief (3) positions must be replaced with one Division Chief position plus rotating Duty Pay for all three Chief Officers (Fire Chief, Deputy Chief, Division Chief) in order to have a Duty Chief overnight and weekends (which would otherwise have been the role of the Battalion Chiefs). Eliminating the Battalion Chiefs and reverting back to our previous "Duty Chief" structure will save about \$259,000 but will be difficult to sustain on an ongoing basis as it makes it difficult for the Chief Officers to take time off and could lead to burn out.

This scenario also includes elimination of potential ARPA projects such as: Fire Rescue Vehicle, Homelessness project, Outdoor dining matching grant program, Wayfinding/Signage project, Economic Development Marketing, Public Space Broadband, and Tablets for Councilmembers projects. These ARPA projects add up to cost savings of \$730,000.

Total savings with this scenario is up to \$2.3 million. This option maintains needed new Public Safety Dispatchers to meet requirements for Emergency Medical Dispatch and also provides a new Computer Technician to assist with implementation of the numerous hardware and software upgrades that are in process (upgraded internet; improved Council Chamber audio; new servers; new phone system; new website; new agenda management software; and new ERP – including software for Finance, HR, permitting, and Public Works maintenance management). Council could add back the two additional Police Officers or the Fire Rescue Vehicle and be close to the \$2M in additional street funding for a total of approximately \$2.5M when including SB 1 funding.

However, the Fire Department will remain at low-level staffing levels that will preclude the ability to staff a second engine or to participate in PPP funding.

Position	Amour	<u>nt</u>	<u>Source</u>
Captain positions (3) - new	\$	0	Measure S
Public Safety Dispatcher (2) - new	\$	194,638	Measure S
Computer Technician - new	\$	125,573	Measure S
Battalion Chief (3) positions – vacant = Div Chief + Duty Pay	\$	300,000	Measure S

Code Enforcement- vacant	\$ 116,249	Measure S
Community Services Officer – recruiting	\$ 0	ARPA
Police Officers - (2) vacant	\$ 0	ARPA
Fire Engineers - (3) in background	\$ 0	ARPA
Fire Rescue Vehicle – new	\$ 0	ARPA
Homeless Project	\$ 0	ARPA
Outdoor dining matching grant program	\$ 0	ARPA
Wayfinding/Signage project	\$ 0	ARPA
Economic Development Marketing	\$ 0	ARPA
Public Space Broadband	\$ 0	ARPA
Tablets for Councilmembers	\$ 0	ARPA
Savings	\$ 2,314,184	

### SCENARIO 2 – Up to \$1.1M

This scenario maintains the ability to staff two engines. Under Scenario 2, the Council can consider not funding the Community Services Officer position and convert Battalion Chief (3) positions to the one Division Chief position plus the Duty Pay. The ARPA potential projects totaling \$730,000 can still be eliminated.

Position	<u>Amour</u>	<u>nt</u>	<u>Source</u>
Captain positions (3) - new	\$	495,480	Measure S
Public Safety Dispatcher (2) - new	\$	194,638	Measure S
Computer Technician - new	\$	125,573	Measure S
Battalion Chief (3) positions – vacant = Div Chief + Duty pay	\$	300,000	Measure S
Code Enforcement- vacant	\$	116,249	Measure S

Community Services Officer – recruiting	\$ 0	ARPA
Police Officers - vacant	\$ 279,924	ARPA
Fire Engineers (3) – in background	\$ 433,400	ARPA
Fire Rescue Vehicle – new	\$ 0	ARPA
Homeless Project	\$ 0	ARPA
Outdoor dining matching grant program	\$ 0	ARPA
Wayfinding/Signage project	\$ 0	ARPA
Economic Development Marketing	\$ 0	ARPA
Public Space Broadband	\$ 0	ARPA
Tablets for Councilmembers	\$ 0	ARPA
Savings	\$ 1,105,380	

The two proposed scenarios will provide additional funding for street improvement projects but eliminating personnel has major impacts on city services. The Public Safety and Information Technology departments will have significant operational issues. Staffing is already very limited in those departments and eliminating any additional positions will create more stressful environment and employee exhaustion.

There is not enough funding to do it all. Council should be clear about what level of street improvement funding is being requested in addition to the funding provided through SB 1 and what line items should be eliminated. The greater the level of additional funding, the bigger impact to other areas of service.

**RECOMMENDATION:** It is recommended that the City Council receive staff's presentation and provide feedback about the proposed FY 2022-23 budget strategy.

### **ATTACHMENTS:**

- 1. General Fund and Measure S Fiscal Analysis
- 2. FY 2022-23 Proposed Budget PowerPoint slides

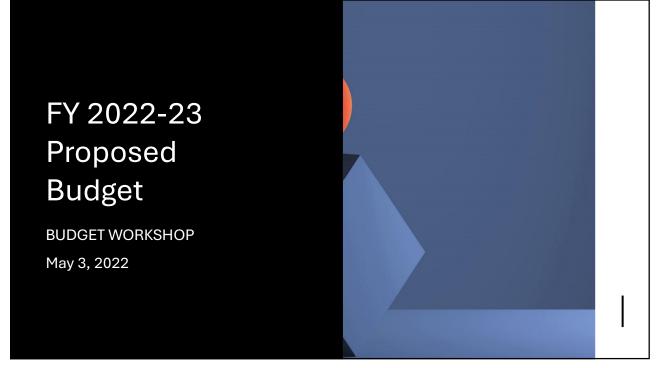
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### City of Suisun City

### GENERAL FUND AND MEASURE S FUNDS FISCAL ANALYSIS FY 2021 Budget Through FY 2023 Proposed Budget

	FY 20/21	FY 21/22	FY 22/23 PROPOSED
BUDGET ACTIVITIES	AMENDED	AMENDED	BUDGET
RESOURCES			
*Beginning Balance	4,029,103	4,074,286	2,546,395
Prior FY Adjustment	(368,241)	-	-
Revised Beginning Balance	3,660,862	4,074,286	2,546,395
Local Taxes/Fees			
Property Taxes	1,796,200	1,757,500	1,819,700
RDA Residual Property Tax	691,319	691,297	691,297
Sales Taxes	1,930,447	2,366,302	2,414,400
Measure S (Revenue)	2,812,000	3,555,648	3,578,350
Other Taxes (TOT & Cannabis, F. Fees)	1,446,967	2,831,539	3,205,316
Subtotal Local Taxes	8,676,933	11,202,286	11,709,063
Licenses & Permits	382,188	748,188	1,199,302
Fines & Forfeitures	393,500	393,500	386,600
Use of Money	20,000	49,500	58,010
Intergovernmental	2,804,692	3,145,900	3,368,400
Charges for Services	2,427,600	3,055,706	3,725,851
Intragovernmental	91,000	91,000	91,000
Misc Revenues	176,465	-	-
Transfers In Subtotal Revenues	1,165,800 7,461,245	2,114,143 9,597,937	533,652 9,362,815
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	5,557,557	5,502,615
Total Revenues	16,138,178	20,800,223	21,071,878
TOTAL RESOURCES	19,799,040	24,874,509	23,618,273
USE OF RESOURCES			
Salaries & Wages	6,195,059	7,671,320	6,723,572
Payroll Benefits & Taxes	3,902,820	5,064,088	5,208,267
Subtotal Personnel Services	10,097,879	12,735,408	11,931,839
Services & Supplies	3,983,910	4,783,111	5,181,316
Interdepartmental Charges	1,772,005	1,786,713	2,025,299
Non-Recurring Charges	578,600	1,033,123	1,025,900
Subtotal Operating	6,334,515	7,602,947	8,232,515
Transfers Out	1,652,600	1,275,558	1,265,978
Major Capital	531,000	544,900	340,000
Debt Service	169,300	169,300	160,340
Contingencies & Reserves	35,200	-	-
Subtotal Non-Operating	2,388,100	1,989,758	1,766,318
TOTAL USE OF RESOURCES	18,820,494	22,328,114	21,930,672
Ending Balance	978,546	2,546,395	1,687,600
Ending Balance AFTER Reserve			448,166
Additional amount to Reserve			1,239,434
Reserve Balance (Fund 015)	3,146,700	3,146,700	3,146,700

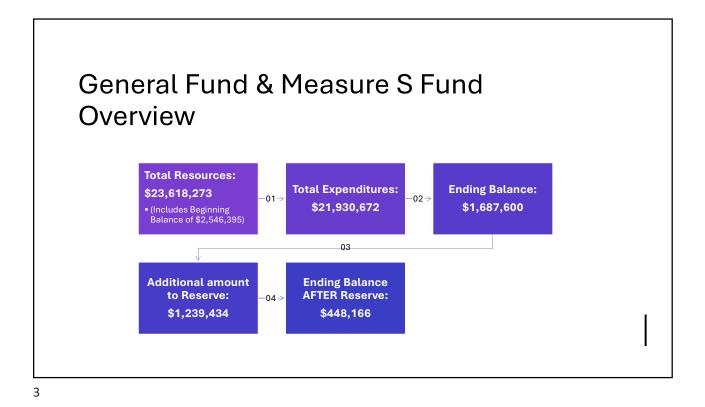
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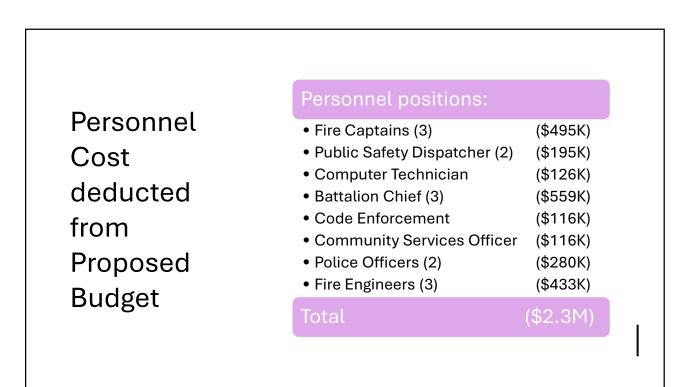


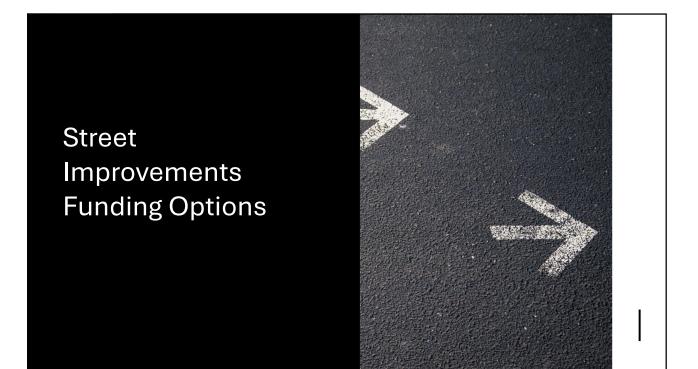


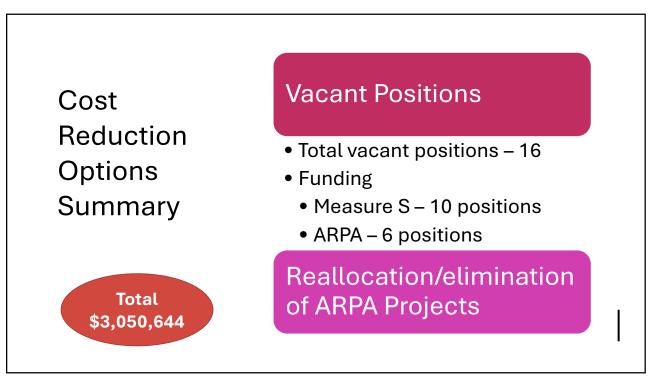


- General Fund & Measure S Proposed
   Budget
- Costs Reduction Options
  - Two Scenarios
- Discussion/Comments





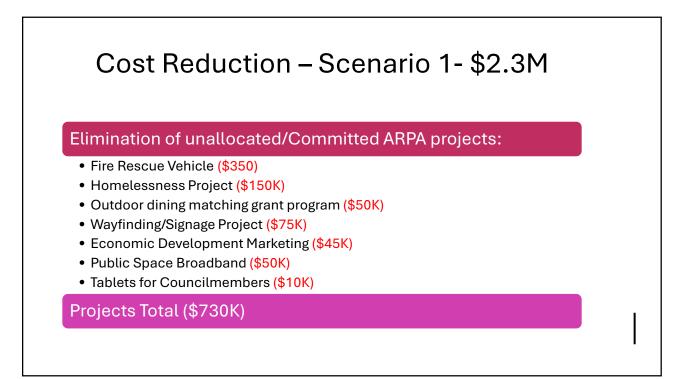




	Position	<u>Amount</u>	Source
	Captain positions (3) - new	\$ 495,480	Measure S
Cost Options	Public Safety Dispatcher (2) - new	\$ 194,638	Measure S
	Computer Technician - new	\$ 125,573	Measure S
—	Battalion Chief (3) positions – vacant	\$ 559,131	Measure S
	Code Enforcement - vacant	\$ 116,249	Measure S
	Community Services Officer – recruiting	\$ 116,249	ARPA
Find Road	Police Officers - (2) vacant	\$ 279,924	ARPA
money from	Fire Engineers - (3) – in background	\$ 433,400	ARPA
•	Fire Rescue Vehicle – new	\$ 350,000	ARPA
vacant	Homeless Project	\$ 150,000	ARPA
positions or	Outdoor dining matching grant program	\$ 50,000	ARPA
positions or	Wayfinding/Signage project	\$ 75,000	ARPA
unallocated	Economic Development Marketing	\$ 45,000	ARPA
	Public Space Broadband	\$ 50,000	ARPA
ARPA	Tablets for Councilmembers	\$ 10,000	ARPA
	Total	\$ 3,050,644.00	





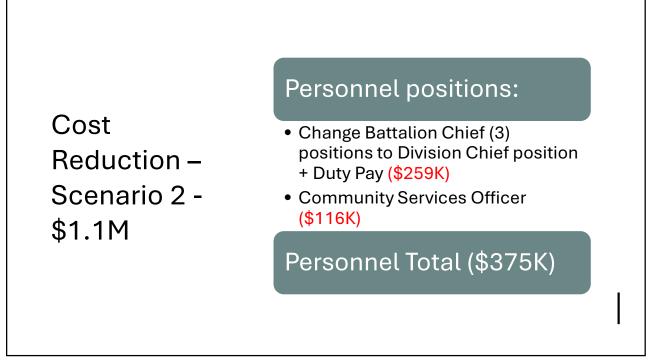


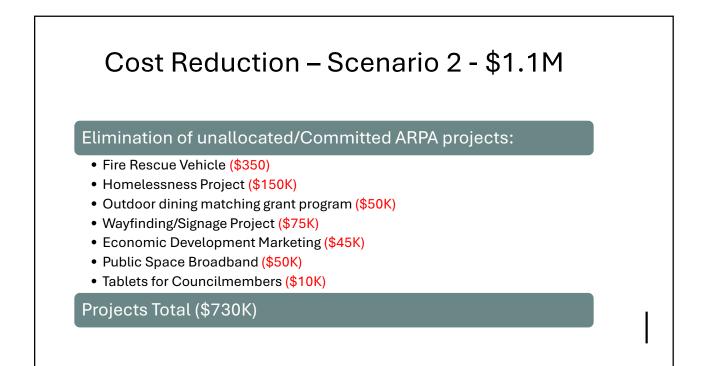
### Cost Options -

Find up to \$2.3M Road money from vacant positions or unallocated ARPA

Position	_	An	nount	Source
Captain positions (3) - new		\$	0	Measure S
Public Safety Dispatcher (2) - new	\$		194,638	Measure S
Computer Technician - new	\$		125,573	Measure S
Battalion Chief (3) positions – vacant = Div Chief + Duty Pay	\$		300,000	Measure S
Code Enforcement- vacant	\$		116,249	Measure S
Community Services Officer – recruiting		\$	0	ARPA
Police Officers - (2) vacant	:	\$	0	ARPA
Fire Engineers - (3) in background	\$	\$	0	ARPA
Fire Rescue Vehicle – new	5	\$	0	ARPA
Homeless Project	5	\$	0	ARPA
Outdoor dining matching grant program	5	\$	0	ARPA
Wayfinding/Signage project	5	\$	0	ARPA
Economic Development Marketing	5	\$	0	ARPA
Public Space Broadband	5	\$	0	ARPA
Tablets for Councilmembers	5	\$	0	ARPA
Savings	\$	2	,314,184	







	Position		Amount	Source
	Captain positions (3) - new	\$	495,480	Measure S
Cost Options –	Public Safety Dispatcher (2) - new	\$	194,638	Measure S
	Computer Technician - new	\$	125,573	Measure S
	Battalion Chief (3) positions – vacant = Div Chief + Duty pay	\$	300,000	Measure S
Find up to	Code Enforcement-vacant	\$	116,249	Measure S
\$1.1M Road	Community Services Officer – recruiting	\$	6 0	ARPA
•	Police Officers - vacant	\$	279,924	ARPA
money from	Fire Engineers (3) – in background	\$	433,400	ARPA
vacant	Fire Rescue Vehicle – new	\$	0	ARPA
	Homeless Project	\$	0	ARPA
positions or	Outdoor dining matching grant program	\$	0	ARPA
unallocated	Wayfinding/Signage project	\$	0	ARPA
	Economic Development Marketing	\$	0	ARPA
ARPA	Public Space Broadband	\$	0	ARPA
	Tablets for Councilmembers	\$	0	ARPA
	Savings	<b>s</b> \$	1,105,380	



### AGENDA TRANSMITTAL

### **MEETING DATE** May 3, 2022

**CITY AGENDA ITEM:** The City Attorney recommends that the City Council take one of the following actions:

- a. Adopt Resolution No. 2022-\_\_\_\_, Appointing Councilmember \_\_\_\_\_\_ to the Vacant Mayor Seat For the Remainder of the Current Term; or,
- b. Direct staff to return to Council with the appropriate resolution(s) to hold an election on November 8, 2022 to satisfy the requirements of the general election and a special election in accordance with the Elections Code and the Government Code; or
- c. Take further action at Council's discretion.

**FISCAL IMPACT:** Appointment will have a minimal cost. Calling the election for November 8, 2022 should not cost the City any additional funds, or at most \$4,000-\$5,000. The County Registrar's fees for FY 2021-22 were \$5.00 per registered voter, and \$0.25 per registered voter for each additional contest. There are currently 16,974 registered voters in Suisun City. The fees may increase for the FY 2022-23.

### STRATEGIC PLAN: Ensure Good Governance

### **BACKGROUND:**

On April 5, 2022, then-Mayor Wilson was elected to a vacant State Assembly seat and resigned from her position as Mayor. The result is that the Mayor's seat is currently vacant. The Mayor Pro Tem has assumed the duties of the Mayor, in accordance with Section 2.2 of the Council Norms & Procedures.

On April 19, 2022, the Council discussed the following options to fill the vacant seat: (1) call a special election for November 8, 2022; (2) initiate the application process to appoint someone to the vacant seat until the election; or (3) provide direction to the City Attorney's Office to return at a future meeting with the appropriate documentation to appoint one of the sitting Councilmembers to the Mayor's office. Council directed the City Attorney's Office to return with the necessary procedures and documents for the Council to appoint one of its members to the Mayor's seat, and in the alternative, if Council does not appoint one of its members to the Mayor's seat, to move forward with an election, as required by Section 34902(a) of the Government Code.

### **STAFF REPORT:**

Government Code Section 34902(a) provides that "[i]n the case of a vacancy in the office of the [elected] mayor for any reason, the council shall fill the vacancy by appointment. If the council fails to fill it within 60 days, it shall call an election to fill the vacancy to be held on the next established election date to be held not less than 114 days thereafter. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent." The next available election date is November 8, 2022.

It should be noted that the statute for the filling of an elected mayor's office is worded differently than the statute for the filling of a council vacancy; the plain language of Section 34902(a) suggests that the election can be called after the 60 days have passed. Practically, this means the Council should be able to adopt the resolution for the Mayor's election at the same time that it adopts all the other election must be called no later than 114 days before November 8, 2022. Staff is in discussion with the County's Registrar's Office regarding the most efficient manner for this process and will present resolutions to the City Council at the appropriate time if the Council so directs.

One of the issues that came up for discussion at the April 19, 2022, Council meeting was what the consequences are of a sitting councilmember being appointed. If a sitting councilmember is appointed, that councilmember will automatically vacate their council seat.

If the appointed councilmember's term is up in November 2022, then they will have the option to run either for re-election to their City Council member seat <u>or</u> run for Mayor (no person may run for more than one public office). If the appointed councilmember is successfully elected to their City Council member seat, then they will serve as a City Council member. If they are successful in running for Mayor, then they will continue to serve as Mayor. If they are unsuccessful in either scenario, they will no longer be on the City Council.

If the appointed councilmember's term is not up in November 2022, then they will have to either run for Mayor (in order to continue to be Mayor) or run for election in one of the other two councilmember seats that are up for election in November 2022. If they are successfully elected to Mayor or one of the two councilmember seats up for election in November 2022, then they will continue to serve as Mayor or as a councilmember, respectively. If they are not successful in either scenario, then they no longer serve on the City Council and will have to wait until 2024 to run again.

If one of the councilmembers is appointed, following adoption of the resolution, the councilmember can be sworn in and take over the Mayor's seat immediately.

If one of the councilmembers is appointed, this will leave a vacancy on the council. The process to fill the seat is very similar to the process to appoint the mayor. Staff would return at the next meeting with an item providing council with options and a time line. The options would be to either call an election or to appoint an individual to the empty seat.

**STAFF RECOMMENDATION:** It is recommended that the City Council take one of the following actions:

- 1. Adopt Resolution No. 2022-\_\_\_\_, Appointing Councilmember \_\_\_\_\_\_ to the Vacant Mayor Seat For the Remainder of the Current Term; or,
- 2. Direct staff to return to Council with the appropriate resolution(s) to hold an election on November 8, 2022 to satisfy the requirements of the general election and a special election in accordance with the Elections Code and the Government Code; or
- 3. Take further action at Council's discretion.

### **ATTACHMENTS:**

- 1. Resolution No. 2022-\_\_\_: A Resolution of the City Council of the City of Suisun City Adopting Procedures Relating to the Filling of a Vacancy For the Mayor's Seat
- 2. PowerPoint Presentation

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	Item 12 Attachment 1				
1	<b>RESOLUTION NO. 2022-</b>				
2 3	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY APPOINTING COUNCILMEMBER TO THE VACANT MAYOR SEAT FOR THE REMAINDER OF THE CURRENT TERM				
4 5	<b>WHEREAS,</b> on April 5, 2022, then-Mayor Lori Wilson was elected to State office and resigned her office effective 11:50 p.m. of the same day.				
6 7	<ul><li>WHEREAS, as a result of the Mayor's resignation and assumption of the State office, the Mayor's seat is now vacant.</li></ul>				
8 9	<b>WHEREAS</b> , the City Council of the City of Suisun City considered a general business item on its April 19, 2022 agenda, where they provided the City Attorney's Office with direction regarding the filling of the vacant seat.				
10	<b>WHEREAS,</b> the City Council directed the City Attorney to return at the May 3, 2022				
11	meeting with an agenda item to appoint a current councilmember to Mayor's seat, and in the event no agreement is reached, to call for a special election to occur at the next available				
12	election.				
13 14	WHEREAS, the City Council now desires to appoint Councilmember to fill the remainder of the Mayor's term.				
15	NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of				
16	Suisun City as follows:				
17	Section 1. The recitals hereto are true and correct and by this reference incorporated herein.				
18	Section 2. Pursuant to Government Code Section 34902(a), the City Council hereby appoints Councilmember as the City's Mayor for the remainder of former Mayor Wilson's term, until such time as the new Mayor who shall be elected on November 8, 2022, takes office.				
19 20					
21					
22	<b>Section 3.</b> If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other				
23	provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The				
24	City Council declares that the City Council would have adopted this Resolution irrespective				
25	of the invalidity of any particular portion of this Resolution.				
26	<b>Section 4.</b> This Resolution shall take effect and be in full force immediately after its adoption by the City Council, and shall expire upon the appointment of an individual to the				
27	vacant Mayor seat or upon the call of an election, whichever occurs first.				
28					

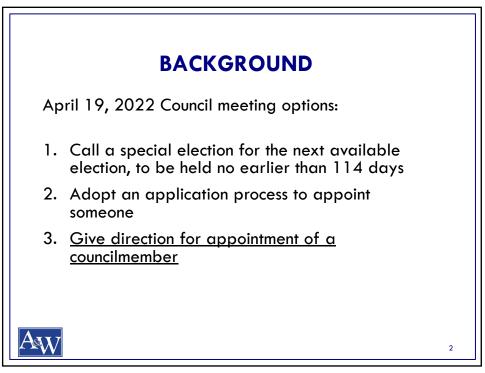
		Item 12 Attachment 1
1		
2		<b>SED AND ADOPTED</b> at the Regular Meeting of the City Council of the City of luly held on May 3, 2022, by the following vote:
3	AYES:	Council Members:
4	NOES: ABSENT:	Council Members: Council Members:
5	ABSENT: ABSTAIN:	Council Members:
6	WIT	<b>NESS</b> my hand and the seal of said City this 3 <sup>rd</sup> day of May 2022.
7		
8		Anita Skinner City Clerk
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	Resolution No. 20	22-
	Adopted Page 2 of 2	104
		134



### Filling a Vacancy on Council Part Deux

Elena Q. Gerli, City Attorney

Elected Mayor Appointing a councilmember



2

